CITY COUNCIL
AGENDA

Monday, December 1, 2025 at 1:00 PM

Council Chambers

Mayor
Eric Enriquez

Mayor Pro Tem
Johana Bencomo

Councilors
Cassie McClure
William Mattiace
Becki Graham
Becky Corran
Yvonne Flores

CITY OF LAS CRUCES

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CONSENT AGENDA

Minutes and Items on the Consent Agenda Are Considered Routine Items and Will Be Voted on with One Motion Unless a Councilor Requests That a Specific Item Be Removed. There Will Be No Discussion.

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1. OPENING CEREMONIES

1.1. Pledge of Allegiance - Councilor Graham.

1.2. Presentation of Certificates of Appreciation/Proclamations - Councilor Graham

1.3. Jobs of the Week.

1.4. Pets of the Week.

2. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)

3. PUBLIC PARTICIPATION

4. READ CLOSED MEETING STATEMENT

4.1. Read December 1, 2025 Closed Meeting Statement into the record.

5. ACCEPTANCE OF AGENDA

6. CITY COUNCIL MINUTES

6.1. Work Session of October 27, 2025. 4 - 15

Work Session - Oct 27 2025 - Minutes - Pdf

6.2. Regular City Council Meeting of November 3, 2025. 16 - 27
City Council - Nov 03 2025 - Minutes - Pdf

7. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA

7.1. RESOLUTION NO. 26-068: A RESOLUTION PROVIDING FOR THE DETERMINATION OF REASONABLE NOTICE OF MEETINGS OF THE CITY COUNCIL AND ITS BOARDS, COMMITTEES, AND COMMISSIONS FOR CALENDAR YEAR 2026. 28 - 35
Resolution No. 26-068 - Pdf

7.2. RESOLUTION NO. 26-069: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2026 BUDGET. 36 - 72
Resolution No. 26-069 - Pdf

7.3. RESOLUTION NO. 26-070: A RESOLUTION AMENDING THE FY2026 -2031 CAPITAL IMPROVEMENTS PROGRAM. 73 - 97
Resolution No. 26-070 - Pdf

7.4. RESOLUTION NO. 26-071: A RESOLUTION APPROVING A VACATION PLAT KNOWN AS THE SONOMA RANCH BOULEVARD RIGHT-OF-WAY VACATION PLAT FOR PORTIONS OF RIGHT-OF-WAY THAT ENCOMPASS APPROXIMATELY 1.750 ACRES AND LOCATED GENERALLY WEST AND EAST OF SONOMA RANCH BOULEVARD BETWEEN ENGLER ROAD AND ARROYO ROAD. SUBMITTED BY SIERRA NORTE DEVELOPMENT, INC. 98 - 110
Resolution No. 26-071 - Pdf

8. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

8.1. RESOLUTION NO. 26-072: A RESOLUTION AMENDING THE BOUNDARY OF THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA TO DESIGNATE AN ADDITIONAL AREA FOR INCLUSION WITHIN THE MRA, MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE. 111 - 116
Resolution No. 26-072 - Pdf

8.2. RESOLUTION NO. 26-073: A RESOLUTION APPROVING THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA PLAN. 117 - 246
Resolution No. 26-073 - Pdf

8.3. RESOLUTION NO. 26-074: A RESOLUTION TO DECLARE EXTREME DROUGHT CONDITIONS WITHIN LAS CRUCES MUNICIPAL LIMITS AND TO RESTRICT THE USE OF FIREWORKS FOR 30 DAYS FROM ADOPTION. 247 - 251
Resolution No. 26-074 - Pdf

8.4. RESOLUTION NO. 26-075: A RESOLUTION APPROVING 252 - 257

RECOMMENDED PRIORITIES FOR THE 2026 NEW MEXICO LEGISLATIVE SESSION.

Resolution No. 26-075 - Pdf

8.5. COUNCIL BILL NO. 26-010; ORDINANCE NO. 3102: AN ORDINANCE AMENDING CHAPTERS 34-38 OF THE LAS CRUCES MUNICIPAL CODE WITH THE CORRESPONDING ZONING MAP AS PRESENTED. (CASE NO. ZCA-25-01) 258 - 1155

Ordinance No. 3102 - Pdf

9. BOARD APPOINTMENTS

10. NOTICE OF PROPOSED ORDINANCE(S)

1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).

10.1. COUNCIL BILL NO. 26-011; ORDINANCE NO. 3103: AN ORDINANCE ADDING CHAPTER 16, ARTICLE XII - SHORT TERM RENTALS TO THE LAS CRUCES MUNICIPAL CODE. 1156 - 1165

Ordinance No. 3103 - Pdf

10.2. COUNCIL BILL NO. 26-012; ORDINANCE NO. 3104: AN ORDINANCE AMENDING CHAPTER 16, ARTICLE XI OF THE LAS CRUCES MUNICIPAL CODE-LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS IN CERTAIN RETAIL OPERATIONS. 1166 - 1182

Ordinance No. 3104 - Pdf

10.3. COUNCIL BILL NO. 26-013; ORDINANCE NO. 3105: AN ORDINANCE APPROVING A FIVE-YEAR LEASE AGREEMENT (WITH OPTIONS TO RENEW FOR UP TO FOUR ADDITIONAL FIVE-YEAR TERMS) BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE OPERATION AND MANAGEMENT OF THE CITY-OWNED COMMUNITY OF HOPE CAMPUS LOCATED AT 999 WEST AMADOR AVENUE. 1183 - 1347

Ordinance No. 3105 - Pdf

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

12. CITY MANAGER REPORT

13. ADJOURNMENT

MINUTES
Work Session
Monday, October 27, 2025 @ 1:00 PM
City Council Chambers, City Hall

PRESENT: Councilor Yvonne Flores, Councilor Becki Graham, Councilor Becky Corran, Mayor Eric Enriquez, Councilor Cassie McClure, and Councilor William Mattiace

ABSENT: Councilor Johana Bencomo

1. PETS OF THE WEEK

1.1

Carol Nielson, Animal Services Center of the Mesilla Valley presented Pets of the Week.

2. AGENDA ITEM

2.1 PRESENTATION OF ARCHITECTURAL DESIGN FOR THE THOMAS BRANIGAN MEMORIAL LIBRARY RENOVATION AND EXPANSION.

Sarah Booth, Library Deputy Director introduced the topic.

Joseph Fuemmeler, Desert Peaks Architects gave the overhead presentation.

Ruben Contreras, Desert Peaks Architects continued the presentation.

Joseph Fuemmeler continued the overhead presentation.

Ruben Contreras continued the overhead presentation.

Joseph Fuemmeler continued the overhead presentation.

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Joseph Fuemmeler continued the overhead presentation.

Ruben Contreras continued the overhead presentation.

Joseph Fuemmeler continued the overhead presentation.

Councilor McClure said I love the concept, I think it is great. I was thinking about when I was a kiddo in Utah and some of those designs of walking into what felt like a cathedral of knowledge, right? I think that is something that would be a great blessing not to be sort of cheesy about it but a blessing for our community, so I really appreciate your work on this.

Councilor Mattiace said again I just want to express I am very happy with the architectural design, but the Organ Mountains has always been a great asset for me coming from New York City and landing in Las Cruces and I love the aerial view of those Organ Mountains. You have taken a great part of Las Cruces, why many people come here and accented it, thank you very much.

Councilor Flores said I support this endeavor. It is going to be a few years before, I think a lot of children who are not even born yet will be the beneficiaries of this project and what I like so much about it is going to create a space for teens. When kids are little, they go to the library, and they look forward to it. They love their little bag, they get their little books, and they feel like they are really big time and that stays with them through the years. I did that with my children and to this day they are avid readers. It was a very good environment. The presentation was beautiful and thank you for this endeavor.

Mayor Enriquez said I just want to say great design. I have always said, long overdue and looking forward to it. What is the space again when we talk the total square footage of the library? What is it and what will some of this new space, I must have missed the number?

Joseph Fuemmeler said the total square footage is 60,000 square feet and a little bit more. What kind of spaces are going to be in there? There is going to be the adult spaces area.

Mayor Enriquez said not exactly the space, just talking about area. What kind of total area are we looking at in the library?

Joseph Fuemmeler said total end is 60,000 square feet.

Sarah Booth said we have about 45,000 right now. So, the expansion will be up to 60.

Maryanne Hendrickson, Member of the Public said I am a Friend of the Library, just a few things I wanted to say. I think you already know how great libraries are. They are spaces for innovation and productivity, they are places to gather in person. You don’t have to spend a penny, but you are welcome. We have computers, internet, we are

adding a library of things, people can get jobs, connections with others. You can do research. It is amazing the things that you can do at the library. The return on investment, when you put $1 into a library, communities get $7 to $8 back into the community. It is return on investment for public libraries, and this is essentially a regional library because there are no other libraries in the county. We serve over 200,000 residents of Dona Ana County and Las Cruces. This expansion and update is quite overdue as you all have mentioned. A lot has changed since we built the original library, including population, the type of population, the things we want to do, the things we are doing and as you said this is long overdue and I am extremely grateful that you all are doing this, so from my heart thank you very much.

2.2 ARPA SUB-RECIPIENT FUNDING AND PROGRAMMATIC STATUS UPDATE.

Brian Kraft, Grant Development and Compliance Specialist gave the overhead presentation.

Ashley Echavarria, Boys and Girls Club continued the overhead presentation.

Stephanie Martinez, Catholic Charities of Southern New Mexico continued the overhead presentation.

Dawn Hummer, Community Action Agency of Southern New Mexico continued overhead presentation.

Sandy Smith, Cruces Creatives continued the overhead presentation.

Michelle Adames, Jardin de Los Ninos continued the overhead presentation.

Nicole Martinez, Mesilla Valley Community of Hope continued the overhead presentation.

Natalie Green, Housing and Neighborhood Revitalization Administrator continued the overhead presentation.

Jessica Robles, Mesilla Valley Economic Development Alliance continued the overhead presentation.

Gentry Roberts, Southern New Mexico Independent Electrical Contractors continued the overhead presentation.

Lori Martinez, NGAGE New Mexico continued the overhead presentation.

Kay Lilley, Dona Ana Community College continued the overhead presentation.

Mary Alrich, Dona Ana Community College continued the overhead presentation.

Brian Kraft continued the overhead presentation.

Councilor Flores said I have a question for the presenter from Cruces Creatives. I was just wondering if there was Jardin de Los Ninos or Community of Hope, Nicole indicated that there are people who are being job trained but what I wanted to ask was whether you still have programs for adults? I know it started out several years ago so are there programs for adults and there is a lot of usable, a lot of, what's the word, not crafts but actual skills that can produce an income?

Sandy Smith said Cruces Creatives is still a maker's space open to the community, meaning that members are able to come in and use the tools that are there. Membership can happen either through an actual paid monthly membership or through volunteer hours. In terms of our ability to offer extensive training for adults specifically related to job skills we have not secured funding to be able to do that. We did actually have a little bit of a conversation about whether or not there was a partnership that could be developed, and it is something that we are interested in pursuing further, it is just a question of funding. With the ARPA funds coming to a close and those being so focused on the youth we are actually looking at how do we stay alive as an organization in terms of what we can offer the community and we are trying to find the ways that we can find partnerships or additional grant opportunies or contracts or whatever it takes to keep our staff that knows so much. Like we have accumulated some really amazing people who have deep skills who could be useful in that kind of partnership we have just got to find the funding for it.

Councilor Flores said I am sure Nicole is well aware of all the opportunities for the people that they service.

Sandy Smith said that quilt donation that we dropped off, when we took that over we did start having some conversations about what could potentially be useful there. I was speaking to El Jardin. I am thinking of an earlier presenter, El Jardin and Cruces Creatives, started talking about some potential training for the parents of their kids.

Councilor McClure asked I know there were discussions on being able to aid the Boys and Girls Club with additional funding that the county might be willing to do a match now? I was wondering if there any update on that?

Mayor Enriquez said at this time I don't think there is any updates. I know that was one that we talked about because they fall in our MRAs and different things like that so there are some options, and those discussions will come in the future I believe.

Councilor McClure asked the Family Prosperity, is there a way for that to continue or are we looking for something beyond ARPA?

Dawn Hummer said where there is a will there is a way. Right now, we are looking at a variety of different ways. I have talked to I think several of you regarding at just looking at some of the options that the city may have to just help us to continue it. I keep telling everyone that when we do a program like this even one family is better than zero families so whatever we can kind of hodge podge pull together which is

what we did to start this program to begin with and so right now we are looking at potentially cannabis tax revenue. We are in discussions with DACC, hopefully maybe they can help us identify some funding to help with some of their students. We are obviously always looking at the state level. These types of programs work when they are a public and a private partnership, so we are certainly still looking at private donations, foundations, and a lot of other things. So currently we do not have the funding.

Councilor Flores said I love your energy, and I love the work you do. Everybody who presented today, you are all miracles. You are changing people's lives and all of that.

Dawn Hummer said thank you for the compliment. I will speak on behalf of my colleagues. We need that because we are just so tired right now. Our hearts and our souls and our minds and our bodies are so tired so yes, thank you for saying that.

Councilor Flores said everyone who presented, every organization who is here has made life just a little bit better for many and probably life courses have changed as well. I think the people who are benefiting the most, are the children who can have that hope.

Mayor Enriquez said thank you for this update, for the status update. It shows what improvement can be done with just a little bit of increase in funding from economic development, childcare, healthcare, mental education and housing, workforce. It all came together as a community, you are absolutely right Brian, that we could not do it without the members that are behind you. Tremendous kudos to our community and what you have done with that, and we will continue to look in the future. This is a great update, so we start doing our strategic planning we can look at some of these things that have taken place in our community and how we can move forward with it and that is what I would like to do. I do have one question for Michelle, and it was mentioned earlier about the free universal childcare that is going to come next week. So how is that going to affect you if there is any effect or any benefits for you?

Michelle Adames said for Jardin de Los Ninos we serve families who fall in the extremely low to moderate low level so for our families one of the biggest challenges is when a family faces homelessness it takes our team approximately three to six months to just help support them when they for example fled domestic violence and left everything behind, birth certificates, social security cards, any records, it takes our team and I have our wonderful Director of Family Services Alma Ketcherside and her team actually spends quite a bit of time helping the families just to gather all of those documents. So for us I think for us one of the biggest ways that we are going to benefit from the universal childcare is that amount of documentation that is going to go into just getting families qualified it is going to help us to be able to maybe circumvent some of that time but the reality is that we are still going to face some challenges I think because of the families that we serve they don't necessarily have, there was a survey that ECCD sent us to see how many families who are paying would now qualify because we serve extremely low poverty level families the reality is that we are going to continue as normal, operations but we also recognize that there is really not a whole lot of space to take on new. We are at full capacity in our center. I

know that on the campus we do have a master plan in place where Jardin is expected to grow. Possibly double in size but that will be down the road. At that point I still hope that they will still have universal childcare. That is going to be a benefit for families because I do know that it is going to benefit families. I am not too sure that as an organization we are going to be able to help support because we are at full capacity.

2.3 IMPROVE LAS CRUCES: COMMUNITY IMPROVEMENTS BOND UPDATE.

Sara Gonzales, Interim Deputy Director Community Development gave the overhead presentations.

Councilor Flores asked the last comment you made, the funding part that certain projects are prioritized?

Sara Gonzales said we would be using the GRT funding for the projects that we had listed. The way that we can actually tackle a lot more of these is if there is other funding sources that are also available.

Councilor Flores asked for those same GRTs?

Sara Gonzales said exactly. Some of these we could be using at the same time.

Councilor Flores asked for that particular project or focus on others that don't have any funding?

Sara Gonzales said to kind of give you an example, if we were to go back and take the number one priority that we received was the Branigan Library. If we were to go and say let's put it on the GO Bond for next year as our bond cycle that would eliminate it from having to go through the GRT process, so we have eliminated a project to actually put into a project list. We will have a different funding source if it were to go in November and be approved only because it will give it a different option, so we don't have to use GRT funding. That means now we go to something else on that list and we kind of go through just to see where those projects lay out based on the funding sources we have. If we are able to get any funding from the state, if we are able to get any capital outlay. All of those funding sources play into tackling this list that staff put together to say that these are a lot of the priorities now that we heard from the public.

Councilor Flores asked how do you do it?

Sara Gonzales said when we heard from the public, I think a lot of it was to rely on maintenance, rely on existing infrastructure, rely on existing buildings and focus on redevelopment of these sites that people are currently using and going to right now. When you take these numbers and look at them even with it being 100 people or so, the 100 people that showed up to say that this is what mattered were those existing facilities. They wanted safer living spaces for our Police and Fire Departments if they were living in conditions that needed to be, you know, safer. They wanted areas where maintenance and recreation and play were going to be improved because they

wanted to see their area grow in the areas that they are in as opposed to just creating some of the new projects that are coming in. Newer projects always take additional funding but that doesn't mean that we can't work towards designing them and then reaching out to state for that funding. A lot of times the department doesn't have the funding to actually design some of these projects so we have to work towards to get them the design which is 8% of the total value and then be able to take that to legislation and say hey we have the design, can we get funded? Sometimes that is an opportunity.

Councilor Flores said it is probably a good way to go too because there is already something in the works.

Councilor Corran said I know the residents in my district were very excited to be given the stickers and apply them as they did. There is a couple of things I wanted to follow up with, a little bit of what Councilor Flores was saying and a little bit of what you were saying but first at the thing you told me if we just had a big check what would it be for all of these projects? Can you share that? It is actually not that big, shockingly.

Sara Gonzales said the number would be $180 million. Now you have to subtract it from all road improvements because we all learned based on this meeting that one mile of local roadway is $9 million, that is very difficult when you start looking at those numbers. But you take all those other projects, and yes, we are at $180 million but that is what we have to look at what we have today. Every year that we increase we change that number by even if you give it 10% contingency that is where we are at. But yes, it is not as bad as we think they could be.

Councilor Corran said yes, it's not a billion with B. One of the things that I wanted to ask was timing and the bond sale seeking and the unknown variables, right? All of those things that you mentioned, state funding, the GO Bond, etcetera, those are all completely unknown. Do we have to and I say we as a city, we as a council, we as an entity that is seeking money, what level of details of specificity do we have if we go for the bond sale on the shorter term in terms of the things that we will be including versus the longer term, how much flexibility or inflexibility is there in that process in terms of the timing because I know the bond decision I think is next August, right? Next July is when the Go Bond decision-making happens and that is slightly asynchronous from this timeline. So I am just curious if you can talk about what, how specific do we have to be in the short term versus the medium term versus the GO Bond conversation time like if we said oh, we will wait and put the library on the Go Bond and then the GO Bond doesn't pass and then the library wasn't part of this getting this initial bond, right? That would be a bad series of events. So, can you talk a little more about that?

Sara Gonzales said I think the part that we have to be mindful would be is every two years we are bonding $20 million. So, when we are looking at the funding necessary even just for the Branigan Library if it were not to be approved then we would be looking at that for two bond cycles because every year we are increasing it but we are only getting $20 million for the two years. That would take the full amount to basically fund the one project and so I think that even if we look at short term I think we have to

come up with a solution or an option that is going to give us flexibility whether it becomes we have maintenance projects and we want to tackle a piece of some of these and know that we want to get them completed so we put so much funding into each bucket essentially or maybe we say if this doesn't go through this becomes our priority and then have the backups that go with them, right? So necessarily maybe you don't use funding saying we sell the bond and we are going to use the funding right now and no we wait to see what happens with the GO Bond cycle, if it doesn't work and then we say that is our priority and then we move that up to the top and I think that is where this has to be moved to next year so we can have further discussions of understanding where we prioritize, how many projects we want to put into that list, where do we want to set the bar for each year as this is something new that is coming on board for the city. So, we don't want to set this out for 20 years. We probably want to do something within the first four. What can we tackle and accomplish within four years and still be amenable to if all of these happen okay let's come back in and bring in something else. We can always do that through the budget cycle through CIP and say hey, these all got tackled through legislative funds lets come in with some more projects. So, I think that we would be looking at four years.

Councilor Corran asked if we go to say we are going up for the bond do we have to say how much do we have to have or do we just give them this big list and say it might be any of these? We will see when you send in the information for the bond I think that is before February that we have to do that? Do we have to make a very short-term decision, is sort of what I am asking you right now or not?

Laura Holguin, Assistant Director Finance said the question that would be proposed on the bond ordinance can be very broad. So, you can say for public facilities, public infrastructure to include roadways. It is not going to be narrow scoped to a specific project so that way there is some flexibility within the funding to be able to apply it to those projects that are needed.

Councilor Corran said the GO Bond is very, much more specific and narrow so I just wanted to get clarity around this type of other bond that this is so that helps.

Councilor McClure asked how much do you sort of balance projects based on sort of all kinds of different factories? I am thinking of yeah I am a library supporter but a lot of people are and so that kind of comes a little bit more naturally that that is going to grow and people are going to be interested in it but I think of South Fork Moreno where there are only a couple of people who are interested but that area kind of got swallowed by the city and to sell that to folks is a hard one. That said, at one of the meetings I had a youngen who was like, no I definitely understand detention ponds and I was like wow I love that. It makes it way easier. So how do you kind of balance, for example that area hasn't seen improvements for at least 20 years and from what I am gathering and asking some of former councilors/legislators to say now it's time to do this to kind of balance what we can do in the time that we have. Seems like a very philosophical question so role with it as you can.

Sara Gonzales said I think the way that, one staff is going to have to approach this is to see if there is additional funding sources to start with just because I know within

that project it came in at a project scope of about $15 million which is a lot when you are looking at some of these projects are going to tie in and be multiple years that we are going to have to tackle them based on the GRT funding availability. So, I think first it would be, what are the opportunities we have for funding and then second going in and saying all of these are priorities. I think we would get the same concern from anybody living off East Mesa who has been tied to a septic tank and I think that we have to be cognize of where those areas are knowing that we annexed them in 87, we need to do these improvements, we need to make these modifications and so whether it is we start doing some of those funding projects and see where we can take bits and pieces and start accomplishing more to make headway. Not necessarily maybe doing all of the improvements at once but at least putting dents into them. That is where I think staff is going to have to get together in order to prioritize what some of those needs are knowing that the impacts are becoming greater.

Mayor Enriquez said I totally agree with the timeline that you have presented that you think about the pavement management index and there is already projects that are in line there and once the staff kind of absorbs all of the data from the input from the residents they can start looking at what projects are duplicated or would be removed but that way we have that funding available and the initial question I believe was public safety, critical infrastructure and parks. Is that correct? So letting staff come back in the budget retreat with what the residents have provided and then looking at the basic question and outline and making decisions and I think at that time in February we can pretty much then identify what we want for the GO Bond because that will have to be in the spring because then it will be next November?

Sara Gonzales said that is correct. Yes, we would be taking that for a vote in November. We would be identifying early on which ones would actually be going for the bond.

Linda St. Claire, Member of the Public said I am the President of the Friends of the Branigan Memorial Library so you can guess that I would like you to give all of your money to us except I actually kind of wouldn't. I really appreciated the priority meetings that you had for all the different communities and was extraordinarily impressed with the staff and everyone answering questions of the people who were there about the different projects and it would be impossible to walk away from that without feeling like all of these things are so incredibly important so I really commend you all and your staff in particular how to balance these things and Councilor McClure's question about the library is important to a lot of people but if we have an environmental spill because the sewer lines go, that is more catastrophic potentially. So, while I think that the library is really important and I am sure it is critical that we get it funded the Friends of the Library will continue our work as well to try and come up with additional funding both through petitioning you and petitioning at the state level and our own fundraising activities but I just wanted to thank you for starting this process off by passing the master plan for the library a year ago and I think the amount of work done by the architects and planners and the library staff to make sure that we have something that can truly be a heartbeat for our community is really important. We have an amazing library staff who has done a lot to keep that beating heart of our community working despite the fact that we have had so much growth in the community relative to the number of people that we were serving when it was first

built. So, while I hope that we can make a progress in less than 10 years on your timeline Councilor Flores, I do commend you all for working very hard to balance these things.

Lucas Herndon, Member of the Public said I am a resident of District 2. I want to echo the statements just made about the staff and conducting the surveys, the open meetings. It was really well done. I felt very involved in my community and I just wanted to commend all of the staff that took part and council for putting that on. I have a couple of questions and comments I suppose. I am curious about the funding, you mentioned something about $180 million. Our estimates based on the numbers that were on all the boards and all the projects puts the total close to half a billion dollars for everything so maybe we are not understanding but as presented at the presentations this would be half a billion dollars worth of funding we would need for all of these projects. If I could get clarity there that would be wonderful? Two, I just want to flag because we did, we hand counted all of the votes at every single meeting, we took pictures, so we could keep a record ourself, our numbers thankfully match what the city has presented which is wonderful to see but one quick thing is when you went through your project your X axis changes wildly. So, when you say support for certain projects, yes that is true on your X axis but if you keep that X axis at 60 it is very clear of what the community does and does not support. So, I just want to flag that for you all as you are making decisions. Please keep in mind as the data is being presented to you as to what that X axis looks like and when we talk about overall support. Just for instance the public funding for Public Works is vastly more supported than for instance funding more infrastructure for the police, as an example. Nothing related to the police was in the top eight and if you actually use the ranking system that the city provided with one through four, they drop out of the top ten, so just keep that in mind.

Sara Gonzales said based on the numbers that were provided during the public meetings, we did have to adjust those numbers based on reroofs. We had started out with were around $300,000 and it went to $9 million. So, the numbers are still within $180 million, what we would attempt to tackle I would say so necessarily if you had all the reroofs there, we are not going to accomplish every reroof within those projects. We had listed some of them as locations and so those priorities would change. And so, if we go and add in every building with every facility that is where you would be looking at those higher numbers. When we first brought these forward to council, we did have a limited number of either public facilities, parking lots, or any of the improvements that were there. As we further scoped them per request after city council we did get better numbers that were going to identify those and so they are still within those range based on the projects that we actually list and want to actually accomplish.

Councilor Graham asked I think you said in your presentation though that maybe the disparity that we are looking at is the $180 million we took out anything road related? Is that what you said? I am wondering if that is the disparity, if we put roads into this and we would be looking at that half a bill?

Sara Gonzales said we would probably be looking at a lot more. We did not include that as part of those numbers as those came in right after city council when our

meeting took place and that is where Councilor Bencomo had mentioned to add in, where is the dent for the road infrastructure. Our numbers increased only in the sense of the increase of either reroof projects. We had a limited number that we put on and we rescoped those and increased the amount that would be necessary. Any of our parking or paving projects that were going to be necessary. We did not include essentially the Municipal Court as that was going to be a new building that would essentially have to be taken place as opposed to a remodel. So, some of those factors were modified and changed.

Erin Quevedo, Member of the Public said the clarifying point on the budget is very helpful. Thank you because all we did literally was add up every single number provided in the community meetings to get the, well it is more than half a billion total and you are right the roads wasn't included whatsoever so we were figuring that was a low estimate. The way staff is choosing projects I would just really love some more clarity. We weren't sure obviously how everything was going to be weighted. There were votes 1 through 4. So, if we look at votes by weight that is including first place votes, counting for four points through 3rd place vote, first place counting for four, 2nd place counting for three, etcetera. We can see the top ten projects don't include any police funding whatsoever, so if you look across 6 city meetings we get Branigan Library, we got the Rec Center, we got the WIA Center, the new Wastewater Treatment Water Well 23, sewer source replacement on Highway 292, the legacy park replacements, East Side Senior Center purchase, Paseo Verde Phase I and II, and the medical transport unit funding. So that is the top ten if you look just again votes by weight across the meetings and then if you look at just the first place ranking again, we have Branigan Library, we have the Rec Center, Paseo Verdes, sewer source main replacement, road maintenance, new Waste Water Treatment, again top eight don't include any police budget whatsoever increase that it is now broken down into categories that include one just specifically for cops is a little bit odd to me and I am just a little bit concerned and would love some clarity around that and if anybody would like to meet with me and look at spreadsheets on the city council, I would love to do that.

Sara Gonzales said just to clarify as to why the public safety was separated out. We did separate them all out based on the project types of where GRT was approved. So, we did have where it was maintenance projects, parks, public safety which included Fire and Police and then you would have any critical infrastructure improvements. So that is why they were separated out into those categories.

2.4 GO BOND QUARTERLY UPDATE.

Kyle Arend, Interim Public Works Director gave the overhead presentation.

Natalie Green, Neighborhood & Housing Revitalization Administrator continued the overhead presentation.

Mayor Enriquez asked on Fire Station 9, who is the Project Manager?

Kyle Arend said Chuck I believe.

3. ADJOURNMENT

3.1

Councilor Yvonne Flores moved, seconded by Councilor Becki Graham, to adjourn at 3:19 p.m.

RESULT:	**Carried**
MOVER:	Councilor Yvonne Flores
SECONDER:	Councilor Becki Graham
AYES:	Councilor Yvonne Flores, Councilor Becki Graham, Councilor Becky Corran, Mayor Eric Enriquez, Councilor Cassie McClure, and Councilor William Mattiace
ABSENT:	Councilor Johana Bencomo

Mayor

City Clerk

MINUTES
City Council
Monday, November 3, 2025 @ 1:00 PM
City Council Chambers, City Hall

PRESENT: Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores

ABSENT: Councilor Johana Bencomo

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - MAYOR ENRIQUEZ.

1.2 PRESENTATION OF CERTIFICATES OF APPRECIATION/PROCLAMATIONS - MAYOR ENRIQUEZ.

Mayor Enriquez recognized three high school students from Las Cruces Centennial High School Students with Certificates of Excellence.

Mayor Enriquez presented Heaven Coki with a proclamation for Las Cruces Day of Remembrance for Road Traffic Victims.

1.3 JOBS OF THE WEEK.

Sarah Raney, Americas Job Centers of New Mexico presented Jobs of the Week.

1.4 PETS OF THE WEEK.

Carol Nielson, Animal Services Center of Mesilla Valley presented Pets of the Week.

2. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)

2.1

None.

3. PUBLIC PARTICIPATION

3.1

Lynn Moorer, Member of the Public said I learned of more galvanized water pipes in the city. At least 77 properties with galvanized service lines requiring replacement under the Lead and Copper Rule are now identified. Many have been hidden from the public. More than a quarter don't show up on the online inventory that EPA requires because Las Cruces Utilities falsely labels them unknown or non-lead. Keep in mind that the reason galvanized pipes need to be replaced is because there is some involvement of lead at the connectors or upstream. This means calling galvanized pipes non-lead is not accurate. The city's records also hide galvanized piping by using inventory labeling that doesn't match the investigation report. There is six weeks in the inventory associated with 505 South Main Street, Suites 102, 103, 109, 114, 115, and 117 that all say non-lead. By contrast there is investigation reports for just three meters associated with 505 South Main Street labeled meters 4, 5, and 6, which are all galvanized. It doesn't say which meters are associated with which suite but none of the six suites shows up in the inventory as having galvanized piping even though the meters show galvanized piping. Handout 1 is an investigation report for a property on South Locust that indicates the system owned line is copper and the connector materials are galvanized, thus this line should be regarded as galvanized. It says the customer owned service line is also galvanized. By contrast the inventory characterizes this property as non-lead, plastic. For both lines even though there is no finding of plastic of any kind in the investigation report. The differences between the investigation report and the inventory record for this property are stark. One says the piping is galvanized, the other says it is plastic. If it is galvanized it must be replaced. If it is plastic it doesn't need to be. These differences can't be excused. If you owned this property, I really doubt you would be satisfied with this workmanship. This falsification of records is dangerous in public health, environmental protection and engineering. The devil is in the details. Bad things can happen if you don't get the details right. The evidence is indisputable that many of the city's records are clearly false. It is very troubling. Plus, EPA requires each property owner with galvanized piping requiring replacement be notified within 30 days of inventory completion which Handout 2 explains on page 6 but Las Cruces Utilities hasn't done this. It is a knowing violation. This is your Utilities Department that is consistently failing to conduct competent investigations to maintain an accurate inventory or to carry out the required notifications. You need to do something about it, don't you agree?

Liz Rodriguez-Johnson, Member of the Public said it has been more than a year that Las Cruces Utilities said it submitted the initial inventory to EPA, October 16, 2024, to comply with the Lead and Copper Rule. Even though the city should consider the inventory to be a living data set that is continuously improved over time as materials are investigated, the city has been content to allow deficiencies to persist. The city must now correct them because the EPA requires the inventory to be updated at least annually. Where on the inventory map is the other half of the city properties that Las Cruces Utilities has omitted? EPA requires the inventory to include all service lines. See Handout 2, page 2 which Lynn Moorer just gave you. Many of the properties that don't show hookups are mobile homes. Why are they still not included? Handout 2 also states on page 2 that water systems should include in their inventories pipe diameter, installation date, source of material information, actual material non-lead lines, and other sources like goosenecks and solder. The inventory doesn't show any of this information for any properties. Why not? The inventory used to show

installation dates but when false claims that piping was non-lead because of installation after the lead ban were publicly noted all installation dates were disappeared, why? Why do dozens of properties still show up on the map in a location that doesn't match its street address? Handout A shows one example. The street address says this property is on Holly Drive but the designation on the map is placed on the corridor of A street and E street which appears to be a block away from Holly Drive. Correctly identifying street addresses on a map seems like a pretty simple task that Las Cruces Utilities should be able to master after a year of working on the inventory. When Las Cruces Utilities demonstrates that it isn't carrying out fundamental tasks correctly it creates doubt that more complex tasks related to compliance with the rule are being handled competently. EPA requires systems to offer to sample the tap water for lead for any consumer served by a lead galvanized requiring replacement or unknown service line who requests it. This requirement is set out in Handout 4 that was provided to you at the July 21 meeting. Handout B, page 3 is another EPA document that reiterates this requirement. Las Cruces Utilities still has not done this. Significant violation. Why do you continue to fail to instruct the City Manager to assure that this sampling is carried out as required?

Sherley O'Brien, Member of the Public said I am the Chief of Student Services and Community Relations for Las Cruces Public Schools. Thank you for giving me the opportunity to come by this afternoon and speak for a moment about our bonds and milllevy that will be on the ballot or has been on the ballot for early voters. So, we have $65 million bond on the ballot, that and a renewal of the $3 mill levy. The $65 million bond will be used for renovations, repairs, maintenance and new classrooms for our students. Some of these items include $20 million for Mayfield High School renovation. That will be an ongoing project because it is going to take us about 8 to 9 years to get that project completed but it is time for that building which is almost 60 years to get a renovation and a facelift. We also have some Title 9 projects to bring equity to our boys and girls athletics facilities at three of our high schools. Those will be at Mayfield, Las Cruces High, and Organ Mountain High School. Playground equipment and shade structures at several of our elementary schools. We know how important it is for our playground equipment to be up to standard, and we also want to provide shade for our students. We know our summers are brutally hot in our late spring and early fall. We also have some roof and HVAC replacements that we'll be doing in several of our schools and safety and security enhancements. Every time we poll our families, of course safety is always number one on the list. We will be working on exterior key card entrances for every one of our schools so that everybody enters with a badge. We will do that on the exterior of all of our schools and then we will move into the interior and every one of our schools will be affected by this project. We also have a small contingency fund to make sure that if we have any overruns or increases due to supply chain issues, we have a little bit of money to make sure that we finish these projects. We do have some carryovers from the 2021 bond which we will complete in this bond. We want to be transparent with our community and let them know that we said we were going to do these projects, and we will complete them. Let me just say a little bit about our $3 mill levy, that generates about $10 million a year for our school district and that is again used for maintenance and upkeep also for band instruments, band uniforms so that funding is also very important for those going to the polls. Make sure you turn your ballots over, some will have one of these questions on the back of their ballot.

Tim Jenkins, Member of the Public said after watching last week's session it is crystal clear to me that there is a certain demographic of people who spoke at last meeting that wish for nothing more than to defund and demoralize our Police Department, which I find very hard to fathom considering that they have never in a day in their lives stepped into the shoes of a law enforcement position. I also find it very troubling that these same individuals attended and voted at all six town hall meetings even though it wasn't even in their district or they had no business even being there. When there was all the discussion and talk about raising the GRT, what was discussed and talked about time and time again, the number one priority that was at the top of the list the entire time was public safety and how we can make our city safer and support the police in their efforts to do the same. So how is it possible that not even a year later public safety seems to have worked its way down to the bottom of the list? And how is it possible that spending $35 million on library renovation is somehow going to make our city safer? I guess I will answer my own question. Renovating the library will never in a million years make our city safer. In my opinion the GRT should never have been raised without a concrete plan in place of where those funds would go. Public safety needs to be everyone's top priority no matter what anyone says. Our city is being overrun and destroyed, and it is heartbreaking to watch this playout before our eyes. I believe in my heart that it should be mandatory for every member on city council to do a ride along with LCPD at least every three months so that you all get a small taste of what our officers face day in and day out in the trenches in our city. Our officers need our support more than ever now.

4. ACCEPTANCE OF AGENDA

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to accept the agenda as presented.

RESULT:	**Carried**
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

5. CITY COUNCIL MINUTES

5.1 REGULAR CITY COUNCIL MEETING OF OCTOBER 6, 2025.

6. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA

6.1 RESOLUTION NO. 26-058: A RESOLUTION ESTABLISHING DATES FOR HOLIDAY OBSERVANCE FOR CITY EMPLOYEES IN 2026.

6.2 RESOLUTION NO. 26-059: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS AND BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2026 BUDGET.

7. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

7.1 RESOLUTION NO. 26-060: A RESOLUTION AMENDING THE FY2026 - 2031 CAPITAL IMPROVEMENTS PROGRAM.

Cynthia Alamillo, CIP Manager gave the overhead presentation.

Councilor Becky Corran moved, seconded by Councilor Yvonne Flores, to Approve Resolution No. 26-060.

RESULT:	**Carried**
MOVER:	Councilor Becky Corran
SECONDER:	Councilor Yvonne Flores
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

7.2 RESOLUTION NO. 26-061: A RESOLUTION APPROVING A PRECOMMITMENT OF CITY FUNDING FOR A MULTI-FAMILY FEDERAL LOW-INCOME HOUSING TAX CREDIT DEVELOPMENT PROJECT, SUBJECT TO AWARD OF SAID TAX CREDITS BY HOUSING NEW MEXICO.

Jan Lauterbach, Housing and Neighborhood Services Manager gave the overhead presentation.

Councilor Corran asked I was just wondering if you could talk about the 4% versus 9% and the context for that? I just wanted to allude to this because I think it is relevant to the part of the conversation that we are going to have.

Jan Lauterbach said a 4% versus a 9%, a 9% with Housing New Mexico offers 70% of the construction cost towards the deal and a 4% only offers 30%. So, there is a lot more financing needed with 4% than 9%.

Councilor Corran asked this is more competitive and more benefits to the community if we are able to qualify for it, right?

Jan Lauterbach said definitely. That is a good point to make. The 9% is a competitive application with the Housing New Mexico as to where a 4% is not.

Councilor Mattiace asked do you have any ideas of who the non-profits, do you have a list or an idea of who may step up to the plate?

Colin Kruger, Enriched Communities LLC. said we are looking at a couple of options on the non-profit. The Housing New Mexico Finance Agency did change the scoring this year. They have changed it from a higher of ten points, which is last year to now a high of 5 points. So, we don't think it is necessarily going to kill the deal from that perspective. We think we have enough points through other means, on less particular deals but we do have Tierra Del Sol standing in front of us potentially a grantee with regard to this particular project for the City of Las Cruces, not necessarily for the

finance agency.

Mayor Enriquez said this is great. This is exciting news as you mentioned in the old country club and we have seen a lot of dead trees and dead space there and this is an opportunity to bring it back to life and thriving again and in the community, so thank you, looking forward to it.

Councilor Mattiace asked that is your total cost, there is no possible increase, it will be at the 108,000?

Colin Kruger asked are you talking about that $33 million number? $31 million is the number.

Councilor Mattiace asked then it is 108 apartments?

Colin Kruger said 108 apartments.

Councilor Mattiace asked what does that per unit cost?

Colin Kruger said on the hard cost $185,000 per unit, 286 on the entire development. To the point of the 9% versus the 4% we are trying to max out on units. Typically, a 9% deal would average between 60 and 70 units, but we are trying to push with the city grant we are trying to push the number of units to 108 so we can get more units on the site.

Councilor Mattiace said that is where Councilor Corran was saying that the competitiveness comes in there will be a lot more people wanting to do it.

Colin Kruger said it is a competitive program come in. As a company we were successful last year in securing a 9% award for Ruidoso. So that is the same program.

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to Approve Resolution No. 26-061.

RESULT:	**Carried**
MOVER:	Councilor Becky Corran
SECONDER:	Councilor Becki Graham
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
NAYS:	Councilor William Mattiace
ABSENT:	Councilor Johana Bencomo

7.3 RESOLUTION NO. 26-062: A RESOLUTION APPROVING THE CITIZEN PARTICIPATION PLAN, AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AS PART OF THE PREPARATION FOR THE 2026-2030 CONSOLIDATED PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR THE CITY OF LAS CRUCES.

Natalie Green, Housing & Neighborhood Revitalization Administrator gave the overhead presentation.

Councilor Flores asked how is it that you are reaching out to get responses?

Natalie Green said so one, we identified stakeholders already and our consultant has reached out to them to schedule interviews, so they are able to do both virtual and in person meetings. What we are trying to do is get on people's standing meetings so if someone has a specific standing meeting with a group. For example, they met with Affordable Housing Committee two weeks ago, they have also met with Dona Ana Resilience Leaders, the Housing Task Force, and there is some other groups that they are doing.

Councilor Flores asked do community members actually participate or just the organizations?

Natlie Green said the community does, for example again we mailed 9,783 postcards specifically to residents who reside within low-income census tracks. So CDBG and HOME Funds are for people who meet that low to moderate income definition, so we take a special initiative to target those least likely to participate in the process and so we that is one way and again we printed flyers. So Casa de Peregrinos will be putting flyers in all of the food boxes across the county and that includes the city's pantry and the county's mobile pantry so that we can get participation in that survey and then we also of course advertise in the paper and on the city's website and then if you watch Mas Las Cruces there is also a video advertising the survey for this month.

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to Approve Resolution No. 26-062.

RESULT:	**Carried**
MOVER:	Councilor Becky Corran
SECONDER:	Councilor Becki Graham
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

7.4 COUNCIL BILL NO. 26-008; ORDINANCE NO. 3100: AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO A FRANCHISE AGREEMENT WITH RIPPLE FIBER NEW MEXICO LLC ("RIPPLE"), TO AUTHORIZE THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TELECOMMUNICATIONS SYSTEM FOR FIBER INTERNET WITHIN THE CITY.

Henry Becker, Interim Deputy City Attorney gave the overhead presentation.

Councilor Corran said I am very excited to learn all about these franchise agreements that exist. So, thank you for giving us a little orientation. I have two questions. One I really appreciate you all thinking about the dynamics of moving forward, how can we better leverage the idea of a franchise so thank you for including those things and I

am glad to see those as part of this franchise agreement. The second part I am wondering, I didn't know if you wanted to talk about this or if this is to like political but I think there is some history of exclusionary franchises especially as it relates to fiberoptic internet and that is in part why we are in a little bit of a situation with this but I don't know maybe I am misunderstanding my history of this but in any case I am happy to hear that the market is expanding and if you don't want to share anything about the history of sole source franchise agreements, that is fine but from my perspective I am just glad to hear that this is one both going to have a really integrated conversation with the city as it goes on and two that it is broadening the internet related options I think for people in our community because I do think that is part of the reason whether this is a public utility or not a public utility I guess is what I am alluding to and I don't know if you want to talk about that or not, but I am glad that this is happening.

Henry Becker said I am not exactly sure what you mean by references to exclusivity. There is an ongoing conversation at the federal level over whether or not fiberoptic internet is construed as an information service or as a utility under federal communications laws which can have different effects for how they are regulated. I believe at this exact moment the FCC considers them to be information services but to kind of get to the nuts and bolts of this franchise it includes language that is intended to be flexible and to capture whether or not there is a change in opinion from the FCC. You are right Councilor, sometimes political parties come in and that definition changes at the federal level. That is not something that we locally here can control but we are trying to make sure we account for that through flexible terms in the franchise agreement.

Councilor Corran said not the political parties necessarily but the politics of public utilities. Generally, I think is really interesting if any of you all want to learn more about franchises and this discussion, super interesting but thank you for accommodating that and having that as part of the contractual discussion too.

Councilor Mattiace asked is it both residential and commercial or one or the other or both?

Henry Becker said the franchise I believe is not specific. I don't want to speak to Ripple's particular business plans Councilor. I will let Ripple's representative do that if she wishes to. I will say I believe this allows the flexibility to go where there is demand for the service. So typically, a franchisee and I don't wish to speak for Ripple particularly, the franchisee will first go out into the community and see who is interested in the service and once they have agreements in place, perspective business in place they will expand there. So, it could be residential in theory, or it could be just commercial in theory, or it could be both. It is just where the demand is. I will give an opportunity to Ms. Delalla to speak if she wishes to speak from Ripple's perspective.

Noelle Delalla, Ripple Fiber said right now our model in the proposed plan in the city of Las Cruces is residential. We have it in our business model potentially in the future to also offer fiber internet services to businesses but right now our primary plan is

going to be to residents.

Councilor Mattiace said the reason I asked that is because in my neighborhood I believe it is Metro Vexus is installing. Maybe you can catch up with them and use the same holes.

Noelle Delalla said it is not in our business model to over build directly on other fiber but we want to come in and bring competition to the city so we are hoping that will happen in Las Cruces.

Councilor Mattiace said I hope you are as efficient and organized and as neat as Vexus has been. There hasn't been that many complaints in District 2, and where there were some complaints, they actually took care of, the right-of-way, the rocks and whatever landscaping and replaced it totally. So, I hope you have the same intention.

Noelle Delalla said absolutely, communication is key for us. We want to be in communication with the city and with the residents as much as possible. We also have a dedicated green team that would come behind construction and address any landscaping issues that go above and beyond just filling in holes and burying cables that would address electrical fences, irrigation systems, specialty landscaping as well.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Ordinance No. 3100.

RESULT:	**Carried**
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

8. BOARD APPOINTMENTS

8.1 LEN HAMPTON

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to appoint Len Hampton to the Veterans Advisory Board.

RESULT:	**Carried**
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

8.2 JULIAN GALLEGOS

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to appoint Julian Gallegos to the City Art Board.

RESULT:	**Carried**
MOVER:	Councilor Becky Corran

SECONDER:	Councilor Becki Graham
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

8.3 JOY NELSON

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to appoint Joy Nelson to the City Art Board.

RESULT:	**Carried**
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

9. NOTICE OF PROPOSED ORDINANCE(S)

1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).

9.1

None.

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

10.1 COUNCILOR MCCLURE

None.

10.2 COUNCILOR MATTIACE

None.

10.3 COUNCILOR GRAHAM

None.

10.4 COUNCILOR CORRAN

I wanted to welcome the DangerBird participants. That is this weekend. Super exciting at Klein Park, there will be a kickoff on Thursday from 4:30 to 7. So that is a different group of folks here who are enthusiast with the outdoors and cycling and I think danger. That will be starting on Friday, but Thursday night is the welcome event.

The Sustainability EV car kickoff which I am really excited that we will be able to borrow or rent EVs as part of the sustainability office event. Last but not least the Veteran’s Day Parade which I think will probably be alluded to by other folks here but next Tuesday.

10.5 COUNCILOR FLORES

None.

10.6 MAYOR ENRIQUEZ

I just wanted to say a reminder that yes, the Veteran's Parade is Saturday, November 9th. It will be at 11 a.m. at the downtown so please join as we pay tribute to our Veterans on that day and tomorrow is voting day. Please remember to go out and vote.

I just want to say last week I was able to attend the schools for Red Ribbon Week for being drug free schools. We have got to continue that. We have to continue to let the students know that we appreciate them and to go out and let them know to live a drug-free life. It was a good turnout at Jornada, so I just wanted to mention that.

Councilor Flores said I noticed that when the young woman who was here proposing and speaking on behalf of the school bond she didn't mention that there would be no tax rate increase because I think people are always afraid that when a bond comes in there is going to be some kind of an increase so that should be put out there.

Mayor Enriquez said yes that it states that there will be no tax increase and will move forward with what already is existing.

11. CITY MANAGER REPORT

11.1 IKANI TAUMPOEPEAU

The Communications Office was nominated for an Emmy in the branded content category for the I Can't Do Every Job hiring video. They will be attending the Emmy ceremony this weekend in Phoenix on November 8th, and we are hopeful they bring some hardware home. We are proud of the talented group and the skill of our team is being recognized locally, regionally and nationally.

12. ADJOURNMENT

12.1

Councilor Yvonne Flores moved, seconded by Councilor Becki Graham, to Adjourn at 2:06 p.m.

RESULT:	**Carried**
MOVER:	Councilor Yvonne Flores
SECONDER:	Councilor Becki Graham
AYES:	Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Becky Corran, and Councilor Yvonne Flores
ABSENT:	Councilor Johana Bencomo

Mayor

City Clerk

26-068

Type of Action:
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

City Council Action and Executive Summary

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Christine Rivera	**Department:**	City Clerk

Title: **A RESOLUTION PROVIDING FOR THE DETERMINATION OF REASONABLE NOTICE OF MEETINGS OF THE CITY COUNCIL AND ITS BOARDS, COMMITTEES, AND COMMISSIONS FOR CALENDAR YEAR 2026.**

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:
To approve reasonable notice requirements for City Council and commissions, committees, and boards.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
On an annual basis, the City Council is required to pass a resolution to determine reasonable notice of meetings of the City Council and the City Council appointed commissions, committees, and boards pursuant to NMSA 1978, Section 10-15-1(D).

This resolution provides the same requirements as previously adopted and includes an amendment passed by House Bill 21 that requires final agendas be available 72 hours prior to a meeting, except in the case of an emergency. Procedures for posting notices of regularly scheduled open meetings, closed meetings, public hearings, work sessions, special meetings, emergency meetings and City Council appointed commission, committee, and board meetings are covered in this resolution.

SUPPORT INFORMATION:
Exhibit "A" - 2026 Meeting Schedule

PLAN(S):
None

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?
☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and adopt the reasonable notice requirements for 2026.
2. Vote "No"; this is not an option.
3. Vote to "Amend"; this would require direction from Council to staff.
4. Vote to "Table"; this could delay the implementation of the City's required reasonable notice for 2026 as well as approval of dates for city council meetings in 2026.

RESOLUTION 26-068

A RESOLUTION PROVIDING FOR THE DETERMINATION OF REASONABLE NOTICE OF MEETINGS OF THE CITY COUNCIL AND ITS BOARDS, COMMITTEES, AND COMMISSIONS FOR CALENDAR YEAR 2026.

The City Council is informed that:

WHEREAS, the Las Cruces City Council met in a regular session at 1:00 p.m. on December 1, 2025; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Las Cruces City Council to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS, Section 10-15-1(F) of the Open Meetings Act increased the time that public bodies must make the agenda available to 72 hours prior to a meeting, except in the case of an emergency; and

WHEREAS, Section 10-15-1(F) also requires that agendas be posted on the public body's website within the specified time periods if a website is maintained.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT pursuant to NMSA 1978, Section 10-15-1(A) and (B), all meetings of a quorum of the City Council of the City of Las Cruces, New Mexico, held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority delegated to the City Council, as further described in Sections III and IV of this policy, shall be made open to the public, except as otherwise provided by law. Any member of the public may attend an open meeting and listen to the deliberations and proceedings of the City Council.

(II)

THAT pursuant to NMSA 1978, Sections 10-15-1(H) and (I), the City Council upon its own motion may close a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings Act or if the need to close the meeting is required by other laws which specifically preserve the confidentiality of certain information that is to be considered at the closed meeting. If any meeting is closed pursuant to exclusions contained in Subsection H, such closure: (1) if made in an open meeting shall be approved by a majority vote of the quorum of the City Council and the specific statutory or other authority for such closure, and the subject to be discussed, shall be stated with reasonable specificity in a motion calling for the vote on a closed meeting, and such vote shall be taken in an open meeting with the vote of each Councilor recorded in the minutes; or (2) if called for when the City Council is not in an open meeting, such closed meeting shall not be made until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting, and stating with reasonable specificity the subject to be discussed, is given to members of the general public. Only those subjects announced or voted upon prior to closure by the City Council shall be discussed in a closed meeting.

Following completion of any closed meeting, the minutes of the open meeting that was closed or in the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in the closed meeting shall be made by vote of the City Council in an open public meeting.

(III)

THAT meetings at which a quorum of the City Council discuss or adopt any proposed resolution or ordinance, or take any other formal action, are open to the public. Pursuant to NMSA 1978, Section 10-15-1(C), a councilor may participate in any open meeting called to take formal action by means of a conference telephone or other similar communication equipment. Participation by telephone or other similar communication is permitted when requested by a councilor and approved by Council. Requests shall be considered on a case-by-case basis provided that each councilor participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any councilor who speaks during the meeting.

A. Regularly Scheduled Open Meetings.

Unless the business before the City Council dictates otherwise, the City Council will conduct open meetings to take formal action on the first and third Monday of each month at 1:00 p.m. as referenced in Exhibit "A." When Monday is a city holiday, the meeting shall be held on the next business day. The City Council has the authority to change the meeting time with minute action in compliance with the Open Meetings Act, for subsequent regular meetings.

Staff is hereby authorized and directed to publish this resolution one time as a legal advertisement in a newspaper of general circulation in the City of Las Cruces.

The City Council will conspicuously post an agenda of the meeting at least 72 hours prior to the meeting. In accordance with this resolution, the agenda shall be issued and circulated to the press, radio, and other public information media who have provided a written request for such notice and posted on the bulletin boards of City of Las Cruces City Hall, Thomas Branigan Memorial Library, and on the city's website.

The agenda shall indicate the date, time, and place of the meeting, a list of all action items to be considered at that meeting, and a list of any other specific items of business to be transacted. The City Council shall only take action on items appearing on the agenda.

B. Hearings Before the City Council.

At any hearing at which a quorum of the City Council will be present, the City Council will provide notice of the hearing as an open meeting to take formal action and shall issue an agenda as prescribed in Section III(A) or (C) of this policy. Within a reasonable time, but in no less than 72 hours prior to the hearing, the City Council shall also provide actual notice to all parties in that case or their counsel and to any other person who has requested such notice of the date, time, location, and purpose of the hearing.

If during the course of a public hearing at which a quorum of the City Council presides, the City Council determines that the hearing should be recessed and reconvened to a date subsequent to that date stated in the meeting notice, the City Council will specify the date, time, and place for the reconvened meeting prior to recessing and will conspicuously post notice of the date, time, and place for the reconvened meeting near the door of the place where the original meeting was held and on the bulletin board in the lobby of City Hall.

C. Other Open Meetings In Between Regularly Scheduled Open Meetings.

If the public interest requires other formal action by the City Council in between regularly scheduled open meetings, the City Council may conduct an open meeting to take formal action at such times. Except in the case of an emergency as defined in NMSA 1978, Section 10-15-1(F), the City Council will provide notice of each such meeting by conspicuously posting an agenda and a notice of the date, time, and location of such open meeting on the bulletin board in the lobby of City Hall, the city website, and by emailing a copy of the notice to the press at least 72 hours prior to the special open meeting.

(IV)

Work Sessions

THAT a quorum of the City Council will also meet periodically in "work sessions." A "work session" is any meeting of a quorum of the City Council which does not involve any formal action by the City Council. Such sessions include but are not limited to (1) discussion related to the formulation of public policy prior to the formal discussion or adoption of any resolution or ordinance pending before the City Council; (2) discussions of internal administrative actions concerning the operations of the City Council; and (3) information discussions between staff and the City Council in preparation for formal discussion or action. Work sessions of a quorum of the City Council are open meetings and are open to the public, unless the subject of the work session is included in Subsection H of NMSA 1978, Section 10-15-1 and the City Council decides to close the work session to the public in accordance with NMSA 1978, Section 10-15-1(I) and Section II of this policy. Any person wishing to attend a work session of the City Council, which has not been closed pursuant to NMSA 1978, Section 10-15-1(H) and 10-15-1(I) and this open meeting policy shall be allowed to attend and listen to the instructions.

(V)

Emergency Meetings

THAT emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss. The Las Cruces City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the members upon four (4) hours' notice, unless threat of personal injury or personal damage requires less notice. The notice of all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

All emergency measures adopted must be submitted to the Attorney General within 10 days of the meeting at which the action was taken, provided that the requirement to report to the Attorney General is waived due to state or national emergency.

(VI)

Council Appointed Commissions, Committees, and Board Meetings

THAT Commissions, Committees, and Advisory Boards of the City of Las Cruces shall similarly issue their agendas by posting one on the City Hall bulletin board, the Thomas Branigan Memorial Library bulletin board, on the city's website, and furnishing copies to the news media who have provided a written request for such notice, and provide such other notice as may be required by ordinance and law. Such issuance and posting are determined to be reasonable notice.

(VII)

Compliance

THAT substantial compliance with any one of the foregoing methods of giving notice shall constitute compliance with this resolution and NMSA 1978, Sections 10-15-1 through 10-15-4. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings. Nothing herein shall require new notice of any public meeting for which notice has been given and which is recessed or adjourned. However, in recessing the meeting, the presiding officer shall announce the meeting, the time, and the place the meeting shall reconvene.

(VIII)

Accommodation

THAT in addition to the information specified above, all notices shall include the following language: "If you need an accommodation for a disability to enable you to fully participate in this event, please contact us 72 hours before the event at 541-2115/V."

(IX)

Validity

THAT if any section, paragraph, clause or provision of this resolution shall be for any reason held to be invalid or unenforceable, the validity of unenforceability of such section, paragraph or clause or provision shall not affect any of the remaining provisions of this resolution or its application to other situations.

(X)

Repealer

THAT all bylaws, order and resolutions or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repeal shall not be construed to revive any prior bylaw, order or resolution or part thereof, heretofore repealed.

(XI)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

Moved by:

Seconded by:

AYES

NAYS

Exhibit “A”

2026 City Council Meeting Schedule

Monday, January 5, 2026

Tuesday, January 20, 2026

Monday, February 2, 2026

Tuesday, February 17, 2026

Monday, March 2, 2026

Monday, March 16, 2026

Monday, April 6, 2026

Monday, April 20, 2026

Monday, May 4, 2026

Monday, May 18, 2026

Monday, June 1, 2026

Monday, June 15, 2026

Monday, July 6, 2026

Monday, July 20, 2026

Monday, August 3, 2026

Monday, August 17, 2026

Tuesday, September 8, 2026

Monday, September 21, 2026

Monday, October 5, 2026

Monday, October 19, 2026

Monday, November 2, 2026

Monday, November 16, 2026

Monday, December 7, 2026

Monday, December 21, 2026 – Cancelled for Christmas Holiday

26-069

Type of Action:
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

City Council Action and Executive Summary

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Gaby Prats	**Department:**	Financial Services

Title:	**A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2026 BUDGET.**

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:
To accept grant awards through an amendment to the FY26 budget.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The City of Las Cruces (City) relies on grant funding for many of the critical programs provided each year for the residents of Las Cruces. Grant funding awards are received throughout the fiscal year and are not budgeted during the normal fiscal year budgeting process. Funds are not budgeted until the City has received a grant award agreement due to the unpredictable nature of funding levels and timing.

Per the City's Grants Administration Program Policy, the City Manager, or his designee, may execute grant agreements with funding agencies. Upon receipt of the fully executed agreement from the funding agency, the Council may adjust the budget.

The request for City Council is to accept the budget adjustments to be used by the departments for the scope of work as defined by each grant agreement.

SUPPORT INFORMATION:
Exhibit "A" - 12-1-25 Fund Summaries
Attachment "A" - Grant Listing
Attachment "B" - PR - Apodaca Park EMNRD Third Amendment Fully Executed
Attachment "C" - PR - FY26 Que Linda Grant Agreement Fullly Executed

PLAN(S):
Elevate Las Cruces

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☒ Yes

☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: Various **AVAILABLE AMOUNT:** Various **EXPENDITURE AMOUNT:** Various

Funding Source(s):
Various

Overall Budget Impact:
Please refer to Exhibit "A" Fund Summaries

Does this action amend the Capital Improvement Plan (CIP)?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to accept the grant awards as presented and amend the City's FY2026 Budget.
2. Vote "No"; this will not approve the Resolution to accept the grant awards as presented and amend the City's FY2026 Budget.
3. Vote to "Amend"; this could delay the Resolution and the process of spending the grant funds within the predetermined grant schedule and require direction to staff.
4. Vote to "Table"; this will delay the Resolution and will impact the implementation of the grant agreement, the City department's ability to utilize the funds and return the grant funds to the granting agency.

RESOLUTION 26-069

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2026 BUDGET.

The City Council is informed that:

WHEREAS, the City has received notice of grant awards for various City departments; and

WHEREAS, the grants will be used as designated in the scope of work and within the specified time period as shown in the grant agreements executed by the City Manager, or his designee; and

WHEREAS, the grant agreements that are the subject of this budget adjustment will be attached to the Resolution with a Summary, as Attachment "A", and each agreement will be attached as subsequent attachments.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the City hereby amends the FY2026 City Budget and accepts all grant awards as shown in the Fund Summary, Exhibit "A", attached hereto and made part of this Resolution, are hereby approved.

(II)

THAT the City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

CITY OF LAS CRUCES *Exhibit "A"*

BUDGET ADJUSTMENT REQUEST

BUDGET FISCAL YEAR 2025-26

	2100 SPECIAL REVENUE REIMB GRANTS 2025-26			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	$ 249,231	0	0	249,231
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	182,000	207,500	0	207,500
Federal Grants	9,229,523	5,220,164	0	5,220,164
State Grants	4,573,536	17,763,804	95,000	17,858,804
Local Grants	0	805,000	0	805,000
Debt Service	0	0	0	0
Total Revenues	**13,985,059**	**23,996,468**	**95,000**	**24,091,468**
TOTAL RESOURCES	**$ 14,234,290**	**23,996,468**	**95,000**	**24,340,699**
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
City Manager-300	5,768,725	13,261,056	0	13,261,056
Legal	0	0	0	0
Las Cruces Police Department	1,581,852	1,332,003	0	1,332,003
Las Cruces Fire Department	568,628	1,313,759	0	1,313,759
Utilities	194,431	0	0	0
Economic Development	2,869,028	2,969,028	0	2,969,028
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	144,821	1,157,615	0	1,157,615
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manager-500	512,694	1,148,866	0	1,148,866
Parks & Recreation	446,219	834,064	95,000	929,064
Community Development	400,000	400,000	0	400,000
Quality of Life	1,447,022	1,601,439	0	1,601,439
Public Works	51,638	51,638	0	51,638
Legislative Reserve	0	0	0	0
Total Expenditures	**$ 13,985,058**	**24,069,468**	**95,000**	**24,164,468**
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	**$ 0**	**0**	**0**	**0**
Accrual Adjustments	0	0	0	0
ENDING BALANCE	**$ 249,232**	**(73,000)**	**0**	**176,231**

CITY OF LAS CRUCES *Exhibit "A"*

BUDGET ADJUSTMENT REQUEST

BUDGET FISCAL YEAR 2025-26

	4100 CAPITAL PROJECTS REIMB GRANTS 2025-26			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	$ 0	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	3,733,290	6,545,176	1,077,572	7,622,748
State Grants	21,868,273	22,623,245	0	22,623,245
Local Grants	0	107,777	0	107,777
Debt Service	0	0	0	0
Total Revenues	**25,601,563**	**29,276,198**	**1,077,572**	**30,353,770**
TOTAL RESOURCES	**$ 25,601,563**	**29,276,198**	**1,077,572**	**30,353,770**
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
City Manager-300	6,212,832	7,970,107	0	7,970,107
Legal	0	0	0	0
Las Cruces Police Department	154,751	300,182	0	300,182
Las Cruces Fire Department	159,338	85,444	0	85,444
Utilities	0	0	0	0
Economic Development	1,710,644	2,412,364	0	2,412,364
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manager-500	0	0	0	0
Parks & Recreation	3,454,531	5,213,055	1,077,572	6,290,627
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	13,909,467	13,295,045	0	13,295,045
Legislative Reserve	0	0	0	0
Total Expenditures	**$ 25,601,563**	**29,276,198**	**1,077,572**	**30,353,770**
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	**$ 0**	**0**	**0**	**0**
Accrual Adjustments	0	0	0	0
ENDING BALANCE	**$ 0**	**0**	**0**	**0**

CITY OF LAS CRUCES

The following grant has been awarded to the City of Las Cruces

Today's Date: 10/30/2025
Grant Team Representative: Perla Galindo
Grant Award Amount: $ 1,827,572.00
Council Budget Adjustment Date: 12/01/2025
Grant Agreement #: 23-521-0500-0074
ALN/CFDA#:
Grant Effective Date: 01/09/2023
Grant Reversion Date: 06/30/2027
Funding Agency: State of New Mexico Energy, Mineral, and Natural Resources Department (EMNRD)

PROJECT INFORMATION

Grant Project Title: Land and Water Conservation Fund- Apodaca Park
Type of Funding: Federal Passthrough to State
Type of Grant: Competitive
Match Description: Local Cash Match
Match Amount: $ 1,827,572.00
Match Percent/Ratio: 1:1

City Fiscal Year: FY2026
Funder Fiscal Year: FY2026

Grant Scope of Work: (Specify if this grant involves Sub-Grantees or Pass Through Grants)

This third amendment provides additional funding for the renovation and improvements at Apodaca Park.

DEPARTMENT INFORMATION

Implementation Dept: 450- Parks & Rec
User Dept: SELECT

Line of Business:
Program:
Project Manager: Katherine Harrison Rogers
Phone: 575-528-3086
Email: ngreen@lascruces.gov

Line of Business:
Program:
Project Manager:
Phone:
Email:

Check box if implementation and user departments are the same: ☑

ACCOUNT STRINGS:

Fund Number - Organization Number - Object Number - Amount for Revenue and Expense
(2100 for General Grants/4100 for Capital Grants)

REV 4100-40245034-599100-23574 - $1,077,572
EXP: 4100-40245034-805000-23574 - $1,077,572
MATCH: 2705-20245005-80500023574 - $1,077,572

edited by gmp 11/19/2025

Reimbursable Grant: ☐ **Revenue Collected in Advance:** ☑

Date to Accounting:
Project Number:
Project Created By:
Set-Up Date:
Accounting Comments:

CITY OF LAS CRUCES

The following grant has been awarded to the City of Las Cruces

Today's Date: 10/29/2025
Grant Team Representative: Brian Kraft
Grant Award Amount: $ 95,000.00
Council Budget Adjustment Date: 12/01/2025
Grant Agreement #: TBD
ALN/CFDA#: N/A
Grant Effective Date: 10/23/2025
Grant Reversion Date: 06/30/2026
Funding Agency: New Mexico Department of Transportation

PROJECT INFORMATION

Grant Project Title: FY26 Keep Las Cruces Beautiful
Type of Funding: State Operating
Type of Grant: Competitive
Match Description: No Match Required-Provided
Match Amount: $0
Match Percent/Ratio: $0

City Fiscal Year: FY2026
Funder Fiscal Year: FY2026

Grant Scope of Work: (Specify if this grant involves Sub-Grantees or Pass Through Grants)

The purpose of the Que Linda Beautification Program is to accomplish litter control throughout New Mexico, utilized by the City of Las Cruces as part of the Keep Las Cruces Beautiful (KLCB) program. This grant does not involve Sub-Grantees or Pass Through Grants.

DEPARTMENT INFORMATION

Implementation Dept: 450- Parks & Rec
User Dept: 450- Parks & Rec

Line of Business: 0545 - Out of School Time & Youth Div
Program: 0545E - Keep Las Cruces Beautiful
Project Manager: Ryan Steinmetz
Phone: 575-528-4506
Email: acorrales@lascruces.gov

Line of Business:
Program:
Project Manager:
Phone:
Email:

Check box if implementation and user departments are the same: ☑

ACCOUNT STRINGS:

Fund Number - Organization Number - Object Number - Amount for Revenue and Expense
(2100 for General Grants/4100 for Capital Grants)

Revenue:	2100-20545085-599200	$95,000.00	Department requests Project# 26541
Expenditure:	2100-20545085-601000	$19,000.00	(sequential from previous FY grants)
	2100-20545085-701000	$9,500.00	
	2100-20545085-721080	$66,500.00	

Reimbursable Grant: ☐ **Revenue Collected in Advance:** ☑

Date to Accounting:
Project Number: 26541
Project Created By: J SAFFELL
Set-Up Date:
Accounting Comments:

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 3

MEMORANDUM OF AGREEMENT
BETWEEN THE
STATE OF NEW MEXICO,
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT,
STATE PARKS DIVISION
AND
CITY OF LAS CRUCES

AMENDMENT NO. 3

THIS MEMORANDUM OF AGREEMENT AMENDMENT NO. 3 is made and entered into by and between the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division and the City of Las Cruces (Entity).

WHEREAS, the parties have previously made an Agreement effective January 9, 2023, and

WHEREAS, Section 12 thereof provides the original Agreement shall not be amended except by written instrument executed by the parties, and

WHEREAS, the parties now agree it is in their mutual interest to amend their previously made Agreement.

NOW, THEREFORE, THE PARTIES DO AGREE TO AMEND their previous Agreement by this **AMENDMENT NO. 3** as follows:

1. The existing Section 1, Entity shall, Paragraph F, is deleted in its entirety and replaced with the following:

"F. provide a match in the amount of one million, eight hundred twenty-seven thousand, five hundred seventy-two dollars ($1,827,572.00) for this Project, as identified in Attachment A;"

2. The existing Section 3, Compensation Paragraph A, is deleted in its entirety and replaced with the following:

"A. EMNRD shall pay Entity for services satisfactorily performed pursuant to Attachment A, and as specified below. This amount shall not exceed one million, eight hundred twenty-seven thousand, five hundred seventy-two dollars ($1,827,572.00), including travel pursuant to Subparagraph B, New Mexico gross receipts taxes pursuant to Subparagraph C, and the invoicing and accounting requirements pursuant to Subparagraph D of this Compensation Section. EMNRD shall make payment upon the satisfactory and timely completion of the work described in the Scope of Work and for no more than the maximum amount set

forth below and in Attachment A:

LWCF Funds:	$ 1,827,572.00
Entity Match:	$ 1,827,572.00
Total:	$ 3,655,144.00;"

3. All other terms and conditions of the parties' original Agreement shall remain the same.

4. This **Amendment No. 3** becomes effective on EMNRD's signature.

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 3

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

By: _____ Date: 10.27.25
Cabinet Secretary or Designee

CITY OF LAS CRUCES

By: _____ Date: 10/14/25.
Authorized Representative

Ivan T Trujillo

Printed Name and Title

Approved as to Form:

09/24/2025

CITY ATTORNEY

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 2

MEMORANDUM OF AGREEMENT
BETWEEN THE
STATE OF NEW MEXICO,
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT,
STATE PARKS DIVISION
AND
CITY OF LAS CRUCES

AMENDMENT NO. 2

THIS MEMORANDUM OF AGREEMENT AMENDMENT NO. 2 is made and entered into by and between the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division and the City of Las Cruces (Entity).

WHEREAS, the parties have previously made an Agreement effective January 9, 2023, and

WHEREAS, Section 12 thereof provides the original Agreement shall not be amended except by written instrument executed by the parties, and

WHEREAS, the parties now agree it is in their mutual interest to amend their previously made Agreement.

NOW, THEREFORE, THE PARTIES DO AGREE TO AMEND their previous Agreement by this **AMENDMENT NO. 2** as follows:

1. The existing Section 1, Entity shall, Paragraph H, is deleted in its entirety and replaced with the following:

"H. complete the Project and submit the final billing by June 30, 2027;"

2. All other terms and conditions of the parties' original Agreement shall remain the same.

3. This **Amendment No. 2** becomes effective on EMNRD's signature.

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 2

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

By: _____ Date: 5.19.25
Cabinet Secretary or Designee

CITY OF LAS CRUCES

By: _____ Date: 4/23/25.
Authorized Representative

Ikani Taumoepeau, City Manager
Printed Name and Title

APPROVED AS TO FORM:

_____ For Brad Douglas 4/23/25
City Attorney Date

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 1

MEMORANDUM OF AGREEMENT
BETWEEN THE
STATE OF NEW MEXICO,
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT,
STATE PARKS DIVISION
AND
CITY OF LAS CRUCES

AMENDMENT NO. 1

THIS MEMORANDUM OF AGREEMENT AMENDMENT NO. 1 is made and entered into by and between the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division and the City of Las Cruces (Entity).

WHEREAS, the parties have previously made an Agreement effective January 9, 2023, and

WHEREAS, Section 12 thereof provides the original Agreement shall not be amended except by written instrument executed by the parties, and

WHEREAS, the parties now agree it is in their mutual interest to amend their previously made Agreement.

NOW, THEREFORE, THE PARTIES DO AGREE TO AMEND their previous Agreement by this **AMENDMENT NO. 1** as follows:

1. The existing Section 1, Entity shall, Paragraph H, is deleted in its entirety and replaced with the following:

"H. complete the Project and submit the final billing by March 31, 2025;"

2. All other terms and conditions of the parties' original Agreement shall remain the same.

3. This **Amendment No. 1** becomes effective on EMNRD's signature.

SHARE Amd. No. 23-521-0500-0074
City of Las Cruces

Amendment No. 1

IN WITNESS WHEREOF, the parties hereto have herein below executed this Agreement.

STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

By: _____ Date: 11/28/23
Cabinet Secretary or Designee

CITY OF LAS CRUCES

By: _____ Date: 11/28/2023
Authorized Representative

Ifo Pili, City Manager
Printed Name and Title

SHARE No. 23-521-0500-0074
City of Las Cruces

**MEMORANDUM OF AGREEMENT
BETWEEN THE
STATE OF NEW MEXICO,
ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT,
STATE PARKS DIVISION
AND
CITY OF LAS CRUCES**

THIS MEMORANDUM OF AGREEMENT (MOA) is made and entered into by the State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division (Division) and the City of Las Cruces (Entity).

WHEREAS, the Division, pursuant to NMSA 1978, § Sections 16-1-1 *et seq.*, and the Federal Land and Water Conservation Fund (LWCF) Act of 1965 (P.L. 88-578), is responsible for administering the LWCF program for New Mexico; and

WHEREAS, EMNRD and Entity desire to enter into this Agreement for administrative efficiency so that the project detailed in the Application (Attachment A) can be carried out through a single program,

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE METHOD BY WHICH THIS PURPOSE SHALL BE ACCOMPLISHED IS AS FOLLOWS:

1. Entity shall:

A. demolish and construct Outdoor Recreation Legacy Partnership (ORLP) City of Las Cruces, Apodaca Park as described in Attachment A, and in compliance with the regulations and policies implementing the LWCF Act and the U.S. Department of the Interior (DOI), National Park Service (NPS) LWCF State Assistance Program Federal Financial Assistance Manual (Attachment B), as may be amended (available at http://www.emnrd.state.nm.us/SPD/Landandwater.html);

B. notify EMNRD in writing if Entity proposes to convert the land or facilities referenced in Paragraph 1.A. above to non-recreational uses, or in the event they become obsolete and are to be destroyed, prior to taking any action;

C. quiet claims against title and replace property found to have defective title with other properties if this occurs after project completion pursuant to the LWCF conversion provisions found in 36 C.F.R. 59;

D. ensure documentation that the property described in Section 1.A above, has been acquired or developed with LWCF assistance and cannot be converted to other than public outdoor recreation use without the written approval of the U.S. Secretary of the Interior, as well as the Section 6(f)3 boundary map (Attachment C), is

filed with the county clerk where the property is located, maintained as a permanent record in in Entity's property records and is available for public inspection;

E. install and maintain at least one sign acknowledging that the work involved under this Agreement was financed in part by the NPS under the provisions of the LWCF in partnership with the Division;

F. provide a match in the amount of seven hundred and fifty thousand dollars ($750,000.00) for this Project, as identified in Attachment A;

G. submit requests for reimbursement on at least a quarterly schedule along with brief written progress reports to the Division as described in Attachment B;

H. complete the Project and submit the final billing by December 31, 2023;

I. manage and maintain the ORLP City of Las Cruces, Apodaca Park in compliance with the regulations and policies implementing the LWCF Act and the LWCF State Assistance Program Federal Financial Assistance Manual (Attachment B), as may be amended;

J. keep the project area reasonably open, accessible, and safe for public use; and

K. maintain the project area, as defined by the agreed-to LWCF Act Section 6(f)(3) boundary map (Attachment C), in perpetuity as an outdoor recreation area and not convert or transfer the property without EMNRD's and NPS's prior written approval and without meeting the requirements outlined in Attachment B.

2. EMNRD shall:

A. conduct inspections or coordinate self-inspections of the Project, every five years, as required by the LWCF Act and report the results to the NPS;

B. ensure that Entity follows the standards and guidelines for the completed project as outlined in Attachment B.

3. Compensation:

A. EMNRD shall pay Entity for services satisfactorily performed pursuant to Attachment A, and as specified below. This amount shall not exceed seven hundred and fifty thousand dollars ($750,000), including travel pursuant to Paragraph B, and New Mexico gross receipts taxes, pursuant to Paragraph C of this Compensation Section. EMNRD shall make payment upon the satisfactory and timely completion of the work described in the Scope of Work and for no more than the maximum amount set forth below and in Attachment A:

LWCF Funds:	$ 750,000.00
Entity Match:	$ 750,000.00
Total:	$1,500,000.00

EMNRD MUST receive all invoices no later than 15 days after the termination of the Fiscal Year in which the services were delivered. Invoices received after such date SHALL NOT BE PAID.

B. EMNRD shall pay such travel expenses as may be incurred in, and that are necessary for, this Agreement's performance at the rates established in the New Mexico Per Diem and Mileage Act, NMSA 1978, §§ 10-8-1, *et seq.* as implemented by the current Department of Finance and Administration (DFA) rule and the current EMNRD travel policy.

C. Entity shall be responsible for paying New Mexico Governmental Gross Receipts taxes levied on amounts payable under this Agreement.

D. Entity must submit detailed invoices accounting for all services performed, and expenses incurred, and which document the source and type of match, on at least a quarterly schedule. Invoices evidencing the propriety of each claim for payment must be supported by approved purchase order. Entity's allowable costs and cost principles shall be dictated by OMB Circular A-87. If EMNRD finds that the invoice services, or expenses are not acceptable, within 30 days of receipt of written notice from Entity that payment is requested for services received, EMNRD shall provide Entity a letter of exception explaining the defect or objection to the invoice, services, or expenses, and outlining steps Entity may take to provide remedial action. Upon certification by EMNRD that the invoice, services, or expenses have been received and accepted, EMNRD shall tender payment to Entity within 30 days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, EMNRD shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.

4. Term: This MOA becomes effective on EMNRD's signature. It shall be ongoing, unless with EMNRD's prior written approval, Entity transfers the Project to another entity, or in the event of transfer or conversion, if Entity provides a replacement property and the parties enter into a new agreement for the new location. Any transfer or conversion requires EMNRD to obtain NPS approval to be valid.

5. Termination: EMNRD may terminate this agreement for convenience or cause prior to the first payment being made. After the initial payment, the project may be terminated, modified, or amended by EMNRD only by mutual agreement of EMNRD and NPS.

6. Status of Entity: Entity and its agents and employees are independent contractors performing services for EMNRD and are not employees of the State of New Mexico. Entity and its agents and employees shall not accrue leave, retirement,

insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the State of New Mexico as a result of this Agreement. Entity acknowledges that all sums received hereunder are reportable by the Entity for tax purposes, including without limitation, self-employment, and business income tax. Entity agrees not to purport to bind the State of New Mexico unless the Entity has express written authority to do so, and then only within the strict limits of that written authority.

7. Assignment: Entity shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without EMNRD's prior written approval.

8. Subcontracting: Entity shall not subcontract any portion of the services to be performed under this Agreement or obligate itself in any manner to any third party, with respect to any rights or responsibilities under this Agreement, without EMNRD's prior written approval. EMNRD may disallow costs incurred by the Entity in relation to a subcontract if Entity does not obtain prior written approval.

A. Entity shall comply with 2 C.F.R. 200.318 through 200.326 for procurement of property or services conducted pursuant to this Agreement.

B. Any contract shall include all provisions necessary to allow Entity to meet its obligations and requirements under this Agreement and all provisions required by law.

C. Travel expense reimbursement requested for subcontractors, if applicable, shall be reimbursed in accordance with rates established in the New Mexico Per Diem and Mileage Act, NMSA 1978, § 10-8-1 *et seq.*, as implemented by the current DFA Rule and EMNRD Travel Policy.

9. Release: Final payment of the amounts due under this Agreement shall operate as a release of EMNRD, its officers, and employees, and the State of New Mexico from all liabilities, claims, and obligations whatsoever arising from or under this Agreement.

10. Confidentiality: Any confidential information provided to or developed by Entity in the performance of this Agreement shall be kept confidential and shall not be made available by Entity to any individual or organization without EMNRD's prior written approval.

11. Conflict of Interest; Governmental Conduct Act: Entity warrants that it presently has no interest and that it shall not acquire any interest, direct or indirect, which would conflict in any manner with performance or other services required under this Agreement. Entity certifies that all applicable provisions of the requirements of the Governmental Conduct Act, NMSA 1978, §§ 10-16-1 through –18, including provisions related to contracting with, or employing, public officers, legislators, state employees, or former state employees, have been followed.

12. Amendment: This Agreement shall not be altered, changed, or amended except by written instrument executed and approved by the parties hereto. EMNRD may consider, with NPS approval, amendments to add a cost overrun. Only those additional costs incurred within the project period will be considered for reimbursement.

13. Merger: This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless as embodied in this Agreement.

14. Penalties for Violation of Law: The Procurement Code, NMSA 1978, §§ 13-1-28 through 13-1-199, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities, and kickbacks.

15. Equal Opportunity Compliance: Entity agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Entity assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation, or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Entity is found not to be in compliance with these requirements during the life of this Agreement, Entity agrees to take appropriate steps to correct these deficiencies.

16. Applicable Law: The laws of the State of New Mexico shall govern this Agreement, without giving effect to New Mexico's choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, § 38-3-1(G). By execution of this Agreement, Entity acknowledges and agrees to the exclusive jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

17. Records and Audit:

A. Entity shall maintain detailed time and expenditure records that indicate the date, time, nature, and cost of services rendered during the Agreement's term and effect and retain them until six years after the termination date specified in Section 3, Term. These records shall be maintained and available within the State of New Mexico if the Entity has an office within the state; otherwise, Entity shall make such records available to EMNRD within 10 days upon EMNRD's request. During this time, such records shall be subject to inspection by EMNRD, DFA, the State Auditor, and NPS. Entity further agrees to include in all subcontracts hereunder the same right of

inspection and audit against all subcontractors. EMNRD shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose EMNRD's right to recover excessive or illegal payments. The periods of inspection and audit may be extended for records, which relate to litigation or settlement of claims arising out of performance of this Agreement and costs and expenses related to this Agreement for which exception is under consideration by NPS or any authorized representative and shall continue until all potential litigation, appeals, claims, or exceptions have expired or been resolved.

B. If Entity receives $750,000 or more in federal funding from all sources in the aggregate in a fiscal year, Entity's financial records involving services and procurement under this Agreement shall be audited annually pursuant to all federal, state and local government audit requirements, and in accordance with the Single Audit Act Amendments of 1996, 2 C.F.R. 200, Subpart F – Audit Requirements, OMB Circular Compliance Supplement and Government Auditing Standards, as prescribed by the Single Audit Act of 1984, or any subsequent OMB Circular. Entities who do not meet the $750,000 audit threshold (Tier 7), must complete the State of New Mexico – Office of the State Auditor Certification Form for Tier 1 and Tier 2, or the Office of the State Auditor Agreed Upon Procedures (Tiers 3-6) in accordance with the Audit Act, NMSA 1978, §§ 12-6-1 through 12-6-14, and 2.2.2.16 NMAC, Annual Financial Procedures Required for Local Public Bodies with Annual Revenues Less than Five Hundred Thousand Dollars. To comply with state audit requirements, Entity shall have one of the above-mentioned Forms or Agreed Upon Procedures on file with the Office of the State Auditor. Entity shall provide EMNRD with a copy of the independent financial audit, either in hard copy format or on disk, no more than 45 days after the audit's completion for each fiscal year this Agreement is in effect.

18. Liability: Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1, *et seq.*, as amended.

19. Procurement, Utilization, and Disposition of Property: Entity shall comply with NPS regulations regarding the disposition of property as specified in the LWCF State Assistance Program Federal Financial Assistance Manual (Attachment B), as may be amended.

20. Invalid Term or Condition: If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

21. Enforcement of Agreement: A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict performance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no waiver of a specified right by a party shall be effective to waive any other rights.

22. Notice: Except as otherwise specified herein, all notices hereunder shall be in writing (including, without limitation, notice by facsimile) and shall be given to the relevant party at its address or facsimile number set forth below, or such other address or facsimile number as such party may hereafter specify by notice to the other given by courier, by United States certified or registered mail, by facsimile, or by other telecommunication device capable of creating a written record of such notice and its receipt.

To EMNRD:

LWCF Program Coordinator
EMNRD, State Parks Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

General Counsel
EMNRD – Office of the Secretary
1220 S. St. Francis Drive
Santa Fe, NM 87505

To the Entity:

Grants Manager
Amy Johnson Bassford
Office of Management & Budget/Financial Services
City of Las Cruces
P.O. Box 20000, Las Cruces, NM 88004
575-541-2281
abassford@lascruces.org

To Risk Management Division:

Risk Management Division
General Services Department
P.O. Drawer 26100
Santa Fe, NM 87502-0110

23. Authority: If Entity is other than a natural person, the individual(s) signing this Agreement on behalf of Entity represent and warrant that he or she has the power and authority to bind Entity, and that no further action, resolution, or approval from Entity or any other entity is necessary to enter a binding contract.

24. Acknowledgment: Entity shall acknowledge EMNRD and NPS as co-sponsors and funding sources in all news releases, programs, proceedings, and related publicity/publications for the project.

25. Attorney's Fees and Costs: Entity agrees that if a court of competent jurisdiction finds Entity has breached this Agreement, or amendments hereto, or to have committed any tortious act relating to this Agreement's scope, EMNRD may recover from Entity reasonable attorneys' fees and costs in connection with litigation brought to obtain the judicial determination and to collect any judgment.

26. Minimum Wage Rate: If applicable, Entity shall comply with minimum wage rates as established by the New Mexico Department of Workforce Solutions, Labor Relations Division, and with all other applicable requirements of that department, including posting of the wage rates in a prominent location on the site for hiring and performing of this Agreement.

27. Compliance with Law and Funding Source Conditions:

A. Entity shall comply with all applicable state and federal statutes, regulations, or rules, including without limitation those imposed as a consequence of funding pursuant to this Agreement and as described in Attachment B.

B. Entity shall comply with 2 C.F.R. Sections 200.318 through 200.326 for procurement conducted pursuant to this Agreement.

C. Compliance with NMSA 1978, § 66-7-374, Texting While Driving - Entity and Entity's employees shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle in connection with this Agreement, except to summon medical or other emergency help, or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.

D. Compliance with use of Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) - Entity shall take affirmative steps to assure that MBEs and WBEs are used when possible as sources of supplies and services. The affirmative steps shall include the following:

(1) including qualified MBEs/WBEs on solicitation lists;

(2) assuring that MBEs/WBEs are solicited once they are identified;

(3) when economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum MBE/WBE participation;

(4) where feasible, establishing delivery schedules which will encourage MBE/WBE participation;

(5) encouraging use of the services of the U.S. Department of Commerce's Minority Business Development Agency and the U.S. Small Business Administration to identify MBEs/WBEs, as required; and

(6) if any subcontracts are to be let, requiring the subcontractor to take the affirmative steps listed above.

E. Compliance with Trafficking Victims Protection Act of 2000 - Entity, Entity's employees, subcontractors, and subcontractors' employees shall not:

(1) engage in severe forms of trafficking in persons during this Agreement's term;

(2) procure a commercial sex act during this Agreement's term; or

(3) use forced labor in the performance of this Agreement.

E. Entity shall not award subcontracts to parties listed on the governmentwide exclusions in the federal System for Award Management (SAM), in accordance with OMB guidelines that implement federal Executive Orders 12549 (3 C.F.R. page 1986, Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), "Debarment and Suspension." SAM exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regularity authority other than Executive Order 12549.

F. If applicable, Entity must comply with Section 6002 of the Solid Waste Disposal Act, as amendment by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the U.S. Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the items exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

G. If the value of this Agreement exceeds $100,000, Entity shall comply with the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) regarding the limitations of use of appropriated funds to influence certain federal contracting and financial transactions.

H. If this Agreement is valued at more than $150,000, Entity shall comply with all applicable standards orders or requirements issued under the federal Clean Air Act (42 U.S.C. § 7401 *et seq.*); Clean Water Act (33 U.S.C. § 1251 *et seq.*); Executive Order 11738 (Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans); and EPA regulations.

I. Entity shall comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires the purchase of flood insurance in communities where such insurance is available, as a condition for the receipt of any federal financial assistance for construction or acquisition purposes, for use in any area that has been identified as an area having special flood hazards by the Flood Insurance Administration of the Federal Emergency Management Agency.

J. Entity will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and the applicable regulations and procedures implementing such Act for all real property acquisitions and where applicable shall assure that the Act has been complied with for property to be developed with assistance under the project agreement.

K. Whistleblower Protection:

(1) If this Agreement is valued at more than $150,000, Entity shall inform its employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. § 4712.

(2) Entity shall insert the substance of this clause, including this paragraph in all subcontracts over $150,000.

L. Minimum Wages Under Executive Order 13658 (January 2015):

1. Definitions. As used in this clause:

"United States" means the 50 states and the District of Columbia.

"Worker":

a. means any person engaged in performing work on, or in connection with, a contract covered by Executive Order 13658, and

(i) whose wages under such contract are governed by the Fair Labor Standards Act (29 U.S.C. chapter 8), the Service Contract Labor Standards statute (41 U.S.C. chapter 67), or the Wage Rate Requirements (Construction) statute (40 U.S.C. chapter 31, subchapter IV),

(ii) other than individuals employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in 29 C.F.R. Part 541,

(iii) regardless of the contractual relationship alleged to exist between the individual and the employer.

b. includes workers performing on, or in connection with, the contract whose wages are calculated pursuant to special certificates issued under 29 U.S.C. § 214(c); and

c. also includes any person working on, or in connection with, the contract and individually registered in a bona fide apprenticeship or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship.

2. Executive Order Minimum Wage Rate:

a. Entity shall pay to workers, while performing in the United States, and performing on, or in connection with, this Work Plan, a minimum hourly wage rate of $10.10 per hour beginning January 1, 2015.

b. Entity shall adjust the minimum wage paid, if necessary, beginning January 1, 2016 and annually thereafter, to meet the Secretary of Labor's annual E.O. minimum wage. The Administrator of the Department of Labor's Wage and Hour Division (the Administrator) will publish annual determinations in the Federal Register no later than 90 days before the effective date of the new E.O. minimum wage rate. The Administrator will also publish the applicable E.O. minimum wage on www.wdol.gov (or any successor website) and on all wage determinations issued under the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute. The applicable published E.O. minimum wage is incorporated by reference into this Work Plan.

c. Entity may request a price adjustment only after the effective date of the new annual E.O. minimum wage determination. Prices will be adjusted only if labor costs increase as a result of an increase in the annual E.O. minimum wage, and for associated labor costs and relevant subcontract costs. Associated labor costs shall include increases or decreases that result from changes in social security and unemployment taxes and workers' compensation insurance, but will not otherwise include any amount for general and administrative costs, overhead, or profit.

(i) Subcontractors may be entitled to adjustments due to the new minimum wage, pursuant to paragraph 2.b. Entities shall consider any subcontractor requests for such price adjustment.

(ii) EMNRD will not adjust the contract price under this clause for any costs other than those identified in paragraph 2.c., and will not provide duplicate price adjustments with any price adjustment under clauses implementing the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute.

d. Entity warrants that the prices in this Work Plan do not include allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

e. A pay period under this clause may not be longer than semi-monthly, but may be shorter to comply with any applicable law or other requirement under this Work Plan establishing a shorter pay period. Workers shall be paid no later than one pay period following the end of the regular pay period in which such wages were earned or accrued.

f. Entity shall pay, unconditionally to each worker, all wages due free and clear without subsequent rebate or kickback. Entity may make deductions that reduce a worker's wages below the E.O. minimum wage rate only if done in accordance with 29 C.F.R. 10.23, Deductions.

h. Entity shall not discharge any part of its minimum wage obligation under this clause by furnishing fringe benefits or, with respect to workers whose wages are governed by the Service Contract Labor Standards statute, the cash equivalent thereof.

i. Nothing in this clause shall excuse Entity from compliance with any applicable federal or state prevailing wage law or any applicable law or municipal ordinance establishing a minimum wage higher than the E.O. minimum wage. However, wage increases under such other laws or municipal ordinances are not subject to price adjustment under this subpart.

j. Entity shall pay the E.O. minimum wage rate whenever it is higher than any applicable collective bargaining agreement(s) wage rate.

k. Entity shall follow the policies and procedures in 29 C.F.R. 10.24(b) and 10.28 for treatment of workers engaged in an occupation in which they customarily and regularly receive more than $30 a month in tips.

l. This clause applies to workers as defined in paragraph (a). As provided in that definition:

(i) workers are covered regardless of the contractual relationship alleged to exist between Entity or subcontractor and the worker;

(ii) workers with disabilities whose wages are calculated pursuant to special certificates issued under 29 U.S.C. § 214(c) are covered; and

(iii) workers who are registered in a bona fide apprenticeship program or training program registered with the Department of Labor's Employment and Training Administration, Office of Apprenticeship, or with a State Apprenticeship Agency recognized by the Office of Apprenticeship, are covered.

m. This clause does not apply to:

(i) Fair Labor Standards Act (FLSA)-covered individuals performing in connection with contracts covered by the E.O., i.e. those individuals who perform duties necessary to the performance of the Work Plan, but who are not directly engaged in performing the specific work called for by the Work Plan, and who spend less than 20 percent of their hours worked in a particular workweek performing in connection with such Work Plans;

(ii) individuals exempted from the minimum wage requirements of the FLSA under 29 U.S.C. § 213(a) and § 214(a) and (b), unless otherwise covered by the Service Contract Labor Standards statute, or the Wage Rate Requirements (Construction) statute. These individuals include but are not limited to:-

(a) learners, apprentices, or messengers whose wages are calculated pursuant to special certificates issued under 29 U.S.C. § 214(a);

(b) students whose wages are calculated pursuant to special certificates issued under 29 U.S.C. § 214(b); and

(c) those employed in a bona fide executive, administrative, or professional capacity (29 U.S.C. § 213(a)(l) and 29 C.F.R. Part 541).

n. Notice. Entity shall notify all workers performing work on, or in connection with, this Work Plan of the applicable E.O. minimum wage rate under this clause. With respect to workers covered by the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, Entity may meet this requirement by posting, in a prominent and accessible place at the worksite, the applicable wage determination under those statutes. With respect to workers whose wages are governed by the FLSA, Entity shall post notice, using the poster provided by the Administrator, which can be obtained at www.dol.gov/whd/govcontracts, in a prominent and accessible place at the worksite. Entity's that customarily post notices to workers electronically may post the notice electronically provided the electronic posting is displayed prominently on any website that is maintained by the contractor, whether external or internal, and customarily used for notices to workers about terms and conditions of employment.

o. Payroll Records.

(i) Entity shall make and maintain records, for three years after completion of the work, containing the following information for each worker:

(a) name, address, and social security number;

(b) the worker's occupation(s) or classification(s);

(c) the rate or rates of wages paid;

(d) the number of daily and weekly hours worked by each worker;

(e) any deductions made; and

(f) total wages paid.

(ii) Entity shall make records pursuant to paragraph n. of this clause available for inspection and transcription by authorized representatives of the Administrator. Entity shall also make such records available upon request of EMNRD.

(iii) Entity shall make a copy of the Work Plan available, as applicable, for inspection or transcription by authorized representatives of the Administrator.

(iv) Failure to comply with this paragraph n. shall be a violation of 29 C.F.R. 10.26 and this Work Plan. Upon direction of the Administrator or upon EMNRD's own action, payment shall be withheld until such time as the noncompliance is corrected.

(v) Nothing in this clause limits or otherwise modifies Entity's payroll and recordkeeping obligations, if any, under the Service Contract Labor Standards statute, the Wage Rate Requirements (Construction) statute, the Fair Labor Standards Act, or any other applicable law.

(vi) Access. Entity shall permit authorized representatives of the Administrator to conduct investigations, including interviewing workers at the worksite during normal working hours.

(vii) Withholding. EMNRD, upon its own action or upon written request of the Administrator, will withhold funds or cause funds to be withheld, from Entity under this Work Plan or any other federally funded Work Plan or contract with the same Entity, sufficient to pay workers the full amount of wages required by this clause.

(viii) Disputes. Department of Labor has set forth in 29 C.F.R. 10.51, Disputes concerning contractor compliance, the procedures for resolving disputes concerning a contractor's compliance with Department of Labor regulations at 29 C.F.R. Part 10. Such disputes shall be resolved in accordance with those procedures and not the disputes clause of this Work Plan. These disputes include disputes between Entity (or any of its subcontractors) and EMNRD, the Department of Labor, or the workers or their representatives.

(ix) Anti-retaliation. Entity shall not discharge or in any other manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under or related to compliance with the E.O. or this clause, or has testified or is about to testify in any such proceeding.

(x) Subcontractor compliance. Entity is responsible for subcontractor compliance with the requirements of this clause and may be held liable for unpaid wages due subcontractor workers.

(xi) Subcontracts. Entity shall include the substance of this clause, including this paragraph K. in all subcontracts, regardless of dollar value, that are subject to the Service Contract Labor Standards statute or the Wage Rate Requirements (Construction) statute, and are to be performed in whole or in part in the United States.

28. Insurance Coverage: Entity shall provide EMNRD a statement indicating that the activities described in Attachment A, are covered by insurance as set forth below, secured in accordance with any method allowed by applicable law, including self-insurance, pooling of self-insured reserves, or insurance provided by a third party, prior to commencing work under this Agreement. Entity shall maintain continuous coverage of the activities described in Attachment A, so long as this Agreement is in effect. Failure to maintain such coverage is reason for immediate termination of this Agreement. Entity shall notify EMNRD prior to cancellation or expiration of any insurance required under this Agreement.

A. Worker's Compensation protection that complies with the requirements of the New Mexico Worker's Compensation Act, NMSA 1978, §§ 52-1-1, *et seq.*, if applicable. If the Entity fails to comply with the Workers Compensation Act and applicable rules when required to do so, EMNRD may terminate this Agreement.

B. Comprehensive public liability protection covering property damage and personal injury liability that may arise under this Agreement and any amendments hereto, in amounts equal or greater than liability limits set forth in NMSA 1978, § 41-4-19, as it may be amended from time to time.

C. Flood insurance as required by the Flood Disaster Protection Act of 1973 (P.L. 93-234) for insurable facilities located within special flood hazard areas for which the Federal Insurance Administration has issued a flood hazard boundary map or a flood insurance rate map.

[Signatures are on next page.]

SHARE No. 23-521-0500-0074
City of Las Cruces

IN WITNESS WHEREOF, the parties have herein set their hand.

STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

By: _____ Date: 1/9/23
Cabinet Secretary or Designee

CITY OF LAS CRUCES

By: _____ Date: 12/27/22
Authorized Representative Signature

Ifo Pili, City Manager
Entity's Printed Name and Title

Contract Number: _____
Vendor No.:_____
Project No.: _____
Control No: _____

NEW MEXCIO DEPARTMENT OF TRANSPORTATION
QUE LINDA BEAUTIFICATION PROGRAM
GRANT AGREEMENT

This Agreement is between the New Mexico Department of Transportation (Department) and City of Las Cruces (Grantee), collectively referred to as the "Parties." This Agreement is effective as of the date of the last party to sign it on the signature page below.

RECITALS

WHEREAS, the purpose of the Que Linda Beautification Program (Program) is to accomplish litter control throughout New Mexico, under the authority delegated to the Department by the "Clean Highways Act," NMSA 1978, Section 67-15-1 to -4 (Act) to conduct a permanent and continuous program to control and remove litter from the roads and highways of New Mexico to the maximum extent possible;

WHEREAS, the Department was appropriated funding through the General Appropriation Act, Laws 2024, Chapter 64, Section 11, for roadway beautification and litter control, of which a portion is being used for the purposes of carrying out the provisions of the Act; and

WHEREAS, the Act provides that the Department may enter into agreements and provide a Program for the purposes of carrying out the provisions of the Act.

AGREEMENT

Now, therefore, the Parties agree as follows:

1. Program Funding.

a. The Department hereby awards $95,000 to fund the Budget (Appendix A) with the purpose of conducting a permanent and continuous program to control and remove litter from the roads and highways of New Mexico to the maximum extent possible.
b. The Grantee is responsible for all costs that exceed Program funding.
c. All allocated funds must be spent by June 30, 2026.
d. All allocated funds are eligible to be reallocated pursant to Section 20.
e. The Grantee must repay Program funding to the Department if:
    1. The Program is cancelled or partially performed.
    2. A final audit conducted by the Department determines the following:
        i. an overpayment,
        ii. unexpended funds, or
        iii. ineligibile expenses.

2. The Department:

a. Shall distribute the funds, identified in Section 1(a), in a lump sum to the Grantee after:

1. The Department has received this Agreement fully executed with a Resolution of Sponsorship (Appendix C).

b. May perform Program monitoring that might consist of the following:

1. Conduct a review of the Grantee's performance and administration of the Program funds identified in Section 1(a).
2. Conduct a review of subcontracts for administration of the Program funds.

3. The Grantee Shall:

a. Perform and participate in the Program by accomplishing the following:

1. Participating in 2 technical assistance meetings with the Que Linda Director for the development of a local beautification program plan;
2. Creating and adopting a formal local beautification program plan;
3. Hosting a minimum of 3 events in alignment with the 11 strategies of the Que Linda Program (Appendix B); and
4. Completing a minimum of 2 contracts in alignment with the 11 strategies of the Que Linda Program (Appendix B).

b. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.

c. Adopt a written resolution of Program support that includes a commitment to funding, ownership, liability and maintenance. The resolution is attached to this Agreement as Appendix C.

d. Comply with any and all state, local and federal regulations including the Americans with Disabilities Act (ADA) and laws regarding noise ordinances, air quality, surface water quality, ground water quality, threatened and endangered species, hazardous materials, historic and cultural properties, and cultural resources.

e. Meet with the Department, as needed, or provide Program status reports within 30 days of request.

f. Acknowledge that the Department reserves the right to unilaterally adjust, modify, or cancel any and all funding identified in Section 1(a) in order to ensure the expenditure of all funds.

g. Agree and acknowledge Program funds shall not be used for purposes other than those outlined and specified in Appendix A.

h. Comply with Department mandatory reporting requirements:

1. The Grantee shall submit an annual report on the progress of activities during the funding period by June 15, 2025.
2. The Grantee must participate in a minimum of 75% of the Que Linda statewide cohort meetings.

i. Agree that Program funds must be expended on or before June 30, 2025.

4. Both Parties Agree:

a. The inability to properly complete and administer the Program may result in the Grantee being

denied future Program funding.
b. The Department will not pay for any expenses incurred prior to the Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the Program funding noted in Section 1(a).

5. Term.
This Agreement becomes effective upon signature of the Parties. The effective date is the date when the last party signed the Agreement on the signature page blow. This Agreement terminates at 11:59:59 p.m. on June 30, 2026, unless terminated earlier as provided under this Agreement.

6. Termination.
The Department may terminate this Agreement for any reason, by giving the Grantee 30 days written notice. On receipt of written notice from the Department, the Grantee shall suspend all Program activities unless otherwise directed by the Department in writing. The Parties acknowledge that termination will not nullify obligations incurred prior to the date of the written notice requiring termination. Neither Party has any obligations after termination, except as stated in Section 1(e) and 15.

7. Notices.
For a notice under this Agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or e-mail; and be addressed as follows:

To the Department:

Amy Whitfield, Special Director
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504-1149
Phone: 505-309-1066
Email: Amy.Whitfield@dot.nm.gov

To the Grantee:

Ikani Taumoepeau
City Manager
700 N. Main St.
Las Cruces, NM
Phone: (575) 541-2430
Email: grants@lascruces.gov

8. Third Party Beneficiary.
It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

9. New Mexico Tort Claims Act.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 to -27.

10. Scope of Agreement.
This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of the Agreement and supersedes all other Agreements, whether written or oral, between the parties, except that this Agreement does not supersede the Grantee's rights under any other grant Agreement.

11. Terms of this Agreement.
The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

12. Legal Compliance.
The Grantee shall comply with all applicable federal, state, and local laws, regulations and Department policies in the performance of this Agreement, including, but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Grantee shall include the requirements of this Section 12 in each contract and subcontract at all tiers.

13. Equal Opportunity Compliance.
The Parties agree to abide by all federal and state laws and rules and regulations, and executive orders, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age or handicap, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the parties are found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies.

14. Appropriations and Authorizations.
The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Grantee, and the Legislature of New Mexico for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Grantee and the Legislature, this Agreement will terminate upon written notice being given by one Party to the other. The Department and Grantee are expressly not committed to expenditure of any funds until such time as they are budgeted, encumbered, and approved for expenditure.

15. Accountability of Receipts and Disbursements.
There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Grantee shall maintain all records and documents relating to the Program for a minimum of 5 years after completion. The Grantee shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate

or not related to the Program, the Grantee shall reimburse that portion to the Department within thirty (30) days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) days.

16. Severability.
In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement will remain in full force and effect.

17. Applicable Law.
The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue is proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

18. Amendment.
This Agreement may be amended by an instrument in writing executed by the Parties.

19. Reallocation of Funding.
The Grantee may request reallocation of the Program Funds from any Budget (Appendix A) item to other idenitifed Budget items. The Grantee must submit a written request with the proposed Budget detailing the reallocation amount and the identified Budget item(s) and costs of which funds are being reallocated. The Grantee shall be allowed to reallocate pursuant to the written request upon receipt of approval from the Department and executed Amendment by the Parties pursuant to Section 18.

The remainder of this page is intentionally left blank.

Each party is signing this Agreement on the date stated opposite that party's signature. This Agreement is effective as of the date of the last party to sign it on the signature page below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: DocuSigned by: Ricky Serna 5910E8A6255842F... Date: 10/23/25
Cabinet Secretary or Designee

Approved as to form and legal sufficiency.

By: Signed by: Samuel Roybal 57B9FC4FE09B464... Date: 10/20/25
Office of General Counsel

City of Las Cruces

By: Signed by: Ikani Taumoepeau 8B8581626F58426... Date: 10/16/25
Title: City Manager

Approved as to form and legal sufficiency.

By: Signed by: Brad Douglas 9D1BFFBAC708437... Date: 09/30/25
Counsel for Grantee

26-070

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

City Council Action and Executive Summary

District:	**☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A**		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Hayford Danso	**Department:**	City Manager's Office

Title: **A RESOLUTION AMENDING THE FY2026 -2031 CAPITAL IMPROVEMENTS PROGRAM.**

TYPE OF ACTION: **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

PURPOSE(S) OF ACTION:
To amend the Capital Improvements Program (CIP) for Fiscal Year (FY) 2026 through 2031.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The City of Las Cruces adopted the FY 2026-2031 Capital Improvements Program (CIP) on May 19, 2025. During the fiscal year, project information, such as funding sources and amounts, may change as projects progress. As a result, amendments to the CIP document are necessary to reflect those changes. City Council approves amendments.

The proposed amendments adjust project budgets and reflect grants accepted by the City Council. Attachment "A" lists the proposed amendments.

SUPPORT INFORMATION:
Exhibit "A" - FY2026 - 2031 CIP
Attachment "A" - CIP Amendment Descriptions

PLAN(S):
Elevate Las Cruces

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?
☒ Yes
☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will amend the City of Las Cruces FY2026 through FY2031 CIP.
2. Vote "No"; this will not amend the City of Las Cruces FY2026 through FY2031 CIP.
3. Vote to "Amend"; this could potentially amend the Las Cruces FY2026 through FY2031 CIP, requiring pages in the program document to be added, deleted or modified.
4. Vote to "Table"; this will delay the use of funds for amended projects.

RESOLUTION 26-070

A RESOLUTION AMENDING THE FY2026 -2031 CAPITAL IMPROVEMENTS PROGRAM.

The City Council is informed that:

WHEREAS, the Capital Improvements Program (CIP) is a six-year program that identifies capital projects which address capital needs to build, replace, expand, and improve infrastructure and systems; and

WHEREAS, in accordance with the provisions of Article VI. Section 6.03 of the City Charter, the financing and location of capital improvements is guided by the City's Comprehensive Plan, Elevate Las Cruces; and

WHEREAS, pursuant to Article V. Section 5.08 of the City Charter, Council may supplement, reduce or transfer appropriations.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the Capital Improvements Program for FY2026 through FY2031, attached hereto and made part of this Resolution as Exhibit "A", is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

Exhibit "A"

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Active Transportation		$	$	$	$	$	$	
Active Transportation - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Active Transportation - Carryover		$ 7,978,265.99	$ 2,555,000.00	$ 500,000.00	$ 500,000.00	$ -	$ -	
Active Transportation Program		$ 3,656,310.59	$ 665,000.00	$ -	$ -	$ -	$ -	
Active Transportation Projects		$ 350,000.00	$ -	$ -	$ -	$ -	$ -	**Grants**
Pending 2025 Legislative Appropriation		$ -	$ *400,000.00*	$ -	$ -	$ -	$ -	
Pending Design Approval - Ethel Ave.		$ -	$ *265,000.00*	$ -	$ -	$ -	$ -	
Madrid Ave Extension - Evelyn St to N Triviz Dr	Public Works	$ 1,211,457.59	$ -	$ -	$ -	$ -	$ -	**Bonds**
Melendres Ave/Pittsburg - Hadley to Picacho	Public Works	$ 1,094,853.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Trail Renovations	Parks & Recreation	$ 95,000.00	$ 1,540,000.00	$ 500,000.00	$ 500,000.00	$ -	$ -	**Grants**
Dona Ana Move Trail	Parks & Recreation	$ 909,469.23	$ -	$ -	$ -	$ -	$ -	**Grants**
Tortugas Trail	Parks & Recreation	$ 65,543.64	$ 350,000.00	$ -	$ -	$ -	$ -	Grants, Other
University Multi-Use Trail Loop	Parks & Recreation	$ 987,854.17	$ -	$ -	$ -	$ -	$ -	Grants, Taxes
Active Transportation - Annual		$ 621,740.38	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ -	
ADA Compliance		$ 621,740.38	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ -	
ADA Sidewalk Program	Public Works	$ 621,740.38	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ 110,000.00	$ -	**Taxes**
Active Transportation - Future		$ -	$ 174,000.00	$ -	$ -	$ -	$ -	
Green Cool Corridors for Bicycles	Sustainability	$ -	$ 174,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
	SUBTOTAL	$ 8,600,006.37	$ 2,665,000.00	$ 610,000.00	$ 610,000.00	$ 110,000.00	$ -	
Airport		$	$	$	$	$	$	
Airport - Newly Funded		$ 1,319,671.00	$ -	$ -	$ -	$ -	$ -	
LRU Airport Automated Weather Observation System (AWOS)	Las Cruces Airport	$ 1,319,671.00	$ 475,000.00	$ -	$ -	$ -	$ -	**Grants**
Airport - Carryover		$ 6,288,658.51	$ 6,850,000.00	$ -	$ -	$ -	$ -	
LRU Runway Improvements		$ 2,903,545.03	$ 1,500,000.00	$ -	$ -	$ -	$ -	
LRU Runway 4-22 Rehabilitation	Las Cruces Airport	$ 2,333,919.66	$ 1,500,000.00	$ -	$ -	$ -	$ -	**Grants**
LRU Runways 8-26 and 12-30 Blast Pads	Las Cruces Airport	$ 569,999.00	$ -	$ -	$ -	$ -	$ -	**Grants, Taxes**
LRU Infrastructure Extensions/Improvements	Las Cruces Airport	$ 481,568.45	$ 5,350,000.00	$ -	$ -	$ -	$ -	**Grants, Taxes**
Airport - Annual		$ 175,000.00	$ 485,000.00	$ 285,000.00	$ 285,000.00	$ 285,000.00	$ -	
LRU Pavement Maintenance Program	Las Cruces Airport	$ -	$ 400,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ -	Other, Taxes
LRU Pavement Striping/Marking Maintenance Program	Las Cruces Airport	$ 175,000.00	$ 85,000.00	$ 85,000.00	$ 85,000.00	$ 85,000.00	$ -	**Grants, Taxes**
Airport - Future		$ -	$ 18,539,000.00	$ 7,050,000.00	$ 5,150,000.00	$ 38,770,000.00	$ 17,500,000.00	
LRU Runway Improvements		$ -	$ -	$ -	$ -	$ 27,500,000.00	$ 17,500,000.00	
LRU Runway 12/30 Extension	Las Cruces Airport	$ -	$ -	$ -	$ -	$ -	$ 17,500,000.00	Grants, Other, Taxes
Runway 8/26 Extension	Las Cruces Airport	$ -	$ -	$ -	$ -	$ 27,500,000.00	$ -	Grants, Taxes
LRU Airline Ground Support Equipment Facility Design and Construction	Las Cruces Airport	$ -	$ -	$ -	$ 750,000.00	$ -	$ -	Other
LRU Airport Automated Weather Observation System (AWOS)	Las Cruces Airport	$ -	$ 475,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
LRU Airport Maintenance Equipment	Las Cruces Airport	$ -	$ -	$ 750,000.00	$ -	$ -	$ -	Grants, Taxes
LRU Airport Rotating Beacon	Las Cruces Airport	$ -	$ 345,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
LRU Apron West Rehabilitation	Las Cruces Airport	$ -	$ -	$ -	$ -	$ 70,000.00	$ -	Grants, Taxes
LRU ARFF (Airport Rescue and Fire Fighting) Index B Equipment Upgrades	Las Cruces Airport	$ -	$ 1,600,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
LRU Commercial Hangar Design and Construction	Las Cruces Airport	$ -	$ -	$ 2,850,000.00	$ -	$ -	$ -	Grants, Taxes
LRU East Road Extensions/Improvements	Las Cruces Airport	$ -	$ -	$ -	$ -	$ 11,200,000.00	$ -	Other
LRU Fuel Farm Relocation and Expansion	Las Cruces Airport	$ -	$ -	$ -	$ 1,900,000.00	$ -	$ -	Other
LRU Maintenance Facility Design and Construction	Las Cruces Airport	$ -	$ 550,000.00	$ -	$ -	$ -	$ -	Grants
LRU Multi-Modal Public Passenger Transit Facility	Las Cruces Airport	$ -	$ -	$ -	$ 2,500,000.00	$ -	$ -	Other
LRU Passenger Terminal Design and Construction	Las Cruces Airport	$ -	$ 9,600,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
LRU Passenger Terminal Parking Design and Construction	Las Cruces Airport	$ -	$ 1,600,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
LRU Taxi Lane Extensions/Improvements	Las Cruces Airport	$ -	$ -	$ 3,450,000.00	$ -	$ -	$ -	Other
Taxiway C Rehabilitation	Las Cruces Airport	$ -	$ 4,369,000.00	$ -	$ -	$ -	$ -	Grants, Other, Taxes
	SUBTOTAL	$ 7,783,329.51	$ 25,874,000.00	$ 7,335,000.00	$ 5,435,000.00	$ 39,055,000.00	$ 17,500,000.00	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Attainable/Affordable Housing		$	$	$	$	$	$	
Attainable/Affordable Housing - Newly Funded		$ 8,222,334.00	$ -	$ -	$ -	$ -	$ -	
Arcadia 4 Subdivision	Housing and Neighborhood Svcs	$ 3,250,000.00	$ -	$ -	$ -	$ -	$ -	**Grants, Other**
Affordable Housing Trust Fund and Land Bank Projects	Housing and Neighborhood Svcs	$ 4,972,334.00	$ -	$ -	$ -	$ -	$ -	**Grants, Other**
Attainable/Affordable Housing - Carryover		$ 14,773,577.00	$ 3,537,401.00	$ -	$ -	$ -	$ -	
MVCoH Campus Extension (Amador Crossing)	Housing and Neighborhood Svcs	$ 14,773,577.00	$ 2,737,401.00	$ -	$ -	$ -	$ -	**Grants, Telshor**
Pending 2025 Legislative Appropriation		$ -	*$ 800,000.00*	$ -	$ -	$ -	$ -	
Attainable/Affordable Housing - Annual		$ -	$ -	$ -	$ -	$ -	$ -	
Attainable/Affordable Housing - Future		$ -	$ 12,550,000.00	$ 7,050,000.00	$ 14,050,000.00	$ 7,050,000.00	$ 5,050,000.00	
Affordable Housing Trust Fund and Land Bank Projects	Housing and Neighborhood Svcs	$ -	$ 5,500,000.00	$ 5,050,000.00	$ 10,050,000.00	$ 5,050,000.00	$ 5,050,000.00	Bonds, Grants, Other
Lift Up Las Cruces - Street Improvements		$ -	$ 7,050,000.00	$ 2,000,000.00	$ 2,000,000.00	$ 2,000,000.00	$ -	
Paseos Verdes	Housing and Neighborhood Svcs	$ -	$ 6,000,000.00	$ 2,000,000.00	$ 2,000,000.00	$ 2,000,000.00	$ -	Bonds, Grants, Taxes
Pending 2025 Legislative Appropriation	Housing and Neighborhood Svcs	$ -	*$ 1,050,000.00*	$ -	$ -	$ -	$ -	*Bonds, Grants, Taxes*
	SUBTOTAL	**$ 22,995,911.00**	**$ 16,087,401.00**	**$ 7,050,000.00**	**$ 14,050,000.00**	**$ 7,050,000.00**	**$ 5,050,000.00**	
City Operational Facilities		$	$	$	$	$	$	
City Operational Facilities - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
City Operational Facilities - Carryover		$ 263,214.00	$ -	$ -	$ -	$ -	$ -	
Safety, Health, Environmental & Emergency		$ 263,214.00	$ -	$ -	$ -	$ -	$ -	
City Hall Security Upgrades	Facilities Management	$ -	$ -	$ -	$ -	$ -	$ -	Taxes
HR Remodel	Facilities Management	$ 110,000.00	$ -	$ -	$ -	$ -	$ -	**Taxes**
Surveillance and Access Controls (Key Cards)	Facilities Management	$ 153,214.00	$ -	$ -	$ -	$ -	$ -	**Taxes**
General Facilities Improvements		$ -	$ -	$ -	$ -	$ -	$ -	
Energy Efficiency Program - IGA	Facilities Management	$ -	$ -	$ -	$ -	$ -	$ -	Taxes
City Operational Facilities - Annual		$ -	$ 1,016,500.00	$ 255,500.00	$ 255,500.00	$ 255,500.00	$ -	
Safety, Health, Environmental & Emergency		$ -	$ 1,016,500.00	$ 255,500.00	$ 255,500.00	$ 255,500.00	$ -	
Safety, Health, Environmental, & Emergency	Facilities Management	$ -	$ 1,016,500.00	$ 255,500.00	$ 255,500.00	$ 255,500.00	$ -	Taxes
City Operational Facilities - Future		$ -	$ 10,146,500.00	$ 300,000.00	$ 210,000.00	$ 200,000.00	$ -	
General Facilities Improvements		$ -	$ 7,922,500.00	$ -	$ -	$ -	$ -	
City Hall Expansion	Facilities Management	$ -	$ 7,500,000.00	$ -	$ -	$ -	$ -	Other
East Mesa Center Emergency Generator (Sage Café)	Quality of Life	$ -	$ 422,500.00	$ -	$ -	$ -	$ -	Grants, Taxes
HVAC Upgrade Program		$ -	$ 400,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ -	
HVAC Upgrade Program	Facilities Management	$ -	$ 400,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ -	Taxes
Refuse & Recycling Buffer Program		$ -	$ 24,000.00	$ 100,000.00	$ 10,000.00	$ -	$ -	
Refuse & Recycling Buffer Program	Facilities Management	$ -	$ 24,000.00	$ 100,000.00	$ 10,000.00	$ -	$ -	Taxes
East Mesa Outdoor Pool - Ground Stabilization	Parks & Recreation	$ -	$ 1,100,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Taxes
Office Renovation - Castaneda Service Center	Parks & Recreation	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Other, Taxes
Satellite Park Maintenance Yard and Facility	Parks & Recreation	$ -	$ 600,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Other, Taxes
	SUBTOTAL	**$ 263,214.00**	**$ 11,163,000.00**	**$ 555,500.00**	**$ 465,500.00**	**$ 455,500.00**	**$ -**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Equipment & IT		$	$	$	$	$	$	
Equipment & IT - Newly Funded		$ -	$ 181,500.00	$ -	$ -	$ -	$ -	
Access Channel Capital Improvement	Communications	$ -	$ 181,500.00	$ -	$ -	$ -	$ -	Other
Equipment & IT - Carryover		$ 110,000.00	$ -	$ -	$ -	$ -	$ -	
Safety, Health, Environmental & Emergency		$ 110,000.00	$ -	$ -	$ -	$ -	$ -	
Senior Program Equipment and Rolling Stock	Quality of Life	$ 110,000.00	$ -	$ -	$ -	$ -	$ -	Grants, Taxes
Equipment & IT - Annual		$ -	$ -	$ -	$ -	$ -	$ -	
Equipment & IT - Future		$ -	$ 483,000.00	$ 92,000.00	$ -	$ -	$ -	
Audio and Visual Equipment Upgrades for City Hall	Facilities Management	$ -	$ 383,000.00	$ 92,000.00	$ -	$ -	$ -	Taxes
Large Equipment - New and Replacement	Parks & Recreation	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Other, Taxes
	SUBTOTAL	**$ 110,000.00**	**$ 664,500.00**	**$ 92,000.00**	**$ -**	**$ -**	**$ -**	
Non-Profit		$	$	$	$	$	$	
Non-Profit - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Non-Profit - Carryover		$ 9,288,794.25	$ 16,224,356.00	$ -	$ -	$ -	$ -	
MVCoH Health Facility		$ 1,162,843.86	$ -	$ -	$ -	$ -	$ -	
MVCH Health Facility Improvements	Non-Profit	$ 1,162,843.86	$ -	$ -	$ -	$ -	$ -	**Grants**
Arts and Cultural District Improvements	Non-Profit	$ 2,680,941.83	$ -	$ -	$ -	$ -	$ -	**Grants**
Jardin de los Niños Re-Roof	Non-Profit	$ 223,659.77	$ 150,000.00	$ -	$ -	$ -	$ -	**Grants**
La Casa, Inc. Improvements (Flooring, Painting, Shade Structure)	Non-Profit	$ 72,448.00	$ -	$ -	$ -	$ -	$ -	**Grants**
La Casa, Inc. Safety and Security Improvements	Non-Profit	$ 574,200.00	$ 500,000.00	$ -	$ -	$ -	$ -	**Grants**
MV Community of Hope Expansion Remodel	Non-Profit	$ 1,095,250.20	$ 1,000,000.00	$ -	$ -	$ -	$ -	**Grants**
MVCoH Restroom Showers & Mechanical Room	Facilities Management	$ 269,000.00	$ -	$ -	$ -	$ -	$ -	**Telshor**
The Kitchens at MVCOH	Non-Profit	$ 2,981,898.59	$ 14,574,356.00	$ -	$ -	$ -	$ -	**Grants**
Non-Profit - Annual		$ -	$ -	$ -	$ -	$ -	$ -	
Non-Profit - Future		$ -	$ 7,320,000.00	$ 2,000,000.00	$ 2,000,000.00	$ -	$ -	
MVCoH Health Facility		$ -	$ 330,000.00	$ -	$ -	$ -	$ -	
Health Facility Phase IV	Non-Profit	$ -	$ 330,000.00	$ -	$ -	$ -	$ -	Grants
Jardin de los Niños Security Improvements	Non-Profit	$ -	$ 200,000.00	$ -	$ -	$ -	$ -	Grants
MVCH Bldg 1 Solar Project	Non-Profit	$ -	$ 600,000.00	$ -	$ -	$ -	$ -	Other
MVCH Patio to Office Remodel	Non-Profit	$ -	$ 1,000,000.00	$ -	$ -	$ -	$ -	Grants
MVCH Solar Parking Structure	Non-Profit	$ -	$ 600,000.00	$ -	$ -	$ -	$ -	Grants
MVCoH Master Plan Implementation	Housing and Neighborhood Svcs	$ -	$ 4,000,000.00	$ 2,000,000.00	$ 2,000,000.00	$ -	$ -	Grants, Taxes
Pending 2025 Legislative Appropriation		$ -	*$ 590,000.00*	$ -	$ -	$ -	$ -	
	SUBTOTAL	**$ 9,288,794.25**	**$ 23,544,356.00**	**$ 2,000,000.00**	**$ 2,000,000.00**	**$ -**	**$ -**	
Other		$	$	$	$	$	$	
Other - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Other - Carryover		$ -	$ -	$ -	$ -	$ -	$ -	
Other - Future		$ -	$ 653,000.00	$ -	$ -	$ -	$ -	
Parks and Recreation Master Plan Update	Parks & Recreation	$ -	$ 433,000.00	$ -	$ -	$ -	$ -	Grants, Other, Taxes
QOL Bookmobile	Quality of Life	$ -	$ 220,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Other, Taxes, TIDD
	SUBTOTAL	**$ -**	**$ 653,000.00**	**$ -**	**$ -**	**$ -**	**$ -**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Park Improvements		$	$	$	$	$	$	
Park Improvements - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Park Improvements - Carryover		$ 9,762,086.27	$ 9,250,007.19	$ 2,650,000.00	$ 2,775,000.00	$ 2,900,000.00	$ 3,025,000.00	
Apodaca Park Aquatic Playground and Multi-Use Path	Parks & Recreation	$ 3,302,977.00	$ -	$ -	$ -	$ -	$ -	**Grants, PIF, Taxes**
Ballfield/Multi-Use Field Renovations & Upgrades	Parks & Recreation	$ 14,716.22	$ 3,344,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Taxes
Benavidez Community Center Park Improvements	Parks & Recreation	$ 734,599.40	$ 619,007.19	$ -	$ -	$ -	$ -	**Grants, PIF**
Gallagher Park Improvements - Design/Construction	Parks & Recreation	$ 6,482.35	$ -	$ -	$ -	$ -	$ -	**Bonds**
Klein Park Improvements	Parks & Recreation	$ -	$ 57,000.00	$ -	$ -	$ -	$ -	Grants, PIF
Legacy Park Renovations	Parks & Recreation	$ 2,523,524.69	$ 5,075,000.00	$ 2,650,000.00	$ 2,775,000.00	$ 2,900,000.00	$ 3,025,000.00	ARPA, Bonds, Grants, Other, PIF, Taxes
Pending 2025 Legislative Appropriation		$ -	*$ 100,000.00*	$ -	$ -	$ -	$ -	
Park Drinking Fountains	Parks & Recreation	$ 444,387.23	$ 55,000.00	$ -	$ -	$ -	$ -	Grants, Telshor Fund
Pioneer Women's Park improvements	Parks & Recreation	$ 459,833.41	$ -	$ -	$ -	$ -	$ -	**Grants**
Skate Park Improvements	Parks & Recreation	$ 334,203.22	$ -	$ -	$ -	$ -	$ -	**Grants, PIF**
Sports Field Lighting	Parks & Recreation	$ 3,400,000.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Valley View Park - Heske Garden Lighting Replacement	Parks & Recreation	$ 492,000.00	$ -	$ -	$ -	$ -	$ -	Grants, Taxes
Park Improvements - Annual		$ 2,483,172.07	$ 5,973,000.00	$ 2,325,000.00	$ 1,926,000.00	$ 2,526,000.00	$ 500,000.00	
Neighborhood Parks		$ 1,879,367.07	$ 4,900,000.00	$ 1,800,000.00	$ 1,900,000.00	$ 2,000,000.00	$ -	
Playground Renovations	Parks & Recreation	$ 1,879,367.07	$ 4,900,000.00	$ 1,800,000.00	$ 1,900,000.00	$ 2,000,000.00	$ -	Grants, Other, Telshor Fund
Parks Shade Structures		$ 23,250.00	$ 73,000.00	$ 25,000.00	$ 26,000.00	$ 26,000.00	$ -	
Shade structure replacement	Parks & Recreation	$ 23,250.00	$ 73,000.00	$ 25,000.00	$ 26,000.00	$ 26,000.00	$ -	**Taxes**
Park Restroom Improvements and New Restrooms	Parks & Recreation	$ 580,555.00	$ 1,000,000.00	$ 500,000.00	$ -	$ 500,000.00	$ 500,000.00	**PIF**
Park Improvements - Future		$ -	$ 5,894,000.00	$ 13,500,000.00	$ 30,150,000.00	$ 29,750,000.00	$ 150,000.00	
Parks and Recreational Facilities Structural Renovations		$ -	$ 1,460,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	
Light Poles at Hadley Fields	Facilities Management	$ -	$ 1,010,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Parks and Recreational Facilities Enhancements	Parks & Recreation	$ -	$ 450,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	Taxes
Burn Lake Improvements	Parks & Recreation	$ -	$ 300,000.00	$ 3,000,000.00	$ -	$ -	$ -	ARPA, Bonds, Grants, Other, PIF, Taxes
Four Field Baseball/Softball Complex	Parks & Recreation	$ -	$ 400,000.00	$ 5,950,000.00	$ -	$ -	$ -	Other
Multi-Use Recreation Center	Parks & Recreation	$ -	$ 1,800,000.00	$ 4,400,000.00	$ 30,000,000.00	$ 29,600,000.00	$ -	Bonds, Grants, Other, Taxes
Soldados Field Lighting	Parks & Recreation	$ -	$ 1,200,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, PIF, Taxes
Soldados Field Restroom	Parks & Recreation	$ -	$ 600,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, PIF, Taxes
Veterans Memorial Park Restroom Plumbing Repairs and Upgrades	Parks & Recreation	$ -	$ 134,000.00	$ -	$ -	$ -	$ -	Other
	SUBTOTAL	**$ 12,245,258.34**	**$ 21,117,007.19**	**$ 18,475,000.00**	**$ 34,851,000.00**	**$ 35,176,000.00**	**$ 3,675,000.00**	

Parks - New								
Parks - New - Newly Funded		$ 2,000,000.00	$ -	$ -	$ -	$ -	$ -	
Bike Park	Parks & Recreation	$ 2,000,000.00	$ 4,983,700.00	$ -	$ 1,407,498.00	$ -	$ -	ARPA, Bonds, Grants, Other, PIF, Taxes
Parks - New - Carryover		$ 3,458,431.50	$ 3,995,000.00	$ 920,000.00	$ 500,000.00	$ 920,000.00	$ 920,000.00	
Neighborhood Parks		$ 619,814.00	$ 2,760,000.00	$ 920,000.00	$ 500,000.00	$ 920,000.00	$ 920,000.00	
Developer Neighborhood Park Reimbursement	Parks & Recreation	$ 619,814.00	$ 2,760,000.00	$ 920,000.00	$ 500,000.00	$ 920,000.00	$ 920,000.00	**PIF**
Chandler Tank Park Phase 1	Parks & Recreation	$ 1,014,283.27	$ -	$ -	$ -	$ -	$ -	**Bonds, PIF, Taxes**
East Mesa Public Safety Area Park	Parks & Recreation	$ 100,000.00	$ -	$ -	$ -	$ -	$ -	**PIF**
Highland Park	Parks & Recreation	$ 566,490.69	$ -	$ -	$ -	$ -	$ -	**Bonds, PIF, Taxes**
LCIIP Gateway Signage	Economic Development	$ 480,000.00	$ 85,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
New Skate Park	Parks & Recreation	$ 377,923.76	$ 1,150,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Other, PIF
Veteran's Memorial Park Enhancements	Parks & Recreation	$ 235,000.00	$ -	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Taxes
Parks - New - Annual		$ 600,000.00	$ 1,550,000.00	$ 800,000.00	$ 800,000.00	$ 800,000.00	$ 950,000.00	
Neighborhood Parks		$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	
Neighborhood Parks	Parks & Recreation	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	**PIF**
Land Acquisition, Planning, and Design for Parks	Parks & Recreation	$ 100,000.00	$ 1,050,000.00	$ 300,000.00	$ 300,000.00	$ 300,000.00	$ 450,000.00	Bonds, PIF
Parks - New - Future		$ -	$ 5,333,700.00	$ 3,500,000.00	$ 1,407,498.00	$ 2,000,000.00	$ 240,000.00	
Event Park	Parks & Recreation	$ -	$ -	$ -	$ -	$ -	$ 240,000.00	ARPA, Bonds, Grants, Other, PIF
Waterfalls Park	Parks & Recreation	$ -	$ 350,000.00	$ 3,500,000.00	$ -	$ 2,000,000.00	$ -	Bonds, Grants, PIF, Taxes
	SUBTOTAL	**$ 6,058,431.50**	**$ 10,878,700.00**	**$ 5,220,000.00**	**$ 2,707,498.00**	**$ 3,720,000.00**	**$ 2,110,000.00**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

Exhibit "A"

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Public Facilities		$	$	$	$	$	$	
Public Facilities - Newly Funded		$ 522,420.08	$ -	$ -	$ -	$ -	$ -	
DC Fast Charger - Electric Vehicle Charger	Sustainability	$ 522,420.08	$ -	$ -	$ -	$ -	$ -	**Grant**
Public Facilities - Carryover		$ 24,602,243.57	$ 36,966,431.64	$ 43,479,721.32	$ 7,672,226.32	$ 7,672,226.32	$ 59,000.00	
General Facilities Improvements		$ 8,988,909.16	$ 20,479,442.00	$ 35,607,495.00	$ 1,000,000.00	$ 1,000,000.00	$ -	
Amador Hotel Renovation	Quality of Life	$ 3,833,929.60	$ 2,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ -	Grants, Taxes, TIDD
Benavidez Center Kitchen Floor	Quality of Life	$ 82,465.45	$ -	$ -	$ -	$ -	$ -	Grants, Taxes
Branch Library	Quality of Life	$ 29,754.68	$ 1,750,000.00	$ 17,500,000.00	$ -	$ -	$ -	Bonds, Other, Taxes
Branigan Library Renovation and Expansion	Quality of Life	$ 1,125,333.00	$ 15,310,642.00	$ 17,107,495.00	$ -	$ -	$ -	Bonds, Grants, Taxes, TIDD
Pending 2025 Legislative Appropriation		$ -	*$ 970,000.00*	$ -	$ -	$ -	$ -	
Frank O'Brien Papen Community Center Rehabilitation	Facilities Management	$ 10,777.79	$ 448,800.00	$ -	$ -	$ -	$ -	**Taxes**
Meerscheidt Recreation Center - Remodel/Expansion	Parks & Recreation	$ 2,157,678.12	$ -	$ -	$ -	$ -	$ -	**Bonds, Taxes**
Munson Senior Center Renovations	Quality of Life	$ 1,413,552.88	$ -	$ -	$ -	$ -	$ -	**Grants**
Museum of Nature & Science Atrium Redesign	Quality of Life	$ -	$ -	$ -	$ -	$ -	$ -	**Grants, TIDD**
Museum Technology Improvements	Quality of Life	$ 210,000.00	$ -	$ -	$ -	$ -	$ -	**TIDD**
Generator Buffer Program		$ -	$ 65,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ -	
Generator Buffer Program	Facilities Management	$ -	$ 65,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ -	Taxes
Generator Replacement Program		$ -	$ 292,537.00	$ 59,000.00	$ 59,000.00	$ 59,000.00	$ 59,000.00	
Generator Replacement Program	Facilities Management	$ -	$ 292,537.00	$ 59,000.00	$ 59,000.00	$ 59,000.00	$ 59,000.00	Taxes
Roof Replacement Program		$ 2,053,215.00	$ 118,000.00	$ -	$ -	$ -	$ -	
Fires Station 4 Re-Roof	Facilities Management	$ 236,970.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Municipal Court Re-Roof	Facilities Management	$ 350,000.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Museum of Art/MoNaS Re-Roof	Facilities Management	$ 815,000.00	$ -	$ -	$ -	$ -	$ -	Bonds, TIDD
Railroad Museum Re-roofing	Quality of Life	$ -	$ -	$ -	$ -	$ -	$ -	**Bonds**
Rio Grande Theater Re-Roof	Facilities Management	$ 271,250.00	$ 118,000.00	$ -	$ -	$ -	$ -	**TIDD**
Branigan Cultural Center Improvements	Quality of Life	$ 1,064,039.59	$ 2,000,000.00	$ 1,200,000.00	$ -	$ -	$ -	Grants, Taxes, TIDD
East Mesa Public Recreational Complex	Public Works	$ 3,213,557.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Pending 2025 Legislative Appropriation		$ -	*$ 700,000.00*	$ -	$ -	$ -	$ -	
Electrical Vehicle Fleet Chargers	Facilities Management	$ 72,673.92	$ 75,000.00	$ -	$ -	$ -	$ -	**Taxes**
Fire Station 4 Remodel	Fire Department	$ 550,000.00	$ -	$ -	$ -	$ -	$ -	**Taxes, Other**
GO Bond - ARPA	Public Works	$ 241,928.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
GO Bond 2022- E. Mesa Recreation Complex	Public Works	$ 1,192,523.51	$ -	$ -	$ -	$ -	$ -	**Bonds**
GO Bond 2022- Parks Improvements	Public Works	$ 2,037,610.61	$ -	$ -	$ -	$ -	$ -	**Bonds**
GO Bond 2022- Public Art	Quality of Life	$ 240,000.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Municipal Court Rehabilitiation	Public Works	$ 400,000.00	$ 13,236,452.64	$ 6,598,226.32	$ 6,598,226.32	$ 6,598,226.32	$ -	Bonds, Grants, Taxes, TIDD
Plaza Shade Structures	Economic Development	$ 2,400,000.00	$ -	$ -	$ -	$ -	$ -	**Bonds, Taxes**
Public Art Rollover Funding	Quality of Life	$ 88,837.25	$ -	$ -	$ -	$ -	$ -	**Taxes**
Regional Community Pool	Public Works	$ 86,439.53	$ -	$ -	$ -	$ -	$ -	**Bonds**
Villa Mora Dam Park	Parks & Recreation	$ 550,000.00	$ -	$ -	$ -	$ -	$ -	**Grants, Taxes**
Voluntary Assessment District Phase II	Public Works	$ 1,422,510.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
	SUBTOTAL	**$ 25,124,663.65**	**$ 36,966,431.64**	**$ 43,479,721.32**	**$ 7,672,226.32**	**$ 7,672,226.32**	**$ 59,000.00**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
		$	$	$	$	$	$	
Public Facilities - Annual		**$ 1,336,451.99**	**$ 10,040,367.00**	**$ 3,553,070.00**	**$ 3,533,070.00**	**$ 2,863,070.00**	$ -	
ADA Compliance		$ -	$ 502,400.00	$ 101,200.00	$ 101,200.00	$ 101,200.00	$ -	
ADA Compliance	Facilities Management	$ -	$ 202,400.00	$ 101,200.00	$ 101,200.00	$ 101,200.00	$ -	Bonds, Grants, Taxes
Pending 2025 Legislative Appropriation		$ -	*$ 300,000.00*	$ -	$ -	$ -	$ -	
Downtown Parking Lots Renovation		$ -	$ 561,000.00	$ 280,500.00	$ 280,500.00	$ 280,500.00	$ -	
Downtown Parking Lot Program	Facilities Management	$ -	$ 561,000.00	$ 280,500.00	$ 280,500.00	$ 280,500.00	$ -	**TIDD**
Facility Parking Lot Program		$ 157,678.12	$ 2,124,600.00	$ 482,800.00	$ 482,800.00	$ 257,800.00	$ -	
Facility Parking Lot Program	Facilities Management	$ 157,678.12	$ 1,609,000.00	$ 225,000.00	$ 225,000.00	$ -	$ -	**Taxes**
Parks Parking Lot Rehabilitation Program	Facilities Management	$ -	$ 515,600.00	$ 257,800.00	$ 257,800.00	$ 257,800.00	$ -	**Bonds, Grants, Taxes**
General Facilities Improvements		$ 110,736.00	$ 1,387,940.00	$ 656,470.00	$ 651,470.00	$ 656,470.00	$ -	
General Facilities Improvement Program	Facilities Management	$ 110,736.00	$ 1,000,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	**Taxes, Telshor**
WIA Building (Women's Improvement Association) Rehabilitation	Facilities Management	$ -	$ 387,940.00	$ 156,470.00	$ 151,470.00	$ 156,470.00	$ -	Taxes, Grants
Parks Parking Lots		$ 21,850.87	$ 900,000.00	$ 450,000.00	$ 450,000.00	$ -	$ -	
Parks Parking Lot Program	Parks & Recreation	$ 21,850.87	$ 900,000.00	$ 450,000.00	$ 450,000.00	$ -	$ -	Grants, Other, Taxes
Roof Replacement Program		$ 739,623.00	$ 1,388,927.00	$ 336,600.00	$ 336,600.00	$ 336,600.00	$ -	
Facility Roof Replacement Program	Facilities Management	$ 199,623.00	$ 1,072,146.00	$ 336,600.00	$ 336,600.00	$ 336,600.00	$ -	**Bonds, Taxes, TIDD**
Meerscheidt Center Re-Roof	Facilities Management	$ 540,000.00	$ -	$ -	$ -	$ -	$ -	**Bonds**
Re-Roof of Castaneda Building	Facilities Management	$ -	$ 316,781.00	$ -	$ -	$ -	$ -	Taxes
Safety, Health, Environmental & Emergency		$ 240,000.00	$ 3,025,500.00	$ 1,170,500.00	$ 1,155,500.00	$ 1,155,500.00	$ -	
City Security Program	Facilities Management	$ 175,000.00	$ 555,500.00	$ 270,500.00	$ 255,500.00	$ 255,500.00	$ -	**Taxes**
City Vacant /Abandoned Lots	Facilities Management	$ -	$ 1,650,000.00	$ 825,000.00	$ 825,000.00	$ 825,000.00	$ -	Taxes
Park Sidewalk Repair Program	Facilities Management	$ 65,000.00	$ 150,000.00	$ 75,000.00	$ 75,000.00	$ 75,000.00	$ -	Grants, Taxes
Security & Fire Alarm Program	Facilities Management	$ -	$ 670,000.00	$ -	$ -	$ -	$ -	Taxes, TIDD
Convention Center FF&E	Visit Las Cruces	$ 75,000.00	$ 150,000.00	$ 75,000.00	$ 75,000.00	$ 75,000.00	$ -	**Taxes**
Public Facilities - Future		**$ -**	**$ 15,405,180.00**	**$ 8,055,000.00**	**$ 26,481,000.00**	**$ 650,000.00**	$ -	
General Facilities Improvements		$ -	$ 10,993,180.00	$ 2,200,000.00	$ 15,200,000.00	$ -	$ -	
East Mesa Multi-Generational Center Expansion (Sage Café)	Quality of Life	$ -	$ 3,083,180.00	$ -	$ -	$ -	$ -	Taxes
Eastside Purchase and Renovation	Quality of Life	$ -	$ 2,575,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Munson Center Bathrooms	Quality of Life	$ -	$ 250,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Munson Center Floor	Quality of Life	$ -	$ 750,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Museum of Art Improvements	Quality of Life	$ -	$ 615,000.00	$ 200,000.00	$ -	$ -	$ -	Grants, Taxes
Museum of Art/MoNaS Remodel	Quality of Life	$ -	$ 3,000,000.00	$ -	$ 15,000,000.00	$ -	$ -	Bonds, Grants, Taxes
Railroad Museum Exterior Improvements	Quality of Life	$ -	$ 375,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Sage Café Library Expansion	Quality of Life	$ -	$ 200,000.00	$ 2,000,000.00	$ 200,000.00	$ -	$ -	Grants, Taxes
Senior Programs Master Plan	Quality of Life	$ -	$ 145,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Safety, Health, Environmental & Emergency		$ -	$ 1,300,000.00	$ 650,000.00	$ 650,000.00	$ 650,000.00	$ -	
Rehabilitation and Demolition of Vacant Buildings	Facilities Management	$ -	$ 1,300,000.00	$ 650,000.00	$ 650,000.00	$ 650,000.00	$ -	Taxes
Branigan Library Rehabilitation	Facilities Management	$ -	$ 249,500.00	$ 2,750,000.00	$ 1,111,000.00	$ -	$ -	Bonds, Grants, Taxes
Legends West Facility Master Plan	Parks & Recreation	$ -	$ 150,000.00	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Other, PIF, Taxes
MoNaS Nature Center Redesign	Quality of Life	$ -	$ 250,000.00	$ -	$ -	$ -	$ -	Grants, Taxes, TIDD
Pending 2025 Legislative Appropriation		$ -	*$ 450,000.00*	$ -	$ -	$ -	$ -	
Museum System Collections Storage	Quality of Life	$ -	$ -	$ -	$ 9,500,000.00	$ -	$ -	Bonds, Grants, Taxes
Plugged in for Good Community Resilience & Energy Hub	Sustainability	$ -	$ 1,932,500.00	$ 2,000,000.00	$ -	$ -	$ -	Grants
Railroad Museum Reinterpretation	Quality of Life	$ -	$ 60,000.00	$ 225,000.00	$ -	$ -	$ -	Grants, Taxes
Safe Haven Outdoor Classroom	Parks & Recreation	$ -	$ 20,000.00	$ 230,000.00	$ 20,000.00	$ -	$ -	ARPA, Bonds, Grants, PIF, Taxes
	SUBTOTAL	**$ 26,461,115.64**	**$ 62,411,978.64**	**$ 55,087,791.32**	**$ 37,686,296.32**	**$ 11,185,296.32**	**$ 59,000.00**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	Unfunded FY2028	Unfunded FY2029	Unfunded FY2030	Unfunded FY2031	Funding Source
Public Safety		$	$	$	$	$	$	
Public Safety - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Public Safety - Carryover		$ 14,918,356.40	$ 13,938,068.00	$ -	$ -	$ -	$ -	
Police Department Equipment		$ 235,704.81	$ 1,238,068.00	$ -	$ -	$ -	$ -	
Police Shooting Range	Police Department	$ 235,704.81	$ 290,500.00	$ -	$ -	$ -	$ -	Grants, Other
Public Safety Regional Communication System Improvements	Police Department	$ -	$ 500,500.00	$ -	$ -	$ -	$ -	**Grants**
Public Safety Vehicle SWAT Command Vehicle	Police Department	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	Grants
Public Safety Vehicles - Bearcat	Police Department	$ -	$ 347,068.00	$ -	$ -	$ -	$ -	Grants
Safety, Health, Environmental & Emergency		$ 3,123,635.98	$ 12,300,000.00	$ -	$ -	$ -	$ -	
MIH and CIT response station	Fire Department	$ 2,800,138.00	$ 3,000,000.00	$ -	$ -	$ -	$ -	**Grants**
Pending 2025 Legislative Appropriation			*$ 5,500,000.00*	$ -	$ -	$ -	$ -	Grants
Real Time Crime Center (RTCC)	Police Department	$ 839,786.00	$ 2,000,000.00	$ -	$ -	$ -	$ -	**Grants, Taxes**
Pending 2025 Legislative Appropriation			*$ 1,800,000.00*	$ -	$ -	$ -	$ -	Grants
Fire Station 4 Remodel		*$ 290,853.00*						
Fire Station 9 Build	Fire Department	$ 9,313,101.00	$ -	$ -	$ -	$ -	$ -	**Bonds, Grants, Telshor**
Police Department Building Renovation	Police Department	$ -	$ 400,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Public Safety - Annual		$ 218,800.00	$ 9,050,000.00	$ 240,000.00	$ -	$ -	$ -	
Fire Station Improvements		$ 218,800.00	$ 5,562,000.00	$ -	$ -	$ -	$ -	
Fire Stations Improvements	Fire Department	$ 218,800.00	$ 5,562,000.00	$ -	$ -	$ -	$ -	**Grants**
Fire Department Vehicles and Equipment	Fire Department	$ -	$ 3,008,000.00	$ -	$ -	$ -	$ -	Bonds
Fire Station Equipment	Fire Department	$ -	$ 480,000.00	$ 240,000.00	$ -	$ -	$ -	Grants
Public Safety - Future		$ -	$ 3,766,919.00	$ 15,675,000.00	$ 57,000,000.00	$ -	$ -	
Facility Parking Lot Program		$ -	$ 45,000.00	$ -	$ -	$ -	$ -	
Police North Parking Lot Fencing	Police Department	$ -	$ 20,000.00	$ -	$ -	$ -	$ -	Taxes
Police Parking Lot Resurfacing	Police Department	$ -	$ 25,000.00	$ -	$ -	$ -	$ -	Taxes
Police Department Equipment		$ -	$ 3,020,000.00	$ 9,000,000.00	$ -	$ -	$ -	
Police Department Equipment - Axon Body Cameras	Police Department	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Police Department Equipment - Mobile Data Terminals	Police Department	$ -	$ 350,000.00	$ -	$ -	$ -	$ -	Grants
Police Emergency Vehicles	Police Department	$ -	$ 1,230,000.00	$ -	$ -	$ -	$ -	Grants, PSIF, Taxes
Police/Fire Training Facility - Design/Construct	Police Department	$ -	$ -	$ 6,900,000.00	$ -	$ -	$ -	Bonds, Grants, PSIF, Taxes
Police/Fire Training Facility - Furniture, Fixtures, and Equipment	Police Department	$ -	$ -	$ 2,100,000.00	$ -	$ -	$ -	Grants, PSIF, Taxes
Public Safety Smart Technology	Police Department	$ -	$ 200,000.00	$ -	$ -	$ -	$ -	Grants
Solar Canopy protective screen	Police Department	$ -	$ 20,000.00	$ -	$ -	$ -	$ -	Taxes
Statewide Critical Incident Response Vehicles	Police Department	$ -	$ 500,000.00	$ -	$ -	$ -	$ -	Grants, Other
Pending 2025 Legislative Appropriation		$ -	*$ 620,000.00*	$ -	$ -	$ -	$ -	
Downtown Public Safety Complex	Police Department	$ -	$ -	$ -	$ 57,000,000.00	$ -	$ -	Bonds, Taxes
Police Department Mobile Operation Command Vehicle	Police Department	$ -	$ 701,919.00	$ -	$ -	$ -	$ -	Grants
Southwest Station Build	Fire Department	$ -	$ -	$ 6,675,000.00	$ -	$ -	$ -	Taxes
	SUBTOTAL	**$ 15,137,156.40**	**$ 26,754,987.00**	**$ 15,915,000.00**	**$ 57,000,000.00**	**$ -**	**$ -**	
Public Transit								
Public Transit - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Public Transit - Carryover		$ 6,982,733.97	$ 5,700,000.00	$ -	$ -	$ -	$ -	
Municipal Service Center - Transit	RoadRunner Transit	$ 487,254.99	$ -	$ -	$ -	$ -	$ -	**Grants, Taxes**
Electric Buses (6)	RoadRunner Transit	$ 6,307,536.98	$ 5,700,000.00	$ -	$ -	$ -	$ -	**Grants, Taxes**
Public Transit - Annual		$ 161,034.00	$ 275,000.00	$ 75,000.00	$ 75,000.00	$ 75,000.00	$ -	
Transit Facilities Improvement Program	RoadRunner Transit	$ 161,034.00	$ 275,000.00	$ 75,000.00	$ 75,000.00	$ 75,000.00	$ -	Grants
Public Transit - Future		$ -	$ 12,136,800.00	$ -	$ -	$ -	$ -	
Resiliency Program		$ -	$ 8,146,800.00	$ -	$ -	$ -	$ -	
MVITT Inductive Charging	RoadRunner Transit	$ -	$ 5,346,800.00	$ -	$ -	$ -	$ -	Grants
Pending 2025 Legislative Appropriation		$ -	$ 100,000.00	$ -	$ -	$ -	$ -	
Solar Array	RoadRunner Transit	$ -	$ 2,700,000.00	$ -	$ -	$ -	$ -	Grants
Battery Storage	RoadRunner Transit	$ -	$ 3,150,000.00	$ -	$ -	$ -	$ -	Grants
Transit Vehicles 26'	RoadRunner Transit	$ -	$ 840,000.00	$ -	$ -	$ -	$ -	Grants
	SUBTOTAL	**$ 7,143,767.97**	**$ 18,111,800.00**	**$ 75,000.00**	**$ 75,000.00**	**$ 75,000.00**	**$ -**	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Resiliency		$	$	$	$	$	$	
Resiliency - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Resiliency - Carryover		$ 1,275,652.96	$ 365,000.00	$ -	$ -	$ -	$ -	
Resiliency Program		$ 1,105,000.00	$ 365,000.00	$ -	$ -	$ -	$ -	**Bonds**
Pending Design Approval - Ethel Ave.		$ -	$ *365,000.00*	$ -	$ -	$ -	$ -	
Melendres Ave/Pittsburg - Hadley to Picacho	Public Works	$ 2,717,661.00	$ -	$ -	$ -	$ -	$ -	Bonds, Taxes
Melendres Ave/Pittsburg - Hadley to Picacho		$ -	$ -	$ -	$ -	$ -	$ -	**Bonds**
Solar Photovoltaic/Storage Projects	Sustainability	$ 170,652.96	$ -	$ -	$ -	$ -	$ -	**Taxes**
Resiliency - Annual		$ 3,549,411.04	$ 1,100,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	
Drainage Infrastructure Improvements		$ 3,143,375.00	$ 1,000,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	
Drainage Infrastructure Improvements	Public Works	$ 3,143,375.00	$ 1,000,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	**Taxes**
Resiliency Program		$ 406,036.04	$ 100,000.00	$ -	$ -	$ -	$ -	
Casa Linda Acres Reconstruction	Public Works	$ 273,612.10	$ -	$ -	$ -	$ -	$ -	**Taxes**
East Mesa Roads and Drainage	Public Works	$ 110,110.45	$ -	$ -	$ -	$ -	$ -	**Taxes**
Storm Water System Mapping	Public Works	$ 22,313.49	$ 100,000.00	$ -	$ -	$ -	$ -	**Taxes**
Resiliency - Future		$ -	$ 4,105,000.00	$ -	$ -	$ -	$ -	
DC Fast Chargers for Electric Vehicles	Sustainability	$ -	$ 200,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Fleet electric vehicle chargers (dual chargers)	Sustainability	$ -	$ 400,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Hadley Ave Complex Recreation Rehabilitation	Parks & Recreation	$ -	$ 3,305,000.00	$ -	$ -	$ -	$ -	Grants
Public Electric Vehicle Chargers (8 dual)	Sustainability	$ -	$ 200,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
	SUBTOTAL	$ 4,825,064.00	$ 5,570,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	
Streets - New								
Streets - New - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Streets - New - Carryover		$ -	$ -	$ -	$ -	$ -	$ -	
Streets - New - Annual		$ -	$ -	$ -	$ -	$ -	$ -	
Streets - New - Future		$ -	$ 48,848,000.00	$ -	$ -	$ -	$ -	
High Mesa Road	Economic Development	$ -	$ 32,000,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Transit Loop Road	Economic Development	$ -	$ 16,848,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
	SUBTOTAL	$ -	$ 48,848,000.00	$ -	$ -	$ -	$ -	
Streets Improvements		$	$	$	$	$	$	
Streets Improvements - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Streets Improvements - Carryover		$ 26,423,094.56	$ 18,176,667.00	$ 1,620,000.00	$ 1,500,000.00	$ 620,000.00	$ 1,120,000.00	
Complete Streets Program		$ 3,441,490.29	$ -	$ -	$ -	$ -	$ -	
East Mesa Roads and Drainage	Public Works	$ 1,699,405.99	$ -	$ -	$ -	$ -	$ -	Bonds, Taxes
University Area Complete Streets	Public Works	$ 236,437.50	$ -	$ -	$ -	$ -	$ -	**Bonds**
Downtown Street Improvements		$ 7,444,019.62	$ 10,000,000.00	$ -	$ -	$ -	$ -	
Alameda Blvd - S. Main St to W Las Cruces Ave	Public Works	$ 750,000.00	$ 10,000,000.00	$ -	$ -	$ -	$ -	**TIDD**
Campo Street Design and Reconstruction	Public Works	$ 6,694,019.62	$ -	$ -	$ -	$ -	$ -	**TIDD**
Lift Up Las Cruces - Street Improvements		$ 567,773.64	$ 1,800,000.00	$ -	$ -	$ -	$ -	
Sacramento St - Poplar Ave to Oasis Ave	Public Works	$ 567,773.64	$ 1,800,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Median Landscaping		$ 1,078,003.00	$ 2,240,000.00	$ 1,120,000.00	$ 1,000,000.00	$ 120,000.00	$ 1,120,000.00	
Lohman Ave & Roadrunner Parkway Medians	Parks & Recreation	$ 311,366.00	$ -	$ -	$ -	$ -	$ -	**Grants**
Medians	Parks & Recreation	$ 766,637.00	$ 2,240,000.00	$ 1,120,000.00	$ 1,000,000.00	$ 120,000.00	$ 1,120,000.00	Bonds, Grants, Taxes
Street Lighting & Traffic Signal Maintenance Program		$ 896,173.29	$ -	$ -	$ -	$ -	$ -	
Mesquite Historic District	Public Works	$ 896,173.29	$ -	$ -	$ -	$ -	$ -	**Grants**
Traffic Signal Program		$ 1,150,887.00	$ -	$ -	$ -	$ -	$ -	
Bataan Memorial at Rinconada	Public Works	$ 1,150,887.00	$ -	$ -	$ -	$ -	$ -	**Taxes, Bonds**
Casa Linda Acres Reconstruction	Public Works	$ 4,522,173.71	$ -	$ -	$ -	$ -	$ -	ARPA, Bonds, Grants, Taxes
E Lohman Ave & S Walnut St Traffic Signal MAP	Public Works	$ 1,517,162.00	$ 286,667.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
East Mesa Roads and Drainage	Public Works	$ 1,792,760.47	$ 1,000,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	**Bonds, Grants, Taxes**
Johnson St - Rouault Ave to Topley Ave	Public Works	$ 108,928.00	$ -	$ -	$ -	$ -	$ -	Bonds, Taxes
Madrid Ave Extension - Evelyn St to N Triviz Dr	Public Works	$ 932,620.74	$ -	$ -	$ -	$ -	$ -	**Bonds**
South Main St - Avenida de Mesilla to Boutz	Public Works	$ 4,549,046.26	$ -	$ -	$ -	$ -	$ -	**Bonds**
Taylor Spruce Intersection Improvements	Public Works	$ 1,019,066.80	$ 2,850,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
	SUBTOTAL	$ 26,423,094.56	$ 18,176,667.00	$ 1,620,000.00	$ 1,500,000.00	$ 620,000.00	$ 1,120,000.00	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Streets Improvements		$	$	$	$	$	$	
Streets Improvements - Annual		$ 9,999,853.00	$ 24,424,525.00	$ 11,369,525.00	$ 15,869,525.00	$ 14,219,000.00	$ 250,000.00	
Drainage Infrastructure Improvements		$ 15,450.00	$ 160,000.00	$ 80,000.00	$ 80,000.00	$ 80,000.00	$ -	
CO-OP Match	Public Works	$ 15,450.00	$ 160,000.00	$ 80,000.00	$ 80,000.00	$ 80,000.00	$ -	Taxes
Neighborhood Traffic Calming Program		$ 240,000.00	$ 120,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ -	
Neighborhood Traffic Calming Program	Public Works	$ 240,000.00	$ 120,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ -	Taxes
Pavement Condition Index Improvements		$ 4,631,847.00	$ 12,600,000.00	$ 6,300,000.00	$ 6,300,000.00	$ 6,300,000.00	$ -	
Pavement Condition Index Improvements	Public Works	$ 4,631,847.00	$ 12,600,000.00	$ 6,300,000.00	$ 6,300,000.00	$ 6,300,000.00	$ -	Taxes
Pavement Marking Program		$ 169,000.00	$ 169,000.00	$ 169,000.00	$ 169,000.00	$ 169,000.00	$ -	
Pavement Marking Program	Public Works	$ 169,000.00	$ 169,000.00	$ 169,000.00	$ 169,000.00	$ 169,000.00	$ -	Taxes
Roadway Maintenance Program		$ 1,980,000.00	$ 1,950,000.00	$ 1,950,000.00	$ 1,950,000.00	$ 470,000.00	$ 250,000.00	
Chip Seal Program	Public Works	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ 200,000.00	$ 220,000.00	$ -	Taxes
Roadway Maintenance Program	Public Works	$ 1,530,000.00	$ 1,500,000.00	$ 1,500,000.00	$ 1,500,000.00	$ -	$ -	Taxes
Unpaved Roads	Public Works	$ 250,000.00	$ 250,000.00	$ 250,000.00	$ 250,000.00	$ 250,000.00	$ 250,000.00	Taxes
Street Lighting & Traffic Signal Maintenance Program		$ 1,099,291.00	$ 6,200,000.00	$ 1,000,000.00	$ 5,500,000.00	$ 5,500,000.00	$ -	
Street Lighting and Traffic Signal Maintenance	Public Works	$ 1,099,291.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ -	Taxes
Street Lighting Management System	Public Works	$ -	$ 5,500,000.00	$ 500,000.00	$ 5,000,000.00	$ 5,000,000.00	$ -	Taxes
Pending 2025 Legislative Appropriation		$ -	*$ 200,000.00*	$ -	$ -	$ -	$ -	
Traffic Signal Program		$ 1,150,000.00	$ 2,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ -	
Transportation System Modernization ITS	Public Works	$ 1,150,000.00	$ 2,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ -	Taxes
Weed Control & Maintenance Program		$ 155,525.00	$ 155,525.00	$ 155,525.00	$ 155,525.00	$ -	$ -	
Weed Control & Maintenance Program	Public Works	$ 155,525.00	$ 155,525.00	$ 155,525.00	$ 155,525.00	$ -	$ -	Taxes
Land Acquisition - Public Works	Public Works	$ 243,740.00	$ 500,000.00	$ 250,000.00	$ 250,000.00	$ 250,000.00	$ -	Taxes
Materials Testing	Public Works	$ 240,000.00	$ 240,000.00	$ 240,000.00	$ 240,000.00	$ 240,000.00	$ -	Taxes
Streets Improvements - Future		$ -	$ 36,055,309.51	$ 21,630,000.00	$ 13,562,360.00	$ 12,755,000.00	$ 2,540,000.00	
Downtown Street Improvements		$ -	$ 750,000.00	$ -	$ -	$ -	$ -	
Alameda Blvd - Las Cruces Ave to Picacho Ave	Public Works	$ -	$ 750,000.00	$ -	$ -	$ -	$ -	TIDD
Street Lighting & Traffic Signal Maintenance Program		$ -	$ -	$ -	$ 50,000.00	$ -	$ -	
Targeted Road and Lighting Improvements - Design	Public Works	$ -	$ -	$ -	$ 50,000.00	$ -	$ -	Taxes
Traffic Signal Program		$ -	$ 1,500,000.00	$ -	$ -	$ -	$ -	
Lohman at Walnut and Walton Signal Improvement	Public Works	$ -	$ 1,500,000.00	$ -	$ -	$ -	$ -	Other
Advancement Ave Expansion	Economic Development	$ -	$ 516,383.56	$ -	$ -	$ -	$ -	Bonds, Grants
Armijo St - W Organ Ave to W Mountain Ave	Public Works	$ -	$ -	$ 1,800,000.00	$ -	$ -	$ -	Bonds, Taxes
Armijo St - W Picacho Ave to Parker Rd	Public Works	$ -	$ 1,450,000.00	$ -	$ -	$ -	$ -	Bonds, Taxes
Aspen Ave-Sequioa Ave to S Valley Dr	Public Works	$ -	$ -	$ -	$ 3,475,600.00	$ -	$ -	Bonds, Grants, Taxes
Elm St & Tamarack Dr from Aspen Ave to Sequoia Ave	Public Works	$ -	$ -	$ -	$ -	$ 2,380,000.00	$ -	Bonds, Grants, Other, Taxes
Evelyn St - Madrid Ave to Ash Ave	Public Works	$ -	$ 3,600,000.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Hayner Ave.- N. Valley Dr to N. Compress Rd and Sixth St- Hayner Ave to W. Hadley Ave	Public Works	$ -	$ 3,293,850.00	$ -	$ -	$ -	$ -	Bonds, Taxes
Hickory Dr & Sycamore Dr from Aspen Ave to Sequoia Ave	Public Works	$ -	$ -	$ -	$ -	$ -	$ 2,540,000.00	Bonds, Grants, Taxes
Kilmer St - Spruce Ave to Ash Ave	Public Works	$ -	$ 2,000,000.00	$ -	$ -	$ -	$ -	Bonds, Taxes
La Fonda Dr - Idaho Ave to E.O.P.	Public Works	$ -	$ 1,200,000.00	$ -	$ -	$ -	$ -	Bonds, Taxes
LCIIP Infrastructure Improvements	Economic Development	$ -	$ 5,000,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
McClure Rd & Carlyle Dr Pond, Road & Drainage Improvements	Public Works	$ -	$ 2,500,000.00	$ 3,000,000.00	$ 2,000,000.00	$ -	$ -	Grants, Other, Taxes
Med Park - Idaho Ave. to Perkins St.	Public Works	$ -	$ 2,545,300.00	$ -	$ -	$ -	$ -	Bonds, Taxes
Miranda Ave - Picacho Ave to Court Ave	Public Works	$ -	$ -	$ -	$ 2,700,000.00	$ -	$ -	Bonds, Taxes
Mountain Ave - Melendres St to Armijo St	Public Works	$ -	$ 2,542,986.00	$ -	$ -	$ -	$ -	Bonds, Taxes
Mountain Vista Parkway Expansion	Economic Development	$ -	$ 1,200,473.54	$ -	$ -	$ -	$ -	Grants, Taxes
Parkview - Espina to W Park Dr	Public Works	$ -	$ -	$ -	$ 1,200,000.00	$ -	$ -	Taxes
Poplar Ave - Mesquite St to Santa Fe St	Public Works	$ -	$ 1,100,000.00	$ -	$ -	$ -	$ -	Bonds, Taxes
Rigsby Rd - Barker to Valley Dr	Public Works	$ -	$ -	$ 850,000.00	$ -	$ -	$ -	Bonds, Taxes
Rocket Drive Expansion	Economic Development	$ -	$ 5,956,316.41	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Scoggins Ave-Sixth St to Sweet St	Public Works	$ -	$ -	$ 1,180,000.00	$ -	$ -	$ -	Taxes
Sequoia Ave - Valley Dr to EOP	Public Works	$ -	$ -	$ 3,000,000.00	$ -	$ -	$ -	Bonds, Grants, Taxes
Solano Dr- Missouri to Lohman	Public Works	$ -	$ -	$ -	$ -	$ 10,375,000.00	$ -	Other
South Valley Dr Reconstruction - Avenida de Mesilla to Boutz	Public Works	$ -	$ -	$ 11,800,000.00	$ -	$ -	$ -	Bonds, Grants, Taxes
Sweet St- Hayner Ave to W. Hadley Ave	Public Works	$ -	$ -	$ -	$ 1,761,760.00	$ -	$ -	Taxes
Venture Blvd Expansion	Economic Development	$ -	$ 900,000.00	$ -	$ -	$ -	$ -	Grants, Taxes
Vicegate St - Amador Ave to Cul de Sac	Public Works	$ -	$ -	$ -	$ 2,375,000.00	$ -	$ -	Bonds, Grants, Taxes
	SUBTOTAL	$ 36,422,947.56	$ 78,656,501.51	$ 34,619,525.00	$ 30,931,885.00	$ 27,594,000.00	$ 3,910,000.00	

CITY OF LAS CRUCES
CAPITAL IMPROVEMENTS PROGRAM
FY 2026 - 2031

AMENDED - DECEMBER 1, 2025

Project Title	Department	Funded FY2026	Unfunded FY2027	FY2028	FY2029	FY2030	FY2031	Funding Source
Utilities		$	$	$	$	$	$	
Utilities - Newly Funded		$ -	$ -	$ -	$ -	$ -	$ -	
Utilities - Carryover		$ 55,197,718.82	$ 85,111,060.00	$ 21,887,221.00	$ 8,562,969.00	$ 3,615,000.00	$ 4,892,239.00	
Gas Admin Building Improvements	Utilities	$ 769,353.00	$ 446,666.00	$ 748,998.00	$ 125,000.00	$ 125,000.00	$ -	**Other**
Gas Development	Utilities	$ 1,081,272.00	$ -	$ -	$ -	$ -	$ -	**Other**
Gas Miscellaneous	Utilities	$ 358,923.00	$ 175,000.00	$ 175,000.00	$ 175,000.00	$ 175,000.00	$ -	**Other**
Gas PHMSA Grant	Utilities	$ 10,000,000.00	$ 7,972,055.00	$ -	$ -	$ -	$ -	**Grants**
Gas Rehabilitation	Utilities	$ 2,532,144.00	$ 2,999,467.00	$ 5,488,493.00	$ 360,000.00	$ 1,080,000.00	$ 360,000.00	**Other**
Solid Waste Building Improvements	Utilities	$ 1,505,534.00	$ 2,319,166.00	$ 1,750,000.00	$ 125,000.00	$ 125,000.00	$ 125,000.00	**Other**
Wastewater Building Improvements	Utilities	$ 574,150.12	$ 420,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 50,000.00	**Other**
Wastewater Development	Utilities	$ 1,021,522.00	$ 156,000.00	$ -	$ -	$ -	$ -	**Other**
Wastewater Miscellaneous	Utilities	$ -	$ 341,569.00	$ 260,000.00	$ 260,000.00	$ 260,000.00	$ 260,000.00	**Other**
Wastewater Rehabilitation	Utilities	$ 3,075,156.50	$ 5,616,439.00	$ 5,811,040.00	$ 500,000.00	$ 720,000.00	$ 410,000.00	**Other**
Wastewater Septic Systems	Utilities	$ 104,753.20	$ 47,677,216.00	$ -	$ -	$ -	$ -	**Grants**
Pending 2025 Legislative Appropriation		$ -	$ 268,000.00	$ -	$ -	$ -	$ -	
Water 2025 Projects	Utilities	$ 14,300,000.00	$ -	$ -	$ -	$ -	$ -	**Other**
Water Building Improvements	Utilities	$ 180,226.00	$ 554,385.00	$ 250,000.00	$ 125,000.00	$ 125,000.00	$ 125,000.00	**Other**
Water Development	Utilities	$ 151,724.00	$ 5,298,864.00	$ 261,272.00	$ 2,745,624.00	$ -	$ -	**WIF**
Water Miscellaneous	Utilities	$ 75,000.00	$ 1,552,187.00	$ 1,046,277.00	$ 795,784.00	$ 105,000.00	$ 60,000.00	**WIF**
Water Rehab	Utilities	$ 4,700,027.00	$ 9,314,046.00	$ 6,046,141.00	$ 3,301,561.00	$ 850,000.00	$ 3,502,239.00	**Other**
WW23 Projects	Utilities	$ 14,767,934.00	$ -	$ -	$ -	$ -	$ -	**Other**
Utilities - Annual		$ -	$ -	$ -	$ -	$ -	$ -	
Utilities - Future		$ -	$ 64,656,940.72	$ 9,496,380.10	$ 7,700,787.00	$ 10,209,133.00	$ 11,850,960.00	
Belt Filter Press Drainage Improvement	Utilities	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	Other
Lead and Copper Service Line Replacement	Utilities	$ -	$ 6,539,951.00	$ 4,750,656.00	$ 5,700,787.00	$ 8,209,133.00	$ 9,850,960.00	Bonds, Grants
Lift Station Stationary Generator Installation	Utilities	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	Other
Pressure Reducing Valve Rehabilitation	Utilities	$ -	$ 100,000.00	$ -	$ -	$ -	$ -	Other
Primary Digester Sludge Pump Upgrade	Utilities	$ -	$ 93,000.00	$ -	$ -	$ -	$ -	Other
SCADA Operating System Replacement	Utilities	$ -	$ 2,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	$ 1,000,000.00	Grants
Sewer Connections	Utilities	$ -	$ 1,000,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	Grants
Transite Pipe Identification & Replacement	Utilities	$ -	$ 5,500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	$ 500,000.00	Bonds, Grants, Other
Wastewater Treatment Plant	Utilities	$ -	$ 45,839,309.00	$ -	$ -	$ -	$ -	Bonds, Grants, Taxes
Water Storage Tank Rehab	Utilities	$ -	$ 3,000,000.00	$ -	$ -	$ -	$ -	Other
Water Valve Replacements	Utilities	$ -	$ 120,000.00	$ -	$ -	$ -	$ -	Other
Well 66	Utilities	$ -	$ 264,680.72	$ 2,745,724.10	$ -	$ -	$ -	Grants
	SUBTOTAL	$ 55,197,718.82	$ 149,768,000.72	$ 31,383,601.10	$ 16,263,756.00	$ 13,824,133.00	$ 16,743,199.00	

	$	$	$	$	$	$
Total Newly Funded	$ 12,064,425.08	$ 181,500.00	$ -	$ -	$ -	$ -
Total Carryover	$ 181,322,827.80	$ 202,668,990.83	$ 71,056,942.32	$ 21,510,195.32	$ 15,727,226.32	$ 10,016,239.00
Total Annual	$ 19,145,462.48	$ 54,024,392.00	$ 19,513,095.00	$ 23,354,095.00	$ 21,633,570.00	$ 1,700,000.00
Total Future	$ -	$ 246,067,349.23	$ 88,348,380.10	$ 155,711,645.00	$ 101,384,133.00	$ 37,330,960.00
GRAND TOTAL	$ 212,532,715.36	$ 502,942,232.06	$ 178,918,417.42	$ 200,575,935.32	$ 138,744,929.32	$ 49,047,199.00

Abbreviations:

ARPA - American Rescue Plan Act

Bonds - Includes Bonds and Loans

Grants - Includes Local, State, Federal, or private entity

Other - Includes Fees, State Entitlements, Leases, Developer Contributions and Donations

PIF - Park Impact Fees

PSIF - Public Safety Impact Fees

TIDD - Tax Increment Development District

WIF - Water Impact Fees

WWIF - Wastewater Impact Fees

Notes:

Pending funding noted in italic

Pending 2025 Legislative Appropriations/Capital Outlay

Current funding sources noted in bold

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Attachment "A"

Project:
Dona Ana Move Trail

Scope of Work:
Construct a new multi-use trail along various EBID laterals within Dona Ana County and the town of Mesilla.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Active Transportation	Parks and Recreation	$801,692	$107,777	$909,469	Adjustments to reflect revised project funding.	1

Project:
LRU Runways 8-26 and 12-30 Blast Pads

Scope of Work:
An extension to Runway 8/26 at Las Cruces International Airport to add approximately 1,600' runway and taxiway extensions paved in asphalt or concrete.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Airport	Las Cruces Airport	$569,625	$373	$569,999	Adjustments to reflect revised project funding.	1

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
La Casa, Inc. Improvements (Flooring, Painting, Shade Structure)

Scope of Work:
The project involves the demolition and replacement of 24,121 square feet of aging flooring, which has exceeded 20 years in use.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Non-Profit	Non-Profit	$301,000	($228,552)	$72,448	Adjustments to reflect revised project funding.	3

Project:
Apodaca Park Aquatic Playground and Multi-Use Path

Scope of Work:
Removal of existing swimming pool , equiping of a new aquatic playground, multi-use trails, shade structures, picnic facilities, and improvements to landscape and irrigation.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Park Improvement	Parks and Recreation	$1,308,820	$1,994,157	$3,302,977	Adjustments to reflect revised project funding.	4

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Chandler Tank Park Phase 1

Scope of Work:
Construction of phase 1 of the Chandler Tank Park.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Parks - New	Parks and Recreations	$1,079,203	($64,920)	$1,014,283	Adjustments to reflect revised project funding.	4

Project:
Branigan Library Renovation and Expansion

Scope of Work:
Renovation of the Branigan Library to include repairs or improvements to counters, windows, lighting, flooring, restrooms, ADA Compliance etc. Project completed.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Facilities	Quality of Life	1164871.36	($39,539)	$1,125,333	Adjustments to reflect revised project funding.	5

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Museum of Nature & Science Atrium Redesign

Scope of Work:
An assessment and redesign of Nature Center exhibits, new display of the taxidermy specimens, murals, wall labels, an overhaul of how ADA compliance is approached.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Facilities	Quality of Life	$43,092	($43,092)	$0	Adjustments to reflect project completion.	5

Project:
Fires Station 4 Re-Roof

Scope of Work:
Reroofing of fire station 4 as part of the general reroofing program.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Facilities	Facilities Management	$500,000	($263,030)	$236,970	Adjustments to reflect revised project funding.	5

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Railroad Museum Re-roofing

Scope of Work:
Reroofing of Railway museum completed

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Facilities	Quality of Life	$116,965	($116,965)	$0	Adjustments to reflect project completion.	5

Project:
General Facilities Improvement Program

Scope of Work:
For roof maintenance, site improvements, wall repair and general improvements to city's facilities

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Facilities	Facilities Management	$102,300	$8,436	$110,736	Adjustments to reflect revised project funding.	6

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
MIH and CIT response station

Scope of Work:
Razing current structure, planning and designing new building, constructing building, all FF&E as well.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Safety	Fire Department	$2,352,138	$448,000	$2,800,138	Adjustments to reflect revised project funding.	7

Project:
Real Time Crime Center (RTCC)

Scope of Work:
Purchase technology equipment and software to establish a Real Time Crime Center at LCPD.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Safety	Police Department	$879,692	($39,906)	$839,786	Adjustments to reflect revised project funding.	7

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Fire Station 4 Remodel

Scope of Work:
Renovation of Fire Station for to fix , leakages, flooring, electricals and other fixtures.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Safety	Fire Department	$550,000	($259,147)	$290,853	Adjustments to reflect revised project funding.	7

Project:
Fire Station 9 Build

Scope of Work:
Design and build of new fire station, as well as FF&E

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Safety	Fire Department	$11,559,016	($2,245,915)	$9,313,101	Adjustments to reflect revised project funding.	7

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Fire Stations Improvements

Scope of Work:
To upgrades Fire Stations to address critical safety and wellness issues, prevent potential closure, and protect firefighters and the community.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Safety	Fire Department	$268,800	($50,000)	$218,800	Adjustments to reflect revised project funding.	7

Project:
Transit Facilities Improvement Program

Scope of Work:
Improvements at the Mesilla Valley Intermodal Transit Terminal (MVITT) and bus stops across Las Cruces.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Public Transit	RoadRunner Transit	$75,000	$86,034	$161,034	Adjustments to reflect revised project funding.	7

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Melendres Ave/Pittsburg - Hadley to Picacho

Scope of Work:
Full reconstruction of N Melendres St, from W Picacho Ave to W, Hadley Ave. and Pitttsburg Ave, from N Melendres to end .

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Resiliency	Public Works	$1,105,000	$1,612,661	$2,717,661	Adjustments to reflect revised project funding.	8

Project:
E Lohman Ave & S Walnut St Traffic Signal MAP

Scope of Work:
Replacement of traffic signals, curb ramps and installation of medians at the intersection

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Street Improvements	Public Works	$515,980	$1,001,183	$1,517,163	Adjustments to reflect revised project funding.	8

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Johnson St - Rouault Ave to Topley Ave

Scope of Work:
Rehabilitation of Johnson St. from Rouault Ave. to Topley Ave. to include pavement replacement, curb & gutter, sidewalk, ADA ramps, storm drainage, street lights, utilities.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Street Improvements	Public Works	$810,111	($701,183)	$108,928	Adjustments to reflect revised project funding.	8

Project:
South Main St - Avenida de Mesilla to Boutz

Scope of Work:
Reconstruction of S. Main St. from Boutz Rd. to Avenida de Mesilla/Idaho which includes a road diet, street improvements.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Street Improvements	Public Works	$6,078,544	($1,529,498)	$4,549,046	Adjustments to reflect revised project funding.	8

CAPITAL IMPROVEMENTS PROGRAM (CIP)
Amendments
City Council Meeting - December 1, 2025

Project:
Wastewater Rehabilitation

Scope of Work:
Reconstruction of S. Main St. from Boutz Rd. to Avenida de Mesilla/Idaho which includes a road diet, street improvements.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Utilities	Public Works	$3,072,635	$2,522	$3,075,157	Adjustments to reflect revised project funding.	10

Project:
Wastewater Septic Systems

Scope of Work:
Reconstruction of S. Main St. from Boutz Rd. to Avenida de Mesilla/Idaho which includes a road diet, street improvements.

Amendment:

Category	Department	Current Balance	Change	Ending Balance	Remarks	CIP Page
Utilities	Public Works	$212,398	($107,645)	$104,753	Adjustments to reflect revised project funding.	10

26-071

Type of Action:
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

City Council Action and Executive Summary

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ N/A		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Adam Ochoa	**Department:**	Community Development

Title: **A RESOLUTION APPROVING A VACATION PLAT KNOWN AS THE SONOMA RANCH BOULEVARD RIGHT-OF-WAY VACATION PLAT FOR PORTIONS OF RIGHT-OF-WAY THAT ENCOMPASS APPROXIMATELY 1.750 ACRES AND LOCATED GENERALLY WEST AND EAST OF SONOMA RANCH BOULEVARD BETWEEN ENGLER ROAD AND ARROYO ROAD. SUBMITTED BY SIERRA NORTE DEVELOPMENT, INC.**

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:

Approval of a right-of-way vacation plat.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The vacation plat process is to be followed when a request is made to rescind all or part of a dedicated tract or right-of-way in a previously filed subdivision. The process requires approval by City Council via resolution. The Las Cruces Municipal Code Chapter 37, Section 37-239, states that a vacation plat requires a hearing before the Development Review Committee (DRC), whose recommendation is then considered by City Council for the final action during a public hearing. A hearing before the Planning and Zoning Commission (P&Z) is not required as part of the process.

The proposed vacation plat will vacate portions of Sonoma Ranch Boulevard right-of-way on its east and west sides between Arroyo Road and Engler Road within the Sonoma Ranch, Phase 2 Subdivision that was originally filed on August 11, 2008. The property encompasses approximately 1.750 acres in size and is zoned PUD (Planned Unit Development) within the Metro Verde PUD area.

The vacation plat will clean up the right-of-way and align Sonoma Ranch Boulevard with the actual physical improvements that have been installed for the roadway within the Metro Verde PUD. The roadway widths and design follow the approved cross-sections called out in the PUD. The proposed vacated right-of-way is unimproved and currently being utilized and maintained by the City of Las Cruces. The benefit of the vacation plat is to eliminate all maintenance and liability issues related to the unimproved portions of right-of-way.

On October 15, 2025, the Development Review Committee (DRC) reviewed the proposed vacation plat. After some minor discussion the DRC unanimously voted to recommend APPROVAL of the vacation plat. Please see Attachment “A” for the complete minutes from the DRC meeting.

SUPPORT INFORMATION:

Exhibit "A" - Sonoma Ranch Boulevard Right-Of-Way Vacation Plat.
Attachment "A" - DRC Meeting Minutes from October 15, 2025.

Attachment "B" - Vicinity Map.
Attachment "C" - Zoning Map.

PLAN(S):
None

COMMITTEE/BOARD REVIEW:
DRC

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?
☐ Yes
☒ No

OPTIONS / ALTERNATIVES:
1. Vote "Yes"; this will approve the Resolution, and the Sonoma Ranch Boulevard Right-Of-Way Vacation Plat will be approved.
2. Vote "No"; this will not approve the Resolution, and the Sonoma Ranch Boulevard Right-Of-Way Vacation Plat will be denied.
3. Vote to "Amend"; this could allow City Council to modify the Resolution by adding conditions as deemed appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Resolution and direct staff and the applicant accordingly.

RESOLUTION 26-071

A RESOLUTION APPROVING A VACATION PLAT KNOWN AS THE SONOMA RANCH BOULEVARD RIGHT-OF-WAY VACATION PLAT FOR PORTIONS OF RIGHT-OF-WAY THAT ENCOMPASS APPROXIMATELY 1.750 ACRES AND LOCATED GENERALLY WEST AND EAST OF SONOMA RANCH BOULEVARD BETWEEN ENGLER ROAD AND ARROYO ROAD. SUBMITTED BY SIERRA NORTE DEVELOPMENT, INC.

The City Council is informed that:

WHEREAS, the applicant, Sierra Norte Development, Inc. is proposing a vacation plat known as the Sonoma Ranch Boulevard Right-Of-Way Vacation Plat, which includes portions of Sonoma Ranch Boulevard to be vacated; and

WHEREAS, the City of Las Cruces occasionally receives requests to vacate dedicated right-of-way that do not serve its intended purpose; and

WHEREAS, pursuant to the Las Cruces Municipal Code Chapter 37, Section 37-239, vacation plats require review and recommendation by the Development Review Committee (DRC) and final action by City Council; and

WHEREAS, the DRC, after conducting a public meeting on October 15, 2025 recommended that the Sonoma Ranch Boulevard Right-Of-Way Vacation Plat be approved.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the vacation plat known as the Sonoma Ranch Boulevard Right-Of-Way Vacation Plat, reflected in Exhibit “A”, attached hereto and made part of this Resolution, is hereby Approved.

(II)

THAT the Mayor is hereby authorized to sign the replat on the City’s behalf.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

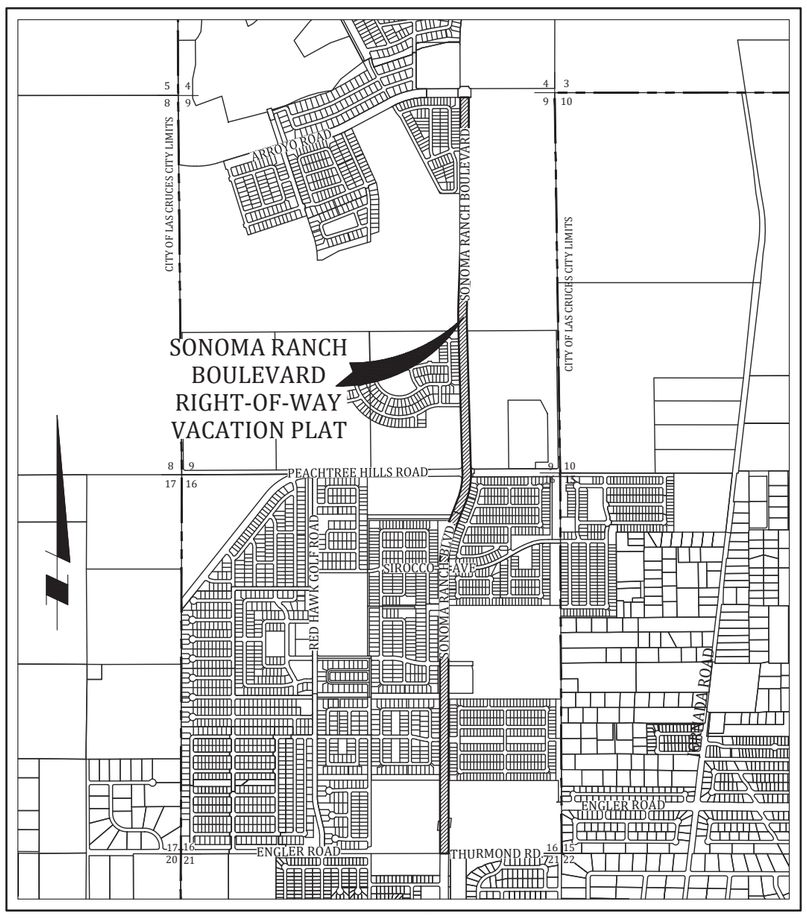
AYES

NAYS

Exhibit "A"

SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

VACATION OF PORTIONS OF SONOMA RANCH BOULEVARD AS SHOWN ON
SONOMA RANCH BOULEVARD, PHASE 2 FILED AUGUST 11, 2008 IN PLAT RECORD 22, PAGES 532-536
OF THE DOÑA ANA COUNTY RECORDS
TOTAL ACREAGE TO BE VACATED - 1.750 ACRES
CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
OCTOBER 1, 2025



VICINITY MAP
NTS

DEDICATION

THE TRACTS OF LAND SHOWN HEREON IS TO BE KNOWN AS **SONOMA RANCH BOULEVARD RIGHT-OF-WAY VACATION PLAT**, AND CONTAINS 1.750 ACRES OF LAND, MORE OR LESS

ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITY COMPANIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

THIS SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER OF THE LAND SHOWN HEREON.

I, THE UNDERSIGNED OWNER DO HEREBY SET MY HAND THIS _____DAY OF_____ , 20___.

_____
ERIC ENRIQUEZ - MAYOR
CITY OF LAS CRUCES
P.O. BOX 20000
LAS CRUCES, NM 88004

_____
ATTEST: CHRISTINE RIVERA
CITY CLERK

INSTRUMENT OF TITLE : SONOMA RANCH BOULEVARD, PHASE 2 FILED AUGUST 11, 2008 IN PLAT RECORD 22, PAGES 532-536

(STATE OF NEW MEXICO)
(COUNTY OF DOÑA ANA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS_____DAY OF _____, 20___ BY ERIC ENRIQUEZ, MAYOR OF THE CITY OF LAS CRUCES, NEW MEXICO.

_____
(NOTARY PUBLIC)

RECEPTION NO._____

(STATE OF NEW MEXICO)
(COUNTY OF DOÑA ANA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____DAY OF_____, 20___ AT_____O'CLOCK IN THE RECORDS OF DOÑA ANA COUNTY.

_____
COUNTY CLERK

_____
DEPUTY CLERK

SURVEYOR'S CERTIFICATION

I, BENJAMIN L. CARTER, A NEW MEXICO PROFESSIONAL SURVEYOR, CERTIFY THAT THIS SURVEY PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

_____
BENJAMIN L. CARTER, PS 22648

BENJAMIN LEE CARTER NEW MEXICO 22648 PROFESSIONAL SURVEYOR

UTILITY APPROVALS

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE UTILITY SERVICE BY THE UNDERSIGNED COMPANIES TO THE SUBDIVISION.

EL PASO ELECTRIC COMPANY

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE EL PASO ELECTRIC COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND), (OVERHEAD), (UNDERGROUND AND/OR OVERHEAD), (UNDER-GROUND AND DESIGNATED OVERHEAD FEEDER) ELECTRICAL UTILITIES.

BY:_____ DATE:_____

COMCAST

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO COMCAST, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND), (OVERHEAD), (UNDERGROUND AND/OR OVERHEAD), (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) CABLE UTILITIES.

BY: _____ DATE:_____

QWEST COMMUNICATIONS (DBA CENTURY LINK)

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO QWEST COMMUNICATIONS (DBA CENTURY LINK), ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION OF (UNDERGROUND), (OVERHEAD), (UNDERGROUND AND/OR OVERHEAD), (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) TELEPHONE UTILITIES.

BY: _____ DATE:_____

MOONGATE WATER COMPANY

EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO MOONGATE WATER COMPANY, ARE SATISFACTORY TO MEET THE NEEDS FOR THE INSTALLATION AND MAINTENANCE OF WATER UTILITIES.

BY: _____ DATE:_____

CITY OF LAS CRUCES APPROVALS

THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES AND ALL THE REQUIREMENTS FOR APPROVAL IN THE ABOVE PLAT HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE CITY OF LAS CRUCES. SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR THE APPROVAL OF THIS PLAT.

BY: _____ DATE:_____
DIRECTOR OF COMMUNITY DEVELOPMENT

BY: _____ DATE:_____
DIRECTOR OF UTILITIES

BY: _____ DATE:_____
DIRECTOR OF PUBLIC WORKS

CITY PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT HAS BEEN SUBMITTED TO AND CHECKED BY THE CITY OF LAS CRUCES PLANNING AND ZONING COMMISSION. IT CONCURS WITH THE EXPANSION OF EXISTING UTILITIES AND THOROUGHFARES AND IS IN ACCORDANCE WITH GENERAL CITY PLANNING

BY: _____ DATE:_____
CHAIRMAN

BY: _____ DATE:_____
SECRETARY

CARTER SURVEYING AND MAPPING
P.O. Box 846, Mesilla, New Mexico 88046
Phone (575) 313-2638
Carter.Surveying1@gmail.com

PROJECT NAME:
SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

DATE: 10-01-2025 | PROJECT NUMBER: 25506 | SHEET 1 OF 3

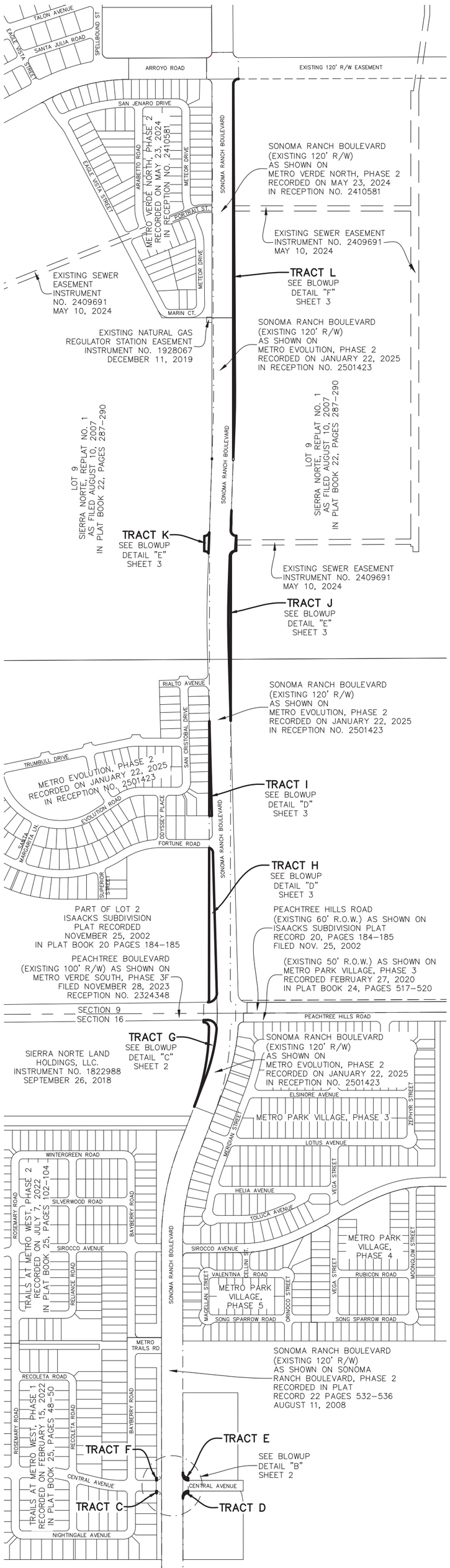
SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

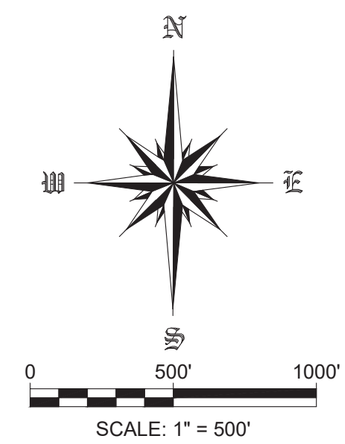
VACATION OF PORTIONS OF SONOMA RANCH BOULEVARD AS SHOWN ON SONOMA RANCH BOULEVARD, PHASE 2 FILED AUGUST 11, 2008 IN PLAT RECORD 22, PAGES 532-536 OF THE DOÑA ANA COUNTY RECORDS

TOTAL ACREAGE TO BE VACATED - 1.750 ACRES

CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

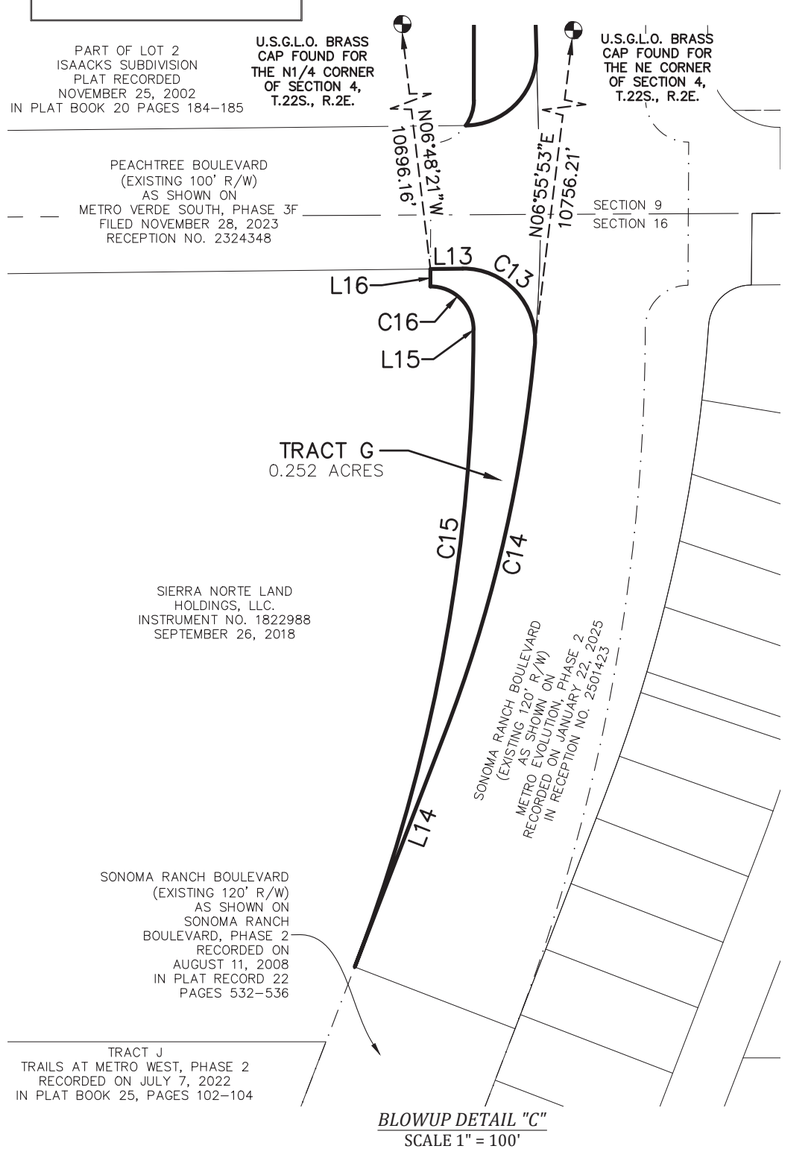
OCTOBER 1, 2025





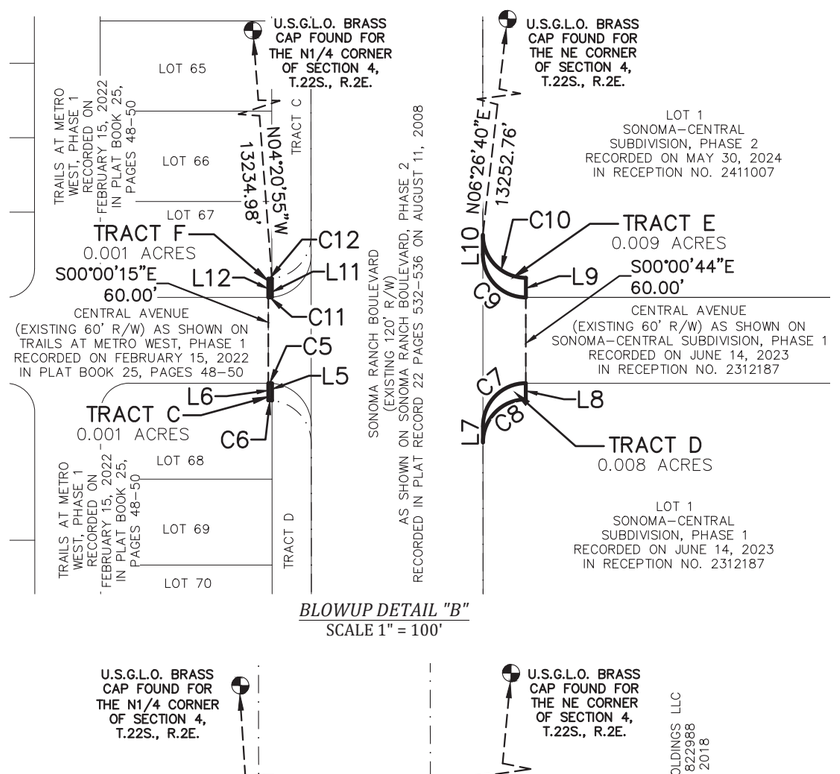
LEGEND

- FOUND MONUMENT AS NOTED
- SET 1/2" IRON ROD - WITH CAP #22648



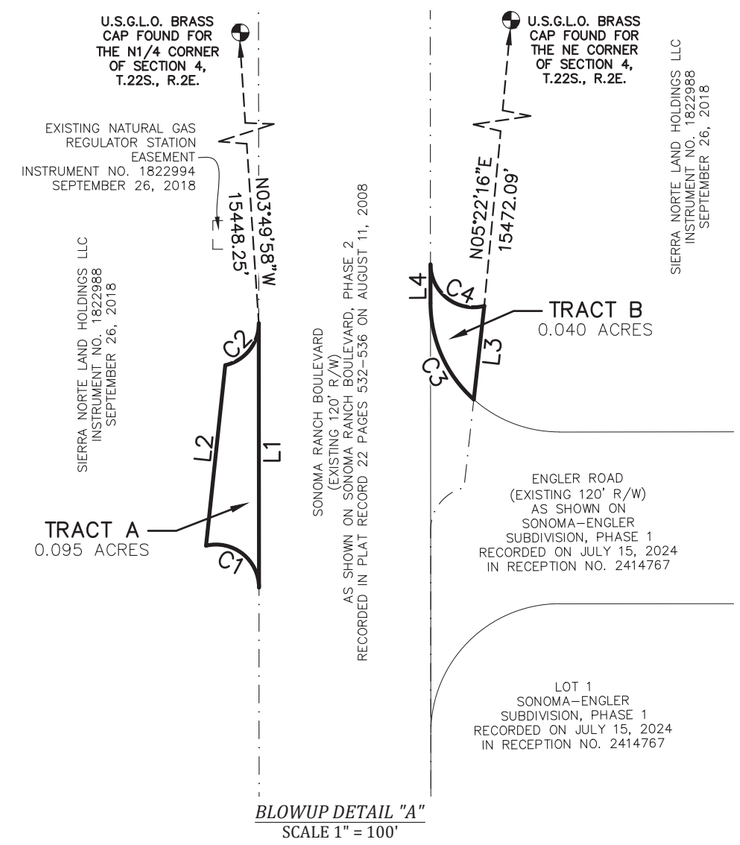
BLOWUP DETAIL "C"
SCALE 1" = 100'

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	54.15	30.00	103°24'35"	N51°44'53"W	47.09
C2	40.53	30.00	77°24'55"	N38°39'52"E	37.52
C3	76.00	90.00	48°22'55"	N24°14'03"W	73.76
C4	54.76	30.00	104°34'41"	S52°19'56"E	47.47
C5	2.57	30.00	4°54'14"	S87°34'16"E	2.57
C6	2.58	30.00	4°55'44"	N87°34'43"W	2.58
C7	47.07	30.00	89°53'42"	N44°54'16"E	42.39
C8	47.05	30.00	89°51'24"	S44°53'07"W	42.37
C9	47.17	30.00	90°05'50"	N45°05'30"W	42.46
C10	47.20	30.00	90°08'36"	S45°06'53"E	42.48
C11	2.50	30.00	4°46'41"	S87°26'48"W	2.50
C12	2.49	30.00	4°45'03"	N87°26'18"E	2.49
C13	83.55	50.00	95°44'32"	S42°44'57"E	74.16
C14	278.48	1000.00	15°57'20"	S13°06'00"W	277.58
C15	454.58	1240.00	21°00'15"	N10°34'32"E	452.04
C16	47.31	30.00	90°21'01"	N45°06'06"W	42.56
C17	79.33	50.00	90°54'02"	S43°53'14"W	71.26
C18	18.67	30.00	35°39'44"	N17°54'16"E	18.37
C19	37.31	30.00	71°15'18"	S37°11'26"E	34.95
C20	113.21	4940.00	1°18'47"	S01°19'38"W	113.21
C21	47.66	30.00	91°01'04"	S44°50'17"E	42.80
C22	46.90	30.00	89°34'46"	S44°51'47"W	42.27
C23	309.52	5000.00	3°32'49"	N00°12'37"E	309.48
C24	45.90	30.00	87°40'09"	N45°49'06"E	41.55
C25	48.34	30.00	92°19'51"	N44°10'54"W	43.28
C26	29.04	30.00	55°27'33"	N62°37'03"W	27.92
C27	36.67	30.00	70°01'40"	N54°38'20"E	34.43
C28	46.91	30.00	89°35'39"	S44°29'39"W	42.28
C29	201.95	5060.00	2°17'12"	S00°50'26"W	201.94
C30	9.00	260.00	1°59'02"	N00°59'31"E	9.00
C31	46.78	30.00	89°20'48"	N44°40'24"E	42.18



BLOWUP DETAIL "B"
SCALE 1" = 100'

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S00°02'35"E	184.58
L2	N06°03'51"E	126.84
L3	S06°20'56"W	65.80
L4	N00°02'35"W	27.14
L5	S00°03'19"E	11.94
L6	N00°00'27"E	11.94
L7	N00°02'35"W	11.36
L8	S00°03'29"W	11.36
L9	S00°03'29"W	13.64
L10	N00°02'35"W	13.64
L11	S00°03'19"E	13.06
L12	N00°00'27"E	13.06
L13	N89°22'47"E	22.52
L14	S21°04'40"W	174.70
L15	N00°04'25"E	0.98
L16	N00°17'01"E	12.21
L17	S00°33'01"W	85.01
L18	N01°59'02"E	178.70
L19	N03°37'30"E	85.20
L20	N01°59'02"E	112.56
L21	S01°59'02"W	117.84
L22	N00°32'06"E	85.01
L23	N89°47'37"E	0.47



BLOWUP DETAIL "A"
SCALE 1" = 100'

NOTES:

1. SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X" AN AREA DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN AS PER FIRM FLOOD INSURANCE MAP COMMUNITY PANEL 35013C0913G & 35013C0925G EFFECTIVE DATE JULY 6, 2016.
2. BASIS OF BEARINGS (N89°56'38"E) IS BETWEEN U.S.G.L.O. BRASS CAP MONUMENTS FOUND FOR THE NORTH 1/4 CORNER AND THE NORTHEAST CORNER OF SECTION 4, T.22S., R.2E., N.M.P.M. AS SHOWN ON SIERRA NORTE ANNEXATION AS RECORDED MARCH 31, 2006 IN PLAT BOOK 21, PAGES 574-576.
3. FIELD MEASURED BEARINGS AND DISTANCES MATCH RECORD INFORMATION UNLESS OTHERWISE NOTED.
4. THE SUBDIVIDER IS RESPONSIBLE FOR: (A) ALL EASEMENTS, MAIN LINE EXTENSIONS, AND STUBOUTS NECESSARY TO PROVIDE SEPARATE UTILITY SERVICES TO EACH LOT. (B) COMPLIANCE WITH ALL APPLICABLE CITY UTILITY STANDARDS.
5. THE PURPOSE OF THIS PLAT IS TO VACATE PORTIONS OF SONOMA RANCH BOULEVARD TO SUPPORT EXISTING MASTER PLANNED DEVELOPMENT.
6. TRACTS A THROUGH L ARE TO BE VACATED AND SUBSEQUENTLY OWNED BY ADJACENT PROPERTY OWNERS UPON THE FILING OF THIS PLAT.
7. ALL SET CORNERS ARE 1/2" IRON RODS WITH IDENTIFICATION CAP NM 22648.

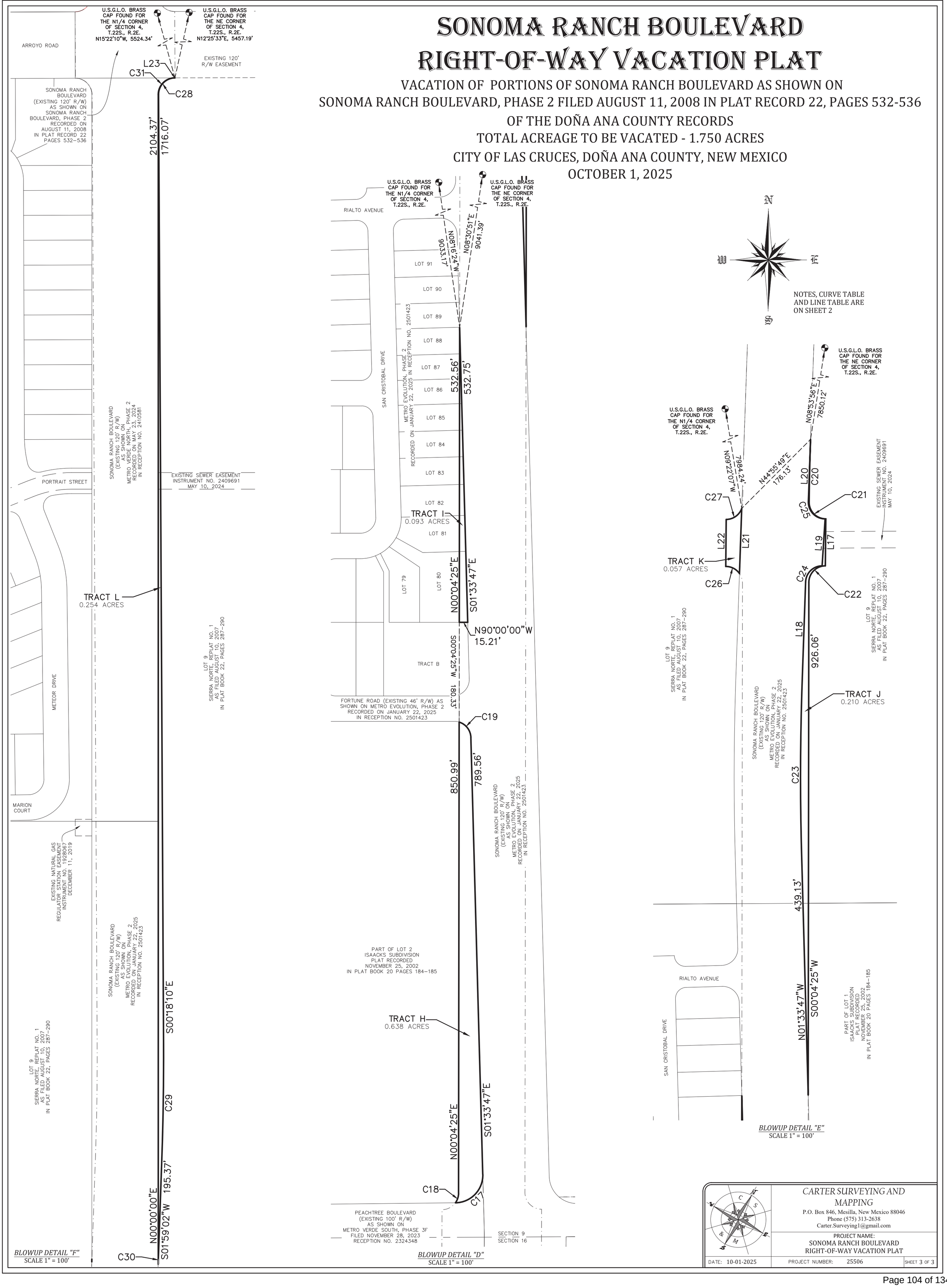
CARTER SURVEYING AND MAPPING
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PROJECT NAME:
SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

DATE: 10-01-2025 | PROJECT NUMBER: 25506 | SHEET 2 OF 3

SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

VACATION OF PORTIONS OF SONOMA RANCH BOULEVARD AS SHOWN ON
SONOMA RANCH BOULEVARD, PHASE 2 FILED AUGUST 11, 2008 IN PLAT RECORD 22, PAGES 532-536
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TOTAL ACREAGE TO BE VACATED - 1.750 ACRES
CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
OCTOBER 1, 2025



BLOWUP DETAIL "F"
SCALE 1" = 100'

BLOWUP DETAIL "D"
SCALE 1" = 100'

BLOWUP DETAIL "E"
SCALE 1" = 100'

CARTER SURVEYING AND MAPPING
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PROJECT NAME:
SONOMA RANCH BOULEVARD
RIGHT-OF-WAY VACATION PLAT

DATE: 10-01-2025 | PROJECT NUMBER: 25506 | SHEET 3 OF 3

CITY OF LAS CRUCES

DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the City of Las Cruces Development Review Committee Meeting held Wednesday, October 15, 2025, at 9:00 a.m. in Room 1158.

DRC PRESENT: David Weir, Deputy Director Community Planning
Rocio Nasir, Senior Engineer, Utilities
Cathy Mathews, Landscape Architect, Parks & Rec.
Michael Danner, Fire Investigator LCFD
Kyle Arend, Engineering Mgr, Public Works

STAFF PRESENT: Sara Gonzales, Senior Planner

OTHER PRESENT: John Moscato, Sierra Norte Development
Ben Carter, Carter Surveying

1. CALL TO ORDER (9:00 a.m.)

Weir: Good morning. I'm going to call the Development Review Committee meeting of October 15th to order.

2. APPROVAL OF MINUTES -

2.1 October 1, 2025

Weir: The first action item is approval of minutes. We have minutes from October 1, 2025. If everybody's looked at or comfortable, I'd entertain a motion to approve.

Mathews: So moved.

Weir: Do I have a second?

Metzgar: Second.

Weir: I don't think Kyle you're officially on the DRC.

Arend: Second.

Weir: Okay. A second. Okay, I'll just go ahead and do an affirmation or just a voice vote. All those in favor say "aye."

MOTION PASSES UNANIMOUSLY.

Weir: All those opposed. Okay, minutes have been approved.

3. NEW BUSINESS

3.3 Case No. 25CS0500062: Sonoma Ranch Boulevard Right-of-Way Vacation Plat

- A request for approval of a vacation plat known as Sonoma Ranch Boulevard Right-Of-Way Vacation Plat.
- The proposed subdivision encompasses approximately 1.750 acres in size and located generally west and east of Sonoma Ranch Boulevard between its intersection with Engler Road on the south side to its intersection with Arroyo Road to the north side.
- The vacation plat proposes to align Sonoma Ranch Boulevard with the actual alignment of the roadway.
- Submitted by Sierra Norte Development, Inc., applicant.

Weir: Third item of business is Sonoma Ranch Boulevard Right-of-Way Vacation Plat. Let's see if the applicants and owners are here. Sara, do you want to give us overview?

Gonzales: No problem. So this one is a vacation plat to essentially fix the alignment for Sonoma Ranch Boulevard right-of-way. The subdivision is about 1.75 acres is essentially what is being corrected through this. It is on the west east side of Sonoma Ranch Boulevard between Engler Road and on the south side of its intersection with Arroyo Road to the north side. It is just to essentially, Sonoma Ranch Boulevard was already dedicated at one point in time and so through the subdivision process we are now just cleaning up and realigning it to what has actually been constructed and built into the field. None of the properties are being dedicated to the City. The property areas that are being dedicated are to the private owners or to the private ownership of Sierra Norte, basically maintaining its ownership now. Staff did send it out for review and have received all the approvals up to this point as well for the vacation. So staff's recommendation would be approval.

Weir: Mr. Carter, Mr. Moscato. Anything you'd like to add or any other comments? No. Okay. DRC members?

Arend: The southwest corner, is that going to be a regional pond?

Moscato: Southwest corner?

Arend: Sorry, Sonoma Ranch and Peachtree?

Moscato: Yes.

Arend: Okay. Yes, my only question was, is there's a bunch of drainage structures extending outside of the right-of-way. But if it's going to go into a regional detention pond, then there's no issue there with right-of-way for maintenance of the structures that I foresee.

Moscato: It is a pond.

Arend: Okay..

Weir: Any other DRC comments? MPO?

Metzgar: None.

Weir: None. Okay. If that's the case, I'll entertain a motion to approve?

Mathews: So moved.

Weir: Okay. A second.

Arend: Second.

Weir: Okay. I'll start with utilities this time. Utilities.

Nasir: Yes.

Weir: Fire.

Danner: Yes.

Weir: Parks and Rec.

Mathews: Aye.

Weir: Public Works.

Arend: Aye.

Weir: Community Development. Aye. So DRC recommends approval of the vacation plat also.

Gonzales: And this one would just go directly to City Council as it does not require P&Z recommendations. This one would be taken to City Council for final action.

Weir: Okay.

4. DISCUSSION ITEMS

Weir: The next item of business is discussion items. Do any of the DRC members or MPO have anything they'd like to discuss as a group? Sara.

Gonzales: I do have one item. I will probably be scheduling a special meeting for October 29th, as we will probably have two more cases. It is the end of the year. All of our P&Z meetings are getting pushed up from November and December. And so when we have an earlier week, we always end up moving some of our DRC meetings. And so we'll probably have one in October at the end, just because we're trying to make sure everybody that needs to get through the process by December 31st, essentially because Realize will be in effect as of January 1st. Any of those cases, we'll just try and be accommodating those meetings to move out the rest of the year.

Weir: Okay.

5. ADJOURNMENT (09:10 a.m.)

Weir: If there's nothing else, I'll entertain a motion to adjourn.

Nasir: So moved.

Weir: A second.

Arend: Second.

Weir: All in favor?

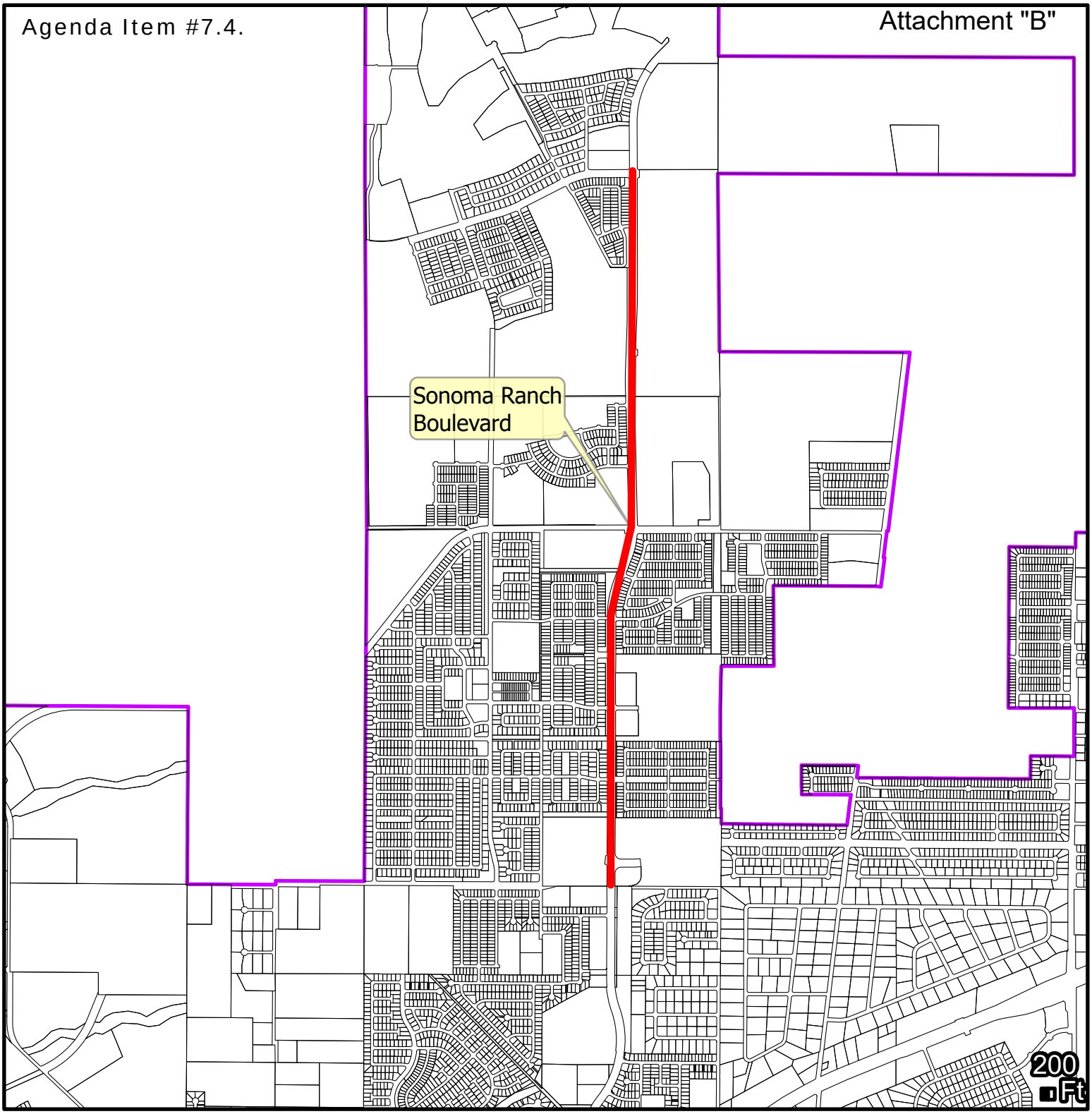
MOTION PASSES UNANIMOUSLY.

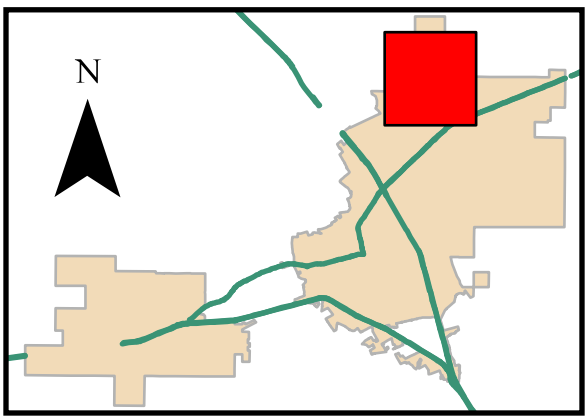
Weir: We are adjourned.

_____

Chairperson

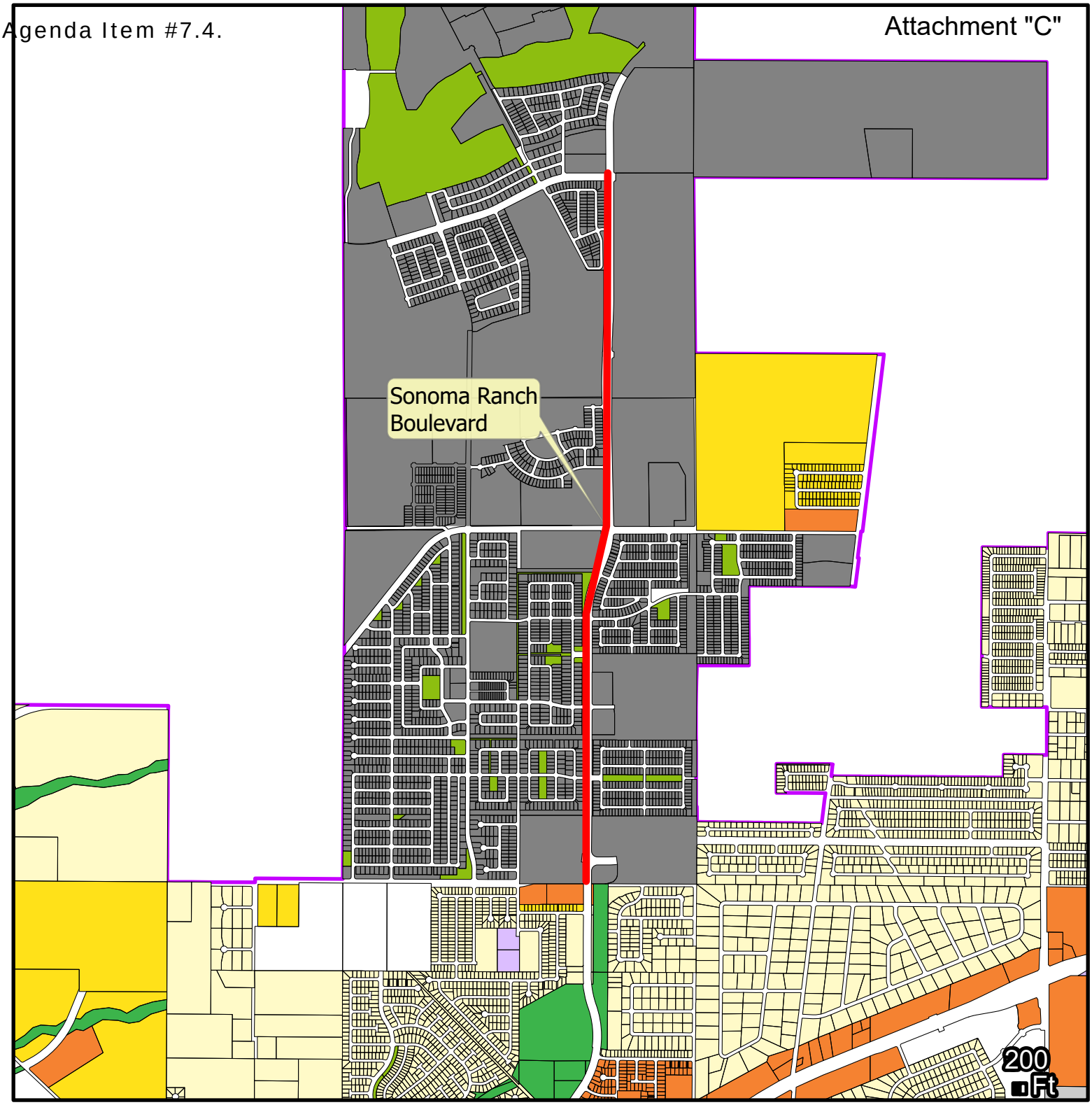
Attachment "B"

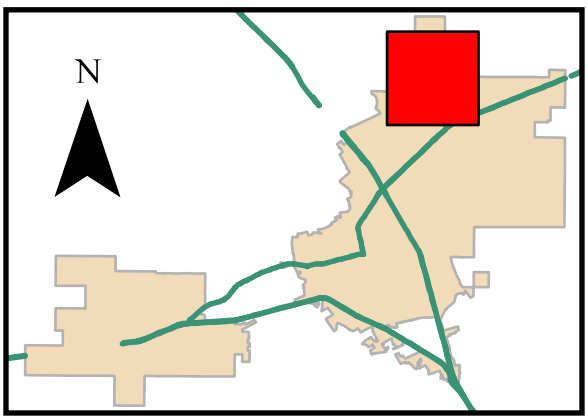




Sonoma Ranch Boulevard Right-Of-Way Vacation Plat Vicinity Map

Attachment "C"





Sonoma Ranch Boulevard Right-Of-Way Vacation Plat Zoning Map

26-072

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

City Council Action and Executive Summary

District:	**☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A**		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Blairre Flores	**Department:**	Economic Development

Title:	**A RESOLUTION AMENDING THE BOUNDARY OF THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA TO DESIGNATE AN ADDITIONAL AREA FOR INCLUSION WITHIN THE MRA, MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE.**

TYPE OF ACTION: **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

PURPOSE(S) OF ACTION:

To amend the boundaries of the West Picacho and Motel Boulevard Metropolitan Redevelopment Area.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A48 NMSA 1978) states: "A municipality shall not prepare a metropolitan redevelopment plan for an area unless the governing body by resolution determined the area to be a slum area or a blighted area, or a combination thereof, and designated the area as appropriate for metropolitan redevelopment projects".

Pursuant to Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, the City Council published a notice in the Las Cruces Sun News, newspaper of general circulation within the proposed Metropolitan Redevelopment Area ("MRA"). The final publication occurred no less than 20 days prior to any public hearing on the matter. The notice included a general description of the proposed MRA, along with the date, time, and location of the public hearings at which the City Council would consider the adoption of this resolution. The notice also informed the public that any interested individuals could attend and provide input regarding the proposed resolution.

In 2023, the City of Las Cruces ("City") conducted a blight study of the entire infill area and submitted findings and recommendations, which included a focus on several areas—among them, West Picacho and Motel Boulevard. The original boundary extended from Tashiro Drive and McClure Road to the north, North Motel Boulevard to the west, West Hadley Avenue to the south, and train tracks to the east. The map of this area is in Exhibit "A" for reference.

The City started the planning process for the West Picacho and Motel Boulevard MRA in 2024, and throughout the process it was recommended to expand the designated area on to the west of Motel Boulevard to the Rio Grande River. The justification for this extension is to be able to include additional motel properties. The map of the proposed area is in Exhibit "A" for reference.

The area of the requested extension suffers from and is contributing to blighted conditions, and the rehabilitation, conservation, redevelopment or development, or combination thereof is necessary in the interest of the public health, safety, morals or welfare of the City and its residents.

SUPPORT INFORMATION:

EXHIBIT A West Picacho MRA Boundaries

PLAN(S):

City Council Strategic Plan

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the boundary extension to the West Picacho and Motel Boulevard Metropolitan Redevelopment Area.
2. Vote "No"; this will not approve the boundary extension to the West Picacho and Motel Boulevard Metropolitan Redevelopment Area.
3. Vote to "Amend"; this could modify the Resolution and would need further direction from Council to staff.
4. Vote to "Table"; this will postpone consideration of the Resolution and would need further direction from Council to staff.

RESOLUTION 26-072

A RESOLUTION AMENDING THE BOUNDARY OF THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA TO DESIGNATE AN ADDITIONAL AREA FOR INCLUSION WITHIN THE MRA, MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE.

The City Council is informed that:

WHEREAS, Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A48 NMSA 1978) states: "A municipality shall not prepare a metropolitan redevelopment plan for an area unless the governing body by resolution determined the area to be a slum area or a blighted area, or a combination thereof, and designated the area as appropriate for metropolitan redevelopment projects"; and

WHEREAS, pursuant to Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, the City Council published a notice in the *Las Cruces Sun News,* newspaper of general circulation within the proposed Metropolitan Redevelopment Area ("MRA"). The final publication occurred no less than 20 days prior to any public hearing on the matter. The notice included a general description of the proposed MRA, along with the date, time, and location of the public hearings at which the City Council would consider the adoption of this resolution. The notice also informed the public that any interested individuals could attend and provide input regarding the proposed resolution; and

WHEREAS, the City of Las Cruces ("City") engaged in a blight study of the entire infill area in 2023 and submitted findings and recommendations concerning multiple areas, one being West Picacho and Motel Boulevard. The original West Picacho and Motel Boulevard boundary was established from Tashiro Drive and McClure Road to the north, North Motel Boulevard to the west, West Hadley Avenue to the south, and train tracks to the east; and

WHEREAS, the City started the planning process for the West Picacho and Motel Boulevard MRA in 2024, and throughout the process it was recommended to expand the designated area to the west of Motel Boulevard to the Rio Grande River; and

WHEREAS, the justification for this extension is to be able to include additional motel properties; and

WHEREAS, the area of the requested extension suffers from and is contributing to blighted conditions, and the rehabilitation, conservation, redevelopment or development, or combination thereof is necessary in the interest of the public health, safety, morals or welfare of the City and its residents.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT because of its blighted conditions and the findings outlined in the West Picacho and Motel Boulevard Metropolitan Redevelopment Plan, the boundary extension designation west of Motel Boulevard to the Rio Grande River, and in Exhibit "A" for reference, is hereby amended.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

EXHIBIT "A"

Original West Picacho and Motel Boulevard MRA Boundaries

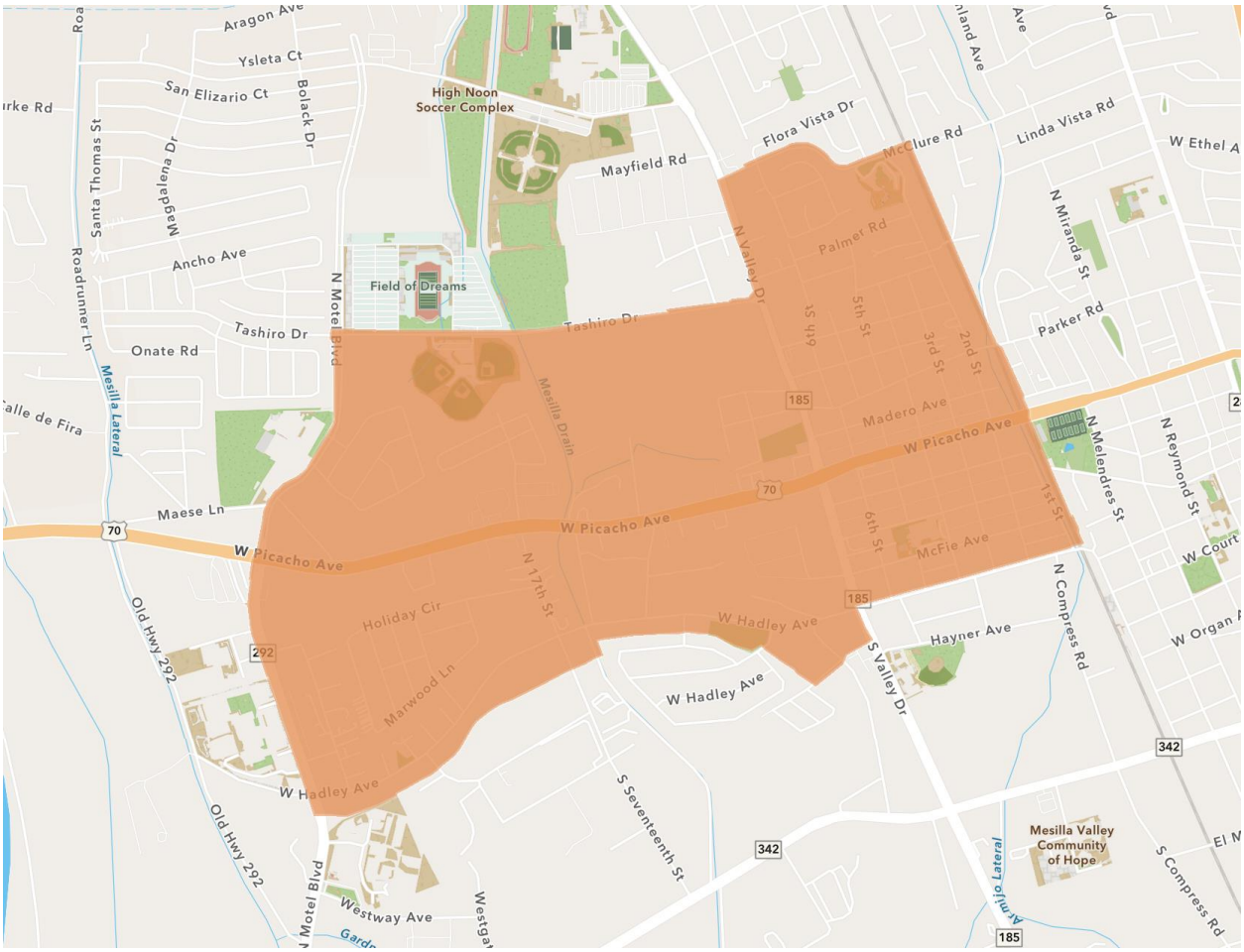
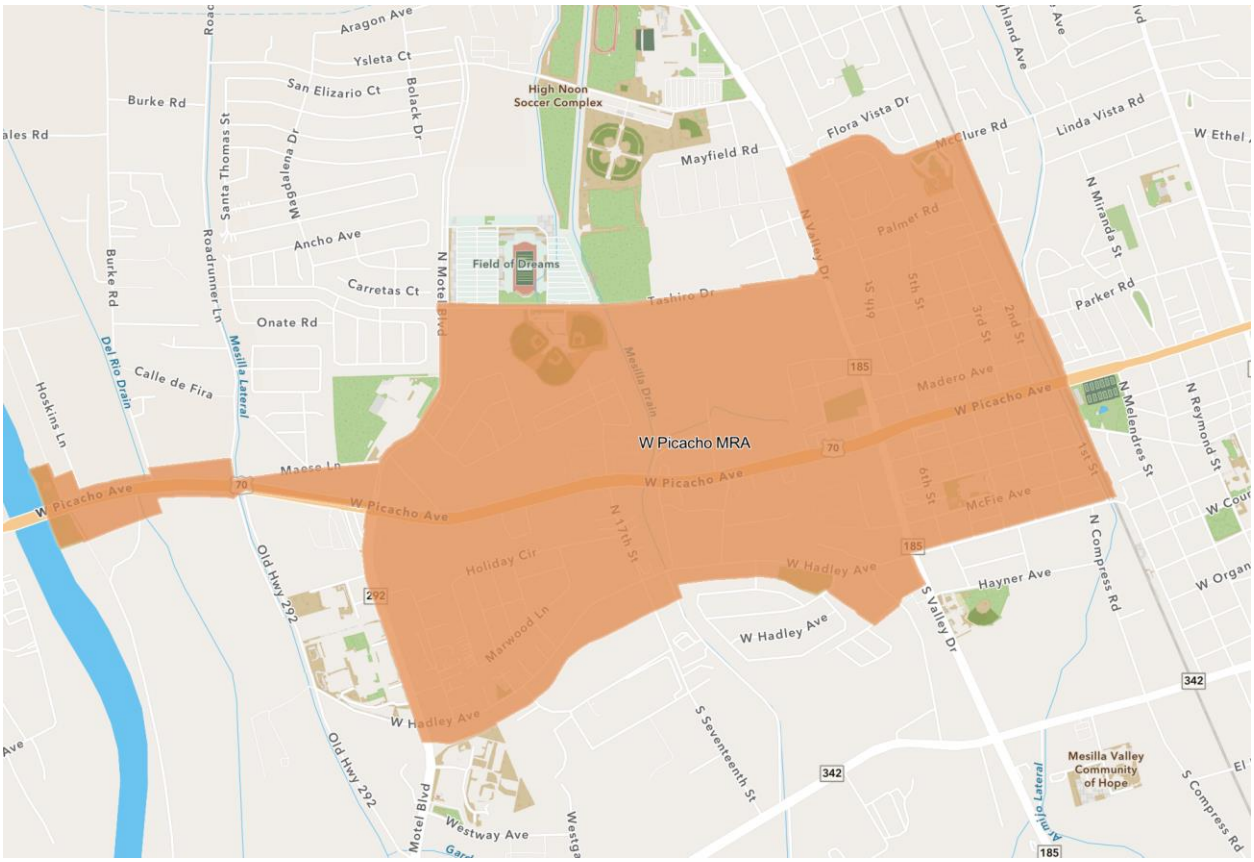


EXHIBIT “A”

Proposed West Picacho and Motel Boulevard MRA Boundary Extension



26-073

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

City Council Action and Executive Summary

District:	**☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A**		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Blairre Flores	**Department:**	Economic Development
Title:	**A RESOLUTION APPROVING THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA PLAN.**		

TYPE OF ACTION: **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

PURPOSE(S) OF ACTION:
Adopt the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
A Metropolitan Redevelopment Area (MRA) is a designated district within a city identified as physically or economically blighted and in need of revitalization. Established under the New Mexico Metropolitan Redevelopment Code, MRAs allow municipalities to focus planning efforts and resources to stimulate economic growth, attract private investment, improve infrastructure, and enhance the quality of life for residents. Once an area is officially designated as an MRA by the City Council, a redevelopment plan is created to guide improvements and outline key catalytic projects. These plans are developed with community input and often aim to support small businesses, encourage mixed-use development, and promote equitable, long-term growth.

The West Picacho and Motel Boulevard area was identified as a potential MRA in the Metropolitan Redevelopment Designation Report completed by Groundwork Studio in March 2023. Stantec was selected as the planning consultant for the project in September 2024.

From the start of the planning process, public engagement has been a top priority to ensure the plan reflects the community's vision—particularly the perspectives of those who live, work, and visit the area regularly. Beginning in February 2025, Stantec and the City connected with the public through community meetings, pop-up events, surveys, and school visits. In addition, City departments and staff from across the organization have dedicated their time and expertise to help shape the plan.

The plan was presented and reviewed during a City Council Work Session on November 10, 2025.

SUPPORT INFORMATION:
EXHIBIT "A" West Picacho MRA FINAL

PLAN(S):
Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan.
2. Vote "No"; this will deny the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan.
3. Vote to "Amend"; this would approve and make changes to the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan based on City Council direction.
4. Vote to "Table"; this will delay the adoption decision on the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan

RESOLUTION 26-073

A RESOLUTION APPROVING THE WEST PICACHO AND MOTEL BOULEVARD METROPOLITAN REDEVELOPMENT AREA PLAN.

The City Council is informed that:

WHEREAS, the State of New Mexico has enacted the Metropolitan Redevelopment Code (hereinafter the “Code”), Chapter 3, Article 60A, Sections 1–49, NMSA 1978, as amended, which authorizes the City of Las Cruces, New Mexico (hereinafter the “City”) to prepare and amend metropolitan redevelopment plans, and to undertake and carry out metropolitan redevelopment projects; and

WHEREAS, the area was officially designated as a Metropolitan Redevelopment Area by the City of Las Cruces in March 2023 in accordance with the Metropolitan Redevelopment Code; and

WHEREAS, in September 2024, the City of Las Cruces selected Stantec as the planning consultant to develop the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan; and

WHEREAS, the City of Las Cruces seeks to formally adopt the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan to guide revitalization efforts, support economic development, and implement strategies outlined in accordance with the Metropolitan Redevelopment Code.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the West Picacho and Motel Boulevard Metropolitan Redevelopment Area Plan as shown in Exhibit "A", attached hereto and made part of this Resolution, is hereby adopted.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS



WEST PICACHO AND MOTEL METROPOLITAN REDEVELOPMENT PLAN

CITY OF LAS CRUCES, NEW MEXICO · ECONOMIC DEVELOPMENT DEPARTMENT

Acknowledgments

Mayor
Eric Enriquez, Mayor

City Council
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Bill Mattiace, Council District 2
Becki Graham, Council District 3
Joana Bencomo, Council District 4 Mayor Pro Tem
Becky Corran Council District 5
Yvonne Flores, Council District 6

Economic Development Department
Elizabeth Teeters
Celina Morales
Blairre Flores

West Picacho and Motel MRA Ambassadors
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Debbi Moore
Carrie Hamblen
Nicole Martinez
Davin Lopez
Lorenzo Alba
Giselle Palomares
Louise Marquez
Steve Rodriguez
Jay Powell
Denisse Carter
Aaron Chavarria
Rafer Nichols
Jon Sepp

MRA Technical Work Group
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Trent Doolittle, PE
Lorena Gonzalez
Angus MacInnis
Bridget Rice, AIA
Colleen Ruiz, PE

Agenda Item #8.2.

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01 INTRODUCTION

CHAPTER 1: INTRODUCTION CONTENTS

MRA Designation

Project Overview



RESOLUTION 23-109

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE, AND DESIGNATING THE EL PASEO & SOUTH SOLANO, AND WEST PICACHO METROPOLITAN REDEVELOPMENT AREAS.

The City Council is informed that:

WHEREAS, Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A-48 NMSA 1978) states: "A municipality shall not prepare a metropolitan redevelopment plan for an area unless the governing body by resolution determine the area to be a blighted area and designated the area as appropriate for a metropolitan redevelopment project."; and

WHEREAS, the City of Las Cruces, has for some time, engaged in a study of blighted areas within the Infill Development Overlay District (IDO), and have submitted their findings and recommendations concerning the areas detailed in the Designation Report, which is included in packets for the March 20, 2023 City Council meeting, a copy of which is attached hereto as Exhibit "A" The Las Cruces Metropolitan Redevelopment Area Boundary Designation Report; and

WHEREAS, pursuant to Section 30-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, City of Las Cruces caused to be published in the Las Cruces Sun News, a newspaper of general circulation, a notice containing a general description of the proposed Metropolitan Redevelopment Areas and the date, time, and place where City of Las Cruces will hold a public hearing to consider the adoption of this resolution; and

WHEREAS, the boundaries of the El Paseo & South Solano and West Picacho Metropolitan Redevelopment Areas are explicitly delineated on Exhibit "A" The Las Cruces Metropolitan Redevelopment Area Boundary Designation Report; and

WHEREAS, the City Council has considered the findings and determinations of the Designation Report and all comments made at the public hearing concerning the conditions that exist in the proposed Metropolitan Redevelopment Areas.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT The City Council finds and determines that within El Paseo & South Solano and West Picacho there are many deteriorated structures, sites and other declining improvements, unsafe conditions, and low levels of commercial activity that substantially impair and arrest the sound growth and economic well-being of the area and the City.

(II)

THAT The City Council finds and determines that these blighted areas would benefit from a metropolitan redevelopment project or projects, that the designation of a metropolitan redevelopment areas are appropriate in the interests of public health, safety, and welfare, and it hereby designates a El Paseo & South Solano Metropolitan Redevelopment Area and a West Picacho Metropolitan Redevelopment Area.

(III)

THAT The City Council designates the boundaries of the Metropolitan Redevelopment Areas to be as delineated on Exhibit "A" The Las Cruces Metropolitan Redevelopment Area Boundary Designation Report.

(IV)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this 20 day of March 2023

APPROVED

Mayor

ATTEST:

Christine Rivera
City Clerk

Moved by: Tessa Abeyta

Seconded by: Johana Bencomo

AYES Kasandra Gandara, Johana Bencomo, Becki Graham, Becky Corran, Tessa Abeyta

NAYS

Project Overview

In March 2023, the Las Cruces City Council unanimously approved the creation of two Metropolitan Redevelopment Areas (MRAs), an important step in supporting continued residential and economic growth across the City. The West Picacho Avenue and El Paseo Boulevard corridors were selected as focus areas for two separate MRA plans. This plan centers on the West Picacho and Motel MRA.

What is a Metropolitan Redevelopment Area?

A Metropolitan Redevelopment Area (MRA) is a designated zone within a New Mexico municipality where conditions of blight, vacancy, or underutilization have been identified. Through this designation, cities gain access to tools and resources to spur reinvestment, encourage redevelopment, and revitalize these areas into vibrant, livable neighborhoods.

Why West Picacho?

Once the primary western gateway into Las Cruces, the West Picacho Avenue corridor was a lively hub of commercial activity. It was dotted with roadside motels, shops, and eateries reminiscent of the towns along Route 66. Over time, the area shifted toward industrial uses, and many of the corridor's buildings fell into disrepair or stood vacant. Large-scale residential growth has stalled, and several infill lots remain unused, reinforcing the area's underutilized character.

Despite these challenges, West Picacho retains strong architectural and cultural elements that reflect its past identity. Historic motels, roadside buildings, and long-standing businesses still anchor the corridor, offering a foundation on which to build. West Picacho and Motel was selected as one of the City's first MRAs because of its potential. It presents an opportunity for economic development and housing, and for restoring a sense of place and pride rooted in the community's history.

Study Area and Boundaries

The West Picacho and Motel Metropolitan Redevelopment Area is located just west of Downtown Las Cruces and includes a mix of industrial, commercial, and residential uses. The study area was defined in the original MRA recommendation brought to Council, and is generally bounded by the Santa Fe Railroad line to the east, Hadley Avenue to the south, Motel Boulevard to the west, and Tashiro Drive to the north.

Within these boundaries, the corridor contains a range of land uses and conditions, including legacy businesses, aging infrastructure, single-family homes, and numerous vacant or underutilized parcels. This mix of uses, along with its proximity to key transportation corridors and downtown, positions West Picacho as a prime candidate for reinvestment and revitalization.

At the initiation of this plan, it was noted that similar land uses—particularly a number of older motels—and similar redevelopment challenges existed on properties west of Motel Boulevard. For this reason, **it is recommended that the original MRA boundary be expanded to include a small number of properties abutting West Picacho Boulevard** (as shown on the map on the facing page); this expansion would extend this portion of the boundary to the Rio Grande River.

The Vision for West Picacho

This revitalization effort is deeply rooted in community engagement. Through interviews, focus groups, public events, and interactive online tools, residents, business owners, and stakeholders shared their aspirations for the corridor's future. They voiced a desire for a cleaner, safer, and more vibrant neighborhood. One that supports local businesses, offers diverse housing opportunities, and celebrates the area's cultural and historic identity.

The West Picacho and Motel MRA Plan is not about erasing the past. It is about building on it. The vision is to breathe new life into the corridor, creating a place that is:

- Safe and connected for all who walk, bike, drive, and live there
- Economically vibrant, with opportunities for local businesses and new investment
- Inclusive and equitable, offering housing choices for current and future residents
- Culturally rich, with preserved landmarks and a strong sense of identity
- Green and beautiful, with welcoming streetscapes and sustainable design

This plan lays out a roadmap for how to get there. It focuses on revitalization over transformation, and equity over displacement. It identifies opportunities to repurpose vacant buildings, strengthen pedestrian infrastructure, celebrate the area's heritage, and implement catalytic projects that unlock long-term value for the community.

West Picacho and Motel MRA Plan Boundary



The MRA boundary as established in 2023 by City Council, including a recommended extension to the west along West Picacho Boulevard.

02

COMMUNITY PROFILE



CHAPTER 2: COMMUNITY PROFILE CONTENTS

History

Demographics

Land Use and Character

Zoning

Transportation

Prior Planning

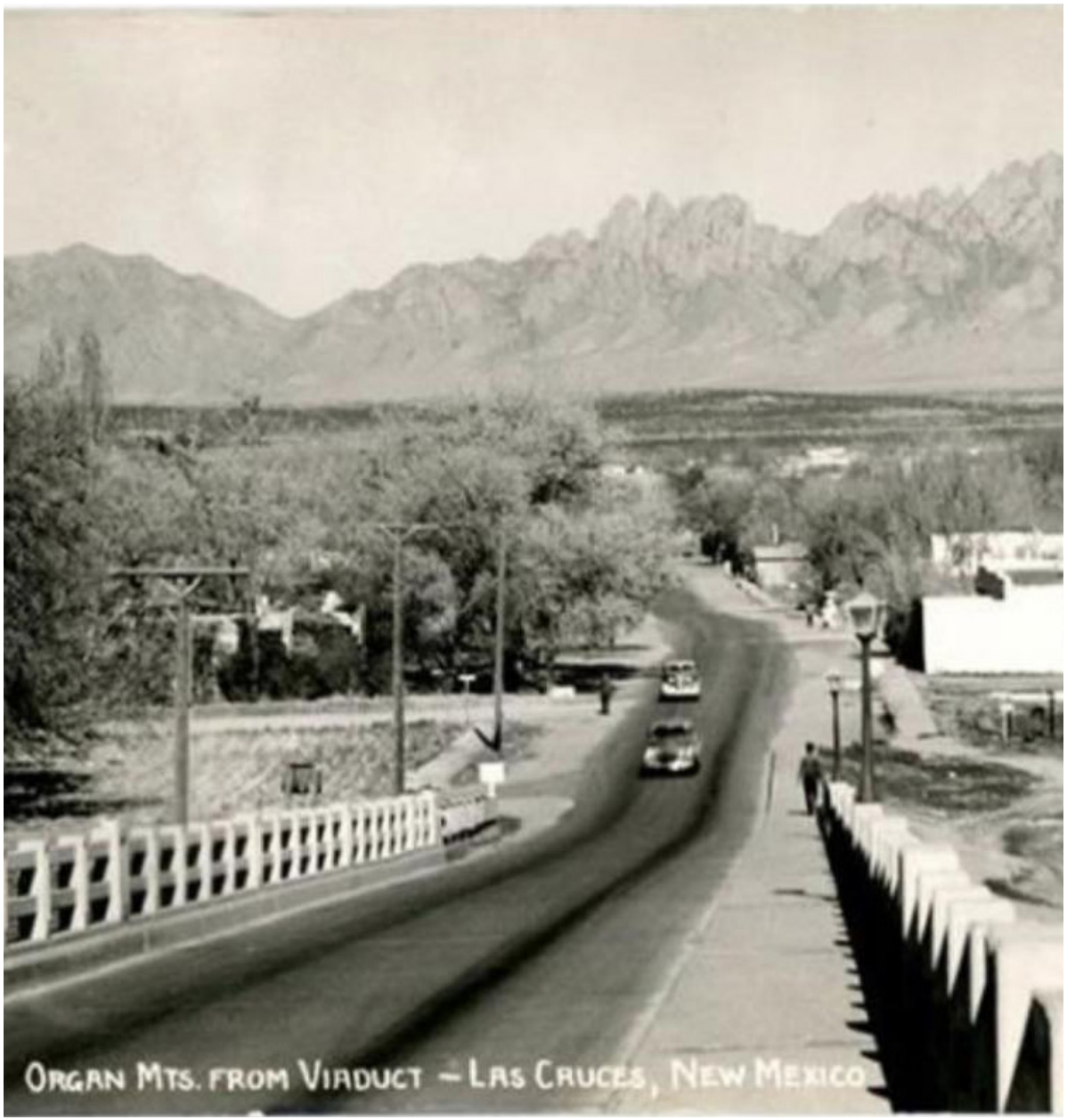
History

The history of the City of Las Cruces includes settlements by several Native American groups and the Spanish, along with ties to Wild West icons such as Billy the Kid and Pat Garrett (Pat Garrett is buried at the Masonic Cemetery on S. Compress Road, just a mile south of the West Picacho and Motel MRA). The City was officially founded in 1849 and derived its name from a landmark of crosses, marking the grave sites left behind by the Spanish during their time in the area from the 1500s to the 1800s. The area that eventually became Las Cruces rests along the fertile banks of the Rio Grande, which made it perfect for agricultural living and to this day, agriculture is the heart of the economy for Las Cruces and the surrounding areas.

Growth came to Las Cruces in the 1880s when the Atchison, Topeka and Santa Fe Railroad built tracks and a depot in the City. The historic train depot still stands on North Mesilla Street, just outside the western boundary of the MRA.

Today, the City continues its tradition of growth, development and redevelopment. It is the second largest city in New Mexico, with a population of 115,347, and is the seat of Dona Ana County as well as home to New Mexico State University. Las Cruces is situated where I-10, I-25, and US HWY-70 meet, a vital crossroads that fuels economic growth by enabling movement of goods and services between the US and Mexico in all directions.

Historically, West Picacho Avenue was the key gateway welcoming visitors into the City, leading to the development of numerous roadside motels and gas stations. Many of these motels remain, offering potential to be redeveloped into new affordable housing options, as has been successfully done in cities such as Sacramento, Phoenix, Houston, Colorado Springs, and Salt Lake City.



Demographics

A critical step in developing and implementing any plan is understanding local demographics, which enables the plan to be tailored specifically to the planning area. The following section provides a summary of the West Picacho and Motel area.

Population

Since 1910, the City of Las Cruces has experienced consistent population growth, with no recorded declines in any Census year. On average, the city's population has increased by 42 percent every decade. Between the 2010 and 2020 decennial counts, Las Cruces saw a 14 percent rise in population—outpacing both the State of New Mexico's growth rate of 2.8 percent and the national rate of 7.3 percent. These trends suggest continued growth for Las Cruces and underscore the importance of identifying strategies to effectively accommodate future expansion.

Within the West Picacho and Motel MRA study area, the current population stands at 4,136 residents, accounting for 3.6 percent of Las Cruces' total population of 115,347. Based on historical residential development data, the West Picacho area has been recognized as one of the city's fastest-growing neighborhoods. This supports the city's objective to evaluate the area for redevelopment opportunities, particularly through denser mixed-use and infill development.

Median Age

The median age within the MRA is 34.5 years, which is younger than both the City's median of 36.4 years and the State's median of 39.2 years. This relatively young demographic reflects a broader trend among younger generations who increasingly prefer walkable, urban environments—more so than older cohorts and even younger generations of the past. This data point supports the vision outlined in the Comprehensive Plan, which emphasizes the creation of communities that offer a mix of uses within walking distance, including opportunities for shopping, dining, entertainment, education, and employment.



FROM 2010 TO 2020, THE CITY SAW A 14 PERCENT POPULATION INCREASE.





THE MEDIAN AGE WAS FOUND TO BE 34.5 YEARS.

Median Home Values

The MRA is one of the older areas in the City, and median home values are significantly lower than values in the City as a whole: $95,709 for the West Picacho and Motel MRA compared to $229,348 for the City, a difference of 41.7 percent. Even though the western portion of the City is showing an increase in residential development, most is occurring outside of the MRA study area. Home values tend to be impacted by adjacent uses, and the MRA's proximity to industrially zoned areas can have negative impacts to both values and on-the-ground conditions.

High School or Higher Education

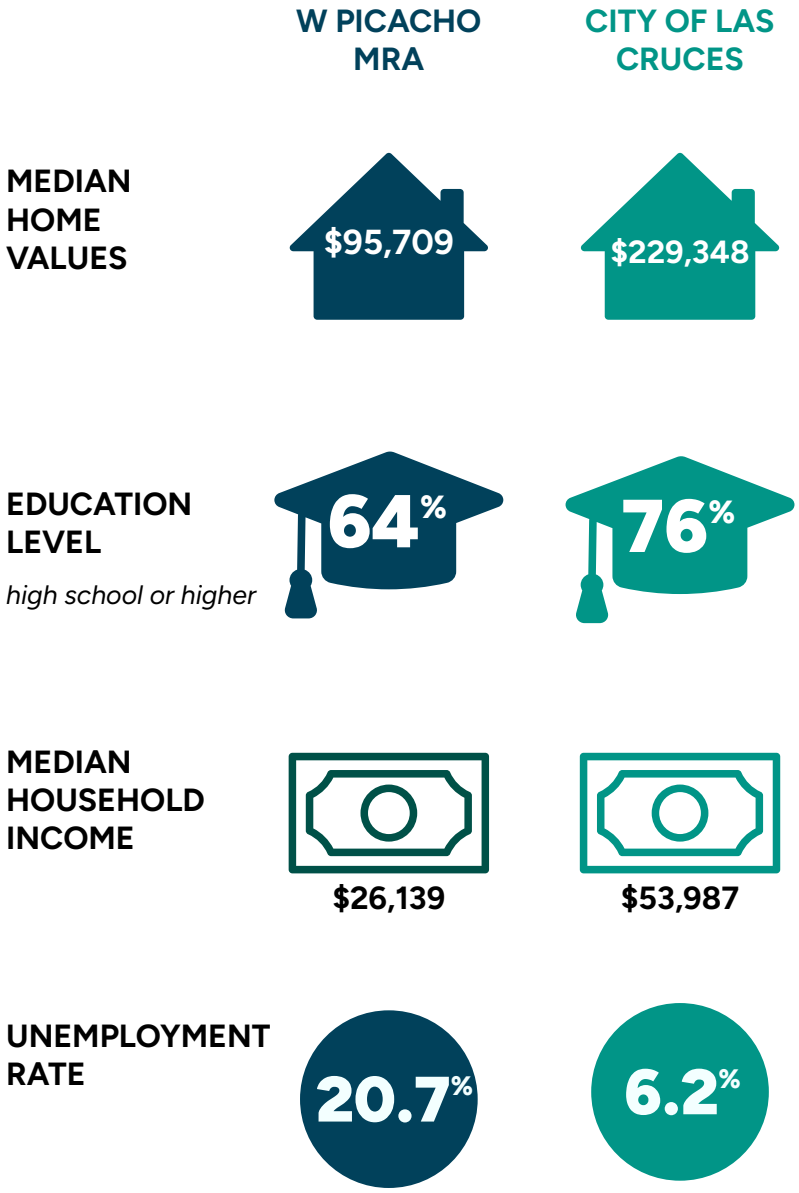
When comparing the West Picacho and Motel MRA study area to the City's education level, it was found that the 64 percent of the study area's population has a high school education or higher. This number is 12 percent lower than the City's 76 percent and is 23.5 percent lower than the state's 87.5 percent.

Median Household Income

The MRA's median household income of $26,139 was found to be nearly half (48.4 percent) of the overall City's median household income of $53,987. This gap increases further when compared to the overall state median household income of $58,722. It is notable that the MRA's median income approaches the Federal Poverty Level (FPL) of $20,440 for a family of two and is at the FPL for a family of three ($25,820), suggesting a need for higher paying jobs in and around the MRA study area.

Unemployment Rate

The MRA's unemployment rate is 20.7 percent of the population, equating to 856 residents—a significant difference from the City's overall 6.2 percent and the state's 3.9 percent. This finding links directly to the low-income levels in the area, further emphasizing the need for the West Picacho and Motel MRA to establish a strategic framework to bring quality jobs and careers to local residents.



Land Use and Character

Land Use and Architectural Character

The West Picacho and Motel MRA is primarily composed of commercial, manufacturing, and industrial uses. Between Motel Boulevard, West Hadley Avenue, West Picacho Avenue, and North Valley Drive, the area features offices, warehouses, contractor yards, and self-storage units. Many structures are prefabricated metal buildings, adaptable to various uses. Some warehouses are subdivided to accommodate multiple businesses. Residential pockets, such as Holiday Avenue and the area near West Hadley and North Valley Drive, consist mostly of manufactured homes. This mix of industrial and manufactured housing continues south of West Hadley Avenue, beyond the MRA boundary.

South of West Picacho Avenue and east of North Valley Drive is a single-family neighborhood anchored by MacArthur Elementary School. Homes range from low- to medium-density and showcase New Mexico's adobe and southwestern architectural styles. The grid-patterned streets include sidewalks, promoting walkability. However, the active railroad along First Street lacks buffers or fencing, posing health and safety concerns.

West Picacho Avenue, from the railroad tracks to Motel Boulevard, is lined with older commercial and industrial buildings. Some structures front the sidewalk with rear parking, while others are set back with parking in front. There is also a significant number of vacant parcels, offering opportunities for infill development. The corridor's eclectic character is enhanced by local art adorning building facades, especially between 4th and North 5th Streets. Many buildings retain southwestern adobe elements, with newer ones echoing this style.

Beyond North Seventeenth Street, the corridor transitions to mid-century architecture, dominated by motels, inns, auto shops, and parts stores. Notably, scenes from Clint Eastwood's 2018 film The Mule were shot here, including at a local mechanic's garage.

The northern portion of the MRA includes residential and agricultural areas. Between North Motel Boulevard and North Valley Drive are two manufactured home parks and a small single-family neighborhood, tucked behind commercial development. East of North Valley Drive and north of West Picacho Avenue is another single-family neighborhood with varied architectural styles, including adobe. Its grid layout and remaining vacant lots offer infill potential, supported by the City's Infill Overlay incentives. Like its southern counterpart, this neighborhood borders the active railroad without protective buffers.





Local architecture and amenities: W Picacho businesses at 4th Street (top); and motel east of Seventeenth Street (bottom).

Zoning

In February 2025, Las Cruces City Council approved a series of zoning changes intended to streamline and simplify local zoning. Changes included increased housing densities, flexibility in building heights and specific encouragement in the designated MRA areas.

Commercial / Retail

Much of West Picacho Avenue between the railroad tracks and Motel Boulevard is zoned for commercial and retail uses (red on the facing map). Existing land uses range from small retail businesses, offices, and restaurants to mechanic garages, auto sales and self-storage units. These land uses and zoning classifications are consistent with the City's Future Land Use Map, which classifies West Picacho Avenue as a commercial corridor.

Industrial

A large part of the MRA's southern area, as well as a group of properties north of West Picacho Ave between the drainage canal and Valley Drive, are zoned Light Industrial (purple on the facing map. This zone continues beyond the southern MRA boundary, and this part of the MRA and of Las Cruces in general features a large amount of warehouses, storage facilities, and (sometimes vacant) industrial/commercial structures.

Neighborhood

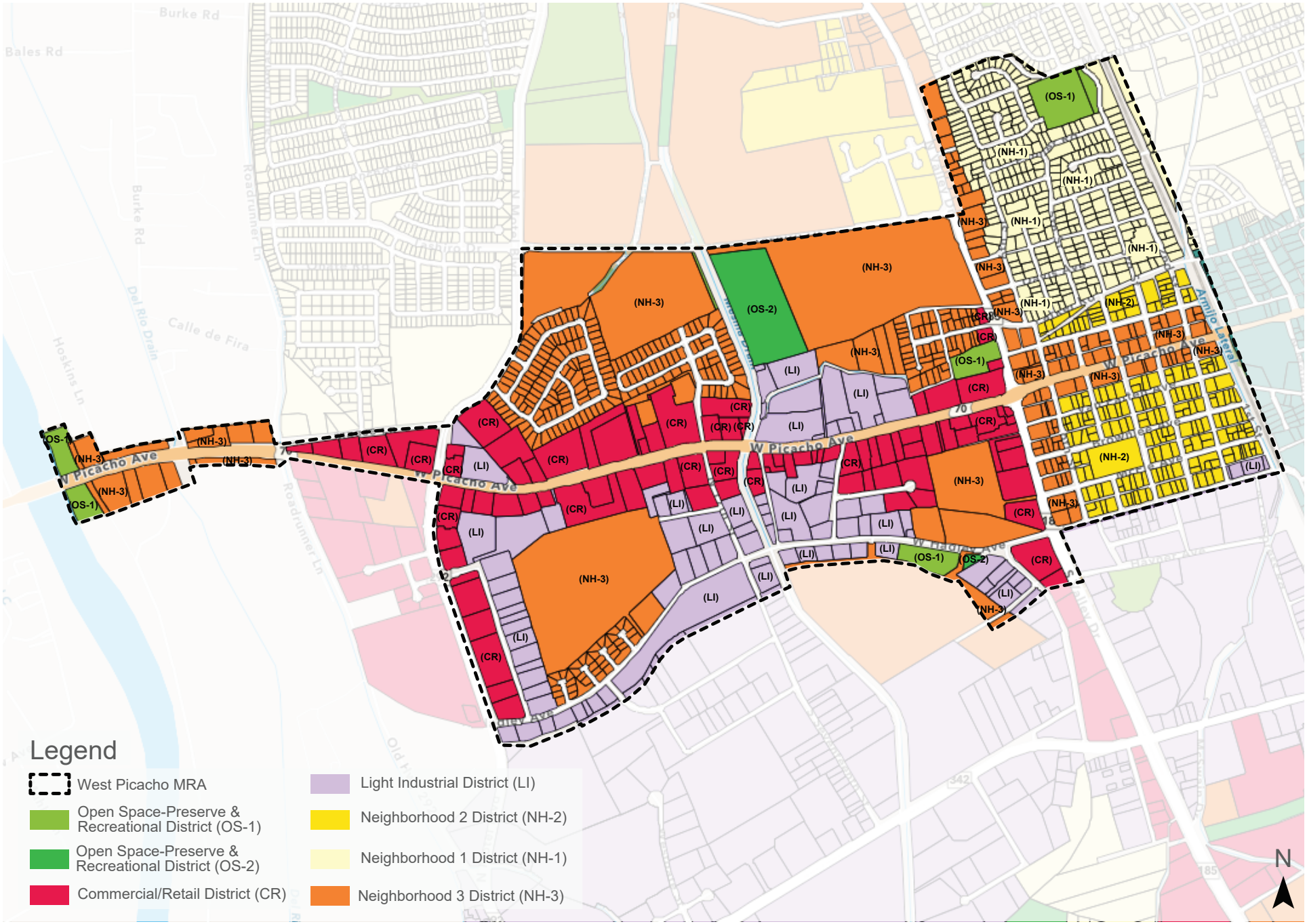
The MRA includes residential and mixed uses in all three of the new zone code's Neighborhood district. Neighborhood 1 (light yellow) allows low, medium and high-density residential uses; non-residential development is limited. Neighborhood 2 (yellow) promotes an integrated mix of land uses, allowing both horizontal and vertical mix of uses that include residential, retail and commercial. Neighborhood 3 (orange) is intended as a transitional district between residential and non-residential uses, and is likely to include the greatest mix of uses and range of densities, although heavy commercial and industrial uses are not appropriate in this district.

Open Space

The MRA includes both Open Space zoning set aside for parks and recreation (light green), as well as other, typically publicly-owned spaces (dark green) designated for drainage.

According to the Future Land Use map contained in the City's Comprehensive Plan, the City plans to maintain this general mix of zones in the area, including industrial.

West Picacho and Motel MRA Plan Zoning



Transportation

Circulation Patterns

Due to the large number of industrial, agricultural, and large parcel uses, as well as the north-south railroad corridor, the MRA has a limited number of roadways that connect into the City's larger street grid. West Picacho and Hadley Avenues represent the main east-west corridors, while Motel Boulevard and Valley Drive are the main north-south corridors. It is notable that McClure and Parker Roads, both north of Picacho Avenue, are the only additional east-west roadways that provide connectivity across the railroad tracks. Tashiro Drive provides limited through-connectivity to residential development west of the MRA.

All seven of these roadways are classified as Principal Arterials or Major Collectors in the City's Comprehensive Plan and the Mesilla Valley Metropolitan Planning Organization's (MPO) *Mobility 2045 Future Thoroughfare Plans*.

Street Name	Functional Classification
W Picacho Avenue	Principal Arterial
S Valley Drive	Principal Arterial
N Motel Boulevard	Minor Arterial
Tashiro Drive	Major Collector
W Hadley Avenue	Major Collector
N Seventeenth Street	Major Collector
McClure Road	Major Collector

West Picacho Avenue

West Picacho Avenue is the primary roadway through the MRA. It is a four-lane principal arterial with a divided median and attached, approximately five-foot sidewalks on both sides. Striped bike lanes abut the curb on both sides of the roadway from the western City boundary to Valley Drive. East of Valley Drive, the roadway offers on-street parking and bike route designation, but no dedicated cycle facilities. The designated bike route turns north up Valley Drive for two blocks, then continues east (unmarked) on Parker Road.

Pedestrian crossing is limited to crosswalks at major intersections, plus a new pedestrian-activated crossing at 4th Street, the primary north-south connection to MacArthur Elementary School. Distances between intersections can span up to half a mile, prompting many pedestrians to cross at unmarked mid-block locations.

Valley Drive

Valley Drive is a four-lane principal arterial with a center left turn lane. Outside lanes have painted sharrows for bike travel, but no dedicated bicycle infrastructure. Attached sidewalks are present on both sides of the roadway, with marked pedestrian crossings at every 1/4 to 1/3 mile at McClure Road, Tashiro Drive, West Picacho Avenue and Hadley Avenue. There is no on-street parking.

Bicycle Facilities and Trails

Painted bike lanes are present on West Picacho Avenue (as described in the preceding section) and Tashiro Drive. Two north-south trails are also present: the Dona Ana Ditchbank Route at the MRA's eastern boundary and the unnamed ditchbank trail east of Seventeenth Street.

Transit

Roadrunner Transit runs fare-free bus service throughout Las Cruces, with three routes serving the MRA. Route 5 runs east-west along West Picacho Avenue, with a loop down Motel Boulevard / Seventeenth Street / Hadley Avenue. This route runs every 30 minutes and connects with Route 2, providing more frequent service than most other routes in the City, which run every 60 minutes. Route 7 runs north along Valley Drive, and Route 6 runs south along a small segment of Valley Drive, turning around just north of the Picacho intersection.

Prior Planning

The City has authored and adopted a number of recent policies impacting the MRA, including area plans, neighborhood blueprints, transportation plans, metropolitan redevelopment plans and updates to the City's Comprehensive Plan and Development Code. This section provides a brief overview of these plans and the guidance they offer for shaping the future of the MRA.

Realize Las Cruces Development Code (2024)

This updated code modernizes zoning regulations, subdivision rules, and design standards, and introduces character-based zoning districts designed to support context-sensitive development. For the West Picacho area, the Suburban Character Area is particularly appropriate, enabling a balanced mix of residential, retail, office, and industrial uses, while promoting multimodal street design, urban heat mitigation, and green infrastructure.

Elevate Las Cruces Comprehensive Plan (2020)

This plan envisions the MRA as a hub for business park industrial and regional commercial growth and outlines policies to encourage infill, economic development, community identity, and mixed-use development.

Las Cruces Parks and Recreation Master Plan (2019)

This plan emphasizes the City's commitment to enhancing public health, community identity, and environmental sustainability through parks and recreation investments. It notes the changing role of parks, as well as the importance of trails, themes picked up by trail recommendations and the Camunez Park catalyst site in this MRA.

Las Cruces Active Transportation Plan (2018)

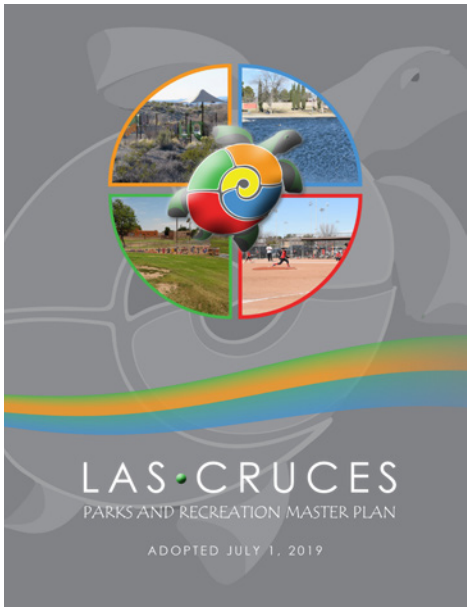
The Active Transportation Plan prioritizes bike and pedestrian infrastructure improvements, including enhanced safety measures and sidepaths on key streets.

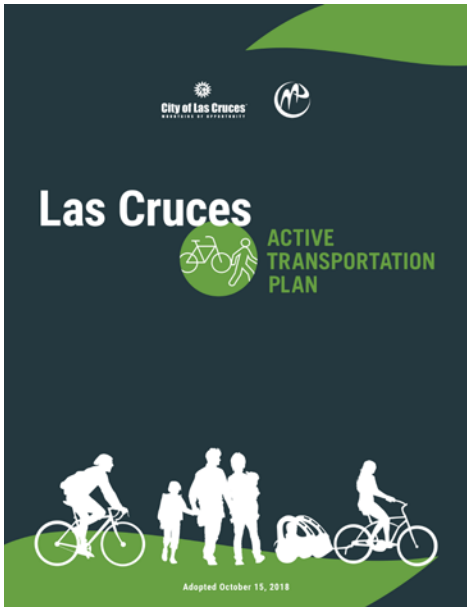
Alameda Depot Neighborhood Plan (2009)

Immediately adjacent to the MRA boundary, the area addressed in this plan emphasizes the importance of coordinated planning, historic preservation, and pedestrian-friendly design along West Picacho Avenue.

Infill Policy Plan (1998)

This policy encourages development of vacant and underutilized parcels within the city's core, particularly in areas like the MRA. The policy emphasizes infill as a strategy for promoting physical, social, and economic stabilization, aiming to strengthen the urban fabric and reduce community fragmentation. Specific tools and mechanisms outlined in the policy include guidelines and incentives for developers, streamlined approval processes, and targeted support for redevelopment in designated zones.





03

PUBLIC ENGAGEMENT



CHAPTER 3: PUBLIC ENGAGEMENT CONTENTS

Public Engagement Process

What We Heard

Key Themes

Public Engagement Process

The West Picacho and Motel MRA Plan was developed with a core focus on public engagement, ensuring that the voices and concerns of the residents directly shaped the vision for their community. This plan was created by and for the residents of West Picacho. The process was designed to foster an inclusive, transparent approach through three active feedback loops, emphasizing transparency and inclusion through three engagement phases:

1. **Visioning:** Residents shared their ideas, concerns, and hopes.
2. **Plan Development:** Community input directly shaped the draft plan.
3. **Celebration:** The final plan was presented as a shared roadmap for revitalization.

The public engagement process for the West Picacho and Motel MRA Plan provided valuable insights into the community's needs, hopes, and aspirations. By centering the plan around the voices of residents, business owners, and community advocates, the plan reflects a shared vision for a vibrant, safe, and inclusive West Picacho that honors its history while embracing a future of growth and revitalization. The active participation throughout all phases of engagement has resulted in a plan that is truly shaped by the people it is meant to serve.

Engagement Groups

The engagement process involved diverse stakeholders, each contributing unique perspectives to the development of the plan:



MRA Technical Working Group

This multi-departmental steering committee, established by the City of Las Cruces, focused on a comprehensive redevelopment approach that included infrastructure, housing, amenities, and public engagement. The group worked to ensure that the MRA plan addressed key community needs, challenges, and opportunities.



Ambassador Committee

Comprised of community-based organizations and advocates who support the West Picacho neighborhood, the committee provided grassroots perspectives on the area's history, challenges, and future opportunities. The committee also played a vital role in raising awareness and encouraging participation in public engagement events.



Public

Residents, business owners, and operators from within the study area were invited to participate in various engagement activities, including public meetings and surveys. Their input was critical in identifying key issues and priorities for the redevelopment of West Picacho.



Staff Interviews

City staff and local leaders participated in interviews to provide insights into the technical and operational aspects of redevelopment, helping to align the plan with existing resources, policies, and future city goals.

Engagement Methods

To ensure a diverse and inclusive engagement process, a variety of methods were used to connect with community members, stakeholders, and organizations. These methods were designed to meet people where they are and encourage active participation.

Small Group Meetings

These targeted conversations involved participants already engaged in the study area and were selected for their subject matter knowledge or existing involvement in community initiatives. This included the Technical Working Group, Ambassador Committees, Focus Groups and Working Groups.

Public Meetings

Open to all, these meetings provided updates on the planning process and invited feedback from the broader community.

Committees

Advisory and technical committees helped guide the project's direction, offering insight, reviewing materials, and ensuring alignment with local goals.

Pop-ups

Informal, on-the-ground engagement at community events, parks, and gathering places offered opportunities to gather quick input from residents in a casual setting.



Community open house.



Youth engagement.

What We Heard

Public meetings and workshops featured a variety of interactive and creative activities designed to actively engage community members and capture valuable feedback.

One Word

Residents were invited to respond to four prompts with just one word. Each prompt encouraged them to reflect on their impressions, aspirations, and personal experiences in West Picacho. Some of the most common responses (below) offer insight into how residents perceive their community today and their hopes for the future.

How West Picacho Feels Today

Common themes:

- Neglected, Disconnected—Described as forgotten or faded
- Undervalued—"Just a place to drive through"
- Hopeful—A few saw "potential" and opportunities

What West Picacho Needs More Of

Key priorities:

- Safety—Lighting, patrols, traffic calming
- Vibrancy—Local restaurants, small businesses, walkability
- Livability—Housing options and green space

How West Picacho Should Feel

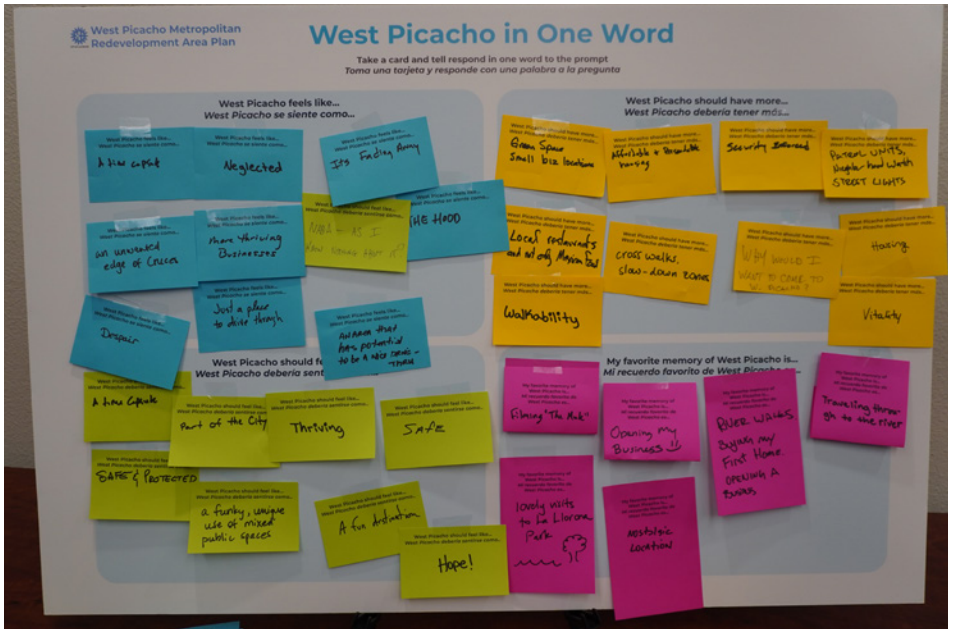
Vision elements:

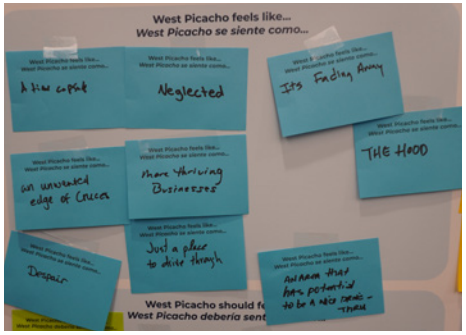
- Welcoming, Safe—A secure, family-friendly area
- Creative, Unique—A "funky," vibrant destination
- Connected—Seen as part of Las Cruces, not separate from it

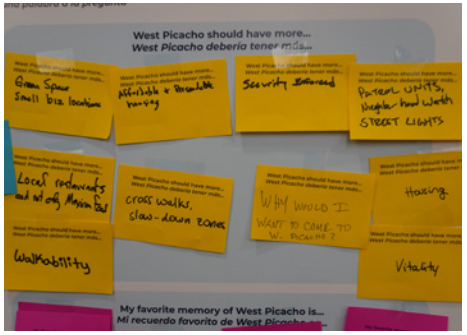
Favorite Memories of West Picacho

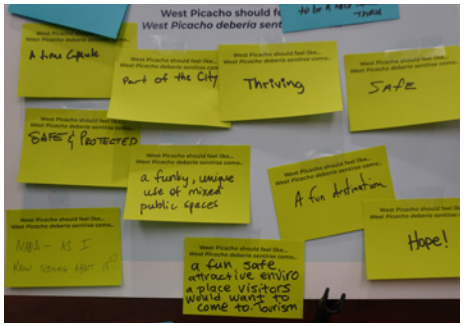
Meaningful reflections:

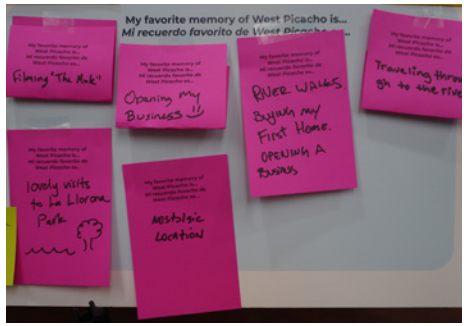
- Life Milestones—Opening businesses, buying homes
- Nature, Community—River walks, La Llorona Park
- History, Culture—Nostalgia and local identity











Written impressions of the neighborhood from the community open house.

Funding Priority

One of the key facilitation activities invited attendees to provide input on how funding should be prioritized in the area. The activity presented eight categories: Expand housing options; Improve property conditions; Support small and local businesses; Beautify streets and local businesses; Beautify streets and sidewalks; Address safety and crime; Enhance public spaces and parks; Address homelessness; and Expand cultural and entertainment options.

Participants were asked to rank these categories based on what they felt was most important to the community. The top five priorities were:

1. **Support small and local businesses**
2. **Improve property conditions**
3. **Address safety and crime**
4. **Beautify streets and sidewalks**
5. **Address homelessness**



Funding priority jars asked participants to 'spend' coins on the items they felt were most important to them.

Visual Preference Survey

As part of the public meeting, attendees participated in a visual preference survey. Each participant received three green dots to indicate what they would like to see more of in the West Picacho area, and three red dots to indicate what they would like to see less of or felt was not compatible with the community's vision.

The display images presented included a range of options related to housing, recreation, public spaces, and amenities.

Top "More of" Preferences (Green Dots):

- Safe Pedestrian Crossings
- Commercial & Retail Spaces
- Improved Lighting & Shaded Areas

Top "Less Of" Preferences (Red Dots):

- Single-Family Detached Housing

These results highlight a community desire for a more walkable, vibrant, and amenity-rich corridor, with a shift away from low-density residential development.



The visual preference survey asked participants to mark elements they liked (green dots) and did not like (red dots).

Map It

A large map of the West Picacho and Motel MRA boundary was displayed at the public meeting, allowing attendees to provide place-based feedback and identify key focus areas. Participants used markers and notes to highlight opportunities and needs across the study area.

Mobility and Infrastructure

Attendees emphasized the need for safe pedestrian crossings, particularly at key corridors including:

- West Picacho Avenue
- Motel Boulevard
- Valley Drive

Commercial and Retail Opportunities

Participants identified several priority nodes for increased commercial and retail activity:

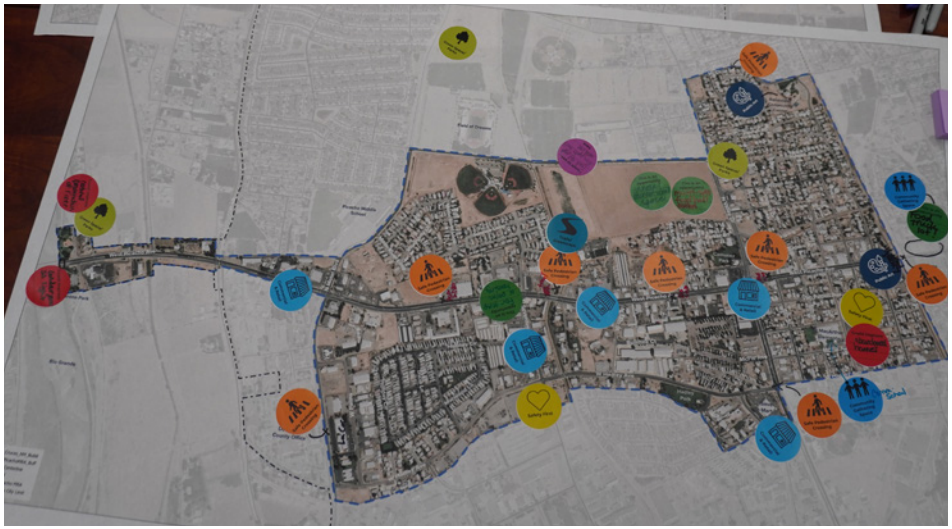
- Intersection of Motel Boulevard and West Picacho Avenue
- Seventeenth Street and West Picacho Avenue
- Intersection of Valley Drive and West Picacho Avenue

Big Ideas:

Attendees also shared bold, transformative ideas for redevelopment, including:

- Converting existing motels into temporary or permanent housing
- Activating the vacant parcel on Tashiro Drive as a recreation or multi-use space, potentially including:
  - » Housing
  - » Restaurants
  - » A food hall
  - » Amenities to support users of nearby sports facilities before and after games

These ideas reflect a community interest in revitalizing underutilized properties, enhancing mobility, and creating vibrant mixed-use spaces.





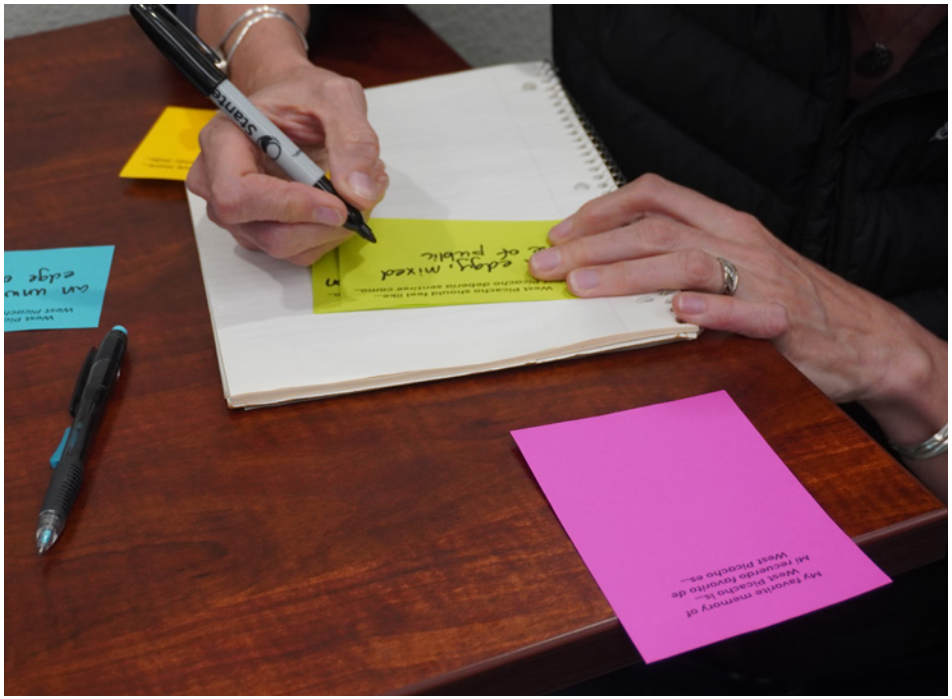
(Left and right) The community left notes on geographic-specific items they want to preserve and fix.

Six Word Story

As a creative exercise, attendees were invited to describe their vision for the future of West Picacho using just six words. These short statements offered powerful insights into the community's hopes, priorities, and values for the area's redevelopment.

Common themes that emerged from the six-word stories included:

- **A desire for safety and pedestrian-friendly streets.**
- **Support for transformation and new beginnings, especially for vulnerable populations.**
- **The importance of community, family, and belonging.**
- **The aspiration for a vibrant, welcoming, and inclusive neighborhood.**
- **A vision for economic activity, thriving parks, and schools.**



Big Ideas

Bold suggestions from the community included converting existing motels into housing and creating a vibrant multi-use space on Tashiro Drive, which could include housing, restaurants, and amenities to support nearby sports facilities.

Members of the Ambassador and Technical Committees identified ideas and themes such as:

- Celebrating the area's historic character
- Improving walkability and connectivity
- Repurposing motels into housing
- Supporting small businesses with pop-ups and retail
- Converting city land (e.g. Tashiro Drive) into parks or mixed-use spaces
- Developing youth-oriented and community-serving facilities
- Encouraging multifamily housing on vacant lots
- Promoting a walkable commercial corridor and centralized lifestyle amenities

This input outlines a comprehensive, inclusive, and community-rooted vision for the area's future.

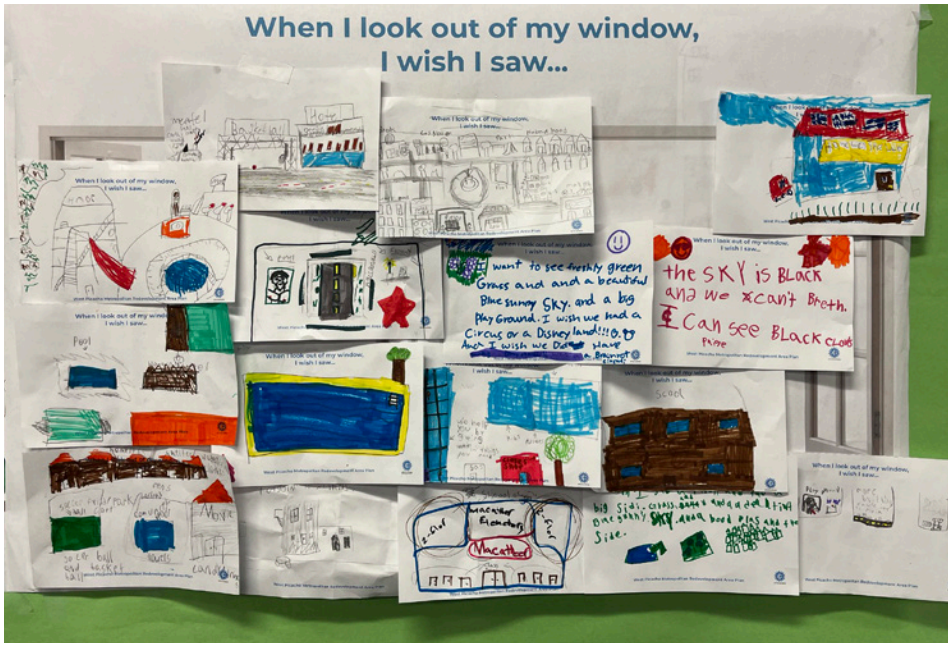


Six Word Stories (above) showcased participants views of the area. Big Idea Maps (below) recorded community aspirations.

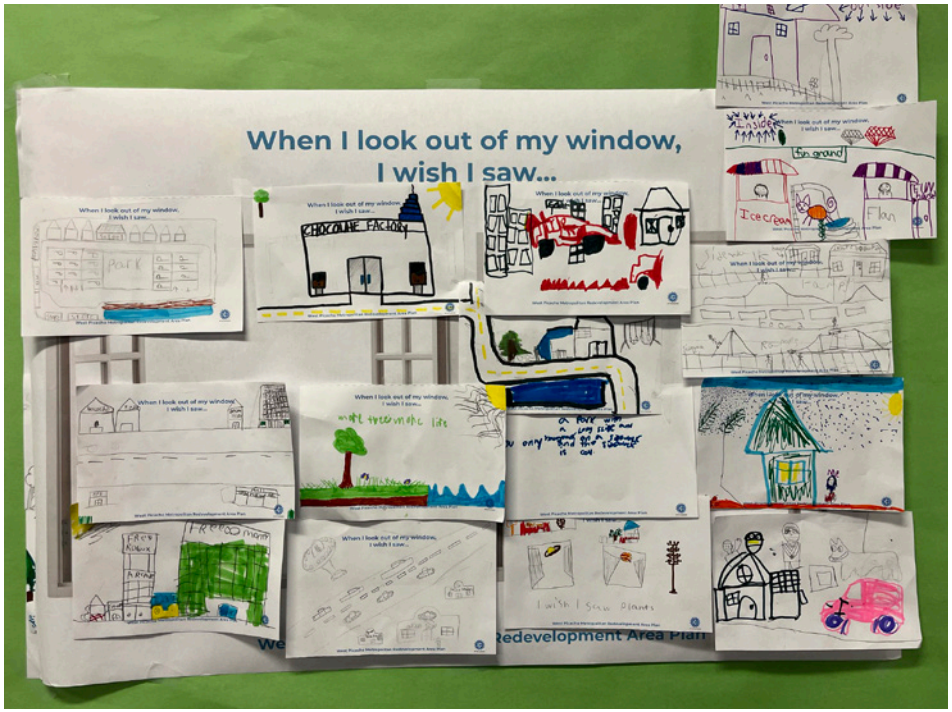
Kids Visioning Pop-Up

Students from MacArthur Elementary School also shared their ideas for the future of West Picacho. As future users and stewards of public spaces, their perspectives are vital. They imagined what they would see outside their windows in the future, describing:

- More recreation and open spaces
- Walkability and greenery
- Shade and water-based amenities
- Better connectivity and more things to do
- Active and safe places to play







Students made drawings of what they'd like to see in the neighborhood

Survey

Total respondents: 703

The West Picacho and Motel MRA Community Survey gathered insights from 703 respondents, primarily those who live or work near the study area. The majority of participants rely on driving (98%) for transportation, while walking, biking, and transit use remain minimal. When it comes to housing, respondents identified affordable housing (28.69%) and multi-family options (18.36%) as key priorities, though single-family homes (25.39%) also received notable support. Most residents (54.65%) believe that the area should strike a balance between resident needs and visitor attraction, while 34.19% prioritize residents over economic tourism.

Access to essential businesses and services emerged as a concern, with nearly 60% of respondents frequently traveling outside the area for shopping and amenities. The most needed businesses include grocery stores (61.02%), restaurants (51.21%), and retail stores (31.29%), alongside medical services, entertainment, and coffee shops. To improve engagement in the area, residents highlighted safety and security (63.38%) as the top priority, followed by enhanced public spaces (34.85%) and more diverse amenities (16.88%). Similarly, quality of life improvements such as affordable housing, small business support, and workforce training were widely endorsed.

When asked about community investments, respondents emphasized the need for parks, trails, and recreation (52.63%), economic incentives to attract businesses (50.78%), and infrastructure improvements (46.51%), alongside art, beautification, and affordable housing development. However, concerns about redevelopment remain significant, with 62.16% worried about affordability and displacement, followed by fears of losing neighborhood character (29.58%) and increased traffic congestion (24.92%).

Demographically, the largest respondent group was 65+ (27.53%), with a strong representation from those aged 55–64 (25.39%) and 35–44 (18.12%). Additionally, nearly 28% have lived or worked in the area for over 20 years, indicating a deeply rooted community. Overall, the survey underscores the community's desire for thoughtful, balanced growth that prioritizes affordability, public safety, infrastructure, and local business development while preserving the area's character.

Key priorities include safety, affordable housing, infrastructure improvements, and increasing local business offerings. Concerns center around gentrification, displacement, and traffic congestion.

Key findings include:

Mobility & Access

98% Driving dominates (98%), with limited walking, biking, or transit

60% 60% leave the area for shopping and services

Housing Needs

29% Affordable housing

25% Single-family homes

18% Multi-family housing

Community Priorities

Top Amenities Needed

1. Grocery stores
2. Restaurants
3. Retail, Healthcare, and Entertainment

Quality-of-Life Improvements

- Parks/ trails
- Small business support
- Workforce training

Safety & Inclusion

#1 Safety and security is the #1 engagement priority (63%)

Residents want more public spaces and a broader mix of amenities

Concerns About Redevelopment

62% Affordability and displacement (62%) lead concerns

30% Loss of neighborhood character (30%) concerns

25% Traffic (25%) concerns

Key Themes

Public Engagement

The public engagement process highlighted several important themes for the future of the West Picacho and Motel MRA:

Revitalization & Safety

Residents expressed a strong desire for a safer, cleaner, and more vibrant neighborhood, emphasizing the need for improved infrastructure and safety measures, such as patrol units and better lighting.

Community Identity & History

There was a shared vision for West Picacho Avenue as a historically significant, welcoming gateway to Las Cruces, with a focus on preserving the area's character while embracing revitalization.

Economic Development & Local Business Support

The community highlighted the importance of supporting small businesses and creating a thriving, mixed-use corridor that attracts residents and visitors alike.

Equity & Inclusion

The desire for affordable housing, pedestrian-friendly streets, and spaces that are accessible to all residents was a recurring theme, alongside concerns about displacement and maintaining the neighborhood's identity.

Environmental & Aesthetic Improvements

Many participants expressed a desire for green spaces, enhanced public parks, and beautification efforts, alongside a preference for mixed-use developments over single-family housing.





04

MARKET STUDY



CHAPTER 4: MARKET STUDY CONTENTS

Market Drivers and Opportunities

Market Segments

Market Drivers and Opportunities

The West Picacho area presents a diverse mix of residential housing, retail establishments, hospitality services, and industrial uses. However, this distribution is uneven, with industrial development dominating the landscape and constraining the area's broader economic potential. Despite this, the West Picacho area holds significant opportunities to strengthen its role as a key economic driver for the City of Las Cruces. This chapter explores the existing economic characteristics of the MRA study area in detail and identifies potential opportunities for revitalization and growth.

Socioeconomic Characteristics

Unemployment in the Las Cruces region is slightly higher (7%) than the national average; however, the City is closely aligned with the state average of 6%. The West Picacho area has an unemployment rate of 18%, nearly 2.5 times the metro average of 6% as of 2022. Despite this, workforce participation for the study area (58%) remains consistent with the rest of Las Cruces (59%) and New Mexico (58%). The area's job market is dominated by industrial uses (warehousing, auto repair shops, and construction yards) with some retail, public administration, and budget hotels and motels along West Picacho Avenue. Picacho Middle School is a key employer for those in the area.

Economic Drivers

Las Cruces' Growth Domestic Product (GDP) growth is driven by both higher end professional services and medical services, with a fast-growing retail segment. Manufacturing, on the other hand, witnessed several years of decline before recently rebounding in the post-COVID era with the support of industries such as defense and aeronautics. Continued investment from these sectors may further strengthen manufacturing recovery.

The professional, scientific, and technical services sector, which includes many workers in the public sector and aeronautics, is still the largest group in the workforce for the City and earns solid upper-middle-class wages. However, the number of workers in this field has dropped by almost 15% between 2019 and 2024. Meanwhile, jobs in company management have grown rapidly, fueled by the growth of healthcare technology companies like Electronic Caregiver and aerospace leaders like Virgin Galactic.

Retail services in the region are experiencing steady growth, accompanied by strong wage increases. The Las Cruces area has an above-average concentration of retailers, underscoring the strength of this sector. Although high demand for labor has driven wages upward, overall pay in retail positions remains relatively low, with exceptions in higher-paying fields like wholesaling and administrative roles.

Healthcare is another key driver of the local economy, continuing to expand as Las Cruces grows in popularity as a retirement destination. The West Picacho neighborhood has seen a notable increase in healthcare jobs since 2000, far outpacing growth in other employment sectors.

Public sector jobs, particularly in the federal sector, are a cornerstone of the region's economy. Major employers like the White Sands Missile Range and NASA drive growth, provide high-quality jobs in research, science, and engineering. Together, White Sands and NASA employ over 5,800 workers, making them the largest contributors to the region's economic expansion.

In addition to federal jobs, New Mexico State University serves as another key economic driver, fostering demand for a wide range of supporting services and industries. These institutions collectively create a strong foundation for sustained economic growth in the area.

Growth is also strong in lower wage service sector jobs. In terms of residents that live in the community, residents work in a diverse array of sectors, although most lean towards more middle-income occupations.

Market Opportunities

In reviewing where the residents of the West Picacho area work, it was found that the majority (2,598 residents) work elsewhere while only 391 residents live and work in the area. The market study conducted found that as the employment base doubles, the number who work and live in the area has remained relatively consistent.

Residents who commute from their homes in West Picacho to jobs outside of the neighborhood are employed elsewhere in the City of Las Cruces and Dona Ana County (346 commuters); some residents even commute as far as Albuquerque for employment (120 commuters). Conversely, many individuals commuting into the West Picacho area come from surrounding communities, with the largest group arriving from elsewhere within the City of Las Cruces (3,410 commuters), followed by Dona Ana County (1,179 commuters).

These findings indicate that there are opportunities for local residents of West Picacho to fill local jobs. However, realizing this opportunity will require a shift in hiring practices, with employers actively prioritizing local talent.

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Market Segments

Industrial

Industrial activity remains concentrated in the industrial park south of the West Picacho area, hosting a diverse range of users. Common industries include auto repair, distribution, warehousing, and storage. Vacancy rates are low in both the study area and the broader metro region, reflecting strong demand for new industrial development. While there is some competition from industrial parks northeast of the City along Route 25, the West Picacho-adjacent park remains highly competitive, attracting recent investments in distribution and warehousing.

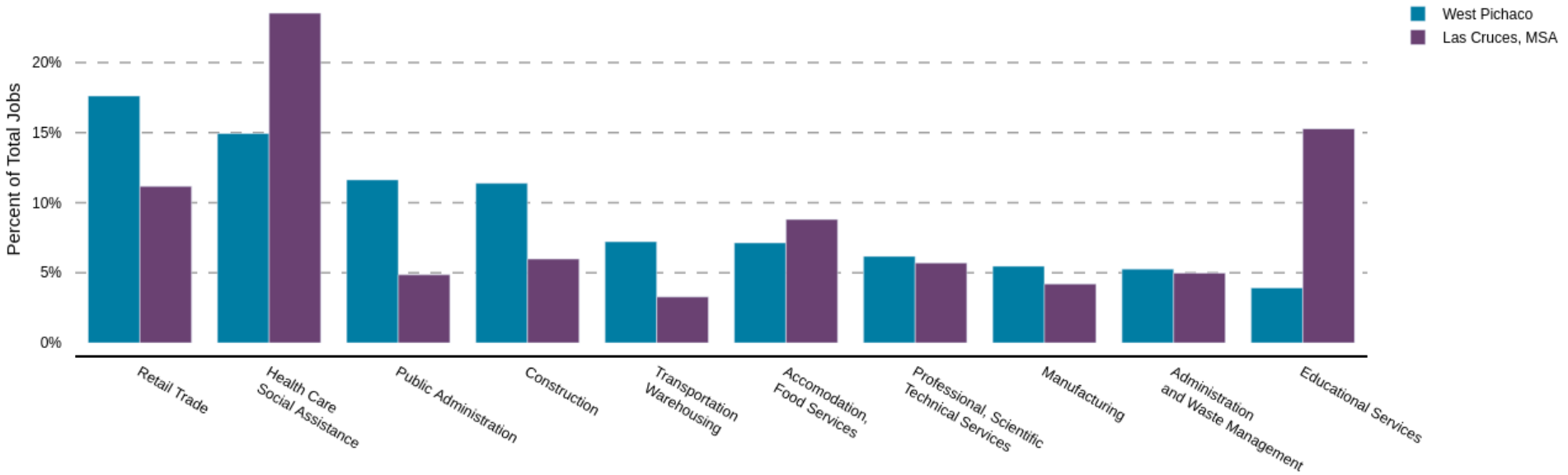
The study area features a mix of auto repair, auto-focused retail, self-storage, and general industrial uses, with many businesses reflecting the area's historic ties to the auto and motel industries. This diverse industrial base also includes recycling, light manufacturing, and agricultural processing, which are typical for metro areas. Notably, recent development highlights include a regional Amazon distribution center.

Office

While the West Picacho corridor contains approximately 120,000 square feet of office space, it is not considered a strong office market. Since 2007, only about 1,000 square feet, or 0.8% of existing office space has been added, and that space was originally developed for a bank that has since vacated. Given capital availability and high perceived market risk, office development is unlikely to drive reinvestment in this area. Without a build-to-spec project backed by a committed tenant, speculative office is unlikely to serve as a major anchor.

Overall, the office market within the corridor serves medical, banking, and back-office locations, often at a discount to the metro. Vacancy rates jumped at the tail end of the 2010s, but the market has since recovered. Medical and general office vacancy rates are low, both in the submarket and in the broader region, bucking the overall trend towards higher office vacancy rates. Rent remains discounted.

Industry Employment Comparison: West Picacho to Las Cruces, MSA



MRA employment contains a higher proportion of retail, public administration, construction and warehousing jobs than the broader City.

Retail

Retail along the West Picacho corridor maintains a historical legacy with Route 66. Road-based tourism drove initial investment into kitschy diners, motels, gas-station and auto-repair. Although interstate diversion dampened road traffic, recent housing development in subdivisions west of the study area have led to increased overall traffic. The study area now serves as a key corridor, connecting western suburbs and nearby housing development to employment centers located in the eastern and northeastern parts of town.

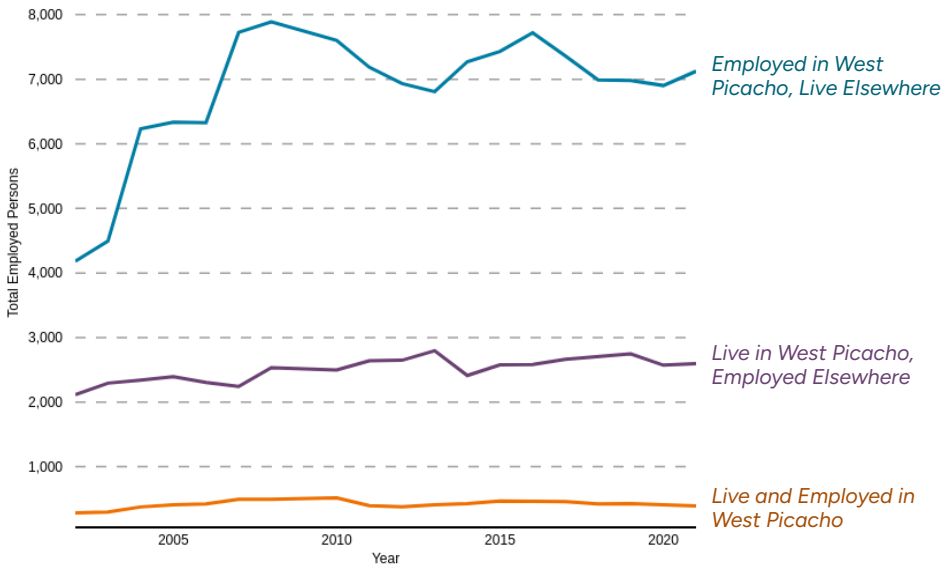
Retail absorption has had some ups and downs, in particular in the past six to seven years. Strength at the tail end of the 2000s and into the 2010s drove new development, with the study area adding more than 40,000 square feet of space. New retail demand corresponded with growth to the west, with the corridor emerging as a key corridor connecting the western part of Las Cruces metro to major employment sectors. Vacancies increased during COVID-19, but also rebounded thereafter. No new square footage has been added since 2012.

Vacancy rates city-wide have hovered around 3–5%. The retail real estate market has been on hold since the ramp up of e-commerce business models—models which made retail investment a riskier proposition. However, as e-commerce stabilizes, low vacancy rates across the board signify stabilization in the market, and recently new development has started to occur. In the study area, demand has not been strong enough to induce new development on existing vacant land despite low vacancy rates of existing retail properties.

Housing

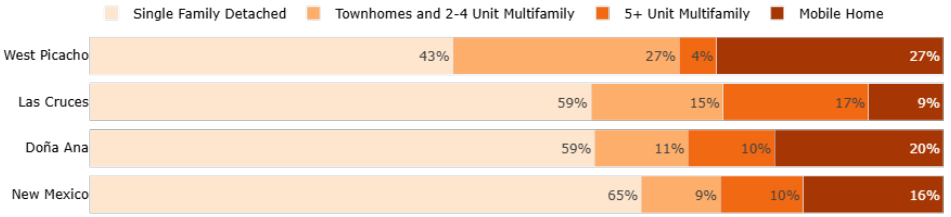
The City of Las Cruces offers a variety of housing options, with notable differences across neighborhoods. The West Picacho area stands out for its diversity, featuring a higher proportion of mobile homes and fewer single-family homes compared to the rest of the City, along with a smaller share of multi-family units due to limited new development during the most recent housing cycle. Despite strong demand, the pace of new development remains slow, though vacant lots within single-family neighborhoods present excellent opportunities for infill development. A recent Housing Market Study highlighted that GDP growth drives household and population expansion, increasing housing demand. After robust economic growth in the early 2000s and a slowdown during the Great Recession, Las Cruces has experienced a

Commuting Patterns Over Time in West Picacho



A small proportion of residents live and work in the MRA.

Housing Unit By Type



Source: ACS, 5-year estimate, 2022

The MRA has a larger diversity of housing types than the City as a whole.

resurgence in economic activity since 2018, fueling population growth and a rising need for housing.

When comparing development and the age of the housing stock in the West Picacho area to the rest of the City, the West Picacho area housing stock shows a greater proportion of older units than the broader city. Newer multi-family is being developed in the northeast portion of the City and downtown, whereas more affordable single-family options built in the 2000–2008 wave are closer to the corridor.

A major area of focus for the City of Las Cruces for the West Picacho and Motel MRA is to increase the housing stock in the area in addition to expanding the availability of affordable housing. Adding a greater mix of affordable housing types can make it more attractive for first-time homebuyers and younger households. It may also attract a higher proportion of college students than other neighborhoods in the City. In the West Picacho area, it was found that higher proportion of people live alone or live in households with other family types (typically single-parent households). This further suggests that the MRA may be attractive as a starter neighborhood.

The City of Las Cruces has access to various housing programs, funding sources, and plans that could be leveraged to increase affordable housing within the West Picacho and Motel MRA. These include the HOME Investment Partnership Program, Veterans Assistance Supportive Housing Program, and Housing for the Homeless Program. Each program offers different levels of funding and targets specific populations.

For example, the HOME Investment Partnership Program supports a wide range of activities to advance the City's housing goals. Funds can be used to incentivize new home construction, support homebuyers, and provide direct rental assistance to low-income individuals and families. Additionally, programs like Tenant-Based Rental Assistance (TBRA)are designed to address homelessness by providing essential housing and support services.

These programs enable partnerships between the City, property owners, and non-profit organizations to help individuals transition from shelters to stable, affordable housing. Such initiatives could play a pivotal role in the redevelopment or adaptive reuse of older motels along West Picacho Avenue, further contributing to the area's revitalization and meeting critical housing needs.

The City of Las Cruces should actively seek partnerships to encourage new development, redevelopment, infill, and adaptive reuse projects in the West Picacho area. Organizations like the Mesilla Valley Public Housing Authority and Mesilla Valley Community of Hope, which focus on assisting homeless populations, can be valuable partners for motel owners in the area. By collaborating, these non-profits, the City, and property owners can develop plans to repurpose motels into transitional housing and secure funding for such projects.

Other potential partners include the New Mexico Mortgage Finance Authority, Tierra Del Sol Housing Corporation, and Mesilla Valley Habitat for Humanity. These groups can help incentivize development by providing funding or assisting developers in accessing resources through their connections with state and federal housing agencies. For example, Tierra Del Sol Housing Corporation specializes in affordable housing, supportive housing for the elderly and disabled, and self-help housing. Partnering with them on a catalytic project within the MRA could spur interest from other developers, both residential and commercial, encouraging further investment in the area.

By leveraging these partnerships, the City can advance its goals for revitalizing West Picacho while addressing critical housing needs. The West Picacho area is an area that has great potential in the residential housing market. Not only does it have areas around it that are gradually being developed for single-family homes, but the MRA itself has a number of vacant and underutilized lots that can be turned into homes as well as the potential adaptive reuse of motels into affordable housing units. As more homes are built and occupied, there is a higher chance that this will trigger a resurgence in job creation and stimulate the growth of commercial, retail, and professional services in the area.

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RECOMMENDATIONS



CHAPTER 5: RECOMMENDATIONS CONTENTS:

Vision and Priorities

Strategic Recommendations

Catalyst Sites

Vision and Recommendations

Chapter 5 turns community priorities into a clear direction for the West Picacho and Motel MRA. It draws on public workshops and surveys, Ambassador and Technical Committee meetings, staff interviews, youth input, and the technical analyses in this plan (mobility, housing, market, and infrastructure). The intent is practical: establish what the community wants to achieve and how improvements can build on one another over time. The vision statement below expresses that direction in plain terms and sets the bar for the strategies that follow.

As part of this vision, the City affirms its commitment to full compliance with the Americans with Disabilities Act (ADA) and to advancing accessibility across all aspects of the plan. This includes ensuring that physical improvements—such as sidewalks, crossings, and public spaces—as well as programmatic elements like housing, mobility, and community engagement, are designed to be inclusive and usable by people of all abilities. Accessibility is not a separate goal but a core principle that informs every recommendation and implementation strategy in this plan.

West Picacho and motel MRA Vision

"West Picacho is a vibrant, inclusive, and welcoming gateway to Las Cruces—rooted in its cultural heritage, revitalized through community-driven investment, and thriving as a safe, walkable corridor that connects people, supports local businesses, and enhances quality of life for all."

Priorities

Priorities and strategic recommendations translate the vision into focused actions the City and its partners can take now and scale over time. Recommendations are organized into the six priority areas below; each element begins with a short purpose statement and is followed by key strategic actions. Quick-build steps (e.g., lighting, crossings, activation of vacant parcels) are paired with longer-term capital and policy changes to ensure both long- and short-term results. Partners and potential funding tools for each recommended action can be found in Chapter 6: Implementation.

The section also references three catalyst areas—Tashiro Multi-Use Hub, Camunez Park, and the Blue Apartments (motel conversion)—to show how site-specific projects can advance multiple strategies at once and serve as models for other blocks in the MRA.

Priority 1: Safety and Security

Establish a safe and secure environment for residents and business owner

Priority 2: Mobility

Increase connectivity and access within the MRA and to the broader community and region

Priority 3: Economic and Workforce Development

Support the growth of and access to local businesses and business opportunities

Priority 4: Housing

Establish a clear path to increasing housing options, emphasizing the inclusion of affordable units in diverse housing formats

Priority 5: Beautification

Focus on the beautification of the corridor and establish Picacho Avenue as a key gateway to downtown

Priority 6: Community Character

Recognize, support, and integrate cultural identity and preservation into future development opportunities in the MRA

Priority 1: Safety and Security

Establish a Safe and Secure Environment for Residents and Business Owners



Physical design elements like regular street trees can create visual friction and promote traffic calming.

This strategy establishes a coordinated safety platform that pairs increased law enforcement with environmental design with visible stewardship so the corridor feels protected, cared for, and open for everyday life. Early actions should focus on locations identified by residents and incident data, address lighting and speeding, and expand community presence around vacant sites. Implementation should combine quick-build fixes and long-term capital improvements coordinated by a cross-department team. Potential funding includes Community Development Block Grant (CDBG) for small-scale improvements and outreach, Edward Byrne Memorial Justice Assistance Grant (JAG) for enforcement technology, and local Capital Improvement Program allocations for permanent work.

Strategy 1.1: Increase Lighting and Smart Infrastructure

The City should identify opportunities for modern, energy-efficient lighting at intersections, mid-block crossings, bus stops, alleys, and trailheads to improve visibility after dark and deter crime. Where appropriate, incorporation of smart poles and community-monitored cameras—introduced with clear privacy and data policies—can further advance this effort. Implementation should start with a lighting audit, move to a quick-build rollout at hot spots, and culminate in permanent upgrades integrated with streetscape projects. Utility incentives can offset fixture costs, the Capital Improvement Program and Community Development Block Grant (CDBG) can fund priority segments, and Safe

Streets for All (SS4A) can support safety-critical locations. Additional lighting recommendations specific to West Picacho Avenue are noted in Strategy 2.4.

Key Action

- Identify locations and required infrastructure for funding (primarily public realm; rights-of-way, parks)

Strategy 1.2: Increase Police Visibility and Enforcement Along West Picacho Avenue

The Las Cruces Police Department (LCPD) should work with the community to increase their visibility and activities along West Picacho Avenue, particularly the portion between the Rio Grande River and Valley Drive.

Key Actions

- Increase regular, ongoing enforcement of safety-related infractions along the corridor, specifically speeding
- Increase regular, ongoing enforcement of security-related infractions along the corridor, including drug activity and solicitation

Strategy 1.3: Integrate CPTED Principles in Policies and Regulations

Crime Prevention Through Environmental Design (CPTED) principles should be embedded into development review and capital projects so that both private and public investment promote safety by design. A brief CPTED guide can help communicate development requirements, and staff can evaluate public spaces for safety elements, such as pocket parks and bus stops for clear sight lines. Adoption of CPTED checklists in pre-application meetings and façade grants will help make security an integral component of every project.

Key Action

- Develop formal policies and regulations to allow the consistent application of CPTED principles, including timely code enforcement responses

Strategy 1.4: Expand Safety-Related Community Programs and Partnerships

Safety programs build local trust by expanding community policing, establishing a corridor Neighborhood Watch, and partnering with schools and nonprofits on youth mentoring and after-school activities. The approach should evaluate which programs will work best for the local community, potentially including foot and bike patrols at peak times, 'safe haven' businesses, and regular problem-solving walks with residents. The Henry Benavidez Community Center is located in the northeastern portion of the MRA and could play an anchor role in programs of this type.

Key Actions

- Develop a neighborhood safety action plan with key actions to address community and business concerns
- Host bike rodeos and bike safety outreach
- Create a citywide business watch program
- Create slow zones around schools

Crime Prevention Through Environmental Design (CPTED) promotes a multi-prong approach to safety, including:

- **Sight Lines**–transparency and unblocked visibility so that people notice what happens outdoors
- **Boundaries**–fences, planting and other site elements that let people know what is public and what is private space
- **Activity**–extended hours of people being out and about socializing, doing errands, moving from place to place
- **Maintenance**–making a place look clearly well-cared for



Priority 2: Mobility

Increase Connectivity and Access within the MRA and to the Broader Community and Region



Mobility for all modes—people walking, biking, taking transit, driving—ties the community together.

This strategy seeks to reframe West Picacho from a pass-through highway into a connected main street and to ensure that the MRA as a whole is a place where people can walk, bike, take transit, and reach daily needs safely. Recommended actions include adopting corridor-specific design standards, closing gaps in sidewalks and bikeways, and pairing quick-build treatments with long-term reconstruction. These actions should specifically seek to advance the overarching recommendations and specific priorities identified in the City's 2019 *Active Transportation Plan*. Funding can blend Safe Streets for All (SS4A) for systemic safety projects, Transportation Alternatives Program (TAP) for active transportation, and Rebuilding American Infrastructure with Sustainability and Equity (RAISE) or Reconnecting Communities & Neighborhoods for complex multimodal nodes.

Strategy 2.1: Establish Policies that Promote Safe and Complete Pedestrian and Bike Networks within the MRA and to the Broader Community

The City should adopt corridor standards that set lower design speeds, widen sidewalks, require shade, and formalize safe bike facilities appropriate to a mixed-use main street. Standards will apply to both capital projects and private frontage improvements so each reinvestment incrementally completes the network. This policy has minimal direct cost and can be paired with future capital budgets and developer contributions.

Key Actions

- Support implementation of the proposed bicycle and pedestrian improvements identified in the Active Transportation Plan (ATP)
  - » **West Picacho Boulevard**—ATP identifies as location for more study; allocate funding to identify appropriate facility type; an urbanized sidepath or sidepath/sidewalk hybrid on one side should be evaluated
  - » **Motel Blvd, Valley Drive**—ATP identifies as location for trail/sidepath; Valley Dr is identified as a Top 10 Priority Capital Bikeway Project
  - » **Parker Rd, Second Street**—ATP identifies as location for bike boulevard/shared road marking
  - » ATP recommends a standard sidewalk width of at least 6 feet wide, with sidewalk buffer of at least 6 feet wide
- Dedicate funding, leverage development and pursue grant funding to implement key segments of the plan

Strategy 2.2: Install Traffic Calming and Crosswalk Improvements

Traffic calming should seek context-specific enhancements, using elements appropriate to the roadway type and neighborhood fabric. Short-term priority should be placed on West Picacho Ave, a high crash corridor for both cyclists and pedestrians, and Valley Dr, a high crash corridor for pedestrians (both per the ATP). Quick-build materials will test and refine geometry before permanent construction. Short-term delivery can leverage Safe Streets for All (SS4A) planning or implementation funds, while permanent work can be included in capital schedules and eligible segments can seek Transportation Alternatives Program (TAP) funding.



West Picacho's nearly 3/4 mile between signalized intersections tempts pedestrians to cross at irregular locations.

Key Actions

- Identify an appropriate location for a new crossing of West Picacho Avenue; not noted in ATP but mentioned by community as a need
- Evaluate the potential for a pedestrian crossing at the intersection of Valley Drive and Parker Road; new signal would be consistent with ATP's designation of Parker as a Bike Boulevard/Shared Marking route
- Monitor traffic volumes and speed on Tashiro Drive to determine the (future) need for upgrades to the two, existing mid-block crossings; these crossings are marked but unsignalized; increase in either vehicular or pedestrian volumes may warrant the introduction of a pedestrian-activated signal such as a Rectangular Rapid Flashing Beacon (RRFB) or High Intensity Activated Crosswalk (HAWK) signal

Strategy 2.3: Expand Multimodal Options

The City should evaluate multimodal and shared mobility options that broaden the neighborhood's access to options beyond privately owned vehicles and traditional transit. The City's EV carshare pilot, launched Fall 2025, is an example; additional examples could include bikeshare (e-bikes or traditional); scooter share, and expansion of South Central Regional Transit District (SCRTD's) vanpool programs.

Key Actions

- Evaluate and potentially expand EV carshare program
- Seek partners / prepare RFP for micromobility programs (bikeshare, scootershare)
- Prepare micromobility standards in advance of launch.
- Coordinate with regional agencies to evaluate and potential expand vanpool options

Strategy 2.4: Enhance Pedestrian and Bicycle Infrastructure

Pedestrian and bicycle enhancements should focus on closing sidewalk gaps, adding safe bike facilities on key segments, and enhancing connections to trailheads, schools, parks, and retail nodes. Comfort features such as street trees/shade, seating, water access, and lighting will be prioritized to support all ages and abilities. Projects in flood zones should include curb cuts that allow for green infrastructure.

Key Actions

- Perform a sidewalk gap analysis to identify missing segments and to guide the development of a complete network
- Prioritize closure of sidewalk gaps on significant through-streets, specifically streets that cross the railroad tracks and provide connections to the larger city
  - » **Parker Road:** add sidewalk on the south side to stress this corridor as a pedestrian route; existing sidewalk is present only on north side
  - » **Hadley Avenue:** close existing sidewalk gaps; require additional streetscape enhancements as abutting properties redevelop; consolidate and appropriately size curb cuts / driveways to minimize pedestrian conflicts with vehicles
- Strengthen bike designation/facilities along West Picacho Avenue
  - » Consider the removal of on-street parking east of Valley Drive
  - » Evaluate the feasibility of a sidepath along the length of Picacho Avenue

Strategy 2.5: Work with NMDOT and FHWA to Align West Picacho Avenue with City Design Standards

West Picacho Avenue currently serves as both a federal and state highway and must meet the design standards and approval processes of those agencies. The City handles select responsibilities—such as signal timing and median landscaping—through intergovernmental agreements. As a result, the corridor reflects highway-oriented standards despite its more urban setting

To shift toward a pedestrian-friendly, community-oriented design, the City should collaborate with the New Mexico Department of Transportation (NMDOT) and the Federal Highway Administration (FHWA) to adopt urban arterial standards. A key early step is implementing City lighting standards, which call for closer fixture spacing and signal the transition from rural to urban conditions. Lower target speeds, tighter curb radii, and more pedestrian-controlled crossings will enhance safety and support local businesses. Over time, a redesigned public realm—with wider sidewalks and street trees— will reinforce this shift and introduce visual friction to slow traffic. Many existing buildings sit close to the roadway, so sidewalk and planting improvements may depend on redevelopment or funding availability.

Establishing a future roadway cross-section now will guide incremental implementation as parcels redevelop, although given the complex ownership and maintenance structure, further discussion will be needed to determine which jurisdiction may lead that effort. Discussion may also consider if roadway enhancements could or should be broken into segments; such as river to drainage channel, drainage to Valley Drive, and east of Valley Drive. Segmentation could provide more manageable project sizing, and provide opportunity to respond to development activity.

Key Actions

- Apply City lighting requirements along the corridor
- Establish a desired public realm cross-section to be applied as properties develop and redevelop
- Monitor traffic volume and land uses that could create a future need for additional signalization
- Consider transitioning ownership and control of West Picacho Avenue to the City in the future

Strategy 2.6: Create a Comprehensive Wayfinding Program

A bilingual, district-branded wayfinding system is a valuable tool to guide people to parks, community centers, schools, trails, local shops, and cultural assets while reinforcing the corridor's identity. The system should be coordinated with the branding effort and designed with input from youth and local artists. Fabrication and installation can be paired with streetscape budgets, while New Mexico Main Street (NMM) and NEA Our Town grants may be sources to support design and pilot installations.

Key Action

- Pursue grant funding to support a wayfinding program that highlights key neighborhood amenities and that reflects the character of the community



A comprehensive wayfinding program should calibrate signs to different modes of travel and different contexts, like streetsides or trailheads.

Priority 3: Economic and Workforce Development

Support the Growth of and Access to Local Businesses and Business Opportunities



Local businesses come in all sizes, and can start small and grow larger.

This strategy grows local enterprise by pairing site readiness, storefront upgrades, incubation, and skills development so residents can start and sustain businesses along the corridor. The City should work with property owners and local organizations to package priority sites, expand façade grants, promote pop-ups and incubators, and align workforce training to employer needs, creating a pipeline from idea to stable storefront.

Strategy 3.1: Market and Promote Catalyst and Priority Redevelopment Parcels

The City and partners should explore opportunities to market priority parcels with concise prospectuses that outline zoning, utilities, incentives, preferred uses, and design expectations. Developer roundtables and walking tours can showcase opportunities and synchronize public improvements with private timelines. Site preparation can be supported by a variety of tools that could include utility coordination budgets, and state economic development tools.

Key Actions

- Create an MRA webpage to showcase key information, incentives, opportunity sites
- Create a vacant property task force
- Draft a vacant property ordinance that assesses fees for extended vacancy
- Create a design assistance program to create concept plans for key sites
- Pursue brownfield grants for property assessment and planning

Strategy 3.2: Create a Land Bank of Vacant and Underutilized Parcels

A land bank or land-trust partnership is a valuable tool to assemble vacant and under-used parcels, clear title, and package sites for mission-aligned infill and mixed-use projects. Policies should prioritize affordable commercial space for local entrepreneurs and activate long-quiet frontages. Acquisition and holding costs can be financed through sources like philanthropic program-related investments, and state redevelopment funds.

Key Actions

- Identify funding to acquire and hold vacant and underutilized properties
- Draft procedures for the City to sell or donate properties for development

Strategy 3.3: Launch or Leverage a Storefront Improvement Program to Provide Grant Funding for Local Businesses

A tailored Façade Improvement Grant Program can offer matching grants for signage, windows, lighting, accessibility, and storefront transparency, with design assistance to ensure cohesive results. Coordinated block-front rounds can maximize visual impact and support evening activity.

Key Actions

- Leverage Small Business Storefront Repair funds for eligible properties
- Seek non-traditional uses for vacant storefronts, such as museum or short-term community offices for special City projects
- Explore temporary installations to make vacant properties look less ‘empty’



Temporary storefront installations can add vibrancy.

Strategy 3.4: Cultivate New Entrepreneurship

The City should cultivate new entrepreneurs by expanding pop-up retail, shared maker spaces, and mentorship so low-cost trials can mature into permanent businesses. Programming could include marketing and bookkeeping workshops, access to micro-loans, and short-term leases in vacant stores. Operations can be supported through partnerships with Cruces Creatives, SBDC, and DACC, with seed funding from local economic development funds and philanthropy.

Key Actions

- Establish retail incubators and pop-up shops; prefer location along West Picacho Avenue to increase activity and reduce vacancy; consider partnership with indoor flea market west of Seventeenth Street to expand hours/partition and keep portion of building open full time
- Provide business training and mentorship; could take place in flex space such as schools or community centers, or in dedicated facility
- Promote cultural and food-based retail clusters
- Work with owner/developer to create an 'eatertainment' district in the northwest corner of the Tashiro catalyst site (*see Catalyst Site #1*)
  - » Investigate potential for a commercial kitchen in the eatertainment district to complement small-scale start-ups/food trucks
- Promote environmentally conscious businesses and practices based in circular economy principles, including practices that reduce waste, encourage responsible consumption, and focus on repair and reuse.

Strategy 3.5: Introduce Workforce Training Programs and Services

Workforce training should align with corridor opportunities such as food service, retail management, building trades, and film support services so residents can secure quality jobs nearby. Short-term certificates, paid internships, and apprenticeships with bilingual instruction and family-friendly schedules are examples of some offerings that may be appropriate, with the City and local partners working to connect graduates to local placements. Funding could draw on Workforce Innovation and Opportunity Act programs, employer contributions, and targeted City allocations for tuition assistance and stipends.

Key Actions

- Identify location for permanent workforce training center
- Identify existing programming or funding for workforce training



A shared commercial kitchen can help launch home businesses to food trucks to restaurants or catering.

Priority 4: Housing

Establish a Clear Path to Increasing Housing Options, Emphasizing the Inclusion of Affordable Units in Diverse Housing Formats





Desert Palms apartments offer an example of a motel conversion that includes a variety of housing types, including apartments and new-build patio homes.

This strategy increases housing choice and affordability through adaptive reuse, clearer guidance, targeted incentives, streamlined approvals, and anti-displacement tools so current and future residents can remain in West Picacho. Pairing regulatory certainty with public investment enhances opportunities to deliver context-sensitive, equitable growth.

Strategy 4.1: Facilitate the Transformation of Motels into Diverse Housing Options

Underperforming motels represent a largely untapped opportunity to convert aging hospitality buildings into safe, code-compliant transitional and permanent housing. These new housing options can be paired with on-site services tailored to target populations such as seniors, artists, or the workforce. Funding for project improvements may draw upon financing sources such as Low-Income Housing Tax Credits (LIHTC), HOME Investment Partnerships Program, Community Development Block Grant (CDBG), MRA bonds, grant and funding programs specifically aimed at concentrations of poverty, and Housing New Mexico | New Mexico Mortgage Finance Authority (MFA) programs. Transformative developments should commit to long-term affordability and supportive management. See Catalyst Project #3 Blues Apartments for key considerations in these types of conversions.

Key Action

- Create city guidelines/resources noting key features (calibrate to intended residents).



Strategy 4.2: Create a Housing Resource Guide for Developers

Creating a concise Housing Resource Guide can clarify zoning pathways, submittal checklists, infrastructure coordination, design expectations, and available incentives so small and mid-size developers can move projects with confidence. The guide should include pre-approved missing-middle typologies to shorten design time and reduce soft costs, and list staff contacts to improve predictability.

Key Action

- Citywide—develop a marketing book identifying available sites, available development tools and funding

Strategy 4.3: Prevent Displacement through Renter Assistance and Protections

Renter assistance, legal support, and homeowner stabilization (so long-time residents can remain in place as investment arrives) are important tools to avoid displacement. The City should administer emergency rental aid and Tenant-Based Rental Assistance (TBRA) through the federal HOME program, designate local funds for eviction prevention and counseling through local and legal aid partners, and offer rehab grants for income-qualified owner-occupants. The City should ensure right-to-return and relocation assistance is available when public actions trigger displacement, and outcomes should be monitored to adjust programs.

Key Actions

- Leverage NM Eviction Prevention and Diversion to advance housing stability
- Explore the opportunity to provide additional assistance through local, County, State or Federal funding or programs

Strategy 4.4: Offer Incentives for Multifamily and Affordable Housing

A menu of incentives—impact fee reductions, density bonuses tied to income-restricted units, parking reductions near transit, and expedited review—can improve project feasibility for affordable and mixed-income housing. The City should coordinate with Housing New Mexico | New Mexico Mortgage Finance Authority (MFA) programs and explore MRA bond support for site infrastructure, while developers pursue Low-Income Housing Tax Credits (LIHTC) and private equity.

Key Actions

- Incentivize affordable units by encouraging higher multifamily densities
- Support Low-Income Housing Tax Credits (LIHTC) through letters of priority, land donations and monetary contributions (loans, gap funding, fee waivers)
- Consider Tax Increment Financing with a focus on affordable housing units
- Expand City's waiver program that reduces or waives impact fees for projects that increase affordable housing
- Consider design standards and incentives such as accelerated permitting for developments that include rooftop solar or are pre-wired for photovoltaic systems, to reduce long-term costs for residents



The introduction of additional multi-family housing can contribute to affordability while increasing options for residents.

Priority 5: Beautification

Focus on the Beautification of the Corridor and Establish Picacho Boulevard as a Key Gateway to Downtown



Murals reflecting local flora, art salvaged from prior (gas station) uses and special streetscape elements like paving and plantings all contribute to a more interesting, human-scaled neighborhood.

This strategy uses visible beautification and branding to change perceptions, invite walking and gathering, and signal that West Picacho Avenue is a distinct and welcoming district. Early work should target gateways, key intersections, and blocks with clusters of small businesses to maximize impact. The City's Quality of Life Department Public Art section could be a particularly valuable partner in these efforts.

Strategy 5.1: Develop and Implement a Street Beautification Plan with Trees and Shaded Seating Areas

A corridor streetscape plan should emphasize heat-tolerant street trees, drought-resistant planting, and shaded seating at bus stops and gathering spots so the public realm is comfortable year-round. It should also consider additional design features that promote airflow and reduce heat accumulation. The plan will require coordination with utilities for placement and maintenance, and phased implementation should start at gateways and school routes. Urban forestry grants and sponsorships can finance installation and upkeep.

Key Actions

- Prepare a corridor streetscape plan that sets shade targets, species palettes (heat/drought tolerant), planter/soil volumes, and seating standards; prioritize gateways, school routes, bus stops, and blocks with multiple small businesses
- Design, fund, and develop a "model block" (trees, understory planting, shade structures, benches, litter and recycling, bike racks) and deliver it as an early demonstration project
- Sequence buildout from the model block to other priority segments; bundle tree procurement and furnishings for volume pricing.
- Integrate key actions from Strategy 6: Community Character to enhance the corridor with public art / placemaking element

Strategy 5.2: Create District Gateways and Edge Markers

District gateways and edge markers establish a clear sense of arrival and unify the neighborhood. The City should work with the community to create a local 'brand' that includes a name, logo, and visual palette. Primary markers are recommended at West Picacho Avenue at Valley and at Motel Boulevard, with secondary and tertiary elements at neighborhood entries, trailheads, banners, benches, and bike racks. Design could be supported by NEA Our Town and New Mexico Main Street (NMM), with fabrication bundled into streetscape contracts.

Key Actions

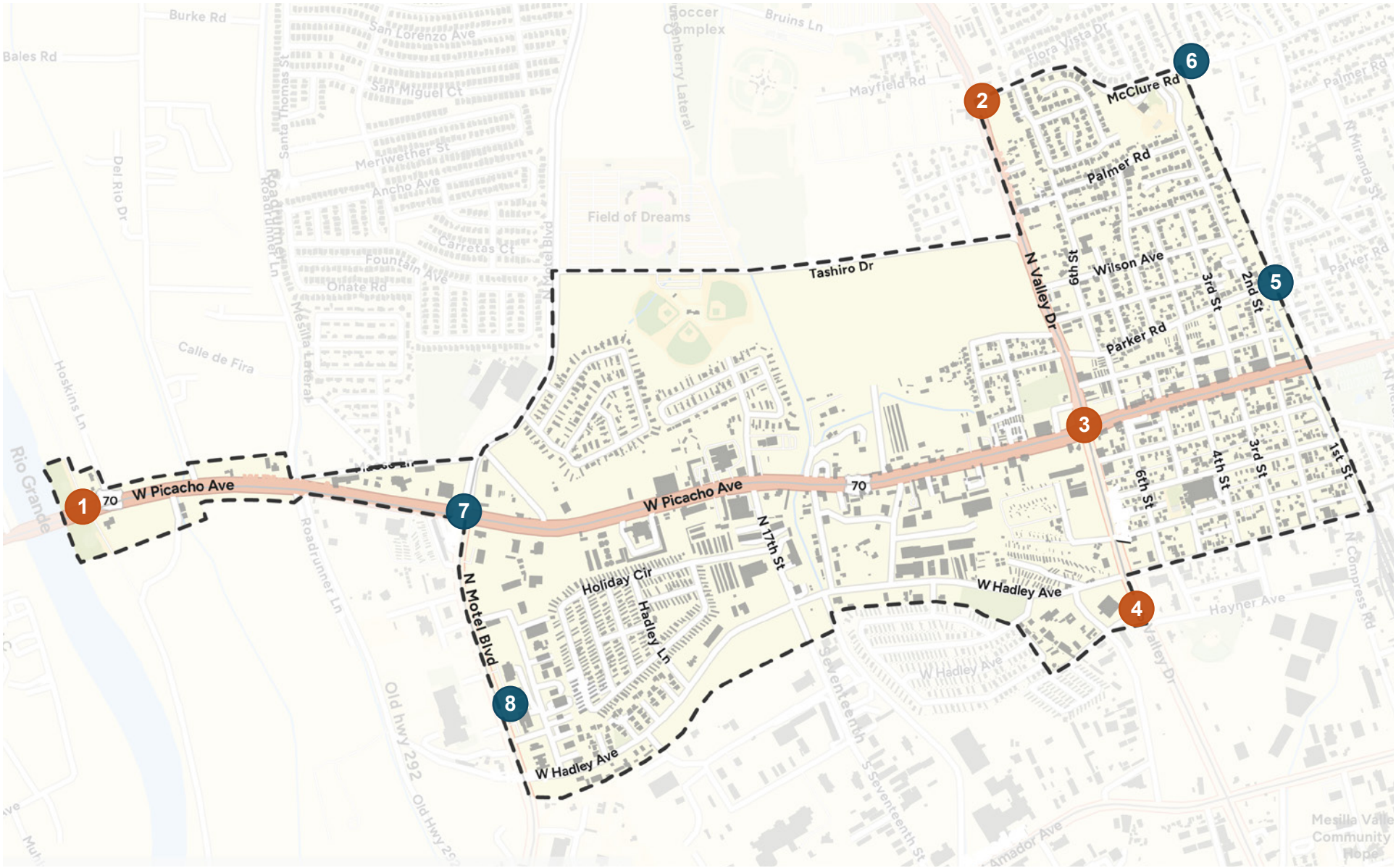
- Create/Reinforce a district brand and identity
- Engage a branding firm to create a logo and tagline
- Primary gateways (*see map for locations*)
  1. W Picacho / Hoskins Ln – La Llorona Park
  2. W Picacho / Railroad tracks
  3. Valley Dr / McClure Rd
  4. Valley Dr / Hadley Ave
- Secondary gateways (*see map for locations*)
  5. Parker Rd / Railroad tracks
  6. McClure Rd / Railroad tracks
  7. Motel Blvd / Tashiro Dr
  8. Motel Blvd / Hadley Ave
- Tertiary branding: furnishings, street signs, bike racks, similar elements





District gateways come in various forms.

Gateway Locations



Strategy 5.3: Integrate Improvements with Support from the Public Arts Community

The City should partner with the public arts community to identify opportunities to integrate murals, utility box art, and small installations that celebrate local heritage and contemporary culture, with youth involvement to build stewardship. Project delivery may leverage New Mexico Arts' Art in Public Places (AIPP) grants (locally managed by the City's Quality of Life Department) and local MRA funds, and it could be synchronized with façade improvements to concentrate impact along active frontages.

Key Actions

- Host a local event aimed at developing a presence and support for a public art program in the neighborhood
- Coordinate public art activities with K-12 art programs and students

Strategy 5.4: Allow for and Promote the Activation of Vacant Parcels with Short- or Medium-Term Temporary Uses

City and property owners should explore short- and medium-term uses to activate vacant parcels while long-term projects are prepared; examples might include as markets, food trucks, pop-up nurseries, temporary skate features, and raised-bed gardens. To support these efforts, the City should streamline temporary use permits, offer small activation grants, and provide model license agreements for private lots. Seed funding can come from local economic development budgets and sponsorships, with infrastructure (power, water) bundled into capital projects at priority sites such as Tashiro Drive.

Key Actions

- Retail examples: markets, fairs, food truck court, pop-up nursery
- Community examples: temporary skate park, community gardens (raised beds)

Strategy 5.5: Pursue Sustainable Development

Sustainable development practices should be embedded in public and private projects through green infrastructure for stormwater, drought-tolerant landscaping, cool roofs, and solar-ready design so the corridor is resilient and cost-effective to maintain. Additional examples include permeable paving that not only reduce heat but also manage stormwater runoff in flood-prone areas, and coll pavement materials for sidewalks, crosswalks, and parking areas. Implementation should align with the Las Cruces Climate Action Plan and pursue incentives such as expedited review or reduced parking for high-performance buildings. Capital and program funding can include Energy Efficiency and Conservation Block Grant (EECBG), state resilience grants, and utility rebates.

Key Actions

- Integrate green infrastructure into new streetscapes
- Implement the strategies of the Las Cruces Climate Action Plan in public and private development and redevelopment
- Create incentive programs for energy efficient development
- Prioritize areas with high pedestrian traffic and limited tree canopy



Long-term temporary uses like a pop-up skate park can activate vacant lots.

Priority 6: Community Character

Recognize, Support, and Integrate Cultural Identity and Preservation into Future Development Opportunities in the MRA







Enhancing what makes the West Picacho and Motel MRA unique.

This strategy elevates West Picacho's cultural identity by investing in public art, historic rehabilitation, and community storytelling so the corridor's past and present shape its future. These actions build belonging, attract visitors, and differentiate the district within the City and region.

Strategy 6.1: Support Public Art that Reflects Local Heritage

Prominent walls, utility boxes, and gathering spaces offer an excellent opportunity to showcase local heritage, pride and history through public art. Artist selection should integrate community juries, youth collaboration, and maintenance plans so installations endure. Funding can blend New Mexico Arts' Art in Public Places (AIPP), NEA Our Town, private sponsorships, and coordinated streetscape budgets.

Key Actions

- Combine with a façade improvement initiative to enhance the visual quality while providing local artists the opportunity to shape the identity of the MRA
- Promote the inclusion of public art in public spaces, including key opportunities along West Picacho Avenue



Bridge mural at the Rio Grande.

Strategy 6.2: Rehabilitate Key Historic Assets

Key historic assets should be rehabilitated and interpreted to strengthen identity and attract visitors, with enhanced pedestrian connections and signage to the 1910 Railroad Depot and context buildings within the MRA (not within the study area, but a key contributing resource). The City should specifically promote adaptive reuse so historic structures host active ground-floor uses. Historic preservation grants, tax credits, and MRA funds can be combined with private investment to deliver these projects.

Key Actions

- Although not located within the MRA, consider enhancements, including access, to the Railroad Depot as a key adjacent asset
- Prioritize façade enhancement or the improvement of key historic assets in the MRA

Strategy 6.3: Integrate Youth Storytelling or Oral Histories into Placemaking

Youth storytelling and oral histories should be integrated into placemaking through murals, plaques, digital archives, and public events so intergenerational voices animate the corridor. Partnerships with schools, museums, and cultural nonprofits are an opportunity to guide content development and ensure authenticity. Small grants, arts education funds, and sponsorships will support ongoing programming.

Key Actions

- Identify priority locations for interpretation (murals, plaques, sculptural markers, and QR-enabled signs) and link each site to a specific story or theme. Expand City's existing Audio Stories program
- Program an annual "Stories of West Picacho" event (student exhibits, performances, pop-ups) to unveil new pieces and refresh interest in the archive
- Prepare a short "Story Collection Guide" (topics, consent, translation, audio/photo standards) so teachers, students, and volunteers collect content consistently

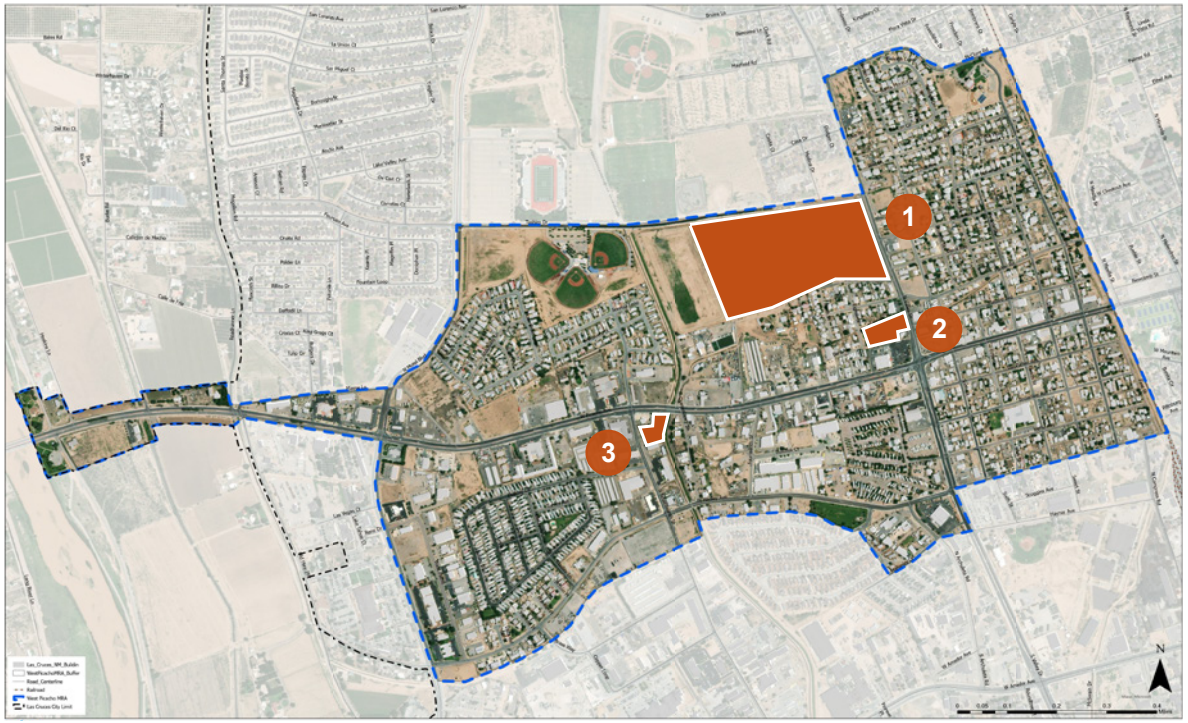
Catalyst Sites Overview

Three catalyst sites were selected to demonstrate how the plan's vision and strategies can take shape on the ground. Each site translates community input and technical findings into a clear concept that can begin now, progress in phases, and produce early, visible benefits. These locations were selected because they can advance multiple strategy areas at once—safety, mobility, local business vitality, housing options, beautification, and community character—while building confidence for broader reinvestment across West Picacho.

Each overview follows a common structure to support action. It defines the site's role in the corridor, identifies the key physical moves that unlock value (for example, new path or street connections, lighting and shade, or activation of vacant space), and outlines a practical program mix that fits surrounding uses. Phasing emphasizes quick, high-impact steps that set up longer-term outcomes, so improvements feel continuous rather than one-off.

The three catalyst areas—Tashiro Multi-Use Hub, Camunez Park, and Blue Apartments (motel conversion)—are illustrative rather than exhaustive. Together, they show how near-term upgrades (crossings, trees, lighting, temporary activations) prepare the ground for larger changes (mixed-use activity, missing-middle housing, and a stronger public realm). As these projects move forward, they create model protocol, such as design details, approvals, and partnership roles, that can be adapted to other blocks and parcels across the MRA.

The overviews provide both a concept and a playbook for action. They show where to start, how to phase work, and how one improvement supports the next. Together, early actions and continued progress towards the strategic recommendations, provide a clear, step-by-step path toward a safer, more connected, and welcoming West Picacho.



Legend

Catalyst Sites

1. Tashiro Multi-Use Hub
2. Camunez Park
3. Blues Apartments

Catalyst Site 1:

Tashiro Mixed-Use Hub

Size: ~42 acres

Location: Southeast corner of Tashiro and Valley Drives

Owner: Private

Goals:

Expand housing options.

Create synergy with Field of Dreams

Why this Site Could be a Catalyst

This single-owner property is the largest undeveloped area in the MRA. It represents an opportunity to capture new commercial and retail uses that require a larger amount of land or a critical mass of similar uses. It also offers a clean slate to introduce different types of housing that may not existing in the area, and/or require a larger number of units to be financially feasible.

Concept

The concept level diagram envisions low to medium-density housing development adjacent to the existing single-family blocks south of the site, with commercial and retail uses located along Valley Drive to take advantage of the visibility provided along this major transportation corridor. An additional small retail/dining node at the site's northwestern corner is envisioned as an 'eatertainment' area, intended to capitalize on proximity to the Field of Dreams and offer both permanent and food-truck type options within walking distance of that facility. The site ties into existing street grid, with north south connection aligned with Eighth Street and a central spine extending Wilson Avenue across Valley. The northern edge of Wilson Avenue features a green spine that doubles as open space for new residents.

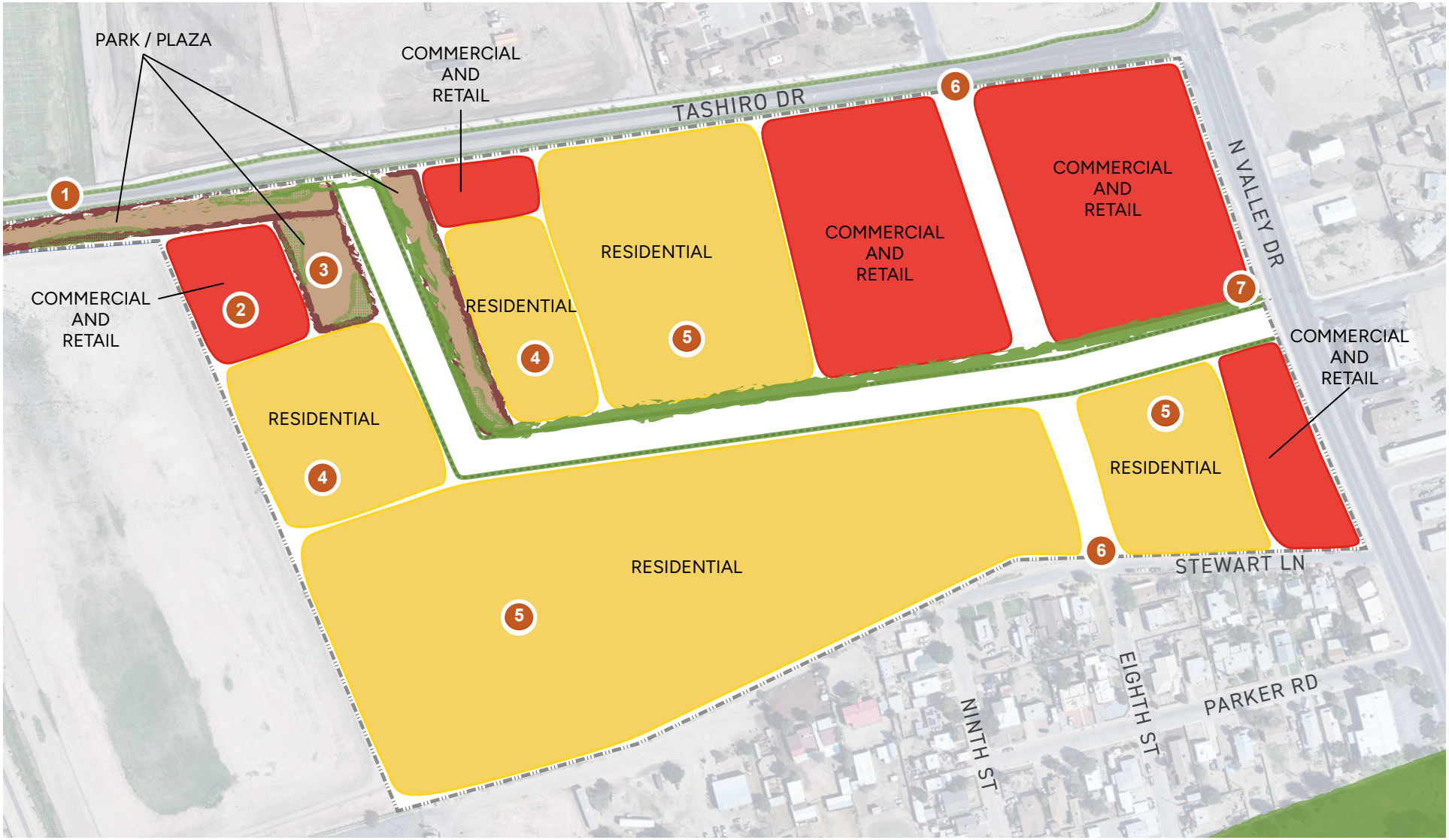
Considerations

This site is very market-dependent and likely to be built in phases. Given the parcel's size and adjacent uses, it will also require a traffic impact analysis at all stages of development, to ensure continued safety and function of area roadways. The ultimate mix of uses will depend not only on demand within the MRA, but also within the City at large. This project may require active recruitment of desirable uses as well as development incentives.



Examples of an Eatertainment/Food Truck Court (top) and a plaza and promenade (bottom).

Tashiro Mixed-Use Site



Legend:

1. Connection to sports fields and multi-use path
2. Eatertainment/food truck court provides synergy with field of dreams
3. Plaza and promenade
4. Mixed multi-family residential (rowhouses / townhomes)
5. Single-family residential
6. Integrate roadways with existing
7. Commercial development

Catalyst Site 2:
Camunez Park

Size: 2.6 acres

Location: West side of Valley Drive at Madero Avenue

Owner: City of Las Cruces

Goals:

Increase park usage

Customize park to community needs / desires

Provide space for a variety of active and passive uses

Provide space for programming

Why this Site Could be a Catalyst

This existing City-owned park occupies a central location within the MRA and is within easy walking or biking distance of a significant portion of the neighborhood population. It has not, however, been refreshed in many years and a redesign could both expand the recreational opportunities it offers and bring the park into line with today's park trends and preferences.

Existing Description

The park is roughly rectangular, with a gentle diagonal northern boundary and a separate commercial property in the southeast corner; this parcel is privately owned and is not part of the park. A large, unprogrammed grassy area dominates the core of the park, with mature trees planted informally around the edges. A basketball court, picnic shelter and children's play equipment is clustered toward the west side of the park. Informal parking is available along Eighth Street in an unpaved, unstriped area. The park is fenced with chain link on 3 sides, excluding Eighth Street.

Design Features

Community input identified safety, shade, and multi-use design as the top priorities. Specifically requested facilities and amenities included a soccer field, a shade structure, more and better parking, additional lighting and signage, basketball court, playground and restrooms.

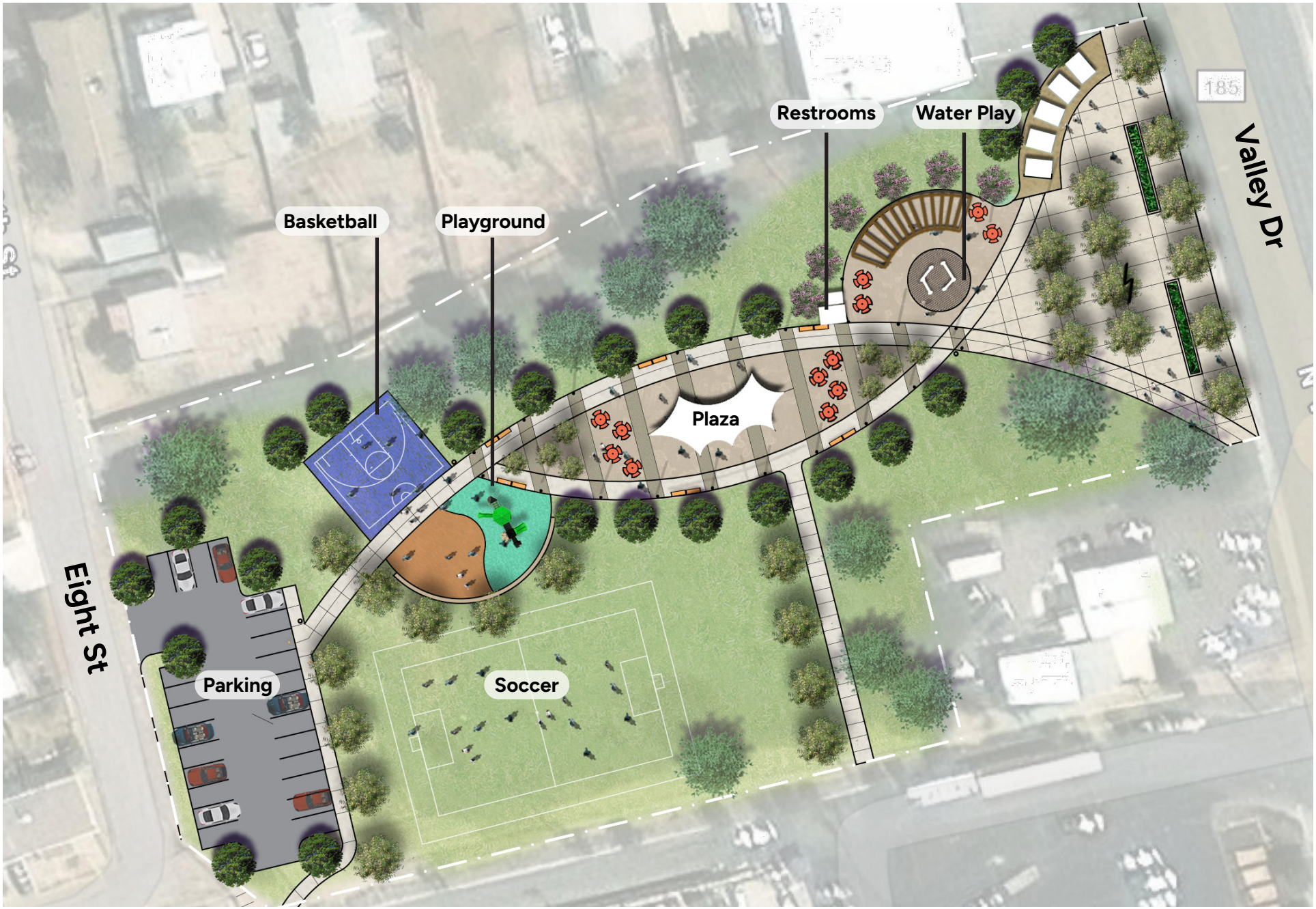
The new design features a central spine that guides users from east to west, welcoming visitors to enter from both Valley Drive and Eight Street. A





Bird's eye view looking toward Valley Drive (top) and interior park (bottom).

Camunez Park Plan



variety of programmed and informal spaces are arranged along this double spine, including an entry plaza with a bosque of trees, a water play area with restrooms, and an open plaza with a large shade structure for hosting events. On the west side of the park, two age-specific playground areas are located next to each other; a half basketball court and full U8 soccer field are also in this area. A new sidewalk between the sidewalk's central plaza and the adjacent retail business (currently Tractor Supply) provides convenient connection between the many events hosted by that business and the park itself. New trees border all of the park's sidewalks, increasing tree canopy and shade. A formalized parking lot provides approximately 25 off-street parking spaces.

Considerations

The park design can be phased, and should start with new tree plantings, sidewalk and plazas, the central shade structure, and parking. Playground and sports fields can be added at a later time if desired. In addition, if the parcel at the southeastern corner of the park becomes available for sale, the City should consider buying it to increase the size of the park and create a more consistent visual character.





Views of the central plaza.





Views of the Valley Drive entrance (top) and the water play area (bottom).

Catalyst Site 3:

Blue Apartments

Size: 1.3 acres

Location: Southeast Corner of Picacho Avenue and Seventeenth Street

Owner: Private

Goals:

Use as a template for other motel conversions

Provide aesthetic enhancement

Increase safety and security

Expand housing options

Why this Site Could be a Catalyst

This site offers an opportunity to examine how the many existing mid-century motel properties along the West Picacho corridor can evolve into permanent housing. This 'new life' for existing motel properties is valuable because it can expand the type and price points of housing in the neighborhood and better respond to the community's current need.

Existing Description

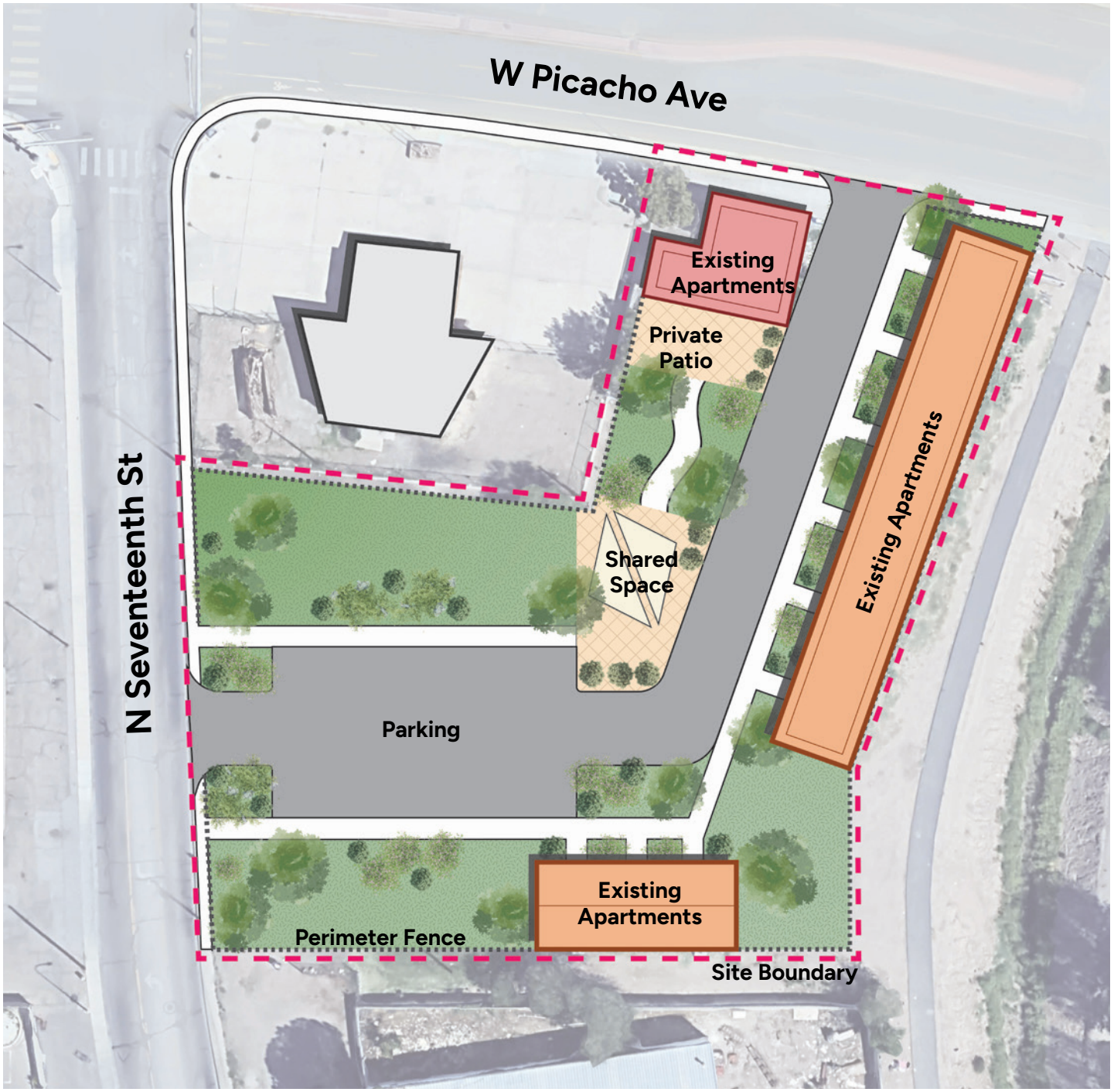
Motels of this type are often built in an 'L' or a 'U' configuration, where one- or two-story buildings are built at the edge of the property surrounding a central parking area. It is not uncommon for sites to be nearly entirely impervious (covered by buildings or paved parking areas), a condition that raises the ambient temperature and provides little in the way of human scale or visual relief. These buildings are often converted into weekly, monthly or other variations of semi-permanent housing, but remain almost entirely auto-focused.

Thoughtful Conversion

The first step in creating a more homelike atmosphere is to evaluate and provide for circulation and parking needs, based on City requirements and expected resident demographics. Given the compact size of the units in a typical motel room conversion, it may be acceptable to drop below a one space/dwelling unit (DU) ratio, if not all residents are anticipated to own their own vehicles. Individual parking spaces should be sized to city code, and



Adding artistic details (left) and courtyards (left) add character to motel conversions.



Alternative 1: Renovation

This low-touch approach focuses on enhancing the interiors of existing apartments and upgrading building facades, while also reorganizing site parking to create clearer circulation patterns for both vehicles and pedestrians. It includes opportunities to develop shared outdoor areas, with potential for semi-private spaces adjacent to individual units as well as communal gathering spaces for residents.

Vehicular access will be maintained from both West Picacho Avenue and Seventeenth Street. Additionally, a perimeter fence will be introduced around the entire site to better define property boundaries, enhance resident privacy, and help deter illegal drug activity and related foot traffic through the property.

This alternative maintains the opportunity for future residential expansion, as shown on the next pages.

arranged in as efficient an arrangement as possible in order to free space for new resident amenities or additional housing units. Areas that are no longer needed for right-sized, more efficient parking and circulation can be used to provide resident amenities such as children's play areas, resident gathering areas, dog runs and communal or individual planting areas.

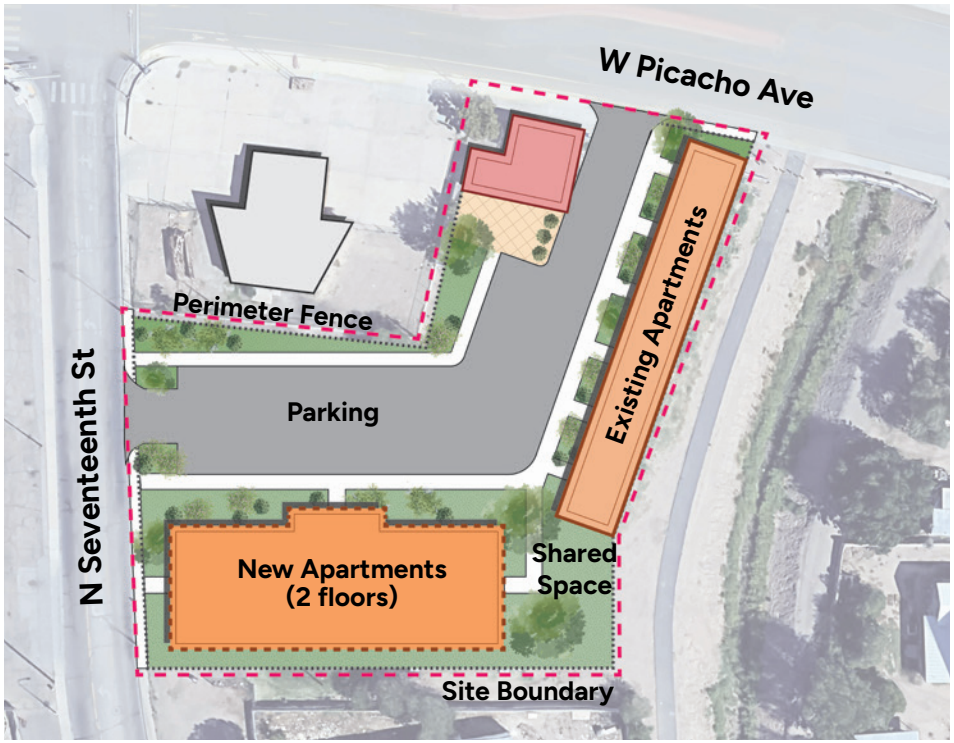
It is also important to enhance existing buildings with an eye to creating a home-like atmosphere. Simple enhancements can bridge the divide between 'motel' and 'apartment'. Aesthetics starts at the property entrance, and creating an attractive entry sequence sets the tone. If a building has more than one level, upgrading stairways can mark the 'front' entry and aid in wayfinding. At the individual unit level, simple changes like upgrading front doors and adding exterior lights at each entry can make a big difference.

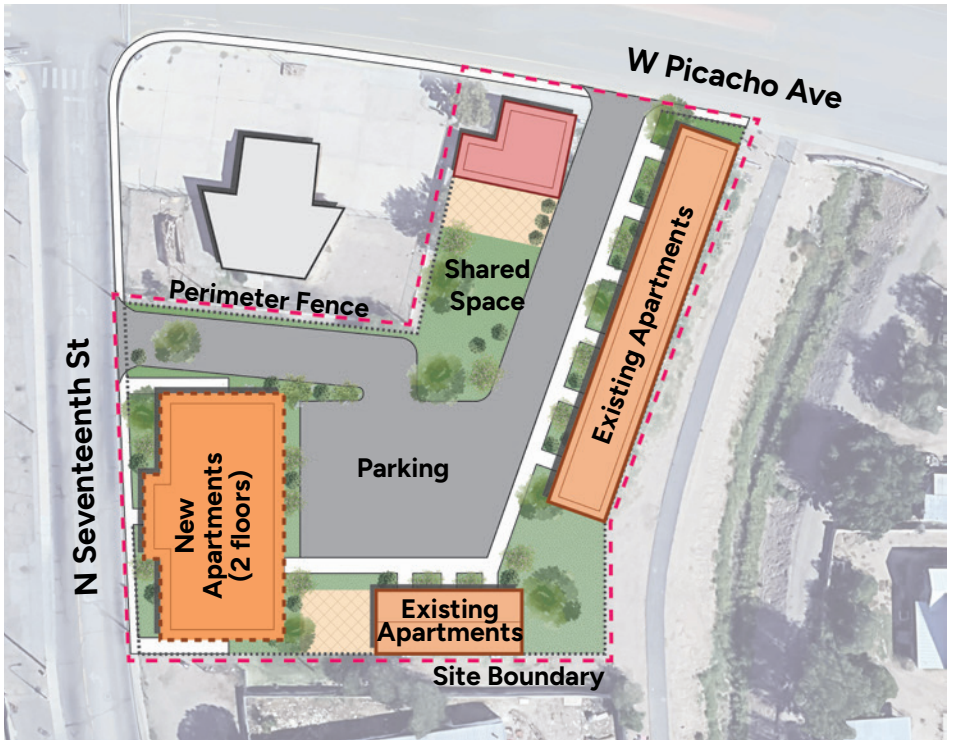
Considerations

Amenities and communal spaces should be aligned with the intended resident population. If the property is targeting families, a play area may be appropriate; if it is intended to be transitional housing, wrap-around social services such as workforce training or substance counseling may be a valuable use of communal spaces. For senior apartments, spaces for a variety of activities and socialization are critical; a communal kitchen or full-service dining room could also be considered.



Adding true front doors to motel conversions can go a long way in creating a residential character.





Alternative 2: Infill

These variations on residential expansion illustrate two different locations for a new 2-story apartment building. Like Alternative 1, these options look to upgrade the interior rooms and exterior façade of the existing building(s) and organize site circulation and parking to allow space for a new residential building that could be stacked flats (with multiple entrances) or apartments, with two communal entrances and a central hallway in traditional apartment style (as shown). Given the increased residents and parking need, more space is needed for parking, and communal outdoor space is located in the lower corner of the site. These alternatives also maintain two access points from West Picacho Avenue and Seventeenth Street, with a new fence around the entire property.

As noted in the text, the character of the shared outdoor space should be designed with intended residents in mind - whether families or seniors or transitional housing. The existing smaller apartment buildings along West Picacho and at the rear of the property could be converted to community or multi-purpose space, or dedicated services such as workforce training— again dependent upon residents' needs.

08

IMPLEMENTATION



CHAPTER 6: IMPLEMENTATION CONTENTS

Lead, Timing and Resources

Funding Matrix

Leads, Timing, and Resources

Implementation is about more than what to do and when to do it; it is also about building support, ensuring community equity, and cultivating flexibility to capitalize on opportunities. The matrix on the next pages lists all the recommendations and key actions described in the preceding chapter, along with the primary City department that will take ownership and champion that element, whether it is an early-phase or long-term (or ongoing) effort, and the type of resources needed for its implementation.

It is important to note that no recommendation takes place in a vacuum, and most if not all activities will require collaboration not only between multiple City departments, but also with public and private partners like the community itself, private developers and local community organizations and non-profits. The City department marked in the matrix will lead the effort, but will not be solely responsible for that effort.

Timing is a nuanced assessment. The earliest activities should be those that create visible change in the community and begin to build community support for this plan and its recommendations. Safety is absolutely top of mind for local residents and businesses, a message that came through loud and clear in public engagement, and activities related to this concern should begin immediately. Other activities marked as near-term may be what is often called 'low hanging fruit'—they may not be the most critical, but they offer a low-effort, low-cost way to create early wins that also build support. Other near-term activities are categorized as such to ensure that early benefits are spread throughout the entire MRA—something for everyone. Finally, it is important to stay nimble and watch for new funding opportunities where long-term project could be moved forward—either because a new funding source has become available, context has changed making it more urgent, or even because another project makes it possible for that recommendation to be bundled with it, such as adding bike lanes when a road is slated for restriping.

Resources are a high-level assessment to assist staff in sorting through activities that are limited to the City itself, and which may need outside design services or significant funding that exceed what can be planned for in City budgets.

Strategies and Recommendations

Strategy	Recommendations	City Lead						Timeframe		Resources		
		Econ Dev	Public Works	Quality of Life	Community Dev	Parks	Police	Near-Term (0-5 yrs)	Long-Term (5+ years)	Staff Time	Design & Eng Svcs Consultant	Funding
1	**SAFETY AND SECURITY: Establish a safe and secure environment for residents and business-owners**											
1.1	Increase lighting and smart infrastructure (locations, program)											
	Identify locations and required infrastructure for funding (primarily pubic realm; rights-of-way, parks)		●					●		●		●
1.2	Increase police enforcement along the W Picacho Boulevard corridor between the river and Valley Drive											
	Evaluate feasibility of locating a LCPD Real Time Crime Center along W Picacho Boulevard						●	●		●	●	●
	Establish regular enforcement of safety-related infractions along the corridor, specifically speeding						●	●		●		
	Establish regular enforcement of security-related activities along the corridor, including drugs and solicitations						●	●		●		
1.3	Integrate CPTED (Crime Prevention Through Environmental Design) principles in policies and regulations											
	Develop formal policies and regulations to allow the consistent application of CPTED principles, including timely code enforcement responses				●				●	●		
	Ensure that CPTED principles are followed in future public and private development and redevelopment in the plan review process				●				●	●		
1.4	Expand safety-related community programs and partnerships											
	Develop a neighborhood safety action plan with key actions to address community and business concerns				●			●		●		
	Host bike rodeos and bike safety outreach					●			●	●		●
	Create a citywide business watch program			●					●	●		
	Create slow zones around schools		●					●		●		
2	**MOBILITY: Increase connectivity and access within the MRA and to the broader community and region (mobility)**											
2.1	Establish a policies that enhance safe and complete pedestrian and bike networks within the MRA and to the broader community											
	Support implementation of the proposed trails/sidepaths in the Active Transportation Plan (reflecting the Mesilla Valley MPO Trail System Priority Plan Tier 1 trails)					●		●		●	●	●
	Dedicate funding, leverage development, and pursue grant funding to implement key segments of the plan					●			●	●	●	●
2.2	Install traffic calming and crosswalk improvements											
	Identify an appropriate location for a new crossing of W Picacho Boulevard re: NMDOT discussion		●					●		●	●	●
	Evaluate the potential for a pedestrian crossing at the intersection of Valley Drive at Ethel Ave		●					●		●		
	Monitor traffic volumes and speed on Tashiro Avenue to determine the need for upgrades to mid-block crossings		●						●	●		

Strategy	Recommendations	City Lead						Timeframe		Resources		
		Econ Dev	Public Works	Quality of Life	Community Dev	Parks	Police	Near-Term (0-5 yrs)	Long-Term (5+ years)	Staff Time	Design & Eng Svcs Consultant	Funding
2.3	Enhance pedestrian and bicycle infrastructure											
	Ensure all pedestrian crosswalk and bike lanes are legible; provide new markings per appropriate roadway standards where necessary		●					●		●		
	Require sidewalk with all new developments and redevelopment				●				●	●		
	Perform a sidewalk gap analysis to identify missing segments and to serve as a guide the development of a complete network		●					●		●		
	Prioritize closure of sidewalk gaps on significant through-streets		●					●		●		●
	Parker Rd–add sidewalk on south side to stress this as a pedestrian route		●					●		●		
	Ethel Ave–watch for opportunity for property acquisition or easement for pedestrian/ bike connection to signal at Tashiro Boulevard		●					●		●		●
	Strengthen bike designation/facilities along W Picacho Avenue		●					●		●		
	Consider the removal of on-street parking east of Valley Drive		●						●	●		
	Evaluate the feasibility of a back-of-curb multi-use path along the length of Picacho Avenue		●						●	●		●
2.4	Work with NMDOT and FHWA to align Picacho Boulevard with City design standards											
	Apply City lighting requirements along the corridor		●					●		●		●
	Establish a desired public realm cross-section to be applied as properties develop and redevelop–consider sidewalk width, location, street trees		●						●	●	●	●
	Monitor traffic volume and land uses relative to need for additional signalization in future		●						●	●		
	Consider transitioning ownership and control of W Picacho the City in the future		●						●	●		
2.5	Create comprehensive wayfinding program											
	Pursue grant funding to support a wayfinding program that highlights key neighborhood amenities and that reflects the character of the community				●			●		●		●
3	**ECONOMIC AND WORKFORCE DEVELOPMENT: Support the growth of and access to local businesses and business opportunities**											
3.1	Market and promote catalyst and priority redevelopment parcels											
	Create an MRA board to oversee and champion plan actions	●						●		●		
	Create an MRA webpage to showcase key information, incentives, opportunity sites	●						●		●		
	Create a vacant property task force	●						●		●		
	Draft a vacant property ordinance that assesses fees for extended vacancy	●						●		●		
	Create a design assistance program to create concept plans for key sites				●			●		●	●	●
	Pursue brownfield grants for property assessment and planning	●						●		●		
3.2	Create a land bank of vacant and underutilized parcels											
	Identify funding for city to acquire and hold vacant and underutilized properties	●							●	●		●
	Draft procedures for city to sell or donate properties for development	●							●	●		
3.3	Launch or leverage a storefront improvement program to provide grant funding for local businesses											

Strategy	Recommendations	City Lead						Timeframe		Resources		
		Econ Dev	Public Works	Quality of Life	Community Dev	Parks	Police	Near-Term (0-5 yrs)	Long-Term (5+ years)	Staff Time	Design & Eng Svcs Consultant	Funding
	Leverage Small Business Storefront Repair funds for eligible properties	●						●		●		●
3.4	Cultivate new entrepreneurship											
	Establish retail incubators and pop-up shops	●							●	●		●
	Provide business training and mentorship	●							●	●		●
	Promote cultural and food-based retail clusters			●					●	●		
	Work with owner/developer to create an 'entertainment' district in the northwest corner of the Tashiro catalyst site				●			●		●		
	Investigate potential for a commercial kitchen in the entertainment district to complement small-scale start-ups/food trucks	●							●	●		●
3.5	Introduce Workforce Training programs and services											
	Identify location for permanent workforce training center	●						●		●	●	●
	Identify existing programming or funding for workforce training	●						●		●		●
4	**HOUSING: Establish a clear path to increasing housing options, emphasizing the inclusion of affordable units in diverse housing formats**											
4.1	Facilitate the transformation of motels into diverse housing options (transitional, senior, artists, etc.)											
	Create city guidelines/resources noting key features (calibrate to intended residents)				●			●		●	●	
4.2	Create a Housing Resource Guide for developers											
	Citywide–develop a marketing book identifying available sites, available development tools and funding	●						●		●		
4.3	Prevent displacement through renter assistance and protections											
	Leverage NM Eviction Prevention and Diversion to advance housing stability	●						●		●		
	Explore the opportunity to provide additional assistance through local, county, or state funding or programs	●						●		●		●
4.4	Evaluate opportunities within the development and permitting approval process to streamline the approval process for affordable and housing infill projects											
	Explore mechanisms to allow for a reduction in impact fees and TIA requirements				●			●		●		
4.5	Offer incentives for multifamily and affordable housing (tax, development review, density)											
	Incentivize affordable units by encouraging and allowing higher multifamily densities in City policies and regulations				●			●		●		
	Support Low-Income Housing Tax Credits (LIHTC) through letters of priority or land donations	●						●		●		
	Consider Tax Increment Financing within the MRA to support catalytic projects, with a focus on affordable housing units	●						●		●		
	Reduce or waive impact fees in the MRA for projects that increase affordable housing				●			●		●		
5	**BEAUTIFICATION: Focus on the beautification of the corridor and establish Picacho Boulevard as a key gateway to downtown**											
5.1	Develop and Implement a street beautification plan with trees and shaded seating areas											

Strategy	Recommendations	City Lead						Timeframe		Resources		
		Econ Dev	Public Works	Quality of Life	Community Dev	Parks	Police	Near-Term (0-5 yrs)	Long-Term (5+ years)	Staff Time	Design & Eng Svcs Consultant	Funding
	Prepare a corridor streetscape plan that sets shade targets, species palettes (heat/drought tolerant), planter/soil volumes, and seating standards; prioritize gateways, school routes, bus stops, and blocks with multiple small businesses					●		●		●	●	●
	Design, fund, and develop a "model block" (trees, understory planting, shade structures, benches, litter and recycling, bike racks) and deliver it as an early demonstration project					●			●	●	●	●
	Sequence buildout from the model block to other priority segments; bundle tree procurement and furnishings for volume pricing					●			●	●	●	●
	Integrate key actions from Strategy 6: Community Character to enhance the corridor with public art / placemaking elements			●					●	●	●	●
5.2	Create district gateways and edge markers											
	Create/reinforce a district brand and identity				●			●		●	●	●
	Engage a branding firm to create a logo and tagline				●			●		●	●	●
	Primary gateways / markers				●			●		●	●	●
	Secondary markers				●				●	●	●	●
	Tertiary branding: furnishings, street signs, bike racks, etc				●				●	●	●	●
5.3	Integrate improvements with support from the public arts community											
	Host a local event aimed at developing a presence and support for a public art program in the neighborhood			●				●		●		
	Coordinate public art activities with K-12 art programs and students			●				●		●		●
5.4	Allow for and promote the activation of vacant parcels with short- or medium-term temporary uses											
	Retail examples: markets, fairs, food truck court, pop-up nursery				●					●		●
	Community examples: temporary skate park, community gardens (raised beds)				●					●		●
5.5	Pursue sustainable development											
	Integrate green infrastructure into new streetscapes					●		●		●	●	
	Implement the strategies of the Las Cruces Climate Action Plan in public and private development and redevelopment				●				●	●		
	Create incentive programs for energy efficient development	●							●	●		●
6	**COMMUNITY CHARACTER: Recognize, support, and integrate cultural identity and preservation into future development opportunities in the MRA**											
6.1	Support public art that reflects local heritage											
	Combine with a façade improvement initiative to enhance the visual quality while providing local artists the opportunity to shape the identity of the MRA			●					●	●		●
	Promote the inclusion of public art in public spaces, including key opportunities along Picacho Boulevard			●				●		●		●
6.2	Rehabilitate key historic assets to strengthen neighborhood identity and attract new visitors											

Strategy	Recommendations	City Lead						Timeframe		Resources		
		Econ Dev	Public Works	Quality of Life	Community Dev	Parks	Police	Near-Term (0-5 yrs)	Long-Term (5+ years)	Staff Time	Design & Eng Svcs Consultant	Funding
	Although not located within the MRA, consider enhancements, including access, to the Railroad Depot as a key adjacent asset			●					●	●	●	●
	Prioritize façade enhancement or the improvement of key historic assets in the MRA				●				●	●	●	●
6.3	Integrate youth storytelling or oral histories into placemaking; where possible, tie it to an existing entity and/or program)											
	Identify priority locations for interpretation (murals, plaques, sculptural markers, and QR-enabled signs) and link each site to a specific story or theme			●				●		●	●	●
	Program an annual "Stories of West Picacho" event (student exhibits, performances, pop-ups) to unveil new pieces and refresh interest in the archive			●				●		●		●
	Prepare a short "Story Collection Guide" (topics, consent, translation, audio/photo standards) so teachers, students, and volunteers collect content consistently			●					●	●		●

Funding Matrix

Funding needs for the West Picacho and Motel MRA recommendations will vary, and there is a wide range of potential sources to draw from. By understanding these options, the City can craft a funding strategy that taps into multiple streams—both for immediate needs and long-term goals.

Securing funding is about finding the right fit between project needs and available programs. Key factors to consider include project readiness, grant size, program priorities, and community needs. Some guiding questions to ask are:

- Do the project and funding program aim for the same specific outcomes?
- If the funding program supports a broad range of project types, which one is the best match? Can it meet readiness requirements?
- Are the timelines for the project and funding program aligned?
- Does the potential award justify the administrative effort required to manage the grant?

The funding roadmap on the following pages outlines a comprehensive list of opportunities matched to specific MRA recommendations. It includes details such as the agency or organization offering the funds, eligibility criteria, acceptable uses, application timelines, and other relevant information.

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Priority 1: Safety and Security

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Public Project Revolving Fund	NM Finance Authority	Public infrastructure & capiltal financing	Local Governments	Infrastructure, building and capital equipment projects
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
AARP Foundation Grants	AARP	To improve housing, transportation, public space, technology ("smart cities"), civic engagement and more.	501(C)(3), 501(C)(4) and 501(c)(6) nonprofits, government entities, other types of organizations will be considered on a case-by-case basis.	Prioritize projects that aim to achieve the following outcomes: * Increasing civic engagement with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of community inclusion and diversity. * Create vibrant public places that improve open spaces, parks and access to other amenities. * Deliver a range of transportation and mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements. * Support the availability of a range of housing that increases accessible and affordable housing options. * Demonstrate the tangible value of "Smart Cities" with programs that engage residents in accessing, understanding and using data, and participating in decision-making to increase the quality of life for all. * Other community improvements: In addition to the five areas of focus, AARP wants to hear about local needs and new, innovative ideas for addressing them.
Asphalt Art Initiative	Bloomberg Philanthropies	Proposed projects should be ambitious arts-driven street designs with the goal of catalytic improvements to a key location in the city. Improving road safety, especially for pedestrians and cyclists, must be a component of all proposals.	The Project Team must include a Lead City Agency which is the primary government agency with oversight of the project. This agency should be the one with jurisdiction over city streets.	**Critical Intersections:** Enhancing safety, mobility, and access in crossings with concentrated pedestrian, bicycle, and/or vehicular traffic **Major Corridors:** Transforming one or more important streets to enhance the walking or cycling network, including significant reallocation of space for non-motorized transportation Signature Destinations: Improving access to culturally, historically, or otherwise significant locations at the neighborhood or civic scale **Large New Public Spaces:** Creating or activating plazas or other pedestrian space with amenities such as seating, greenery or space for cultural programming **Catalysts for Future Projects:** Launching or expanding ongoing programs or policies (g., Vision Zero safety program, plaza program, etc.) in the city or the region.
Community Traffic Safety Grants	National Highway Traffic Safety Administration	An annual opportunity to put the Road to Zero pillars into practice by supporting promising projects and programs that can help us achieve our mission of zero traffic fatalities.	Applicants must be a Road to Zero Coalition Member Applicant must be a non-profit organization or other entity. Government Entities (cities, states, counties, governors' safety offices, etc.) also qualify. Proposed programs must operate within the United States. Federally-recognized Indian Tribes, Tribal Organizations, and Urban Indian Organizations are also eligible.	To address this devastating trend, the Road to Zero Coalition, made up of over 1,800 member organizations, brings together a cross-sector approach to implementing proven techniques, sharing important research and information, and advancing the conversation around transportation safety through its three pillar, multi-modal framework focused on: Doubling down on what works through proven, evidence-based strategies Advancing life-saving technology in vehicles and infrastructure Prioritizing safety by adopting a Safe System approach and creating a positive safety culture

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
Loans of up to 30 years, based upon the useful life of the project, offered at low, fixed interest rates	Entities in communities whose median household income is less than the state's median household income are eligible to receive 0% or 2% interest rates for up to $500,000 per entity per fiscal year, subject to availability of funds.	PPRF applications are due two weeks prior to the day after an NMFA board meeting in order to be reviewed at the NMFA board meeting held the following month	John Brooks; (505) 231-1540; pprf@nmfa.net	Public Project Revolving Fund | New Mexico Finance Authority
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
Grants can range from several hundred dollars for smaller, short-term activities to several thousand or tens of thousands of dollars for larger projects.	Planning activities not eligible.	Rolling pre-application.	See website for details.	Grant Opportunities From AARP Foundation
$25,000	The Lead City Agency is encouraged to select a Fiscal Sponsor to receive the funds directly. The Fiscal Sponsor should be a charitable organization that is a 501(c)3 Public Charity.	January 31, 2026	aerts@bloomberg.org	Grants | Asphalt Art
Grant amounts range from $50,000-$200,000	Applicants must be a Road to Zero Coalition Member	TBD	roadtozero@nsc.org	Community Traffic Safety Grants - National Safety Council

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Safe Streets for All (SS4A)	USDOT	The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. Over $3 billion is still available for future funding rounds.	Metropolitan planning organizations; Political subdivisions of a State or territory (e.g., cities, towns, counties); Federally recognized Tribal governments; and a multijurisdictional group of entities described in any of the aforementioned three types of entities.	Develop a comprehensive safety action plan (Action Plan). Conduct supplemental safety planning to enhance an Action Plan. Carry out demonstration activities to inform the development of, or an update to, an Action Plan. Perform planning, design, and development activities for projects and strategies identified in an Action Plan. Implement projects and strategies identified in an Action Plan that address roadway safety problems.
Congestion Mitigation and Air Quality Program (CMAQ)	Federal Highway Administration	To provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act.	The FAST Act directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs. Once each State's combined total apportionment is calculated, funding is set-aside for the State's CMAQ Program.	A transportation project or program that is likely to contribute to the attainment or maintenance of a national ambient air quality standard, with a high level of effectiveness in reducing air pollution, and that is included in the metropolitan planning organization's (MPO's) current transportation plan and transportation improvement program (TIP) or the current state transportation improvement program (STIP) in areas without an MPO.
Highway Safety Improvement Program (HSIP)	USDOT FHWA	The HSIP includes the Strategic Highway Safety Plan (SHSP), Railway-Highway Crossing Program, and the resulting program of highway safety improvement projects. Successful implementation of these principles will contribute to a reduction in fatalities and serious injuries consistent with the purpose of the HSIP and the new performance-based program requirements. Successful implementation of these principles will contribute to a reduction in fatalities and serious injuries consistent with the purpose of the HSIP and the new performance-based program requirements.	The BIL allows a State to use up to 10% of its HSIP funding for specified safety projects. This ("specified safety projects") includes a project that— promotes public awareness and informs the public regarding highway safety matters; facilitates enforcement of traffic safety laws; provides infrastructure and infrastructure-related equipment to support emergency services; conducts safety-related research to evaluate experimental safety countermeasures or equipment; or supports safe routes to school non-infrastructure-related activities. (§ 11111(a)(4); 23 U.S.C. 148(e)(3)) After apportionment, 2% of the State's HSIP apportionment is set aside for State Planning and Research. [23 U.S.C. 505]	23 U.S.C. 133(h)(7)(B)(i) allows HSIP funds to be credited toward the non-Federal share of the costs of a TA Set-Aside project if the project is an eligible HSIP project as described in 23 U.S.C. 148(e)(1) https://highways.dot.gov/safety/highway-safety-improvement-program-questions-answers

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
This Notice makes available up to $1,256,687,000 for FY 2024 grants under the SS4A program. Of the funding made available, up to $580 million is available to implement projects and strategies. The remainder, $656,687,000, must be awarded for developing Action Plans; conducting supplemental planning to update existing Action Plans; or carrying out demonstration activities to inform the development of, or updates to, Action Plans.	For Planning and Demonstration Grants, award amounts will be based on total estimated project costs, with an expected minimum of $100,000 in SS4A funding and an expected maximum of $10,000,000 in SS4A funding for all applicants. For Implementation Grants, DOT expects the minimum award will be $2,500,000 in SS4A funding and the maximum award will be $25,000,000 in SS4A funding.	Annual -The FY26 NOFO is expected to be released in Spring 2026	Please contact the SS4A grant program staff via email at SS4A@dot.gov or call Paul Teicher at 202-366-4114.	Safe Streets and Roads for All (SS4A) Grant Program | US Department of Transportation
Formula Fund	The FAST Act directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs. Once each State's combined total apportionment is calculated, funding is set-aside for the State's CMAQ Program. The FAST Act directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs. Once each State's combined total apportionment is calculated, funding is set-aside for the State's CMAQ Program.	The FAST Act directs FHWA to apportion funding as a lump sum for each State then divide that total among apportioned programs. Once each State's combined total apportionment is calculated, funding is set-aside for the State's CMAQ Program.	For more information, please contact: Mark Glaze, (202-366-4053). Karen Perritt, (202-366-9066). Edward Dancausse, (919-747-7026).	CMAQ - Air Quality - Environment - FHWA
Formula Fund	The BIL maintains the definition of highway safety improvement project and adds under that definition several additional types of projects [§ 11111(a)(1)(A)]: intersection safety improvements that provide for the safety of all road users, as appropriate, including multimodal roundabouts; [23 U.S.C. 148 (a)(4)(B)(i)] construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices [NEW] or a grade separation project; [23 U.S.C. 148(a)(4)(B)(vi)] construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds; [23 U.S.C. 148(a)(4)(B)(viii)] installation or upgrades of traffic control devices for pedestrians and bicyclists including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals; [23 U.S.C. 148(a)(4)(B)(xxvi)] roadway improvements that provide separation between motor vehicles and bicyclists, including medians, pedestrian crossing islands, protected bike lanes, and protected intersection features; and [23 U.S.C. 148(a)(4)(B)(xxvii)] pedestrian security features designed to slow or stop a motor vehicle. [23 U.S.C. 148(a)(4)(B)(xxviii)]	Annual	Karen Scurry, HSIP FHWA Highway Safety karen.scurry@dot.gov 202-897-7168	Highway Safety Improvement Program (HSIP) | FHWA

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Public Works & Economic Adjustment Assistance (EAA) Programs	US Economic Development Administration	Provides grants to economically distressed areas for public works projects that: promote economic development; create long-term jobs; and/or benefit low-income persons or the long-term unemployed.	States, cities, counties; Indian tribes; the Federated States of Micronesia; the Republic of the Marshall Islands; commonwealths and territories of the United States; and private or public nonprofits representing a redevelopment area or a designated economic development center.	Public Works: Construction and/or infrastructure projects that meet the needs of communities to enable them to become more economically competitive. Examples include projects supporting water and sewer system improvements, industrial parks, high-tech shipping and logistics facilities, workforce training facilities, business incubators and accelerators, brownfield redevelopment, technology-based facilities, wet labs, multi-tenant manufacturing facilities, science and research parks, and telecommunications infrastructure and development facilities. EAA: supports a wide range of construction and non-construction activities including infrastructure, design and engineering, technical assistance, economic recovery strategies, and capitalization or re-capitalization of Revolving Loan Funds (RLF).
Better Utilizing Investments to Leverage Development (BUILD)	USDOT	Invest in surface transportation that will have a significant local or regional impact; and Support projects that are consistent with the Department's strategic goals: improve safety, economic strength and global competitiveness, equity, and climate and sustainability.	State, local and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local governments.	1. Capital Projects. Eligible projects for RAISE grants are surface transportation capital projects within the United States or any territory or possession of the United States that include, but are not limited to: a. highway, bridge, or other road projects eligible under title 23, United States Code; b. public transportation projects eligible under chapter 53 of title 49, United States Code; c. 11 passenger and freight rail transportation projects; d. port infrastructure investments (including inland port infrastructure and land ports of entry); e. intermodal projects; f. projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government.; g. Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility. 2. Planning Projects. Eligible projects include: a. Planning, preparation, or design— for example environmental analysis, feasibility studies, and other pre-construction activities—of eligible surface transportation capital projects.; b. In addition, eligible activities related to multidisciplinary projects or regional planning may include: i. Development of master plans, comprehensive plans, or corridor plans; ii. Planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic; iii. Development of port and regional port planning grants, including State-wide or multi-port planning within a single jurisdiction or region; iv. Risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
50% of total project costs, up to $3,000,000	Must align with regional Comprehensive Economic Developme	Year-round	Ali DeMersseman Economic Development Representative Phone:(720) 237-6079 ademersseman@eda.gov	Economic Adjustment Assistance | U.S. Economic Development Administration
Grants not less than $5 million and not greater than $25 million, except that for projects located in rural areas (as defined in Section C.4.(a)) the minimum award size is $1 million. Must provide 20% non-federal match. There is no minimum award size, regardless of location, for RAISE planning grants. Total available is $1 Billion.	The primary selection criteria are Safety, Environmental Sustainability, Quality of Life, Economic Competitiveness, and State of Good Repair. The secondary selection criteria are Partnership and Innovation.	Annual program, FY 2026 anticipated to open on Janaury of 2026	Email: BUILDgrants@dot.gov Phone: 202-366-0301	https://www.transportation.gov/BUILDgrants

Priority 2: Mobility

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
The Outdoor Equity Fund	NM Outdoor Recreation Division	To support transformative outdoor experiences that foster stewardship and respect for lands, waters, and cultural heritage.	Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities.	For any outdoor recreation project
Public Project Revolving Fund	NM Finance Authority	Public infrastructure & capiltal financing	Local Governments	Infrastructure, building and capital equipment projects
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
Land and Water Conservation Fund	National Park Service	As designed, the purpose of the ORLP Program is to provide new or significantly improved recreation opportunities in economically-disadvantaged communities, consistent with the purposes and requirements of the LWCF Act and LWCF Manual, and that: •meet recreation goals as identified in, and align with, at least one priority of, the State's Comprehensive Outdoor Recreation Plan •are located within or abutting an incorporated city (or town) having a population of 30,000 or more, and •serve the specific needs of a community(ies) that is (are) severely lacking in walkable, publicly accessible, outdoor recreation ("park deserts"), and that has a poverty rate of at least 20% or that is at least 10% higher than that of the project city, county, and state rates).	Only state lead agencies are eligible to submit applications for ORLP grants, although they may do so on behalf of themselves or another entity via a sub-grant. The State Lead Agency in Florida is the Flordia Department of Environmental Protection. Eligible applicants include county governments and incorporated municipalities of the state of Florida and other legally constituted local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the general public.	Acquisition or development of lands for public outdoor recreation
National Parks Service Rivers, Trails and Conservation Assistance (RTCA)	National Park Service	The main focus areas of this program are building healthy communities, conservation, engaging youth in outdoor recreation, and facilitating support between NPS and communities to achieve shared goals.	State and local governments, tribes, nonprofits, or citizen organizations.	This program provides technical assistance to community led conservation and outdoor recreation projects throughout the country. The types of assistance NPS provides includes: community outreach strategies, developing concept plans for trails and parks, creating project management and action plans, engaging collaborative partners and stakeholders, and other consulting services that can be tailored towards the needs of the project.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$5,000-$40,000; **No Match** for rural communities	Applicant must have a well-developed written plan to engage low-income youth in nature-based outdoor recreation activities.	Next funding cycle will open Spring 2026	AJ Jones; aj.jones@edd.nm.gov	https://nmoutside.com/grants/outdoor-equity-fund/
Loans of up to 30 years, based upon the useful life of the project, offered at low, fixed interest rates	Entities in communities whose median household income is less than the state's median household income are eligible to receive 0% or 2% interest rates for up to $500,000 per entity per fiscal year, subject to availability of funds.	PPRF applications are due two weeks prior to the day after an NMFA board meeting in order to be reviewed at the NMFA board meeting held the following month	John Brooks; (505) 231-1540; pprf@nmfa.net	Public Project Revolving Fund | New Mexico Finance Authority
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
The maximum grant request may not exceed $1.5 million. The Department may revise an applicant's requested grant amount based on availability of program funds. Grants must be for the sole purpose of providing outdoor recreation opportunities to the public. Grant awards are contingent upon an annual apportionment from the National Park Service and expenditure authorization by the Florida Legislature. The LWCF grant is provided on a 50%/50% (Program/Grantee) matching basis. Matching Ratio: 50:50	Award recipients cannot have received a LWCF grant in the past 7 years	Annual Program, State Applications are typically due in November and January	Antoinette Norfleet - (404) 463-8629; antoinette.norfleet@dnr.ga.gov	State and Local Grant Funding - Land and Water Conservation Fund (U.S. National Park Service)
This is a nonmonetary grant program. NPS assists communities by providing a broad range of services and support. They are also helpful in bringing funding partners to the table.	NPS recommends applicants consult with a staff member at least 30 days prior to the application deadline.	This program is offered on an annual basis. Applications are due on March 1, 2024.	Ericka Pilcher, RTCA_Apps_IMR@nps.gov	Apply for Conservation or Outdoor Recreation Community Assistance - Rivers, Trails, and Conservation Assistance Program (U.S. National Park Service)

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
AARP Foundation Grants	AARP	To improve housing, transportation, public space, technology ("smart cities"), civic engagement and more.	501(C)(3), 501(C)(4) and 501(c)(6) nonprofits, government entities, other types of organizations will be considered on a case-by-case basis.	Prioritize projects that aim to achieve the following outcomes: * Increasing civic engagement with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of community inclusion and diversity. * Create vibrant public places that improve open spaces, parks and access to other amenities. * Deliver a range of transportation and mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements. * Support the availability of a range of housing that increases accessible and affordable housing options. * Demonstrate the tangible value of "Smart Cities" with programs that engage residents in accessing, understanding and using data, and participating in decision-making to increase the quality of life for all. * Other community improvements: In addition to the five areas of focus, AARP wants to hear about local needs and new, innovative ideas for addressing them.
Asphalt Art Initiative	Bloomberg Philanthropies	Proposed projects should be ambitious arts-driven street designs with the goal of catalytic improvements to a key location in the city. Improving road safety, especially for pedestrians and cyclists, must be a component of all proposals.	The Project Team must include a Lead City Agency which is the primary government agency with oversight of the project. This agency should be the one with jurisdiction over city streets.	**Critical Intersections:** Enhancing safety, mobility, and access in crossings with concentrated pedestrian, bicycle, and/or vehicular traffic **Major Corridors:** Transforming one or more important streets to enhance the walking or cycling network, including significant reallocation of space for non-motorized transportation Signature Destinations: Improving access to culturally, historically, or otherwise significant locations at the neighborhood or civic scale **Large New Public Spaces:** Creating or activating plazas or other pedestrian space with amenities such as seating, greenery or space for cultural programming **Catalysts for Future Projects:** Launching or expanding ongoing programs or policies (g., Vision Zero safety program, plaza program, etc.) in the city or the region.
Destination Forward	New Mexico Tourism Department	To support the development and implementation of tourism infrastructure projects throughout New Mexico.	Local governments including Special Districts and Political Subdivisions; Tribal governments; Municipalities	Development of outdoor recreation infrastructure Recreational improvements Signage and wayfinding that align with community branding and marketing Tourism related parking and transportation Tourism attraction facilities Dark skies viewing area Re-development of historic assets Rehabilitation, maintenance, and conservation of cultural sites/indigenous sites/archeological sites Bike, pedestrian, and equestrian transportation and other related developments Camping and RV related accommodations Beautification and conservation for tourism purposes Fairgrounds, convention center/facilities, performance venues, and other event spaces Public art on tourism infrastructure Agritourism farms, food trails or other related facilities Innovative redevelopments leveraging technology to showcase authentic New Mexican culture and nature if applicable Visitor information centers and their improvements
Outdoor Recreation Trails+ Grant	New Mexico Outdoor Recreation Devision	Statewide initiative by the New Mexico Outdoor Recreation Division that invests in trails and outdoor infrastructure to support healthy communities, local economies, and long-term access to nature.	Trails+ Grant is open to a wide range of public and nonprofit entities in New Mexico, including: Tribes, Pueblos, and Nations Municipalities and Counties Nonprofits (Tier 1 and Tier 2 only) Public schools, preschools, and districts Public colleges and universities Soil and Water Conservation Districts Acequia and Land Grant Associations	Planning, development, and improvement of outdoor spaces—including trails, river parks, wildlife viewing areas, trailheads, signage, and more.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
Grants can range from several hundred dollars for smaller, short-term activities to several thousand or tens of thousands of dollars for larger projects.	Planning activities not eligible.	Rolling pre-application.	See website for details.	Grant Opportunities From AARP Foundation
$25,000	The Lead City Agency is encouraged to select a Fiscal Sponsor to receive the funds directly. The Fiscal Sponsor should be a charitable organization that is a 501(c)3 Public Charity.	January 31, 2026	aerts@bloomberg.org	Grants | Asphalt Art
Two-tiered system for applying: Tier I A: Planning and Design - up to $100,000 Tier I B: Programming - up to $50,000 (requires no match) Tier II A: Construct and Equip – up to $500,000 Tier II B: Renovate and Modernize - up to $500,000 Projects should be able to match up to 5% of eligible expenditures for Capital Outlay Projects. Applicants must include a "Resolution of Sponsorship" from a governing body or an official, signed letter from the primary applicant and/or budget authority indicating the availability of the 5% match. Applicants that provide a greater match than 5% may be given preference. If unable to meet the 5% match, the applicant may indicate their intention to apply for hardship (match waiver) in their application Projects should also: generate value over a long period of time (10 years at least) provide long-term financial benefit and public access to the community. include long-term intangible and tangible assets and investments.	ELIGIBLE PROJECTS must be: Be "shovel ready" – have completed the planning and design phase of the project and can begin construction in the near future. If not "shovel-ready," projects must be "shovel-worthy" meaning they have begun the planning and design phase of the project and have demonstrated the support from the local government to begin construction the moment the planning and design phase of the project is complete. Align with fund goals and objectives. Align with region's economic/comprehensive or other regional development plan. Aim at funding destination development where greatest needs exists.	FY2027 will open in the spring of 2026	Andria Montoya; Grants Coordinator; route66@td.nm.gov	Destination Forward Grant Program
A total of $7.2 million in Trails+ Grant funding is available in Fiscal Year 2026, split across two application rounds.	The program prioritizes equitable outdoor access, especially in rural, Tribal, and historically underserved areas, while promoting stewardship of New Mexico's diverse landscapes.	Round 1: July 1 – September 30, 2025 Round 2: November 1, 2025 – January 31, 2026	Carl Colonius at carl.colonius@edd.nm.gov	https://nmoutside.com/grants/trails-plus/

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Community Change Grants	America Walks	Innovative, engaging, and inclusive programs and projects that create change and opportunity for walking and movement at the community level	Cities and nonprofits	Projects will create healthy, active, and engaged communities that support walking as transportation, health, and recreation. Projects must show a strong and intentional foundation of equity and authentic engagement of the whole community.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$1,500	Will award 10 grants to communities for projects related to creating healthy, active, and engaged places to live, work and play. We have also expanded the program to include 15 grants for similar projects that are funded by General Motors.	-	Nicole Smith, Operations and Program Manager, nsmith@americawalks.org	Community Change Grants - America Walks

Priority 3: Economic and Workforce Development

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
The Outdoor Equity Fund	NM Outdoor Recreation Division	To support transformative outdoor experiences that foster stewardship and respect for lands, waters, and cultural heritage.	Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities.	For any outdoor recreation project
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
Clean Up Grants	U.S EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	To carry out cleanup activities at brownfield sites owned by the applicant. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants (including hazardous substances comingled with petroleum). Can address either a single brownfield site or multiple brownfield sites within the same application.
Community-wide Assessment Grant	U.S. EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	Provides funding to inventory, characterize, assess, conduct a range of planning activities, develop site-specific cleanup plans, and conduct community involvement related to brownfield sites.
Destination Forward	New Mexico Tourism Department	To support the development and implementation of tourism infrastructure projects throughout New Mexico.	Local governments including Special Districts and Political Subdivisions; Tribal governments; Municipalities	Development of outdoor recreation infrastructure Recreational improvements Signage and wayfinding that align with community branding and marketing Tourism related parking and transportation Tourism attraction facilities Dark skies viewing area Re-development of historic assets Rehabilitation, maintenance, and conservation of cultural sites/indigenous sites/archeological sites Bike, pedestrian, and equestrian transportation and other related developments Camping and RV related accommodations Beautification and conservation for tourism purposes Fairgrounds, convention center/facilities, performance venues, and other event spaces Public art on tourism infrastructure Agritourism farms, food trails or other related facilities Innovative redevelopments leveraging technology to showcase authentic New Mexican culture and nature if applicable Visitor information centers and their improvements

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$5,000-$40,000; **No Match** for rural communities	Applicant must have a well-developed written plan to engage low-income youth in nature-based outdoor recreation activities.	Next funding cycle will open Spring 2026	AJ Jones; aj.jones@edd.nm.gov	https://nmoutside.com/grants/outdoor-equity-fund/
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
$500,000-$4 Million; No Match Requried	An applicant must own the site for which it is requesting funding. The performance period for these grants is three years.	Annual program; current cycle is closed and will open for FY2026 in the fall of 2025.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA
$500,000; No Match Required	Must address eligible contamination: hazardous substances, pollutants, contaminants (including hazardous substances comingled with petroleum), and/or petroleum.	Annual program; current cycle is closed and will open for FY2026 in the fall of 2025.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA
Two-tiered system for applying: Tier I A: Planning and Design - up to $100,000 Tier I B: Programming - up to $50,000 (requires no match) Tier II A: Construct and Equip – up to $500,000 Tier II B: Renovate and Modernize - up to $500,000 Projects should be able to match up to 5% of eligible expenditures for Capital Outlay Projects. Applicants must include a "Resolution of Sponsorship" from a governing body or an official, signed letter from the primary applicant and/or budget authority indicating the availability of the 5% match. Applicants that provide a greater match than 5% may be given preference. If unable to meet the 5% match, the applicant may indicate their intention to apply for hardship (match waiver) in their application Projects should also: generate value over a long period of time (10 years at least) provide long-term financial benefit and public access to the community. include long-term intangible and tangible assets and investments.	ELIGIBLE PROJECTS must be: Be "shovel ready" – have completed the planning and design phase of the project and can begin construction in the near future. If not "shovel-ready," projects must be "shovel-worthy" meaning they have begun the planning and design phase of the project and have demonstrated the support from the local government to begin construction the moment the planning and design phase of the project is complete. Align with fund goals and objectives. Align with region's economic/comprehensive or other regional development plan. Aim at funding destination development where greatest needs exists.	FY2027 will open in the spring of 2026	Andria Montoya; Grants Coordinator; route66@td.nm.gov	Destination Forward Grant Program

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Economic Development Retention & Revitalization Grant	Community Foundation of Southern New Mexico	To support private businesses, projects and organizations that make or will make a measurable difference in achieving economic growth and development, expanding and diversifying the tax base, and creating new quality jobs	New businesses, the expansion of existing businesses, and individual entrepreneurs.	Fund small businesses and entrepreneurs that would like to open a business but were unable to over the past two and half years due to the pandemic. Fund small businesses and entrepreneurs that have been negatively impacted by the pandemic and have lost staff, market share and had to close pieces of their businesses. Fund small businesses and entrepreneurs that would like to expand staff and focus on getting individuals back to work. Fund nonprofit organizations that assist with entrepreneurial education, business development and developing thriving families in southern New Mexico.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
Contact for more information	The project MUST: Show a clear demonstration of public purpose and economic benefit through advancement of the region's economic goals which include. expanding the tax base, creating quality economic-based jobs, increasing private capital investment in the community, and spurring development. Include solid evidence provided by the business that demonstrates the business's financial stability and capacity to complete the project Be in compliance with all local, state and federal laws.	Rolling	(575) 521-4794 or email info@cfsnm.org	https://www.communityfoundationofsouthernnewmexico.org/apply-for-a-grant/

Priority 4: Housing

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
AARP Foundation Grants	AARP	To improve housing, transportation, public space, technology ("smart cities"), civic engagement and more.	501(C)(3), 501(C)(4) and 501(c)(6) nonprofits, government entities, other types of organizations will be considered on a case-by-case basis.	Prioritize projects that aim to achieve the following outcomes: * Increasing civic engagement with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of community inclusion and diversity. * Create vibrant public places that improve open spaces, parks and access to other amenities. * Deliver a range of transportation and mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements. * Support the availability of a range of housing that increases accessible and affordable housing options. * Demonstrate the tangible value of "Smart Cities" with programs that engage residents in accessing, understanding and using data, and participating in decision-making to increase the quality of life for all. * Other community improvements: In addition to the five areas of focus, AARP wants to hear about local needs and new, innovative ideas for addressing them.
Clean Up Grants	U.S EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	To carry out cleanup activities at brownfield sites owned by the applicant. Funds may be used to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants (including hazardous substances comingled with petroleum). Can address either a single brownfield site or multiple brownfield sites within the same application.
Community-wide Assessment Grant	U.S. EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	Provides funding to inventory, characterize, assess, conduct a range of planning activities, develop site-specific cleanup plans, and conduct community involvement related to brownfield sites.
Revolving Loan Fund	U.S. EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	rovide funding for a grant recipient to capitalize a revolving loan fund and to provide loans and subgrants to carry out cleanup activities at brownfield sites.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
Grants can range from several hundred dollars for smaller, short-term activities to several thousand or tens of thousands of dollars for larger projects.	Planning activities not eligible.	Rolling pre-application.	See website for details.	Grant Opportunities From AARP Foundation
$500,000-$4 Million; No Match Requried	An applicant must own the site for which it is requesting funding. The performance period for these grants is three years.	Annual program; current cycle is closed and will open for FY2026 in the fall of 2025.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA
$500,000; No Match Required	Must address eligible contamination: hazardous substances, pollutants, contaminants (including hazardous substances comingled with petroleum), and/or petroleum.	Annual program; current cycle is closed and will open for FY2026 in the fall of 2025.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA
$1 Million	Must address eligible contamination: hazardous substances, pollutants, contaminants (including hazardous substances comingled with petroleum), and/or petroleum.	Every other year rotation; current cycle is closed and will open for FY2027 in the fall of 2026.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Multipurpose Grant	U.S. EPA	To empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.	County, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.	Phase II environmental site assessment Site cleanup Overall revitalization that includes a feasible reuse plan for one site

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$1 Million	Must address eligible contamination: hazardous substances, pollutants, contaminants (including hazardous substances comingled with petroleum), and/or petroleum.	Every other year rotation;current cycle is closed and will open for FY2026 in the fall of 2025.	Althea Foster, (214) 665-2268 Foster.Althea@epa.gov (EPA Region 6)	Multipurpose, Assessment, RLF, and Cleanup (MARC) Grant Application Resources | US EPA

Priority 5: Beautification

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
The Outdoor Equity Fund	NM Outdoor Recreation Division	To support transformative outdoor experiences that foster stewardship and respect for lands, waters, and cultural heritage.	Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities.	For any outdoor recreation project
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
Land and Water Conservation Fund	National Park Service	As designed, the purpose of the ORLP Program is to provide new or significantly improved recreation opportunities in economically-disadvantaged communities, consistent with the purposes and requirements of the LWCF Act and LWCF Manual, and that: •meet recreation goals as identified in, and align with, at least one priority of, the State's Comprehensive Outdoor Recreation Plan •are located within or abutting an incorporated city (or town) having a population of 30,000 or more, and •serve the specific needs of a community(ies) that is (are) severely lacking in walkable, publicly accessible, outdoor recreation ("park deserts"), and that has a poverty rate of at least 20% or that is at least 10% higher than that of the project city, county, and state rates).	Only state lead agencies are eligible to submit applications for ORLP grants, although they may do so on behalf of themselves or another entity via a sub-grant. The State Lead Agency in Florida is the Flordia Department of Environmental Protection. Eligible applicants include county governments and incorporated municipalities of the state of Florida and other legally constituted local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the general public.	Acquisition or development of lands for public outdoor recreation
National Parks Service Rivers, Trails and Conservation Assistance (RTCA)	National Park Service	The main focus areas of this program are building healthy communities, conservation, engaging youth in outdoor recreation, and facilitating support between NPS and communities to achieve shared goals.	State and local governments, tribes, nonprofits, or citizen organizations.	This program provides technical assistance to community led conservation and outdoor recreation projects throughout the country. The types of assistance NPS provides includes: community outreach strategies, developing concept plans for trails and parks, creating project management and action plans, engaging collaborative partners and stakeholders, and other consulting services that can be tailored towards the needs of the project.
AARP Foundation Grants	AARP	To improve housing, transportation, public space, technology ("smart cities"), civic engagement and more.	501(C)(3), 501(C)(4) and 501(c)(6) nonprofits, government entities, other types of organizations will be considered on a case-by-case basis.	Prioritize projects that aim to achieve the following outcomes: * Increasing civic engagement with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of community inclusion and diversity. * Create vibrant public places that improve open spaces, parks and access to other amenities. * Deliver a range of transportation and mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements. * Support the availability of a range of housing that increases accessible and affordable housing options. * Demonstrate the tangible value of "Smart Cities" with programs that engage residents in accessing, understanding and using data, and participating in decision-making to increase the quality of life for all. * Other community improvements: In addition to the five areas of focus, AARP wants to hear about local needs and new, innovative ideas for addressing them.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$5,000-$40,000; **No Match** for rural communities	Applicant must have a well-developed written plan to engage low-income youth in nature-based outdoor recreation activities.	Next funding cycle will open Spring 2026	AJ Jones; aj.jones@edd.nm.gov	https://nmoutside.com/grants/outdoor-equity-fund/
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
The maximum grant request may not exceed $1.5 million. The Department may revise an applicant's requested grant amount based on availability of program funds. Grants must be for the sole purpose of providing outdoor recreation opportunities to the public. Grant awards are contingent upon an annual apportionment from the National Park Service and expenditure authorization by the Florida Legislature. The LWCF grant is provided on a 50%/50% (Program/Grantee) matching basis. Matching Ratio: 50:50	Award recipients cannot have received a LWCF grant in the past 7 years	Annual Program, State Applications are typically due in November and January	Antoinette Norfleet - (404) 463-8629; antoinette.norfleet@dnr.ga.gov	State and Local Grant Funding - Land and Water Conservation Fund (U.S. National Park Service)
This is a nonmonetary grant program. NPS assists communities by providing a broad range of services and support. They are also helpful in bringing funding partners to the table.	NPS recommends applicants consult with a staff member at least 30 days prior to the application deadline.	This program is offered on an annual basis. Applications are due on March 1, 2024.	Ericka Pilcher, RTCA_Apps_IMR@nps.gov	Apply for Conservation or Outdoor Recreation Community Assistance - Rivers, Trails, and Conservation Assistance Program (U.S. National Park Service)
Grants can range from several hundred dollars for smaller, short-term activities to several thousand or tens of thousands of dollars for larger projects.	Planning activities not eligible.	Rolling pre-application.	See website for details.	Grant Opportunities From AARP Foundation

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Destination Forward	New Mexico Tourism Department	To support the development and implementation of tourism infrastructure projects throughout New Mexico.	Local governments including Special Districts and Political Subdivisions; Tribal governments; Municipalities	Development of outdoor recreation infrastructure Recreational improvements Signage and wayfinding that align with community branding and marketing Tourism related parking and transportation Tourism attraction facilities Dark skies viewing area Re-development of historic assets Rehabilitation, maintenance, and conservation of cultural sites/indigenous sites/archeological sites Bike, pedestrian, and equestrian transportation and other related developments Camping and RV related accommodations Beautification and conservation for tourism purposes Fairgrounds, convention center/facilities, performance venues, and other event spaces Public art on tourism infrastructure Agritourism farms, food trails or other related facilities Innovative redevelopments leveraging technology to showcase authentic New Mexican culture and nature if applicable Visitor information centers and their improvements
Outdoor Recreation Trails+ Grant	New Mexico Outdoor Recreation Devision	Statewide initiative by the New Mexico Outdoor Recreation Division that invests in trails and outdoor infrastructure to support healthy communities, local economies, and long-term access to nature.	Trails+ Grant is open to a wide range of public and nonprofit entities in New Mexico, including: Tribes, Pueblos, and Nations Municipalities and Counties Nonprofits (Tier 1 and Tier 2 only) Public schools, preschools, and districts Public colleges and universities Soil and Water Conservation Districts Acequia and Land Grant Associations	Planning, development, and improvement of outdoor spaces—including trails, river parks, wildlife viewing areas, trailheads, signage, and more.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
Two-tiered system for applying: Tier I A: Planning and Design - up to $100,000 Tier I B: Programming - up to $50,000 (requires no match) Tier II A: Construct and Equip – up to $500,000 Tier II B: Renovate and Modernize - up to $500,000 Projects should be able to match up to 5% of eligible expenditures for Capital Outlay Projects. Applicants must include a "Resolution of Sponsorship" from a governing body or an official, signed letter from the primary applicant and/or budget authority indicating the availability of the 5% match. Applicants that provide a greater match than 5% may be given preference. If unable to meet the 5% match, the applicant may indicate their intention to apply for hardship (match waiver) in their application Projects should also: generate value over a long period of time (10 years at least) provide long-term financial benefit and public access to the community. include long-term intangible and tangible assets and investments.	ELIGIBLE PROJECTS must be: Be "shovel ready" – have completed the planning and design phase of the project and can begin construction in the near future. If not "shovel-ready," projects must be "shovel-worthy" meaning they have begun the planning and design phase of the project and have demonstrated the support from the local government to begin construction the moment the planning and design phase of the project is complete. Align with fund goals and objectives. Align with region's economic/comprehensive or other regional development plan. Aim at funding destination development where greatest needs exists.	FY2027 will open in the spring of 2026	Andria Montoya; Grants Coordinator; route66@td.nm.gov	Destination Forward Grant Program
A total of $7.2 million in Trails+ Grant funding is available in Fiscal Year 2026, split across two application rounds.	The program prioritizes equitable outdoor access, especially in rural, Tribal, and historically underserved areas, while promoting stewardship of New Mexico's diverse landscapes.	Round 1: July 1 – September 30, 2025 Round 2: November 1, 2025 – January 31, 2026	Carl Colonius at carl.colonius@edd.nm.gov	https://nmoutside.com/grants/trails-plus/

Priority 6: Community Character

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
The Outdoor Equity Fund	NM Outdoor Recreation Division	To support transformative outdoor experiences that foster stewardship and respect for lands, waters, and cultural heritage.	Tribes, Pueblos, and Nations; municipalities; counties; nonprofits; K-12 schools/districts; colleges/universities.	For any outdoor recreation project
New Mexico Match Fund	NM Department of Finance	Opportunity to leverage once-in-a-generation federal funding for infrastructure, research, economic development, the energy transition, and other critical projects that will benefit New Mexico.	Local Governmentsstate agencies, tribal governments, counties, municipalities, and political subdivisions	To meet matching requirements for federal grants
AARP Foundation Grants	AARP	To improve housing, transportation, public space, technology ("smart cities"), civic engagement and more.	501(C)(3), 501(C)(4) and 501(c)(6) nonprofits, government entities, other types of organizations will be considered on a case-by-case basis.	Prioritize projects that aim to achieve the following outcomes: * Increasing civic engagement with innovative and tangible projects that bring residents and local leaders together to address challenges and facilitate a greater sense of community inclusion and diversity. * Create vibrant public places that improve open spaces, parks and access to other amenities. * Deliver a range of transportation and mobility options that increase connectivity, walkability, bikeability, wayfinding, access to transportation options and roadway improvements. * Support the availability of a range of housing that increases accessible and affordable housing options. * Demonstrate the tangible value of “Smart Cities” with programs that engage residents in accessing, understanding and using data, and participating in decision-making to increase the quality of life for all. * Other community improvements: In addition to the five areas of focus, AARP wants to hear about local needs and new, innovative ideas for addressing them.
Our Town	National Endowment for the Arts	Our Town is the NEA’s creative placemaking grants program. Through project-based funding, the program supports activities that integrate arts, culture, and design into local efforts that strengthen communities. Our Town projects advance local economic, physical, or social outcomes in communities, ultimately laying the groundwork for systems change and centering equity.	These projects require a partnership between a local government entity and non-profit organization, one of which must be a cultural organization; and should engage in partnership with other sectors (e.g., agriculture and food, economic development, education and youth, environment and energy, health, housing, public safety, transportation, workforce development). The highest ranking official of the local government is required to submit a formal statement of support.	Arts Engagement: Artist residency; Arts festivals; Community co-creation of art Performances; Pubic art Cultural Planning: Cultural Planning; Cultural District Planning; Creative Asset Mapping; Public art planning Design: Artist-designer-facilitated community planning; Design of artist space Design of cultural facilities; Public space design Artist and Creative Industry Support: Creative business development; Professional artist development
Southwest Intervention Fund	National Trust for Historic Preservation	to further preservation efforts of the traditional cultures of the Southwest region, exclusively in Arizona, Colorado, New Mexico, West Texas* and Utah	Local partners, nonprofit organizations and government agencies	Grants from the Southwest Intervention Fund are awarded to preservation efforts of the traditional cultures in the Southwest region. Grant funds can be used to launch new initiatives or to provide additional support to on-going efforts. Grants awards may be made for activities and projects such as: - Strategic opportunities to save sites or help jump start preservation projects - Legal resources required to prepare research and/or briefs, and to travel to/from Southwest states for direct legal intervention - Advance the protection of important archaeological sites - Communications expertise to develop compelling information for press and other public forums in the region

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$5,000-$40,000; **No Match** for rural communities	Applicant must have a well-developed written plan to engage low-income youth in nature-based outdoor recreation activities.	Next funding cycle will open Spring 2026	AJ Jones; aj.jones@edd.nm.gov	https://nmoutside.com/grants/outdoor-equity-fund/
$50 M for Matching Grants $4M for Project Implementation $17.5M for Federal Compliance Offset	Applicants seeking funding must demonstrate that they have submitted a federal grant application and that matching funds are required. They must show that 100% of total project costs will be secured with the addition of the matching funds.	Rolling.	Shanna Sassar; (505) 470-2750; matching.grant@dfa.nm.gov	New Mexico Match Fund | New Mexico Department of Finance and Administration
Grants can range from several hundred dollars for smaller, short-term activities to several thousand or tens of thousands of dollars for larger projects.	Planning activities not eligible.	Rolling pre-application.	See website for details.	Grant Opportunities From AARP Foundation
Grants range from $25,000 to $150,000, with a minimum cost share/match equal to the grant amount.	We encourage applications for projects that integrate arts, culture and design into strategies for strengthening communities. Arts, culture, and design may uniquely: Bring new attention to or elevate key community assets and issues, voices of residents, local history, or cultural infrastructure. Inject new or additional energy, resources, activity, people, or enthusiasm into a place, community issue, or local economy. Envision new possibilities for a community or place—a new future, a way of overcoming a challenge, or approaching problem-solving. Connect communities, people, places, and economic opportunity via physical spaces or new relationships. The NEA is committed to diversity, equity, inclusion, and accessibility, and fostering mutual respect for the diverse beliefs and values of all individuals and groups. Our Town supports a variety of projects across the country in urban, suburban, rural, and tribal communities of all sizes.	Annual Program. Summer application deadline.	See website for additional details.	GRANTS FOR ARTS PROJECTS | National Endowment for the Arts
$2,500-$10,000	The decision to pursue project funding through the Southwest Intervention Fund must be made in consultation with the National Trust grants office. Please contact us if you would like to discuss your project.	Application deadlines are February 1, June 1 and October 1	grants@savingplaces.org	https://savingplaces.org/southwest-fund

Grant Program	Funding Agency	Purpose / Goals	Eligible Applicants	Eligible Use of Funds
Asphalt Art Initiative	Bloomberg Philanthropies	Proposed projects should be ambitious arts-driven street designs with the goal of catalytic improvements to a key location in the city. Improving road safety, especially for pedestrians and cyclists, must be a component of all proposals.	The Project Team must include a Lead City Agency which is the primary government agency with oversight of the project. This agency should be the one with jurisdiction over city streets.	**Critical Intersections:** Enhancing safety, mobility, and access in crossings with concentrated pedestrian, bicycle, and/or vehicular traffic **Major Corridors:** Transforming one or more important streets to enhance the walking or cycling network, including significant reallocation of space for non-motorized transportation Signature Destinations: Improving access to culturally, historically, or otherwise significant locations at the neighborhood or civic scale **Large New Public Spaces:** Creating or activating plazas or other pedestrian space with amenities such as seating, greenery or space for cultural programming **Catalysts for Future Projects:** Launching or expanding ongoing programs or policies (g., Vision Zero safety program, plaza program, etc.) in the city or the region
Destination Forward	New Mexico Tourism Department	To support the development and implementation of tourism infrastructure projects throughout New Mexico.	Local governments including Special Districts and Political Subdivisions; Tribal governments; Municipalities	Development of outdoor recreation infrastructure Recreational improvements Signage and wayfinding that align with community branding and marketing Tourism related parking and transportation Tourism attraction facilities Dark skies viewing area Re-development of historic assets Rehabilitation, maintenance, and conservation of cultural sites/indigenous sites/archeological sites Bike, pedestrian, and equestrian transportation and other related developments Camping and RV related accommodations Beautification and conservation for tourism purposes Fairgrounds, convention center/facilities, performance venues, and other event spaces Public art on tourism infrastructure Agritourism farms, food trails or other related facilities Innovative redevelopments leveraging technology to showcase authentic New Mexican culture and nature if applicable Visitor information centers and their improvements
Outdoor Recreation Trails+ Grant	New Mexico Outdoor Recreation Devision	Statewide initiative by the New Mexico Outdoor Recreation Division that invests in trails and outdoor infrastructure to support healthy communities, local economies, and long-term access to nature.	Trails+ Grant is open to a wide range of public and nonprofit entities in New Mexico, including: Tribes, Pueblos, and Nations Municipalities and Counties Nonprofits (Tier 1 and Tier 2 only) Public schools, preschools, and districts Public colleges and universities Soil and Water Conservation Districts Acequia and Land Grant Associations	Planning, development, and improvement of outdoor spaces—including trails, river parks, wildlife viewing areas, trailheads, signage, and more.

Loan or Grant Maximum	Additional Considerations	Funding Cycle	Contact	Website
$25,000	The Lead City Agency is encouraged to select a Fiscal Sponsor to receive the funds directly. The Fiscal Sponsor should be a charitable organization that is a 501(c)3 Public Charity.	January 31, 2026	aerts@bloomberg.org	Grants | Asphalt Art
Two-tiered system for applying: Tier I A: Planning and Design - up to $100,000 Tier I B: Programming - up to $50,000 (requires no match) Tier II A: Construct and Equip – up to $500,000 Tier II B: Renovate and Modernize - up to $500,000 Projects should be able to match up to 5% of eligible expenditures for Capital Outlay Projects. Applicants must include a "Resolution of Sponsorship" from a governing body or an official, signed letter from the primary applicant and/or budget authority indicating the availability of the 5% match. Applicants that provide a greater match than 5% may be given preference. If unable to meet the 5% match, the applicant may indicate their intention to apply for hardship (match waiver) in their application Projects should also: generate value over a long period of time (10 years at least) provide long-term financial benefit and public access to the community. include long-term intangible and tangible assets and investments.	ELIGIBLE PROJECTS must be: Be "shovel ready" – have completed the planning and design phase of the project and can begin construction in the near future. If not "shovel-ready," projects must be "shovel-worthy" meaning they have begun the planning and design phase of the project and have demonstrated the support from the local government to begin construction the moment the planning and design phase of the project is complete. Align with fund goals and objectives. Align with region's economic/comprehensive or other regional development plan. Aim at funding destination development where greatest needs exists.	FY2027 will open in the spring of 2026	Andria Montoya; Grants Coordinator; route66@td.nm.gov	Destination Forward Grant Program
A total of $7.2 million in Trails+ Grant funding is available in Fiscal Year 2026, split across two application rounds.	The program prioritizes equitable outdoor access, especially in rural, Tribal, and historically underserved areas, while promoting stewardship of New Mexico's diverse landscapes.	Round 1: July 1 – September 30, 2025 Round 2: November 1, 2025 – January 31, 2026	Carl Colonius at carl.colonius@edd.nm.gov	https://nmoutside.com/grants/trails-plus/

APPENDICES



APPENDICES CONTENTS

Appendix A: Community Survey

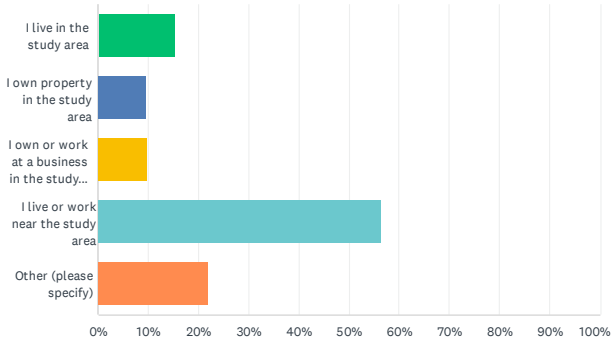
Appendix B: Business Owners Survey

Appendix A: Community Survey Results

West Picacho MRA Community Survey

Q1 Which of the following apply to you? (Select all that apply)

Answered: 694 Skipped: 9



ANSWER CHOICES	RESPONSES	
I live in the study area	15.27%	106
I own property in the study area	9.65%	67
I own or work at a business in the study area	9.80%	68
I live or work near the study area	56.48%	392
Other (please specify)	21.90%	152
Total Respondents: 694		

West Picacho MRA Community Survey

Q2 In one word how would you describe the West Picacho MRA area?

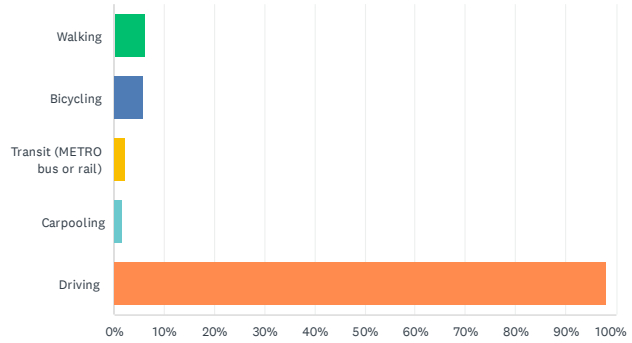
Answered: 684 Skipped: 19

Q3 What do you value most about the West Picacho MRA area?

Answered: 629 Skipped: 74

Q4 On an average week, what modes of transportation do you use to travel thru and to West Picacho? (Select all that apply)

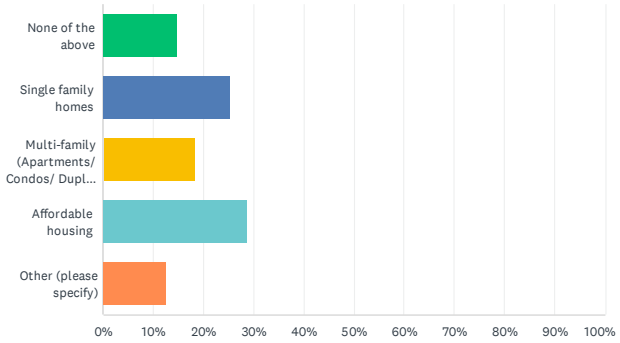
Answered: 699 Skipped: 4



ANSWER CHOICES	RESPONSES	
Walking	6.15%	43
Bicycling	5.87%	41
Transit (METRO bus or rail)	2.43%	17
Carpooling	1.72%	12
Driving	98.00%	685
Total Respondents: 699		

Q5 What housing options are most needed in the area and most important to you?

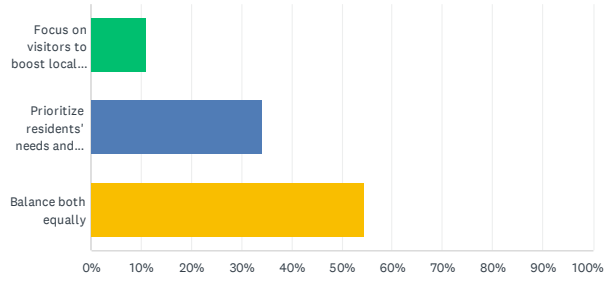
Answered: 697 Skipped: 6



ANSWER CHOICES	RESPONSES	
None of the above	14.92%	104
Single family homes	25.39%	177
Multi-family (Apartments/ Condos/ Duplex/ Fourplex)	18.36%	128
Affordable housing	28.69%	200
Other (please specify)	12.63%	88
TOTAL		697

Q6 Do you think the West Picacho MRA area should focus on attracting more visitors or prioritizing residents' needs?

Answered: 699 Skipped: 4

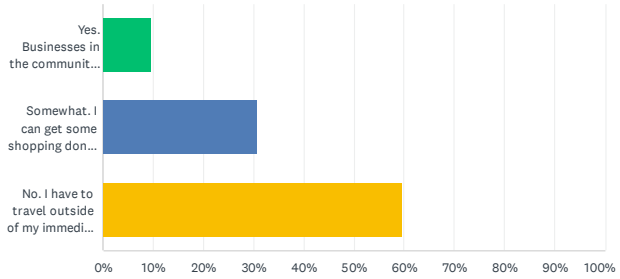


ANSWER CHOICES	RESPONSES	
Focus on visitors to boost local business	11.16%	78
Prioritize residents' needs and quality of life	34.19%	239
Balance both equally	54.65%	382
TOTAL		699

West Picacho MRA Community Survey

Q7 Do you feel the community has a good mix of businesses and stores that cater to your needs?

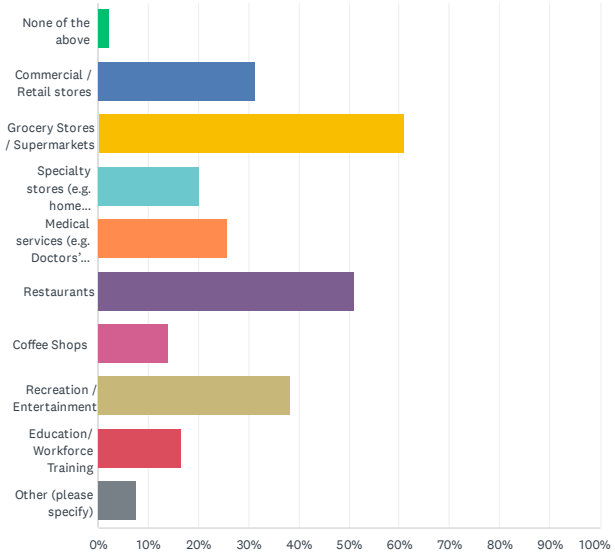
Answered: 698 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes. Businesses in the community cater to most of my daily needs. I don't need to travel far often to shop and access services.	9.60%	67
Somewhat. I can get some shopping done and access some services in my community without having to travel far.	30.66%	214
No. I have to travel outside of my immediate area frequently to shop and access services	59.74%	417
TOTAL		698

Q8 What types of businesses and services do you believe are most needed for the community, and which would you prioritize as your top THREE?

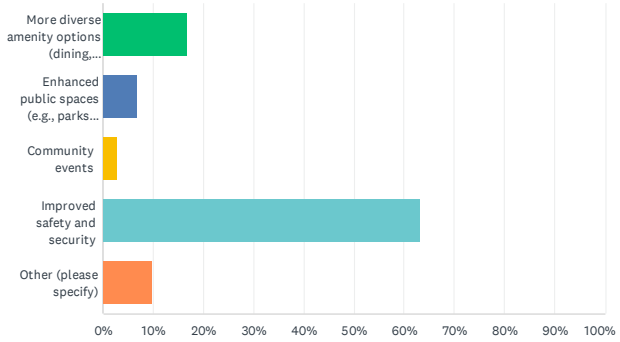
Answered: 703 Skipped: 0



ANSWER CHOICES	RESPONSES	
None of the above	2.42%	17
Commercial / Retail stores	31.29%	220
Grocery Stores / Supermarkets	61.02%	429
Specialty stores (e.g. home improvement stores, arts and crafts)	20.20%	142
Medical services (e.g. Doctors' office, dentist, pharmacies)	25.89%	182
Restaurants	51.21%	360
Coffee Shops	14.08%	99
Recreation / Entertainment	38.41%	270
Education/ Workforce Training	16.64%	117
Other (please specify)	7.68%	54
Total Respondents: 703		

Q9 What specific improvements would encourage you to spend more time in the West Picacho MRA area?

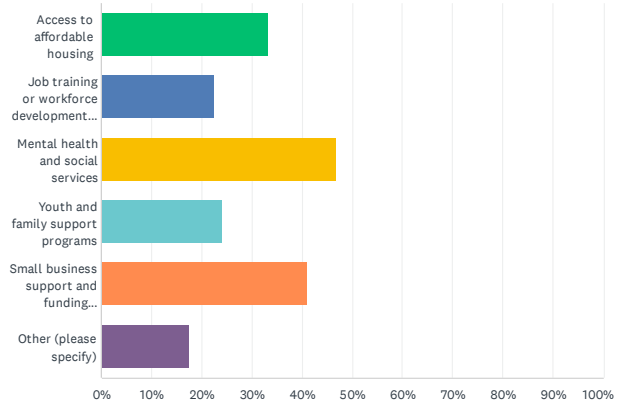
Answered: 699 Skipped: 4



ANSWER CHOICES	RESPONSES	
More diverse amenity options (dining, retail,	16.88%	118
Enhanced public spaces (e.g., parks, plazas)	6.87%	48
Community events	3.00%	21
Improved safety and security	63.38%	443
Other (please specify)	9.87%	69
TOTAL		699

Q10 Which of the following resources or services do you believe would most improve the quality of life for residents in the area?

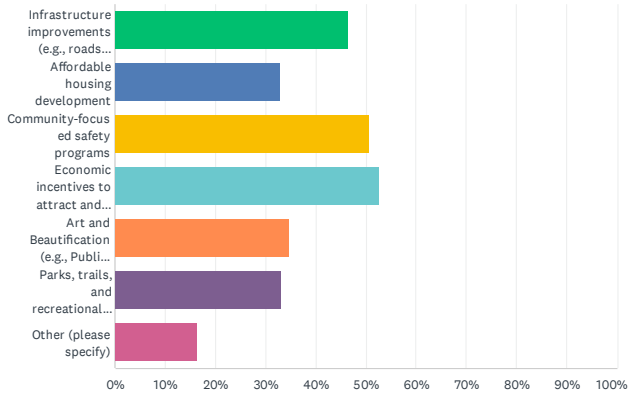
Answered: 691 Skipped: 12



ANSWER CHOICES	RESPONSES	
Access to affordable housing	33.29%	230
Job training or workforce development programs	22.43%	155
Mental health and social services	46.60%	322
Youth and family support programs	24.17%	167
Small business support and funding opportunities	40.96%	283
Other (please specify)	17.51%	121
Total Respondents: 691		

Q11 What investments would make the biggest difference in creating a stable and vibrant community?Select your top THREE

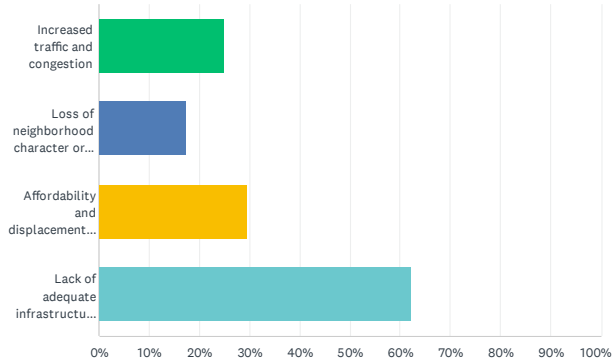
Answered: 703 Skipped: 0



ANSWER CHOICES	RESPONSES	
Infrastructure improvements (e.g., roads, sidewalks, pedestrian crossings, drainage)	46.51%	327
Affordable housing development	33.14%	233
Community-focused safety programs	50.78%	357
Economic incentives to attract and retain businesses	52.63%	370
Art and Beautification (e.g., Public art, murals street lighting, street trees)	34.85%	245
Parks, trails, and recreational facilities	33.29%	234
Other (please specify)	16.36%	115
Total Respondents: 703		

Q12 What concerns do you have about the potential for new development or redevelopment in the area?

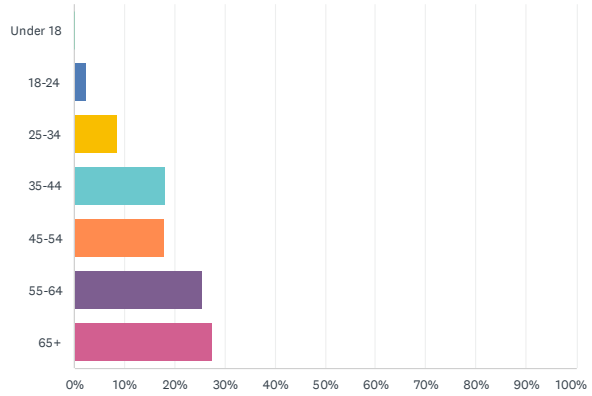
Answered: 666 Skipped: 37



ANSWER CHOICES	RESPONSES	
Increased traffic and congestion	24.92%	166
Loss of neighborhood character or historical significance	17.57%	117
Affordability and displacement of current residents	29.58%	197
Lack of adequate infrastructure to support new development	62.16%	414
Total Respondents: 666		

Q13 What is your age group?

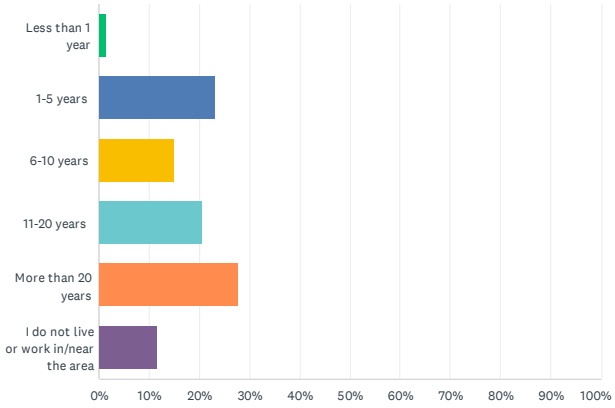
Answered: 701 Skipped: 2



ANSWER CHOICES	RESPONSES	
Under 18	0.14%	1
18-24	2.43%	17
25-34	8.56%	60
35-44	18.12%	127
45-54	17.83%	125
55-64	25.39%	178
65+	27.53%	193
TOTAL		701

Q14 How long have you lived or worked in or near the West Picacho MRA area?

Answered: 703 Skipped: 0



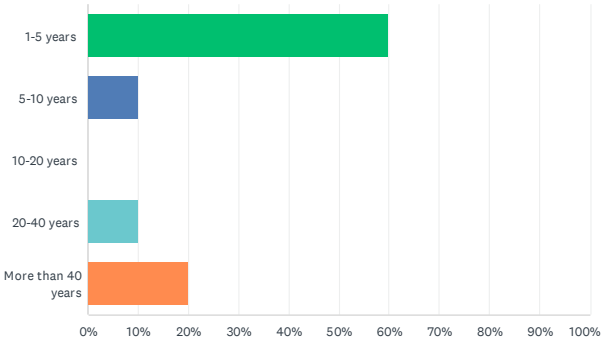
ANSWER CHOICES	RESPONSES	
Less than 1 year	1.56%	11
1-5 years	23.19%	163
6-10 years	15.22%	107
11-20 years	20.63%	145
More than 20 years	27.74%	195
I do not live or work in/near the area	11.66%	82
TOTAL		703

Appendix B: Business Owners Survey Results

West Picacho MRA Business Owners Survey

Q1 How long has your business been operating in the West Picacho area?

Answered: 10 Skipped: 2

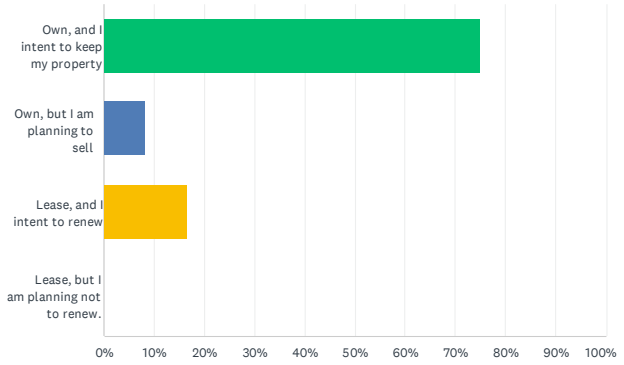


ANSWER CHOICES	RESPONSES	
1-5 years	60.00%	6
5-10 years	10.00%	1
10-20 years	0.00%	0
20-40 years	10.00%	1
More than 40 years	20.00%	2
TOTAL		10

West Picacho MRA Business Owners Survey

Q2 Do you own or lease your business property?

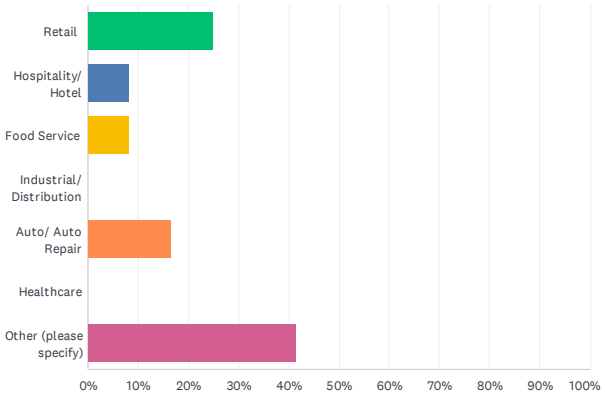
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Own, and I intent to keep my property	75.00%	9
Own, but I am planning to sell	8.33%	1
Lease, and I intent to renew	16.67%	2
Lease, but I am planning not to renew.	0.00%	0
TOTAL		12

Q3 What type of business do you operate?

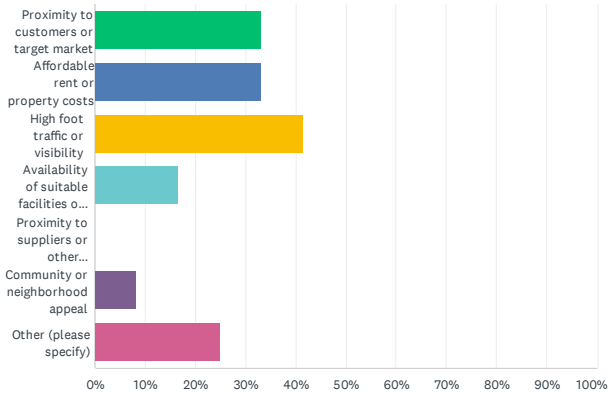
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Retail	25.00%	3
Hospitality/ Hotel	8.33%	1
Food Service	8.33%	1
Industrial/ Distribution	0.00%	0
Auto/ Auto Repair	16.67%	2
Healthcare	0.00%	0
Other (please specify)	41.67%	5
TOTAL		12

Q4 What factors influenced your decision to locate your business in the West Picacho area?

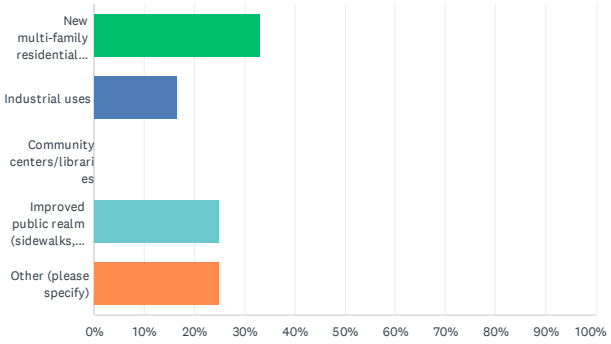
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Proximity to customers or target market	33.33%	4
Affordable rent or property costs	33.33%	4
High foot traffic or visibility	41.67%	5
Availability of suitable facilities or space	16.67%	2
Proximity to suppliers or other businesses	0.00%	0
Community or neighborhood appeal	8.33%	1
Other (please specify)	25.00%	3
Total Respondents: 12		

Q5 What type of development would help your business thrive?

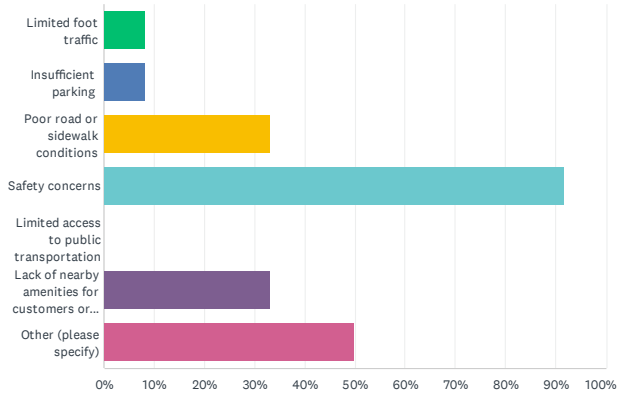
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
New multi-family residential development	33.33%	4
Industrial uses	16.67%	2
Community centers/libraries	0.00%	0
Improved public realm (sidewalks, shade, alternative modes of transportation)	25.00%	3
Other (please specify)	25.00%	3
TOTAL		12

Q6 Of the options below, select the three challenges you face when operating a business in the West Picacho area.

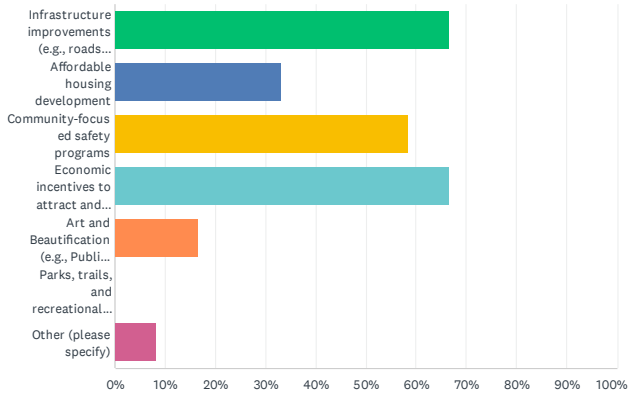
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Limited foot traffic	8.33%	1
Insufficient parking	8.33%	1
Poor road or sidewalk conditions	33.33%	4
Safety concerns	91.67%	11
Limited access to public transportation	0.00%	0
Lack of nearby amenities for customers or employees	33.33%	4
Other (please specify)	50.00%	6
Total Respondents: 12		

Q7 What investments would make the biggest difference in creating a stable and vibrant community? Select your top THREE

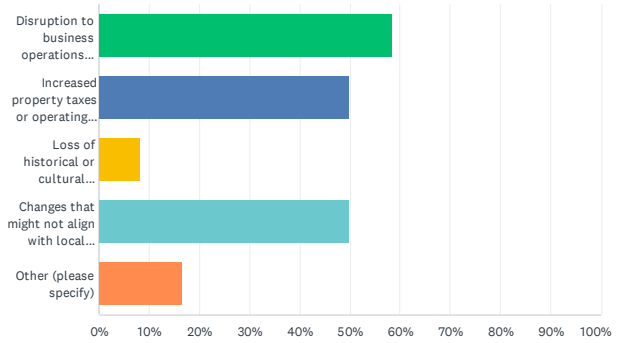
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Infrastructure improvements (e.g., roads, sidewalks, pedestrian crossings, drainage)	66.67%	8
Affordable housing development	33.33%	4
Community-focused safety programs	58.33%	7
Economic incentives to attract and retain businesses	66.67%	8
Art and Beautification (e.g., Public art, murals street lighting, street trees)	16.67%	2
Parks, trails, and recreational facilities	0.00%	0
Other (please specify)	8.33%	1
Total Respondents: 12		

Q8 What are your top two concerns about potential redevelopment in the area?

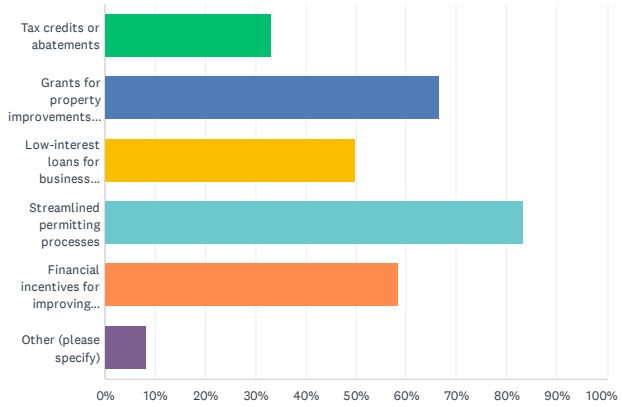
Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Disruption to business operations during construction	58.33%	7
Increased property taxes or operating costs	50.00%	6
Loss of historical or cultural identity	8.33%	1
Changes that might not align with local business needs	50.00%	6
Other (please specify)	16.67%	2
Total Respondents: 12		

Q9 What type of incentives would encourage you or other business owners to reinvest in or improve properties in the West Picacho area?

Answered: 12 Skipped: 0



ANSWER CHOICES	RESPONSES	
Tax credits or abatements	33.33%	4
Grants for property improvements or renovations	66.67%	8
Low-interest loans for business upgrades	50.00%	6
Streamlined permitting processes	83.33%	10
Financial incentives for improving storefronts or signage	58.33%	7
Other (please specify)	8.33%	1
Total Respondents: 12		

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WEST PICACHO AND MOTEL METROPOLITAN REDEVELOPMENT PLAN

26-074

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

City Council Action and Executive Summary

District:	**☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A**		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Tibor Kocsis	**Department:**	Fire Department

Title: **A RESOLUTION TO DECLARE EXTREME DROUGHT CONDITIONS WITHIN LAS CRUCES MUNICIPAL LIMITS AND TO RESTRICT THE USE OF FIREWORKS FOR 30 DAYS FROM ADOPTION.**

TYPE OF ACTION: **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

PURPOSE(S) OF ACTION:

Declaration of extreme drought within the Las Cruces municipal limits and restrict the use of fireworks for thirty (30) days from adoption.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

New Mexico Statue 60-228.1 states, “The governing body of a municipality may hold a hearing to determine if fireworks restrictions should be imposed within the boundaries of the incorporated municipality affected by extreme or severe drought conditions. The findings of the governing body shall be based on current drought indices published by the National Weather Service or any other relevant information provided by the United States Forest Service.”

Las Cruces Municipal Code Sec. 11-148 states, “If extreme or severe drought conditions exist or potentially exist, the city council may hold a hearing and pass a resolution to issue a proclamation that would impose fireworks restrictions within the city limits.”

According to the United States Drought Monitor, all of Dona Ana County is currently suffering from severe to extreme drought, with most of Las Cruces being rated within “extreme drought” conditions. According to the National Oceanic and Atmospheric Administration (NOAA), Dona Ana County and Las Cruces are predicted to have the drought persist through December 31st, New Years Eve.

The City of Las Cruces has observed several brush, rubbish, structure, and open area fires within the city limits since January 1st, 2025. There is a large concern that fireworks used during December 31st, New Years Eve, may increase the fire risk to businesses, homes, and residents. The Las Cruces Fire Department staff seek the City Council’s consideration and approval of this resolution authorized by the Municipal Code to assist in mitigating avoidable fire damage within the Las Cruces city limits.

The Las Cruces Fire Department proposes limiting the use of otherwise permissible fireworks, including cone, fountains, crackling devices, cylindrical fountains, glitter sparklers, ground spinners, illumination torches, toy smoking devices and wheels, to areas within the municipal boundaries that are paved, barren, or areas that have readily accessible source of water.

Prohibited is the sale and use of missile-type rockets, helicopters, aerial spinners, and stick-type rockets, ground audible devices such as chasers and firecrackers, within the municipal boundaries.

PLAN(S):

Department Strategic Business Plan

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to declare extreme drought within the Las Cruces Municipal limits and restrict the use of fireworks for thirty (30) days from adoption
2. Vote "No"; this will not approve the Resolution to declare extreme drought within the Las Cruces Municipal limits and restrict the use of fireworks for thirty (30) days from adoption
3. Vote to "Amend"; this will modify the Resolution by adding conditions as determined appropriate.
4. Vote to "Table"; this will postpone action on this Resolution and provide additional direction to staff.

RESOLUTION 26-074

A RESOLUTION TO DECLARE EXTREME DROUGHT CONDITIONS WITHIN LAS CRUCES MUNICIPAL LIMITS AND TO RESTRICT THE USE OF FIREWORKS FOR 30 DAYS FROM ADOPTION.

The City Council is informed that:

WHEREAS, the City Council is the governing body of the City of Las Cruces; and

WHEREAS, the City Council has obtained information and forecasts from the National Weather Service concerning drought indices; and

WHEREAS, the City Council of the City of Las Cruces has obtained information and forecasts from the United States Forest Service concerning drought indices; and

WHEREAS, the City Council held a public hearing on December 1st, 2025 to determine whether the City of Las Cruces is affected by extreme or severe drought conditions and whether fireworks restrictions should be imposed within the municipal boundaries of the City; and

WHEREAS, the City Council made certain findings of fact based upon information provided during the public hearing and said findings are included in the resolution passed at the hearing authorizing this Proclamation; and

WHEREAS, the findings of the City Council was that the City of Las Cruces is affected by extreme or severe drought conditions based upon current drought indices published by the National Weather Service and other information supplied by the United States Forest Service.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT extreme or severe drought conditions exist within the municipal boundaries of the City of Las Cruces.

(II)

THAT in addition to any ordinance enacted pursuant to NMSA 1978 §60-2C-7.C, the sale and use within the municipal boundaries of the City of Las Cruces of missile-type rockets, helicopters, aerial spinners, and stick-type rockets, are prohibited by this Proclamation.

(III)

THAT in addition to any ordinance enacted pursuant to NMSA 1978 §60-2C-7.C, the sale and use within the municipal boundaries of the City of Las Cruces of ground audible devices such as chasers and firecrackers, are prohibited by this Proclamation.

(IV)

THAT the Governing Body is authorized to and has limited the use of otherwise permissible fireworks, including cone fountains, crackling devices, cylindrical fountains, flitter sparklers, ground spinner, illuminating

torches, toy smoking devices and wheels, to areas within the municipal boundaries that are paved, barren, or areas that have a readily accessible source of water.

(V)

THAT the Governing Body, having consulted with the state forester, is authorized to and has banned the use of all fireworks within areas that are covered wholly or in part by timber, brush or native grass.

(VI)

THAT the Governing Body is authorized to and has prohibited or restricted the sale or use of display fireworks.

(VII)

THAT this Resolution is effective for a period for thirty days, beginning December 7, 2025, unless a subsequent Resolution is issued by the Governing Body.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

26-075

Type of Action:
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

City Council Action and Executive Summary

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:		**Adopted:**	December 1, 2025
Drafter:	Christine Rivera	**Department:**	City Manager's Office

Title: **A RESOLUTION APPROVING RECOMMENDED PRIORITIES FOR THE 2026 NEW MEXICO LEGISLATIVE SESSION.**

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:
To approve recommended legislative priorities.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
City staff has reviewed departmental priorities and the Capital Improvements Plan to develop a list of projects that align with our City Council and state delegation. Consideration was given to Gross Receipts Tax (GRT) priorities and potential upcoming General Obligation (GO) Bond projects. The projects were presented at the Work Session on November 10, 2025, and are being brought forward for recommended approval to advocate at the 2026 New Mexico Legislative Session in January and February.

SUPPORT INFORMATION:
Exhibit "A" - Priority List
Exhibit "B" - Policy

PLAN(S):
Elevate Las Cruces

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?
☐ Yes
☒ No

OPTIONS / ALTERNATIVES:
1. Vote "Yes"; this will approve the recommended priorities.

2. Vote "No"; this will not approve the recommended priorities and direction will be required for new recommendations.
3. Vote to "Amend"; this will require direction to staff.
4. Vote to "Table"; this will delay advocacy and require direction to staff.

RESOLUTION 26-075

A RESOLUTION APPROVING RECOMMENDED PRIORITIES FOR THE 2026 NEW MEXICO LEGISLATIVE SESSION.

The City Council is informed that:

WHEREAS, city staff has developed a list of priorities that align with the Capital Improvements Plan; and

WHEREAS, the list of projects was presented to the City Council at the Work Session on November 10, 2025; and

WHEREAS, city staff recommends the list of projects be submitted for consideration of funding at the 2026 New Mexico Legislative Session.

NOW, THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the recommended list of priorities and policies as noted in Exhibit "A" and Exhibit "B" are hereby approved, attached hereto and made part of this resolution.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

Exhibit “A”

City of Las Cruces 2026 Legislative Priorities

(in no particular order)

PROJECT NAME	REQUESTED FUNDING
Affordable Housing	$6 million
Legacy Parks	$6 million
East Mesa Public Recreational Complex	$1 million
Klein Park Improvements	$500,000
Fire Station Improvements	$500,000
Regional Driving Track	$1.5 million
RTCC Bandwidth Upgrades	$3 million
Branigan Library Renovation & Expansion	$10 million
Eastside Purchase & Renovations	$775,000
Wastewater Septic Systems	$1 million
Mesa Grande Drive Extension	$15 million
WIA Building	$700,000
Kitchens at MVCOH	$4 million
MVCOH Master Plan Implementation	$2 million

Exhibit “B”

LEGISLATIVE POLICY

1. Creation of NM Land Banking for Property, Community and Economic Revitalization Act.
2. Request water and wastewater funding.
3. Streamline approval of Water Project Fund projects.
4. Law enforcement recruitment and retention.
5. Affordable Spay/Neuter Law.
6. CARE funding (supporting animals affected by domestic violence).

3102; Council Bill 26-010

City Council Action and Executive Summary

Type of Action:
☐ **Resolution**
☒ **Ordinance**
☐ **TIDD Resolution**

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	November 17, 2025	**Adopted:**	December 1, 2025
Drafter:	Sara Gonzales	**Department:**	Community Development

Title:	**AN ORDINANCE AMENDING CHAPTERS 34-38 OF THE LAS CRUCES MUNICIPAL CODE WITH THE CORRESPONDING ZONING MAP AS PRESENTED. (CASE NO. ZCA-25-01)**

TYPE OF ACTION: ☐ **Administrative** ☒ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:
To amend the Municipal Code.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
On February 18, 2025, the City Council adopted Ordinance 3090, known as Realize Las Cruces, which repealed Chapters 32 through 40 of the Las Cruces Municipal Code (LCMC) and redefined zoning designations for all properties within city limits. A referendum petition seeking to suspend the ordinance was filed with the City Clerk on March 19, 2025, placing the new code on hold pending review of the petition. On May 19, 2025, the City Council rejected the referendum, thereby enacting Realize Las Cruces.

Since its initial adoption in February, numerous community members have submitted applications through Community Development using Realize Las Cruces, taking advantage of the enhanced flexibility in development standards. As a result, staff have seen a rise in middle housing proposals, typically two to four units, targeting smaller, vacant, and irregularly shaped parcels within the urban core or infill area of the city.

Throughout the implementation process, we identified several standards that were either missing, difficult to enforce, or unworkable. Additionally, staff recognized that the zoning designations for several parcels needed to be revised for greater appropriateness. To address these issues, staff proposes targeted adjustments to each chapter and updated zoning map to better support and promote sustainable land development. These adjustments are listed below.

Chapter 34
Revised roles and responsibilities, expanded and clarified definitions pertaining to erosion control, fencing, rock wall structures, and group homes.

Chapter 35
Updated guidelines for notice procedures related to new builds, redevelopment, maintenance, and replacements.

Chapter 36

Revisions include clarified setback regulations and updates to the land use table. Adjustments address provisions for temporary construction yards, sober living facilities, indoor and outdoor entertainment venues, square footage limits for professional offices, and minimum lot size requirements for animal husbandry. Setback and easement guidelines for carports and accessory structures have also been updated. Standards for non-conforming uses were reviewed and revised.

Chapter 37
Changes to how minor subdivision plats are processed and how the subdivision master plan is structured.

Chapter 38
Updated rules about parks, including alternatives to land dedication and improvements. Outdoor lighting standards have been improved, and sign permit rules now cover more sign types.

The Planning and Zoning Commission (P&Z) reviewed the proposed minor amendments to the Development Code on October 28, 2025. During the discussion, the Commission provided a few recommendations for staff consideration, including modifying the garage setback to fifteen (15) feet in urban areas and allowing botanical gardens by right in the OS-1 and OS-2 districts. The P&Z recommended approval by a vote of 5-0-0 (two Commissioners absent) for the proposed amendments outlined in Attachment "A".

SUPPORT INFORMATION:
EXHIBIT "A" - LCMC Chapters 34-38
EXHIBIT "B" - ZONING MAP
ATTACHMENT "A" - LCMC Chapters 34-38 (redline version)

PLAN(S):
City Council Strategic Plan, Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:
P&Z

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?
☐ Yes
☒ No

OPTIONS / ALTERNATIVES:
1. Vote "Yes"; this will approve the Ordinance and amend the current LCMC Chapters 34-38 and the corresponding zoning map.
2. Vote "No"; this will not approve the Ordinance and LCMC Chapters 32-38 and the corresponding zoning map will not be changed.
3. Vote to "Amend"; this would allow City Council to modify the proposed ordinance.
4. Vote to "Table"; this would postpone the decision to repeal the Ordinance and would allow City Council to provide further staff direction.

ORDINANCE 3102; COUNCIL BILL 26-010

AN ORDINANCE AMENDING CHAPTERS 34-38 OF THE LAS CRUCES MUNICIPAL CODE WITH THE CORRESPONDING ZONING MAP AS PRESENTED. (CASE NO. ZCA-25-01)

The City Council is informed that:

WHEREAS, the City adopted the Realize Las Cruces Development Code in February of 2025; and

WHEREAS, during the implementation process, we identified several standards that were either absent, impractical to enforce, or not feasible; and

WHEREAS, City Staff has made targeted adjustments to each chapter to better support and promote sustainable land development; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on October 28, 2025, recommended to approve the proposed amendments by a vote of 5-0-0 (two Commissioner absent).

NOW, THEREFORE, Be it Ordained by the Governing Body of the City of Las Cruces:

(I)

THAT Chapters 34-38 of the Las Cruces Municipal Code, as shown in Exhibit “A” and the Zoning Map as shown in Exhibit “B” attached hereto and made part of this Ordinance, are hereby amended and approved.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

Chapter 34. Development Code General Provisions

Sec. 34-1. Establishment

A. Title

This Development Code of the City of Las Cruces, New Mexico, shall be known as, and may be cited as, the "Development Code," "Code," or "these regulations."

B. Purpose

The purpose of this Development Code is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this Code is intended to implement the Comprehensive Plan, Active Transportation Plan, neighborhood blueprints, and all other City-adopted plans and policies.

C. Authority and Jurisdiction

1. This Code is created and adopted in accordance with NMSA 3-17, 3-19, 3-20, 3-21, and 3-21A, as amended, and shall be applicable to all property within the corporate limits of the City, except for state and federal land.
2. State property, Doña Ana County property, the Las Cruces Public School District School Board property, New Mexico State University (Board of Regents), federal property, and property owned or controlled by any other governmental entity being utilized for public purposes shall be exempt from these regulations only when specific exemption is provided elsewhere by state or federal statute or court order. Such exemption shall not apply to local, state, or federal property that is not being used for public purposes. Governmental and private entities shall comply with the requirements of Section 3-19-11 NMSA.
3. This Code identifies certain administrative roles (e.g., Community Development Director) as approval authorities. The definition of each role indicates whether a designee of that person may be delegated authority. See **Sec. 34-5. Definitions**.

D. Effective Date

The Effective Date of this Development Code shall be February 18, 2025.

E. Transitional Provisions

The provisions of this section address development projects that were initiated prior to the Effective Date of this Development Code specified in **Sec. 34-1.D** above.

1. Generally
   a) For 8 months after the Effective Date, property owners/applicants shall have the option to follow codes as of the day before said effective date. This option shall be granted upon submittal of written notice, on a form approved by the Community Development Director, accompanying the submittal of an application authorized under this ordinance. If said submittal is not approved within 1 year of the effective date, the submittal shall be considered void and thereafter, any subsequent submittal shall follow the current code. No extensions will be approved after the 1-year approval deadline.
   b) Construction permits granted under the regulations in place before the Effective Date shall remain valid until their expiration. Projects with valid permits may be carried out in accordance with the regulations in effect at the time of their approval.
   c) The adoption of this Development Code shall not require any change in plans, construction, or designated use for which a permit or other official approval was granted before the Effective Date.

d) Vesting under previous regulations applies only within the zoning or subdivision processes. Subdivision vesting does not vest zoning-related applications; zoning vesting does not vest subdivision-related applications.

i) Example: Subdivision Process

An approved Master Development Plan (subdivision-related process) vests future subdivision submittals, as long as the approved Master Development Plan or Preliminary Plat does not expire.

ii) Example: Zoning Process

An approved PUD Concept Plan (zoning-related process) vests future zoning submittals, as long as the approved Concept Plan does not expire.

e) If an application expires or resubmittal is required for any other reason, the development must meet the standards in effect at the time of re-application.

f) An applicant who submitted a complete application that was ultimately approved may opt to use the more recent regulations for the remainder of the development project; however, that project is no longer eligible to use the older regulations at a later stage.

2. Completed Subdivision Applications

a) Complete applications for subdivision-related approvals (e.g., Master Development Plan, Preliminary Plat, Construction Plan, Final Plat) pending approval on the Effective Date will be reviewed wholly under the terms of the development regulations in effect immediately preceding the Effective Date.

i) Example: Master Development Plan for a Phased Development

If a complete Master Development Plan (MDP) application for a phased development project was submitted prior to the Effective Date and was ultimately approved, the entire development project may develop under the approved MDP and regulations in place at the time of the MDP submittal.

3. Completed Zoning Applications

a) Complete applications for zoning-related approvals (e.g., Planned Unit Developments, Site Plans, Special Use Permits, Zoning Variances, Building Permits) pending approval on the Effective Date may be reviewed wholly under the terms of the development regulations in effect immediately preceding the Effective Date.

i) Example: Concept Plan, Site Plan, and Building Permits for a Planned Unit Development

If a complete Concept Plan application for a Planned Unit Development (PUD) is submitted prior to the Effective Date and is ultimately approved, the City may approve a Site Plan and Building Permit that conform to the Concept Plan and comply with the regulations in place at the time of the Concept Plan submittal.

b) If a Building Permit was issued before the Effective Date (or a complete Building Permit application was submitted before the Effective Date and ultimately approved), the structure may be completed in conformance with the issued Building Permit and other applicable permits and conditions, even if such structure does not comply with provisions of this Code.

c) If the structure is not completed within the time allowed under the original Building Permit and any authorized permit extension, the structure may be constructed, completed, and occupied only if it complies with the regulations of this Code.

4. Transitions in Permitted Use Status

a) If a use is allowed by **Sec. 36-3.A. Permitted Uses**, it is considered a lawfully established and conforming use under this Code.

b) If a use existed as an allowed by-right use or an approved SUP on the Effective Date and it now requires an SUP in accordance with **Sec. 36-3.A. Permitted Uses**, it is considered to be a lawfully established and conforming SUP under this Code.

c) A lawfully established existing use that is not allowed by-right or by SUP in the district in which the use is located is considered a legally nonconforming use and is subject to all applicable regulations of **Sec. 36-5.G. Nonconformities**.

5. Violations

A violation of former regulations continues to be a violation under this Development Code and is subject to penalties and enforcement under **Sec. 34-1.H. Violations and Enforcement**, unless the use, development, construction, or other activity now complies with the provisions of this Development Code.

F. Technical Manual and Other Technical Resources

This Development Code references a Technical Manual, which is maintained separately from this Code by the Development Review Committee. The standards contained within the Technical Manual apply to all development within the City's jurisdiction. This code also references several other technical resources that apply within the City, including (but not limited to) the latest editions of thoroughfare design manuals prepared by AASHTO, NACTO, ITE, FHWA, and related entities. These are the minimum standards required. Development shall follow these minimum standards and any City guidelines adopted by resolution, as amended.

G. Fees

All fees shall be paid in accordance with the City's Fee Schedule, as adopted by the City Council. An application may be denied for failure to pay such fees.

H. Violations and Enforcement

1. Duty to Enforce. The official(s) designated by the City Manager shall enforce this Development Code.
2. The City has the right to execute the following actions to remedy violations of this Development Code or noncompliance with approved plans in accordance with NMSA 3-17-1:
   a) Withhold or revoke permits or issue a stop-work order for any land, structure, or improvement;
   b) Seek injunctive relief to stop a violation;
   c) Seek a court order to remove a violation; or
   d) Other penalties and remedies as provided by law.
3. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

I. Interpretations

The Community Development Director is the responsible official for determining interpretations and meanings. The Director's determination may be appealed in accordance with **Sec. 34-3.F.2 Appeal of a Director Decision**.

J. Conflicting Provisions

1. Conflict with State or Federal Regulations

Any provisions of U.S. or New Mexico State Law that impose a greater duty, standard, or requirement than those contained herein shall supersede the provisions of this Code.

2. Conflict within the Development Code or Other City Regulations
   a) Where the provisions of any local ordinance or regulation impose greater restrictions than those of this Development Code, generally, the provisions of such document shall prevail.

b) When two or more provisions of this Development Code are in conflict, generally, the most restrictive provision shall apply.

c) In either case, the Community Development Director shall have the authority, on a case-by-case basis, to determine which conflicting provisions of this Code and/or other local requirements shall be imposed.

3. Conflict with Private Agreements

This Development Code does not interfere with, abrogate, or annul any easement, deed restriction, covenant, or other agreement between private parties. The City's regulations supersede any private agreements, and the City will not recognize or enforce any private agreements.

K. Severability

If any chapter, section, paragraph, sentence, phrase, or part of this Code is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

Sec. 34-2. Approval and Appeal Entities

A. City Council

1. Establishment

   The City Council is established by Part I Charter, Article II of the Las Cruces Municipal Code.

2. Authority

   Figure 34-2-1 summarizes the City Council's major roles and responsibilities within this Development Code.

B. Planning & Zoning Commission

1. Establishment

   In accordance with NMSA 3-19-1, a Planning & Zoning Commission has been created by the City Council as stated in Chapter 2, Article IV, Division 2, Subdivision VI. Planning & Zoning Commission of the Las Cruces Municipal Code.

2. Authority

   Figure 34-2-1 summarizes the Planning & Zoning Commission's major roles and responsibilities within this Development Code.

C. Development Review Committee

1. Generally

   The Development Review Committee (**Error! Reference source not found.**) is a formal group of representatives employed by the City or its representatives empowered to act on behalf of their respective departments on development-related applications.

2. Composition

   a) Required Members

      i) Membership of the **Error! Reference source not found.** shall consist of one representative from each of the following departments (or their successor department(s)):

         a. Public Works Department;

         b. Community Development Department;

         c. Utilities Department;

         d. Fire Department;

         e. Parks & Recreation Department; and

         f. Up to two additional City Staff appointees as designated by the City Manager, with technical and management experience in urban design, advance and long-range planning, and sustainability related to public works, subdivision, major construction, and facility projects.

      ii) Department representatives shall be the Director or the Assistant Director (or equivalent title).

3. Authority

   Figure 34-2-1 summarizes the **Error! Reference source not found.**'s major roles and responsibilities within this Development Code.

4. Meetings

   a) The **Error! Reference source not found.** shall meet as needed to review development-related issues and applications, as summarized in **Figure 34-2-1**. The notice of **Error! Reference source not found.** meetings shall appear in the public meeting schedule.

   b) The Community Development Director shall set the agenda for **Error! Reference source not found.** meetings and abide by all notification requirements pursuant to approved policy and the New Mexico Open Meetings Act (OMA).

   c) Minutes will be taken during **Error! Reference source not found.** meetings pursuant to approved policy and the New Mexico Open Meetings Act (OMA).

   d) When the **Error! Reference source not found.** provides a recommendation to another entity, the Community Development Director shall provide the meeting minutes or compile the comments and provide a summary report for the approval authority(ies).

D. Summary of Approval Authorities

Figure 34-2-1. Summary of Major Roles and Responsibilities provides an overview of the primary approval responsibilities outlined in this Development Code.

Figure 34-2-1. Summary of Major Roles and Responsibilities

Note: Decisions within this table may be appealed in accordance with **Sec. 34-3.F. Appeals**.

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
General							
Sec. 34-3.E	Flexible Development Standards				Decide		
Sec. 34-1.F	Technical Manual			Update			
Sec. 34-3.F.2.a)	Appeal of a Director Decision: Planning-Related		Decide				
Sec. 34-3.F.2.b)	Appeal of a Director Decision: Engineering-Related						Appeals heard by Arbitration Committee
Sec. 34-3.F.3	Appeal of a **Error! Reference source not found.** Decision		Decide				
Sec. 34-3.F.4	Appeal of a Planning & Zoning Commission Decision	Decide					
Sec. 34-3.F.5	Appeal of a City Council Decision						Appeals heard by District Court
Sec. 35-1.F.1	Appeal of a Community Development Director Historic Preservation Decision						Appeals heard by Historic Preservation Committee
Sec. 35-1.F	Appeal of a Historic Preservation Committee Decision		Decide				
Sec. 34-3.I	Development Code Amendments	Decide*	Recommend*				
Sec. 34-4.D	Annexation	Decide*	Recommend*	Recommend			
Historic Preservation-Related							
Sec. 35-2.D	Cultural Property Designation	Decide					Historic Preservation Committee recommendation*
Sec. 35-2.E	Historic District Designation	Decide*	Recommend*				Historic Preservation Committee recommendation*
Sec. 35-3.A.2	Certificate of Appropriateness				Decide (minor)		Historic Preservation Committee decision* (major)
Sec. 35-3.C	Demolition of Cultural Properties	Appeals					Historic Preservation Committee decision*
Sec. 35-3.D	Certificate of Economic Hardship						Historic Preservation Committee decision*
Zoning Regulations-Related							
Sec. 36-5.A	Zoning Map Amendments	Decide*	Recommend*		Recommend		

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
Sec. 36-5.B	Site Plans (except with SUP)				Decide		
Sec. 36-5.C	Special Use Permit (SUP)		Decide*		Recommend		
Sec. 36-5.D	Planned Unit Development (PUD) Concept Plan	Decide*	Recommend*	Recommend			
Sec. 36-5.D	Planned Unit Development (PUD) Site Plan				Decide		
Sec. 36-5.E	Building Permits and Certificates of Occupancy						Building Official
Sec. 36-5.F	Zoning Variance		Decide*		Recommend		
Subdivision Regulations-Related							
Sec. 37-3.A.4	Master Development Plan		Decide*	Recommend			
Sec. 37-3.B	Preliminary Plat		Decide*	Recommend			
Sec. 37-2.A	Final Plat using the Alternate Summary Procedure (ASP)				Decide		
Sec. 37-3.D	Final Plat following an approved Preliminary Plat (i.e., Major Platting Process)				Decide		
Sec. 37-3.D	Final Plat without an approved Preliminary Plat (i.e., Minor Platting Process)		Decide	Recommend			
Sec. 37-2.E.5	Right-of-Way Vacation	Decide*			Recommend		
Sec. 37-3.C.4	Construction Plans				Decide		Affected departments and agencies to provide comments
Sec. 37-4.C	Acceptance of Public Improvements				Decide		Public Works, Utilities, and Parks & Recreation Directors must confirm completion
Sec. 37-4.D.2	Authorization of Substantial Completion				Decide		Affected departments and agencies must confirm agreement
Development Standards-Related							
Sec. 38-2.C.1.a)	Roadway Cross-Section Configuration			Decide			
Sec. 38-2C.1.a)	Roadway Dedication and/or Improvement Waiver			Decide			Appeal to City Council
Sec. 38-2.D.4.b)	Private Street Acceptance	Decide	Recommend	Recommend			City Attorney approval required
Sec. 38-2.F.10.d)	Driveway/Median Opening Permits					Decide	
Sec. 38-2.G	Traffic Impact Analysis					Decide	
Sec. 38-2.I.6.c)	Streetlights					Decide	
Sec. 38-3.D.2.b)ix)	Development Permits in Floodplain						Floodplain Administrator decision
Sec. 38-3.C.1.a)	Master Drainage Study					Decide	
Sec. 38-3.C.1.b)	Final Drainage Study					Decide	
Sec. 38-3.H.6	Operation & Maintenance Plan					Decide	
Sec. 38-5.D	Park and Trail Dedication		Decide	Recommend			

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
Sec. 38-6.E and **Sec. 38-7.F**	Tree Mitigation Plan and Landscape Plan				Decide		
Sec. 38-6.D.1	Removal of Protected Trees				Decide		
Sec. 38-9.K	Outdoor Lighting Plan				Decide		
Sec. 38-10.C	Sign Permit				Decide		
Sec. 38-10.J	Common Signage Plan				Decide		
Sec. 38-11.D	Wireless Communication Facility				Decide		

*Indicates a public meeting is required.

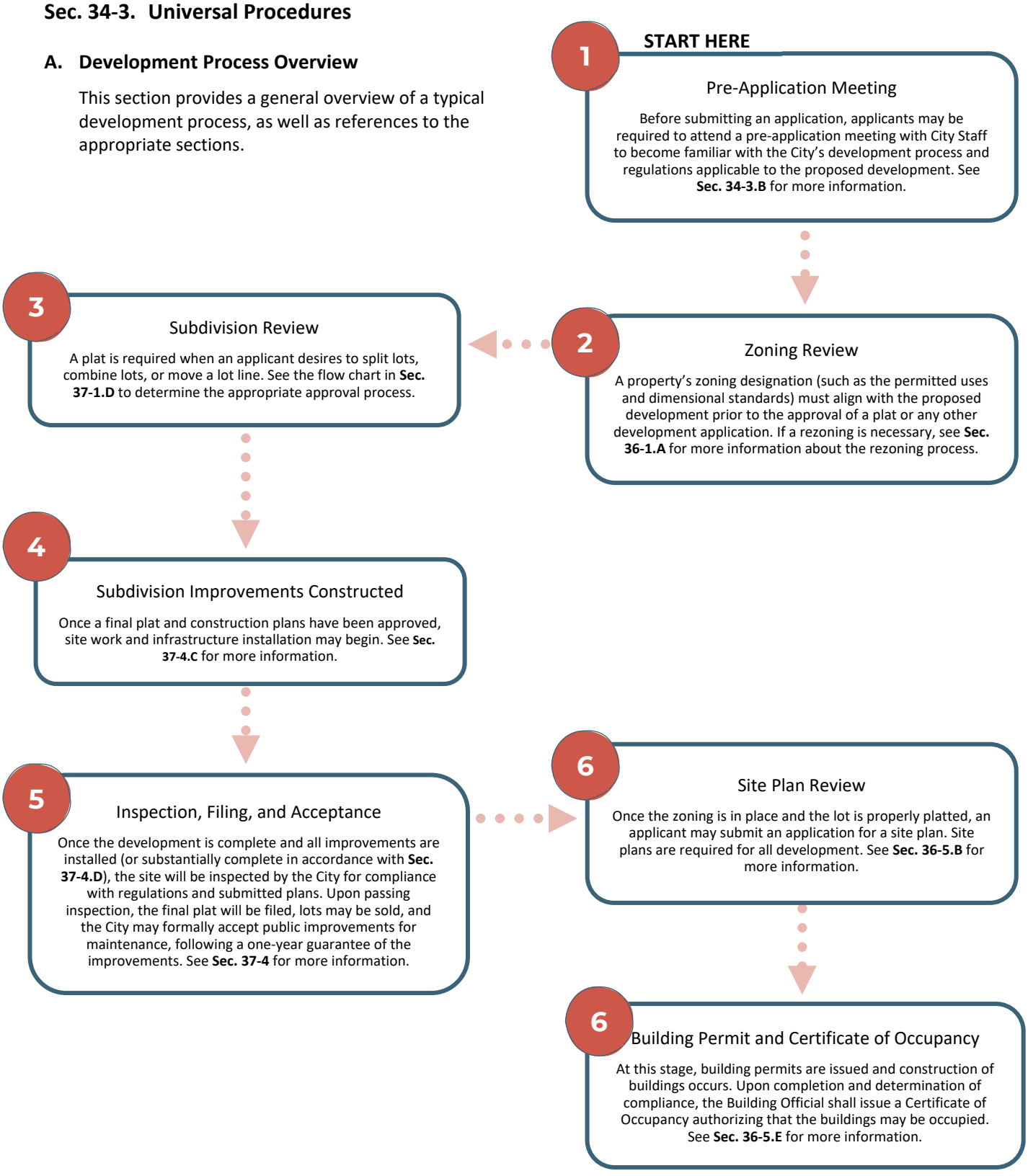
**Indicates a public meeting is required unless waived by the applicant in accordance with NMSA 3-20-7.

Note: All DRC meetings are advertised meetings open to the public to attend, during which the public is allowed to provide comments when recognized by the DRC Chairperson.

Sec. 34-3. Universal Procedures

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections.



B. Pre-Application Meeting

1. Purpose

   a) The pre-application meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.

   b) The pre-application meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.

   c) This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

   a) Prior to the submittal of any required plan or application, the applicant must consult with Community Development Department staff to determine whether a pre-application meeting is required for the type of application or plan being proposed. The Community Development Department staff will determine the appropriate City staff to attend the meeting.

      i) Pre-application meetings are always required for a PUD or SUP application.

   b) When a pre-application meeting is not required, the applicant may choose to participate in a voluntary pre-application meeting.

   c) If multiple applications are submitted requiring meetings with the same department, the respective department representative may allow one consolidated meeting.

   d) The applicant may be represented by their land planner, surveyor, engineer, or other designated agent.

3. Sketch Plan

   Although not required (except for a PUD or SUP), the property owner is encouraged to submit a Sketch Plan of the development for the pre-application meeting so that the Community Development staff can offer guidance and feedback before the submittal of a formal application to the City. Information and questions regarding utilities, roadways, drainage, and other development standards required by this Code should be considered to improve the effectiveness of this meeting.

C. Application Processing

1. Initiation of Application

   a) Initiation by Owner or Owner's Agent

      i) Unless provided by this Development Code, any petition or application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

      ii) If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

      iii) The decision-maker (as identified by **Figure 34-2-1. Summary of Major Roles and Responsibilities**) may require the submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

   b) Initiation by City Manager

      The City Manager can initiate any application authorized under this Development Code.

2. Application Requirements

   a) Universal Application Contents

i) The City is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes.

ii) All application forms are available from the Community Development Department and/or on the City's website.

iii) Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate, or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.

iv) Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b) Universal Application Fees

i) Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

ii) Unless waived by City Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.

3. Modification, Addition, or Waiver of Required Submittal Materials

a) The Community Development Director may require additional or modified information or provisionally waive planning-related application requirements following the pre-application meeting.

b) The Public Works Director and the Utilities Director may require additional or modified information or provisionally waive engineering-related application requirements following the pre-application meeting.

c) Examples of possible additional requirements and/or information could include but are not limited to a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc.

d) Any request for additional or waived submittal requirements shall be justified in writing by the requesting entity.

4. Complete Application

a) Every required application shall be subject to a Determination of Completeness by the Community Development Director. The application shall only be accepted for processing when it is accompanied by all documents required by and prepared in accordance with the requirements of this Development Code.

b) A Determination of Completeness of an application shall be conducted in accordance with the following procedures:

i) If the submitted application is incomplete, the applicant shall be sent notification in writing.

a. Such notice shall be served by depositing it in the U.S. Postal Service or by electronic mail transmission.

b. The notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **Sec. 34-3.C.6. Application Expiration**) if the documents or other information are not provided to the City.

ii) If the application is determined to be complete, the application shall be processed as prescribed by this Development Code.

c) A typographical error shall not constitute an incomplete application.

d) A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this Development Code. It is not guaranteed that an accepted, complete application will be approved if it is determined that the application does not comply with this Development Code.

e) If the application is resubmitted after a notification of incompleteness within the time allotted in **Sec. 34-3.C.6. Application Expiration**, the application shall be processed upon receipt of the resubmittal. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

5. Submittal of Multiple Applications

   An applicant may submit multiple requests at once so that all requests are reviewed simultaneously (e.g., Master Development Plan and Zoning Variance applications); however, applicants should be aware that required revisions to one application may require the resubmittal of other applications.

6. Application Expiration

   An application shall automatically expire at the close of business on the 45th calendar day after the application's submittal if the applicant fails to provide documents or other information necessary to comply with the City's requirements. The applicant must restart the application process if all required materials have not been provided within 45 days.

7. Application Extension

   The Community Development Director may extend the expiration of an application only when unique circumstances are present and additional time is needed for an applicant to provide documents or information to complete an application. Any extension shall be documented in writing, and the extension shall not exceed 180 days.

8. Modification of Complete Applications

   a) Modifications Requested by the City

      If revisions are requested by the City, and the modification is received at least 10 business days prior to the scheduled decision on the application, then the application shall be decided in accordance with the original schedule.

   b) Modifications Not Requested by the City

      Unless otherwise specified, when an applicant chooses to revise a submitted application, a new application must be submitted and the process restarted.

9. Submittal of Previously Decided Applications

   After the final decision on an application, the same (or substantially similar as determined by the Community Development Director) application shall not be submitted again until six months after the decision-maker's action.

10. Administrative Review

    a) Applications shall be submitted to the Community Development Director unless otherwise stated, who will distribute the submittal to applicable City departments and agencies for review. Each department shall complete the review and provide written comments to the Community Development Director.

    b) Each required department shall prepare and submit one set of consolidated comments to the Community Development Director. The Community Development Director shall compile the comments and provide the comments to the applicant for revisions.

    c) Whenever comments received by the City departments are in conflict, the Community Development Director will determine the appropriate procedure to be followed, utilizing the Development Review Committee where appropriate, in order to resolve said conflict or disagreement.

    d) The application shall be resubmitted and reviewed until the provisions of the Code are met and the submittal is recommended or approved, as applicable.

    e) The Community Development Director may opt to defer any application to the Planning & Zoning Commission.

f) When the Community Development Director is responsible for providing a recommendation, the Community Development Director shall prepare a report including comments and the reason(s) for the recommendation.

D. Notice of Decision

Upon a final decision by the Planning & Zoning Commission or City Council, the Community Development Department shall promptly:

1. Prepare a written decision that includes an order and a statement of the factual and legal basis for the order and file the written decision with the City Clerk. Also, this document shall state the requirements for filing an appeal.
2. Make the written decision publicly available, which may include posting the document on the City's website.

E. Flexible Development Standards

1. Purpose

   a) The purpose of this section is to establish a three-tier system to allow flexibility in certain planning-related development standards (e.g., setbacks) that are part of a building permit or business registration request. The City Council grants the Community Development Director administrative discretion to allow limited departures that are generally considered insignificant from certain planning-related development standards.

   b) This section does not apply to development standards associated with signs and lighting, which require Zoning Variance. See **Sec. 36-5.F. Zoning Variances** for requirements.

2. Application Procedures

   An applicant requesting a departure from a planning-related development standard shall file a complete application, including the development statement that includes the following:

   a) Official building permit or business registration application,

   b) Submittal fee,

   c) Notarized affidavit,

   d) Copy of property's survey and legal description,

   e) Copy of site plan, if applicable, (requirements to be detailed),

   f) Description and justification of requested departures from standards,

   g) Request and justification to waive submittal requirements, and

   h) An application that meets the following conditions:

      i) The application shall be signed by all property owners of record (including all trustees of an estate or all persons that have a specific "power of attorney" for the subject property as recorded in the County Clerk's office). Persons who have an equitable interest in the subject property, but no legal title, shall not be deemed the "owners of record" of said property for purposes of this Code.

      ii) Any pending litigation or any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

      iii) The Community Development Director may reject any application if the ownership of the subject property is not clearly established.

3. Tier System

   a) Tier 1

      A request of up to a 25 percent departure from a planning-related development standard may be granted by the Community Development Director. Minimum lot area/width/depth departures may be granted as

necessary to prevent a taking of property as well as requests that are a result of governmental action (e.g., right-of-way acquisition).

b) Tier 2

A request for more than 25 percent and up to the following maximum departures from planning-related development standards may be granted by the Community Development Director. However, the Director is required to negotiate with the applicant to receive on behalf of the public one or more benefits (e.g., additional landscaping for reduced setbacks) deemed equivalent to the requested departure from standard.

Types of departure requests:

i) Setbacks/bufferyards/screens: 100 percent.

ii) Landscaping: 33 percent (from 15 percent to ten percent area coverage).

iii) Parking and all other requests not excluded in **Sec. 34-3.E.1.b)** above: 50 percent.

(See other parking flexibility options in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**.)

c) Tier 3

A request for deviations from planning-related development standards for properties located within the Metropolitan Redevelopment Area (MRA) in the Urban Zoning designations may be granted the following by the Community Development Director.

i) Setbacks/buffer yards/screens: 100 percent.

ii) Landscaping: 75 percent (from 15 percent required area coverage).

iii) Outdoor Lighting: Compliance with lighting may be extended up to one year if there are no safety concerns.

iv) Parking: Exempt in the Urban area.

Building Permit Fees: Urban Core may request reimbursement for building permit fees for vacant and redeveloped properties.

4. Notice of Request

The Community Development Director shall decide the appropriate surrounding property owners to be contacted by regular mail before acting on a request. Written comments about the request shall be delivered to the community development department to be considered by the Community Development Director within 10 business days of the date the notice of the request was mailed.

5. Action on the Request

Within ten working days after mailing the notice of the request to surrounding property owners, the Community Development Director shall act on the request.

6. Notice of Decision

The surrounding property owners that were contacted about the request and the applicant will be notified in writing about the decision on the request. The Community Development Director, for any reason, may require an applicant to follow the procedures for a Zoning Variance outlined in **Sec. 36-5.F. Zoning Variances**.

7. Appeal

Any person aggrieved by a determination of the Community Development Director may appeal the decision in accordance with **Sec. 34-3.F. Appeals**.

F. Appeals

1. Application Requirements

a) Who May Appeal

Any person, department, committee, commission, board, or bureau that is affected by a final decision of an administrative official, committee, or board in the administration or enforcement of this Development Code may appeal the decision.

b) Written Statement

All appellants shall submit to the Community Development Department a detailed written statement of the grounds of their appeal, including findings. The appeal shall state all issues to be considered. Only the issues stated shall be considered during the applicable proceeding.

c) Timing for Filing Appeal

An appeal shall be filed no later than 15 calendar days after the decision (or 30 calendar days for appeals to the District Court in accordance with NMSA 39-3-1), and after all other procedures established by this Code have been exhausted.

d) Fees

Fees shall be assessed to the appellant person or persons in order to cover the costs of such appeal. Such fees shall be as prescribed in the Fee Schedule as adopted and amended.

e) Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee, or board from whom the appeal is taken certifies that by reason of facts, a stay would cause imminent peril of life and property. Upon certification, the proceedings shall not be stayed except by order of District Court after notice to the official, commission, committee, or board from whom the appeal is taken.

2. Appeal of a Director Decision

a) Planning-Related Issues

i) Planning-related issues are issues related to, but not limited to, lot configuration or dimensions, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, or other issues determined by the Community Development Director to be planning-related.

ii) Appeals shall be resolved by the Planning & Zoning Commission. The Planning & Zoning Commission, by a majority vote of a quorum of the Commission, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of a Director.

b) Engineering-Related Issues

i) Engineering- or utility-related opinions are related to, but not limited to, design specifications for roadways, grading, drainage, utilities, or other issues determined by the Community Development Director and/or the Public Works Director to be engineering-related.

ii) Appeals of engineering-related issues shall be resolved by arbitration. The Arbitration Committee shall consist of three engineers licensed to practice in the state who are not associated with the City but are familiar with its development standards. The City shall choose one engineer, the applicant shall choose the second engineer, and the two chosen engineers shall choose the third.

iii) The Arbitration Committee shall review the engineering- or utilities-related issue under question and any pertinent information within 30 calendar days of the appeal submittal. The appellant shall be responsible for all costs associated with the Arbitration Committee.

iv) Action from the Arbitration Committee shall be in the form of approval or disapproval. Action from the arbitration committee shall be final unless appealed to the state board of registration for professional engineers and surveyors or to a court of competent jurisdiction.

3. Appeal of a **Error! Reference source not found.** Decision to the Planning & Zoning Commission

   The Planning & Zoning Commission, by a majority vote of a quorum of the Commission, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Development Review Committee.

4. Appeal of a Planning & Zoning Commission Decision to the City Council

   The City Council, by a majority vote of all its members, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Planning & Zoning Commission.

5. Appeal of a City Council Decision to District Court

   The decision of the City Council may be appealed to District Court in accordance with NMSA 39-3-1.

6. Appeal of a Historic Preservation Decision

   Appeals of Historic Preservation decisions shall be in accordance with **Sec. 35-1.F. Appeals**.

G. Notice for a Public Meeting

When a public meeting before the Planning & Zoning Commission or City Council is required by these regulations, notice shall be provided as follows.

1. Notice of Public Meeting Agenda

   The agenda for the public meeting shall be made available no later than 15 calendar days prior to the public meeting.

2. Posted Sign Notice

   a) At least 15 calendar days prior to the public meeting, notice of the proposed development shall be posted in conspicuous places on the subject property by the property owner, applicant, or representative.

   b) A sign measuring four feet by four feet shall be used and secured with appropriate supporting hardware made available by the Community Development Director. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs, which shall be determined by the Community Development Director.

   c) It shall be the responsibility of the property owner, applicant, or representative to ensure continuous visible posting until a final determination is made on the proposal, regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, the Community Development Director will inform the property owner, applicant, or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates, and venues.

   d) In the event that notification signs were issued for a case under appeal, the property owner and/or original applicant shall ensure that all signs previously erected for notice purposes remain up until a decision on the appeal is rendered. Modification to and/or replacement of said signs shall be authorized and directed by the Community Development Director to ensure appropriate information regarding the appeal venue is displayed.

   e) Signs must be removed by the property owner, applicant, or representative within one week of the final decision.

3. Mailed Notice

   a) Certified Mailed Notice for Changes Affecting One Block or Less

      Whenever a change is proposed for an area of one block or less, notice of the public meeting shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the County treasurer, of lots of land within the area proposed to be changed by a regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by regulation.

b) Non-Certified Mailed Notice for Changes Affecting More than One Block

Whenever a change is proposed for an area of more than one block, notice of the public meeting shall be mailed by first class mail to the owners, as shown by the records of the County treasurer, of lots of land within the area proposed to be changed by a regulation and within 500 feet, excluding public right-of-way, of the area proposed to be changed by regulation.

c) If the notice is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, with a return receipt requested, to that address.

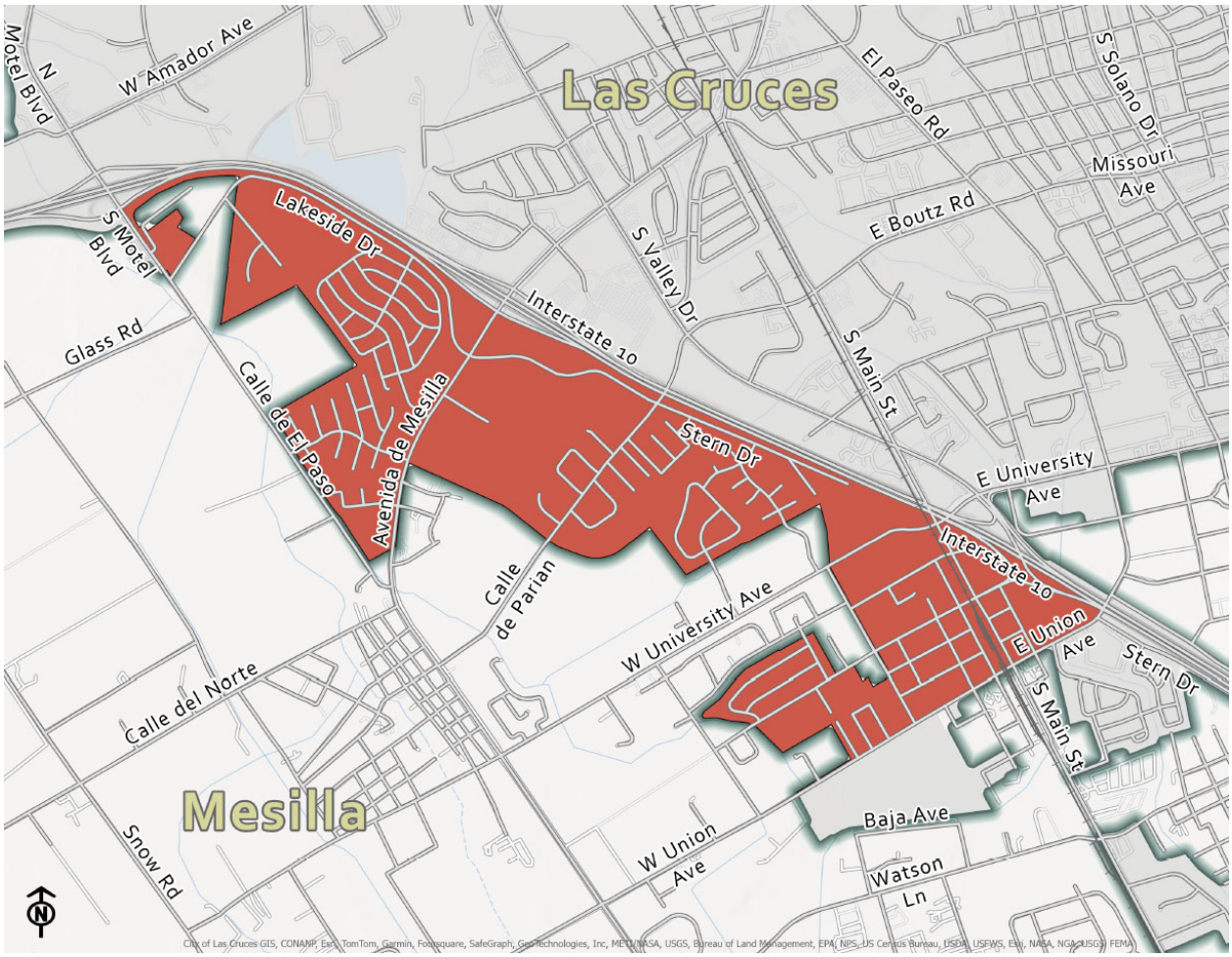
4. Published Notice

Notice of the time and place of the public meeting shall be published at least 15 calendar days prior to the public meeting in a newspaper of general circulation in the City.

5. Special Notice of Planning & Zoning Commission Cases

The Community Development Director shall provide notification, by certified mail, to the Town of Mesilla of all cases presented to the Planning & Zoning Commission for properties located in the area shown in **Figure 34-3-1. Town of Mesilla Special Notification Area Map**.

Figure 34-3-1. Town of Mesilla Special Notification Area Map



H. Early Notification and Meeting Requirements

1. Purpose

   Early notification and meeting requirements are established to provide a courtesy notice to potentially affected community members regarding a proposed development or action prior to the application's submittal.

2. Applicability

   Any application for a rezoning of more than one acre or any development that requires a Master Development Plan shall meet the requirements herein.

   a) Exception: Subdivisions that meet all requirements of the Development Code are not subject to these requirements.

3. Requirements and Notification

   a) The applicant shall facilitate a meeting with the public, providing details of the plan or project seeking approval. The applicant shall secure a meeting facility in a location within the City as close as practical to the project site.

   b) Details of the meeting location, date, and time shall be provided to the City at least 15 business days before the meeting. The City will mail notice to all property owners and registered neighborhood groups within 500 feet of the subject property at least 10 business days before the meeting.

I. Amendments to this Development Code

1. Petitions for Amendments

   a) Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this Development Code's text.

   b) The Planning & Zoning Commission may, on its own motion or on request from the City Council, study and propose amendments for the City Council's consideration.

2. Planning & Zoning Commission Recommendation

   The Planning & Zoning Commission shall provide a recommendation regarding proposed Development Code amendments following a recommendation by the Development Review Committee and a public meeting held in accordance with **G. Notice for a Public Meeting**.

3. City Council Decision

   Following Planning & Zoning Commission recommendation, the City Council shall decide on the proposed Development Code amendments following a public meeting held in accordance with the City Clerk's typical time frames and processes.

4. Zoning Map Amendments

   Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with NMSA 3-21-6. See **Sec. 36-5.A. Zoning Map Amendments** for more information.

Sec. 34-4. Annexation Process

A. Annexation Purpose

The purpose of an annexation is to redesignate property outside the City as being within the City limits thereafter. Annexations can be used to maintain a unified urban area and to promote orderly growth by utilizing City services.

B. Annexation Process

In accordance with NMSA 3-7-1, there are three methods of annexing territory into a municipality:

1. The arbitration method (NMSA 3-7-5 through 3-7-10);
2. The boundary commission method (NMSA 3-7-11 through 3-7-16); and
3. The petition method (NMSA 3-7-17).

C. Submittal of an Annexation Application

1. Following a pre-application meeting (see **Sec. 34-3.B. Pre-Application Meeting**) and any required early notification (see **Sec. 34-3.H. Early Notification and Meeting Requirements**), an applicant may submit the annexation application.
2. The annexation application and supplemental material shall be submitted to the Community Development Department no later than 25 calendar days prior to the day of the next regular meeting of the Planning & Zoning Commission for consideration.
3. Applications shall be subject to a Determination of Completeness as outlined in **Sec. 34-3.C.4. Complete Application**.
4. The applicant shall submit the following items and all related checklist materials for consideration of an annexation request:
   a) An Annexation Plat meeting the criteria for a Final Plat (see **Sec. 37-3.D. Final Plat**).
   b) An Annexation Plan meeting the criteria for a Master Development Plan (**Sec. 37-3.A. Master Development Plan**) identifying the purpose for which the property is intended to be used.
   c) An initial zoning request shall be submitted concurrently with the annexation application. The initial zoning of land shall occur jointly with the annexation procedures but shall occur as a separate and distinct action by the City Council.
   d) A cost-benefit analysis to compare long-term public revenues and expenditures related to the proposed development. The analysis shall be commissioned by the City at the expense of the applicant. City-commissioned fiscal impact analyses should be conducted according to a standard methodology developed and endorsed by the City in conjunction with a qualified third party. The analysis should consider factors such as the need to extend and indefinitely maintain City infrastructure (e.g., utilities, roadways, parks) and increased demand on City services (e.g., police, fire, libraries). The report shall also consider anticipated revenues generated by the development. The City may waive the requirement for a fiscal impact analysis where annexation is proposed to incorporate land already serviced by City utilities, to improve public health, or to absorb municipally owned land.

D. Review and Consideration of an Annexation Request

1. Criteria for Consideration

   Review and approval entities shall consider the following criteria when evaluating an annexation request:

   a) Whether adequate public facilities are available in the area,
   b) Potential fiscal, sustainability, and environmental impacts;
   c) Compatibility with pre-existing and proximate land uses;
   d) Availability of land within the municipal limits that can accommodate the proposed land use; and
   e) Conformity to the growth patterns and development policies promoted in the Comprehensive Plan and other long-range planning documents.

2. Board of County Commissioners Comment

   In accordance with NMSA 3-7-17.1, the City shall submit the petition to the Board of County Commissioners for review and comment.

3. Development Review Committee Recommendation

   Annexation requests shall be forwarded to the Development Review Committee for review, comment, and recommendation.

4. Planning & Zoning Commission Recommendation

   Following Development Review Committee review, the Annexation Plat, Annexation Plan, initial zoning request, and cost-benefit analysis (if applicable) shall be scheduled for a public meeting for Planning & Zoning Commission recommendation.

   a) A written report shall be provided to the Planning & Zoning Commission from the Development Review Committee.

   b) The Planning & Zoning Commission shall recommend either approval, conditional approval, postponement, or disapproval of each element of the annexation request.

   c) It is the requirement of the Planning & Zoning Commission that no annexation request shall be reviewed unless either the applicant or the applicant's representative is present at the public meeting. If neither is present at the public meeting, the request will be postponed until the next regular Planning & Zoning Commission meeting.

5. City Council Decision

   a) Following a recommendation by the Planning & Zoning Commission, the annexation request and the initial zoning request shall be forwarded to the City Council for a public meeting and final action.

   b) The annexation request and the initial zoning request will be scheduled for the next available regular City Council meeting once staff has received the minutes of the Planning & Zoning Commission public meeting and all public notice requirements are met.

   c) The City Council shall approve, amend, postpone, or disapprove each element of the annexation request.

   d) A copy of the notice of decisions that include any changes or conditions the Planning & Zoning Commission and City Council made at public meetings shall be provided to all appropriate parties in accordance with **Sec. 34-3.D. Notice of Decision**.

Sec. 34-5. Definitions

A. Usage and Interpretation

For the purpose of this Development Code (Chapters 34 through 38), the following terms used herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory; and
5. The term "may" is discretionary.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

B. Terms Defined: A-D

1. Abandoned Sign

A sign that no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted or product or service. See **Sec. 38-10.K.2. Abandoned Signs**.

2. Absolute Photometry

A photometric measurement (usually of a solid-state luminaire) that directly measures the output of the luminaire. Reference Standard IES LM-79.

3. Accelerated Erosion

Rapid erosion caused by artificially induced alteration of the vegetation, land surface topography, or runoff patterns.

4. Accessory Structure

See **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

5. Accessory Uses

A use incidental to and customarily associated with a specific principal use located on the same lot or parcel.

6. Activity/Activities

Any land stripping, earthmoving, trenching, road construction, and demolition or renovation of manmade facilities.

7. Addition

Any act or process that changes one or more of the exterior architectural features of a building or structure by increasing the size or capacity of a structure through new construction or by joining one or more existing structures.

8. Adjacent

Next to or adjoining something else.

9. Agricultural Stormwater Runoff

Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

10. Air Contaminant

Smoke, vapor, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, windborne matter, or any air contaminant for which there is no national ambient air quality standard, and that is or may become harmful to public health or the environment when present in the outdoor atmosphere in sufficient quantities or duration.

11. Alley

Alleys provide access to the rear yards and can enhance pedestrian safety and traffic circulation. Rear service alleys can be used for solid waste collection services and/or additional off-street parking to accommodate expanded multimodal infrastructure or reduced right-of-way requirements along adjacent Local Streets, Collectors, or Arterial roadways.

12. Alluvial Fan Flooding

Flooding on the surface of an alluvial fan or similar landform that originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths. Alluvial fan flooding is shown as Zone AO on a Flood Insurance Rate Map (FIRM) with a flood depth and velocity.

13. Alteration

Any change to the exterior of a building, site, object, or structure, including, but not limited to, the construction, reconstruction, or removal of any architectural or structural elements; or changes to an interior space of a publicly accessible building designated as a historic landmark.

14. Ambient Air

That portion of the atmosphere, external to buildings, to which the general public has access. Land owned or controlled by the stationary source and to which public access is precluded by a fence, physical barriers, or other effective means is exempted from the ambient air provisions.

15. Anthropogenic

Created or caused by human activity.

16. Apex

The top or narrow point of the alluvial fan.

17. Appeal

A request for a review of an interpretation or decision. See **Sec. 34-3.F. Appeals**.

18. Applicant

The person or entity responsible for the submittal of an application. The applicant must be the actual owner of the subject property or a representative designated in writing by the owner.

19. Architectural Lighting/Architectural Illumination

Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

20. Area of Shallow Flooding

A designated AO, AH, or VO zone on the City of Las Cruces's flood insurance rate map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

21. Area of Special Flood Hazard

An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, V1-V30, VE, or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

22. Arroyo

A dry creek, streambed, or gully that temporarily or seasonally fills and flows after sufficient rain.

23. Arterial Street

See #230 Minor Arterial and #288 Principal Arterial.

24. Astronomic Time Switch

An automatic lighting control device that switches outdoor lighting relative to the time of solar day with time of year correction.

25. Attached Sign

A type of sign that is fastened to, connected to, or painted on and wholly or partially supported by a building. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

26. Awning

A hood or cover that projects from the wall of a building and is composed of rigid or nonrigid materials.

27. Backfill

Soil that is replaced in a hole or trench after excavation and placement of utilities, conduct, structures, or plant materials.

28. Backflow

The reversal of the normal flow of water (potable or non-potable) or other substances into a drinking water system that may be caused by back siphonage or back pressure in the presence of a cross-connection.

29. Backlight

For an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

30. Base Flood

The flood having a one-percent chance of being equaled or exceeded in any given year.

31. Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year - also called the Base Flood.

32. Basement

Any area of the building having its flood sub-grade (below ground level) on all sides.

33. Best Management Practices (BMP)

The correct application of the current scientific principles to the evaluation, design, construction, and maintenance of engineering projects. All projects must meet the minimum standards as adopted by the City. All designs are based on health, safety, convenience, and general welfare of the public.

34. Billboard

A freestanding sign type that typically includes a concrete foundation, metal pole structure, and a flat surface upon which a display panel or a material such as vinyl, canvas, or plastic surface is placed. See **Sec. 38-10.D. Prohibited Signs**.

35. Block

Land surrounded on all sides by streets or other rights-of-way or by physical barriers such as bodies of water or public open spaces.

36. Buffer Yard

An area along the property line between various districts that have differing intensities and impacts intended to promote public health, safety, and welfare. See **Sec. 38-8.D. Required Buffer Yards**.

37. BUG

A luminaire classification system that evaluates backlight (B), uplight (U), and glare (G).

38. Build-To Line

A line established within a certain distance from the front property line, in front of which a building facade (or a percentage of a facade) must be built. Build-To Lines are typically used to place buildings closer to the street frontage, resulting in more pedestrian-oriented development.

39. Building

Any structure as defined in Chapter 30 of the Las Cruces Municipal Code.

40. Building Height

The height of a building measured from the lowest adjacent ground surface level to the highest point of the building or from the elevation of the adjacent ground, whichever is lower. Building height excludes chimneys, flagpoles, cooling towers, elevators, bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten feet in height.

41. Building Official

The City official authorized to administer the Building Code or their designee. See Chapter 30. Buildings and Building Regulations of the Las Cruces Municipal Code.

42. Building Permit

Any duly authorized permit for construction issued by the Building Official authorizing construction or demolition, including soil disturbance. See **Sec. 36-5.E. Building Permits and Certificates of Occupancy** and LCMC, Chapter 30, Article II, Division 2, Sections 30-171 through 30-722.

43. Candela

The basic SI (Systeme International d'Unities) unit of luminous intensity. One candela is one lumen per steradian.

44. Canopy or Marquee

A permanent, roof-like shelter extending from part or all of a building or independent of a building.

45. Certificate of Appropriateness

A written record issued by the Historic Preservation Committee or City Staff on behalf of the Committee, authorizing plans for alterations, construction, removal, or demolition of a building, structure, object, or site located within a historic district or designated as a cultural property. See **Sec. 35-3. Plan Review, Certificates of Appropriateness, and Economic Hardship**.

46. Certificate of Economic Hardship

A written record of relief issued by the Historic Preservation Committee, following the denial of a Certificate of Appropriateness, that authorizes plans for additions, alterations, construction, removal, continuation of a non-compliant condition, or demolition in whole or part of a building, structure, object, or site that is located within a historic district or designated as a cultural property when the property owner is unable to either fund the required work, put the property to a reasonably beneficial use, and/or cannot obtain a reasonable economic return thereon without completion of the requested course of action. See **Sec. 35-3.D. Certificate of Economic Hardship**.

47. Certificate of Occupancy

The permit issued by the Building Official to indicate that a structure may be occupied and/or used for its approved purpose(s). See **Sec. 36-5.E. Building Permits and Certificates of Occupancy**.

48. Certified Local Government (CLG)

A unit of local government (town, city, or county) that has met the requirements of and has applied for certification to the State to become a fully participating partner in national and state historic preservation programs.

49. Change of Occupancy

Where the occupancy of a space changes from one group of occupants to another group of occupants, or changes from one division to another division in the same occupancy group (as defined in the International Building Code).

50. Channel

A natural or artificial watercourse (including arroyos, streams, swales, ditches, diversions, and manmade facilities) with a defined bed and banks that conducts continuously or periodically flowing water.

51. Character Areas

The City is divided into three types of Character Areas:

(a) Rural Character Area

(b) Suburban Character Area

(c) Urban Character Area

See **Sec. 36-2.B.2. Character Areas** for more information.

52. Chemical/Organic Stabilizer

Any nontoxic chemical or organic dust suppressant other than water which meets and specifications, criteria, or tests required by any federal, state or local water agency and is not prohibited for use by the U.S. Environmental Protection Agency (EPA) or any applicable law, rule or regulation.

53. City

The City of Las Cruces administrative government, which encompasses all lands within the City's corporate boundary as designated by the present City limit location(s).

54. City Council

The governing body of the City of Las Cruces, New Mexico. See **Sec. 34-2.A. City Council**.

55. Clear Sight Triangle

An area of unobstructed vision at street intersections and entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. See **Sec. 38-2.H. Clear Sight Triangle**.

56. Clearing and Grubbing

Any activity that removes the vegetative surface cover from a site. Clearing includes removing and disposing of all unwanted surface material, such as trees, brush, grass, weeds, downed trees, and other material. Grubbing includes removing and disposing of all unwanted vegetative matter from underground, such as stumps, roots, buried logs, and other debris.

57. Code Enforcement Officer

The City official(s) designated to enforce and ensure compliance with this Development Code and other ordinances adopted by the City, or their designee.

58. Codes

Any other applicable local, state, or federal codes.

59. Collector Street

Collectors provide access from local streets through neighborhoods to arterials. Collectors are used for short trips within a small geographical area rather than across the region.

60. Co-Location

To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, in, or adjacent to a wireless support structure or utility pole. See **Sec. 38-11.D. Co-Location**.

61. Common Wall or Common Fence

An artificially constructed barrier or structure along a property line between two or more properties owned by two or more separate property owners. See **Sec. 38-8.C.3. Common Walls or Fences**.

62. Community Development Director

The Director of the City’s Community Development Department (or successor department charged with overseeing land use and development in the City), as appointed by the City Manager. This term also includes the Director’s designee(s) or Consultant.

63. Compaction

The process of making a soil denser through the application of dynamic impact to the soil mass. Specific minimum requirements are found within the current City construction specifications (standard specifications for road construction).

64. Compatibility

The positive relationship of alterations to existing buildings and designs for new construction to their environs, measured by consistent application of accepted design guidelines and standards that define the individual visual character, function and use, and architectural features of a specific geographic area.

65. Comprehensive Plan

The most recent City-adopted policy document that serves as the guide for the future physical development of the City and any actions concerning land use and development.

66. Concept Plan

A Concept Plan is a required step in the Planned Unit Development (PUD) process that is intended to assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Concept Plan forms the basis for approval of the PUD. See **Sec. 36-5.D.2.d) Step 2: Concept Plan**.

67. Conduit

An underground, nonmetallic, waterproof enclosure for voltage-carrying street light circuits.

68. Construction

Any act or process that requires a building permit.

69. Construction and Demolition Activities

Any on-site activities preparatory to or related to building alteration, rehabilitation, removal or razing, or improvement on real property, including the placement and upkeep of mobile or manufactured homes or buildings. "Construction" also means construction of roadway systems including, arterials, expressways, interstates, tunnels, overpasses, bridges, interchanges, residential and commercial streets within a subdivision, and airport runway improvements.

70. Construction Plans

Construction Plans are a set of detailed drawings and studies that ensure public improvements are installed to serve a development in accordance with all applicable regulations. See **Sec. 37-3.C. Construction Plans**.

71. Contiguous Property

Parcels of property that are in contact or touching.

72. Contributing Property

A building, object, site, or structure in a historic district that enhances the district's historical and/or architectural significance through location, design, setting, materials, workmanship, and/or association and as determined by the SHPO.

73. Control Measures (CMs)

Defined procedures intended for controlling the detachment of soil, the movement of water and/or the deposition of sediment.

74. Control Plan

A written description of all reasonably available control measures (RACMs) to be implemented at a work site and/or in transit to and from a work site for any earth-moving, construction, or potential dust-generating operation. Such written description may be incorporated into building and construction plans or a separate document submitted with said plans.

75. County

Doña Ana County, New Mexico.

76. County Clerk's Office

The Doña Ana County Clerk's Office, which maintains records such as resolutions, ordinances, plats, and permits.

77. Crown

The cross slope or difference in elevation between the high point of a street (usually the centerline of the street) and the gutter line, adjacent to the pavement edge, for any given cross section. Crown is normally expressed as a percentage or inches of vertical change per foot of horizontal distance.

78. Cul-De-Sac

A minor street with only one outlet and culminated by a turnaround. See **Sec. 38-2.E.4. Cul-de-Sacs and Dead-End Streets**.

79. Cultural Landscape

A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. The four general types of cultural landscapes are: historic sites, historic-designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

80. Cultural Properties Review Committee (CPRC)

The committee appointed by the Governor of the State of New Mexico and established by the Cultural Properties Act NMSA 1978, Sections 18-6A-1 et seq. (as amended) to serve as a professional policy-making and advisory board for historic preservation in New Mexico.

81. Cultural Property

Any building, structure, object, improvement, or site of particular historic or aesthetic significance to the city, the state, or the nation where cultural, political, spiritual, economic, educational, archaeological, social, or artistic history of the community, state, or nation is reflected or exemplified or which is identified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for representation of a period, style, or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced a particular period of time or aesthetic movement; also known as a cultural resource or a historic landmark. See **Sec. 35-2.D. Cultural Property Designation**.

82. Cultural Property Designation Report

A report prepared by City Staff that provides the history of a property, a map of its location, and historic and current views of the property, and includes a determination of eligibility based upon the application of the National Register Criteria for Evaluation to present for recommendation before the City Council. See **Sec. 35-2.D.2.l) Eligibility Report**.

83. Curb Cut

A depressed segment of a vertical roadway curb.

84. Curb Return

A curved segment of curb used at each end of an opening in the roadway curb.

85. DBH

See #99 Diameter at Breast Height.

86. Dedicated Easement

A public easement that is dedicated for public use and is recorded as such in the County Clerk's Office. See #110 Easement.

87. Demolition

Any act or process that requires a building permit for the purpose of removing or destroying, in whole or in part, any improvement to a site.

88. Demolition by Neglect

Any voluntary or involuntary act or process that results in a failure to maintain a building, structure, object, or site in sound condition when such act or process, over a period of time, results in the visible deterioration or removal, in whole or in part, of any man-made component on the site. See **Sec. 35-3.C.5. Demolition by Neglect and Deferred Maintenance**.

89. Design Guidelines

The written standards adopted by the City intended to provide technical advice and guidance to the Historic Preservation Committee and the Historic Preservation Specialist to evaluate applications to preserve the historical, cultural, and architectural character of an area or of a building, object, site, or structure.

90. Designated Property

A property that has been recognized as historically significant at the local, state, and/or national level by being listed in the Register of Cultural Properties, the State Register of Cultural Properties, and/or the National Register of Historic Places.

91. Designee

A City official designated full authority by the decision-maker or City Manager to conduct an act on the decision-maker's behalf.

92. Detention Basin

A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

93. Determination of Completeness

The determination made by the Community Development Director that an application is accompanied by all required documents and has been prepared in accordance with the requirements of this Development Code. Acceptance of an application does not indicate approval or compliance with the Development Code's standards. See **Sec. 34-3.C.4. Complete Application**.

94. Development

Any human-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Development includes, but is not limited to, such activities as the construction, reconstruction, alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of a watercourse.

95. Development Code

This Development Code (sometimes referred to as the "Code") adopted by the City Council, including any future amendments.

96. Development Project

Any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

97. Development Review Committee (DRC)

An informal group of representatives employed or retained by the City whose duties include reviewing development-related proposals and resolving conflicting comments, recommendations, or design differences between City reviewing departments and applicants. See **Sec. 34-2.C. Development Review Committee**.

98. Development Schedule

The calendar maintained by the Community Development Director identifying Official Submittal Dates and upcoming meeting schedules.

99. Diameter at Breast Height (DBH)

The diameter of a tree as measured at four-and-one-half feet above grade.

100. Discretion

Reasonable discretion of the decision-maker, given the specific issue, situation, past actions on previous similar decisions, and other available information.

101. Disturbed Area

Any area in which the soil will be altered by grading, leveling, scraping, cut and fill activities, excavation, brush and timber clearing, grubbing, and unpaved soils on which vehicle operations and/or construction activities will occur.

102. Drainage Plan

A plan indicating an on-site drainage proposal, the passage of stormwaters through the development and safe discharge of runoff onto adjacent lands or into storm drainage facilities. Also, a comprehensive analysis of (i) the existing storm drainage conditions of a proposed development, and (ii) the disposal of the increased runoff which is generated by the proposed development.

103. Driveway

A point of vehicular access between a street and an abutting property, and is further defined to include:

(1) The area between the face of curb and the right-of-way line for streets with curbs.

(2) The area between the edge of pavement of the outside travel lane and the right-of-way line for strip paved streets.

(3) The area between the right-of-way line and 15 feet from the right-of-way line toward the street for completely unimproved streets.

104. Driveway Apron

The drivable portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

105. Dust Generating Operation

Any activity or source capable of generating emissions of fugitive dust or causes off-property transport, including, but not limited to, activities associated with creating a disturbed area, construction and demolition activities, and the movement of vehicles on unpaved roadways or parking areas.

106. Dust or Dust Emissions

The finest particulates within the soil that may be transported and deposited by a blowing wind initiated by a surface disturbance that could present a health or safety hazard to the adjacent area or its occupants.

107. Dust Suppressant

A chemical compound or mixture of chemical compounds added with or without water to a dust source for purposes of preventing air entrainment.

108. Dwelling

A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families.

109. Dwelling Units Per Acre (DUA)

The total number of dwelling units divided by the total site acreage. Dwelling units per acre (**Error! Reference source not found.**) is calculated using gross acreage of the proposed development, including any floodplain, rights-of-way, and other undevelopable land.

Example calculation:

45 dwelling units on a 5-acre site = 9 DUA

4 dwelling units on a 20,000-square-foot site (0.459 acres) = 8.7 DUA

C. Terms Defined: E-K

110. Easement

A non-possessing interest held by one person, party, or entity in land of another, whereby, that person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the right of the fee owner to the use and enjoyment of their land.

111. Emergency Outdoor Lighting

Generally, lighting that is only energized by an emergency power source; or to illuminate the path of egress solely during a fire or other emergency situation; or lighting for security purposes used solely during an alarm.

112. Emission

An air contaminant, or the act of discharging an air contaminant, visible or invisible that could cause a health and safety hazard to the adjacent area and its occupants.

113. Engineering Site Review

A surficial review of a site to determine its preliminary engineering capacity based on exposed indicators that include historical site stability and past development(s). This investigation is performed under the direction of a Professional Engineer.

114. Erosion

Geological process in which earthen materials are worn away and transported by natural forces such as wind or water.

115. Erosion and Sediment Control Plan

A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

116. Erosion Control

Measures used to reduce the amount of soil particles that are carried off of a land area and deposited in a receiving water.

117. ETZ

Extraterritorial zone.

118. Expansive Soils

Soils that contain a high concentration of clay-sized particles that, when wetted, will expand in size and lose strength, or, when dried, will shrink and form a hard cemented layer. These soils are typically restrictive to water passage or infiltration.

119. Exterior Appearance

The visual character of all outside surfaces of a structure, including the kind and texture of materials, signs, light fixtures, steps, or appurtenant elements.

120. Exterior Features

Architectural or structural elements that define the architectural style and general design patterns of the exterior of a building or structure, including the type and texture of building materials and the type, style, and general arrangement of all windows, doors, ornamental features, light fixtures, signs, fences, walls, and other elements, as well as other natural features such as vegetation, trees, and shrubbery.

121. Family

Persons related by blood or marriage, or a group of persons who need not be related by blood or marriage, living together as a single housekeeping unit.

122. Fee In Lieu

A payment of money in place of meeting all or part of the standards required by this Development Code.

123. Fee Schedule

A listing of fees for various applications, which is prepared by the City Manager's Office and approved by the City Council. The Fee Schedule may be amended periodically. The Fee Schedule is approved and maintained separately from this Development Code.

124. Fence

Any artificially constructed access barrier consisting of posts, wire, wood, steel, cable, or similar material to enclose or screen areas of land. Included within this definition are prefabricated fence panels (wood, plastic, or metal) that are typically sold at building supply stores. See **Sec. 38-8. Fencing, Screening, and Buffering**.

125. Final Plat

The official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The Final Plat shall be filed and recorded with the County Clerk's Office. A Final Plat may also be referred to as a Record Plat or Plat of Record. See **Sec. 37-3.D. Final Plat**.

126. Finding of Fact

The conclusions found to be true from an examination of the underlying evidence and testimony of a case under consideration in accordance with established review criteria.

127. Fire Department

The City's fire department or any duly authorized representative thereof.

128. Flexible Development Standard

A numerical deviation from the Development Code requirements that may be approved administratively. See **Sec. 34-3.E. Flexible Development Standard**.

129. Flood Elevation Study

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (e.g., mudflow) or other flood-related erosion hazards.

130. Flood Hazard Area

An area subject to inundation from the 1-percent probability storm.

131. Flood Insurance Rate Map (FIRM)

Official map of a community that defines both the special flood hazard areas and flood zones applicable to the community. This map is used by the National Flood Insurance Program (NFIP) for floodplain management, mitigation, and insurance purposes.

132. Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report compiles and presents flood risk data for specific watercourses, lakes, and other flood hazard areas within a community.

133. Flood Lamp

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

134. Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

135. Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

136. Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state, or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

137. Floodplain or Floodprone Area

Any land area susceptible to being inundated by flooding.

138. Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot cumulatively. Also referred to as “Regulatory Floodway”.

139. Floor Area

The gross square feet of floor area within a building or portion thereof. For the purpose of this Code, floor area and gross floor area shall be the same, and shall be based on the outside dimensions of a building as shown on a plot plan, and shall include interior balconies, mezzanines, stairwells, storage areas, mechanical equipment areas, and basements.

140. Freeway

A divided multilane highway for through traffic with all crossroads separated in grade and with full control of access.

141. Freestanding Sign

A type of sign attached to or supported from the ground and not attached to a building. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

142. Frontage

A specified distance measured along a right-of-way property line or access easement.

143. Frontage Road

A local street parallel to and adjacent to another street, normally a highway or a freeway.

144. Fugitive Dust

Particles lifted into the ambient air by manmade and natural disturbance activities such as the movement of soil, vehicles, equipment, blasting, and wind.

145. Full Cutoff (or Fully Shielded) Luminaire

A luminaire where zero candelas occur at or above an angle of 90 degrees and a maximum of ten percent candelas at 80 degrees above the nadir of the installed luminaire. This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report from a nationally recognized independent testing agency and as certified by the manufacturer.

146. Geotechnical Soils Investigation

A geotechnical investigation includes surface exploration and subsurface exploration of a site. Subsurface exploration usually involves soil sampling and laboratory tests of the soil samples to establish their unique engineering design properties. Investigations are documented with all findings, location(s), investigation equipment listing, with field crew names, and the responsible Professional Engineer.

147. Geotechnical Soils Report

A written summary report containing all information obtained from a geotechnical soils investigation, a discussion of the findings and their evaluation(s), and a summary of specific engineering design recommendations, parameters, or designs. This document is signed and sealed by a Professional Engineer.

148. Glare

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

149. Glazing

The transparent or translucent material (i.e., windows or doors with glass) on the exterior of a building. In calculating Glazing, the window assembly/frame are included; however, only the glass portion is included for a door. Where Glazing is required, ground floors must have a Visible Light Transmittance (VLT) of 0.6 (that is, 60% of light is transmitted) or higher to meet the requirements herein.

150. Grading

Grading includes any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means. Site grading is performed to ensure a level base or obtaining a specific slope on the land.

151. Grading Plan

A plan describing the existing topography and proposed grading, including retaining walls and details, interfaces with adjacent properties, streets, alleys, and channels, referenced to mean sea level based on a city benchmark, and showing sufficient contours, spot elevations, and cross sections to allow a clear understanding by reviewers, contractors, and inspectors.

152. Ground Water

Groundwater is water that exists underground in saturated zones beneath the land surface. The upper surface of the saturated zone is the water table.

153. Hardship

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and the property is rendered unusable without the granting of a variance or other relief.

154. Haul Road

A road constructed for, or used for, the purpose of hauling construction materials, or to provide access to one or more construction sites or industrial operations.

155. High Wind Event

A climatological occurrence in which the average wind speed exceeds a threshold in which fugitive dust will be generated from undisturbed areas, naturally covered areas, disturbed areas, and construction sites, regardless of reasonably available control measures implementation. The average wind speed for high wind events is a sustained wind speed of 25 miles per hour or greater.

156. Highest Adjacent Grade

The highest natural elevation of the ground surface next to a finished structure's walls or, if the structure has not been constructed, next to the proposed walls of the structure.

157. Historic Building

Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register-listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

158. Historic Character

Those architectural forms, materials, elements, features, construction methods or craftsmanship, spatial arrangements, and architectural style that, when combined, result in a distinctive setting, feeling, building, or area.

159. Historic Context

Summary information about the period, local setting and/or surroundings, circumstances, associations, and events that created, influenced, or resulted in the development of a specific property or group of properties, collected to assist in the development of a full understanding and assessment of the property.

160. Historic Cultural Properties Inventory (HCPI) Form

The form provided by City Staff upon request to an applicant interested in nominating a property or properties within a potential district for inclusion in the local Register of Cultural Properties in which baseline information is compiled to determine potential nomination eligibility. See **Sec. 35-2.D.2. Procedure for the Designation of a Cultural Property**.

161. Historic District

An area in the City designated under local, state, or federal authority that contains within definable geographic boundaries one or more properties zoned with a Historic Preservation Overlay, including accessory structures, fences, and other appurtenances having historical, cultural, and archaeological significance, and which may contain an assortment of properties classified as significant, contributing, noncontributing, and intrusive.

162. Historic District Designation Report

A report prepared by City Staff that provides the history of a cluster of properties, a map of their location, and historic and current views of the properties, and a determination based upon the application of evaluation criteria for review by the Historic Preservation Committee. See **Sec. 35-2.E.2. Procedure for the Designation of a Historic District**.

163. Historic Eligible

A property that appears to meet the criteria for designation.

164. Historic Integrity

A determination of the extent that a site, structure, object, building, or area retains its defining archaeological, historic, and/or cultural attributes associated with one or more of the National Register Criteria for Evaluation.

165. Historic Interior

An architecturally or historically significant interior space that remains substantially intact in terms of original configuration; original volume; and/or original architectural ornamentation and decoration, which exhibits surviving original historical finishes or has the potential for accurate restoration of such finishes; and which is open, to be used by, or may be used by the public.

166. Historic Preservation Committee

The committee created by the City Council authorized to direct and assist in the preparation and updating of the City's historic preservation plan; to create and review design guidelines for historic districts and cultural properties; to review and render decisions upon applications relating to historic and cultural properties; and to advise City Staff in initiating and implementing relevant preservation planning programs.

167. Historic Preservation Design Guidelines

The written standards adopted by the City intended to provide technical advice and guidance to the Historic Preservation Committee and City Staff to evaluate applications to preserve the historic, cultural, and architectural character of an area or of a building, object, site, or structure.

168. Historic Preservation Fund

A federally supported assistance program managed by the National Park Service to assist State, Tribal, and local historic preservation offices with a variety of historic preservation and community projects focused on heritage preservation.

169. Historic Preservation Overlay Zone

An overlay zoning district corresponding to the Historic District Designation that protects and preserves individual structures and neighborhoods composed of architecturally and historically significant buildings; this zoning district shall be in addition to any other zoning district in place, and may be applied to buildings, structures, objects, sites, and districts.

170. Historic Preservation Program

The City's policy initiative under the direction of the City Council to encourage and uphold the Declaration of Policy and Intent in **Chapter 35. Historic Preservation**.

171. Historic Significance

"Historic Significance" means:

(1) The attributes or characteristics of a district, site, or structure that possess integrity of location, design, setting, materials, workmanship, feeling, and association;

(2) A district, site, or structure that is associated with events that have made a contribution to the broad patterns of our history;

(3) A district, site, or structure that is associated with the lives of persons significant in the past;

(4) A district, site, or structure that embodies the distinctive characteristics of a type, period, or method of construction;

(5) A district, site, or structure that represents a significant and distinguishable entity whose components may lack individual distinction; or

(6) A district, site, or structure that has yielded, or may be likely to yield, information important in prehistory or history.

172. Historic Site

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, and/or archeological value regardless of the value of any existing structure.

173. Historic Site Survey

A systematic gathering of information related to the architectural, historic, scenic, and/or archaeological significance of buildings, structures, and/or objects within a specified geographic area through an assessment of field and archival documentation for the purpose of identifying properties that may be designated as cultural properties or historic districts.

174. Historic Structure

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

175. Historical Survey (Intensive)

A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them in accordance with criteria of significance within specific historic contexts.

176. Historical Survey (Reconnaissance)

An examination of all or part of an area accomplished in sufficient detail to make generalizations about the types and distributions of historic properties that may be present.

177. Historical Rehabilitation

The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values and characteristics.

178. Historical Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

179. Illuminated Sign

Any sign lighted internally, externally, or by lights directed towards the sign by any light source.

180. Impervious Cover

Those surfaces that do not effectively allow rainfall infiltration. (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

181. Improvements

Any building, structure, work of art, parking facility, fence, gate, wall, or other object constituting a physical addition to real property, or any part of such addition, including infrastructure such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, and water, sewer, and gas systems or parts thereof.

182. Inactive Disturbed Area

Any disturbed surface area on which active operations have been suspended.

183. Incandescent Lamp

A lamp that produces light via an electrically heated metallic filament.

184. Infill

Any vacant or underutilized tract, lot, or parcel of real property, including those parcels currently used for agricultural purposes, that falls within the infill boundary established by the Infill Policy Plan.

185. Infill Development

For the purposes of **Chapter 35. Historic Preservation**, the utilization of or the construction upon vacant or underused parcels of land within historic districts or adjacent to individual or clusters of cultural properties whereby new construction or any alterations to the site are undertaken in accordance with design guidelines to ensure compatibility with neighboring structures which regard to height, setbacks, landscaping, aesthetics, mass, and materials.

186. Infiltration

The process by which water on the ground surface enters the soil.

187. Infiltration Facility

Any structure or device designed to facilitate infiltration of retained water to the subsurface. These facilities may be above grade or below grade.

188. Initial Lumens

A lamp's light output, in lumens, at initial installation. The manufacturer usually lists initial lumens. For example, a 100-watt incandescent lamp emits approximately 1,800 lumens.

189. International Building Code (IBC)

The model building code developed by the International Code Council (ICC). This code has been adopted by the City for construction within the City, exempting one- and two-family dwellings.

190. International Residential Code (IRC)

A comprehensive, stand-alone residential code that contains minimum regulations for one- and two-family dwellings and townhouses up to three stories. It brings together all building, plumbing, mechanical, fuel gas, energy, and electrical provisions for one- and two-family residences.

191. Intersection

A point where two or more streets intersect.

192. Irrigation System

Consists of an underground system, automatic or manual, that includes a reduced principal backflow preventor, pipes, valves, and heads, and that shall be of an adequate size to properly irrigate the proposed planting.

193. Institute of Transportation Engineers (ITE)

The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs.

D. Terms Defined: L-O

194. Lamp

A generic term for a source of optical radiation (i.e., "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

195. Land Development

The performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the installation of public artwork, the division of land into two or more parcels, and the creation or termination of access right.

196. Land Stripping/Activity

Removal of all or any portion of existing vegetation, or natural soil surfacing, from parcels of land by various means.

197. Landowner

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

198. Landscape Lighting

Lighting designed specifically for illuminating exterior natural features.

199. Landscaping

A combination of trees, shrubs, perennials, groundcovers, and artifacts, arranged in such a manner as to effect a design that follows the principles of **Sec. 38-7. Landscaping**. For approved types of landscaping and planting, see the Approved Plant List included in the Technical Manual.

200. Las Cruces Municipal Code (LCMC)

201. Levee

A levee is a long ridge of sand, silt, and/or clay built up by a river along its banks, especially during floods. It can also be an artificial embankment built to protect adjoining land from inundation. Levees can be naturally occurring or artificially constructed. They are used to prevent rivers from flooding cities in a storm surge and to increase available land for habitation or agriculture.

202. Level of Service (LOS)

A measure used by traffic engineers to determine the effectiveness of operation of elements of transportation infrastructure ranging from LOS A (highest) to LOS F (lowest).

203. Light Pollution

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety or security, and impacts on the nocturnal environment.

204. Light Trespass

Light that falls beyond the property is intended to illuminate.

205. Lighting System

On a site, all exterior electric lighting and controls.

206. Lighting Zone

An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community. See **Sec. 38-9.E. Lighting Zones**.

207. Liner Building

A building specifically designed to mask a parking lot or a parking structure from a public frontage.

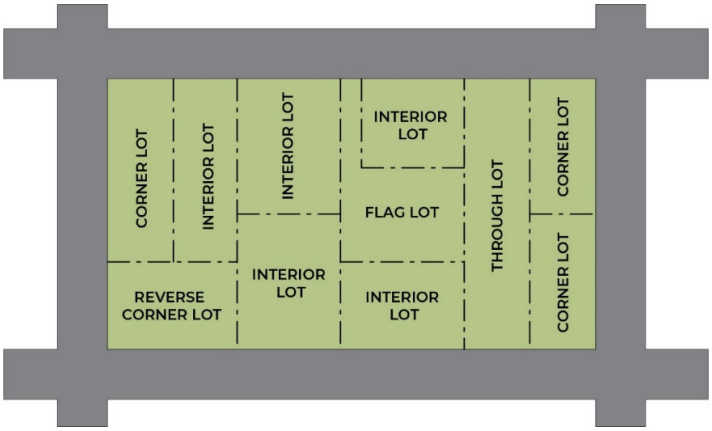
208. Local Street

Local streets provide neighborhood traffic circulation and property access. Local streets are the majority of streets in a roadway network; however, they carry the least amount of traffic.

209. Lot

A portion of a legally platted subdivision that is shown as a lot, tract, or parcel of land and held in separate ownership, as shown on the records of the county assessor. A legal lot is a parcel that has been divided in accordance with present or past zoning and subdivision requirements.

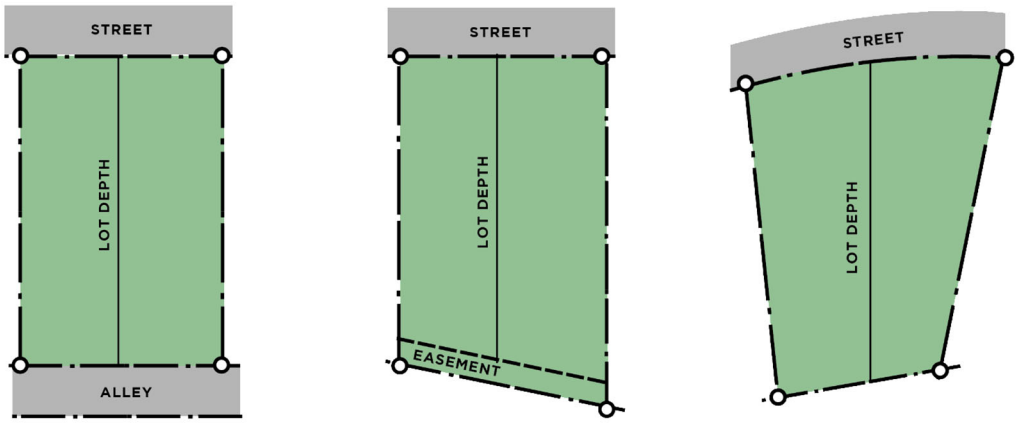
Figure 34-5-1. Lot Types



210. Lot Depth

The mean horizontal distance between the front and rear lot lines.

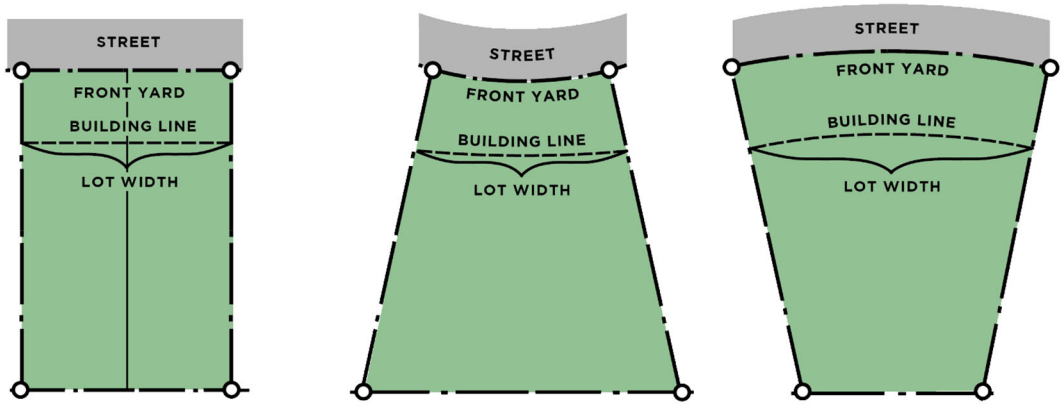
Figure 34-5-2. Lot Depth Measurement Examples



211. Lot Width

The width of a lot at the designated front property line.

Figure 34-5-3. Lot Width Measurement Examples



212. Lot, Corner

A lot abutting upon two or more streets or rights-of-way at their intersection. See **Sec. 36-4.A.4 Lot Requirements**.

213. Lot, Double Frontage

An interior lot fronting on two streets. One frontage shall be designated as the primary front yard. See **Sec. 36-4.A.4 Lot Requirements**.

214. Lot, Flag

A lot, parcel, or tract of land that includes a private accessway (the "flagpole" portion of the lot) extending to a public right-of-way to provide access to the rest of the lot (the "flag" portion of the lot). The private accessway has less frontage on a public right-of-way than the normally approved minimum lot width. See **Sec. 36-4.A.4. Lot Requirements**.

215. Lot, Interior

A lot other than a corner lot. See **Sec. 36-4.A.4 Lot Requirements**.

216. Lowest Floor

The lowest floor of the lowest enclosed area of a structure, including the basement. An unfinished enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of the National Flood Insurance Program regulations.

217. Lumen

The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).

218. Luminaire

The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

219. Luminaire Lumens

The cumulative total of initial lumens emitted by all lamps contained within a single luminaire. For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. For luminaires with absolute photometry per Illuminating Engineering Society (IES) LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

220. Luminance

A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (one nit = one cd/m 2).

221. Main Dwelling

The primary dwelling on a property zoned for residential use.

222. Maintenance

The checking, repairing, and replacement of various dust control measures to insure their continued workability.

223. Maintenance Agreement

A legally recorded document that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices and drainage infrastructure.

224. Manual On Uniform Traffic Control Devices (MUTCD)

A document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT) to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used.

225. Manufactured Home or Manufactured Home Park

See **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

226. Marquee Sign

A sign attached to, mounted on, or painted on a marquee. See #44 Canopy or Marquee.

227. Master Development Plan

The graphic depiction of a phased or other larger development and associated materials intended to allow for high-level review of a proposed development. The Master Development Plan precedes a Preliminary Plat. See **Sec. 37-3.A. Master Development Plan** for more information.

228. Mean Sea Level

For purposes of the National Flood Insurance Program, North American Vertical Datum of 1988 (NAVD 1988) or other datum, to which base flood elevations shown on the City of Las Cruces's Flood Insurance Rate Map are referenced.

229. Mechanically Stabilized Earth (MSE) Retaining Walls

A composite structure consisting of alternating layers of compacted backfill and soil reinforcement elements, fixed to a wall facing. The stability of the wall system is derived from the interaction between the backfill and soil reinforcements, involving friction and tension. The wall facing is relatively thin, with the primary function of preventing erosion of the structural backfill.

230. Minor Arterial

Minor arterials provide high levels of mobility with limited or restricted access to abutting properties. Because mobility is the primary function of arterials, access control is highly desirable. Consolidated driveways and access between parking lots/parcels shall be required to reduce frequency of decelerating/accelerating vehicles, reduce conflict points, and maintain efficient traffic, pedestrian, bicycle, and transit flow.

231. Mobile Vendor

A vehicle-mounted establishment that offers food sales (e.g., food truck restaurant), retail sales (e.g., pop-up boutique), or commercial services (e.g., mobile pet grooming) from inside the vehicle.

232. Modular Building

A standardized factory-fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with all applicable local building codes and intended to be placed on a permanent foundation, meeting all local zoning codes and to be used by itself or incorporated with similar units, manufactured housing, mobile homes, or site-built buildings at a building site. A modular building can be used for residential or nonresidential uses when located in appropriate zoning districts and must meet the appropriate building standards for a traditionally-constructed building.

233. Mounting Height

The height of the photometric center of a luminaire above grade level.

234. Multi-Use Path

A multi-use trail or path at least 10 feet in width that is physically separated from motorized vehicular traffic by a parkway or open space and usable by pedestrians, bicyclists, wheelchair users, and other non-vehicular users. See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**.

235. Municipal Separate Storm Sewer System (MS4)

The system of conveyances (including roads with drainage systems, municipal streets, flood control dams, retention and detention basins, grate and/or curb inlets, curbs, gutters, ditches, man-made channels, arroyos, agriculture drains, storm drains or designated flow paths) owned, operated or controlled by the city and designed or used for collecting or conveying stormwater.

236. National Historic Preservation Act (NHPA)

The National Historic Preservation Act, 54 U.S.C. 300101 et seq., was enacted "to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

237. National Register Criteria for Evaluation

The criteria listed in the Code of Federal Regulations, Title 36, Part 60 (36 CFR 60) used to evaluate districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(1) That are associated with events that have made a significant contribution to the broad patterns of American history; or

(2) That are associated with the lives of persons significant in American history; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

238. National Register of Historic Places

The official list of the nation's places worthy of preservation; established under the National Historic Preservation Act of 1966, the register is administered by the National Park Service under the auspices of the Department of the Interior.

239. Natural Cover

Any vegetation, or natural ground surface, which exists on the property, prior to any construction activity. This includes areas which have been previously restored to undisturbed conditions.

240. New Construction

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Las Cruces and includes any subsequent improvements to such structures. (See "Start of Construction".)

241. New Mexico Historic Preservation Division (NMHPD)

A division within the Department of Cultural Affairs in the State of New Mexico authorized to identify and protect New Mexico's cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes, and diverse heritage.

242. No Disturbance Zone

Part of the designed foundation zone downslope of a retaining wall foundation. This zone develops the passive resistance to prevent the horizontal forces from the retained fill from moving the wall. Typically, this zone is a minimum width equivalent to the depth of the retained soil.

243. Nonconforming

See **Sec. 36-5.G. Nonconformities**.

244. Nonconforming Sign

Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes. See **Sec. 38-10.L. Nonconforming Signs**.

245. Noncontributing Property

A building, object, site, or structure in a historic district that does not possess individual architectural, historical, or structural significance or integrity within the context of the historic district or cluster of cultural properties and as determined by SHPO.

246. Nonpoint Source

Any source of any discharge of a pollutant that does not originate from a single source or point.

247. Notice of Intent (NOI)

The document that must be filed with the U.S. Environmental Protection Agency as notice to the NPDES permitting authority of the operator's intent to be covered under either the industrial general permit or the construction general permit.

248. Notice of Termination (NOT)

The document that must be filed with the U.S. Environmental Protection Agency when a facility is ready to terminate its NOI.

249. NPDES

The Federal National Pollutant Discharge Elimination System. This national law is the basis for the City Stormwater Management Plan (SWMP).

250. NPDES Permit

A permit issued by U.S. Environmental Protection Agency (or by the state under authority delegated pursuant to 33 USCS Section 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

251. Natural Resources Conservation Service (NRCS)

NRCS, formerly known as the Soil Conservation Service (SCS), is an agency of the United States Department of Agriculture (USDA) that provides technical assistance to agriculture and communities.

252. Nuisance

See Chapter 18 of the Las Cruces Municipal Code.

253. Official Submittal Date

The date on which the City considers an application to be completed and officially submitted in accordance with the Development Schedule.

254. Open Space

That area for active or passive recreation, natural preservation. Open space is generally undeveloped, but may include accessory uses such as picnic pavilions, restrooms, or parking areas.

255. Ordinary Repairs and Maintenance

Any work done on or replacement of any part of a building or structure for which a permit issued by the Building Official is not required. The purpose and effect of such work or replacement is generally to correct any deterioration or decay of or damage to such building or structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

256. Outdoor Lighting

Lighting located exterior to a structure or that illuminates areas exterior to a structure.

257. Outdoor Luminaire

Any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed. This includes, but is not limited to:

(1) Searchlight

(2) Spotlight

(3) Floodlight

(4) Security lighting

(5) Sign and architectural lighting

(6) Lighting for parks, parking lots, roadways

(7) Athletic facility lighting

(8) Building overhand and open canopy lighting

(9) Product display area lighting

(10) Landscape lighting

(11) Signs or billboards, whether on-premises or off-premises, including LED, plasma, and similar light sources

258. Outlot

A parcel of ground or tract of land within a platted subdivision to be used for purposes other than residential. An example of an outlot is a tract of land designated for open space or a retention pond.

259. Owner

The person or entity who owns a property, use, facility, or operation or their designated representative.

260. Owner Consent

The act or result of reaching consensus and agreement, through reason and deliberation, by the owner(s) of real estate when cultural property designation is proposed at the suggestion of another party.

261. Owner Objection (Cultural Property Designation)

The right of all owners of record to object to a proposed cultural property designation of its buildings, structures, objects, or other improvements and the parcel of land to which those improvements are firmly attached.

262. Owner Objection (Historic District Designation)

The right of an owner (or owners) of record to object to the inclusion of its real property within a proposed historic district, potentially resulting in a modification to the district's proposed boundaries.

263. Owner of Record

The person, corporation, or other legal entity identified as the property owner in the official records of the Doña Ana County Assessor's Office.

E. Terms Defined: P-S

264. Palliative

Any agent used to lessen or reduce dust emissions.

265. Patio Home

A type of single-family residential development in which the main structure is placed directly along a side property line (i.e., the "zero-setback side"), while the other side observes the typical setback requirement. See **Sec. 36-4.B.4. Dimensional Standards for Palliative**

Any agent used to lessen or reduce dust emissions.

Patio Homes and Townhouses.

266. Park, Neighborhood

Accessible, family-friendly destinations within the City that provide active and passive recreation opportunities within walking distance (1/4 mile walk-shed) of neighborhoods. Common amenities may include playground equipment, picnic areas, park benches, walking trails, open play areas, and occasionally, sports courts or athletic fields.

267. Parking Lot

An off-street, ground-level area improved for the temporary storage of motor vehicles.

268. Parkway

That area of a public street that is between the curb and sidewalk or between the sidewalk and the property line, which is used for planting and streetscaping purposes.

269. Partially Shielded Luminaire

A luminaire with an opaque top and translucent or perforated sides, designed to emit most light downward.

270. Particulate Matter

A mixture of solid particles and liquid droplets found in the air, including, but not limited to, dust, dirt, soot, and smoke.

271. Peak Hour

The highest consecutive four, 15-minute periods where traffic flow is heaviest on a particular road segment or intersection.

272. Pennant

A display made of a lightweight material that tapers to a point, having no logo or advertising message printed on it. See **Sec. 38-10.D. Prohibited Signs**.

273. Performance Security

A surety bond or other form of security made out to the City in an amount equal to the estimated full cost of the improvements, said cost being estimated by the Public Works Director, to ensure the City that the said improvements will be constructed in accordance with these regulations. See **Sec. 37-4.C. Installation and Acceptance of Public Improvements**.

274. Period of Significance

The finite span of time during which important events and activities associated with a specific cultural property or group of cultural properties occurred.

275. Person

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

276. Phasing

Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

277. Planned Unit Development (PUD)

A development process whereby the intent is to promote design and development standard flexibility in cases where strict application of the zoning ordinance would inhibit the overall goals and objectives of the City. Also referred to as a "**Error! Reference source not found.**". See **Sec. 36-5.D. Planned Unit Developments (Error! Reference source not found.**s).

278. Planning & Zoning Commission

The officially appointed Planning & Zoning Commission of the City. See **Sec. 34-2.B. Planning & Zoning Commission**.

279. Planning-Related Issues

Issues related to but not limited to lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, and other issues determined by the Community Development Director to be planning-related.

280. Plat

A map, chart, survey, or plan, certified by a land surveyor, that contains a description of subdivided plat or resubdivided replat land with ties to permanent survey monuments.

281. PM10 Emissions

282. Finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air. Point Source

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leach ate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

283. Pollutant

Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

284. Porch

A roofed patio entrance or exit area, open on at least one side.

285. Portable Sign

A freestanding sign not permanently affixed, anchored, or secured to the ground or a building, which may be rolled or moved about.

286. Preliminary Plat

The graphic expression of the proposed plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout, and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development. See **Sec. 37-3.B. Preliminary Plat**.

287. Preservation

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a cultural property, including any buildings, objects, and structures on the site.

288. Principal Arterial

Principal arterials provide high levels of mobility with limited or restricted access to abutting properties. Because mobility is the primary function of arterials, access control is highly desirable. Consolidated driveways and access between parking lots/parcels shall be required to reduce the frequency of decelerating/accelerating vehicles, reduce conflict points, and maintain efficient traffic, pedestrian, bicycle, and transit flow.

289. Professional Engineer

A person licensed by the New Mexico State Board of Licensure who is legally allowed to represent themself to the public as an engineer and is allowed to perform engineering design or construction of private and public works.

290. Progress Toward Completion

Includes any one or more of the following:

(1) An application for a Final Plat or plan for development is submitted;

(2) A good-faith attempt is made to file with the City or County an application for a permit necessary to begin or continue towards completion of the project;

(3) Costs have been incurred for developing the project, including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

(4) Fiscal security is posted with a regulatory agency to ensure the performance of an obligation required by the regulatory agency; or

(5) Utility connection fees for the project have been paid to a regulatory agency.

291. Prohibited Sign

Any sign not expressly permitted or any sign that is specifically prohibited in **Sec. 38-10.D. Prohibited Signs**.

292. Protected Tree

Any tree that is not exempted by **Sec. 38-6.C. Exempted Trees**. See **Sec. 38-6. Tree Preservation**.

293. Property Line

The official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps of the County Clerk's Office.

294. Public Area

Any bus bench, bus shelter, landscaped median, trail, park, or arroyo duly recognized by the City.

295. Public Works Director

The Director of the City's Public Works Department (or successor department charged with overseeing infrastructure planning, development, and maintenance in the City), as appointed by the City Manager. This term also includes the Director's designee(s).

296. Pull Box

A nonmetallic box of a size specified, installed underground at surface level, and used as a junction point for connecting conduit, and as a pull point for electrical circuits.

297. Queue

A line of waiting vehicles.

298. Reasonably Available Control Measures (RACM)

Techniques used to limit the emission and/or airborne transport of fugitive dust from its original site to accomplish satisfactory results for temporary and/or extended suppression of dust and PM10 emission(s).

299. Recharge

The replenishment of underground water reserves.

300. Reconstruction

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

301. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

302. Recreational Vehicle

A vehicle that is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

See #67 Recreational Vehicle Park in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

303. Register of Cultural Properties

The list maintained by City Staff for the City enumerating the physical addresses or locations of designated historically, architecturally, archaeologically, and culturally significant local buildings, structures, objects, and sites.

304. Registered Landscape Architect

An individual registered under the Landscape Architects Practice Act to practice landscape architecture in the state. Nothing contained in this definition shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as defined by New Mexico Administrative Code, Title 16, Chapter 44, Landscape Architects.

305. Relative Photometry

Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire.

306. Release

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the United States or onto the ground in such a manner that a pollutant may be discharged into the MS4.

307. Relocation

Any repositioning of a building, structure, or object on its existing site, or the act of moving a building, structure, or object to another site.

308. Remodel

The process of altering existing structural components or architectural features and/or finishes of a resource or property; to reconfigure an existing resource or property in such a manner as to remove, cover, replace, or rearrange elements of defining character.

309. Repair

Any minor construction undertaken to remedy an existing condition that has deteriorated but otherwise is not defined as construction, alteration, demolition, remodeling, removal, or relocation.

310. Replat

A replat or resubdivision that makes changes to a previously approved Final Plat. See **Sec. 37-3.D.2. Replats**.

311. Residential

Residential dwellings as defined in the International Residential Code as adopted by the City of Las Cruces.

312. Retained Fill Depth (Grade Differential)

The fill depth retained by a retaining wall as measured by the soil surface elevation difference immediately adjacent to both sides of the wall.

313. Retaining Wall

An engineered wall constructed of but not limited to brick, block, rock, concrete, MSE, or reinforced concrete to retain over 24 inches of soil or surcharge.

314. Right-of-Way

Any land area deeded, reserved, or otherwise acquired by the city, the county, or the state for public use (e.g., roads, streets).

315. Roadway

That portion of the street available for vehicular traffic.

316. Roof

An overhead structure used for protection or shielding from the sun, rain, or other elements of weather.

317. Runoff Computation

Runoff computations for both the ten percent probability and one percent probability storm event shall be submitted with the proposed storm drainage plan. The most recent official federal (ACOE, FEMA, FIS, USDA, USGS, etc.) data and references must be used when analyzing flow that crosses any site.

318. Safety Factor

A reasonable engineering design factor increasing a force or load to cover unknown factors/forces that may impact it.

319. Sand

A granular material composed of finely divided mineral particles. Sand is defined by grain size; sand grains are smaller than gravel and coarser than silt.

320. Screening

The use of a wall, fence, thick shrubbery, or similar materials to minimize the potentially adverse impact of one land use on another. See **Sec. 38-8. Fencing, Screening, and Buffering**.

321. Seasonal Lighting

Temporary lighting installed and operated in connection with holidays or traditions.

322. Service Connection

The service connection is the terminal end of the municipal water supply system where the customer's water piping system is connected. The service connection for metered water services is attached at the customer's (downstream) side of the water meter. The service connection for the use of a fire hydrant and all other temporary or emergency water services is located at the point of entry to the municipal water supply system.

323. Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

324. Shared Use Path

Shared use paths, also commonly referred to as trails or greenways, are paths designed for and generally used by bicyclists, pedestrians, and other non-motorized users.

325. Shielded Directional Luminaire

A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

326. Sidewalk

A pedestrian walkway with permanently improved surfacing. See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**.

327. Sign

Any structure or object or part thereof used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

328. Significant Cultural Property

Buildings, objects, sites, or structures of the highest and most unique historical, cultural, architectural, or archaeological importance whose demolition, destruction, or otherwise loss or adverse damage would constitute an irreplaceable loss to a community. Such properties should be identified by the State Historic Preservation Office or registry.

329. Silt

A granular material of a size between sand and clay and composed primarily of broken grains of quartz. Silt may occur as a soil or as sediment mixed in suspension with water.

330. Silt Fence

A temporary sediment control device consisting of a synthetic filter fabric stretched across and attached to supporting posts and entrenched along its bottom - typically designed for water erosion control.

331. Site

The land or water area where any facility or activity is physically located or conducted, including land used in connection with the facility or activity, such as borrow pits and storage areas, and may include land adjacent to the site when utilized by the operator.

332. Site-Built

A structure that is constructed from materials brought to the site and modified for assembly. Some materials may be assembled off-site but must be assembled on-site to make a complete structure. This does not include a manufactured home, mobile home, or recreational vehicle.

333. Site Plan

A required plan intended to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of open space, parking, screening, lighting, and other developmental elements. See **Sec. 36-5.B. Site Plans**.

334. Sketch Plan

A high-level conceptual sketch used to facilitate discussion during a Pre-Application Meeting. See **Sec. 34-3.B.3. Sketch Plan**.

335. Slope

The steepness or degree of inclination of a certain area of land. It can be the steepness between two specific points in a given area, the average of the gradual change in steepness, or an erratic variation in the elevation of the ground.

336. Slope Protection

A stable surface added to a slope to provide erosion protection. Slope protection may include grouted rock, concrete facing, gabions, geotextiles, or vegetation.

337. Solid Waste

Any garbage, rubbish, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, from community and institutional activities, and material from transportation-related activities.

Also, solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, compost, yard waste, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

338. Special Use Permit (SUP)

A Special Use Permit (SUP) is a type of zoning designation that allows certain uses in designated locations subject to additional review and possible conditions to protect public health, safety, and welfare. Uses that require an SUP are indicated as such in **Sec. 36-3.A.1. Permitted Use Chart**. See **Sec. 36-5.C. Special Use Permits (Error! Reference source not found.**s).

339. Specification

An explicit set of requirements to be satisfied by a material, product, or service.

340. Spot Lamp

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

341. Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a portion of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

342. State Historic Preservation Officer (SHPO)

The director of the New Mexico Historic Preservation Division, appointed by the Governor, who manages the State's Historic Preservation Plan and coordinates historic preservation activities at all levels of government in the State and with individuals, private organizations, and traditional communities.

343. State Register of Cultural Properties

The official list of historic properties worthy of designation in New Mexico; authorized in 1969 and administered by the New Mexico Historic Preservation Division, the register is periodically updated by the Cultural Properties Review Committee.

344. Stealth Tower

A tower that is camouflaged to be unrecognizable as a telecommunications facility, including architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structures, antennas integrated into architectural elements such as church spires or window walls, and antenna structures designed to resemble light poles, flagpoles, or trees.

345. Stop Work Order

A written order issued by the Building Official to a property owner or the person performing the work to immediately cease all activity on any building, structure, object, or site.

346. Stormwater

Precipitation runoff, snow melt runoff, and surface runoff and drainage.

347. Stormwater Discharge Associated with Industrial Activity

The discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in 40 CFR Section 122.26 (b) (14), and which is not excluded from the U.S. Environmental Protection Agency's definition of the same term.

348. Stormwater Management

The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.

349. Stormwater Pollution Prevention Plan (SWPPP)

An engineered plan to combat potential pollutant sources at a construction site by presenting appropriate measures to prevent or control the pollution of stormwater runoff. It is based on the National Pollutant Discharge Elimination System (NPDES) laws and regulations. Minimum compliance with the SWPPP plan will identify and place best management practices (BMPs) and control measures that are locally available and have been proven successful in the area.

350. Story

The same as defined in Chapter 30 of the Las Cruces Municipal Code.

351. Streamers

A display made of light, flexible material, consisting of long, narrow, wavy strips. See **Sec. 38-10.D. Prohibited Signs**.

352. Street

A public way that has been dedicated or reserved by plat, other than an alley, which affords the principal means of access to abutting property.

353. Street Light Circuits

An underground facility consisting of street light foundations, 1-½ inch connecting conduit, pull boxes, stub-outs, and junction points for electrical service.

354. Street Line

The outermost boundary or property line of a street right-of-way that is the mutual property line of abutting properties.

355. Street Trees

Trees planted along streets for beautification and benefit of the general public. See **Sec. 38-7.D.1. Parkway & Street Trees**.

356. Street, Private

A private roadway that affords the traffic circulation within a development or parcel of land and gives access to uses and structures.

357. Street, Public

A public thoroughfare for the principal means of access to abutting property.

358. Structural Integrity

An unimpaired condition relating to the functional stability of major building components in relationship to their original or altered function; a measure of the quality of construction and the ability of the structure to function as designed or intended; and the quality or state of being complete or uncompromised.

359. Structural Requirements

The safety standards that apply to those signs governed by the requirements in the building code and other companion documents.

360. Structure

Any building constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (e.g., buildings, parking areas, walks, canopies, and signs).

361. Subdivider

An owner or an owner's agent who undertakes the subdivision of land as set forth in the respective regulations.

362. Subdivision

The division of land into two or more parts by platting or by metes and bounds description into tracts or lots for any purpose.

363. Substantial Completion

The stage in the progress of construction when the improvements are sufficiently complete to issue a Building Permit (but not a Certificate of Occupancy) prior to the filing of the Final Plat. Substantial Completion may only occur when there is only minor work remaining. See **Sec. 37-4.D. Substantial Completion**.

364. Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

365. Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. (See #341 Start of Construction.) This includes structures that have incurred "substantial damage", regardless of the actual repair work performed (see #364 Substantial Damage). The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of federal, state, or local health, sanitary, or safety code specifications that have been identified by the Code Enforcement Officer and which are the minimum necessary conditions, or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

366. Survey

A systematic gathering of information related to the architectural, historic, scenic, and/or archaeological significance of buildings, structures, objects, and/or landscape features within a specified geographic area through an assessment of field and archival documentation for the purpose of identifying properties that may be designated as cultural properties or historic districts.

367. Surveyor

A person who is engaged in the practice of surveying and is qualified to so practice as attested by their legal registration as a professional surveyor in the state.

F. Terms Defined: T-Z

368. Taper Length

The measured length to transition from a travel lane into an adjacent auxiliary lane (i.e., left turn bay, deceleration lane, etc.).

369. Technical Manual

The technical manual(s) developed and maintained by the City containing detailed technical standards and requirements. See **Sec. 34-1.F. Technical Manual and Other Technical Resources**.

370. Temporary Lighting

Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

371. Temporary Sign

A type of sign intended for a limited period of display. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

372. Total Initial Lumens

The sum of the individual initial lumens output for all the luminaires of an installation. For example, six luminaires with 10,000 initial lumens output per luminaire would equal 60,000 total initial lumens.

373. Track-out Control

A device to remove mud or soil from a vehicle before the vehicle enters a paved public road and prevent contamination into an adjacent MS4 city utility(s).

374. Tract

A portion of land with defined boundaries created by a deed or other legal instrument.

375. Traditional Cultural Property

A cultural property where associated cultural practices or beliefs of a living community occur that are both rooted in a community's history and important in maintaining the continuing identity of the community.

376. Trail

A way designed for and used by pedestrians and/or cyclists using nonmotorized bicycles for recreational or transportation purposes.

377. Traffic Calming Device

Any modification designed to reduce the speed of traffic on a particular street.

378. Traffic Calming Study

An appraisal of existing traffic conditions and the development of a plan for implementing one or more traffic calming devices in a residential neighborhood.

379. Traffic Control Device

A sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.

380. Traffic Count

A manual or automated count of the number of vehicles traversing a particular street in a given time period.

381. Traffic Impact Analysis

An analysis that assesses the effects of specific development activity on the existing and planned thoroughfare system of the City. Abbreviated “TIA”. See **Sec. 38-2.G. Traffic Impact Analysis**.

382. Translucent

A material allowing light to pass through but obscures or diffuses the image (not transparent or clear).

383. Uncontaminated

Not containing a harmful quantity of any pollutant.

384. Undisturbed

Land or property which is in its natural condition and has not been stripped or graded. An exception would be if the property has been revegetated and the soil and vegetative groundcover is now mature.

385. Unpaved Road

A road that is not paved with a formal hardened surfacing but instead has a running surface of either crushed gravel or native soil. Such roads are typically for low use and slow traffic. Their ability to produce dust from traffic is well known.

386. Unshielded Luminaire

A luminaire that does not meet the definition of "fully shielded" or "partially shielded."

387. Uplight

For or an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

388. Usable Open Space

Open space within a lot, tract, parcel, or development site, excluding areas devoted to roadways and parking.

389. Utilities Director

The Director of the City's Utilities Department, as appointed by the City Manager. This term also includes the Director's designee(s).

390. Utility Easement

A grant of a strip or area of land by the property owner, or general public, for the specific purpose of locating or maintaining utility systems.

391. Vacant Lot

A parcel of land which contains no buildings or structures of a temporary or permanent nature, excluding perimeter walls or fences.

392. Vacation

To void a portion of a previously filed subdivision plat application or to void the filed plat in its entirety.

393. Vehicular Sign

A sign attached to, mounted on, or otherwise affixed to any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message. This description includes but is not limited to mobile billboards and banner signage on parked vehicles. This description does not include bumper stickers, magnetic signage smaller than four square feet, painted messages, or decals.

394. Violation

The failure of a structure, site, site feature, or other element regulated by the Development Code to meet the required standards. See **Sec. 34-1.H. Violations and Enforcement**.

395. Visible Emissions

Any emission which contains particulate matter which are visually detectable without the aid of instruments.

396. Wall

An artificially constructed barrier of solid material such as brick, block, rock, concrete (or reinforced concrete), used to enclose or screen an area.

397. Water Conservation

The preservation, control, and management of water. See the City's Water Conservation Program for more information.

398. Water in the State (or Water)

Any groundwater, percolating or otherwise, lakes, ponds, impounding reservoirs, springs, rivers, canals, streams, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. This includes dry washes, gullies, arroyos, and other ephemeral streams.

399. Water Quality Standard

Provisions of the state, territorial, authorized tribal, or federal law approved by the U.S. Environmental Protection Agency that describe the desired condition of a water body, including groundwater, and the means by which that condition will be protected or achieved.

400. Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 or (other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

401. Watercourse

A permanent or intermittent stream or other body of water, either natural or human-made, which gathers or carries surface water.

402. Waters of the United States

All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States," at 40 CFR Section 122.2, including the Rio Grande River, dry washes, arroyos, but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

403. Well-Drained Soil

A mixture of sand and rock with only minor amounts of silt and no clay component. Well-drained soil allows water to drain at a moderate rate without water pooling.

404. Wetland

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland generally includes swamps, marshes, bogs, playas, and similar areas.

405. Wind Erosion Control Plan (WECP)

A document used to list control measures to be used for the activities being undertaken to prevent fugitive dust or windblown particulate matter and mitigate the escape of these materials beyond the property lines(s) of the originating site(s).

406. Wind Fence

A fence made of small, evenly spaced wooden slats (similar to a snow fence) or fabric. They are erected to reduce wind velocity and to trap blowing sand. They may be used as perimeter controls around open construction sites to keep sediments from being blown off-site. The spaces between the fence slats allow wind and sediment to pass through but reduce the wind's speed, allowing transported soil particles to deposit along the fence.

407. Wind Speed

The average wind velocity, regardless of direction, based on a 60-minute average from the nearest weather report or PM10 monitoring station, or by a portable wind instrument located at the site.

408. Wind Speed Test

A on-site test of the wind speed measured at zero to two feet above the ground surface. This test is taken and certified by a City of Las Cruces construction inspector or codes enforcement officer using a portable hand-held anemometer standing at a specific approved point within the development (+/- 2 feet).

409. Yard

The space on a lot unobstructed by buildings from the ground to the sky, including sidewalks, driveways, patios, and other ground-level surfaces.

410. Yard, Required Front

The required yard between the designated front property line and the front setback line.

411. Yard, Required Rear

The required yard between the designated rear property line and the rear setback line.

412. Yard, Required Side

The required yard between the designated side property line and the side, front, and rear setback lines.

413. Zoning District

Any zone of the City designated on the Zoning Map within which certain zoning and land use requirements are specified and are uniform. See **Sec. 36-2. Zoning Districts**.

414. Zoning Map

A map that graphically shows all zoning district boundaries and classifications within the City. The Zoning Map is maintained by the Community Development Department. May also be referred to as Zoning District Map, Official Zoning Map, or Zoning Atlas. See **Sec. 36-2.A.2. Zoning Map**.

415. Zoning Variance

A mechanism to provide relief from the requirements of **Chapter 36. Zoning Regulations** based on a hardship. See NMSA 3-21-8 and **Sec. 36-5.F. Zoning Variances**.

Chapter 35. Historic Preservation

Sec. 35-1. General Information

A. Short Title

This chapter shall be known and may be cited as "The City of Las Cruces Historic Preservation District and Landmark Ordinance" and may be referred to as "the Historic Preservation Ordinance."

B. Declaration of Policy and Intent

The City of Las Cruces ("City") declares as a matter of public policy that the protection, preservation, maintenance, care, and use of cultural properties is a public necessity conducive to the general welfare of the people and beneficial to the furtherance of the community's economic prosperity and quality of life. The purposes of this article include, but are not limited to:

1. The promotion, protection, and use of the City's historic building inventory for the education, pleasure, and welfare of residents and visitors;
2. The protection, enhancement, and perpetuation of cultural properties that represent or reflect distinctive and important aspects and eras of human habitation and activity in Las Cruces;
3. The evaluation, recognition, preservation, protection, enhancement, restoration, and promotion of architectural landmarks, cultural properties, and cultural landscapes significant to the City's, region's, state's, and nation's architectural, archaeological, cultural, social, economic, ethnic, and political history, and to develop, enhance, and protect appropriate settings for such places;
4. The enhancement and fostering of civic pride in the aesthetics and history of the built environment and in the accomplishments of earlier inhabitants in the area that became Las Cruces;
5. The integration of historic preservation planning into the City's Comprehensive Plan;
6. The stabilization and improvement of property values as a positive economic development objective that recognizes and protects the rights of owners of historic properties and owners of properties adjacent to landmarks and historic districts;
7. The strengthening of the City's economy through heritage and cultural tourism and real estate for the benefit of residents and tourists through promotion and use of historic buildings and cultural properties; and
8. The avoidance of the irreversible and irreplaceable loss through demolition or neglect of cultural properties that convey a sense of the City's heritage, cultural diversity, and history by encouraging the conservation, through sympathetic rehabilitation and reuse, of historically or architecturally significant properties.

C. Authority and Jurisdiction

This chapter is created pursuant to the authority set forth in NMSA 1978, Sections 3-22-1 et seq. (as amended), the Historic District and Landmark Act, and NMSA 1978, Sections 18-6A-1 et seq. (as amended), the Cultural Properties Protection Act.

D. Administration of the Historic Preservation Program

The Community Development Director is responsible for administering these regulations. Within this **Chapter 35. Historic Preservation**, this term may also include another historic preservation professional designated by the City Manager who meets the requirements of NMSA 4.10.10.12.

E. Alterations or Demolition without a Certificate of Appropriateness

1. It is unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, or raze any cultural property in violation of this chapter.
2. In addition to any remedies, a person, corporation, or entity, including the City, is liable to the City if the person demolishes, or causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a cultural property without first obtaining a permit from the Community Development Department and a Certificate of Appropriateness as required in this chapter.
3. Such violations shall be subject to the provisions of **Sec. 34-1.H. Violations and Enforcement**.

F. Appeals

1. A historic preservation decision by the Community Development Director may be appealed to the Historic Preservation Committee.
2. A historic preservation decision by the Historic Preservation Committee may be appealed to the Planning & Zoning Commission.

Sec. 35-2. Historic Preservation Committee

A. Historic Preservation Committee

The Historic Preservation Committee is established by Chapter 2 of the City's Code of Ordinances (Article IV, Division 3, Subdivision XVI).

B. Duties and Responsibilities of the Historic Preservation Committee

The Committee shall exercise, but not be exclusively limited by, the following duties and responsibilities according to its bylaws:

1. Request input from the Community Development Director regarding surveys within the city limits of the City of Las Cruces to identify properties, neighborhoods, archaeological sites, and buildings for evaluation and potential designation as cultural resources.
2. Recommend to the Mayor and City Council properties to be designated and entered in the City, State, or Federal Register of Cultural Properties.
3. Review and render decisions on Certificates of Appropriateness during open, public meetings.
4. Recommend to the Mayor and City Council the adoption of design guidelines to ensure proper restoration and rehabilitation practices for historic building inventory; to ensure architectural and aesthetic compatibility within historic districts and in proximity to cultural properties; and to guide infill development to achieve comparable aesthetics and massing with existing, neighboring buildings, objects, structures, and sites.
5. Assist in the dissemination of information to the public concerning historic preservation and seek input from groups, individuals, and organizations on these matters.
6. Consider methods for encouraging and incentivizing historic preservation efforts and provide recommendations to these ends to the Mayor and City Council.
7. Advise the Mayor and City Council on any proposed public alterations that may impact the exterior appearance of cultural properties to avoid any potential adverse effects.
8. Consider alternative options and actions when reviewing applications seeking the demolition in part or in whole of designated cultural properties.

9. Advise the Mayor and City Council on the relative merits of proposals involving the use of public funds to restore, preserve, and protect cultural properties, and to secure state, federal, and/or other grants or assistance in support of such projects, and to monitor and comment on such projects during their duration.
10. Seek any benefits that may be granted under the National Historic Preservation Act, as amended, or any other state or federal legislation, including, but not limited to, the benefits that are received from communities under the Certified Local Government (CLG) program with regard to training, grant funding, and technical assistance.
11. Prepare an annual report to be presented to the Mayor and City Council of the Committee's activities and the effects of the historic preservation program on the economic development and general welfare of the City and its residents.

C. Surveys and Inventories

1. The Community Development Director shall conduct surveys and inventories to identify neighborhoods, areas, sites, buildings, structures, and objects in the City of Las Cruces that possess historic, community, architectural, aesthetic, cultural, archaeological, or traditional importance, interest, or value related to the development of the community.
2. As part of the survey, the Community Development Director shall review and evaluate prior surveys and studies by any government entity or private organization, and recommend the compilation of appropriate research findings, including descriptions, newspapers accounts, land-use records, maps, deeds, photographs, and/or other useful sources.
3. The Committee will provide input regarding the City's efforts in identifying potential cultural properties and historic districts, and apply procedures to nominate those potential cultural properties and historic districts that are at least 50 years of age based on the following criteria:
   a) The potential cultural properties are situated in a single, identifiable neighborhood or distinct geographical area of the community; or
   b) The potential cultural properties are associated with a particular person, event, and/or era of the community's past; or
   c) The potential cultural properties are of a particular architectural style, school, or building technique; or of a particular architect, engineer, builder, designer, craftsman, or artisan; or
   d) Such other criteria as may be adopted by the Committee to assure systematic surveys and inventories of potential cultural properties and historic districts within the municipal boundaries.
4. The Community Development Director shall apply eligibility criteria to potential cultural properties and historic districts and provide recommendations to the Committee to nominate such properties as procedurally outlined in this article for inclusion in the City's Register of Cultural Properties.

D. Cultural Property Designation

1. Standards for the Designation of a Cultural Property or Cultural Properties

   Upon the successful evaluation of eligibility criteria to base a recommendation for designation, the Committee shall recommend to the City Council a justification for a property's inclusion in the City's Register of Cultural Properties contingent upon that property meeting all of the following requirements:

   a) Located within the corporate boundaries of the City; and
   b) At least 50 years old, in whole or in part, or else of exceptional significance; and
   c) Possesses integrity of design, materials, workmanship, setting, location, feeling, and association, as defined for listing in the National Register of Historic Places; and

d) Embodies such other qualities and characteristics as in the judgment of the Committee should be considered for designation as a cultural property; and

e) Possesses one or more of the following demonstrations of significance:

i) A broad cultural, political, economic, or social association with the historic development of the community, the state, or the nation; and/or

ii) Identification with a historic person or with important events in local, state, and/or national history; and/or

iii) Possesses distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; and/or

iv) Possesses authenticity of its period of significance as evidenced by the survival of its characteristics, historic fabric, and architectural elements from that period; and/or

v) Is a notable work of a master builder, designer, or architect; and/or

vi) Possesses or may likely yield information important in prehistory or history; and/or

vii) An improvement embodying all or part of the above characteristics which is subject to encroachment of detrimental influences or potential adverse effects; and/or

viii) An improvement of historical, architectural, or cultural significance that is threatened with demolition by public or private action; and/or

ix) Possesses other qualities and characteristics that, in the judgment of the Committee should be considered for designation as a cultural property.

2. Procedure for the Designation of a Cultural Property

Any nomination application for a proposed cultural property shall be subject to the following review process:

a) Pre-Application Meeting

Prior to submitting an application for cultural property designation, an applicant shall meet with the Community Development Director to review the nomination proposal. The Director shall explain to the applicant the procedure and standards to nominate a property for designation, and include the historic context and any known architectural, cultural, or archaeological significance associated with the property. Additionally, when the applicant is not the owner of record, the Director shall encourage the applicant to contact the owner(s) of record prior to proceeding with the application process to secure the owner(s)'s consent.

b) Applicant Eligibility

Nominations for cultural property designation may be made by any property owner(s) of record; a contract purchaser of a nominated property; an individual, a group, or an association; or the Historic Preservation Committee.

c) Property Eligibility

Any building, structure, object, or site that meets the criteria outlined in **1. Standards for the Designation of a Cultural Property or Cultural Properties** is eligible for consideration to be nominated for designation.

d) Owner Consent

In every case, the owner(s) of record must provide written approval of the application. If the applicant is not the owner of record, owner consent must be received before moving forward with the cultural property designation nomination process.

e) Application

Upon the applicant's request, the Community Development Director shall provide a Historic Cultural Properties Inventory (HCPI) Form. The applicant shall complete the form, which shall include, among other information, a

legal description of the building, structure, object, or site. At the applicant's request, the Director may assist with the completion of the designation form.

f) Filing

Upon the applicant's delivery of the completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall review the application within ten business days of its filing, and notify the applicant in writing of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 15 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

g) Notice

Within five business days of the filing of an application, whether or not deemed complete, the Community Development Director shall notify in writing the owner(s) of record of the proposed designation nomination, except in the cases when the applicant is the owner of record, or the owner of record previously provided consent in writing to the Director.

h) Schedule a Public Meeting

Upon receipt of a completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall schedule a public meeting for the next regularly scheduled meeting of the Historic Preservation Committee in accordance with the Open Meetings Act (NMSA 1978, Section 10-15-1 et seq.).

i) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owner(s) of record, legal description of the property, and common address of the property.

j) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owner(s) of record of the subject property and the owner(s) of record of all properties within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the completed application of the Historic Cultural Properties Inventory (HCPI) Form.

k) Public Meeting Sign

The applicant shall place one sign per frontage upon the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting .

l) Eligibility Report

Prior to the public meeting on the application for a cultural property nomination, the Community Development Director shall conduct an analysis of the property proposed for designation and prepare a report containing preliminary findings on the historic, cultural, architectural and aesthetic significance of the property. The analysis shall be provided in writing to the Committee and made available to the public in advance of the public meeting.

m) Public Meeting

Applicants shall meet with the Committee and the Community Development Director at a public meeting for a formal recommendation by the Committee regarding the proposed project. The Committee shall conduct the public meeting and a record of such proceedings shall be preserved in such a manner as prescribed by the City of Las Cruces.

n) Withdrawal of Application

An applicant may, at any time during the nomination process, withdraw an application for cultural property designation by providing notice, in writing, to the Community Development Director.

o) Historic Preservation Committee Action

i) At the public meeting, the Committee shall take statements presented by the owner(s) of record of the subject property, as well as statements, either oral or written, from any interested parties concerning the eligibility and/or effect of the potential designation on the proposed cultural property.

ii) The Committee may invite and consider testimony to evaluate information provided either during the nomination process or during the public meeting. A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact or to provide time to evaluate fully new evidence presented at the public meeting.

iii) If the Committee fails to act within 45 calendar days of the final adjournment of a public meeting for the designation of a cultural property, the Committee shall be deemed to have recommended denial. Otherwise, upon approval of the cultural property designation application, the Community Development Director or the Committee shall draft a Cultural Property Designation Report for City Council action. Said report shall include a map of the subject property, current and historical photographs, history of the property, plans and drawings (if available and if applicable), and a determination on the eligibility criteria.

p) City Council Action

i) Upon considering the Committee's finding of fact regarding a nomination, the City Council shall grant or deny the Cultural Property Designation Report and application for cultural property designation with a simple majority or greater vote.

ii) Upon designation as a cultural property by the City Council, a notice of the designation will be sent by the Community Development Director to the applicant and/or owner(s) of record of the building, structure, object, or site. The applicant and/or owner(s) of record shall be responsible for providing a copy of the resolution effectuating the designation to the Doña Ana County Clerk’s Office. A copy of the recorded resolution shall be returned to the Community Development Department within 60 calendar days of City Council approval of a cultural property designation. When designated as a cultural property, the property shall be included in the City of Las Cruces Register of Cultural Properties and shall be identified on the City's Geographic Information Systems (GIS) mapping layers with the appropriate shorthand designation as a cultural property.

q) Suspension of Work

During the period beginning with the filing of an application for cultural property designation and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any building, structure, object, or site that is the subject of an application for cultural property designation may undergo alteration, construction, demolition, or removal if such alteration, construction, demolition, or removal would be subject to a building permit issued after the filing of a cultural property application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

r) Re-Application Following Denial or Withdrawal of an Application

In the event that an application for cultural property designation is denied by the Committee and/or City Council or the application is withdrawn by the applicant, no subsequent application for cultural property designation of the same building, structure, object, or site shall be made within 12 months of the date of the denial. If the applicant withdraws the application prior to review by the Committee, a subsequent application may be submitted at any time.

s) Amendments

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee may request that the designation of a cultural property be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same property may be entertained by the Committee at any time following City Council action designating any building, structure, object, or site as a cultural property. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public meeting.

t) Rescinding of Designation

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee, on its own initiative and with prior consent of the City Council, may request that the designation of a cultural property be rescinded by the same procedures and according to the same criteria set forth herein for designation. The City Council may rescind cultural property designation of any designated property provided that the vote to rescind the designation is not less than a two-thirds vote of the councilors holding office.

E. Historic District Designation

1. Standards for Designation of Historic Districts

The Historic Preservation Committee shall not recommend, nor the City Council grant, a designation of a historic district unless each body makes findings based upon the evidence presented to it in each specific case, and that the proposed historic district meets all of the following requirements:

a) Located within the corporate boundaries of the City; and

b) Includes one or more cultural properties along with such other buildings, structures, objects, or sites which, while not of such historical significance to be designated as individual cultural properties, nevertheless contribute to the overall visual characteristics that have been identified as significant within the proposed historic district; and

c) At least 50 years old, in whole or in part, or else of exceptional significance; and

d) Possesses integrity of design, materials, workmanship, setting, location, feeling, and association, as defined for listing in the National Register of Historic Places; and

e) Establishes a sense of time and place; and

f) Includes potentially eligible cultural properties that possess one or more of the following demonstrations of significance:

i) A broad cultural, political, economic, or social association with the historic development of the community, the state, or the nation; and/or

ii) Identification with a historic person or persons or with important events in local, state, and/or national history; and/or

iii) Possess distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or use of local materials or craftsmanship; and/or

iv) Possess authenticity of its period of significance as evidenced by the survival of its characteristics, historic fabric, and architectural elements from that period; and/or

v) Represent a notable work of a master builder, designer, or architect; and/or

vi) Possess or may likely yield information important in prehistory or history; and/or

vii) Possess architectural or land-use characteristics that are repeated throughout the area in a manner which distinguishes the proposed historic district from the rest of the City; and/or

viii) An area embodying all or part of the above characteristics that is subject to encroachment of detrimental influences and potential adverse effects; and/or

ix) An area of historical, architectural, or cultural significance that is threatened with demolition by public or private action; and/or

x) An area with other qualities and characteristics that, in the judgment of the Committee, should be considered for designation as a historic district.

2. Procedure for the Designation of a Historic District

Any nomination application for a proposed historic district shall be subject to the following review process:

a) Pre-Application Meeting

Prior to submitting an application for historic district designation, an applicant shall meet with the Community Development Director to review the nomination proposal. The Director shall explain to the applicant the procedure and standards to nominate an area for designation, and include any known architectural, cultural, or archaeological significance associated with the area. Additionally, the Director shall require the applicant to secure support for the proposed historic district nomination in the form of petition signatures of at least 20 percent of the owners of record within the boundaries of the proposed historic district.

b) Applicant Eligibility

Nominations for historic district designation may be made by any property owner(s) of record; a contract purchaser of a nominated property; an individual or group of City residents; an association with members who are City residents; or the Historic Preservation Committee.

c) Owner Consent

Consent must be attained from at least 20 percent of the owners of record within the boundaries of the proposed historic district, and this support among property owners shall be achieved in the form of gathering signatures on a petition.

d) Application

Upon the applicant's request, the Community Development Director shall provide a Historic Cultural Properties Inventory (HCPI) Form, which shall be completed and contain all of the following information:

i) A map delineating the boundaries of the area proposed for designation;

ii) A written statement setting forth the character of the area and justification for designation of the proposed area;

iii) Drawings or photographs of significant buildings, structures, sites, or objects within the boundaries of the proposed area;

iv) Descriptions of the historic condition and use, existing condition and use, and approximated or exact age of each property within the boundaries of the proposed district; and

v) Such other information as prescribed by the Historic Preservation Committee.

e) Filing

Upon the applicant's delivery of the completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall review the application within 30 business days of its filing, and notify the applicant in writing of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 45 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

f) Notice

Within 15 business days of the filing of an application, whether or not deemed complete, the Community Development Director shall notify, in writing and delivered by certified mail with return receipt, the owners of record within the boundaries of the proposed designation nomination. Said notification shall identify the boundaries of the proposed district and provide a date, time, and location for a public, informational meeting to be convened by the Director not more than 30 business days from the date of the filing of an application.

g) Schedule a Public Meeting

Upon receipt of a completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall schedule a public meeting for the next regularly scheduled meeting of the Historic Preservation Committee in accordance with the City's notification requirements for public meetings.

h) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the legal description of the proposed boundaries, the name of the subdivision(s) (if applicable), and a general description of the area bounded by the proposed historic district.

i) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of all properties within the boundaries of the proposed historic district. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the completed application of the Historic District Designation Form.

j) Public Meeting Sign

The applicant shall place one sign upon the public right-of-way adjacent to the boundaries of the proposed district's area at least 15 calendar days in advance of the public meeting’s date.

k) Public Meeting

The Committee shall conduct the public meeting and a record of such proceedings shall be preserved in such a manner as prescribed by the City of Las Cruces. The meeting’s purpose shall be to provide information regarding the details and the potential land-use impacts of the proposed historic district. Owners of record shall be informed of the right to support or object to the proposed historic district. Opportunity for public comments regarding the merits and potential impacts of the proposed historic district will be provided at the public meeting.

l) Withdrawal of Application

An applicant may, at any time during the nomination process, withdraw an application for historic district designation by providing notice, in writing, to the Community Development Director.

m) Owner Objection

In the event that owners of record of the individual real properties within the proposed historic district object to the designation of the proposed historic district, those objections shall be recorded on forms provided by the Community Development Department; completed forms shall be notarized and filed with the City Clerk at any time but not later than 30 calendar days following the final adjournment of the public meeting.

n) Historic Preservation Committee Recommendation

i) At the public meeting, the Committee shall consider statements presented by the owners of record of any property within the boundaries of the proposed historic district, as well as statements, either oral or written, from any interested parties concerning the effect of the proposed designation on the affected properties.

ii) The Committee may invite and consider testimony to evaluate information provided either during the historic district nomination process or during the public meeting. A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact or to provide time to evaluate fully new evidence presented at the public meeting.

iii) The Committee shall make written findings of fact and shall assist the Community Development Director to submit same in the form of a Historic District Designation Report, together with its recommendation, to the Planning & Zoning Commission within 45 calendar days following the close of the public meeting.

iv) If the Committee fails to act within 45 calendar days of the final adjournment of a public meetingfor the designation of a historic district, the Committee shall be deemed to have recommended denial. Otherwise, upon approval of the historic district designation application, the Community Development Director shall draft a Historic District Designation Report for Planning & Zoning Commission action. Said report shall include a map of the proposed district's boundaries, current and historical photographs, histories of the properties, plans and drawings (if available and if applicable), and a determination on the eligibility criteria.

o) Planning & Zoning Commission Recommendation and City Council Action

i) The Planning & Zoning Commission shall consider recommendation and City Council shall consider action in accordance with **Sec. 36-5.A. Zoning Map Amendments**.

ii) When no owner objection is filed in accordance with this chapter, the Committee or Council shall grant or deny the nomination for historic district designation with not less than a majority vote. When an owner of record, or owners of record, properly file objections with the City Clerk in accordance with this chapter, the Committee or Council may grant the proposed designation upon the condition that demonstrable support of the designation by a simple majority of owners of record within the proposed historic district's boundaries can be presented.

iii) Upon designation as a historic district by the City Council, a notice of the designation will be sent by the Community Development Director to the owners of record of the properties within the boundaries of the designated district. The owners of record shall be responsible for providing a copy of the resolution effectuating the designation to the Doña Ana County Clerk’s Office. A copy of the recorded resolution shall be returned to the Community Development Department within 60 calendar days of City Council approval of a historic district designation. When designated as a historic district, the historic district shall be included in the City of Las Cruces Register of Cultural Properties and shall be identified on the City's Geographic Information Systems (GIS) mapping layers with the appropriate shorthand designation as a historic district.

p) Suspension of Work

i) During the period beginning with the filing of an application for historic district designation and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any building, structure, object, or site that is the subject of an application for historic district designation may undergo alteration, construction, demolition, or removal if such alteration, construction, demolition, or removal would be subject to a building permit issued after the filing of a historic district application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

ii) Re-application following denial or withdrawal of an application. In the event that an application for historic district designation is denied by the City Council or the application is withdrawn by the applicant, no subsequent application for historic district designation shall be made within 12 months of the date of the denial. If the applicant withdraws the application prior to review by the Historic Preservation Committee, a subsequent application may be submitted at any time.

q) Amendments

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee, on its

own initiative and with prior consent of the Planning & Zoning Commission, may request that the designation of a historic district be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same district may be entertained by the Committee at any time following City Council action designating a historic district. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public meeting.

F. Review Standards for Cultural Properties

In making recommendations for proper and accepted treatments for the rehabilitation and restoration of cultural properties and older building inventory, the Historic Preservation Committee shall be governed by the following review standards and design principles:

1. Standards for Review of Cultural Properties

   The review of plans for changes affecting the exterior appearance of designated cultural properties shall be based upon the Secretary of the Interior's "Standards for Rehabilitation" as follows, as amended:

   a) A property shall be used for its historic purpose or be placed in a new use (i.e., adaptive reuse) that requires minimal change to the defining characteristics of the building and its site and environment.

   b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of exterior features and spaces that characterize a property shall be avoided.

   c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

   e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. Design Principles for Cultural Properties

   a) Any new construction such as primary buildings, secondary, and accessory buildings and additions to historic buildings and structures at a cultural property or at a property within a designated historic district shall conform, subject to the restrictions of **Chapter 36. Zoning Regulations**, to the following general design principles:

i) Relationship of Building Mass and Space

The relationship between the open space between existing structures and adjoining structures shall be proportionate to and compatible with the adjacent neighborhood;

ii) Scale of Structure

The scale of any alterations, modifications, or additions, or of any new construction shall be compatible with the existing, surrounding structures;

iii) Height

The height of any proposed alteration, addition, or new construction shall be compatible with the existing structure and with neighboring structures;

iv) Directional Expression of Principal Facade

Any proposed alteration or new construction shall be compatible with the predominant horizontal or vertical expression of the historic structure and, for wholly new construction, the predominant horizontal or vertical expression along the street block;

v) Proportions of Street-Facing Facades

The relationship between the width and height of any historic structure and any proposed modification, alteration, or addition at a street-facing façade shall be compatible with one another and the relationship between the width and height of any proposed new structure shall be compatible with nearby structures;

vi) Relationship of Windows and Doors

The relationship between and among doors and windows shall be compatible with and in proportion to each other and be compatible with the historic character of such elements;

vii) Architectural Details

Architectural details and materials shall be incorporated, as necessary, to relate new construction with historic construction to preserve and enhance the inherent characteristics of the historic property and/or neighboring properties; and

viii) Roof Form

The design of any roof shall be compatible with the roof forms and materials of the historic roof of any existing improvement, building, structure, or object.

b) In addition to the foregoing, the Historic Preservation Committee will apply review standards as further set forth in any policy, preservation plan, or design guidelines adopted by the Committee; the U.S. Secretary of the Interior's Standards for Rehabilitation, as amended; and/or the National Park Service's Guidelines for Rehabilitating Historic Buildings, each as amended from time-to-time.

3. Standards for Adaptive Reuse

a) Adaptive reuse is a process that transforms a disused or ineffective structure into something that can be used for a different purpose. Sometimes, nothing changes except the item’s use. The adaptive reuse of a historic building should have minimal impact on its heritage significance and setting. Adaptive reuse recognizes the need for the historic property to meet continuing changes in the community while retaining the property’s historic character.

b) By reusing an existing building, the energy required to create these spaces, the material waste generated from the tenant improvement, and the use of new materials are lessened. The revitalization of buildings through reuse or repurposing also helps to stabilize neighborhoods and preserve the City’s historic character and architecture, reduce the environmental hazards and costs associated with new construction, and enhance economic growth with new housing and employment opportunities. Communities further benefit from the

added values of context, culture, history, and ambiance, resulting in true community redevelopment and sustainability.

c) With regard to the applications for adaptive reuse of a cultural property, the following matters shall be considered:

i) Its historical, architectural, cultural, and aesthetic significance;

ii) Its use, its intended use, and/or the use for which the cultural property was originally designed; new construction, addition, repair, or maintenance not associated with a change of use or occupancy classification do not qualify as an adaptive reuse project;

iii) All adaptive reuse projects are subject to review by the Historic Preservation Committee. The Committee will review the project for overall design, exterior materials, zoning requirements, and health and safety factors to ensure that it meets the requirements and will result in a functional and attractive addition to the local neighborhood and to the City.

iv) Adaptive reuse projects are complex and challenging. Even if all of the above steps are completed, given the nature of existing historic structures, unforeseen complexities are to be expected during construction. Because of this, regular communication with the building inspector during construction will be vital to ensure that potential delays are minimized or reduced.

4. Standards for Requests for Demolition

With regard to applications to demolish a cultural property, the following matters shall be considered:

a) Its historical, architectural, cultural, and aesthetic significance.

b) Its use, its intended use and/or the use for which the building, structure, object, or site was originally designed and the feasibility of the continuation of its designed use.

c) Its importance and the extent to which its historical or architectural value is such that its removal will be detrimental to the public interest.

d) The extent to which it is of such unusual or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty.

e) The extent to which its retention would be of economic value, attract tourists, educate citizens regarding the City's heritage, or make the City a more attractive and desirable place to live.

f) The probable impact of its removal upon the ambience and integrity as a cultural resource.

g) The structural soundness and integrity of the building, structure, object or site and the economic feasibility of its restoration or rehabilitation so as to allow for its reasonable use.

h) The threat to public health and safety as a result of deterioration or disrepair of the building, structure, object, or site, excluding demolition by neglect.

i) The technological feasibility of structural rehabilitation.

5. Criteria Regarding Relocation of Cultural Properties

The following factors shall be considered with regard to an application to move to a new location or site any cultural property:

a) The impact of the loss of integrity suffered as a result of removal from the original location; and, if located within a historic district, the impact of that loss of integrity upon the district as a whole.

b) The relative value to the applicant of the proposed relocation contrasted to the value to the community as a whole in allowing it to remain at its original and/or historic site.

c) The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site as they relate to the protection of historic properties and districts.

d) In the event that a proposed new location is in a historic district, the impact on the visual compatibility of adjacent buildings, structures, objects, or sites.

e) The likelihood of significant damage to the physical integrity of the building or structure itself.

G. Review of Proposed National Register of Historic Places Nominations

1. Before a property located within the municipal boundaries of the City of Las Cruces may be considered for inclusion in the National Register of Historic Places, the State Historic Preservation Officer (SHPO) or designee in the New Mexico Historic Preservation Division (NMHPD) shall notify the applicable chief local elected official and the Historic Preservation Committee according to the following procedure:

   a) The SHPO/NMHPD shall forward a copy of the completed National Register nomination to the City for all properties located in the City's jurisdiction within 30 calendar days of receipt unless the City initiated the nomination. If the City initiates its own nomination, it shall provide the completed nomination to SHPO/NMHPD within 30 days of completion.

   b) Within 60 days, the Committee shall provide opportunity for public comment by including the National Register nomination on the agenda of the next regularly scheduled public meeting.

   c) The Committee shall prepare a report regarding the eligibility of the property and whether or not, in its opinion, the property meets the criteria for listing in the National Register of Historic Places.

   d) Within 60 days of notice from the SHPO/NMHPD, the chief local elected official shall transmit the report of the Committee and the elected official's recommendation to the SHPO/NMHPD.

   e) If either or both the Committee and the Mayor agree that the property should be nominated, the nomination will be scheduled for review by the Cultural Properties Review Committee and make the report and recommendations available to the Secretary of the Interior.

2. If both the Committee and the chief elected official recommend that a property not be nominated to the National Register of Historic Places:

   a) The SHPO/NMHPD shall take no further action, unless within 30 days of the receipt of such recommendation an appeal is filed with the SHPH/NMHPD.

   b) If such an appeal is filed, the SHPO/NMHPD shall follow the procedures for making and submitting a nomination.

   c) Any report and recommendations made that the property should not be nominated shall be submitted to the Secretary of the Interior.

Sec. 35-3. Plan Review, Certificates of Appropriateness, and Economic Hardship

A. Plan Review of Cultural Properties

1. Plan review shall be completed for any new construction, addition, remodeling, rehabilitation, renovation, restoration, or proposed demolition of the exterior of any building, structure, object, or site that meets the following criteria:

   a) Visible from a public right-of-way, excluding public alleyways at the rear of a property; and

   b) Proposed for an individually designated cultural property or for any property within a designated historic district; and

   c) Requires a Building Permit as defined by the Building Code (see Chapter 30 Buildings and Building Regulations of the Las Cruces Municipal Code).

   d) Plan review submittal requirements and review standards are based on the property location within the City; the age of the property; and the contributing element of the property as assigned by survey, as amended every 10 years.

   e) Every reasonable effort shall be made to provide a compatible use for any designated cultural property. The destruction, alteration, or removal of original distinguishing elements or architectural features of a building, structure, object, or site and its environment shall be avoided.

   f) Each applicant may request one or more pre-application meetings with the Community Development Director to review proposed scopes of work and compliance with historic preservation design standards, building codes, zoning requirements, and other applicable regulations.

   g) Submittal requirements identified herein satisfy historic compliance review but shall not be construed to reflect the submittal requirements of other review authorities. Applicants should consult with appropriate City staff prior to submitting an application for building permit application review.

Figure 35-3-1. Building Permit and COA Process Summary



2. Procedure to Apply for Building Permits and Certificates of Appropriateness

   Any application for a Building Permit to undertake any work at a designated cultural property shall be subject to the following review process:

   a) Application for a Building Permit to Alter an Existing Structure

      Applicants shall provide the following information as part of a Building Permit application:

      i) A completed Building Permit application and a completed Certificate of Appropriateness application; and

      ii) A site map or aerial view of the parcel of land on which the subject building, object, structure, site, or improvement is located; and

      iii) Photographs of the current exterior condition of the subject area; and

      iv) Historic images of the subject property, if available; and

      v) Material samples and/or product specifications for any proposed new or repair materials including, but not limited to, siding materials and installation pattern; masonry color, texture, and bonding pattern; roof shingles; major architectural elements (e.g., doors, windows, columns, decorative architectural features, etc.); and

vi) Drawings and/or specifications detailing the proposed scope of work including, but not limited to, building elevations, plans, and significant architectural details; and

vii) Other reasonable information that may be requested by the Community Development Director.

Information submitted for review by the Historic Preservation Committee must be provided in a format as required by the Community Development Director but not less than one printed copy of all requested documentation; one sample of proposed materials; and one electronic or digital copy (only jpeg or gif format unless another format is approved prior to submittal; any electronic submittal must be clearly legible when printed at 11-inch by 17-inch format).

b) Fees

Fees shall be calculated and collected by the City. Applicable deposits and fees shall be set by resolution and collected according to the current fee schedule for building permits.

c) Filing

The Certificate of Appropriateness application shall be submitted to the Community Development Director. Upon receipt of all required information, the application will be determined to be complete, and the Director shall schedule a meeting before the Historic Preservation Committee to review and render a decision on the application.

d) Plan Review of Cultural Properties and Historic District Properties

i) Certificate of Appropriateness applications for all other requests shall be reviewed by the Historic Preservation Committee with a public meeting as outlined below.

ii) All proposed alterations shall be evaluated in accordance with **Sec. 35-2.F. Review Standards for Cultural Properties**.

e) Schedule a Public Meeting

Upon receipt of a completed Certificate of Appropriateness application, the Community Development Director shall schedule a public meeting for a regularly scheduled meeting of the Historic Preservation Committee in accordance with the City's notification requirements for public meetings.

f) Appropriateness Report

Prior to the public meeting on the Certificate of Appropriateness application, the Community Development Director shall conduct an analysis of the subject property and prepare a report containing preliminary findings on the historic, cultural, architectural and aesthetic significance of the property. The analysis shall be provided in writing to the Committee and made available to the public in advance of the public meeting.

g) Public Meeting

The Committee shall conduct the public meeting and a record of such proceedings shall be preserved

h) Withdrawal of Application

An applicant may, at any time during the review process, withdraw a Certificate of Appropriateness application by providing notice, in writing, to the Community Development Director.

i) Historic Preservation Committee Action

The Committee shall act upon completed Certificate of Appropriateness applications in a timely manner. The Committee may request modifications to the proposed scope of work as a condition of approval of a Certificate of Appropriateness; it may approve the application without modifications; or it may deny the application. No decision rendered by the Committee shall conflict with provisions in **Chapter 36. Zoning Regulations**.

j) Issuance of a Certificate of Appropriateness

Upon the approval of a Certificate of Appropriateness application, either administratively or by the Committee, the Community Development Director shall issue a Certificate of Appropriateness to the applicant as a component, and in conjunction with other requirements, to be issued a building permit.

k) Suspension of Work

During the period beginning with the filing of a Certificate of Appropriateness application and ending with the final action taken on the Certificate of Appropriateness, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to plan review and issuance of a Building Permit.

l) Final Inspection

The Building Official and/or Building Inspector(s), in consultation with the Community Development Director, shall complete, prior to issuance of a Certificate of Occupancy, an inspection of any work approved under a Certificate of Appropriateness to ensure compliance with the approvals granted by the Committee or on its behalf. Nothing in this subsection shall operate to bar repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

m) Lapse of a Certificate of Appropriateness

An approved Certificate of Appropriateness shall be valid for one year from the date of issuance to the applicant to complete the proposed scope of work. In the event the applicant is unable to complete the approved scope of work, the Community Development Director may approve up to one six-month extension to complete the scope of work. In the event the approved scope of work remains incomplete upon the expiration of 18 months since issuance, the applicant will be required to submit a new Certificate of Appropriateness application.

B. Plan Review for Municipal-Owner Cultural Properties

Plan review shall be completed for any new construction, addition, remodeling, rehabilitation, renovation, or restoration, or proposed demolition of the exterior of any building, structure, object, or site, or historic interior, of any cultural property owned by the City of Las Cruces, in accordance with the following criteria:

1. The plan review process shall adhere to the procedures as stated in **Sec. 35-3.A. Plan Review of Cultural Properties**; and
2. The proposed scope of work shall be reviewed by the Community Development Director and/or the Historic Preservation Committee in accordance with **Sec. 35-2.F. Review Standards for Cultural Properties**.

C. Demolition of Cultural Properties

1. Requests for demolition of any portion of or the entirety of any building, structure, site, or object deemed significant shall require review by the Historic Preservation Committee. Criteria used to assess significance include:
   a) More than 50 years of age;
   b) Designed and/or constructed by a particular architect or builder, either by itself or in context of a group of buildings or structures;
   c) A naturally occurring land or geological formation that has been designated as a cultural property or is located within the boundaries of a designated historic district.
2. Deconstruction and reuse of historic materials is preferred over demolition. Demolition shall be considered only when all other redevelopment options for a building, structure, object, or site have been exhausted.

3. Procedure for the demolition of designated cultural properties.

   Demolition review begins with the filing of an application for a demolition permit and applies to any demolition, alterations, or new construction that involved total or partial demolition. During review, as assessment of the historical and/or architectural importance of the building, structure, and/or feature will be determined. The Historic Preservation Committee is responsible for determining the significance of the resource and whether it qualifies for preservation or demolition.

   a) Pre-Application Meeting

      Prior to submitting a demolition request, an applicant shall meet with the Building Official, Community Development Director, and/or other City Staff to review the demolition proposal. At that time, the Community Development Director shall identify to the applicant any known historic significance classification or documentation pertaining to the property.

   b) Application

      All applications for a demolition permit shall be submitted on forms provided by the Community Development Director. No demolition permit application shall be accepted for processing unless it is complete and is accompanied by all applicable fees, deposits, and bonds. A complete demolition permit application shall contain the following:

      i) A legible, dimensioned, and accurate Plat of Survey, prepared and sealed by a New Mexico licensed surveyor within 12 months of application, indicating location of all improvement proposed for demolition;

      ii) Written affidavit of the owner(s) of record of the property acknowledging the proposed demolition when the applicant is not the owner of record;

      iii) Plans of all levels of the building or structure proposed to be demolished;

      iv) Photographs of all existing conditions including all exterior elevations, all significant architectural features (exterior and interior), and all rooms or spaces (exterior and interior) affected by the proposed demolition work;

      v) Historic images of the property and general area of proposed demolition, if any available;

      vi) A detailed report of non-code-compliant elements and structural deficiencies, prepared by a registered architect, structural engineer with expertise in the rehabilitation of contemporary and/or historic properties, or an expert in adobe construction when applicable;

      vii) A detailed list of irreparable or deteriorated building features, components, or elements;

      viii) A detailed cost estimate for the rehabilitation of the improvement, property, or site, prepared by a design professional or licensed contractor with expertise in the renovation of contemporary and/or historic properties;

      ix) A comparison of the estimated rehabilitation cost of the property proposed for demolition with market values for comparable improvements, properties, or sites within the municipal boundaries;

      x) A detailed cost estimate for the restoration of the site per City code in the event that no new construction activity commences following demolition;

      xi) A summary of potential sites, if any, to which the resource could be relocated within the historic district with an estimate of the cost of the move to each proposed location, if any, by a qualified building mover;

      xii) A proposed schedule for demolition activities;

      xiii) A completed Building Permit application and a written justification outlining the reasons demolition is sought; and

      xiv) Other reasonable information required or that may be requested by the Community Development Director.

c) Fees

Fees shall be calculated and collected by the Community Development Department. Applicable deposits and fees shall be set by resolution and collected according to the current fee schedule for building permits.

d) Filing

An application for demolition shall be filed with the Building Official and the Community Development Director. Within ten business days of the filing of an application, the Community Development Director shall review the submitted application for demolition and inform the applicant, in writing, of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 30 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

e) Notice

i) Upon receipt of a complete demolition application, the Community Development Director shall schedule a public meeting for any cultural property or property located within a historic district, except for those properties designated as noncontributing due to a lack of architectural, historic, or structural significance or integrity, at a regularly-scheduled meeting of the Committee no sooner than 180 days from the acceptance of a completed application. Demolition permit applications for noncontributing buildings with no architectural, historical, or structural significance or integrity shall be reviewed at a regular public meeting.

ii) The applicant may request an additional public meeting to occur within the 180-day period to receive preliminary feedback from the HPC regarding the demolition application. HPC feedback at this meeting is intended to provide general opinion and is considered nonbinding. No official action will be taken by the HPC at this meeting. Notice shall be provided as indicated in **f)** below.

f) Notice of Public Meeting

Notice of a public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owners of record, legal description of the property where demolition work is proposed, and the common address of the property where demolition work is proposed.

g) Public Meeting Sign

The applicant shall place one sign at the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting. Said sign shall include the words "Proposed for Demolition" in addition to the date, time, and place of such public meeting.

h) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of the property proposed for demolition and to the owners of record of all properties identified herein for notification within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the demolition application.

i) Property Analysis

i) Prior to the public meeting, the Community Development Director shall visit the site to familiarize themselves with the existing condition of the property proposed for demolition.

ii) Prior to the public meeting for the purpose of reviewing a demolition application, the Community Development Director shall conduct an analysis of the submitted documents and a written summary of the site visit as part of a written report containing preliminary findings on the historical, architectural, cultural, and aesthetic significance of the subject property. The analysis shall be provided to the Committee, in writing, and made available to the public in advance of the public meeting.

j) Public Meeting

i) The public meeting for the purpose of reviewing a demolition application shall be conducted by the Historic Preservation Committee and a record of such proceedings shall be preserved in such manner as the Committee shall, by rule, prescribe from time to time.

ii) The applicant bears the burden of proof that the failure to approve the proposed demolition would leave the subject property without an economically viable use, and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property being incapable of earning any reasonable economic return.

k) Withdrawal of Application

An applicant may, at any time prior to the scheduled public meeting , withdraw an application for demolition by providing notice, in writing, to the Community Development Director or the Building Official.

l) Historic Preservation Committee Action

i) The Committee shall not only consider the property, building, structure, architectural feature, or object proposed for demolition; the merit of any proposed replacement construction or improvement shall also be a standard of review for a demolition request. The Committee may solicit testimony to evaluate information provided either as part of a demolition application or at the public meeting . A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact.

ii) Additionally, the Committee may continue a public meeting during a subsequent regularly scheduled meeting of the Committee to provide time to fully evaluate new evidence presented at the public meeting. Furthermore, the Committee may continue a public meeting regarding a request for demolition for a specified period of time, not to exceed 120 calendar days, for the sole purpose of allowing the applicant and the Committee to seek alternatives to demolition when the Committee determines that all of the following conditions exist:

a. The property itself, or in relation to its environs, has significant historical, architectural, aesthetic or cultural value in its present condition;

b. Realistic alternatives for preservation of the property—including adaptive uses—are believed to be neither cost-prohibitive nor beyond the limits of local market value; and

c. The property, in its existing condition, does not present a public health or safety hazard to individuals, neighboring properties, or the greater community.

iii) When the Committee postpones a recommendation regarding a demolition request, the Committee shall retract said postponement when the Committee determines that an applicant has:

a. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the property who is willing to preserve, rehabilitate, or restore the improvement, property, or site;

b. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the improvement who is willing and able to relocate the improvement to another property or site;

c. Made a bona fide and reasonable, but unsuccessful, effort to develop a cost-effective program for the preservation of the improvement; and

d. Agreed to accept a demolition permit on specified conditions of the Committee.

iv) If the cultural property qualifies as significant, the demolition delay period will start in order to provide time to document the resource and to explore preservation alternatives. If all alternatives have been reviewed, the applicant, as a condition of demolition approval, will prepare and submit, prior to commencement of demolition work, the following documentation of a building, structure, object,

improvement, or site that is designated as a cultural property or identified as a contributing or significant property within a designated historic district:

a. Site plan (scale not less than one inch equals twenty feet, zero inches);

b. Floor plans of each level (scale not less than one-eighth of one inch equals one foot, zero inches);

c. Elevations of each side of the property improvement (scale not less than one-eighth of one inch equals one foot, zero inches); and

d. Photographs of each elevation and significant interior or exterior architectural features as determined by the Committee (clear, black and white images).

v) The Committee shall make written findings of fact within 45 calendar days following the close of the public meeting.

vi) The Committee may grant a demolition request for a cultural property or a property within a historic district if, upon review of all testimony, the maintenance, use, and/or alteration of the property would cause immediate and substantial hardship for the owner(s) of record because rehabilitation in a manner which preserves the architectural, historic, or structural integrity of the property either:

a. Is infeasible from a technical, mechanical, or structural perspective; or

b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure when accounting for such factors as current market value, permitted uses of the property, and/or the cost of compliance with local, state, and federal codes applicable to the property.

vii) The Committee, by a simple majority vote, shall grant or deny the application for demolition.

m) Suspension of Work

During the period beginning with the filing of an application for demolition and ending with the final action of either the Historic Preservation Committee or the City Council, granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application for demolition may undergo alteration, construction, demolition, or removal. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

n) Site Restoration

Upon completion of any approved demolition, a site must be restored and maintained as required by City code until construction activity resumes at the property.

o) Lapse of Demolition Approval

Any approval granted by the Committee or City Council for the demolition, in whole or in part, of any building, structure, object, improvement, or site shall be valid for a period of 12 months from the date of the issuance of a demolition approval. Failure to complete the approved work in a timely fashion will require the re-application for approval of any outstanding demolition work.

4. Standards for Demolition Request Review

The Historic Preservation Committee shall make findings related to a demolition request based upon the evidence presented to it in each specific case and shall not approve a proposed demolition unless demolition action improves or corrects one or more of the following conditions:

a) The property constitutes a hazard to the safety and welfare of the general public or occupants of the property or site as determined, in consultation with the Community Development Director, by the Building Official, Code Enforcement Officer, Chief of Police, and Fire Chief and providing the property was not subject to demolition by neglect;

b) The property is a deterrent to a major improvement program that will be of substantial benefit to the community for which the applicant has secured all necessary and required planning and zoning approvals, environmental clearances, and project funding and providing the property was not subject to demolition by neglect;

c) Retention of the property will cause undue economic hardship to the Owner of Record when a governmental action, an act of God, or other events beyond the control of the applicant created the hardship and all feasible alternatives to eliminate the financial hardship (which may include the sale of the property at fair market value or relocation of the improvement to another site) have been attempted and exhausted by the applicant; or

d) The retention of the property is not in the best interest of the majority of the community.

5. Demolition by Neglect and Deferred Maintenance

Buildings, structures, and objects designated as a Cultural Property or lying within the boundaries of a historic district shall be maintained and protected from demolition that results from neglect or undeterred deterioration of the exterior features or structural elements.

a) Duty to Maintain

Any building, structure, or object designated as a cultural property or lying within the boundaries of a historic district shall be preserved against material deterioration of exterior features and structural elements by its owner of record. Nothing in this chapter shall exempt an improvement designated as a cultural or historic property from compliance with the provisions of the City's adopted Property Maintenance Code.

b) Duty to Repair

The owner of record (private or City) for any building, structure, or object designated as a cultural property shall, upon written notice from the Code Enforcement Officer, or other representative on behalf of the City, repair any deficient element that is contributing to material deterioration, including, but not limited to, damage to or decay of:

i) Foundations, flooring, or floor supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

ii) Walls or other vertical supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

iii) Ceilings, roofs, and their support systems or other horizontal members, that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

iv) Fireplaces or chimneys that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

v) Exterior finishes, including, but not limited to, wood, brick, stone, stucco, mortar, or other material;

vi) Any design detail, significant feature, or structural element that results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;

vii) Any window, window frame, door, or doorway that, individually or collectively, results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;

viii) Any feature intended to provide a watertight condition that results in significant moisture infiltration into the building, structure, or object;

ix) Any feature or element that results in the creation of a fire hazard or other nuisance to the welfare of the general public; or

x) Any archaeological site or vacant cultural property shall be adequately secured against unauthorized entry.

c) Completed Repair

Upon notice from the Codes Enforcement department, the Historic Preservation Committee shall verify, within 45 days, that the duty to repair was completed.

6. Natural Destruction or Demolition

In the case of partial or complete destruction or demolition of a cultural property as a result of an act of God or other natural disaster, the property may be completely demolished only with Committee concurrence, provided that the Building Official, Fire Department Chief, and Chief of Police, in consultation with the Community Development Director, jointly determine the improvement is structurally unsound and poses an immediate or imminent nuisance and/or hazard to the general health, safety, and welfare of the public.

D. Certificate of Economic Hardship

In any case in which the proposed work of an applicant is not approved following either administrative or Historic Preservation Committee review and the submittal of a written findings of fact, an applicant may apply for a Certificate of Economic Hardship.

1. Procedure to Apply for a Certificate of Economic Hardship

a) Pre-Application Meeting

Prior to submitting a Certificate of Economic Hardship request, an applicant shall meet with the Community Development Director to review the basis for economic hardship relief.

b) Application

All applications for a Certificate of Economic Hardship shall be submitted on forms provided by the Community Development Director. No Certificate of Economic Hardship application shall be accepted for processing unless it is complete and is accompanied by all applicable items required.

c) Filing

The application for a Certificate of Economic Hardship shall be filed with the Community Development Director. Within ten working days of the filing of an application, the Director shall review the submitted application for a Certificate of Economic Hardship and inform the applicant, in writing, of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 30 working days of the notice of deficiencies will result in an automatic withdrawal of the application.

d) Notice

Upon receipt of a complete Certificate of Economic Hardship application, the Community Development Director shall schedule a public meeting at the next regularly scheduled meeting of the Committee that is possible in accordance with the stipulated public notice procedure.

e) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owners of record, legal description of the property, and common address of the property.

f) Public Meeting Sign

The applicant shall place one sign at the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting.

g) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of the subject property and to the owners of record of all properties identified herein for notification within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the demolition application.

h) Public Meeting

The public meeting for the purpose of reviewing a Certificate of Economic Hardship application shall be conducted by the Historic Preservation Committee and a record of such proceedings shall be preserved in such manner as the Committee shall, by rule, prescribe from time to time.

i) Withdrawal of Application

An applicant may, at any time during the review process, withdraw a Certificate of Economic Hardship application by providing notice, in writing, to the Community Development Director.

j) Committee Action

i) At the public meeting, the Committee shall take statements presented by the owner(s) of record of the subject property as well as statements from any interested parties concerning the issuance of a Certificate of Economic Hardship. At a minimum, the applicant shall be required to submit evidence at the public meeting to support any of the Standards for a Certificate of Economic Hardship Review as identified in **Sec. 35-3.D.2** below. Evidence presented by the applicant, shall in the applicant's opinion, contribute to the economic hardship alleged to be incurred if the applicant is not granted a Certificate of Economic Hardship. Specific information and documentation that may be presented by the applicant and/or requested by the Committee may include:

a. The amount paid for the property, the date of the purchase, and the party from whom the property was purchased (including a description of the relationship, if any, between the owner and the entity from whom the property was purchased);

b. The assessed value of the land and improvements thereon according to the most recent assessments;

c. Real estate taxes for two years previous to the application for an economic hardship request;

d. Remaining balance on any mortgage, if any, and annual debt service, if any, for the two years previous to the application for an economic hardship request;

e. All appraisals obtained within the two years previous to the application for an economic hardship request by the owner of record or the applicant in connection with the purchase, financing, or ownership of the property;

f. Any listing of the property for sale or rent, price asked, and offers received, if any;

g. Any consideration by the owner of record or the applicant regarding profitable adaptive uses for the property;

h. If the property is income-producing, the annual gross income from the property for the two years previous to the application for an economic hardship request; itemized operating and maintenance expenses for the previous two years; and annual cash flow before and after debt service, if any, during the same period;

i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; or

j. Any information including the income tax bracket of the owner of record or the applicant or any other principal investors in the property that is reasonably necessary for a determination as to whether or not

the property can be reasonably used or yield a reasonable return on an investment to present or future owners of the property.

ii) The Committee may invite and consider testimony to evaluate information provided either as part of a Certificate of Economic Hardship application or at the public meeting. A public meeting may be continued to a future date in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact.

iii) Furthermore, the Committee may continue a public meeting during a subsequent regularly scheduled meeting to provide time to fully evaluate new evidence presented at the public meeting.

iv) The Committee shall make written findings of fact within 45 calendar days following the close of the public meeting.

v) Upon the Committee's granting of relief due to economic hardship, the Community Development Director shall provide to the applicant a written Certificate of Economic Hardship that describes the rehabilitation relief granted and the basis of the economic relief.

k) Suspension of Work

During the period beginning with the filing of an application for a Certificate of Economic Hardship and ending with the final action of either the Historic Preservation Committee or the City Council, granting or denying said application, no exterior architectural feature of any improvement, property, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to a building permit and/or is subject to the issuance of a Certificate of Appropriateness. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

l) Revocation of Certificate of Economic Hardship

If an applicant seeks a building permit for additional work on the same property for which a Certificate of Economic Hardship had been granted at an earlier date, the previously granted rehabilitation relief may be revoked and approvals for any additional work may include the requirement for completion of rehabilitation work previously deferred due to economic hardship.

2. Standards for a Certificate of Economic Hardship Review

The Historic Preservation Committee shall make findings related to a Certificate of Economic Hardship request based on the evidence presented to it in each specific case. The Committee shall not approve a Certificate of Economic Hardship unless it determines that the hardship was not created with the intent of circumventing this chapter and an applicant can prove one or more of the following conditions:

a) A substantial decrease in the fair market value of the property as a result of the denial of the proposed work;

b) A substantial decrease in financial return to the owners of record or other investors in the property as a result of the denial of the proposed work;

c) A substantial and significant additional cost to complete the proposed construction, alteration, relocation and/or demolition would be incurred to comply with the recommendations of the Committee for changes necessary for the issuance of a Certificate of Appropriateness;

d) The structural instability and a lack of sustainability for rehabilitation of any structure, object, or other improvement on the property;

e) A lack of economically feasible rehabilitation or adaptive use of the existing building, improvement, site, structure, or object; and/or

f) The retention of the resource will cause undue financial hardship to the owner of record or the applicant when a governmental action, an act of God, or other event beyond the owner’s control created the hardship, and all feasible alternatives to eliminate the economic hardship, which may include offering the resource for sale at its

fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner of record and/or the applicant.

Chapter 36. Zoning Regulations

Sec. 36-1. General Provisions

A. Title

This chapter shall be known and shall be cited as the "Zoning Regulations" of the City of Las Cruces, New Mexico.

B. Purpose

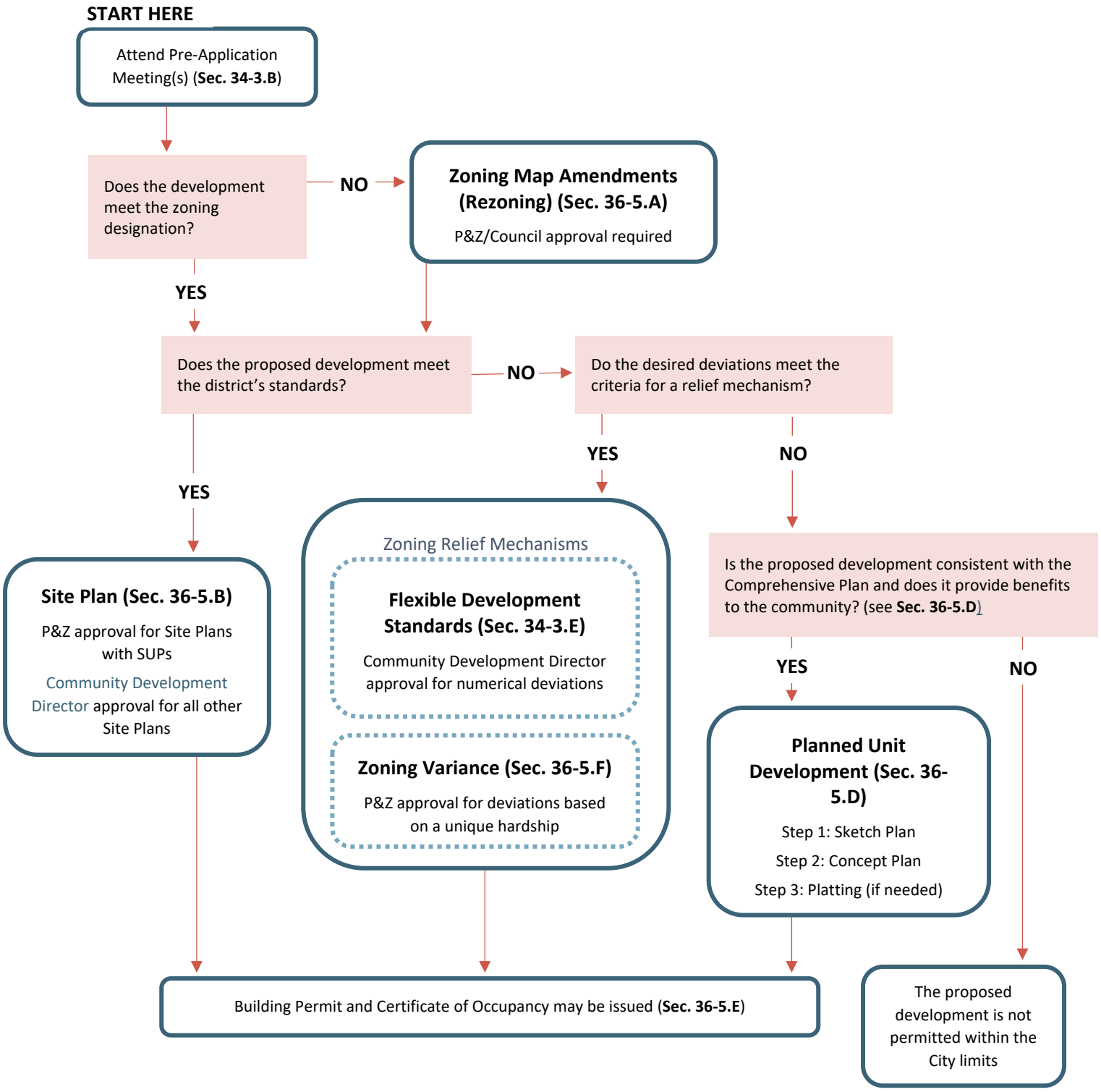
The purpose of these Zoning Regulations is to:

1. Ensure that all development is in accordance with this Code and the Comprehensive Plan;
2. Promote health, safety, and general welfare of the community;
3. Encourage innovations in land development and redevelopment that complement neighborhoods' existing character and support the consolidation of trips, and encourage bicycle, pedestrian, and transit modes of travel;
4. Regulate the erection, construction, alteration, repair, demolition, or use of buildings, structures, or land;
5. Control and abate the unlawful use of structures, buildings, or land;
6. Minimize adverse environmental impacts of development;
7. Reduce nuisances, such as noise, glare, and odor;
8. Encourage development of vacant properties within established areas; and
9. Conserve the value of buildings and land.

C. Applicability

1. All land, buildings, structures, and appurtenances thereon located in the City that are hereafter occupied, used, erected, altered, or converted shall be used, placed, and erected in conformance with these Zoning Regulations.
2. The provisions of this Code shall be considered the minimum requirements or standards to meet the purpose and intent expressed in **B. Purpose** above.

D. Zoning Process Overview



Sec. 36-2. Zoning Districts

A. Establishment of Zoning Districts, Map, and Boundaries

1. Designation of Official Districts

   The following shall be the official zoning districts:

   a) Zoning Districts

      i) NH-1, Neighborhood 1 District (Rural, Suburban, Urban)

      ii) NH-2, Neighborhood 2 District (Rural, Suburban, Urban)

      iii) NH-3, Neighborhood 3 District (Rural, Suburban, Urban)

      iv) CR, Commercial/Retail District (Rural, Suburban, Urban)

      v) LI, Light Industrial District (Rural, Suburban, Urban)

      vi) HI, Heavy Industrial District (Rural, Suburban, Urban)

      vii) OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)

      viii) OS-2, Open Space-Drainage District (Rural, Suburban, Urban)

   b) Overlay Zoning Districts

      i) MXCO, Mixed Use Corridor Overlay District

      ii) TCO, Town Center Overlay District

      iii) NCO, Neighborhood Center Overlay District

      iv) AOD, Las Cruces International Airport Operations Overlay District

   c) Legacy Zoning Districts

      i) ADO, Alameda Depot Neighborhood Overlay District

      ii) LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

      iii) SMO, South Mesquite Overlay District

      iv) UD, University District Overlay District

   d) Special Zoning Districts

      i) DDC, Downtown Development Code: See **E. DDC, Downtown Development Code** for applicable standards and procedures.

      ii) Historic Preservation District: See **Chapter 35. Historic Preservation** for applicable standards and procedures.

      iii) Planned Unit Developments (Error! **Reference source not found.**s): See **Sec. 36-5.D. Planned Unit Developments (Error! Reference source not found.**s) for applicable standards and procedures.

2. Zoning Map

   For the purpose of this Code, the City shall be divided into zoning districts, which shall be shown on the official Zoning Map.

3. Interpretation and Extension of District Boundaries

   Where uncertainty exists concerning the boundaries of any zoning district shown on the Zoning Map, the ordinance creating or changing a zoning district boundary shall be the governing document. The following rules shall apply if there is still uncertainty after reviewing the creating ordinance:

   a) Boundaries shall be construed as the centerline of existing, future, or vacated streets, highways, railroads, alleys, drainage or irrigation canals, other public rights-of-way, or un-zoned rights-of-way. The boundary extension of any zoning district shall be a projection of the property line and/or zoning district boundary line to the centerline of any applicable right-of-way centerline, regardless of the angle of intersection.

   b) Where property has been subdivided into blocks and lots, the boundaries shall be construed to be the lot line.

   c) Where property is not otherwise designated, divided, or subdivided, the boundary line shall be determined by the scaled distance shown on the Zoning Map.

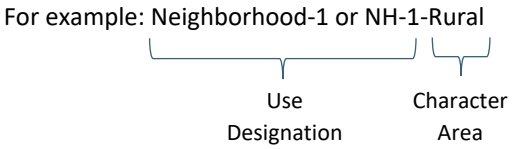
B. Zoning Districts

1. Generally

   a) This section establishes zoning districts based on predominant use types. Each zoning district includes different permitted uses, as shown in **Figure 36-3-2. Permitted Use Chart**.

   b) These zoning districts include Character Areas. The purpose of the Character Areas is to implement the Comprehensive Plan's Future Development Map's Place Classifications: Rural, Suburban, and Urban. Each character area includes standards relating to site design, building form, and development character.

   c) Each zoning district includes both a use designation (e.g., "NH-1") and character area (e.g., "Rural"). This approach creates a menu of regulatory tools that both allows flexibility and promotes context-sensitive development.



2. Character Areas

a) Rural Character Area

The Rural Character Area describes land that is sparsely developed with significant areas of open space, including lands used for ranching, agriculture, or resource extraction. Rural places include lower-density residential development that offers residents relative seclusion from a more developed setting supported by public infrastructure. Substantial investment in public infrastructure to service more intense development patterns is not expected.

Figure 36-2-1. Rural Character Area Example Illustrations

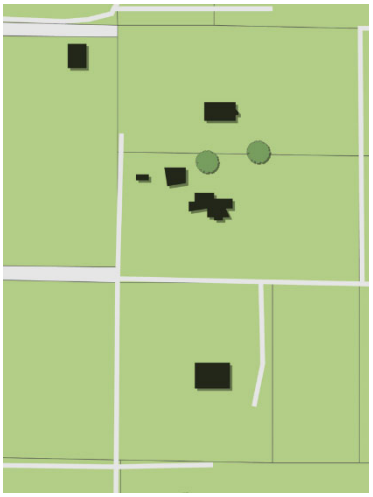
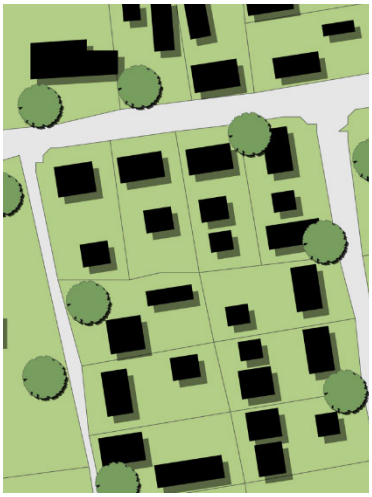
NH-1-Rural	NH-2-Rural	NH-3-Rural
		
Low-intensity areas with large lots and primarily residential development	Low-intensity areas with large lots and residential development with compatible-scale neighborhood services	Low-intensity areas with large lots and a mix of residential and nonresidential development

Figure 36-2-2. Rural Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

b) Suburban Character Area

The Suburban Character Area describes areas of contemporary development where land uses are dispersed among distinct residential neighborhoods, retail centers, office parks, and industrial uses. While development intensities may vary, suburban places favor segmented land uses with transitions between development types over the blending of differing uses in a single site. This character area may also support urban development patterns. These areas balance the needs of drivers, pedestrians, bicyclists, and other multi-modal users.

Figure 36-2-3. Suburban Character Area Example Illustrations

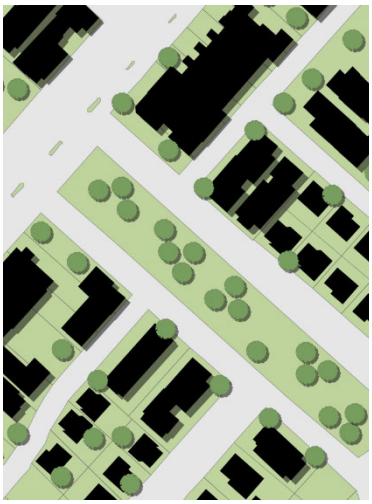
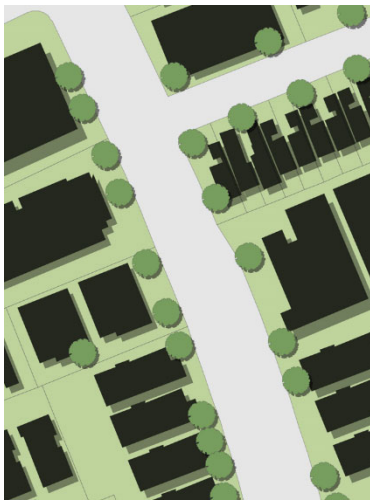
NH-1-Suburban	NH-2-Suburban	NH-3-Suburban
		
Mid-intensity, suburban areas with primarily residential development	Mid-intensity, suburban areas with compatible-scale neighborhood services	Mid-intensity, suburban areas with a mix of residential and nonresidential development

Figure 36-2-4. Suburban Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Character Area-Specific Standard: No more than 50 percent of off-street parking may be located between the front facade and the public right-of-way. Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

c) Urban Character Area

The Urban Character Area describes areas including traditional downtowns and medium- to high-density center-city neighborhoods. Urban places blend a wide variety of land uses within individual districts, development sites, and buildings to promote compact development and walkable environments. These areas prioritize pedestrians, bicyclists, and other multi-modal users.

Figure 36-2-5. Urban Character Area Example Illustrations

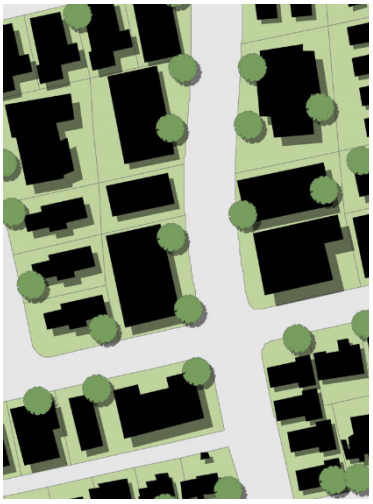
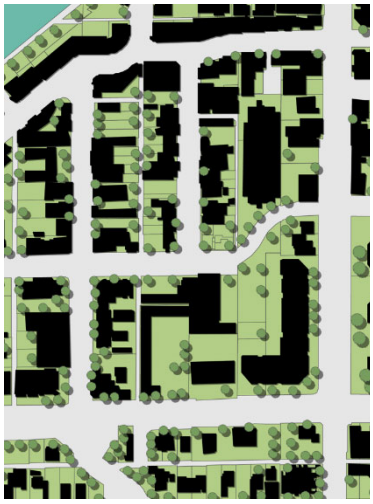
NH-1-Urban	NH-2-Urban	NH-3-Urban
		
Highest-intensity neighborhoods with primarily residential development	Highest-intensity neighborhoods with compatible-scale neighborhood services	Highest-intensity neighborhoods with a mix of residential and nonresidential development

Figure 36-2-6. Urban Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Character Area-Specific Standard: No off-street parking may be located between the front facade and the public right-of-way. Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

3. NH-1, Neighborhood 1 District (Rural, Suburban, Urban)

The NH-1 District supports areas primarily used for housing, offering housing options that vary in intensity and density based on the character of the area. These options include low-density detached homes, mid-density options like cottage courts and townhomes, and high-density apartment and condominium developments. While nonresidential development is limited, the district offers a mix of neighborhood services and public and semi-public uses such as parks, schools, and places of worship to provide basic amenities and services to the community.

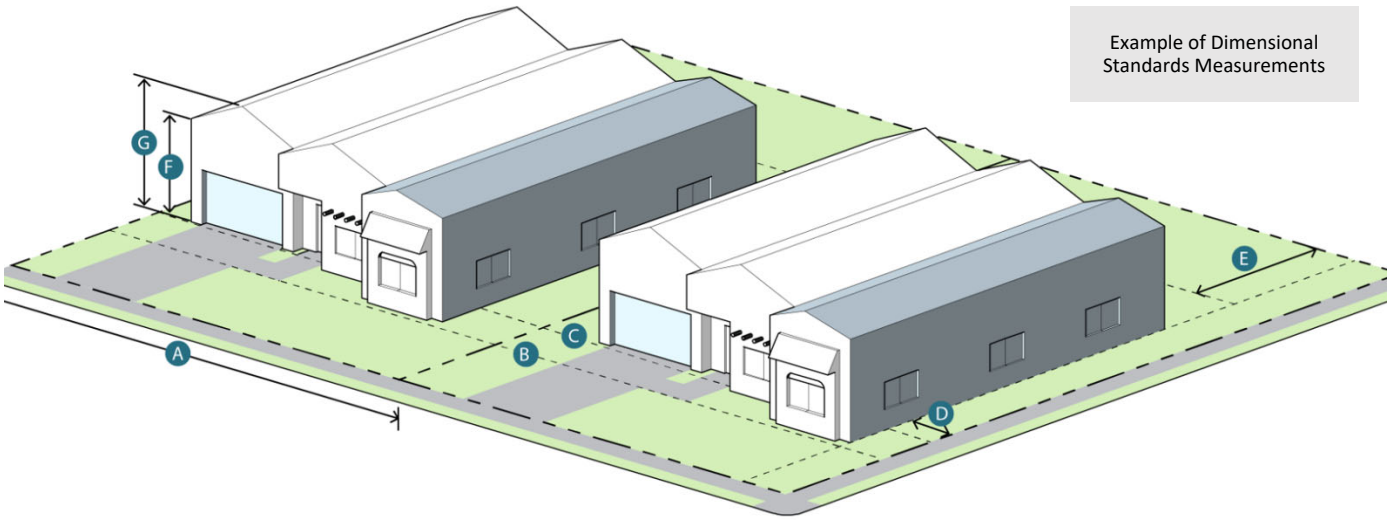


Figure 36-2-7. NH-1 Density, Dimensions, and Primary Building Design Standards

		NH-1-Rural	NH-1-Suburban	NH-1-Urban
	DENSITY			
	Residential Density (Max.)[1]	1 **Error! Reference source not found.**	16 **Error! Reference source not found.**	40 **Error! Reference source not found.**
	DIMENSIONS			
A	Lot Width (Min.)	70’	40’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors Locals	N/A	N/A	 15’ 12’
D	Side Setback (Min.)	15’	5’	0’
E	Rear Setback (Min.)	25’	15’	5’ *minimum separation of 10' for buildings on adjacent properties
	Secondary Front Setback (Min.)	20’	12’	5’ *out of clear site triangle
F	Ground Floor Height (Min.)	N/A	N/A	; 12’ min for buildings with 3+ stories
G	Building Height (Max.)	40’	50’	70’

	NH-1-Rural	NH-1-Suburban	NH-1-Urban
Garage Front Setback (Min.)	20’	20’	15’
Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.

[1]Excludes accessory dwellings.

[2]At least 50% of the front facade shall be located in front of the Build-To Lineor a designated area that is to remain active or passive open space along the front.

4. NH-2, Neighborhood 2 District (Rural, Suburban, Urban)

   The NH-2 District includes a harmonious mix of well-integrated and compatible land uses that seamlessly blend together. Conveniently located neighborhood services support a vibrant living experience, with both vertical and horizontal mixed use development. This district is designed to enable people to live, work, and play in a cohesive environment.

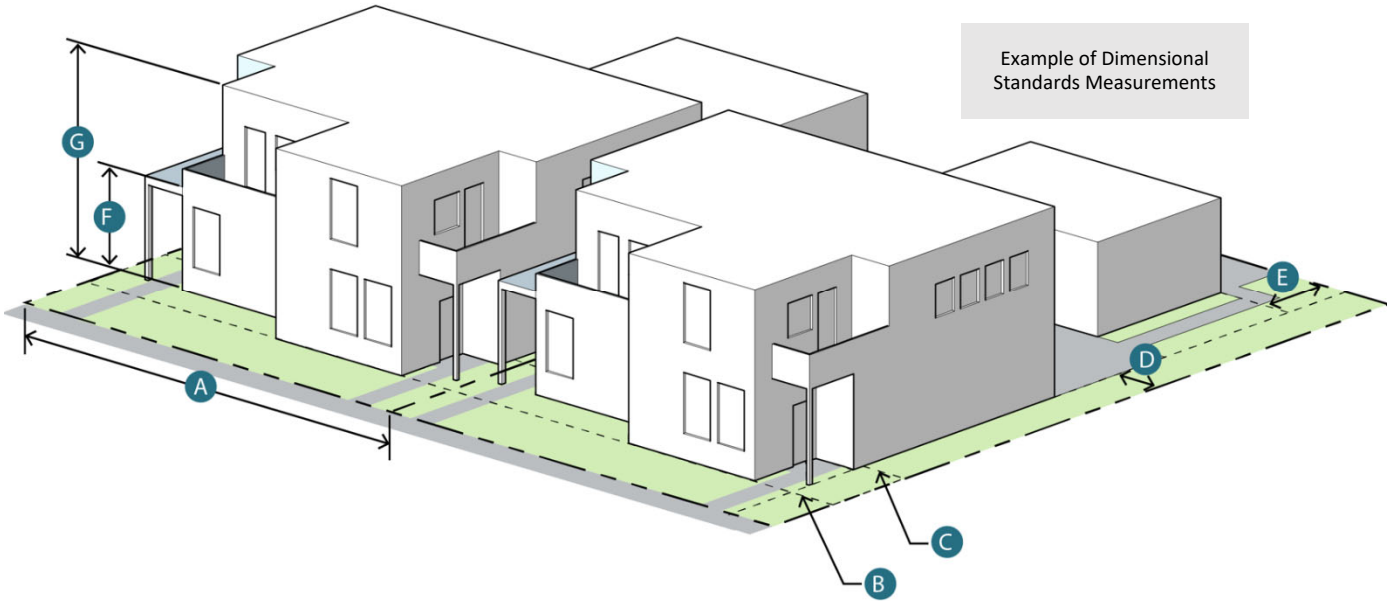


Figure 36-2-8. NH-2 Density, Dimensions, and Primary Building Design Standards

		NH-2-Rural	NH-2-Suburban	NH-2-Urban
DENSITY				
	Residential Density (Max.)[1]	2 **Error! Reference source not found.**	24 **Error! Reference source not found.**	50 **Error! Reference source not found.**
DIMENSIONS				
A	Lot Width (Min.)	60’	35’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors Locals	N/A	N/A	 15’ 12’
D	Side Setback (Min.)	15’	5’	0’
E	Rear Setback (Min.)	25’	15’	5’ *minimum separation of 10' for buildings on adjacent properties
	Secondary Front Setback (Min.)	20’	12’	5’ *out of clear site triangle
F	Ground Floor Height (Min.)	N/A	N/A	12’ min for buildings with 3+ stories
G	Building Height (Max.)	40’	50’	70’
	Garage Front Setback (Min.)	20’	20’	15’
	Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		

	NH-2-Rural	NH-2-Suburban	NH-2-Urban
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.

[1]Excludes accessory dwellings.

[2]At least 75% of the front facade shall be located in front of the Build-To Line . or a designated area that is to remain active or passive open space along the front.

5. NH-3, Neighborhood 3 District (Rural, Suburban, Urban)

   The NH-3 District is a transitional zone between residential and nonresidential areas that promotes interconnectivity and walkability within the district while ensuring compatibility with adjacent districts. Development intensity may vary throughout the site; the lowest intensities (e.g., larger lot size, increased setback, reduced height, residential uses) should be placed adjacent to a NH-1 or NH-2 District to ensure compatibility. Vertical mixed-use, retail, commercial, and office uses are appropriate in this district when appropriately integrated with nearby residential uses, ensuring that they complement and do not negatively impact the residential character of the adjacent districts. Intensive uses such as heavy commercial, industrial, and outdoor storage are not appropriate in this district.



Figure 36-2-9. NH-3 Density, Dimensions, and Building Design Standards

		NH-3-Rural	NH-3-Suburban	NH-3-Urban
DENSITY				
	Residential Density (Max.)[1]	4 **Error! Reference source not found.**	30 **Error! Reference source not found.**	60 **Error! Reference source not found.**
DIMENSIONS				
A	Lot Width (Min.)	50’	30’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors, Locals	N/A	N/A	 15’ 12’

	NH-3-Rural	NH-3-Suburban	NH-3-Urban
E Side Setback (Min.)	15’	5’	0’
F Rear Setback (Min.)	20’	10’	5’ *minimum separation of 10' for buildings on adjacent properties
Secondary Front Setback (Min.)	15’	12’	5’ *out of clear site triangle
G Ground Floor Height (Min.)	N/A	N/A	12’ min for buildings with 3+ stories
H Building Height (Max.)	40’	50’	70’
Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.
Garage	20’	20’	15’

[1]Excludes accessory dwellings.

[2]At least 75% of the front facade shall be located between the Build-To Line . or a designated area that is to remain active or passive open space along the front.

6. CR, Commercial/Retail District (Rural, Suburban, Urban)

   The CR, Commercial/Retail District (Rural, Suburban, Urban) provides a wide range of commercial uses at various scales to serve residents and attract regional customers. This district specifically:

   a) Accommodates commercial, retail, office, and related nonresidential uses.

   b) Provides a system of convenient pedestrian and bicycle facilities to ensure connectivity between parking, adjacent streets, and all on-site facilities.

   c) Utilizes landscape areas of water-wise plantings along site frontages, within parking areas, and adjacent to public gathering areas to create aesthetically appealing commercial development.

   d) Mitigates intensive commercial development impacts through green infrastructure design, including xeriscaping and bioretention features.

   e) Promotes commercial development that manages vehicular access through consolidated curb cuts, cross-access easements, and driveway throat length.

   f) Provides uniform architectural styles and design features to foster holistic, attractive commercial development.

   g) Includes design standards for nonresidential buildings that fit the character of the surrounding community.

7. LI, Light Industrial District (Rural, Suburban, Urban)

   The LI, Light Industrial District (Rural, Suburban, Urban) provides for light industrial uses within a business/industrial park setting. Development intensity is low, with a focus on high-quality design and amenities. This district encourages uses that accommodate light industrial activities with secondary limited retail and service uses. This district specifically:

   a) Encourages industrial development in areas not directly adjacent to neighborhoods.

   b) Promotes industrial development to take direct access from Freeways, Principal Arterial, or Minor Arterial thoroughfares.

   c) Locates allowed land uses away from sensitive environmental areas.

8. HI, Heavy Industrial District (Rural, Suburban, Urban)

   The HI, Heavy Industrial District (Rural, Suburban, Urban) provides for the development of intensive industrial uses that generate significant development impacts. This district does not support secondary retail and commercial uses. This district specifically:

   a) Locates industrial development away from neighborhoods and commercial developments.

   b) Requires industrial development to take direct access from Freeways or Principal Arterial thoroughfares.

   c) Locates allowed land uses away from sensitive environmental areas.

9. OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)

   a) The OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) is intended to preserve, protect, and enhance areas set aside for parks, recreation, and open space. This district specifically:

      i) Allows both public and private lands to serve as areas providing passive recreational opportunities in a natural setting.

      ii) Protects, preserves, and/or restores natural resources and open spaces such as areas of undisturbed native vegetation, arroyos, and major land features when development within these areas would be detrimental to the health, safety, and general welfare of City residents.

      iii) Establishes buffer areas that are aimed at mitigating issues involving potentially incompatible land uses.

b) Application of the OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) to private land requires the express written consent of the property owner(s).

10. OS-2, Open Space-Drainage District (Rural, Suburban, Urban)

The OS-2, Open Space-Drainage District (Rural, Suburban, Urban) is intended to provide for drainage areas or facilities, typically owned by or dedicated to the City.

Figure 36-2-10. Dimensional Standards

	CR	LI	HI	OS-1	OS-2
LOT STANDARDS					
Lot Width (Min.)	60’	60’	60’	N/A	N/A
Lot Depth (Min.)	70’	70’	70’	N/A	N/A
PRIMARY BUILDING SETBACKS					
Front (Min.)	15’	15’	15’	N/A	N/A
Side (Min.)	0’	0’	0’	N/A	N/A
Rear (Min.)	0’	0’	0’	N/A	N/A
Rear – Alley (Min.)	15’	0’	0’	N/A	N/A
BUILDING STANDARDS					
Building Height (Max.)	60’	60’	60’	N/A	N/A

Note: Zero lot line development shall meet all adopted building and fire codes.

C. Overlay Zoning Districts

1. Overlay Zoning Districts

   As overlay districts, these standards apply in addition to a base zoning district's standards unless otherwise stated. The following is a list of the overlay zoning districts described in this subsection:

   a) MXCO, Mixed Use Corridor Overlay District

   b) TCO, Town Center Overlay District

   c) NCO, Neighborhood Center Overlay District

   d) AOD, Las Cruces International Airport Operations Overlay District

2. MXCO, Mixed Use Corridor Overlay District

   The MXCO is intended to implement the Comprehensive Plan's Mixed Use Corridor Place Type Overlay. Mixed Use Corridors support a mix of residential and nonresidential land uses along roadway or trail corridors. Mixed Use Corridors mimic the built environment of a central business district or other mixed-use activity center by combining residential and nonresidential land uses within buildings or on shared parcels but arranges such uses in a linear manner along established thoroughfares. Land uses are prescribed by the underlying base district; however, typical land uses include retail businesses, commercial services, professional offices, multi-family residential, and limited single-family residential.

   In addition to the uses permitted in the underlying base district by **Sec. 36-3.B. Use Classifications and Use-Based Standards**, the following uses are permitted by-right in the MXCO:

   a) Multi-Family Dwelling (if Multi-Family Dwelling is not permitted in the base district, then density shall be based on NH-3)

   The MXCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. Within the MXCO, an applicant may choose to combine the MXCO with the NCO to achieve more flexible standards. A property owner may request to become part of the MXCO if the property is adjacent to the existing overlay.

3. TCO, Town Center Overlay District

   The TCO is intended to implement the Comprehensive Plan's Town Center Place Type Overlay. Town Centers include a mix of residential and nonresidential land uses that collectively create a vibrant and walkable activity center. Town Centers support institutional, cultural, employment, shopping, and entertainment uses while also providing high-density residential living options to create an energized environment to live, work, and play. Land uses are prescribed by the underlying base district; however, typical land uses include retail businesses, commercial services, professional offices, multi-family residential, and limited single-family residential.

   The TCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. A property owner may request to become part of the TCO if the property is adjacent to the existing overlay.

4. NCO, Neighborhood Center Overlay District

   The NCO is intended to implement the Comprehensive Plan's Neighborhood Center Place Type Overlay. Neighborhood Centers include a mix of residential and nonresidential land uses that provide nodes of community activity for surrounding residential neighborhoods. These walkable activity centers provide local employment, shopping, and entertainment opportunities. Neighborhood Centers are located at key neighborhood intersections, and can be used to provide a transition between single-family residential neighborhoods and areas of higher development intensity.

   Only the following uses are permitted in the NCO, including any use-based standards established by **Sec. 36-3.B. Use Classifications and Use-Based Standards**:

a) Walk-Up Window

b) Child Care Center

c) Community Building or Banquet Center

d) Indoor Entertainment

e) Art Studio or Instruction

f) Grocery (Local)

g) Personal Services

h) Retail Store (Local)

i) Bar

j) Cafe

k) Restaurant

l) Tap Room or Tasting Room

The NCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. A property owner may request to become part of the NCO if the property is adjacent to the existing overlay.

Figure 36-2-11. MXCO, TCO, and NCO District Density, Dimensions, and Primary Building Design Standards

	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
DENSITY			
Residential Density Range (Min./Max.)[1, 2]	75% / 150% of the base district DUA	75% / 150% of the base district DUA	N/A
DIMENSIONS			
Setbacks (Min.) Front Side Rear	 12' 0' As established by the base district	 12' 0' As established by the base district	 12' 0' As established by the base district
Front Build-To Line[3] Arterials/Collectors/Boulevards Locals/Avenues	 20' 15'	 20' 15'	 20' 15'
PRIMARY BUILDING DESIGN			
Building Height (Max.)	5 stories		Buildings shall not exceed the maximum building height of the base district by more than 15'
Facade Delineation	Changes in building elements (e.g., canopies, balconies, awnings, materials, offsets) shall delineate between adjacent buildings and storefronts and to distinguish ground-floor space from upper stories. Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels.		
Glazing of Nonresidential Facades (Min.)	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.		Ground floor front facade(s): 35% min. All other facades/floors: 20% min.
	Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent, or opaque glass is prohibited.		

	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
Architectural Elements	See **Sec. 36-4.C. Nonresidential, Mixed-Use, and Multi-Family Development**, subsection **5. Architectural Features**,		
SITE DESIGN STANDARDS			
Street Design	New development shall use the Boulevard and Avenue cross-sections (see **Sec. 38-2.C. Street Design Criteria**). Redevelopment shall incorporate principles from these cross-sections as determined by the Development Review Committee.		NCOs shall not be located on Local Streets, except at an intersection with a Boulevard, Avenue, or larger facility.
Parking	No off-street parking may be located between the front facade and the public right-of-way. See parking reduction provisions in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**.		
Pedestrian Environment	Pedestrian areas adjacent to the buildings shall incorporate features to promote a walkable environment, such as seats, benches, shade trees, awnings, and arcades. Where awnings are used, they should be metal or an equivalent durable material.		
Signs	See **Figure 38-10-5. Permitted Sign Locations and Standards** in **Sec. 38-10. Signs**.		

[1] Excludes any accessory dwellings.

[2] An applicant must pick one overlay to use. Overlays cannot overlap to compound the density bonus.

[3] At least 75% of the front facade shall be located in front of the Build-To Line.

5. AOD, Las Cruces International Airport Operations Overlay District

   a) Purpose

      The purpose of the Las Cruces International Airport Operations Overlay District is to protect the operations of the Las Cruces International Airport ("Airport") from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. Since the boundaries associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.

   b) AOD Boundary

      The boundaries of this district are shown in **Figure 36-2-12. Las Cruces International Airport Operations Overlay District (AOD)**.

   c) Restrictions

      No residential uses shall be allowed within AOD unless the following requirements are met. These requirements are necessary to mitigate the encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airport.

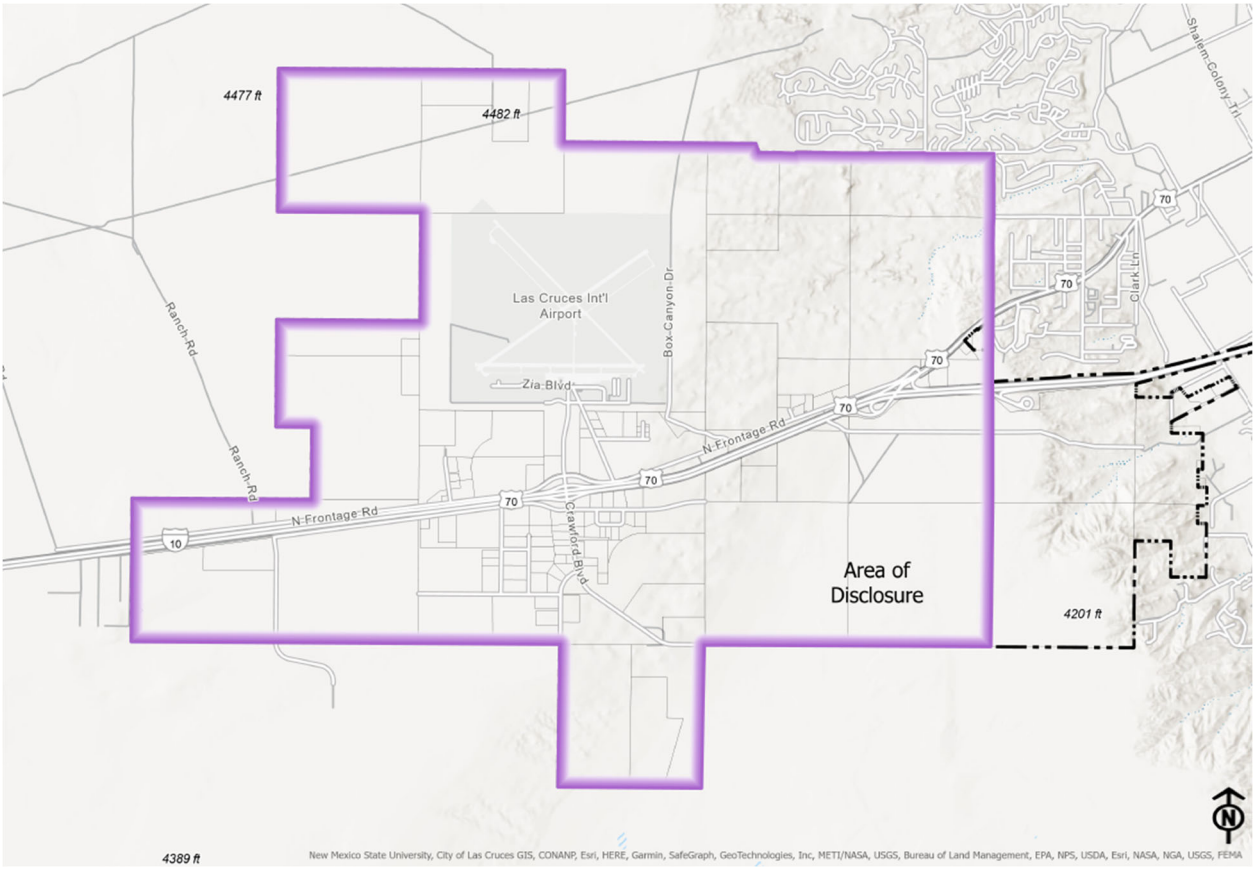
      i) No use may be made of land, water, or electrical power within any zone (includes approach, horizontal, conical, and transitional zones) in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

      ii) No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone to a height in excess of applicable height limits established by that zone (including approach, horizontal, conical, and transitional zones).

      iii) Effective on the date of this overlay approval, all land subdivisions within the area of disclosure shall require disclosure of the land's proximity to the airport by any person or entity subdividing land within this area. Disclosure of this information shall be required on the final subdivision plat to be recorded with the County Clerk’s Office.

   d) Development Process. Development within the area of disclosure shall be subject to review and approval by the Airport Manager and shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended. The Airport Manager shall distribute the approved plans to the appropriate entity for permitting.

Figure 36-2-12. Las Cruces International Airport Operations Overlay District (AOD)



D. Legacy Zoning Districts

1. Legacy zoning districts are previously existing zoning districts that have been preserved within the Development Code but will not be applied to new land. The following is a list of the legacy zoning districts described in this subsection:

   a) ADO, Alameda Depot Neighborhood Overlay District

   b) LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

   c) SMO, South Mesquite Overlay District

   d) UD, University District Overlay District

2. ADO, Alameda Depot Neighborhood Overlay District

   a) Purpose. The Alameda Depot neighborhood, with its rich history, diverse architecture and peaceful environment, is an important part of Las Cruces life. The purpose of the Alameda Depot Neighborhood Overlay (ADO) is to implement the policies that were established in the Alameda Depot Neighborhood Plan. As it is impacted by changes in downtown and surrounding neighborhoods, residents and property owners want to protect the characteristics that make the Alameda Depot neighborhood special. Specific provisions in this overlay provide greater flexibility for historic properties and address such things as such as setbacks, land uses, parking and changes to structures that predate the creation of development standards. The Alameda Depot Overlay contains a state historic district and a national historic district, but the neighborhood has not been designated a local historic district, and will be exempt from any future local historic district ordinances should they be adopted by the city.

   b) Applicability.

      i) Introduction. This overlay applies to all properties within the Alameda Depot neighborhood boundaries. These properties have been categorized into six sub-areas, and have been given new zoning designations based on the distinct characteristics of each (see **c)** below). The overlay shall be used to regulate development standards, land uses, design of new streets, new buildings, and new public spaces.

      ii) Terms. The provisions of this overlay are activated by "shall" when required; "should" when recommended; and "may" when optional. Technical terms used throughout this section may be defined in **d)** below. Those terms not defined in **d)** below shall be accorded their commonly accepted meanings or as defined in **Sec. 34-5. Definitions**. In the event of conflicts between these definitions and the provisions herein stated, the Community Development Director shall have the authority pursuant to **Sec. 34-1.I. Interpretations** and **Sec. 34-1.J. Conflicting Provisions** to determine which will be imposed.

      iii) Diagrams and illustrations. Diagrams and illustrations are an integral part of this overlay and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

   c) Delineation of overlay. The Alameda Depot Overlay District shall include all properties noted on the associated map (**Figure 36-2-13**). Within the overlay, six distinct zones shall be established: ADO-1, the Alameda Corridor; ADO-2, the Griggs/Organ Corridor; ADO-3, the North and South Residential Cores; ADO-4, the Picacho Corridor; ADO-5, Amador Corridor; and ADO-6, the Railroad Corridor. Description of overlay zones:

      i) ADO-1, the Alameda Corridor: Uses in ADO-1 include single-family residential, multifamily residential, low-intensity office and commercial uses, and public/institutional uses that generate relatively little traffic or parking demand. The residential and historic character of the neighborhood shall be retained as closely as possible.

      ii) ADO-2, the Griggs/Organ Corridor: Uses in ADO-2 include single-family residential, multifamily residential, low-intensity office and commercial uses, and public/institutional uses that generate relatively little traffic or parking demand. The residential and historic character of the neighborhood shall be retained as closely as possible.

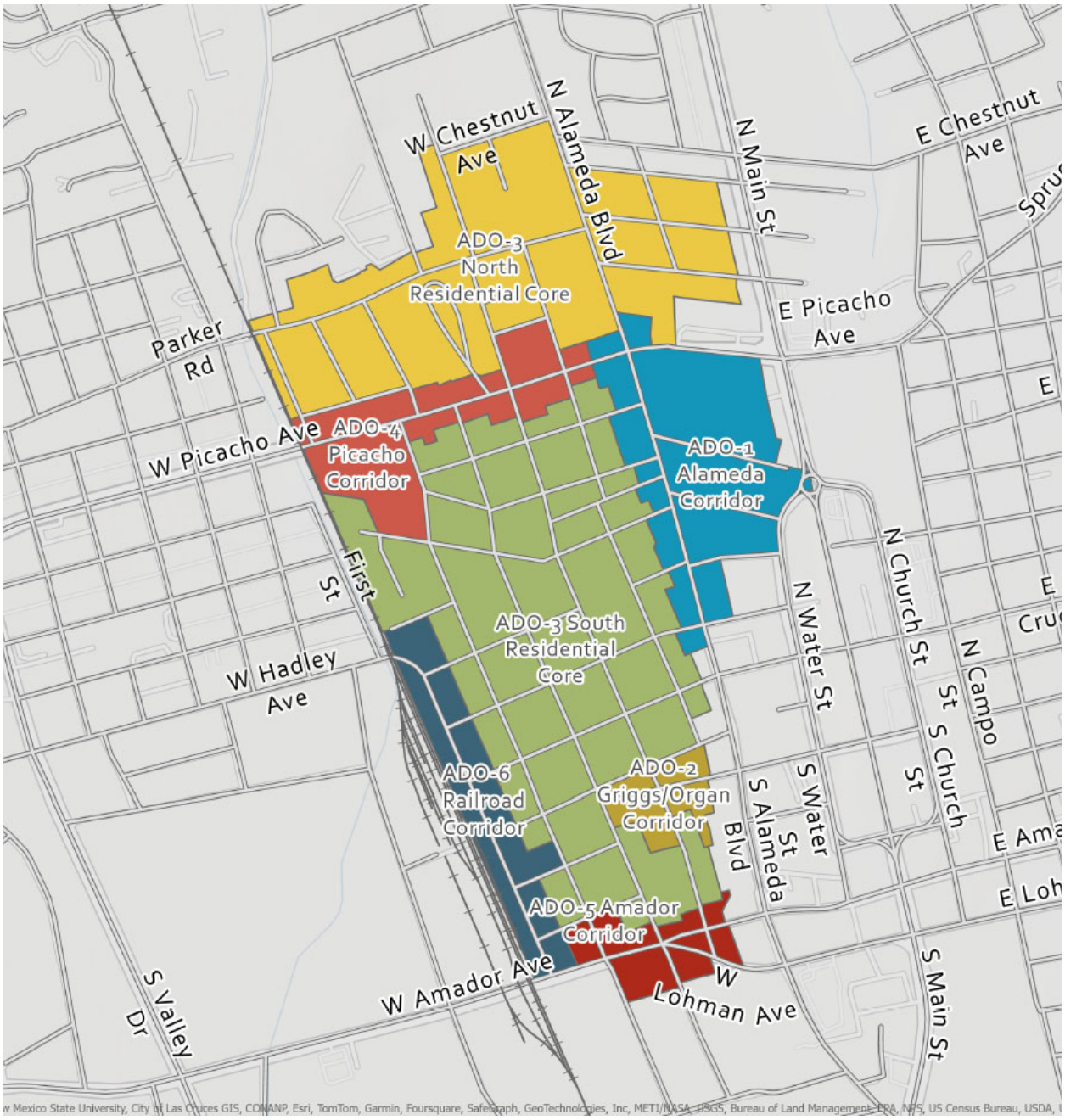
iii) ADO-3 the North and South Residential Cores: ADO-3, the Residential Core, is intended to accommodate primarily detached single-family dwelling units, with or without secondary residences, to maintain and protect a low-density residential character of development, and to maintain the historic appearance of this central area of the neighborhood as closely as possible.

iv) ADO-4, the Picacho Corridor: Uses in ADO-4 include single-family residential, multifamily residential, and low- and medium-intensity office and commercial uses. The residential and historic character of the neighborhood shall be retained as closely as possible. All office and commercial uses are intended to serve as transition zones between higher-intensity uses on Picacho Avenue and the predominantly residential uses of the neighborhood.

v) ADO-5, Amador Corridor: Uses in ADO-5 include single-family residential, multifamily residential, and low- and medium-intensity office and commercial uses. The residential and historic character of the neighborhood shall be retained as closely as possible. All office and commercial uses are intended to serve as transition zones between higher intensity uses on Amador Avenue and adjacent to the DDC, Downtown Development Code and the predominantly residential uses of the neighborhood.

vi) ADO-6, the Railroad Corridor: ADO-6, the Mesilla Street/Railroad Track Corridor, is intended to exist as a mixed-use environment allowing low-intensity manufacturing, low- and medium-intensity office and commercial, and limited residential uses. Residential uses must be part of a mixed-use development. Residential uses existing at the time of adoption of this overlay that are not a part of a mixed-use development are considered legally nonconforming, and shall adhere to the nonconforming use provisions stated below in **h)** below, with the exception of **h)i)a** below. These uses are not subject to the one-year vacancy limit.

Figure 36-2-13. Alameda Depot Overlay (ADO) Boundaries



d) Definitions. Definitions are in addition to those noted in **Sec. 34-5. Definitions**:

Accessory dwelling unit: A self-contained living quarter containing independent kitchen (cooking/culinary) facilities attached to and under the same roof as the main dwelling, created by: The conversion of an existing single-family dwelling; or the addition to an existing single-family dwelling; or the incorporation of applicable areas into a new single-family dwelling design which is subsequently constructed. (also see #19 Accessory Dwelling in **Sec. 36-3.B**).

Accessory use or structure: A subordinate use or structure, the use of which is incidental to and customarily found in connection with the principal dwelling on the same property. Examples: Gazebo, greenhouse, tool shed, detached garage, guest dwelling, swimming pool, tennis court, barn, and flagpole (also see **Sec. 36-4.B.2 Accessory Structures**).

Brew-pub: A brew-pub is a microbrewery that serves food or is combined with a pub. A microbrewery, or craft brewery, is a brewery that produces a limited amount of beer. The maximum amount of beer a brewery can produce and still be classed as a microbrewery in New Mexico is less than or equal to 200,000 barrels a year, according to the New Mexico Alcohol and Gaming Division.

Downtown Development Code (DDC)): All properties with zoning designation of DDC, Downtown Development Code.

Compatible: Capable of existing together in harmony. Parts of a whole that work well together when pieced together.

Consistent: That which is similar to, or nearly the same.

Contributing property: A property, structure, or object that adds to the historical integrity or architectural qualities that make the historic area significant. In general, a contributing property is key to a historic district's historic associations, historic architectural qualities, or archaeological qualities. (A list of contributing properties in the Alameda Depot Neighborhood Overlay is available from the community development department.)

Demolition: An act that destroys or removes in whole or in part of the exterior of a building or structure on a property.

Dwelling, above ground floor: Dwelling unit(s) located above ground floor office or commercial uses.

Facade: Any exterior wall of a structure.

Guest dwelling: A detached or attached dwelling to be used for temporary occupancy only and is not to be rented or leased. A guest dwelling shall be no more than 50 percent of the main dwelling's heated/cooled square footage and shall not contain a kitchen (also see #19 Accessory Dwelling in **Sec. 36-3.B**).

Historic: Structures/buildings deemed historic are those listed as contributing on the federal and/or state historic registers.

Historic district: Area in which historic buildings and their settings are protected by public review. Historic districts comprise the city's significant historic and architectural resources. Inclusion in a historic district signifies that a property contributes to an ensemble that is worth protecting by virtue of its historic importance or architectural quality.

LCMC: Most current edition of the Las Cruces Municipal Code.

Live/work unit: A building that may be used flexibly for living and working in the same building. A variety of uses in the buildings is encouraged. Dwelling units may be located above the ground floor, attached to the rear of a shop front, or detached and located in the rear or side yard. Work is of a commercial nature subject to business registration requirements and not a home occupation.

Manufactured home: A manufactured or modular home that is a single-family dwelling with a heated area of at least 36 feet by 24 feet and at least 864 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing

Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the regulations made pursuant to that Act. (#3 Manufactured Home in **Sec. 36-3.B**).

Mixed-use: For the purposes of this overlay, the term refers to the practice of allowing more than one type of land use category (i.e., residential, office, or commercial, etc.) in a single building or set of buildings located on a single parcel. Condominium maps created and filed showing distinct sub-lots on an otherwise single parcel shall be considered as a single parcel for purposes herein stated.

Mobile home: A moveable or portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes, but does not include structures built to the standards of any municipal building code and other technical codes. (#6 Mobile Home in **Sec. 36-3.B**).

National Historic District: An area that the U.S. Government designates as historically important through the U.S. Department of Interior, under the auspices of the National Park Service. Federally designated historic districts are listed on the National Register of Historic Places. The Alameda Depot Neighborhood Overlay contains a National Historic District.

Outdoor plaza or space: A generally open area that may be used for active or passive purposes by one or more businesses and the public visiting the location. An example may include an outdoor seating area for a cafe or restaurant, outdoor sales and service, a landscaped plaza serving as open space for patrons and visitors alike, etc.

Overlay and special zoning district: Synonymous terms used to define boundaries around an area that has a set of unique or unusual characteristics. Overlays and special zoning districts have a special purpose as defined in an accompanying plan, and may alter general residential, office, commercial or industrial zoning districts or replace them entirely.

Performing arts center: A multi-use performance facility that is intended for use by various types of the performing arts, including dance, music, and theatre.

Secondary residence: A dwelling unit that is subordinate in size and location to the main dwelling on a single property, and may be rented or leased as an independent dwelling unit. A secondary residence is different from a guest dwelling or accessory structure in that it is distinct dwelling unit containing a kitchen. Examples include a traditional guest house, apartment, cottage, or converted garage.

State historic district: An area that is designated by the state as historically important and which follows criteria similar to the federal standards. State listings can have similar benefits to federal designation, such as qualification for grants and tax incentives. Designation of a district is through a review process at the state historic preservation office. New Mexico's Register of Historic Places lists districts and individual properties. The Alameda Depot Neighborhood Overlay contains a state historic district.

Step-back: In buildings with multiple stories, a reduction in the footprint of each level located successively farther from the ground. Step-backs prevent a "canyon effect," which deprives neighboring properties of sun light, and ensure that streets and yards are provided adequate light and air. In addition, they create articulation and a sense of vertical rhythm in the architecture. The space created by a step-back may be used for terraces, gardens, outdoor seating, etc.

Structure: That which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

Traditional guest house: A type of secondary residence with kitchen facilities found in the Alameda Depot neighborhood as a result of adaptive reuse of existing structures on the same parcel as the primary dwelling. Historically, these units were converted from nonresidential uses, such as a coach house.

e) Permitted uses.

i) Land uses in ADO-1, the Alameda Corridor; ADO-2, the Griggs/Organ Corridor; ADO-4, the Picacho Corridor; ADO-5, Amador Corridor; and ADO-6, the Railroad Corridor shall follow **Figure 36-2-14. ADO Permitted Use Chart** below.

ii) Uses in ADO-3, the North and South Residential Cores, shall be in accordance with the underlying zoning as designated in **Figure 36-3-2. Permitted Use Chart**.

iii) Land use definitions. Unless otherwise stated, land uses are as follows:

a. *Residential:* Low- and medium-density residential uses in the Alameda Depot Neighborhood Overlay are intended to accommodate single-family site built/manufactured dwelling units, including patio homes and townhouses, and multifamily dwellings up to 20 per acre, with no more than four attached units each.

b. *Low-intensity office:* These office uses are small-scale and provide low-intensity service activities. No goods or merchandise are prepared or sold on the premises with the exception of those activities that serve the primary use. Access to streets that are a major local or higher designation is recommended.

c. *Low-intensity commercial:* Low-intensity commercial uses are those that generate small-scale retail and service activities within a neighborhood area.

d. *Medium-intensity commercial*: Medium-intensity commercial areas facilitate and encourage development of those uses that provide retail and service activities as a convenience to the general public.

e. *Public/institutional:* These are uses dedicated to public or nonprofit service, such as schools, religious institutions, government and quasi-governmental agencies, libraries, etc.

f. *Low-intensity industrial:* Low-intensity industrial uses are those that accommodate a wide variety of light manufacturing, commercial, processing, storage, packaging, compounding, wholesaling and distribution operations. Such uses shall be constructed and operated to ensure that there is: 1) no activity producing noise, glare, or heat observable or measurable outside the building; 2) no emission of objectionable dust, fumes, odors, vapors, gases, smoke, or other forms of air pollution; 3) no vibration which is discernible beyond the property lines to the human sense of feeling for three minutes or more duration in any one hour of a day.

Figure 36-2-14. ADO Permitted Use Chart

a) RESIDENTIAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Assisted Living or Retirement Facility	C	C	NP	Use shall be located on a collector or higher designated roadway.
Bed and Breakfast	C	C	NP	See #64 Bed and Breakfast in **Sec. 36-3.B**
Boarding House	A	A	NP	
Dwelling Unit, including: Accessory Dwelling Unit Apartments Detached Site Built Single Family DU (incl. manufactured homes) Duplex, Triplex, etc. Dwelling, Live-Work Guest Dwelling Patio Homes Townhouse (Attached Single Family DU) Secondary Residences	A	A	C	In ADO-6, residential uses are intended to be multi-family and must be part of a live/work or multi-use development project. Project must be no more than 50% residential.
Fraternity/Sorority House	A	A	NP	
Halfway House	S	S	NP	
Home for Disabled	A	A	NP	

a) RESIDENTIAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Nursing Home	C	C	NP	Use shall be located on a collector or higher designated roadway.
Temporary/Homeless Shelter	A	A	NP	
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

b) RESIDENTIAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Accessory Uses & Structures	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
Greenhouse (Noncommercial), Garden Shed, Tool Shed	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
Recreational Court, Tennis, etc., Private	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

c) RECREATIONAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Health/Exercise Club/Gymnasium/Sports Institution	NP	A	A	
Park	A	A	A	
Recreational Court, Tennis, etc., Public	A	A	A	
Skating Rink	NP	A	NP	
Swimming Pool, Commercial or Public	C	C	C	See #71 Outdoor Entertainment in **Sec. 36-3.B**
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

d) INSTITUTIONAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Child Care: Family Child Care Home (5—6 children)	C	C	C	See #37 Child Care Home (≤6) in **Sec. 36-3.B**
Child Care: Group Child Care Home (7—12 children)	C	C	C	See #38 Group Child Care Home (7-12) in **Sec. 36-3.B**
Child Care: Child Care Center or Preschool (over 12 children)	NP	S	S	See #36 Child Care Center in **Sec. 36-3.B**
Community Buildings	C	C	NP	
Convention Center/Exhibition Hall	A	A	NP	
Institutional Office (incl. quasi-governmental)	A	A	A	
Library/Museum	C	C	C	
Religious Institution w/Columbarium	C	C	C	See #43 Cemetery or Columbarium in **Sec. 36-3.B**
School (K-12) Public, Private, Parochial	C	C	NP	See #39 School (K-8)40School (9-12) in **Sec. 36-3.B**
School, College or University	C	C	NP	See #41 School (College or University) in **Sec. 36-3.B**
School, Commercial, Trade or Technical	C	C	C	See #42 School (Commercial, Trade, or Technical) in **Sec. 36-3.B**

d) INSTITUTIONAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Theatre, Performing Arts	NP	C	C	Use shall be located on a collector or higher designated roadway.
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

e) OFFICE & COMMERCIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Art Studio	C	C	C	Retail activity is limited to 25% of the gross floor area in ADO-1 and ADO-2, and 50% in ADO-4, ADO-5 and ADO-6.
Bank, Bonding & Financial Institution (No Drive-Thru)	A	A	A	
Eating and Drinking Establishments (Cafe, Cafeteria, Coffee Shop, Restaurant; Bar, Pub, Tavern (No Dancing); Brewpub; etc.)	C	A	A	No drive-thru permitted.
Equipment (Large) Repair & Service (Non-Vehicular)	NP	C	C	No outside storage of parts, materials. or equipment is permitted.
Equipment Rental	NP	C	C	No outside storage of parts, materials, or equipment is permitted.
Gas Station	NP	A	A	
General Office and Service (Accounting, Auditing & Bookkeeping; Architectural, Contracting, Engineering, Planning & Surveying; Photo Studio; Barber/Beauty/Hair Salon & Related Personal Care; Cleaning & Maid Services; Consulting Services; Counseling Services; Credit Reporting & Collection; Desktop Publishing & Graphic Design; Funeral Home; Insurance; Laboratory; Legal Services; Lessons (Art, Dance, Music, etc.); Mailing & Stenographic Services; Medical/Dental Office; Motion Picture Production; Real Estate; Research Organization, Noncommercial; Tax Preparation; and other similar Business Offices.)	A	A	A	
General Retail & Commercial (Bicycle Sales, Service and Repair; Building Materials; Delicatessen, Carpet/Window Treatments; Clothing Store; Convenience Store; Department Store; Produce/Meat Market; Grocery Store; Hardware Store w/out outdoor sales or storage; Furniture Store; Garden Supply; Home Furnishings; Laundry/Dry Cleaning Services; Liquor Store; Pawn Shop; Pharmacy; Photography Studio; Plant Nursery; Specialty Foods such as bakeries, confectionaries, etc.; Specialty Store such as books, music, toys, etc.; Variety Store; Video/DVD Rental/Sales; and other typical small-scale Commercial establishments.)	A	A	A	
Health Care Clinic (Non-Hospital)	NP	A	A	
Hotel/Motel/Youth Hostel	NP	A	A	
Petroleum/Propane Sales	NP	C	C	Use shall be screened with an opaque buffer or screen meeting current Fire Code standards. Also see #124 Hazardous Chemical Manufacturing or Storage in **Sec. 36-3.B**.
Private Club or Lodge	NP	A	A	
Radio/TV Studio/Station	NP	A	A	
Seasonal Sales, Non-temporary (Fireworks, Agricultural Produce, Snowcone Stand, Firewood Sales, etc.)	C	C	C	All structure locations shall meet all applicable setback requirements. If sited on property where other uses exist, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking area. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.

e) OFFICE & COMMERCIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
				See also #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**.
Small Item Repair Shop	C	C	C	No outdoor storage of parts, materials, or equipment is permitted.
Telemarketing/Mail Order/Call Center	NP	C	C	No warehousing or distribution is permitted
Temporary (Non-Seasonal)	C	C	C	See #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**.
Theater, Movie	NP	A	A	
Theater, Performing Arts	NP	C	C	Uses shall be located on a collector or higher designated roadway.
Upholstery Shop	C	C	C	No outdoor storage of parts, materials, or equipment is permitted.
Vehicle Sales/Service/Rental/Repair (incl. body shop, parts stores, repair & service, wash/wax/detailing (self- or full-service), sales, rental, campers, tire sales/repair, etc.)	NP	C	C	No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment permitted.
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

f) INDUSTRIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Above Ground Storage Tanks for Flammable & Combustible Liquids and LP Gas	NP	NP	C	See #124 Hazardous Chemical Manufacturing or Storage in **Sec. 36-3.B**.
Cab Stand	NP	NP	A	
Cabinetry and Woodworking	NP	NP	A	
Communication/Vertical Structures	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**
Contractor's yard (general, plumbing, mechanical, and others of a similar nature)	NP	NP	C	All storage outside of buildings shall be enclosed with an opaque screen
Face Mount (attached to primary use)	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**
Jewelry, Silverware & Plated Ware	NP	NP	A	
Laboratories (Medical/Dental/R & D)	NP	NP	A	
Manufacturing, Low-Intensity	NP	NP	A	See **Sec. 36-2.D.2.d)** above
Ministorage Units	NP	NP	A	
Musical Instrument Fabrication/Manufacture	NP	NP	A	
Parking Facilities, Commercial (Garages & Public Parking Lots	NP	NP	A	
Printing and Publishing	NP	NP	A	
Railroad Terminal	NP	NP	A	
Signs & Advertising Fabrication/Manufacture	NP	NP	A	
Storage/Display of Merchandise for Sale (except Manufactured buildings, mobile homes & operable cars, trucks, motorcycles & RVs)	NP	NP	C	Outdoor display is permitted and is required to be enclosed behind a solid wall or solid fence no less than 6 feet in height.
Storage outside of buildings of materials, equipment, and supplies not for sale	NP	NP	C	All outdoor storage shall be enclosed with a Type A screen.
Storage, warehousing accessory to Office, Retail, Service, or Industry	NP	NP	C	All outdoor storage shall be enclosed with a Type A screen.
Utility Installation, Public/Private	C	C	C	See #53 Public Utilities (Major) and #54 Public Utilities (Minor) in **Sec. 36-3.B**
Water Purification, Commercial	NP	NP	A	

f) INDUSTRIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Wholesale Trade, any product	NP	NP	A	
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

f) Development standards. There shall be no development or alteration of the lands, uses, or structures within the overlay zone district except as provided for by this section from the date of its enactment and other sections of the City Zoning Code and other City codes and ordinances where applicable. Development requirements and permitted uses shall be established for the entire overlay zoning district, as follows (unless otherwise indicated):

1. PLACEMENT OF PRIMARY STRUCTURES—RESIDENTIAL	
Lot Area/Size	Minimum: 3500 square feet Maximum: Not to exceed size of largest existing lot on both sides of the same block. Applications for replats that would result in a larger lot size will be considered on a case by case basis.
Minimum Lot Width/Frontage	40 feet
Minimum Lot Depth	70 feet
Front Setback	Within the range of primary building setbacks on both sides of the same block.
Secondary Front Setback	5 feet
Side Setback	Minimum: 5 feet • Setback may be zero only if there is an existing structure on the same property with a zero setback. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback	Minimum: 10 feet • Setback may be less than 10 feet only if there is an existing structure on the same property with a setback of less than 10 feet. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Maximum Building Height	35 feet • Proposed development adjacent to the DDC, Downtown Development Code or Picacho Avenue may obtain a 35% Flexible Development Standard approval from the Community Development Director for structures greater than 35 feet, and will be considered on a case-by-case basis. If adjacent use is single-family residential, this exception shall not apply. • For buildings greater than 2 stories, the upper stories shall be stepped back from the line of the front facade (see definitions).
Maximum # Attached Units	4
Maximum Density	20 Dwelling Units/Acre

2. PLACEMENT OF PRIMARY STRUCTURES—NONRESIDENTIAL	
Lot Area/Size	Minimum: 5,000 square feet Maximum: Not to exceed size of largest existing lot on both sides of the same block. Applications for replats that would result in a larger lot size will be considered on a case-by-case basis.
Minimum Lot Width/Frontage	60 feet
Minimum Lot Depth	70 feet
Front Setback (Incl. Secondary Front Setback)	5 feet • Setback may be less than 5 feet only if there is an existing structure on the same property with a setback of less than 5 feet. • Buildings that request a greater setback shall use that setback frontage for active or passive open space as defined herein. Under no circumstances shall outdoor sales or service activities

2. PLACEMENT OF PRIMARY STRUCTURES—NONRESIDENTIAL	
	encroach on the public right-of-way. • Awnings and entrance canopies may protrude into the setback. • Second story bay windows, porches, decorative elements, landscaping, etc. may protrude into the setback.
Side Setback	Minimum: 5 feet • Setback may be zero only if there is an existing structure on the same property with a zero setback. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback	Minimum: 10 feet • Setback may be less than 10 feet only if there is an existing structure on the same property with a setback of less than 10 feet. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Maximum Building Height	35 feet • Proposed development adjacent to the DDC, Downtown Development Code or Picacho Avenue may obtain a 35% Flexible Development Standard approval from the Community Development Director for structures greater than 35 feet, and will be considered on a case-by-case basis. If adjacent use is single-family residential, this exception shall not apply. • For buildings greater than 2 stories, the upper stories shall be stepped back from the line of the front facade (see definitions).

3. PLACEMENT OF GARAGES, SURFACE PARKING, SECONDARY RESIDENCES & ACCESSORY STRUCTURES	
Front Setback — Residential and Nonresidential	Garage (Single-Family Residential only): To maintain the historic context of buildings in the neighborhood, garages may be placed within the range of garage front setbacks on both sides of the same block. This ensures that the placement of newly constructed garages is compatible with the location of existing garages in the immediate area and is consistent with the existing integrity and character of the street frontage. If there are no garages on the block to provide a range, the garage setback will be 25 feet. Other: No closer than the rear facade of the primary building(s), 40 feet, or at least 50% of the lot depth, whichever is less.
Secondary Front Setback — Residential and Nonresidential	Surface Parking: 8 feet Other: 10 feet
Side Setback — Residential and Nonresidential	A setback is not required. • No encroachment into ROW permitted. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback — Residential and Nonresidential	A setback is not required. • No encroachment into ROW permitted. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
At the minimum, all setbacks shall meet clear sight triangle requirements, and where applicable, encroachment agreements must be entered into. Variances to clear sight triangle will be considered by the public works department.	

g) Property alteration, remodel, or renovation.

i) Purpose. Property alterations, remodels or renovation standards are established for this district to maintain consistent quality for all development and may be used for the purpose of adaptive re-use of the structure. For the purposes of this section, exterior remodel, renovation, or alteration shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in roof lines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically. Normal maintenance activities, as verified by the Building Official, are exempt from this provision.

ii) Minor modifications. In most cases, expansion and/or modifications to a property must comply with the development standards of the Alameda Depot Neighborhood Overlay. However, if, through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development, an exception may be made. In no case shall a minor modification/expansion:

a. Equal or exceed a cumulative total of 15 percent of the gross floor area; or

b. Equal or exceed a cumulative total of $25,000.00 in valuation; or

c. Impact parking or landscape requirements.

iii) Any proposal meeting one or more of the above criteria shall not be considered as a minor addition and/or modification, and shall, therefore, be subject to normal review and consideration afforded development in the overlay and may be subject to nonconforming provisions that follow. The applicant must provide estimates for the cost of labor as a means of ensuring compliance with the valuation criteria. Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted. All other nonconforming use requirements are subject to **Sec. 36-5.G. Nonconformities**.

h) Nonconforming uses, structures, and property. Nonconforming uses, structures and property that legally existed at the time of adoption of this overlay shall be considered legal nonconforming, and shall comply with the nonconforming use provisions found below.

i) Land uses that were legally in place at the time of adoption of this overlay and remain legal uses may continue to the extent the subject regulations allowed, but shall be required to come into compliance with current overlay standards when the following provisions take place:

a. The property remains vacant for a period of one continuous year or greater; or

b. Land use. A change in use occurs on the property that results in the alteration of the use intensity, e.g., low volume retail to high volume retail; use orientation, e.g., service to retail; or density, e.g., eight dwelling units to 15 dwelling units; or change in occupancy type from the building code perspective; or

c. Right-of-way or lighting. When nonconforming features regarding access from the right-of-way or lighting are involved, these features shall be brought into compliance with current standards when any one-time or cumulative increase of 15 percent or greater to the gross square footage of building area occurs; or

d. Signage, landscaping, walls or parking. When nonconforming features regarding signage, landscaping, walls or parking are involved, these features shall be brought into compliance with current standards when any one-time or cumulative increase of 25 percent or greater to the gross square footage of building area occurs; or

e. Development standards. Any noncompliant issues pertaining to setbacks, number of attached units and/or maximum density of existing development shall be brought into compliance with overlay standards to the extent possible. A nonconforming certificate may be issued based on appropriate documentation. Determination of the extent of compliance shall rest with the Community Development Director. Compliance with these matters shall not be triggered when a certificate has been issued as appropriate.

ii) Legal uses that existed prior to ordinance adoption (2010) that become a prohibited use with adoption may be allowed to continue to exist and may expand or enlarge (either one-time or cumulative increase) not more than 50 percent in gross square footage of lot or building area, provided that:

a. The property has not remained vacant for a period of one continuous year or greater; or

b. A change in use has not occurred on the property which results in the alteration of the use intensity (e.g., low volume retail to high volume retail); or use orientation (e.g., service to retail).

iii) Exceptions. Regarding any of the above, any one-time or cumulative increase of less than 15 percent to the gross square footage of building area may take place without requiring compliance to any nonconforming element associated with the property. Exceptions to this provision include those matters the city requires compliance on for purposes of meeting health, safety, and welfare concerns.

i) The Development Review Committee shall review applications for other Flexible Development Standards not specifically outlined herein based on requirements cited in **Sec. 34-3.E**.

j) Parking requirements.

Community Development Department staff shall review plans for adherence to parking requirements. Parking requirements shall follow **Sec. 38-2.N. Off-Street Parking**, with the exceptions stated below:		
1.	Parking Ranges	Parking requirements for automobiles and bicycles are set for land uses in each zone, as noted in **Sec. 36-3.A. Permitted Uses**. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Community Development Director.
2.	Off-street Parking Location	Parking areas for nonresidential and multifamily uses shall be located to the side or back of the subject property and screened or buffered when visible from the street. (See subsequent section below, "Landscape requirement, planting for parking lots.")
3.	Adjustments in Required On-Site Parking Spaces	The following provisions are methods to reduce the number of required on-site parking spaces. Any combination of the following options may be used, but in no event shall the reduction amount to more than 50% of the total requirement. The minimum number of parking stalls required is two. These provisions may not be utilized for required accessible parking spaces. a. **Flexible Development Standards.** Applicant may utilize "Tier 1" Flexible Development Standards (**Sec. 34-3.E**) to reduce the number of required on-site parking spaces by up to 25%. Requests to utilize this option shall be evaluated on a case-by-case basis by the Community Development Director. Applicant may utilize this option in combination with other parking reduction options. b. **On-street Parking.** In areas where the city has determined that on-street parking is permissible, this parking may be used for up to 25% of the required parking. On-street parking shall be permitted on all local roadways or as deemed appropriate through a traffic analysis conducted and/or approved by the Public Works Director. c. **Shared Off-street Parking Areas.** Multi-dwelling and nonresidential uses are encouraged to seek shared parking agreements with other multi-dwelling and nonresidential uses on nearby properties. In general, shared parking agreements shall follow criteria found in **Sec. 38-2.N.4.c)ii) Shared and Joint Use of Parking Areas**. Properties within one-fourth mile, as measured along the street network and pedestrian right-of-way, may be considered when determining how parking demand will be met. d. For properties in the Alameda Depot Neighborhood Overlay that are listed as "significant" or "contributing" on the state or National Register of Historic Places and are utilized for office or commercial purposes, it is possible to allow exceptions to the number of on-site parking spaces required in exchange for the improvement or maintenance of the subject property in terms of the building and/or landscaping. e. Other methods to reduce the total number of parking spaces will be considered on a case-by-case basis by the Community Development Director. These provisions follow **Sec. 38-2.N.4.c) Off-Street Parking Alternatives and Reductions**. They include: • Adding more bicycle parking • Adding more landscaping • Building a parking structure • Arranging tandem parking stalls • Providing bus stop or bus shelter at bus stops within one-fourth mile
4.	Walkways	In parking lots larger than one acre or equal to or greater than 200 feet wide, walkways within the lot shall link perimeter sidewalks to primary building entrances.
5.	Prohibited Parking	All vehicles are to be parked along designated streets, in designated driveway or parking areas only. Parking on front lawns and/or landscaped areas shall be prohibited.
6.	Dimensions and ADA Standards	All standards for parking dimensional and ADA requirements for all development within the district shall be consistent with **Sec. 38-2.N. Off-Street Parking**.
7.	Driveways	Driveways width shall comply with city design standards.

k) Landscape requirements. The abundance of mature shade trees in the Alameda Depot neighborhood contributes to the distinct character of the area. Landscape requirements are intended to protect this verdant landscape through the careful selection of plants and the implementation of water conservation principles. Community development department staff shall review landscape plans for adherence to the landscape requirements. Landscaping shall follow **Sec. 38-7. Landscaping** with the following exceptions and specifications:

i) Applicability*:* Landscaping standards apply to all new development and redevelopment in the ADO with the exception of properties that are occupied by single-family residences and duplexes. Where conflict in regulation exists, the provisions of this section shall supersede other landscaping requirements within the Municipal Code.

ii) Areas to be landscaped: The required area to be landscaped is equal to a minimum of 25 percent of the entire parcel area, excluding the main building area. Landscape consists of native or drought-tolerant species of both overstory (shade and coniferous trees) and understory plantings (ornamental trees, shrubs, cacti and perennial grasses, groundcovers and flowers).

iii) Landscape shall be defined as:

a. A minimum of one two-inch caliper tree, 15 five-gallon shrubs and either five one-gallon shrubs or 50 square feet of groundcover plants shall be installed per each 500 square feet of provided landscape area.

b. All plant materials shall be species native to the Chihuahuan Desert or adapted to our climate and to the location of the Alameda Depot neighborhood in the valley. This is not to say that the landscape plan needs to adhere to "zero-scaping." Rather, plants should be chosen that will survive and thrive in the local climate. Appropriate species include, but are not limited to, those in the following table. It is recommended that the applicant consult with a professional landscape architect or the Dona Ana County Master Gardeners regarding appropriate plant selection.

TREES	SHRUBS	GROUNDCOVER
Arizona Ash Arizona Cypress Arizona Mesquite Canyon Hackberry Chinese Pistache Desert Willow Italian Cypress Lacebark Elm Palo Verde Pecan Pines Southern Live Oak Texas Honey Mesquite Texas Red Oak Sycamore Western Hackberry	Euonymus Juniper Pyracantha Sages (Texas, Chihuahuan, Desert, Cherry, Russian) Silverberry Spanish Broom	Bermuda TIFF, various Vinca Horizontal Juniper Trailing Rosemary Iceplant Creeping Thyme Powis Castle Artemesia Dalea capitata Clover Fern

c. All landscape planting should serve to enhance the architectural value of the building, ground the building in the site, create a pleasant and attractive environment for pedestrians, and mitigate environmental conditions such as excess heat, strong winds, and air pollution.

d. Trees shall include shade-producing trees that achieve a mature size of at least 25 feet high and 25 feet spread and ornamental trees that have particular features such as spring blooms, fall foliage color, or bark characteristics.

e. Shrubs shall include a mix of deciduous and evergreen plants.

f. Groundcovers shall serve to prevent soil erosion, provide color, and create an oasis feeling.

iv) Installation. The irrigation system and landscaping shall be installed before the completion of building construction and prior to the issuance of a certificate of occupancy unless a written agreement has been made with the city. Such agreements extending the time of installation will be for a maximum period of nine months, and shall be subject to temporary certificate of occupancy provisions and fees.

v) Planting for parking lots. All new construction and adaptive reuse of properties shall require planted parking areas. Landscaping in parking areas shall follow **Sec. 38-7.D.5. Parking Lot Landscaping** with the following exceptions or specifications:

a. One tree shall be planted for every five parking spaces within parking lots as they pertain to the uses listed for each area.

b. Trees may be located between the parking lot and the building, or within the parking lot itself. In the event that the landscaped area is between the building and the lot, the area shall be no less than eight feet in width.

c. In the event that the parking area is compliant with development standards above and remains adjacent to public right-of-way, there shall be a landscape buffer no less than eight feet wide between the building and the sidewalk or street. The buffer strip shall consist of shade trees and low shrubs or perennial flowers, which may count toward the landscape requirement specified above.

d. Trees in parking lots shall be located in an island or planter in which the tree trunks, at mature size, shall be protected from motor vehicles. Islands and planters shall be a minimum of six feet wide, have a minimum area of 36 square feet and a raised border of at least four inches in height.

vi) Property owners wishing to install landscaping in City right-of-way (for example, parkways or medians) shall first complete a maintenance and liability agreement with the Public Works Department, with the understanding that liability and maintenance shall be property owner's responsibility.

vii) In the event that a tree in City right-of-way must be removed in order to maintain or replace sidewalks, the regulations found in the Municipal Code Chapter 26, Article II, Division 2. Repair and Replacement of Sidewalks, shall be followed.

l) Walls and fences.

i) Existing fences within the district shall remain in place so long as they conform to the standards stated herein. Increases in structure height, length, or configuration shall require full compliance with fencing/wall requirements.

ii) Historic structures. On properties with contributing structures listed on the state or National Historic Register, new walls or fencing should complement or be in keeping with the style of the structure to the greatest extent possible demolition, removal or alteration of existing historic fences, walls, retaining walls, and steps is discouraged.

iii) Fences, walls, and hedges facing the street shall adhere to clear sight triangle regulations (see **Sec. 38-2.H. Clear Sight Triangle**).

iv) Fences, walls, and hedges that are within the rear and side yards shall be limited to a height of eight feet.

v) Retaining walls shall be designed in a manner limiting their height to what is absolutely necessary for the retaining purpose intended.

vi) All other provisions regarding walls and fences not noted herein shall follow those found in **Sec. 38-8. Fencing, Screening, and Buffering**.

m) Signs. All signage shall be of suitable materials and design so as to be compatible with the architecture of the structure and the residential character of the neighborhood. Sign permit applications shall be submitted for approval to the community development department in accordance **Sec. 38-10. Signs**, unless specified below.

i) Freestanding signs.

a. Ground signs shall be the only freestanding sign allowed within the ADO, and shall be no greater than 24 square feet in size and four feet in height. One sign per lot shall be permitted.

b. Freestanding signs are not permitted on parcels used for residential purposes, except for a development identification sign.

c. Ground signs may be illuminated, and shall follow regulations stated in **Sec. 38-9. Outdoor Lighting**.

d. Properties developed as business centers shall conform to the following:

i. A property containing a business center sign may not have additional freestanding signs, except for temporary signage, which shall follow **Sec. 38-10. Signs**.

e. Ground signs shall be placed at least five feet from the outside edge of the right-of-way, and at least five feet from adjacent property lines and not within the clear sight triangle as defined by **Sec. 38-2.H. Clear Sight Triangle**.

f. Freestanding multi-use development directory signs are not permitted.

ii) Attached signs.

a. Wall signs:

i. One square foot of signage for each linear foot of exterior wall space, not to exceed 50 square feet per wall.

ii. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign.

iii. Window and projecting signage shall be considered types of wall signs.

b. Home-occupation or live-work uses in residential areas shall be allowed one non-illuminated attached sign no greater than four square feet in size. Freestanding signs shall not be permitted for home-occupation or live-work uses.

c. Projecting signage:

i. Projecting signs shall be considered double-faced signs with each sign face of equal size. Only one side shall be used to determine the square footage.

ii. Projecting signs shall not exceed six square feet in sign face area.

iii. Only one projecting sign shall be allowed per business per street frontage.

iv. Only ground floor commercial businesses shall be permitted to utilize projecting signs.

v. Projecting signs must clear walkable areas by at least eight feet as measured from the bottom of the sign to grade and may project no more than four feet from the building or closer than two feet to the sidewalk, whichever is less.

vi. Projecting signs shall be installed at right angles to a building front.

d. Window signs:

i. There shall be no more than one permanent window sign per window.

ii. Neon signs displayed indoors constitute permanent window signs. Only one neon sign shall be permitted per business facade.

iii. The total coverage of all permanent, neon, and temporary window signs shall not exceed 25 percent of the total glass area of the window.

iii) Prohibited signs*:* The following signs are prohibited in the Alameda Depot Neighborhood Overlay:

a. Variable electronic message display boards, whether temporary or permanent.

b. Portable and pole signs, whether temporary or permanent.

c. Permanent banners.

d. Pennants, streamers, and other fluttering devices, whether temporary or permanent.

e. Real estate, construction, contractor and "coming soon" signs over 12 square feet in area or over five feet tall.

f. Billboards.

g. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

iv) Temporary signs*:* Temporary signs shall follow provisions found in **Sec. 38-10. Signs**.

n) Demolition. To preserve any contributing structure listed on the historic register (state or national) in the Alameda Depot Neighborhood Overlay, this section creates a 60-day demolition permit review process that allows time for interested parties to explore alternatives to the demolition of historic structures. Demolition for all other structures shall follow section 30-491 of the LCMC.

i) Demolition permit. Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. Community Development Department staff will review the application for compliance with the LCMC. A proposal for redevelopment of the property must accompany the permit application.

ii) Posting. At the beginning of the 60-day demolition permit review process, the Community Development Department will issue a sign that is to be posted in a conspicuous place on the property. The applicant is responsible for posting the sign and ensuring that it is in place for the entire 60-day period.

iii) At the beginning of the 60-day demolition permit review process, the Community Development Department will inform the neighborhood associations, the New Mexico State Historic Preservation Office (SHPO) and the Dona Ana Historical Society that a demolition permit has been applied for.

iv) A demolition permit shall be issued upon the completion of the following items: 1) the completion of the 60-day period; and 2) the application meets all City Code requirements and has been approved by the Community Development Department staff. (The applicant may use the 60-day time period to resolve any necessary Code compliance comments.) The permit application may be withdrawn by the applicant at anytime without charge.

v) Prior to the demolition of a historic structure, the applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

a. Complete the Historic Cultural Property Inventory (HCPI) forms 1 and 2, available in the Community Development Department and online at:

b. Photograph the historic property: Take several exterior photos of the structure to be demolished (front, rear, sides, close-up views, details, setting, etc.). Photo processing, printing and labeling shall follow the protocol established on the National Register Photo Policy Fact Sheet, available in the Community Development Department and online at:
http://www.nps.gov/history/nr/publications/guidance/Photo_Policy_final.pdf

c. If measured drawings done by the Historic American Building Survey exist, the owner should annotate the drawings, showing changes to the property, interior and exterior, that have occurred up to the current date.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

e. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

vi) Compliance with the procedure set out in this section is not required if it is determined by the City of Las Cruces that the immediate demolition of a historic structure is in the best interest of public health, safety and welfare. The applicant shall be responsible for documenting the structure in accordance with the procedure above to fully demonstrate the need for demolition and to provide a historic record of the structure. In the event that entering the structure would pose a threat to the health, safety and welfare of the documenter, interior photos are not required. This documentation must accompany the memo of determination for demolition by the building official prior to the issuance of a demolition permit.

o) Land use/zone change requests. To request a land use that is not permitted in the current district follow the process outlined in **Sec. 36-5.A. Zoning Map Amendments** to request a conditional zone change .

p) Submittal and review process. The following submittal and review procedures are established for all new development to protect persons and property in the Alameda Depot Neighborhood Overlay. The applicant shall submit at minimum, one copy of all application materials to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

i) Buildings/structures. Prior to the filing of an application for development and/or signs, a pre-application conference with Community Development Department staff to review the proposal is strongly encouraged.

ii) Subdivisions. For submittal and review of subdivisions, refer to **Sec. 37-2. Subdivision Procedures**.

iii) Signs. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with **Sec. 38-10. Signs** and **g)** above.

iv) Numerical deviations to the requirements of **Sec. 38-2.H. Clear Sight Triangle** shall be considered, reviewed, and denied or approved by the Public Works Director.

q) Appeals. Any aggrieved person who is affected by a decision of an administrative official, commission, committee, or board in the enforcement of the Alameda Depot Neighborhood Overlay may appeal such decision in accordance with **Sec. 34-3.F. Appeals**.

r) Enforcement of overlay zone district. Provisions to enforce this section shall be consistent with the enforcement provisions of **Sec. 34-1.H. Violations and Enforcement**.

3. LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

a) Purpose

The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

b) Applicability of Industrial Park Overlay Zone District boundaries

The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in **Figure 36-2-16. LCIIP Zoning Designations** below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in **Figure 36-2-16. LCIIP Zoning Designations**. The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

c) Land Use Districts

As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

d) Land Use Framework

i) The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities.

ii) The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in **Figure 36-2-15. LCIIP Overlay Zone & Districts**, breaks the Park down into four districts:

a. Value added agriculture;

b. Manufacturing/warehousing/distribution;

c. Aerospace/aviation/defense; and

d. Commercial.

iii) The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

iv) The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

v) The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

vi) The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

e) Development Process

All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

Figure 36-2-15. LCIIP Overlay Zone & Districts

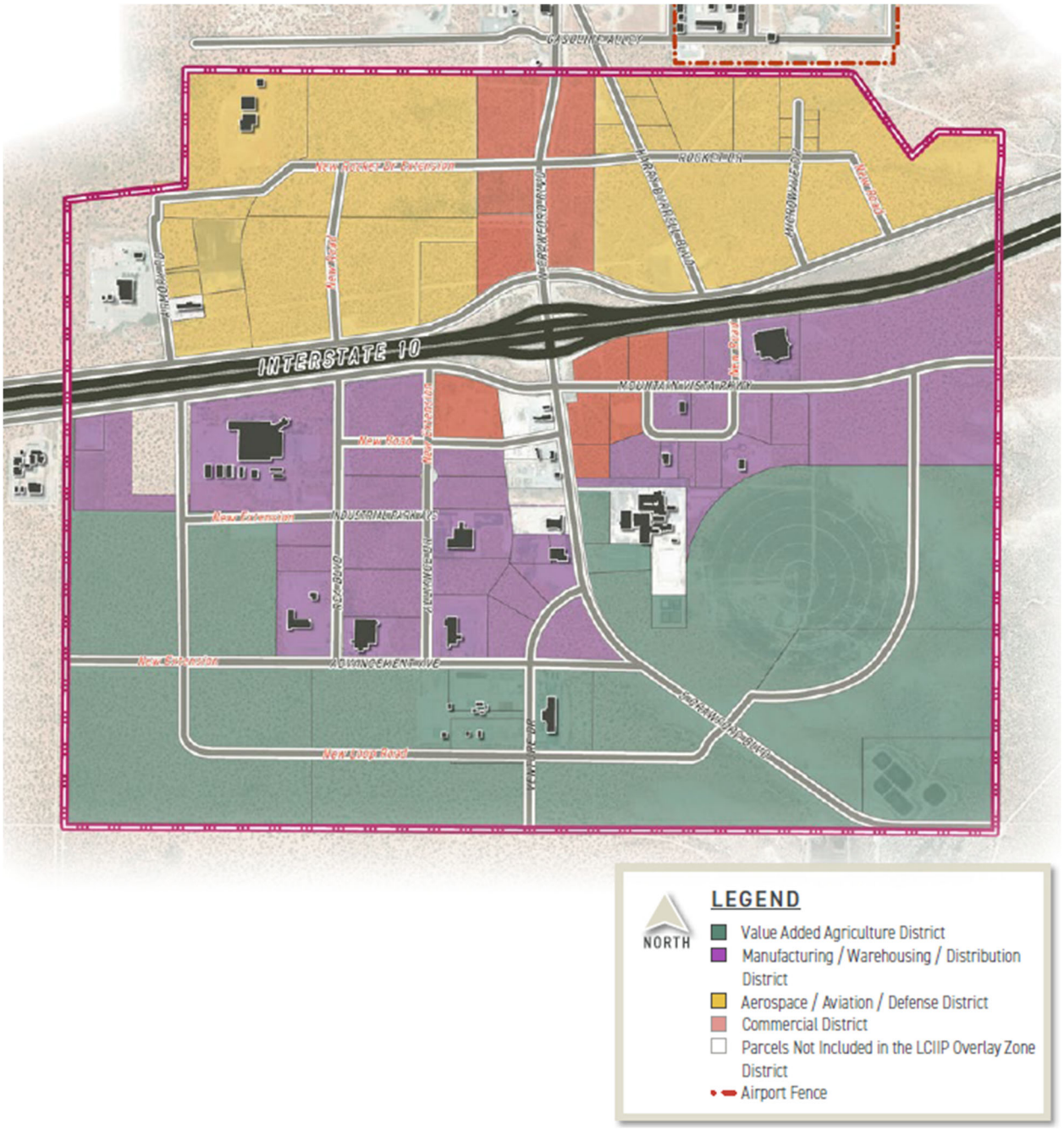


Figure 36-2-16. LCIIP Zoning Designations



f) Land Uses

Figure 36-2-17. LCIIP Use Table allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in **Figure 36-2-17. LCIIP Use Table** will be determined by the Community Development Director in consultation with the Economic Development Director.

Figure 36-2-17. LCIIP Use Table

— = Not permitted P = Permitted Use A = Accessory Use X = Existing Conditional Use Standard(s)	Commercia l	Manufacturing/ Warehousing	Aerospace/ Aviation/ Defense	Value Added Agriculture	Conditional Use
RESIDENTIAL USES					
All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category)	—	—	—	—	
CIVIC AND INSTITUTIONAL USES					
Higher Education, Vocational School	P	P	P	P	
Fire and Police Station	P	P	P	P	
Military and Law Enforcement Agency	—	P	P	P	
Parks and Open Space	P	P	P	P	
COMMERCIAL USES					
Agriculture & Animal Related					
General Agriculture	—	P	—	P	X
Small Animal Facilities	P	P	—	P	X
Food, Beverage, Entertainment & Lodging					
Brewery, Microbrewery Facilities, Tasting Rooms	P	P	—	P	X
Food, Beverage, Hotel or Motel	P	—	—	—	
Indoor Entertainment/Recreation Venues	P	—	—	—	
Nightclub and Bar	P	—	—	—	
Motor Vehicle-Related					
Freight House or Truck Terminal	—	P	P	P	
Vehicle Services	P	P	—	P	X
Offices and Commercial Services					
Offices and Research Facility	P	P	P	P	
Commercial Services and General Retail	P	—	—	—	
Construction Contractor Facility and Yard	—	P	P	P	X
Outdoor Entertainment					
Outdoor Entertainment	P	P	-	-	X
INDUSTRIAL USES					
Manufacturing, Fabrications & Assembly					
Cannabis Cultivation, Infused Products Manufacturing	—	P	—	P	X
Light Manufacturing	P	P	P	P	X
Heavy Manufacturing	—	P	P	P	X

— = Not permitted P = Permitted Use A = Accessory Use X = Existing Conditional Use Standard(s)	Commercia l	Manufacturing/ Warehousing	Aerospace/ Aviation/ Defense	Value Added Agriculture	Conditional Use
Special Manufacturing	—	P	—	P	X
Natural Resource Extraction	—	P	—	—	
Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling)	—	P	—	—	
Film and Media Production					
Film and Media Production	P	P	P	P	
Telecommunications, Towers, and Utilities					
Drainage & Major Utility, other	P	P	P	P	
Solar Energy Generation	—	—	P	P	X
Telecommunications, towers, and utilities	P	P	—	P	X
Wholesaling and Storage					
Outdoor Storage	—	P	P	P	X
Warehousing, Logistics, and Distribution	—	P	P	P	
TEMPORARY USES					
Construction Staging Area, Trailer, or Office	P	P	P	P	
Seasonal Outdoor Sales, Events	P	—	—	—	
ACCESSORY USES					
Commercial/Office Uses	A	A	A	A	X
Residential Use—Non-Primary	A	A	A	A	X
Parking Garage with/without Liner Building	A	A	A	A	
Recreational Vehicle Parking Stalls/Hook-Ups	P	—	—	—	X

i) Prohibited Uses

The following uses are prohibited:

a. All uses prohibited under FAA regulations;

b. All adult amusement establishments;

c. All residential uses, except as established under the accessory use category.

ii) Conditional Use Standards

a. Aerospace/Aviation/Defense District

i. All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.

b. Commercial Uses

i. Agriculture and Animal Related

(a) General Agriculture

(i) Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.

(ii) The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.

(b) Small Animal Facilities

(i) Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.

(ii) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

ii. Food, Beverage, Hotel or Motel

(a) Brewery and micro-brewery facilities, including tasting rooms.

(i) Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.

iii. Motor Vehicle-Related

(a) Vehicle Services

(i) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(ii) Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.

(iii) Recreational Vehicle/Parking Stalls/Hook-ups are ancillary to the primary use and cannot be a standalone land use.

iv. Offices and Commercial Services

(a) Construction Contractor Facility and Yard

(i) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

v. Outdoor Entertainment

(a) Outdoor Entertainment

(i) Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

(ii) All other outdoor entertainment uses shall include fencing or screening meeting the standards established in **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening** designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

iii) Industrial Uses

a. Manufacturing, Fabrications & Assembly

i. Cannabis cultivation, Infused Products Manufacturing

(a) This use shall comply with all New Mexico State law requirements.

ii. Light Manufacturing

(a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

(b) Incidental outdoor storage is permitted but must comply with **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(c) This use may include a sales/display room for items manufactured on the property.

iii. Heavy Manufacturing

(a) This use may be conducted outside of a building, provided the activities are screened from view according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(b) Incidental outdoor storage is permitted but must comply with **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

iv. Special Manufacturing

(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

(b) This use may be conducted outside of a building, provided the activities are screened from view according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

b. Telecommunications, Towers, and Utilities

i. Solar Energy Generation

(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

ii. Telecommunications, Towers, and Utilities

(a) This use shall comply with the City of Las Cruces Municipal Code.

c. Wholesaling and Storage

i. Outdoor Storage

(a) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

iv) Accessory Uses

a. Accessory Commercial Uses

i. In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. Accessory Residential Use—Non-Primary

i. Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

g) Administration and Enforcement

i) Applicability

The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on **Figure 36-2-15. LCIIP Overlay Zone & Districts**. City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

ii) Non-Conforming

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

i. There are two instances of non-conformance:

(a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

(b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

(c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

(d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

h) General Development Standards

i) Streets and Public Right-of-Way

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design and Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible for providing landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

ii) Dimensional Standards

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

Figure 36-2-18. LCIIP Dimensional Standards

Dimension	Minimum
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Front Setback, Minimum	25 feet
Secondary Front Setback, Minimum	25 feet
Side Yard Setback, Minimum	20 feet
Rear Setback, Minimum	25 feet
Building Height, Maximum	100 feet

iii) Site Layout

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

b. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

c. Outdoor lighting shall follow the regulations provided in **Sec. 38-9. Outdoor Lighting**.

d. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

e. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

iv) Parking

a. Accessible parking shall be provided according to Federal ADA parking standards.

b. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See **Sec. 36-2.D.3.h)vi) Landscaping** for requirements.

c. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

d. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

e. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

f. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure.

g. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

h. Bike parking shall be located at the primary entrance of the primary building.

v) Architecture

a. Building Materials

i. Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

ii. Permitted materials include:

(a) Exterior plaster or stucco.

(b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

(c) Precast concrete and tilt-up wall systems.

(d) Textured, patterned and/or integrally colored cast-in-place concrete.

(e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

(f) Brick.

(g) Natural stone.

(h) Glass curtain wall systems.

iii. Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

iv. The use of reflective or shiny metallic roofs shall be prohibited.

b. Massing

i. Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

ii. Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

iii. Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

iv. Temporary or portable buildings shall be limited in use for construction purposes only.

c. Screening

i. Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

ii. All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

vi) Landscaping

a. General Provisions

i. Landscaping Calculations and Definitions

For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

Figure 36-2-19. LCIIP Required Landscaping

Lot Size	Multiplier
1.00 to 4.00 acres	12%
4.01 to 8.00 acres	10%
8.01 to 12.00 acres	8%
>= 12.01 acres	6%

ii. One-fourth of the total area required to be landscaped shall be located within the front setback area of the property.

iii. Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the

area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

iv. Passive water harvesting drainage swales shall be considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in **Figure 36-2-20. Drainage Swales**.

v. Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

(a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

(b) Swales shall capture at minimum the first flush of a storm event.

(c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

(d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

vi. For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. Plant/Landscape Materials

i. The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

ii. Living plant material shall be provided according to the following:

(a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

(b) A minimum of twenty live shrubs shall be provided for every 1,000 square feet of required landscaped area.

(c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

iii. Plant substitution is permitted following the City of Las Cruces Design Standards.

iv. Minimum plant material sizes at the time of installation shall be:

(a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

(b) Evergreen Trees—Ten-foot Minimum height.

(c) Shrubs and groundcover—One gallon minimum.

v. Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

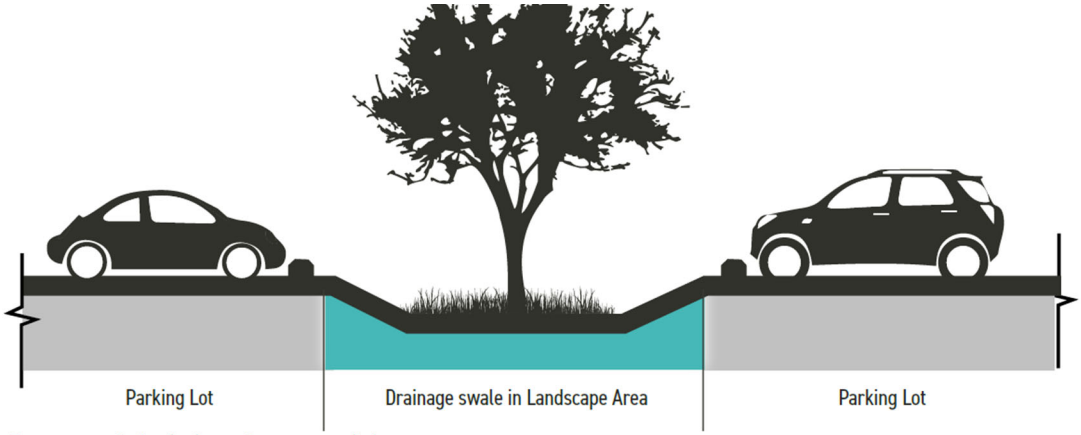
vi. Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

vii. Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

viii. All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

ix. If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

Figure 36-2-20. Drainage Swales



Conceptual depiction of one possible stormwater harvesting feature in parking lot.

c. Off-Street Parking Lots

i. Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

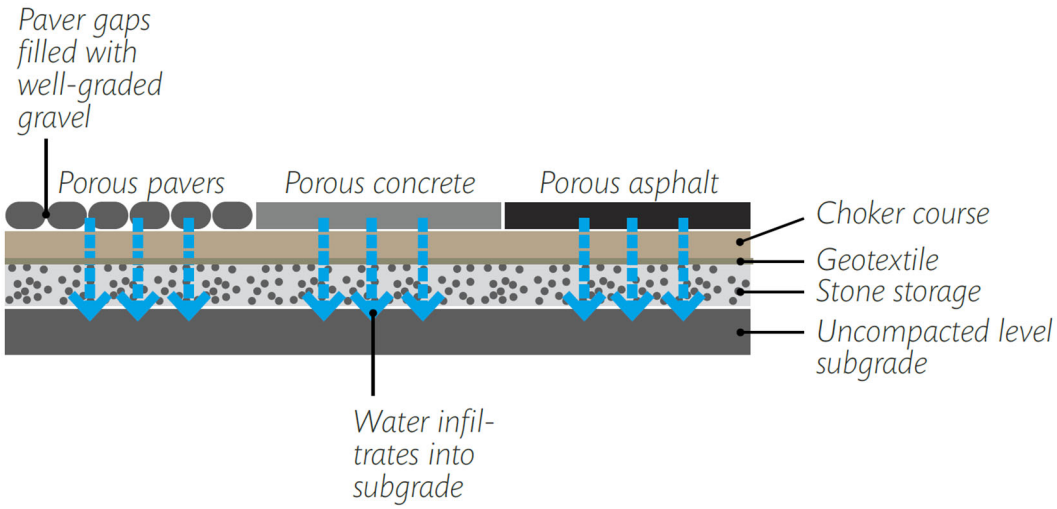
ii. The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

iii. In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

iv. Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

v. Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

Figure 36-2-21. Porous Surface with Typical Features



vii) Walls, Fences, and Screening

a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in **Figure 36-2-22. Maximum Wall Height** and illustrated in **Figure 36-2-23. Wall Height**.

Figure 36-2-22. Maximum Wall Height

Location	*Maximum Height*
Within required primary front yard setback	8'
Within secondary front yard setback	10'
Within tertiary front yard setback	10'
Within required side yard setback	10'
Within required rear yard setback	10'
Within the clear sight triangle at the intersections of streets and driveways	3'

Figure 36-2-23. Wall Height

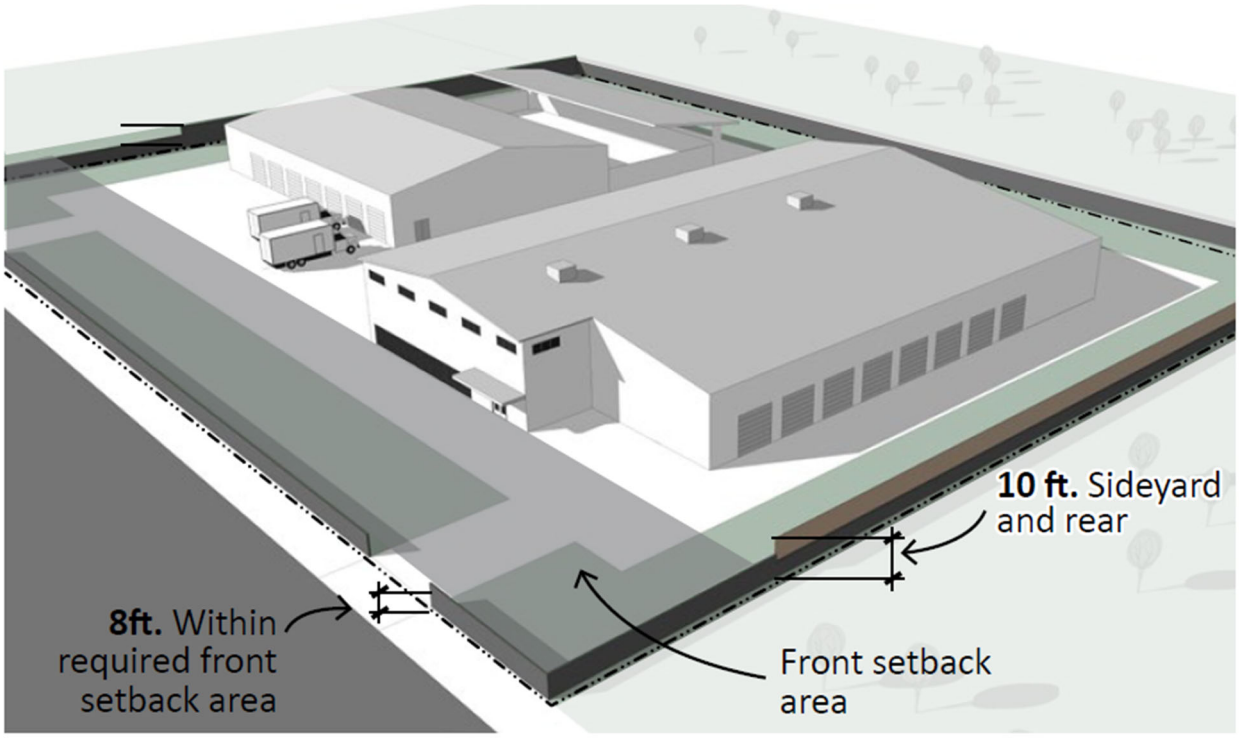
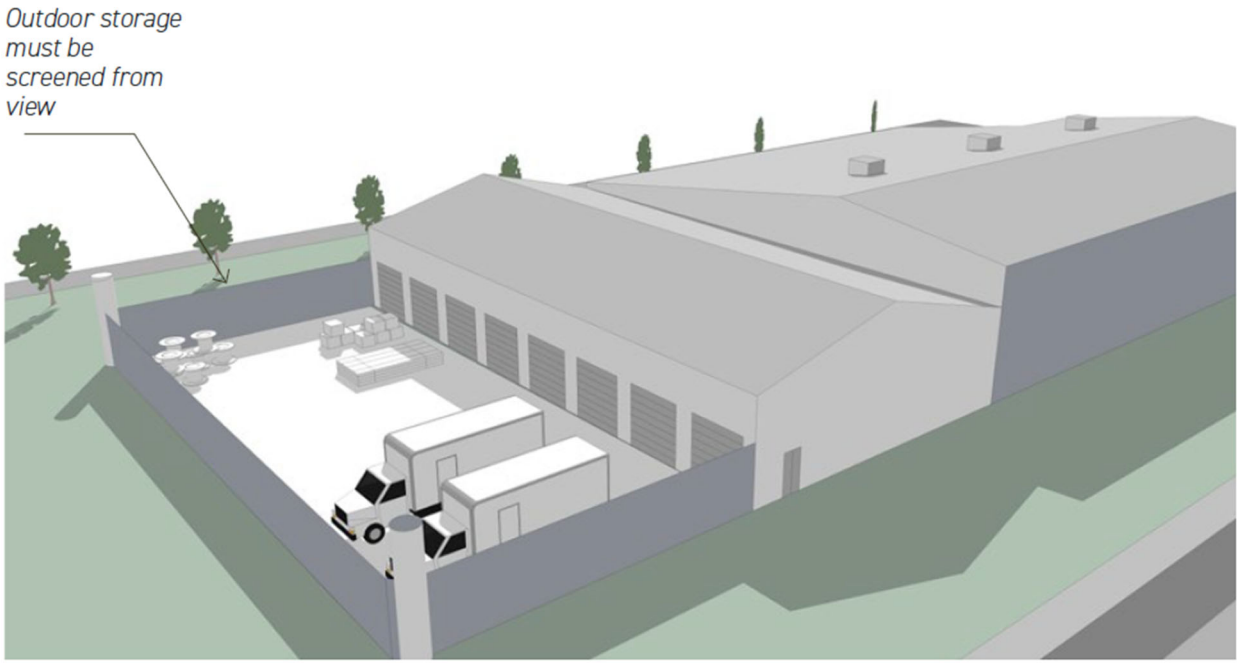


Figure 36-2-24. View Fencing in the Front Setback Area



Figure 36-2-25. Storage Screening



b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   i. Stucco over concrete masonry units (CMU).

   ii. Split face block.

   iii. Brick.

   iv. Stone.

   v. Curved interlock blocks.

   vi. Gabions.

   vii. Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   i. An architectural building element, such as a wing wall, that screens the equipment or area being screened;

   ii. A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

iii. A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

viii) Signage

a. All signs shall comply with **Sec. 38-10. Signs** except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

i. Freestanding monument signs will be limited to a maximum of one per street frontage.

ii. The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

iii. The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

iv. Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

v. For all lots with more than one monument sign, all signs shall be of uniform design and materials.

vi. Free standing monument signage is permissive at the primary park entrances.

vii. The maximum height for directional signage is 6 feet.

f. Building Mounted Signs

i. Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

ii. Building mounted signs may not project more than 15 inches from the wall.

iii. Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

iv. No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage

i. Temporary construction signs shall be permitted in accordance with the **Sec. 38-10. Signs**, with the following exceptions:

(a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

(b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage

i. The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

(a) Banners.

(b) Billboards.

(c) Portable or temporary signs, except for those permitted above.

(d) Window Signs.

i. Signage Illumination

i. Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

(a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

i) Definitions for the LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

i) Accessory, Commercial/Office Uses

Any offices and commercial services and food, beverage uses listed in **Figure 36-2-17. LCIIP Use Table**. These uses must be incidental to the primary use.

ii) Accessory, Residential Use—Non-Primary

An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

iii) Cannabis Cultivation and Cannabis-Infused Products Manufacturing

A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

iv) Commercial Services and General Retail

An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

v) Construction Contractor Facility and Yard

A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

vi) Contemporary Style Architecture

The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

vii) Drainage and Major Utility, Other

A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

viii) Film and Media Production

Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

ix) Fire and Police Station

A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

x) Fleet Vehicle

Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

xi) Fleet Vehicle Parking

Parking of fleet vehicles.

xii) Freight House or Truck Terminal

Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

xiii) General Agriculture

Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

xiv) Heavy Manufacturing

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

xv) Higher Education, Vocational School

A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

xvi) Indoor Entertainment/Recreation Venues

A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

xvii) Light Manufacturing

Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

xviii) Military and Law Enforcement Agency

A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

xix) Natural Resource Extraction

On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

xx) Nightclub and Bar

An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

xxi) Offices and Research Facility

A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

xxii) Outdoor Entertainment

An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

xxiii) Outdoor Storage

The keeping of any goods, material, or merchandise outside of a building in the same place.

xxiv) Parking Garage with/without Liner Building

A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at- grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

xxv) Recycling Sort Facilities and Electronic Recycling

A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

xxvi) Small Animal Facilities

A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

xxvii) Solar Energy Generation

The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

xxviii) Special Manufacturing

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

xxix) Telecommunications, Towers, and Utilities

Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

xxx) Temporary, Construction Staging Area, Trailer, or Office

Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

xxxi) Temporary, Seasonal Outdoor Sales, Events

Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

xxxii) Vehicle Services

Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

xxxiii) Warehousing, Logistics and Distribution

Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

4. SMO, South Mesquite Overlay District

   a) Purpose

      The South Mesquite Overlay District is designed to positively address issues unique to Las Cruces' Original Townsite and surrounding area. This area is addressed in the 2005 adopted Mesquite Neighborhood Plan and the 2007 adopted Mesquite Historic District Neighborhood Design Plan. Specific provisions in this Ordinance deal with issues such as compatible design, parking, setbacks, and land use/zoning designations that are better suited to this older part of the city characterized by smaller lots with multiple dwellings and scarce off-street parking resources. Additionally, neighborhood design guidelines and standards have been created that will help enhance and preserve the unique character of Las Cruces' first neighborhood.

   b) Delineation of Overlay District Boundaries

      The South Mesquite Overlay (SMO) District shall include all properties located within the boundaries shown on **Figure 36-2-26**.

Figure 36-2-26. South Mesquite Overlay Boundaries

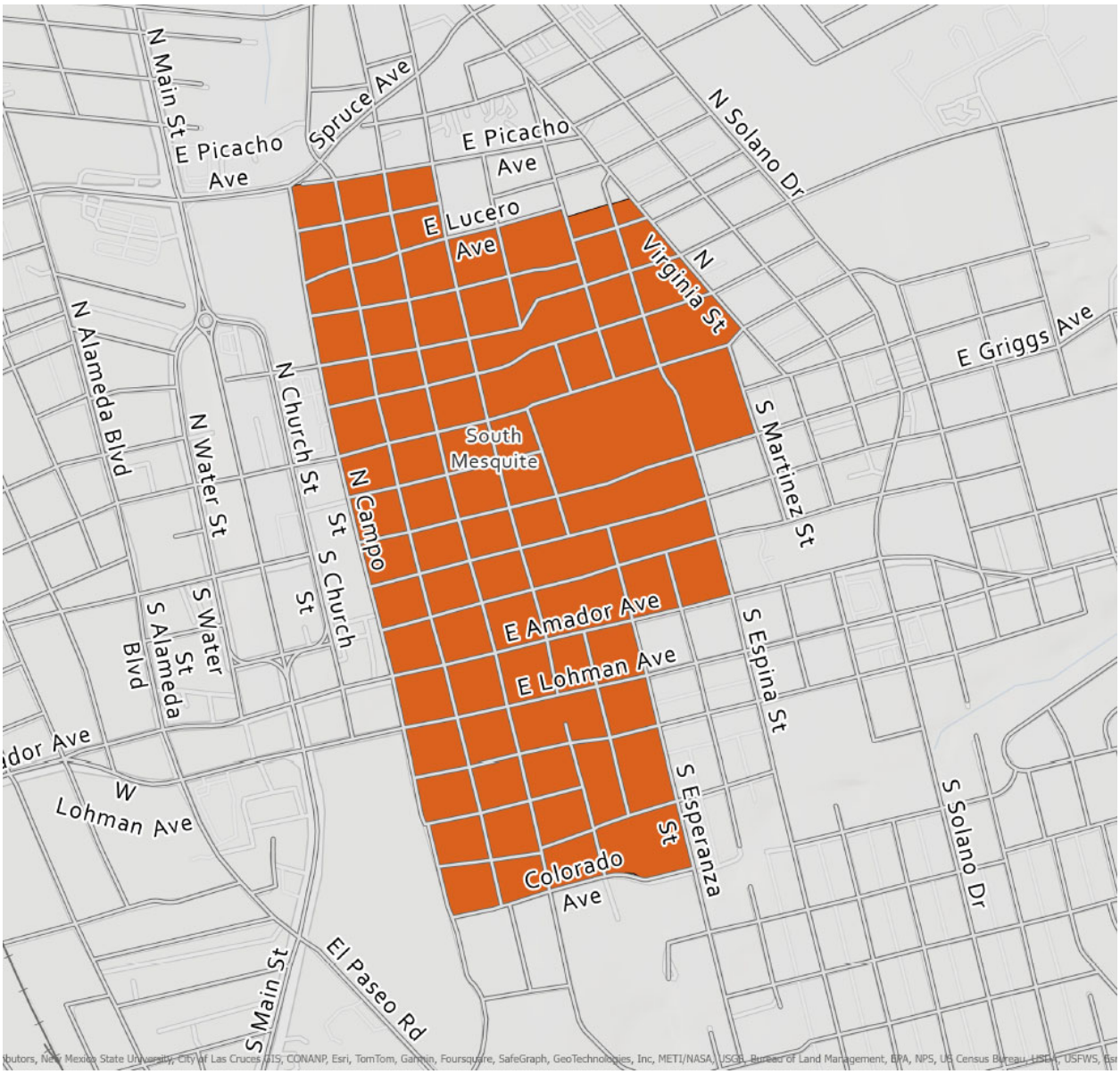


Figure 36-2-27. Boundary of the Mesquite Street—Original Townsite State & Federal Historic Districts



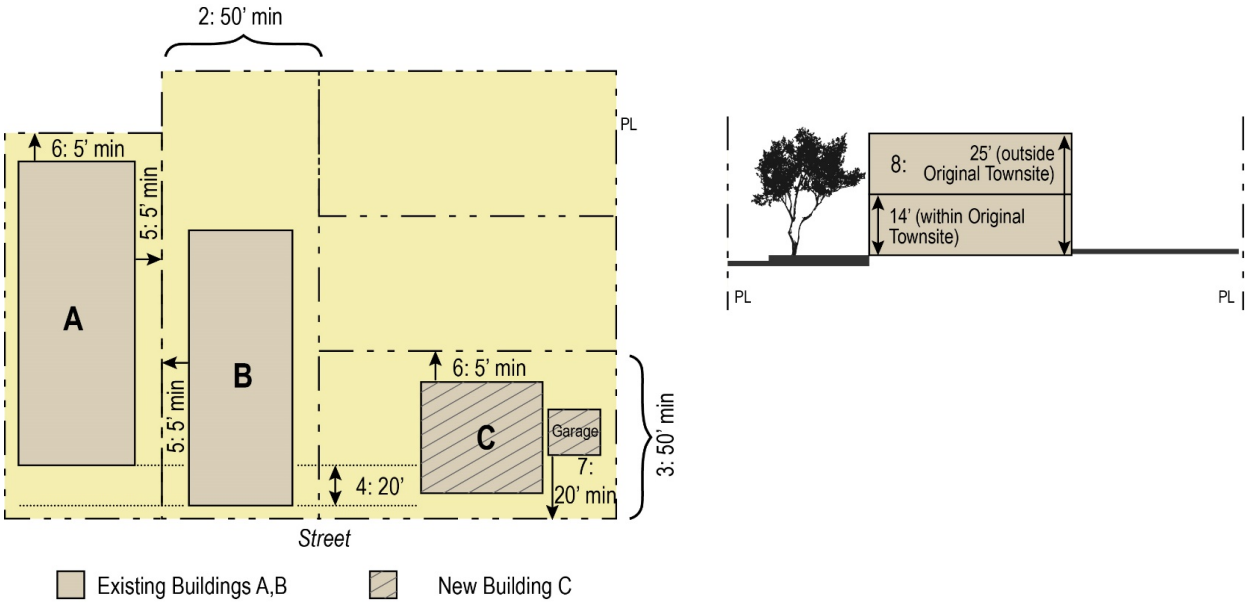
c) Development Standards

There shall be no development or alteration of the lands, uses, or structures within the SMO except as provided for by this Section, other sections of the Zoning Regulations, and other City Codes and Ordinances where applicable. Development requirements are established for the entire SMO, as follows (unless indicated in other sections of this Overlay):

Figure 36-2-28. SMO Development Standards

#1	Lot Area/Size	3,500 square feet minimum
#2	Lot Width/Frontage	50' minimum
#3	Lot Depth	50' minimum
#4	Front Setback	Within the range of existing setbacks and compatible with the surrounding area*
#5	Side Setback	5' minimum**
#6	Rear Setback	5' minimum**
#7	Garage Setback	20' minimum
#8	Building Height	14' in the Original Townsite and 25' elsewhere***
	Townhouses	Zero lot lines are permitted for townhouse development provided the structure meets the attachment requirements of **Sec. 36-4.B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development**.
	Accessory Structures	There shall be no limit to the number or square footage of accessory structures
	Residential Density	Lot size, setbacks, parking requirements and building heights shall determine residential density per property.

* Surrounding area generally mean all primary structures on the same side of the block. If there aren't at least two primary structures on the same side of the block, both sides of the block shall be used. The Applicant shall work with Community Development Department staff to determine a front setback distance with staff having the final determination.
** Overhangs are not permitted within required setbacks. Canales and viga ends are not deemed overhangs for the purpose of this limitation.
***Any requests for building heights greater than those stated above require an application for a height exception be reviewed and approved by the SMDRB; applications shall meet the design criteria noted in **Sec. 36-2.D.4.j). Design Guidelines**.
The regulations of this Overlay District shall supersede any regulations of the Zoning Regulations. However, when the regulations of this SMO do not address a particular design or development standard or regulation, the applicable local, state, or federal regulation shall apply. Numerical Flexible Development Standards may be granted by the Community Development Director or non-numerical Flexible Development Standards by the Development Review Committee within the SMO; however, such requests must also be approved by the SMDRB.



d) Landscape Requirements

Landscaping shall follow standards set forth in **Sec. 38-7. Landscaping** with the following modifications:

i) Applicability

Landscaping standards apply to all new development in the SMO with the exception of single family dwellings and duplexes, unless noted elsewhere in this section.

ii) A variety of landscaping materials shall be employed to create visual interest and complement other plantings in the neighborhood. Care should be taken when planting too close to adobe structures, which can be damaged by plant watering. Plant materials, including shade trees, shall be native and/or draught tolerant, as these are best suited to the Chihuahua Desert. This is not to say that the landscape plan needs to adhere to Xeriscaping. On the contrary, plants should be chosen that will survive and thrive in the local climate. Appropriate species include, but are not limited to, the following:

Figure 36-2-29. Permitted Plant Types

TREES	SHRUBS	GROUNDCOVER
Arizona Ash Arizona Cypress Arizona Mesquite Canyon Hackberry Chinese Pistache Desert Willow Italian Cypress Lacebark Elm Palo Verde Pecan Pines Southern Live Oak Texas Honey Mesquite Texas Red Oak Sycamore Western Hackberry	Euonymus Pyracantha Sages (Texas, Desert Chihuahuan, Cherry, Russian, etc.) Silverberry Spanish Broom	Bermuda TIFF, various Vinca Trailing Rosemary Iceplant Creeping Thyme Powis Castle Artemesia Dalea capitata Clover Fern

iii) All new development, except single-family dwellings and duplexes, and adaptive reuse of properties (such as a change of use) shall be required to plant trees within parking lots for shade and visual relief (see subsection 5 below).

iv) Landscaping gravel, decorative stone or other organic landscaping materials may be used for landscaping, provided such materials blend visually with other landscaping material and planting style standards and meet the City's wind erosion control ordinance).

v) Landscaping for Parking Lots: All new construction, except single-family dwellings and duplexes and adaptive reuse of properties, shall require landscaped parking areas. Landscaping in parking areas shall follow **Sec. 38-7. Landscaping**, **Sec. 38-7.D.5. Parking Lot Landscaping**, with the following modifications:

a. Trees in parking lots shall be located in an island or planter in which the tree trunks shall be protected from motor vehicles. Islands shall be a minimum of six feet wide, have a minimum area of thirty-six (36) square feet and a raised border of at least four (4) inches in height.

b. One tree shall be planted for every five (5) parking spaces within parking lots as they pertain to the uses listed for each area.

vi) The HPC shall have the authority to modify or waive landscaping requirements of **Sec. 38-7. Landscaping** or this Section if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses it design standards.

vii) Community Development Department staff shall review landscape plans.

e) Permitted Uses

There shall be no land uses within this Overlay District except as identified in **Figure 36-2-30. SMO Permitted Use Chart**. Zoning districts are as follows:

i) R-la: Single-family Low Density Residential District

ii) R-2: Medium Density Residential District

iii) R-3: High Density Residential District

iv) R-4: High Density Residential and Limited Office District

v) O-1: Neighborhood Office District

vi) O-2: Professional Office with Limited Retail Service

vii) C-1: Neighborhood Commercial District

viii) C-2: General Commercial District

ix) C-3: High Density Commercial. C-3 zoning and land uses are not permitted in the Overlay District with the exception of those uses which existed at the time of SMO adoption, Ordinance 2200, May 24, 2005. Uses that were pre-existing at the time of adoption and are no longer permitted by right shall be considered non-conforming and shall follow the provisions of **Sec. 36-2.D.4.f). Nonconforming Uses, Structures, and Property** below and **Sec. 36-5.G. Nonconformities**.

x) PUD: Planned Unit Developments are allowed as part of a specific rezoning.

Figure 36-2-30. SMO Permitted Use Chart

Legend:

A= Allowed-by-right;

C=Conditional Use with the conditions noted; and

S= Special Use Permit with public meeting required.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Accessory dwelling units	A	A	A	A	A	A	A	A	
Apartments		A	A	A	A	A	A	A	
Assisted Living, Retirement home		A	A	A	A	A	A	A	
Detached single-family dwelling	A	A	A	C	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Guest dwelling unit	C	C	C	C	C	C	C	C	C: see **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #19 Accessory Dwelling
Duplex		A	A	A	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Triplex		A	A	A	A	A	A	A	
Quadplex		A	A	A	A	A	A	A	
Home for the Elderly	A	A	A	A	A	A	A	A	
Home for the Disabled	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Hostel				C	C	C	C	C	C: limited to 10 persons per establishment and a maximum stay of 14 continuous days per guest.
Nursing Home	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Halfway house	S	S	S	S	S	S	S	S	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #18 Sober Living House

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Fraternity/sorority house			C	C	C	C	C	C	C: Limited to 10 persons per establishment;
Temporary/homeless shelter	S	S	S	S	S	S	S	S	
Manufactured home	A	A	A	C	C	C	C	C	All manufactured homes shall meet the design standards of the SMO and skirting and exterior wall materials shall be consistent with the architecture of adjacent structures. Residential densities in R-4 and commercial zones are limited to a maximum of 40 DU/acre.
Townhouse [one room attached to the neighboring single-family dwelling]		A	A	A	A	A	A	A	
Patio home [100% built to side property line]	C	C	C	C	C	C	C	C	C: see **Sec. 36-4.B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development**.
Accessory uses and structures	A	A	A	A	A	A	A	A	
Bed & Breakfast Establishment	C	C	C	C	C	C	C	C	C: Number of guest rooms is limited to 8.
Greenhouse, private (non-commercial)	A	A	A	A	A	A	A	A	
Community Gardens (neighborhood based)	A	A	A	A	A	A	A	A	
Home occupations	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #23 Home Occupation
Kennel/cattery, private residential	C	C	C	C	C	C	C	C	C: Permitted in accordance with Chapter 7 of the LCMC; noise from barking dogs and odors from this activity shall not be discerned off the premises.
Recreational court, tennis, etc., private	S	S	S	S	S	S	S	S	Must mitigate off-site noise and light glare.
Storage of RVs and motor vehicle appurtenances	C	C	C	C	C	C	C	C	C: Maximum 1 per parcel located within any open area between the front setback and the rear setback and shall otherwise meet the standards of **Sec. 38-2.N.6.g) Parking and Storage of Large Motor Vehicles**
Swimming pool, private	C	C	C	C	C	C	C	C	C: A swimming pool shall be at least 5 feet from property lines; also see **Sec. 38-8.F.1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures**.
Temporary uses	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use
Produce stands	C	C	C	C	C	C	C	C	C: Allowed per State law; may be accessory to community gardens.
Veterinary facility								C	C: Noise from barking dogs shall not be discerned off the premises.
Cemetery/columbarium	S	C	C	C	C	C	C	C	C/S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #43 Cemetery or Columbarium
Family child care home (up to 6 children)	A	A	A	A	A	A	A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #37 Child Care Home (≤6).
Group child care home (7 to 12 children)	S	A	A	A	A	A	A	A	S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #38 Group Child Care Home (7-12)
Child care center or preschool		S	S	S	S	S	S	S	S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #36 Child Care Center.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Community buildings/uses	C	C	C	C	A	A	A	A	C: Shall be located on a major local or higher classification road.
Convention center/exhibition hall					C	C	C	C	C: Must be accessed from an arterial road (Lohman, Amador); size is limited to 5,000 GFA.
Library/museum		A	A	A	A	A	A	A	
Religious institutions	C	C	C	C	C	C	C	C	C: Shall be located on a major local or higher classification road; all sites shall have a minimum 1 acre; structures or parking located within 25 feet of a residential use shall provide an opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of a residential use.
School, college, trade school, private or public	S	S	S	S	S	S	S	S	S: On a case-by-case basis, application shall address safe access, off-street parking demand, screening and landscaping, noise and other relevant impacts of the development on adjacent residential uses. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Arcade, game room							A	A	
Batting cage, indoor							A	A	
Billiard, Pool Hall							A	A	
Bowling alley							A	A	
Miniature golf course								A	
Health/exercise club/gymnasium/sports instruction				C	C	C	C	C	C: Noise from this activity shall not be discerned off-premises.
Park	C	C	C	C	C	C	C	C	C: Limited to neighborhood park or private park. See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #52 Public Park. Public parks shall also comply with Chapter 20 of the LCMC.
Mini-race tracks (e.g., go carts)								C	C: Hours of operation limited to between 10 a.m. and 10 p.m.
Recreation courts, public			S	S	S	S	S	S	S: Must mitigate off-site noise and light glare.
Skating rink, Indoor				A	A	A	A	A	
Swimming pool, commercial or public; indoor only					S	S	S	S	
Botanical garden				A	A	A	A	A	
Personal or business service office uses		C	C	C	A	A	A	A	C: In R districts, non-residential uses are permitted only on the ground floor; no more than 35% of the GFA of the buildings on the parcel, combined, is permitted to be non-residential uses.
Art studio		C	C	C	C	C	C	C	C: Noise from activities shall not be discerned off the premises.
Barber/beauty/hair salon and related personal care services		A	A	A	A	A	A	A	
Medical/dental office; counselor/therapy services		A	A	A	A	A	A	A	
Bank, bonding, and financial						C	C	C	C: Each business establishment is limited to a sole practitioner and only one such business establishment per parcel.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
institution/facility; no drive-through									
Business office: consulting; credit reporting & collection; desktop publishing, graphic design; institutional office, public or private; educational office; religious office; philanthropic office; mailing & stenographic services; motion picture production; noncommercial research organization					A	A	A	A	
Adult day care services/facility					A	A	A	A	
Funeral home; laboratory					A	A	A	A	
Pharmacy; no drive-through						C	C	C	C: Permitted only as accessory to a medical, dental or similar office use and strictly for the purpose of serving the patients of the medical office use.
Auto/truck parts store								A	
Auto/truck repair & service								C	C: No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment is permitted. All outdoor storage of non-operable vehicles must be screened with opaque fencing.
Auto/truck self-service/automated or full service wash/wax/detailing								C	C: Limited to a collector or higher classification road.
Bar/pub/tavern (no dancing)								A	
Sale of building material								A	
Café, cafeteria, coffee shop, restaurant, etc. No drive-thru				A	A	A	A	A	
Cannabis dispensary								A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #107 Cannabis Dispensary.
Cannabis indoor agriculture							A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #108 Cannabis Production.
Cannabis microbusiness							A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #109 Integrated Cannabis Business.
Sale of carpet/window treatments							C	C	
Cleaning & maid services							A	A	
Clothing store								C	
Convenience store (no gas sales)			S	S	S	S	S	S	C: No drive-through facility.
Delicatessen, produce/meat market; No eating facilities				A	A	A	A	A	
Delicatessen, produce/meat market with eating facilities							C	C	C: No drive-through facility.
Firewood sales								C	C: If displayed outside a building, a semi-opaque screen around the perimeter of the use shall be

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
									provided; 20 cord maximum stored on site; see **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use.
Furniture store								A	
Sale of garden supplies								A	
Grocery store							A	A	
Hardware store							C	A	C: No outside storage of supplies or materials.
Home furnishings							A	A	
Kennel/cattery, commercial or non-profit								C	C: Use allowed in accordance with Chapter 7 of the LCMC; noise from barking dogs shall not be discerned at the nearest dwelling unit.
Laundry/dry cleaning services							A	A	
Newspaper distribution								A	
Pawn shop								A	
Petroleum/propane sales								C	C: Sale of portable propane tanks and similar gas only is allowed as an accessory use to a retail establishment; use of such equipment is allowed as an accessory use when meeting current Fire Code standards. Gas stations are not permitted.
Plant nursery								A	
Private club or lodge	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #90 Private Club or Lodge. A private club or lodge shall be located on a major local or higher designated street. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Radio/TV station								A	
Seasonal sales of fireworks, agricultural products (non-temporary), snowcone stand, etc.							C	C	C: All structure locations shall meet setback requirements; if sited on property with other uses, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking areas. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.
Small item repair shop							A	A	
Specialty foods store (bakeries, candies, etc.)							A	A	
Specialty store (books, music, toys, sports equip, stationary, etc.)							A	A	
Telephone communication business (call center)								A	
Temporary Use (non-seasonal)				C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use.
Theater (non-drive in)								A	
Tire sales/repair								A	
Upholstery shop							A	A	
Variety store							A	A	

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Video/DVD rental/sales (non-adult oriented)							A	A	
Cab stand								A	
Distribution centers								A	
Parking facilities, commercial (garages & parking lots)	S	S	S	S	S	S	S	S	
Storage outside of buildings of materials, equipment, and supplies not for sale								C	C: All outside storage shall be enclosed with an opaque, Type A screen.
Storage, warehousing accessory to office, retail trade, service, or industry businesses								C	C: Maximum of 95% of the total square footage may be used for this storage.
Storage/display of merchandise for sale (except manufactured buildings, manufactured homes, mobile homes & operable cars, trucks, motorcycles, and RVs)					C	C	C	C	C: Outdoor display of goods sold on the premises is limited to 25% of the gross floor area devoted to the business use.
Wholesale trade, any product								C	C: No outdoor storage allowed.
Construction yard or buildings, temporary	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #31 Construction Building (Temporary) and 32 Construction Yard (Temporary): Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development Director shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.
Contractor's Yard								C	C: All outdoor storage shall be enclosed with an opaque Type A screen
Cottage Industry with retail sales or service (manufacture or processing of goods such as beer or food products for sale on the premises)							C	C	C: Allowed only when such use occurs within a totally enclosed building where the primary use (retail/service) is conducted. The processing of goods shall be clearly secondary to the primary use, shall be sold on-site only, and shall not pose any significant adverse impact on adjacent properties due to noise, odor, dust, or vibration. A maximum of 49% of the total business floor area, not to exceed 3,000 square feet, may be used in the conduct of the cottage industry manufacturing or processing.
Crematorium								C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #95 Crematorium.
Antennas, towers, communication structures, and other utility vertical structures							S	S	See **Sec. 38-11. Wireless Communication Facilities**.
Facial mounted antennae (attached to the primary use)							C	C	C: Facial mounts must be placed or erected to the primary use/structure in a manner that conceals, to the extent possible, the antenna or face mount. No more than ten (10) additional feet in height to the maximum building height shall be allowed as a result of application or erection of the antenna or

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
									face mount. **Sec. 38-11. Wireless Communication Facilities**.
Private/public utility (e.g., substations, water wells, transformers, regulators, lift stations, telecommunications site)	S	S	S	S	S	S	S	S	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #53 Public Utilities (Major). A solid wall or fence shall surround the installation. Landscaping as per Sec. 36-2.D.4.d). Landscape Requirements shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.
Recycling collection centers (neighborhood scale only)				S	S	S	S	S	Hours of operation may be limited to mitigate noise to adjacent residences; equipment rooms and outdoor storage of materials shall be screened with opaque fencing; trash shall be contained and properly disposed of; the DRB and Planning and Zoning Commission may impose conditions to insure that noise, fumes, odors and congestion is avoided.
Private "Ham" radio telecommunication antennae	C	C	C	C	C	C	C	C	C: Antennae shall not exceed the building height limit.

f) Nonconforming Uses, Structures, and Property

i) Many people refer to nonconforming uses as the "Grandfather Clause." If a use, structure, etc., was established legally under the previous code, it is considered a legal nonconforming use or nonconforming or non-complying structure. Except for the following, requirements stated in **Sec. 36-5.G. Nonconformities** shall apply.

ii) If a legal non-conforming use becomes and remains vacant, a two (2) year time limit shall be placed on reestablishing the non-conforming use at that location.

g) Parking Requirements

The following exceptions to the parking requirements found in **Sec. 36-3.A.1. Permitted Use Chart** shall be used in the SMO:

i) Buildings within the SMO constructed prior to 1955 shall not be required to provide off-street parking.

ii) Buildings within the SMO constructed after 1955 shall be required to provide off-street parking pursuant to the requirements of **Sec. 36-3.A.1. Permitted Use Chart**. These buildings and properties shall be eligible to use:

a. The Urban Character Area parking exceptions found in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**; and/or

b. Surface materials for parking areas for residential or non-residential developments may be pervious materials such as stone or brick pavers or compacted crushed stone (gravel). If gravel is used, single-family and duplex parking areas may use compacted crusher fine or "pea" gravel, but multi-family and non-residential development parking areas shall be limited to using a minimum one-inch diameter size, compacted gravel. Concrete parking pads are not permitted to be installed abutting adobe walls to avoid damage due to "wicking" (transfer of moisture trapped beneath the concrete to the adobe wall).

iii) Parking areas for new development of non-residential and multi-family uses, including garages and carports, are not permitted in the required front setback of the subject property.

iv) The HPC shall have the authority to modify or waive off-street requirements, with the concurrence of the City's Traffic Engineer, if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses its design standards.

h) Signage

All signage shall be of materials and design that are compatible with the architecture of the structure and the residential character of the neighborhood. Electronic moving/digital signs are not permitted in the SMO. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with **Sec. 38-10. Signs** with the following modifications:

i) Freestanding Signs

a. Ground signs are allowed and shall be no greater than five feet in height. Only one ground sign per commercial property shall be permitted. Ground signs must be set back at least five feet from any property line and must be at least five feet away from the wall of the building.

b. Ground signs shall be no greater than two square feet in overall size.

c. Ground signs may be illuminated and shall follow regulations stated in **Sec. 38-10.I.3. Sign Lighting**.

d. Temporary Ground Signs are permitted in accordance with **Sec. 38-10.G.13**.

e. Pole signs are allowed only on Lohman and Amador Avenues and shall follow the standards of **Sec. 38-10. Signs**.

ii) Attached Signs

Attached signs shall follow size and placement regulations for attached signage in **Sec. 38-10. Signs**.

iii) Portable A-Frame Signs

An A-frame sign means a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is designed to be placed where pedestrians walk or gather and ADA accessibility is assured. The sign shall not be permanently anchored or secured and shall be removed at the end of the establishment's business hours.

a. All agents, employees, or representatives displaying an A-frame sign on public property in the DDC shall comply with the following provisions:

i. One A-frame sign per business may be displayed during regular business hours;

ii. A-frame signs shall be no greater than 6 square feet on one side, no more than 12 square feet total, and shall be no greater than 3 1/2 feet in height;

iii. An A-frame sign shall be installed and removed by the business or property owner;

iv. No A-frame sign shall be erected in such a manner so as to obstruct ADA access or vehicular traffic;

v. A-frame signs shall only be displayed immediately in front of the business;

vi. No A-frame sign may be located on public property such as sidewalks or parkways;

vii. The business or property owner shall be responsible for any damage caused to public property by the sign;

viii. The business or property owner assumes all risks with setting up an A-frame sign and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the sign.

iv) Inflatable Signs or Pennants

Temporary inflatable pennants, streamers and other fluttering devices shall be permitted for a special event lasting up to 14 days per event and only four such events shall be allowed per parcel per calendar year.

v) Prohibited Signs

The following signs are prohibited:

a. Variable electronic message display boards, whether temporary or permanent.

b. Permanent banners.

c. Pennants, streamers, and other fluttering devices exceeding the time limits of temporary uses noted above.

d. Temporary Ground Signs (e.g., real estate, political, construction, contractor and "coming soon" signs) over 12 square feet in area or over five feet tall.

e. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

vi) Existing legally permitted signs shall be considered legally non-conforming and shall be regulated in accordance with **Sec. 38-10.L. Nonconforming Signs**.

i) Duties of the Historic Preservation Committee (HPC)

To ensure quality property development and renovation and to protect the historic character of the neighborhood, the design review duties are assigned to the Historic Preservation Committee. In accordance with **Sec. 35-2.B. Duties and Responsibilities of the Historic Preservation Committee**, the HPC shall evaluate and determine the exterior design appropriateness of proposals for new construction, additions, exterior alterations, and rehabilitation of properties within the South Mesquite Overlay.

i) The Historic Preservation Committee is established in **Sec. 35-2. Historic Preservation Committee**.

ii) Duties of the HPC relevant to the South Mesquite Overlay (SMO).

a. The HPC shall review the following permit applications for properties lying within the SMO and shall have final authority on these permits relative to exterior design criteria for:

i. Any new primary structure(s);

ii. Manufactured homes for compliance with SMO design standards, with limitations pursuant to State statute;

iii. Any new accessory structure in excess of 120 square feet;

iv. The conversion of an accessory structure to a primary structure such as a garage or shed to a casita;

v. Additions to an existing primary structure that was constructed 50 years prior to the current building permit application, whether or not it is listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory. The Applicant shall provide evidence of the year built;

vi. Additions to accessory structures in excess of 120 square feet (one time or cumulative);

vii. Window or door replacement on street-facing facades;

viii. Any alterations to the street facade of the primary structure or any alternations to an accessory structure over 120 square feet in size; and

ix. Any alterations, replacement, or changes to the roof resulting in an alteration of the style of roof of a primary structure or accessory structure over 120 square feet in size.

b. The HPC shall establish criteria for issuance of Certificates of Appropriateness (CoA) which shall reflect the purposes of the design guidelines, standards, and criteria of this Section. These criteria shall be attached to the permit application for Applicants to review prior to submittal.

c. The HPC shall review and make recommendations to the Planning and Zoning Commission for the following:

i. Planned Unit Developments (Error! **Reference source not found.**s) (**Sec. 36-5.D**)

ii. Zoning Variances (**Sec. 36-5.F**)

iii. Special Use Permits (Error! **Reference source not found.**s) (**Sec. 36-5.C**)

iv. Zoning Map Amendments (**Sec. 36-5.A**)

Land Use: It is possible to request an additional land use for a specific parcel that is not already noted within the permitted use list within the SMO. Each request will be considered on a case-by-case basis and shall be deemed compatible with neighboring land uses and shall satisfy the purposes of the SMO. The HPC shall be a recommending body to the Planning and Zoning Commission. Final action on this additional land use request shall be made by the Planning and Zoning Commission unless appealed to the City Council.

d. Cases not listed above shall also go before the HPC if design issues related to the historic integrity of the neighborhood are involved or at the discretion of the Department Director.

e. State- or nationally-funded projects requiring review by the State Historic Preservation Officer (SHPO) are exempt from review by the HPC. In New Mexico, "State-funded" includes funding by municipalities.

iii) Decisions of the HPC

a. Members of the HPC shall state the factual basis and the findings of their vote. Findings shall be based on Design Standards found herein, information from staff reports and staff presentations, public comment, and one or more of the following:

i. References to the Zoning Regulations or other applicable codes;

ii. Design Guidelines for the South Mesquite District;

iii. The Secretary of Interior Standards for Rehabilitation;

iv. The New Mexico Historic Cultural Properties Inventory Manual; and

v. Projects other than those requiring approval by the HPC shall be reviewed for compliance with design standards by Community Development staff and are required to meet all other applicable City Codes.

b. Decision of Approval

If the HPC approves an application, it shall articulate the conditions (if any) to the approval and instruct staff to issue a Certificate of Appropriateness (i.e., action form). A copy of the Certificate shall be placed in the case file and a copy shall be provided to the Applicant and to the permitting and inspections sections.

c. Decision of Denial

If the HPC denies an application, the Notice of Decision shall identify the design standards or other requirements of this **Sec. 36-2.D.4. SMO, South Mesquite Overlay District** that the proposed work conflicts with and shall also explain the Applicant's right to appeal the denial to City Council (as per **Sec. 36-2.D.4.o) Appeals** below). A copy of the Notice of Decision shall be placed in the case file and a copy shall be provided to the Applicant.

iv) Issuance of Certificates of Occupancy or Completion

Staff having prepared the Certificate of Appropriateness (CoA) shall review the final completion of the project for consistency with CoA prior to the issuance of the Certificate of Occupancy or Completion for the project.

j) Design Guidelines

Specific design guidelines, standards, and criteria shall be used by staff and the HPC to determine the appropriateness of construction and rehabilitation projects, and to determine whether the request is consistent or inconsistent with existing development.

i) Applicable development must ultimately utilize architectural styles, methods, and materials that are visually compatible with the original structure, surrounding structures (especially where new construction is proposed), and the overall character of the historic district. This should not be interpreted as a

requirement to mimic existing styles or construction materials, but as a means for these types of projects to result in a visually compatible transition between old and new structures within the general neighborhood and/or on a single parcel of land.

ii) When evaluating proposals for new development, additions, or rehabilitation in the SMO, the structure's contribution to the neighborhood comes into play. Most of the SMO historic structures are located within the Original Townsite. These historic structures deserve the most protection and, therefore, the design standards for these are stricter than for newer buildings. There are also many structures listed as contributing on the historic register outside of the Original Townsite; these, too, follow the same design standards as those in the Original Townsite.

iii) In addition to the standards stated herein, staff and the HPC shall review projects based upon The Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings, and The New Mexico Historic Building Inventory Manual (1980). These resources are available for public review in the Community Development Department or on the City's website.

iv) Ordinary maintenance and repair of any exterior architectural feature in or on a contributing building may be undertaken without a Certificate of Appropriateness provided this work is in keeping with the architecture or character of the building and does not cause a loss of its historic integrity. If such work requires a permit, Community Development staff shall evaluate these permits for consistency with the Design Standards of this Section.

v) Criteria for Requesting and Granting Building Height Exceptions

Pursuant to **Sec. 36-2.D.4.c). Development Standards**, the building heights within the SMO are limited to 14 feet and one story. Through a variance procedure to the HPC, a property owner may request a variance from this maximum building height or number of stories limitation provided that the HPC finds that the proposed building satisfies the following criteria:

a. For new construction:

i. The building is similar in height to another building or buildings within the same block;

ii. The second story is set back from the first story by a minimum of 15 feet;

iii. Second-story windows facing the street shall be small or clerestory;

iv. Second-story windows facing adjacent residential properties shall be frosted to ensure neighbors' privacy; and

v. The design of the building shall satisfy the design standards and guidelines of the SMO.

b. For additions:

i. The addition is limited to 20 percent of the total footprint of the primary building;

ii. The addition must be setback or stepped back from the street-facing facade;

iii. For additions to buildings deemed Contributory to the Historic District, materials and colors of the addition shall distinguish the addition from the original structure;

iv. Second-story windows facing the street shall be small or clerestory;

v. Second-story windows facing adjacent residential properties shall be frosted to ensure neighbors' privacy; and

vi. The design of the building shall satisfy the design standards and guidelines of the SMO.

vii. The maximum building height allowed with a variance procedure shall be 25 feet. The maximum number of building stories allowed with a variance shall be two stories.

k) Design Standards

Additional components that must be given specific attention include the following criteria:

i) Design Standards for All Properties in the SMO:

a. New construction shall reflect a style consistent with those found in The New Mexico Historic Building Inventory Manual (1980) and shall be consistent with the styles of Design Guidelines or Manual established by the HPC for the SMO and with other historic structures found on the same street segment.

b. New construction shall maintain a visual balance and rhythm of the walls, doors and windows along any given street segment.

c. Manufactured homes shall meet design criteria for new construction to the greatest extent possible without altering the structural integrity of the home. This shall include the style and type of materials forming the exterior facade as well as the type and material of skirting that is used. Manufactured homes shall be is compatible in type and materials with adjacent and nearby historic structures.

d. Additions and remodeling projects shall utilize materials that are consistent with the character and architecture of the existing structure. The same materials must be used on all sides of a structure.

e. Changes in materials on a single structure, such as stucco to wood siding or vice-versa, may be made if the different material is also in keeping with the architecture or character of the structure and does not diminish the historic integrity of the structure to any great extent. Changes in materials must also be consistent with other materials used in the neighborhood.

f. Fences/walls shall be of a material that is compatible with the structure or compatible with other fences/walls in the neighborhood.

i. Chain link or square wire fencing is prohibited except if used in a small area within the interior of a lot, such as for a dog run or surrounding a private swimming pool, and cannot be viewed from a public street.

ii. Existing chain link or square wire fencing may be temporarily removed if necessary, but the same fencing must be replaced exactly as it was.

iii. An old chain link or square wire fence may not be replaced with new chain link or square wire fencing; if replaced, the new fence must come into compliance with this Section.

iv. If a chain link or square wire fence is damaged through no fault of the property owner, the fence may be replaced exactly as it was.

v. The HPC has the authority to modify or waive the above wire fence restrictions on a case-by-case basis with a Certificate of Appropriateness.

g. Construction fencing must be removed from the site within three (3) days of issuance of a Certificate of Occupancy or a Certificate of Completion.

h. Dumpsters for commercial or multi-family developments are required to be screened from any streetside facade.

i. Second story elements and single-story structures built to the side or rear property lines shall incorporate window types (e.g. clerestory, frosted) and placement in such a way as to protect the privacy of adjacent neighbors.

j. Outdoor lighting shall meet the requirements of **Sec. 38-9. Outdoor Lighting** and light fixtures shall be consistent with the architectural character of the structure and neighborhood. Fluorescent tube lighting fixtures are prohibited.

ii) Design Standards for Structures Listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory

a. Additions are not permitted to primary facades, it must be set back from the front facade.

b. Additions and remodeling projects shall have architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure. Distinguishing characteristics could include, but are not limited to:

   i. Setting back the addition from the original structure a distance to be determined by the proposed addition's relation to the scale and form of the original structure;

   ii. Varying trim, finish texture, facade height, color, etc., to some slight degree;

   iii. Separating the addition from the original structure by a connector;

   iv. Varying the window or brick pattern from the original.

c. If applicable, to the extent architecturally practicable, new additions should be attached to any existing noncontributing portion of the structure instead of attaching them to the contributing portion.

d. The owner shall make every attempt to repair or restore historic windows. Historic windows that cannot be repaired or restored shall be duplicated in size, style, and material of the original to the greatest extent possible. No opening shall be widened or narrowed except as required to comply with building code standards, unless historic documentation supports its prior existence. Vinyl-clad or aluminum windows may be used if they resemble the original windows in size and style. Thermal double pane glass may be used.

e. Original doors shall be retained, and repaired or restored to the greatest extent possible. If existing doors are beyond repair, new ones shall match the original material and should also be similar in design. Flat surfaced and contemporary doors with small decorative windows shall be avoided. No door opening shall be widened or narrowed except as required to comply with Building Code standards, unless historic documentation supports its prior existence.

f. Existing porches or portals shall not be enclosed, unless historic documentation supports its prior existence.

g. No new opening shall be made where one presently does not exist unless historical documentation supports its prior existence. An exception may be made to comply with Building Code standards for egress.

h. No existing opening shall be enclosed unless historical documentation shows that the existing opening is not original to the structure.

i. Existing roof styles and materials shall be maintained or replaced in kind. The addition of parapets, canales, or other roof features should only be considered if they are in keeping with the architectural style of the structure.

j. Specific colors of structure and trim shall not be criteria in evaluating the proposal.

l) Installation of Solar Panels or Other Alternative Energy Equipment

Enhancing the energy efficiency of a historic building is important. To that end, it is often possible to install features such as solar panels and photovoltaic cells, provided they are installed in a sensitive manner. However, for some historic buildings, it may not be possible to incorporate solar panels and meet the Secretary of the Interior's Standards for Rehabilitation. The following standards for installation of these systems shall apply:

i) Installation of panels must be reversible and not damage the historic integrity of the building and district.

ii) Solar panels should be installed on rear slopes or other locations not highly visible from the public right of way whenever possible. Panels should be installed flat and not alter the slope of the roof.

iii) Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right-of-way.

iv) Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be treated to be as unobtrusive as possible.

v) Use of solar systems in windows or on walls, siding, awnings, or shutters should be installed with limited visibility from the public right-of-way.

vi) In circumstances where solar collectors are not placed on rooftops, they should only be positioned in limited or no-visibility locations in secondary areas of the property. Use vegetation or a compatible screen if necessary to further reduce the visual impact of these features on a historic property.

m) Submittal and Review Process

The following submittal and review procedures are established to protect persons and property in the South Mesquite Overlay District. Applications shall be obtained from the Community Development Department, Building Permit Section.

i) Buildings/Structures

Prior to the filing of an application for development and/or signs, a pre-application conference to meet with Community Development Department Staff to review the proposal is required.

ii) Following the pre-application meeting, the Applicant shall submit one copy of all application materials for the development to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall deem the application complete and shall begin its review process.

iii) The minimum submittal requirements for development proposals shall include the following information that is relevant to the proposal:

a. A Development Application, with appropriate materials required for the SMO, as determined by Community Development staff at the pre-application meeting. The submittal shall include a scaled site plan that includes the following, as applicable:

i. Property boundaries.

ii. Location of all structures.

iii. Age of structures.

iv. Setbacks of all structures, existing and proposed.

v. Parking layout, if applicable.

vi. Ingress/egress access points.

vii. Areas proposed for landscaping.

viii. Surfacing material for impervious surfaces, if applicable.

ix. Stormwater ponding areas.

x. Dumpster location(s).

xi. Location of service and loading area(s).

xii. Freestanding and attached sign locations where applicable.

xiii. North arrow.

xiv. Any other information that conveys how the proposal will meet development requirements.

b. A statement of objectives to be achieved by the development, inclusive of a description of the character and anticipated use of the proposed development.

c. If the structure is listed as contributing on the State or National Mesquite Street—Original Townsite Historic District inventory, a description of the known history of the structure shall be included. Photos are encouraged to support the purpose of the application.

d. Scaled elevations or renderings that are detailed enough so that a realistic picture is given of the proposed project to a close approximation of the finished project. It should be apparent from the submission that the design criteria herein have been met to the greatest extent possible. Color architectural/artistic renderings shall:

   i. Reflect all aspects/views of the exterior of the structure.

   ii. Demonstrate the use of building materials through the drawings or with a legend or an attached list.

   iii. Detail the fenestrations, other building openings, rooflines, ornamentation, woodwork, and other features of the structure.

e. If required, the Applicants shall present their proposal to the HPC at a public meeting. At that time, a formal decision by the HPC regarding the proposed project will be made and a Certificate of Appropriateness or Letter of Denial will be issued by staff within five days. This record of the HPC shall be entered into the Case File for reference by building inspectors, plan examiners, and other relevant City staff. Public meeting procedures and notice requirements will follow that of the Planning and Zoning Commission found in **Sec. 34-3.G. Notice for a Public Meeting**.

f. Those projects not required to be reviewed by the HPC shall be reviewed by Community Development staff using the same criteria and procedures found herein.

g. A scaled landscaping plan shall include:

   i. Location, size, and common name of all landscaping

   ii. A complete irrigation plan shall be included, clearly identifying how the landscape will be sustained.

h. Community Development staff shall ensure that the Applicant satisfies any conditions of approval stated in the Certificate of Appropriateness (CoA); if the Applicant proposes any changes to the project involving architectural or structural elements, location, or materials that alters the CoA approval conditions, the Applicant shall submit revised plans for review by the HPC. If the Community Development staff, upon inspection prior to issuance of a Certificate of Occupancy or Completion, notices that the Applicant changed a design element that is inconsistent with the CoA, the Applicant shall submit a revised plan showing the changed element and the HPC shall review the change to see if it meets the SMO design guidelines, standards, and criteria. The HPC shall have the authority to recommend to the City's Building Official that the substituted element be removed and replaced with one that is approved by the HPC.

n) Demolition

To preserve the character of the State and National Mesquite Street-Original Townsite Historic Districts and surroundings, this ordinance creates a 60-day demolition permit application review process that will allow time for interested parties to explore alternatives to the demolition of historic structures.

i) Property owners intending to demolish any structure located within the SMO must adhere to the following 60-calendar day process. The Applicant may withdraw the permit application at any time with a written notice to the Director of the Community Development Department.

ii) Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. During the 60-day review, Community Development Department staff will review the application for compliance with the Las Cruces Building Code (Chapter 30 of the LCMC).

iii) A proposal for redevelopment of the property, with elevations, must accompany the permit application; this proposal shall describe a potential or proposed development proposal for the property, and whether it is proposed for the near or distant future.

iv) Prior to the demolition of a structure designated as Contributing within the State or National Historic District, the Applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff:

a. Completion of the New Mexico Historic Cultural Properties Inventory (HCPI)-Form, available in the Community Development office and online.

b. Photographing the property

c. Take several photos (front, rear, sides, close-up views, details, setting, etc.) of the historic structure proposed for demolition (primary structure and/or each historic accessory structure, such as a garage, sheds, etc.) Buildings that are not listed on the historic register need not be included. For more information on documentation, please refer to the National Register Photo Policy Fact Sheet available in the Community Development Department and online.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

v) Posting

At the beginning of the 60-day review process, the Community Development Department will prepare a public notice sign that is to be posted by the Applicant in a conspicuous place on the property. The Applicant is responsible for ensuring that it is in place for the entire 60-day period. The Department will publish a legal notice describing the proposed demolition and contact information for the Applicant. A fee shall be charged to the Applicant for the cost of the public notice.

vi) At the beginning of the 60-day review process, the Community Development Department will inform the HPC, neighborhood associations, the New Mexico State Historic Preservation Office (SHPO), and other pertinent organizations or interested parties that a demolition permit has been applied for.

vii) A demolition permit shall be issued upon the completion of the following items:

a. The completion of the 60-day period;

b. Documentation of the structure as described above; and

c. The application meets all City Code requirements and has been approved by the Community Development Department Staff. (Code compliance comments regarding the proposed demolition may be resolved within the 60-day time period).

viii) Compliance with the procedure set out in this Section may be waived by the City Manager if it is determined that immediate demolition of a historic structure is necessary to remove a hazard to the health, safety, and welfare of the public. In such a case, the Community Development Department shall immediately notify the HPC, neighborhood associations, SHPO, and other pertinent organizations and interested parties that demolition of the structure is imminent.

o) Appeals

In the South Mesquite Overlay District, any applications for development must be approved by the City in order for a use permit, building permit, or sign permit to be issued. If required by this Section, review and approval by the HPC must precede issuance of a permit.

i) A decision made by staff may be appealed by any aggrieved person to the HPC. Such appeal must be made in writing within 15 calendar days of the staff decision. The appeal will be presented to the HPC at their next regularly scheduled meeting.

ii) Appeals for a decision made by the HPC, Planning & Zoning Commission, or City Council shall be in accordance with **Sec. 34-3.F.1.c) Timing for Filing Appeal**.

iii) A request that is denied by the HPC and/or City Council shall not be resubmitted or reconsidered for a period of one year. However, after meeting with Community Development Department staff, a different request on the same property may be submitted no less than six months after such denial decision.

5. UD, University District Overlay District

   a) Intent and purpose. The University District Overlay intends to allow greater flexibility to developers and land owners while encouraging the development of a vibrant, mixed-use University District. The purpose of this document is to implement transportation, land use, and urban design policies as established in the University District plan. Specifically, the purpose of this overlay is to stipulate provisions which will:

      i) Promote a pedestrian-oriented urban form in the University District. The focus on form promotes buildings that conform to tested urban design principles and that adapt to changing conditions over time.

      ii) Establish an area with a rich mix of uses: Commercial, cultural resources, residential, and transportation choices.

      iii) Maximize connectivity and access in a multimodal circulation network in which residents, workers, and visitors may conveniently walk, drive, bike, or ride public transportation to destinations within and outside of the district.

      iv) Support existing University District businesses.

      v) Promote sustainable development that minimizes negative impacts on natural resources. A walkable, mixed-use, higher-density University District supports sustainable development by providing an alternative to low-density development in peripheral areas. University District's buildings, transportation systems, and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

      vi) Create a seamless destination where the City of Las Cruces and New Mexico State University meet.

   b) Applicability.

      i) Introduction. This overlay applies to all properties that have been rezoned within the University District overlay zone. It shall be used to regulate the design of new streets, new buildings, and new public spaces.

      ii) Terms. The provisions of this overlay are activated by "shall" when required; "should" when recommended; and "may" when optional. Technical terms used throughout this Code may be defined in **Sec. 34-5. Definitions**. Those terms not defined in **Sec. 34-5. Definitions** shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and the provisions herein stated, the Community Development Director shall have the authority pursuant to **Sec. 34-1.I. Interpretations** to determine which will be imposed.

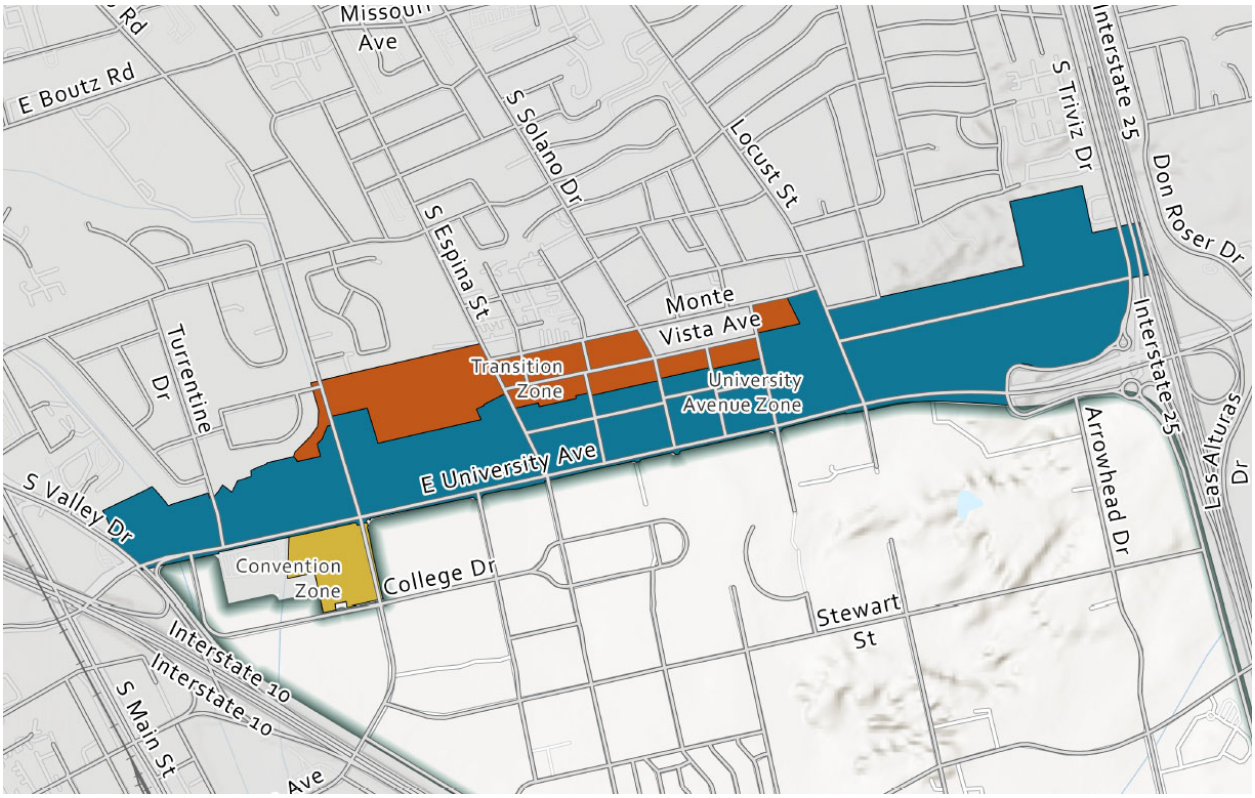
   c) Diagrams and Illustrations. Diagrams and illustrations are an integral part of this overlay and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

   d) Delineation of Overlay District.

      i) The University District Overlay applies to all properties within the boundaries noted on the associated map. Please refer to **Figure 36-2-31. University District Overlay**.

      ii) Within the boundary of this overlay, three distinct zones shall be established: University Avenue Zone (UD-UAZ), Transition Zone (UD-TZ), and Convention Zone (UD-CZ). The locations of these zones are on the associated map.

Figure 36-2-31. University District Overlay



e) The vision for the zones.

i) University Avenue Zone (UD-UAZ): The UD-UAZ is assigned to land appropriate for an urban neighborhood center with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. Two- to five-story buildings are encouraged. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks. University Avenue shall be the primary frontage for properties on University Avenue.

ii) Transition Zone (UD-TZ): The UD-TZ is assigned to land appropriate for neighborhoods with a mix of building types and uses. These lands are generally occupied by detached and attached residential houses, small apartment buildings, and small commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, passive and active neighborhood parks, and squares. The buildings may be one to three stories high with shallow front setbacks and small or no side and rear yards. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks.

iii) Convention Zone (UD-CZ): The UD-CZ is assigned to land suitable for development that, by its intrinsic size, function, or configuration, may not conform to the descriptions and standards for one of the other zones. The development types include convention and exhibition hall, hotel, and ancillary uses such as restaurants and specialty retail.

f) Definitions. Definitions are in addition to those noted in **Sec. 34-5. Definitions** unless otherwise noted here:

Brew-pub: A brew-pub is a microbrewery that serves food or is combined with a pub. A microbrewery, or craft brewery, is a brewery that produces a limited amount of beer. The maximum amount of beer a brewery may produce and still be classed as a microbrewery in New Mexico is less than or equal to 200,000 barrels a year, according to the New Mexico Alcohol and Gaming Division.

Callecita or *lane:* Combines the space for a car with the space for the pedestrian. See also the Las Cruces Downtown Revitalization Final Schematic Design and Concept Report, adopted August 2005.

Dwelling, above ground floor: Dwelling unit(s) located above ground floor office or commercial uses.

Front facade: A term that is equivalent to "primary front" or “primary frontage” throughout this Development Code. It is the elevation with the main entrance to a building that faces a public street. In the UAZ, the primary or front facade faces University Avenue.

Green roof: As defined by the U.S. Environmental Protection Agency, green roofs, also known as rooftop gardens, are planted over existing roof structures, and consist of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants. Green roofs reduce rooftop and building temperatures, filter pollution, lessen pressure on sewer systems, and reduce the heat island effect.

Guest dwelling: A dwelling to be used for temporary occupancy only and is not to be rented or leased. A guest dwelling shall be no more than 50 percent of the main dwelling's heated/cooled square footage and shall not contain a kitchen. (See also **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #19 Accessory Dwelling.)

Live/work unit: A building that may be used flexibly for living and working in the same building. A variety of uses in the buildings is encouraged. Dwelling units may be located above the ground floor, attached to the rear of a shop front, or detached and located in the rear or side yard. Work is of a commercial nature subject to business registration requirements and not a home occupation.

Mixed-use: For the purposes of this overlay, the term refers to the practice of allowing more than one type of land use category (For example, residential, office or commercial, etc.) in a single building or set of buildings located on a single parcel.

Outdoor plaza or space: A generally open area that may be used for active or passive purposes by one or more businesses and the public visiting the location. An example may include an outdoor seating area for a cafe or restaurant serving as an extension of one or more business, a landscaped plaza serving as open space for patrons and visitors alike, etc.

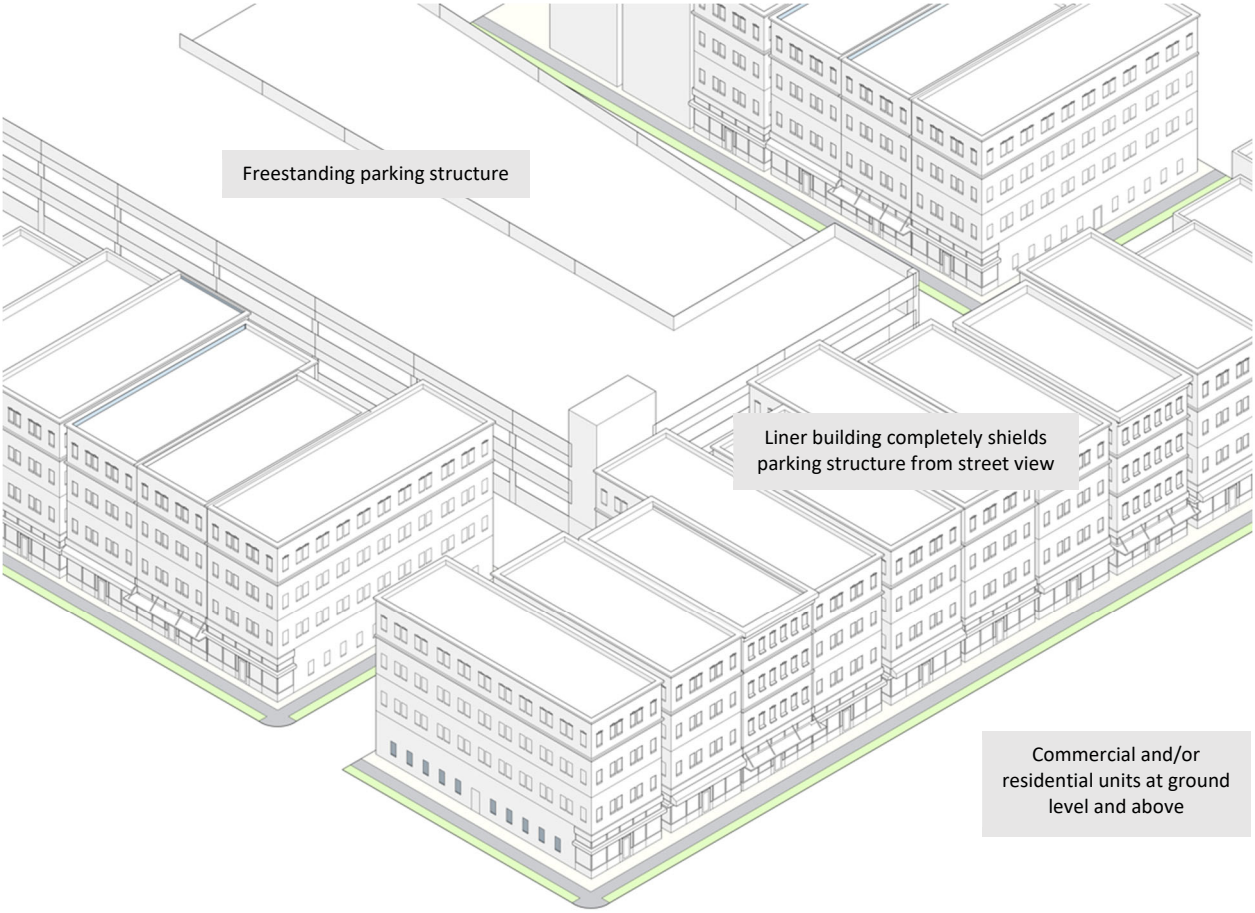
Parking garage with and without liner building: A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below-grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features, and articulated elements to mitigate blank walls and screen parking.

Pedestrian scale lighting: Lighting that shall be a maximum of 16 feet in height and shall contribute to the overall character of the surrounding community, site architecture, or other site features.

Performing arts center: A multi-use performance space that is intended for use by various types of performing arts, including dance, music, and theatre.

Secondary residence: A dwelling unit that is subordinate in size and location to the main dwelling on a single property, and may be rented or leased as an independent dwelling unit. A secondary residence is different from a guest dwelling or accessory structure in that it is a distinct dwelling unit containing a kitchen. Examples include an apartment or cottage.

Single use: For the purposes of this overlay, the term refers to either one or multiple component parts of a single land use category, such as residential, office, or commercial. Multiple office-related businesses on a single parcel or tract shall be considered a single use. For the purpose of this overlay, there shall be a limit to a concentration of single land uses in favor of a mix of uses.



g) Permitted Uses

i) General Provisions

a. Mixed-use development is permitted throughout the University District. Mixed-use is defined as the practice of allowing more than one type of use, including residential, in a building or set of buildings.

b. The City shall seek to streamline review, subdivision processing, and waiver of permit and application fees as appropriate within the University District Overlay. Use of these provisions shall be allowed regardless of a parcel's status (vacant, underutilized, etc.).

c. There shall be no development or alteration of the lands, uses, or structures within this overlay except as provided for by this section of the Development Code and other codes where applicable. For example, under no circumstances shall development violate the City's traffic standards for maintaining a clear sight triangle (**Sec. 38-2.H. Clear Sight Triangle**).

d. Commercial (retail and service) and office drive-thru windows/drive-up windows are discouraged in the University District. Drive-through uses do not support a pedestrian-oriented environment and are inconsistent with the goals for the University District. Although drive-through facilities are discouraged, the following standards shall apply to facilities approval by the UD-CDRC.

i. Windows and stacking lanes. Drive-through windows and stacking lanes shall not be located within the front yard setback or along facades that face a street. Drive-through windows shall be located at the rear of buildings.

ii. Circulation. The design and location of the facility shall not impede vehicular traffic flow and shall not impede pedestrian movement and safety. Shared driveways and/or driveways located off of non-arterial streets should be used, where possible.

iii. Screening. Architectural elements, landscaping, and/or other screening elements shall be used to minimize the visual impacts of the drive-through facility.

e. Developments with frontage on University Avenue greater than 400 linear feet shall be mixed-use.

f. Land uses that do not appear on this list shall be reviewed by the Community Development Director and a determination will be made as to whether said use is consistent and/or congruous with others listed or whether or not it requires a special use permit by its intended omission.

ii) University Avenue Zone (UD-UAZ), Transition Zone (UD-TZ) and Convention Zone (UD-CZ). Please refer to **Figure 36-2-32. UD Overlay Permitted Uses** for uses that are allowed (A), conditional (C) and not permitted (NP). Please refer to **Sec. 36-3.A.1. Permitted Use Chart** for the number of auto parking stalls required per land use.

Figure 36-2-32. UD Overlay Permitted Uses

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
AGRICULTURE & EQUESTRIAN USES					
Veterinary Facility	A	C	NP	Close 10 p.m.	1 BPS/20 employees on maximum shift
INDUSTRIAL LAND USES					
Light Manufacturing (Cabinetry and Woodworking; Cottage Industry Retail or Service, Jewelry, Silverware & Plated Ware; Musical Instrument Fabrication/Manufacture; Printing and Publishing; Signs & Advertising) Fabrication/Manufacture	C	C	NP	NEW: Light manufacturing uses permitted shall be an accessory use to a retail business in the UD. A maximum of 49 percent of the square footage of the buildings may be used for light manufacturing uses. The use shall meet all requirements for the district including the intent and purpose. CONDITIONS: 1. No activity producing noise, glare or heat observable or measurable outside the building is allowed. 2. No emission of objectionable dust, fumes, odors, vapors, gases, smoke or other forms of air pollution shall be permitted. 3. No vibration shall be permitted which is discernible beyond the property lines to the human sense of feeling for three minutes or more duration in any one hour of a day. 4. No outside storage.	1 BPS/20 employees on maximum shift
Communication/Vertical Structures	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**	
Face Mount (attached to primary use)	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**	N/A
Laboratories (Medical/Dental/R & D)	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Manufacturing, General	NP	NP	NP		
Ministorage Units	NP	NP	NP		
Parking Lots (Private or Public)	NP	NP	NP		
Parking Garage with Liner Building, Commercial or Public	A	C	A	Not to exceed maximum height (45 feet).	
Storage/Display of Merchandise for Sale (exc. Manufactured buildings, mobile homes & operable cars, trucks, motorcycles & RVs)	NP	NP	NP		
Storage outside of buildings of materials, equipment and supplies not for sale	NP	NP	NP		
Storage, warehousing accessory to Office, Retail, Service, or Industry	NP	NP	NP		
Recycling Centers	NP	NP	NP		
Water Purification, Commercial	NP	NP	NP		
Wholesale Trade, any product	NP	NP	NP		
INSTITUTIONAL RELATED USES					
Child Care or Preschool (13 or more children)	C	C	NP	See #36 Child Care Center in **Sec. 36-3.B**	1 BPS/7000 GFA
Community Buildings - Uses (includes Community Recreation Facility, etc.)	A	C	C		1 BPS/5000 GFA
Convention Center/Exhibition Hall	NP	NP	A		1 BPS/75 Maximum occupancy
Family Child Care Home (5-6 children)	C	C	NP	See #37 Child Care Home (≤6) in **Sec. 36-3.B**	1 BPS/7000 GFA
Group Child Care Home (7-12 children)	C	C	NP	See #38 Group Child Care Home (7-12) in **Sec. 36-3.B**	1 BPS/7000 GFA
Institutional Office (i.e., Convention & Visitors Bureau, etc.)	A	A	C	Accessory to Convention Center/Exhibition Hall	1 BPS/8000 GFA
Religious Institution w/Columbarium	C	C	NP	See #43 Cemetery or Columbarium in **Sec. 36-3.B**	1 BPS/40 seats in primary assembly
Library/Museum	A	C	A	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building; d) Frontage Elements, Primary Building]	1 BPS/1000 GFA
Performing Arts Center	A	C	A	Close 10 p.m.	1 BPS/50 Maximum occupancy
School (K-8) Public, Private, Parochial	C	C	NP	See #39 School (K-8) in **Sec. 36-3.B**	6 BPS/classroom
School (9-12) Public, Private, Parochial	C	C	NP	See #40 School (9-12) in **Sec. 36-3.B**	4 BPS/classroom
School, College or University	C	C	C	See #41 School (College or University) in **Sec. 36-3.B**	1 BPS/20 Employees + 1 BPS/4 Students
School, Commercial, Trade or Technical	C	C	C	See #42 School (Commercial, Trade, or Technical) in **Sec. 36-3.B**	1 BPS/20 Employees + 1 BPS/4 Students
OFFICE & COMMERCIAL LAND USES					
Adult Amusement Establishment	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Adult Bookstore/Video Store	NP	NP	NP		
Art or Photography Studio	A	A	NP		1 BPS/8000 GFA
Auto/Truck/Trailer Rental	NP	NP	C	Auto rental only when accessory use to Hotel, Convention Center, Exhibition Hall. Not to exceed 10 parked cars.	1 BPS/6000 GFA
Cab Stand	NP	NP	NP		
Eating & Drinking Establishments (Bar, Pub, Tavern (Dancing & No Dancing); Cafe, Cafeteria, Coffee Shop, Convenience Store; Deli with eating facilities; Restaurant, etc.; Brew-Pub)	A	A	C	New use category that contains both uses in current zoning code and a new one for Brew-Pub.) CONDITIONS: Ancillary to primary Hotel use, Convention Center, & Exhibition Hall.	1 BPS/1000 GFA
Equipment (Large) Repair & Service (Non-Vehicular)	NP	NP	NP		
Equipment Rental	C	C	NP	Outside storage prohibited.	1 BPS/20 employees
Gas Station with Convenience Store	C	NP	NP	Prohibit mid-block locations and at intersections on University Avenue between Turrentine Drive and Locust Street. Repair facilities prohibited.	1 BPS/2000 GFA
General Commercial & Retail (Bicycle Sales, Service & Repair; Building Material (no outdoor sales or storage); Carpet/Window Treatments; Clothing Store; Department Store; Furniture Store; Garden Supply; Grocery Store; Hardware Store w/out outdoor sales or storage; Specialty Store such as books, music, toys, etc.; Pawn Shop; Plant Nursery; Small Item Repair Shop; Telephone & Communication Center; Upholstery Shop, no outdoor storage; Variety Store; Video Tape/DVD/Rental/Sales; and other typical small-scale Commercial establishments)	A	A	C	Ancillary to primary Hotel or Convention Center use.	1 BPS/2000 GFA
General Office & Service (Accounting, Auditing & Bookkeeping; Architectural, Engineering, Planning & Surveying; Bank, Bonding & Financial Institution (No Drive-Thru); Barber/Beauty/Hair Salon & Related Personal Care; Cleaning & Maid Services; Consulting Services; Counseling Services; Credit Reporting & Collection; Desktop Publishing & Graphic Design; Funeral Home; Health Care Clinic (non-hospital); Insurance; Laboratory; Legal Services; Lessons (Art, Dance, Music, etc.); Mailing & Records Management Services; Medical/Dental Office; Motion Picture Production; Pharmacy; Radio/TV Studio/Station; Real Estate; Research Organization, Noncommercial; Tax Preparation; Telemarketing/Mail Order/Call Center; and other similar Business Offices.)	A	C	C	TZ: Close 10 p.m. CZ: Ancillary to primary Hotel or Convention Center use.	1 BPS/8000 GFA. Medical Office add 1 BPS/2 Doctors
Health Care Clinic (Non-Hospital)	A	C	NP	Close 10 p.m., location on Collector or higher.	1 BPS/10000 GFA
Hospital	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Hotel/Motel	A	NP	A		1 BPS/20 employees on maximum shift. For additional onsite uses (offices, meeting rooms, ...) see individual req'ts.
Kennel/Cattery, Commercial	NP	NP	NP		
Newspaper Distribution	NP	NP	NP		
Petroleum/Propane Sales	C	C	NP	Ancillary to retail use.	N/A
Private Club or Lodge	A	C	NP	Close 10 p.m.	1 BPS/2000 GFA
Temporary (Non-seasonal)	C	C	C	See #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**	1 BPS/2000 GFA
Theater, Movie (Commercial)	A	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building; d) Frontage Elements of the Primary Building].	1 BPS/60 seats
Mobile Home, Auto, Motorcycle & Manufactured Home Sales, Service & Repair (Auto Body Shop; Auto/Truck Parts Store; Auto/Truck Repair & Service; Auto/Truck Wash/Wax/Detailing; Self-Service/Automated or Full Service; Auto/Truck/Motorcycle Dealers; Truck/Trailer Rental (separated Auto Rental conditioned in CZ as an accessory to hotel use); Automobile, Truck and Camper Sales, Service and Repair); Tire Sales/Repair	NP	NP	NP		
RECREATIONAL USES					
Arcade/Game Room	A	C	NP	Hours of operation: Close 10 p.m.	1 BPS/1000 sqft GFA
Billiard/Pool hall	A	C	C	TZ: Hours of operation: Close 10 p.m.; CZ: Ancillary to primary hotel use and subject to NMSU lease agreement.	1 BPS/4000 sqft GFA
Golf Course, Miniature	A	C	NP	Hours of operation: Close 10 p.m.	1 BPS/6 tees + 1/1500 sqft GFA
Health/Exercise Club/Gymnasium/Sports Instruction	A	A	C	Ancillary to primary hotel use.	1 BPS/1500 sqft GFA
Park	A	A	NP		per Director
Recreational Court, Tennis, etc., Public/Private	A	A	NP*		1 BPS/5 courts
Swimming Pool, Commercial or Public/Private	C	C	C	UAZ + TZ: if the pool is part of a MU development & meets the conditions of the code for placement, utilities, walls & fences, stormwater retention. CZ: When ancillary to primary hotel use.	1 BPS/1250 sqft of pool surface
Botanical Park	C	C	NP	Building and site design requires pedestrian orientation and compliance	2 BPS/acre

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
				with Building and Site Standards in UD Overlay [b) Placement of Primary Building and d) Frontage Elements of Primary Building]	
Apartments (including Condominiums)	C	C	NP	Achieve minimum density: 10 DU/ac in TZ and 15 DU/ac in UAZ	1 BPS/4 DU
Assisted Living or Retirement Facility	C	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay (B: Placement of Primary Building; F: Frontage Elements (Primary Building)	1 BPS/20 Employees on maximum shift
Bed and Breakfast	C	C	NP	UAZ: Maximum 15 rooms; TZ: maximum 8 rooms. Consistent with design guidelines in this overlay.	1 BPS/4 rooms
Boarding House	A	A	A		1 BPS/4 rooms
Detached Site Built Single Family DU	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	N/A
Duplex (including Condominiums)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit
Dwelling, Live-Work	C	C	NP	Dwelling unit is attached to the rear of a shop front or detached and located in the rear or side yard or located above the ground floor and that work is of a commercial nature subject to business registration requirements and not a home occupation.	2 BPS/Unit
Dwelling, Located Above Ground Floor	C	C	NP	Achieve minimum density: 15 DU/ac UAZ and 10 DU/ac TZ.	1 BPS/Unit
Fraternity/Sorority House	A	A	NP		1 BPS/2 Bdrms
Guest Dwelling	C	C	NP	See #19 Accessory Dwelling in **Sec. 36-3.B**	1 BPS/Unit
Halfway House	A	A	NP		1 BPS/4 Bdrms
Home for Disabled	A	C	NP	Ten or fewer persons served allowed in TZ. More than 10 persons served, allowed in UAZ only.	1 BPS/20 Employees on maximum shift
Manufactured Dwelling Unit	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	N/A
Nursing Home	C	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building and d) Frontage Elements of Primary Building].	1 BPS/80 Beds
Patio Home	C	C	NP	See **Sec. 36-4.B.4 Dimensional Standards for Palliative** **Any agent used** to lessen or reduce dust emissions. Patio Homes and Townhouses, Achieve minimum density: 15 DU/ac in UAZ, 10 DO/ac in TZ	1 BPS/Unit
Quadplex (including Condominiums)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/4 DU
Secondary Residences	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ.	1 BPS/Unit

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Townhouse (Attached Single Family DU)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit
Triplex (including Condos)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit
Youth Hostel	A	A	NP		1 BPS/10 Beds
RESIDENTIAL RELATED USES					
Accessory Dwelling Unit	A	A	NP	See #19 Accessory Dwelling in **Sec. 36-3.B**	N/A
Accessory Uses & Structures	C	C	NP	**Sec. 36-4.B.2 Accessory Structures**	N/A
Greenhouse (Non-commercial), Garden Shed, Tool Shed	C	C	NP	See **Sec. 36-4.B.2 Accessory Structures**	N/A
Home Occupation	C	C	NP	See #23 in Home Occupation in **Sec. 36-3.B**	N/A
Kennel/Cattery (Private Residential)	C	C	NP	In accordance with Chapter 7 of the LCMC Code of Ordinances	N/A
Storage of recreational vehicles and motor vehicle appurtenances	C	C	NP	See #67 Recreational Vehicle Park in **Sec. 36-3.B** and **Sec. 38-2.N.6.g) Parking and Storage of Large Motor Vehicles**	N/A

h) Property alteration, remodel, or renovation.

i) Purpose. Property alterations, remodels, or renovation standards are established for this district to maintain consistent quality standards for all development and may be for the purpose of adaptive re-use of the structure. For the purposes of this section, exterior remodel, renovation, or alteration shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in rooflines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically. Normal maintenance activities as verified by the Building Official are exempt from this provision.

ii) Minor modifications. Changes to a property may be made without requiring compliance with the University District Overlay Urban Design Standards (architecture, landscaping, signage, and utilities). The expansion and/or modification must comply with the urban design standards of the University District Overlay unless through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development. In no case shall a minor modification/expansion equal or exceed a cumulative total of 15 percent of the gross floor area, nor shall an expansion or modification equal or exceed a cumulative total of $25,000.00 in valuation. A proposal equal to or exceeding these values or one that impacts parking and landscaping shall not be considered as a minor addition and/or modification. It shall, therefore, be subject to normal review and consideration afforded development in the overlay and may be subject to nonconforming provisions that follow. The applicant must provide estimates for the cost of labor as a means of ensuring compliance with the valuation criteria.

a. Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted.

b. Should an applicant or aggrieved party not agree with the interpretation by the Community Development Director, the interpretation may be appealed to the University District Citizens Design Review Committee for their recommendation to the Planning and Zoning Commission. All other

nonconforming use requirements are subject to **Sec. 36-5.G. Nonconformities** and the City's design standards.

i) Nonconforming uses. Nonconforming uses within the University District Overlay shall be subject to the following provisions.

i) Permitted uses—Nonconforming.

a. When nonconforming site/urban design features regarding access from the right-of-way or lighting are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase of 15 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $25,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low volume retail to high volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

b. When nonconforming site/urban design features regarding signage, landscaping, walls, or parking are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase of 50 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $75,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

c. When nonconforming site/urban design features regarding architecture/building elements associated with Glazing requirements are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase greater than 75 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $200,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

ii) Prohibited uses—Nonconforming.

a. Uses that existed within the overlay prior to plan/ordinance adoption (2010) that are deemed a prohibited use may be allowed to continue to exist and expand or enlarge (either one-time or cumulative increase) provided that:

i. The property has not remained vacant for a period of one continuous year or greater; or

ii. A change in use has not occurred on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), or use orientation (for example, service to retail).

b. If the above two criteria are confirmed not to have existed, the use may:

i. Increase or expand in area (lot or building) not more than 50 percent in gross square footage of lot or building area; and

ii. Any noncompliant site/urban design standards existing shall be brought into compliance with overlay standards to the extent possible. Determination of the extent of compliance shall rest with the Community Development Director.

j) Development and urban design standards.

i) Building and site development standards for the UD-UAZ: University District, University Avenue Zone.

a. UAZ: Block, lot, and density standards.

1	Maximum Block Size (For new subdivisions and/or resubdivided parcels or tracts)	All new subdivisions shall require the construction of new streets that create blocks with a maximum perimeter of 2,000 linear feet. When a full block cannot be constructed, street stubs-outs to adjacent properties shall be provided to allow for the future connection and completion of the block by subsequent development.
2	Density	Up to 36 units per acre by right and up to 54 units per acre provided that outdoor space is appropriately designed into the project as defined herein and deemed acceptable by the city. Accessory units and guest dwellings are excluded from this calculation.
3	Lot Width	No minimum except as needed to meet other requirements in this section.
4	Lot Depth	No minimum except as needed to meet other requirements in this section.
5	Impervious Surfaces	No more than 90 percent of the site shall consist of impervious surfaces.

b. UAZ: Setbacks—Primary building.

1	Front Setback—Arterials	A minimum five-foot setback is required. Within the setback, awnings, porches, window shades, bay windows among other architectural features shall be incorporated into facade design. Buildings that require a setback greater than five feet shall use that setback frontage for active or passive open space as defined herein.
2	Front Setback—Non-Arterials	A minimum five-foot setback is required. No specific architectural features are necessary in the facade design.
3	Secondary Front Setback	Five-foot minimum
4	Side Setback	Ten-foot minimum
5	Rear Setback	Ten-foot minimum

c. UAZ: Building design (primary building).

1	Number of Floors	3 floors maximum if single use plus an optional basement by right. BONUS: Up to four floors maximum with either open space as defined herein or mixed land use considerations incorporated into the development. Up to five floors maximum with open space and mixed land use considerations incorporated into the development.
2	Architectural Definition	Buildings over two stories shall have a well-defined base, middle, and top such that architectural details articulate the different uses at lower building levels.
3	Ground Floor Elevation	The elevation of the ground floor may be elevated a maximum of five feet above the average grade of the site along the front facade of the building. If it can be demonstrated that elevation above five feet is necessary due to floodplain or similar site issues, consideration of said elevation may be considered. If the ground floor is designed to accommodate nonresidential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps.

4	Ground Floor Height	If the ground floor is designed to accommodate nonresidential space, the height of the ceiling (as measured from floor plate to floor plate) shall be at least 12 feet for buildings less than three floors and at least 16 feet for buildings with three or more floors.
5	Maximum Height	75-foot maximum as measured from the average grade of the site along the front facade of the building. For buildings greater than 30 feet or two stories, the upper stories shall be stepped back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc.
6	Maximum GFA per single use	A single use shall not exceed 15,000 square feet of GFA per building.

d. UAZ: Frontage elements (primary building).

1	Entrance and Frontage	The primary entrance shall be located on the facade along the primary front setback. The entrance shall be located within a stoop, storefront, terrace/lightwell, gallery, or forecourt frontage.
2	Rear Access	The appearance of rear entrances should orient customers and provide safe and convenient access to the building without sacrificing the primary entrance purpose.
3	Windows, All Floors	At least 50 percent of the surface area of ground floor primary front and secondary front setback facades with storefronts shall be occupied by windows with Glazing of no less than 60 percent transparency. At least 20 percent of the surface area of all other facades shall be occupied by windows. Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent or opaque glass is prohibited.

e. UAZ: Placement of surface parking and accessory buildings.

1	Front Setback	No closer than the rear facade of the primary building(s), 40 feet, or at least 50 percent of the lot depth, whichever is less.
2	Secondary Front Setback	Eight-foot minimum—Parking lot Ten-foot minimum—Accessory building
3	Side Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel.
4	Rear Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel.

f. UAZ: Placement of parking structures.

1	Front Setback	A setback is not required if liner building is designed into and a component part of the parking structure (Please refer to definitions—Parking garage with liner building). If the design involves a separate parking structure from a liner building, the structure may be placed no closer than the depth of the liner building across the entire lot. Building code separation shall be required when applicable.
2	Secondary Front Setback	Five-foot minimum
3	Side Setback	Ten-foot minimum.
4	Rear Setback	Ten-foot minimum.

g. UAZ: Building design (accessory buildings).

1	Number of Floros	One to two floors, not to exceed number of floors of the primary building.
2	Maximum Height	24-foot maximum as measured from the average grade of the site along the rear facade of the building.

h. UAZ: Outdoor lighting.

1	Yard or Outdoor Lighting	Ensure that any outdoor lighting follows **Sec. 38-9. Outdoor Lighting**.

		For nonresidential uses, it is recommended that the UAZ should have a lighting curfew of 12:00 a.m. or close of business, whichever is later. Appropriate security lighting is hereby authorized.
2	Public Spaces	Pedestrian scale lighting shall be installed throughout the University District. Please refer to definitions in this overlay.

i. UAZ: Garbage, recycle, mechanical equipment, loading areas, and compost storage.

1	Allowed Locations	Garbage, recycle, and compost receptacles shall be stored within a garage, an outbuilding, or a rear or side yard that is enclosed by a wall or fence that meets **Sec. 38-8. Fencing, Screening, and Buffering**. Mechanical equipment and loading areas shall be located away from the street edge and screened from any right-of-way vantage point as applicable.

ii) Building and site development standards for the UD-TZ: University District Transition Zone.

a. TZ: Block, lot, and density standards.

1	Maximum Block Size (For new subdivisions and/or resubdivided parcels or tracts)	All new subdivisions shall require the construction of new streets that create blocks with a maximum perimeter of 2,000 linear feet. When a full block cannot be constructed, street stubs-outs to adjacent properties shall be provided to allow for the future connection and completion of the block by subsequent development.
2	Density	10 minimum to 24 maximum units per acre by right. Accessory units and guest dwellings are excluded from this calculation.
3	Maximum Lot Width	100-foot maximum (as measured along the front property line)
4	Lot Depth	No minimum except as needed to meet other requirements in this section.
5	Impervious Surfaces	No more than 80 percent of the site shall consist of impervious surfaces.

b. TZ: Setbacks—Primary building.

1	Front Setback—Arterials	A minimum five-foot setback is required. Within the setback, awnings, porches, window shades, bay windows among other architectural features shall be incorporated into facade design. Buildings that require a setback greater than five feet shall use that setback frontage for active or passive open space as defined herein.
2	Front Setback—Non-Arterials	A minimum five-foot setback is required. No specific architectural features are necessary in the facade design.
3	Secondary Front Setback	Five-foot minimum
4	Side Setback	Ten-foot minimum
5	Rear Setback	Ten foot minimum

c. TZ: Building design (primary building).

1	Number of Floors	Three floors maximum if single use plus an optional basement by right. BONUS: Up to four floors maximum with either open space as defined herein or mixed land use considerations incorporated into the development.
2	Architectural Definition	Buildings over two stories shall have a well-defined base, middle and top such that architectural details articulate the different uses at lower building levels.
3	Ground Floor Elevation	The elevation of the ground floor may be elevated a maximum of five feet above the average grade of the site along the front facade of the building. If it can be demonstrated that elevation above five feet is necessary due to floodplain or similar site issues, consideration of said elevation may be considered. If the ground floor is designed to accommodate nonresidential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps.
4	Ground Floor Height	If the ground floor is designed to accommodate nonresidential space, the height of the ceiling (as measured from floor plate to floor plate) shall be at least 12 feet for buildings less than three floors and at least 16 feet for buildings with three or more floors.

5	Maximum Height	35-foot maximum as measured from the average grade of the site along the front facade of the building. For buildings greater than 30 feet or two stories, the upper stories shall be stepped back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc.
6	Maximum GFA per single use	A single use shall not exceed 10,000 square feet of GFA.

d. TZ: Frontage elements (primary building).

1	Entrance and Frontage	The primary entrance shall be located on the facade along the primary front setback. The entrance shall be located within a stoop, storefront, terrace/lightwell, gallery, or forecourt frontage. (Buildings on corner lots: Primary frontage is the facade that faces the street that corresponds to the property address.)
2	Windows, All Floors	At least 50 percent of the surface area of ground floor front and external side facades with storefronts shall be occupied by windows. At least 20 percent of the surface area of all other facades shall be occupied by windows. Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent, or opaque glass is prohibited.

e. TZ: Placement of surface parking and accessory buildings.

1	Front Setback	No closer than the rear facade of the primary building(s), 40 feet, or at least 50 percent of the lot depth, whichever is less.
2	Secondary Front Setback	Eight-foot minimum—Parking lot Ten-foot minimum—Accessory building
3	Side Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel. One-hour fire-rated wall required pursuant to the building code.
4	Rear Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel. One-hour fire-rated wall required pursuant to the building code.

f. TZ: Placement of parking structures.

1	Front Setback	A setback is not required if liner building is designed into and a component part of the parking structure (please refer to definitions - Parking garage with liner building). If the design involves a separate parking structure from a liner building, the structure may be placed no closer than the depth of the liner building across the entire lot. Building code separation shall be required when applicable.
2	Secondary Front Setback	Five-foot minimum
3	Side Setback	Ten-foot minimum.
4	Rear Setback	Ten-foot minimum.
5	Exceptions	Setbacks for podium and underground parking levels may have the same setbacks as the building. Screening requirements in **Sec. 38-8.E.5. Parking Structures** apply to structures proposed in the Transition Zone (TZ) adjacent to NH Districts located outside the UD Overlay. For purposes of buffer requirements, the use on parcels shall be the primary determining factor in buffer requirements.

g. TZ: Building design (accessory buildings).

1	Number of Floors	One to two floors, not to exceed number of floors of the primary building.
2	Maximum Height	Twenty-four foot maximum as measured from the average grade of the site along the rear facade of the building.

h. TZ: Outdoor lighting.

1	Yard or Outdoor Lighting	Ensure that any outdoor lighting follows **Sec. 38-9. Outdoor Lighting**.

		For nonresidential uses, it is recommended that the TZ should have a lighting curfew of 10:00 p.m. or close of business, whichever is later. Appropriate security lighting is hereby authorized.
2	Public Spaces	Pedestrian scale lighting shall be installed throughout the University District.

iii) TZ: Garbage, recycle, mechanical equipment, loading areas, and compost storage.

1	Allowed Locations	Garbage, recycle, and compost receptacles shall be stored within a garage, an outbuilding, or a rear or side yard that is enclosed by a wall or fence that meets **Sec. 38-8. Fencing, Screening, and Buffering**. Mechanical equipment and loading areas shall be located away from the street edge and screened from any right-of-way vantage point as applicable.

iv) Building and site design standards for the UD-CZ: University District Convention Zone.

a. Civic standards.

i. Introduction. Civic buildings are buildings operated by not-for-profit organizations (including governmental organizations) that are dedicated to arts, culture, education, recreation, government, transit, and or for use approved by the legislative body. The above uses with a religious foundation are not considered civic buildings.

b. Standards. The following standards apply to civic buildings:

i. Civic buildings should be architecturally distinctive, designed appropriately for their function, and designed with outdoor gathering spaces.

ii. Civic buildings may be located within civic spaces.

iii. Civic buildings shall not be subject to the standards of this article (Building Standards). The particulars of their design shall be determined by the University District Citizens Design Review Committee (UD-CDRC) and as required by the director.

c. Historic building standards.

i. Introduction. Historic buildings are structures that are listed on the National and/or New Mexico Registers of Historic Places.

ii. *Standards.* The following standards apply to historic buildings:

(a) Uses for historic buildings and properties shall comply with **Figure 36-2-32. UD Overlay Permitted Uses**.

(b) Alterations and additions to historic buildings shall comply with the Secretary of the Interior's Standards for Rehabilitation.

v) Landscaping—*All zones.* All landscape planting should serve to enhance the architectural value of the building, ground the building in the site, create a pleasant and attractive environment for pedestrians, and mitigate environmental conditions such as excess heat, strong winds, and air pollution.

a. Purpose. Landscaping standards are established for this district to create a more comfortable environment for pedestrians and transit users; to achieve the intended character of a walkable district that meets the desires of the community; and provide stormwater management by reducing runoff and improving water quality by filtering runoff before it enters the collection system. Where City uses of easement area or right-of-way requires displacement of landscaping or damage to drainage ponds, the City shall replace or repair those pond and landscaping elements to the extent possible as determined by the City.

b. Applicability. The provisions of this section shall supersede other landscaping requirements within the Municipal Code, where conflict in regulation exists, as it applies to the landscaping of the University District only.

c. Landscaping standards apply to all development in the University District with the exception of properties that are occupied by single-family residences. Landscape consists of native or drought-tolerant species of both overstory (shade and coniferous trees) and understory plantings of ornamental trees, shrubs, cacti and perennial grasses, groundcovers, and flowers, the standards for which apply to the entire site and parking lot area, excluding building area.

   i. Landscaping for new development within the University District shall comply with principles of water conservation that address:

      (a) Planning and design;

      (b) Soil improvements;

      (c) Efficient irrigation;

      (d) Zoning of plants;

      (e) Mulches;

      (f) Turf alternatives; and

      (g) Appropriate maintenance. (Please refer to Curtis Smith's article, Principles of Xeriscape.)

d. Area to be Landscaped. The required area to be landscaped is equal to a minimum of 20 percent of the total parking area. For the purposes of this article, the parking area shall be defined as the surface area of the entire tract of land excluding the building pad.

   i. Parking bays in excess of ten spaces in length should be divided by intermittent landscape islands. Landscape islands shall be no less than six feet by six feet for each tree and accompanying groundcovers.

   ii. One tree shall be planted in the parking lot area for every five parking spaces. Each tree shall be planted in an area that is no less than six feet by six feet.

   iii. A landscape buffer no less than eight feet wide should be provided between all parking areas and the sidewalk or street, the purpose of which is to screen parked vehicles from view from the street. The buffer strip should contain a mix of shade trees, low shrubs or perennial flowers, boulders and may include a decorative fence that ensures visibility. (Please refer to fencing in section J. Development and urban design standards.) If a solid wall or dense hedge is used it should be no less than 18 inches and no more than four feet (48 inches) in height to allow views into and out of parking areas. If a berm is used, the slope should not exceed 20 percent (5:1).

   iv. In parking lots larger than one acre or 200 feet or more wide, walkways are required that link perimeter sidewalks to primary building entrances.

   v. Green roofs (please refer to **Sec. 36-2.D.5.f) Definitions**) may be used to meet minimum landscape requirements at a 1:1 ratio excluding the above listed requirements for landscaping parking lots.

e. Installation. The irrigation system and landscaping shall be installed before the completion of building construction and prior to the issuance of a certificate of occupancy unless a temporary certificate of occupancy or other written agreement has been arranged with the city. Such agreements extending the time of installation will be for a maximum period of nine months. (Ord. No. 978, § 4.6, 6-20-88)

f. The total required landscape area shall be evenly distributed throughout the site. Businesses offering outdoor seating within their front setbacks may reduce the required landscaping, subject to review by the city and the citizen's design review committee (to be discussed later in this Code).

g. Plants at the time of installation shall be sized and quantities shall be defined according to the following: Two 2¼-inch caliper tree, five 15-gallon shrubs, and a choice of either five one-gallon shrubs or 50 square feet of groundcover, for every 500 square feet of lot area excluding building area and parking lot area.

h. Trees shall include shade producing trees which achieve a mature size of at least 25 feet high and 25 feet spread and ornamental trees which have particular features such as spring blooms, fall foliage color or bark characteristics. Evergreen trees such as pines, junipers, and cypress are also allowed. Shrubs shall include a mix of deciduous and evergreen plants including plants native to the Chihuahuan Desert and others adapted to our climate. Groundcovers shall serve to prevent soil erosion, provide color, and create an oasis feeling.

vi) Fencing, walls and retaining walls—General all zones.

a. Existing noncompliant fences and walls within the district may remain in place so long as they conform to existing City ordinances regarding permitting, height and placement. Increases in structure height or length shall require full compliance with fencing/wall requirements.

b. New fences/walls shall be of a generally "open" design to maintain visibility from the street. As an example, an open fence including gates has for each one-foot wide segment 60 percent of the surface area in open spaces which afford a direct view through the fence. Picket, post and rail, tubular steel and wrought iron are examples of acceptable open fencing. A base not greater than three feet in height may be used in combination with the "open" design. Chain link fencing is prohibited. All fences/walls in front yards must be "open" by design. A "closed" fence/wall is defined as a structure, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it. "Closed" fences/walls may only be constructed in side and rear yards. They are not allowed in front yards.

c. Fences, walls and hedges within the primary front yard (where primary front yard setback is determined) shall be limited to a height of four feet. The design of manmade structures shall conform to the provisions found in **b** above.

d. Fences, walls and hedges that are within five feet of the secondary front property line (side where secondary front yard setback is determined) shall be limited to a height of four feet. If the fence, wall or hedge is setback at least eight feet from the property line, the maximum height shall be limited to height of eight feet. The design of man-made structures shall conform to the provisions found in **b** above.

e. Fences, walls, and hedges that are within the rear and side yards shall be limited to a height of eight feet.

f. Retaining walls used within the various districts shall be designed in a manner limiting their height to what is absolutely necessary for the retaining purpose intended.

vii) Signage—All zones.

a. Purpose. The University District Overlay Sign Code shall be established for aesthetics, height, overall size, type, and lighting considerations for signage consistent with district urban design standards.

b. Attached signage. Only window, wall, awning signs and multi-use development directory signs are allowed. Awnings and the attached signs are subject to the design standards of all applicable codes.

i. Wall signs: Flush-mount:

(a) Commercial/nonresidential development.

- No wall sign shall project beyond the ends of the wall or beyond the top of the building to which it is affixed.
- Walls signs shall be affixed flat against the building wall. Any necessary frame mounting shall not extend more than six inches from the wall.
- Wall signs shall be placed on the ground floor of the structure in which the use takes place.
- No more than three wall signs shall be allowed per building facade in buildings with more than one business or use.

- No more than one wall sign shall be allowed per business or use per building facade. When there are more than three business occupants per building refer to the multi-use development directory sign standards of this section.
- One square foot of signage for each linear foot of exterior wall space, not to exceed 50 square feet per wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign. For buildings that are set back 100 or more feet from the sidewalk, signage may exceed the 50-foot maximum as determined by the Community Development Director.

(b) Multifamily residential development.

- Up to two wall signs, not to exceed 32 square feet each, with the name, logo, and associated graphics on a building containing eight or more residential units.
- Only one sign is allowed per wall. These attached signs are subject to the design standards of all applicable codes.

ii. Wall signs: Projecting:

(a) Projecting signs shall be considered double-faced signs with each sign face of equal size.

(b) Projecting signs shall not exceed 12 square feet in sign face area (six square feet per sign face).

(c) Only one projecting sign shall be allowed per business per street frontage.

(d) Only ground floor commercial businesses shall be permitted to utilize projecting signs.

(e) Projecting signs must maintain at least eight feet of clearance as measured from the bottom of the sign to grade and may project no more than four feet from the building or closer than two feet to the edge of the sidewalk, whichever is less.

(f) Projecting signs shall be installed at right angles to a building front.

iii. Window signs:

(a) There shall be no more than one permanent window sign per window.

(b) Neon signs displayed indoors constitute permanent window signs. Only one neon sign shall be permitted per business facade.

(c) The total coverage of all permanent, neon, and temporary window signs shall not exceed 25 percent of the total glass area of the window.

iv. Awnings and canopies:

(a) Awnings and canopies shall be supported solely by the building to which they are attached and no columns or posts shall be permitted as supports.

(b) No portion of an awning or canopy shall be less than eight feet above grade. However, if the awning and canopy extends beyond four feet between the building and curb, it must be 12 feet above grade.

(c) The roofs of all awnings and canopies shall be used for no other purpose than to form and constitute a roof. The roofs of all awnings and canopies shall not drain directly or into the public right-of-way. The roofs of all awnings and canopies shall be constructed in accordance with the building code.

(d) Awnings and canopies shall be designed to withstand a wind speed of not less than 90 miles per hour.

(e) Awnings and canopies shall not interfere with street trees or traffic signs.

(f) No advertising shall be placed on the awning or canopy except the name or logo of the owner, business or industry conducted within the premises, address of the building, or the building name.

(g) Lettering or logos shall be painted or otherwise permanently affixed in letters not exceeding 20 inches in height on the front and side portions thereof.

(h) Translucent awnings and canopies are not permitted.

(i) Any awning or canopy that encroaches into the public right-of-way shall obtain an approved encroachment agreement from the City's land management department prior to placement and use of the awning or canopy and comply with chapter 32 of the International Building Code, as adopted by the City.

v. Multi-use development directory sign. Exterior directory signs, with the name and location of all businesses within a multi-use development, shall be wall-mounted as specified above. One square foot of signage is allowed for each linear foot of exterior wall space, not to exceed 50 square feet per wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign.

c. Freestanding ground signage—All development.

i. Ground signs shall be the only freestanding signage permitted within the district.

ii. One ground sign is allowed per lot. The ground sign shall identify the primary tenant, the name of the business center or the name of the residential units.

iii. Individual ground signs shall be limited to properties which own direct, unobstructed (on-site) access to a public street.

iv. Ground signs shall not exceed 24 square feet in area, and shall not exceed three feet in height. Signs shall be placed at least five feet from the outside edge of the right-of-way, and at least five feet from adjacent property lines and not within the clear sight triangle as defined by **Sec. 38-2.H. Clear Sight Triangle**.

d. Design standards.

i. The silhouette, shape, and materials of signs in the University District Overlay shall be simple and compatible with the building or facade to which they relate.

ii. Freestanding signs shall not be placed so they obscure important architectural features such as entrances, display windows, or decorative cornices when viewed from the right-of-way.

iii. Attached signs shall not disrupt the architectural composition of the building facade. No part of any attached sign shall overlap or cover architectural features of the building such as cornices, eaves, window and door frames, columns, vigas, and other decorative elements.

iv. Signs within a business center shall be compatible with the architectural character of the center.

v. The number of different lettering styles or fonts on a sign shall be kept to a minimum, and shall relate to the architectural character of the property. Lettering and copy shall not be crowded onto a sign and shall leave ample space around the copy to preserve legibility.

vi. The visual appearance of signs shall reinforce the architectural character of the site.

vii. Illumination:

(a) Signs that are illuminated shall have concealed lighting fixtures with the exception of LED and neon.

(b) No reflectors, arms, fixtures or wires shall be visible from the street.

(c) Internally illuminated signs shall not be permitted.

(d) No sign shall be illuminated to create a nuisance, traffic hazard or excessive glare to adjacent property and shall comply with **Sec. 38-10.I.3. Sign Lighting** to prevent illumination of the night sky so as to lessen light pollution. Please refer to **Sec. 38-2.I. Streetlighting** and **Sec. 38-9. Outdoor Lighting**.

(e) Freestanding signs shall be landscaped at their base in a manner that is compatible with the character of the site. Landscaping shall form an attractive cluster at the base of the sign.

(f) The top of any sign shall not exceed 20 feet above grade.

e. Temporary promotional banners and pole banners.

i. Building-mounted banner displays*:* In addition to permitted permanent signage, businesses and organizations in the University District Overlay are allowed temporary, promotional displays in the form of a banner for promotional purposes that are subject to the following conditions:

(a) Each business and organization, with the exception of those within the convention zone, shall be permitted one banner three times during each calendar year for a maximum of ten consecutive days each or for a maximum of 30 consecutive days. Due to the nature of the convention zone and the number of special events, banners are expected to change more frequently than three times during each calendar year.

(b) Only one banner per business or organization may be displayed at a time.

(c) Banners shall be made of a durable material that may include 12- to 16-ounce weight materials, such as, nylon or vinyl reinforced canvas. Banners must have hemmed and reinforced edges. Grommets should be located on the banner's edge to allow it to be securely fastened to its supporting structure. If grommets are not used, some other mechanism such as rope shall be placed within the hem to allow for its attachment.

(d) Banners may not exceed 25 square feet in area.

(e) Banners shall be securely attached to a permanent building.

(f) The applicant shall provide to the Community Development Director the name and address of the business/organization where the banner is to be placed, the first day the banner is to be displayed, the date it is to be removed, the size of the proposed banner, and its design.

(g) Banners may be erected only when a sign permit has been issued. All banners shall be removed not later than the permissible time limit stated above. Failure to do so may forfeit the ability to use these provisions in the future. A permit will be issued to the applicant and will remain in effect for the duration of that event.

ii. Pole banners*:* Banners may be placed on city-owned utility and light poles promoting city-sponsored events and/or messages with approval by the city manager or his/her designee. (For the purposes of pole banners, a City-sponsored event shall be defined as an event for which the City of Las Cruces donates money and/or services/personnel.) Examples of these types of messages include: "Las Cruces Sparkles on the 4th of July" and "Happy Holidays". Other governmental entities, such as New Mexico State University, may also place banners on City-owned utility and light poles that display a community-wide message and are approved by the city manager or his/her designee. Examples of these types of messages include: "Go Aggies!" and "Welcome Back to School!" Approval with New Mexico State Highway Department will also be required when appropriate. To place banners on City-owned utility and light poles, arrangements shall be made through the traffic engineering section of the public works department. Fees may be imposed to offset expenses.

f. Prohibited signs*:* The following signs are prohibited in the University District Overlay:

i. Portable and pole signs, whether temporary or permanent.

ii. Permanent banners.

iii. Pennants, streamers, and other fluttering devices, whether temporary or permanent.

iv. Temporary Ground Signs (e.g., real estate, political, construction, contractor, and "coming soon" signs) over 12 square feet in area or over five feet tall.

v. Billboards and all other off-premises signs.

vi. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

g. *Applicability:* Where there are areas concerning signage not addressed by the University District Sign Code, **Sec. 38-10. Signs** shall apply.

k) Transportation (streets and public spaces).

i) Right-of-way improvements (traveled way, roadside and intersections) throughout the district shall be in accordance with the City's Active Transportation Plan and Complete Streets Ordinance. (Please refer to City Council Resolution No. 19-059 and Ordinance No. 2993.)

ii) Project initiation and preliminary engineering shall be initiated at the earliest opportunity for right-of-way improvements to the traveled way, roadside, and intersections of University Avenue between Interstate 25 and Interstate 10.

iii) Future amendments to this section are anticipated and shall convey design parameters for University Avenue as a walkable thoroughfare.

iv) Callecitas shall be considered and alleys shall be preserved, whenever possible, for improving pedestrian connectivity and providing vehicular access to properties. (Please refer to **Sec. 36-2.D.5.f) Definitions**.)

l) Parking, general—All zones.

i) Parking requirements.

a. Parking ranges are set for land uses in each zone, as noted in **Sec. 36-3.A.1. Permitted Use Chart**. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Community Development Director. Requests to exceed maximum parking requirements shall be granted for parking structures that meet the development and urban design standards set forth in this Code.

b. Shared parking and access agreements among neighboring properties are encouraged and will count toward off-street parking requirements. **Sec. 38-2.N.4.c)ii) Shared and Joint Use of Parking Areas** dictates the requirements for this application.

c. Off-street parking requirements can be met by entering into a shared parking agreement within one-fourth mile, as measured along the street network and pedestrian right-of-way, that shall be used to identify how parking demand will be met and which properties are involved.

d. All standards for parking dimensional and ADA requirements for all development within the district shall be consistent with **Sec. 38-2.N. Off-Street Parking**.

e. All vehicles are to be parked along designated streets, in designated driveway or parking areas only. Parking on front lawns and/or landscaped areas shall be prohibited.

ii) Parking options: (Please refer to **Sec. 36-2.D.5.g) Permitted Uses** for allowed parking locations.)

To reduce development costs, parking garages are not required. Parking may be provided within an attached garage, detached garage, parking structure with or without liner building, or surface parking lot. Parking for nonresidential uses may also be provided off-site in a public parking lot or structure if a parking management district is formed for the area. Dedicated surface parking areas shall meet the landscape requirements of **Sec. 36-2.D.5.j) Development and urban design standards.** of this overlay.

iii) Parking access:

Alleys. Alleys are required for projects that create new blocks to provide access to parking areas and to minimize driveway curb cuts along streets. Alleys are encouraged (but not required) for projects on existing

blocks to provide access to parking areas. Driveway access from the street is only allowed on lots where an alley cannot be provided.

Driveways. Driveway width shall comply with City design standards.

Pedestrian connectivity. In parking lots larger than one acre or equal to or greater than 200 feet wide, walkways shall link perimeter sidewalks to primary building entrances.

Parking prohibition. A parking management plan would improve mobility and access to shops and business centers as well as controlling the amount of land dedicated to surface parking lots and parking structures. Until a parking management plan is adopted, parking shall be prohibited from 8:00 a.m. to 5:00 p.m., Monday through Friday, on the following streets:

Chaparral St. between University Ave. and Plain St. (east side only);

Hagarty Ave. between University Ave. and Plain St. (west side only);

Mesa St. between Jordan St. and Espina St. (south side only).

m) Demolition. To preserve any contributing structure listed on the historic register (state or national) in the University District Overlay; this section creates a 60-day demolition permit review process that allows time for interested parties to explore alternatives to the demolition of historic structures. Demolition for all other structures shall follow Chapters 30-491.

i) Demolition permit. Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. Community Development Department staff will review the application for compliance with this Development Code, as amended. A proposal for redevelopment of the property must accompany the permit application.

ii) Posting. At the beginning of the 60-day demolition permit review process, the Community Development Department will issue a sign that is to be posted in a conspicuous place on the property. The applicant is responsible for posting the sign and ensuring that it is in place for the entire 60-day period.

iii) At the beginning of the 60-day demolition permit review process, the Community Development Department will inform the neighborhood associations, the New Mexico Historic Preservation Division, and the Dona Ana Historic Society that a demolition permit has been applied for.

iv) A demolition permit shall be issued upon the completion of the following items: 1) the completion of the 60-day period; and 2) the application meets all City Code requirements and has been approved by the Community Development Department staff. (The applicant may use the 60-day time period to resolve any necessary code compliance comments.) The permit application may be withdrawn by the applicant at anytime without charge.

v) Prior to the demolition of a historic structure, the applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by community development staff.

a. Complete the Historic Cultural Property Inventory (HCPI) forms 1 and 2;

b. Photograph the property:

i. Photo processing, printing and labeling shall follow the protocol established by the National Parks Service; please refer to the National Register Photo Policy Fact Sheet.

ii. Take several exterior photos of the primary structure (front, rear, sides, close-up views, details, setting, etc.) and exterior photos of each historic secondary structure, such as a garage, sheds, etc. (Accessory buildings that are not listed on the historic register should not be included.) For assistance in taking quality photographs, please refer to NPS Bulletin #23 at the link listed above.

iii. Include several interior photos of the primary structure, with attention to any distinctive architectural or historic features (vigas, carvings, coping, special flooring, bullet holes, etc.)

iv. Staff strongly suggests that wide-angle camera lenses not be used for exterior photographs since these lenses tend to distort vertical dimensions of buildings. A perspective-correction lens is highly recommended for best results.

v. The submitted photo packet must include one set of black and white (B&W) photographs and full-color digital images. Printed size may be 3½ × 5; 4 × 6; or 5 × 7.

vi. Include a continuation sheet that provides information common to all photographs, followed by a list providing information pertinent to each photograph.

vii. The file name for each electronic image must correspond with the photo log included on the continuation sheet and the information labeled on the back of each photograph, and reference the county and state in which the property is located.

viii. All photographs and media (e.g., USB drive) with electronic files must be put into a folder with the property name, location, and the date the photographs were taken.

c. If measured drawings done by the Historic American Building Survey exist, the owner should annotate the drawings, showing changes to the property, interior and exterior, that have occurred up to the current date.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

e. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

vi) Compliance with the procedure set out in this section is not required if it is determined by the City of Las Cruces that the immediate demolition of a historic structure is in the best interest of public health, safety, and welfare. The applicant shall be responsible for documenting the structure in accordance with the procedure above to fully demonstrate the need for demolition and to provide a record of the structure. In the event that entering the structure would pose a threat to the health, safety and welfare of the documenter, interior photos are not required. This documentation must accompany the memo of determination for demolition by the building official prior to the issuance of a demolition permit.

n) Administration. Submittal and review process.

i) Purpose. Submittal and review procedures are established for all new development to protect persons and property in the University District Overlay as directed in the University District Plan.

ii) Subject to review by the Citizens' Design Review Committee (UD-CDRC).

a. Subdivisions. For submittal and review of subdivisions within the district, refer to **Sec. 37-2. Subdivision Procedures**.

b. Buildings.

i. Pre-application conference: Prior to filing an application for development of new buildings in the district, the applicant is encouraged to meet with staff of the City Community Development Department to review the proposed project. At this conference, staff shall review the development proposal and advise the applicant concerning the compatibility of the proposal with the intent and standards of the University District Plan and all other applicable City codes.

ii. Application procedure*:* Upon completion of the pre-application conference, the applicant shall submit at minimum, one copy of all application materials for new development to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

iii. University District Citizens' Design Review Committee (UD-CDRC): Applicants shall meet with the UD-CDRC and City staff at a public meeting for a formal recommendation by the UD-CDRC regarding the proposed project.

iv. Final approval*:* An application shall be effective for no more than one year from the date of approval. If development proposed by the application has not been initiated within the one year stipulated, the application must be resubmitted for approval as established in this section. The applicant may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the Community Development Department.

c. Variances*.* Variances in the numerical requirements for development within the district will be considered in accordance to fulfilling the policies of the University District Plan and not contradictory to the policies therein. Variances may be granted by the Planning and Zoning Commission at a public meeting in accordance with **Sec. 36-5.F. Zoning Variances**.

i. An application for a numerical variance will be processed by applicable City departments and the Citizen's Design Review Committee.

ii. Applicants must present their request to the citizen's design review committee for their recommendation to the Planning and Zoning Commission. Recommendations from the UD-CDRC shall be delivered to the Planning and Zoning Commission prior to the public meeting.

iii. Decisions of the Planning and Zoning Commission may be appealed to City Council, in accordance with **Sec. 34-3.F. Appeals**.

d. Special use permit (SUP). The Community Development Director determines SUP needed for uses not listed in this overlay.

e. Zone change*.* Applicants must present requests for zone change to the citizen's design review committee for the committee's recommendation to the Planning and Zoning Commission. Recommendations from the design review committee shall be delivered to the Planning and Zoning Commission prior to the public meeting. Decisions of the Planning and Zoning Commission may be appealed to City Council in accordance with **Sec. 34-3.F. Appeals**.

f. Plan amendments, code amendments. Applicants must present requests for plan amendments and code amendments to the University District Citizen's Design Review Committee (UD-CDRC) for the committee's recommendation to the Planning and Zoning Commission. Such requests will be considered once a year at the January meeting of the UD-CDRC. An exception to the once-a-year rule and expedited review applies to cases deemed necessary by the city in order to ensure successful implementation of the goals and objectives of the plan and ordinance where there is direct conflict between the plan and overlay. The UD-CDRC will determine which amendments may be processed gratis; all others incur a fee established by Resolution No. 00-360, July 3, 2000. Recommendations from the UD-CDRC shall be delivered to the Planning and Zoning Commission prior to the public meeting. Recommendation of the Planning and Zoning Commission are made to City Council which makes the final decision.

g. Property alteration, remodel or renovation. Any related activities to existing buildings within the district shall require review by the Community Development Department and the citizen's design review committee to ensure that the building and the property of the site will be brought into conformance with all applicable urban design standards of the University District Plan and this section.

A portion of the submittal requirements may not be required in all renovation cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Department may waive any submittal requirement.

iii) Courtesy review of NMSU projects. Although NMSU is neither within the City limits, nor subject to its jurisdiction, the campus and City share a stake in development along University Avenue and in the region as a whole. As such, the UD-CDRC respectfully requests "courtesy design review" of the university's projects, particularly those planned for and close to University Avenue.

iv) Subject to administrative review by Community Development Department staff.

a. Request to vacate alley;

b. Signs;

c. Minor modifications. A modification or change to a property that is less than a cumulative total of 15 percent of gross floor area, nor exceeds a cumulative total of $25,000.00 in valuation.

v) Application materials and fees. Applications for development in the University District Overlay shall be obtained from the community development department. All applicants with submittals requiring public notice, such as new development and/or property renovation, shall be required to submit a development statement with their application. Development statement forms may be obtained from the community development department. Application and permitting fees are waived for development in the University District. Requirements for applications for all types of development shall include the following:

a. A letter of intent stating the following:

i. A statement of the purpose and use of the property.

ii. All property improvements to be made.

iii. A statement of the sustainable building practices to be employed.

iv. A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

b. A boundary survey as prepared by the appropriate licensed professional that is accurate and complete shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included when applicable.

c. Site plan. The site plan shall be at a scale that adequately represents the information. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

i. Title of site plan.

ii. Total acreage of site.

iii. Date of preparation, north arrow, written and graphic scale.

iv. Identification of district planning area.

v. Identification of site by lot, block, subdivision, if applicable.

vi. A statement of ownership, signed by the property owner.

vii. Name and address of property owner.

viii. Name and address of applicant, if applicable.

ix. Name and address of consulting firm or representative, if applicable.

x. Location and type of all land uses.

xi. All site improvements with all setbacks indicated.

xii. Dimensions of all buildings.

xiii. 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.

xiv. A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.

xv. Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.

xvi. Where applicable, location and arrangement of all open space, common recreational space, and private open space.

xvii. Architectural renderings or artistic drawings. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

(a) All new development illustrating all exterior building design, materials, and colors.

(b) All new development illustrating relationships to neighboring uses, including site lighting.

(c) Sign location, materials, color, size, shape and lighting.

(d) Quality of materials: Application materials that are illegible and/or otherwise of a low quality will not be accepted.

d. Three-dimensional model. For projects proposed in the convention zone (CZ), provide computer-generated or physical modeling to enhance public understanding and review of the buildings within the context of the district as a whole.

e. *Waivers.* A portion of the submittal requirements may not be required in all development cases. Upon receipt of a written request justifying the deletion of required information, the community development department may waive any submittal requirement.

o) Enforcement of overlay zone district. Provisions to enforce this section shall be consistent with the enforcement provisions of **Sec. 34-1.H. Violations and Enforcement**.

E. DDC, Downtown Development Code

1. Purpose

   The purpose of this section and the zoning districts defined herein is to accommodate government facilities, retail, office, residential, and other similar uses in the Downtown area of the City with appropriate height, yard, and intensity standards to allow for a higher density and intensity of development. Further, the properties described within the Main Street (MS) zoning district are identified as a special area within the Downtown to encourage revitalization through incentives and clearly defined development standards. See **Figure 36-2-33. Downtown Regulating Plan** for the district boundaries, See **11. MS Architectural Standards** for development standards that apply to the MS district only.

   a) The Downtown Development Code is designed to foster infill redevelopment in a mixed-use pattern as part of a vibrant, diverse downtown.

   b) This Section is intended to promote traditional urban form and a lively mix of uses, allowing for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and shade trees, overlooked by upper story residences and offices. It also provides a setting for major activities that benefit the community such as markets, festivals, and entertainment.

   c) A range of open spaces should be distributed within adjacent neighborhoods and throughout downtown.

   d) Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

   e) The transect designations in **2. Zoning Districts** below shall describe the general character of downtown.

2. Zoning Districts

   Zoning districts are limited to the following transect designations:

   a) Downtown (DT): This district consists of higher-intensity mixed-use buildings that accommodate retail, offices, institutional, and residences. The thoroughfares have wide sidewalks with street trees, and buildings are set close to the sidewalks.

   b) Main Street (MS): This district is similar in use and character to DT, but the massing and proportions are in harmony with an urban core.

   c) General Urban (GU): This district includes a mix of uses, but is primarily in the form of medium-intensity mixed use structures. It may have a wide range of building types: residences, live-work units, commercial buildings, theaters, and mixed-use buildings. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.

3. Downtown Regulating Plan

   a) The regulating plan is the zoning map and principal tool for implementing the Downtown Master Plan, as amended. It identifies the transect district for the building site (See **Figure 36-2-33. Downtown Regulating Plan**) which regulates standards for each lot.

   b) New development in Downtown shall provide sidewalk improvements, civic spaces as needed, and contribute to a shared parking and access strategy to create a complementary pattern for growth and development. The rules below will enhance a compact, economically sustainable, mixed-use downtown that complements the adjacent neighborhoods and provides flexible opportunities for residential, employment, government, institutional, and commercial uses.

   c) Where present, alleys shall provide access to the rear of all lots. Alley dedication and construction within the rear setback is required as part of a redevelopment project if they do not exist. Alleys shall be constructed pursuant to **17. Streetscape** and **Sec. 38-2.E.7. Alleys**.

4. Instructions

   a) Find the transect zone for your parcel in **Figure 36-2-33. Downtown Regulating Plan**.

b) Site and building plans submitted under this Section shall include the following, in compliance with the standards described in this Section:

i) Site Plan/Building Placement (See **6** below)

ii) Building Specifications including floor plans (See **7** through **10** below)

iii) MS Architectural Standards, if applicable (See **11** below)

iv) Fencing (See **12** below)

v) Signs (See **13** below)

vi) Use (See **14** below)

vii) Parking (See **15** below)

viii) Landscaping (See **16** below)

ix) Streetscape, if applicable (See **17** below)

c) Site and building plans submitted under this Section require review by respective City departments for appropriate compliance with other applicable City codes and ordinances and final approval by the Community Development Department.

5. Existing Building and Property Alteration, Remodel, or Renovation

a) For the purpose of this section, alteration, remodel, or renovation shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in rooflines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically.

b) Minor modifications. For the purpose of this section, a minor modification shall be one that does not result in an alteration, remodel, or renovation as described in **a)** above. The minor modification of an existing building or property is permitted by-right if such changes result in greater conformance with the purposes and specifications of this Section. The minor modification must comply with the design standards and codes unless, through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development.

c) Existing buildings and properties that do not conform to the provision of this Section may continue in use as they are. However, they shall be brought into compliance with current codes and standards (to the extent possible, as determined by the Community Development Director) when:

i) The building remains vacant for a period of one continuous year or greater; or

ii) Alteration, remodel, or renovation causes one-time or cumulative amendments to 30 percent or greater of the gross square footage of building area; or

iii) A change in use occurs on the property that results in the alteration of the use orientation (e.g., service to retail), density (e.g., eight dwelling units to 15 dwelling units), or occupancy type from the building code perspective.

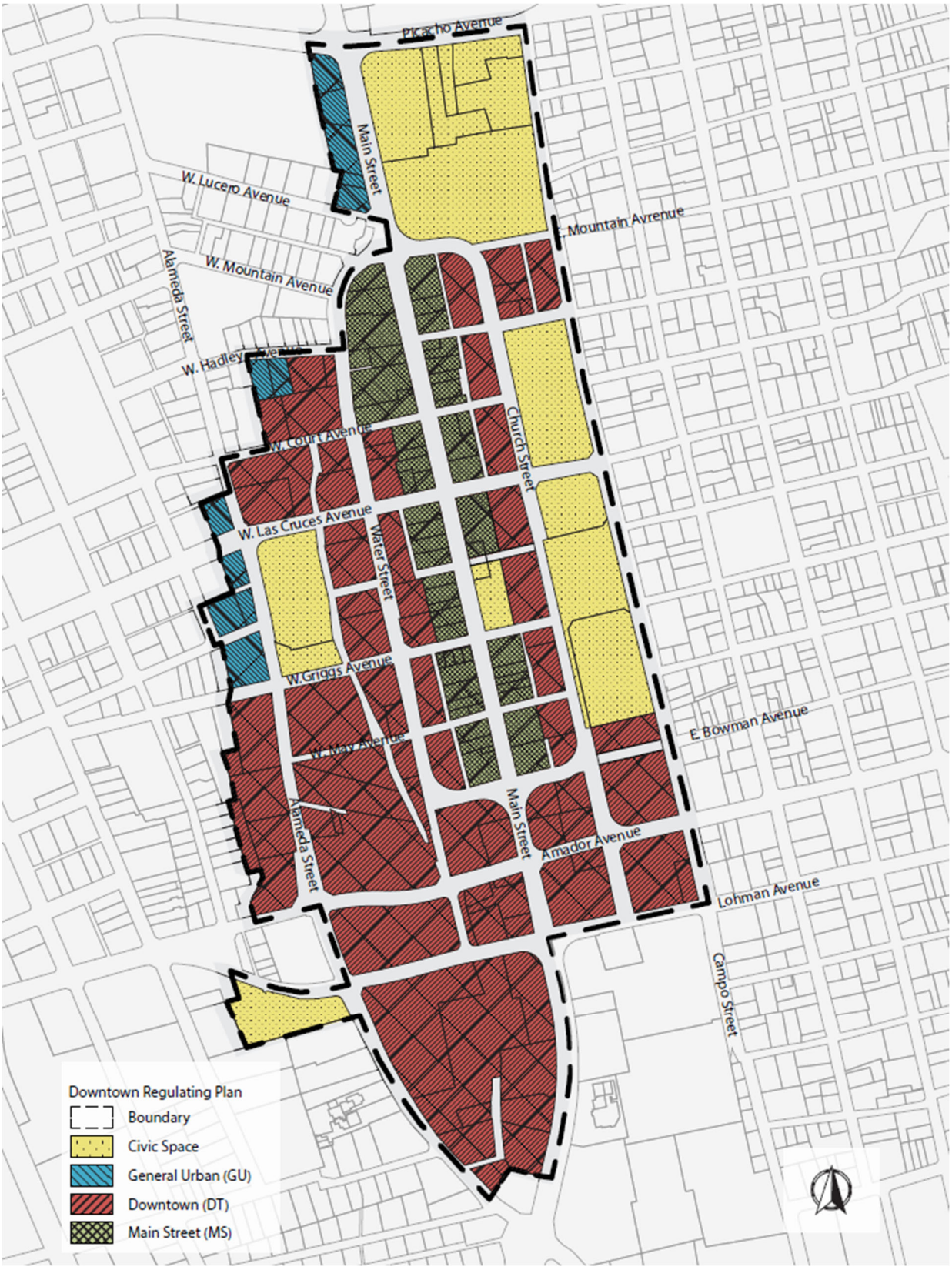
d) Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted.

e) The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to that existing, nor on-site stormwater retention/detention in addition to that existing, unless otherwise required by County or State code.

f) Normal maintenance activities, as verified by the Building Official, are exempt from this provision.

g) Should an applicant not agree with the interpretation by the Community Development Director, the interpretation may be appealed to the Planning & Zoning Commission.

Figure 36-2-33. Downtown Regulating Plan



6. Building Placement

   a) Lot coverage by building shall not exceed that recorded in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**.

   b) Facades shall be built parallel to the principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**.

   c) Setbacks for principal buildings and accessory buildings shall be as shown in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**. Setbacks may be adjusted by up to 10 percent by administrative waiver to accommodate specific site conditions. The Director shall make the following written findings:

      i) The waiver is consistent with the provisions of **2. Zoning Districts**.

      ii) The waiver is consistent with the Downtown Master Plan.

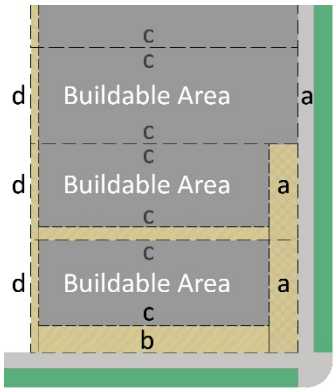
      iii) The building placement will not materially endanger the public health or safety.

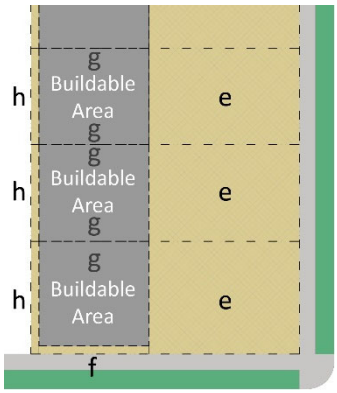
      iv) The location and character of the building placement, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.

      v) The building placement will not adversely affect Downtown by altering its character.

Figure 36-2-34. Building Form Standards – GU

BUILDING SETBACKS





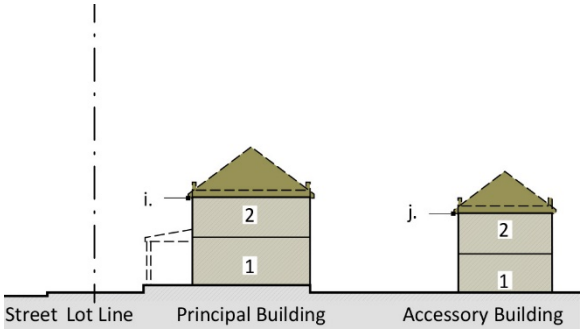
PRINCIPAL BUILDINGS

a	Primary Frontage	15’ max.
b	Secondary Frontage	10’ max.
c	Side Lot Line	0’ or 5’ min.
d	Rear Lot Line	3’ min.

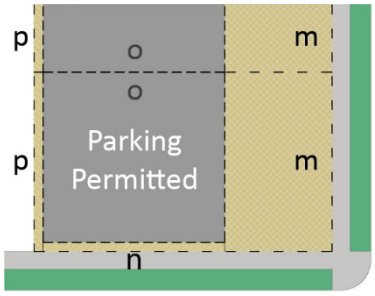
ACCESSORY BUILDING

e	From Rear Lot Line	40’ max.
f	Secondary Frontage	5’ min.
g	Side Lot Line	0’ min.
h	Rear Lot Line	3’ min.

BUILDING ENVELOPE



PARKING AND STORAGE SETBACKS



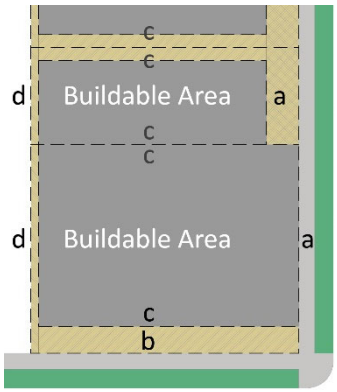
i	Building Height	2.5 stories max. (i.e., 2 stories plus an attic level)	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	2 stories max.	n	Secondary Frontage	5’ min.
k	Parking Height	n/a	o	Side Lot Line	0’ min.
l	Lot Coverage	70% max.	p	Rear Lot Line	3’ min.

BUILDING FRONTAGE

Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**	Yard Walled Yard Terrace No Yard	Yard Porch Stoop Shopfront
Frontage Buildout	60% min.	

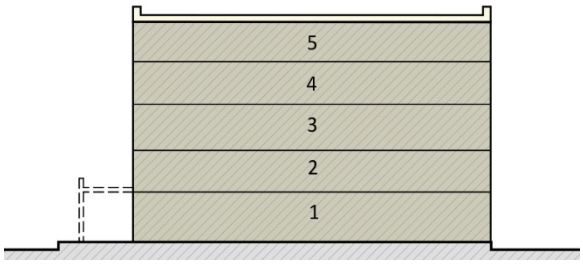
Figure 36-2-35. Building Form Standards – DT

BUILDING SETBACKS

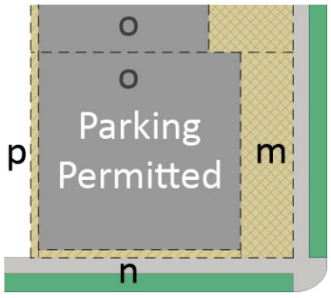


PRINCIPAL BUILDINGS			ACCESSORY BUILDING		
a	Primary Frontage	12’ max.	e	From Rear Lot Line	n/a
b	Secondary Frontage	8’ max.	f	Secondary Frontage	n/a
c	Side Lot Line	0’ or 5’ min.	g	Side Lot Line	n/a
d	Rear Lot Line	3’ min.	h	Rear Lot Line	n/a

BUILDING ENVELOPE



PARKING AND STORAGE SETBACKS

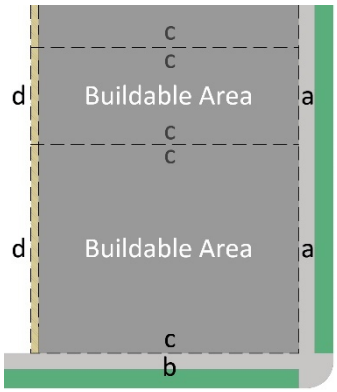
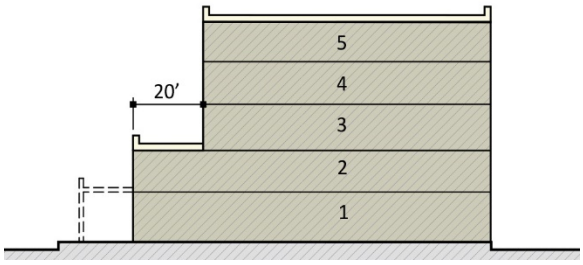
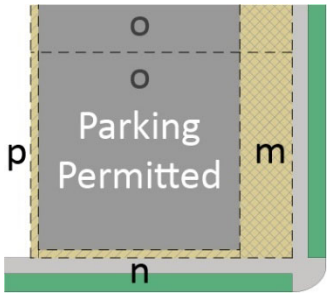


i	Building Height	5 stories max.	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	n/a	n	Secondary Frontage	5’ min.
k	Parking Height	5 stories max.	o	Side Lot Line	0’ min.
l	Lot Coverage	100% max.	p	Rear Lot Line	3’ min.

BUILDING FRONTAGE

Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**	Yard No Yard Terrace Forecourt	Configuration Stoop Common Entry Shopfront Gallery
Frontage Buildout	70% min.	

Figure 36-2-36. Building Form Standards – MS

BUILDING SETBACKS					
					
PRINCIPAL BUILDINGS			**ACCESSORY BUILDING**		
a	Primary Frontage	0’ max.	e	From Rear Lot Line	n/a
b	Secondary Frontage	0’ max.	f	Secondary Frontage	n/a
c	Side Lot Line	6’ max.	g	Side Lot Line	n/a
d	Rear Lot Line	0’ min.	h	Rear Lot Line	n/a
BUILDING ENVELOPE			**PARKING AND STORAGE SETBACKS**		
					
i	Building Height Main Street Stepback	5 stories max. 20’ after 2nd story	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	n/a	n	Secondary Frontage	5’ min.
k	Parking Height	5 stories max.	o	Side Lot Line	0’ min.
l	Lot Coverage	100% max.	p	Rear Lot Line	0’ min.
BUILDING FRONTAGE					
Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**		Yard No Yard Terrace		Configuration Common Entry Shopfront Gallery	
Frontage Buildout		100% min.			

7. Building Specifications: Height
   a) Building height is regulated by **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**, measured as follows:
      i) Building height is measured in above-ground stories.
      ii) Stories are measured from finished floor to finished ceiling.
      iii) Stories above the ground floor are limited to 14 feet after which height they are counted as two stories.
      iv) For residential uses, a ground floor story of 16 feet or less is counted as one story. Ground floors exceeding 16 feet in height are counted as two stories.
      v) For non-residential and mixed-uses a ground floor story shall be no less than 10 feet in height. A ground floor story of 25 feet or less is counted as one story. Ground floors exceeding 25 feet in height are counted as two stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional floor.
      vi) Height limits do not apply to unfinished attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
      vii) Building stepbacks shall be required in MS pursuant to **Figure 36-2-34** item i.
8. Building Specifications: Frontage Requirements
   a) Lot lines abutting a right-of-way are designated as a primary frontage or secondary frontage as follows:
      i) For lots abutting a right-of-way along a single lot line, the lot line abutting the right-of-way is designated the primary frontage.
      ii) For lots abutting a right-of-way along multiple lot lines, the lot line relating to the address of the principal building is designated the primary frontage. All remaining lot lines are designed secondary frontages.
      iii) Main Street is considered the primary frontage for all lots abutting the right-of-way.
   b) Regulations pertaining to primary frontages and secondary frontages, collectively frontage requirements, apply to the area of the lot within the front setback and secondary front setback, including the following:
      i) Building facades;
      ii) Structures that project from the façade, such as porches, terraces, stoops, awnings, canopies, and galleries;
      iii) Landscape elements and ground surfaces between the building facade and the lot line.
   c) Where building facades do not occupy the entire frontage length, a streetscreen is required as follows:
      i) Streetscreens must be between 4 and 8 feet in height.
      ii) Openings in the streetscreen for vehicular access may be no wider than 26 feet.
      iii) Streetscreens shall provide no less than 70% opacity.
   d) Frontages are regulated by frontage type according to **Figure 36-2-37**, **Figure 36-2-38**, and as follows:
      i) Landscaping, fencing, and general surface treatment are regulated according to frontage yard type pursuant to **Figure 36-2-37**.
      ii) Encroachments and configurations are regulated according to frontage configuration type pursuant to **Figure 36-2-38**.
      iii) Frontage types are a combination of frontage yard type and frontage configuration type.
      iv) Where frontage yard types permit multiple frontage configuration types, one or more frontage configuration type may be selected for each facade.
   e) Frontage types must be designated at all building frontages and must comply with the standards for that type.
   f) A shopfront frontage is required for all ground floor retail uses.

g) Building entries must be provided along frontages as follows:

   i) The principal entrance must be located at the primary frontage.

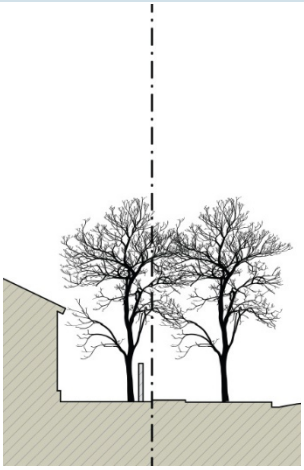
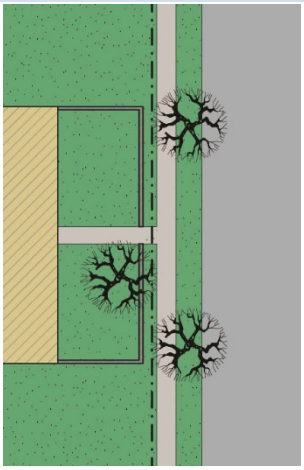
   ii) All habitable spaces within a building must be accessible from frontages.

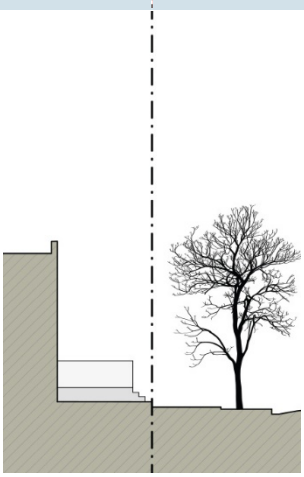
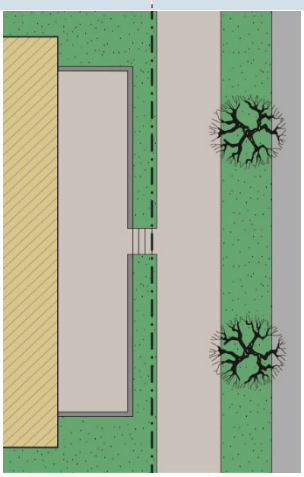
   iii) Building entries must be provided at primary frontages at a minimum of one entry for every 50 feet of frontage.

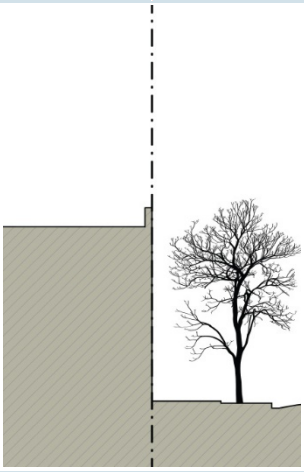
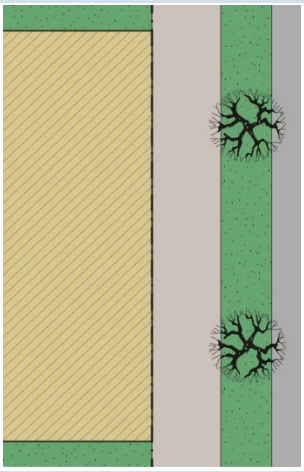
   iv) Building entries must be provided at secondary frontages at a minimum of one entry for every 150 feet of frontage.

h) Loading docks and service areas up to a combined width of 30 feet may be incorporated into secondary frontages no more than 50 feet from the rear lot line.

Figure 36-2-37. Frontage Types – Yard

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD A – WALLED		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU				
Setback Depth	0’ min, 1.5’ max.				
Combinations	Porch, Stoop				
Landscape and Fencing Requirements	(a) The front setback must be landscaped. (b) Walls are required within 18” of frontage lines. (c) 1 understory tree, or 10 shrubs, is required for every 500 sf of landscaped area, or fraction thereof.				
Additional Requirements	(a) Retaining walls are permitted for landscape level changes. (b) Paving is limited to permitted walkways and driveways. (c) 1 walkway per frontage providing access to the primary entrance is permitted up to 48” in width. (d) This yard type must be combined with either a porch or stoop frontage.				

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD B – TERRACE		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT, MS				
Setback Depth	12’ max.				
Combinations	Common Entry, Shopfront, Gallery				
Landscape and Fencing Requirements	(a) The front setback must be landscaped and may be paved in DT and MS. (b) Fencing is permitted at or behind the building setback line. (c) In GU, fencing is permitted at frontage lines.				
Additional Requirements	(a) The frontage setback must be raised between 12” and 36”. (b) Terraces may be no less than 8’ in depth. (c) Retaining walls are permitted for level changes. (d) If in MS, the Terrace must be embedded within to maintain the zero setback. (e) This yard type must be combined with a Shopfront or Common Entry frontage or a combination of both.				

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD C – NO-YARD		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT, MS				
Setback Depth	8’ max.				
Combinations	Common Entry, Shopfront, Gallery				
Landscape and Fencing Requirements	(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted.				
Additional Requirements	(a) The frontage setback must match sidewalk grade. (b) The frontage setbacks may be used for outdoor seating and merchandise sales and display. The frontage setback may not be used for storage.				

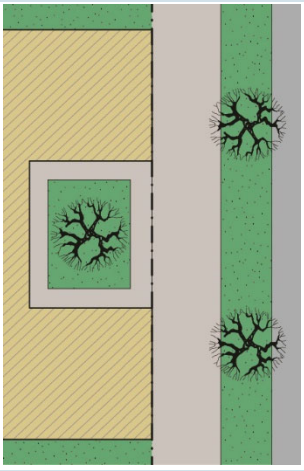
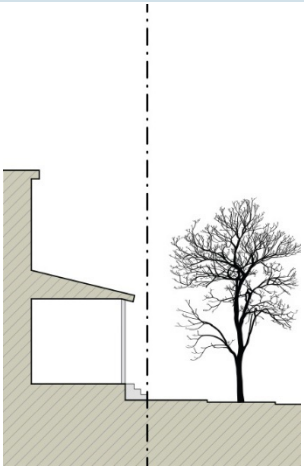
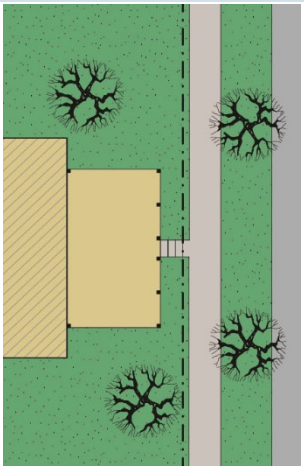
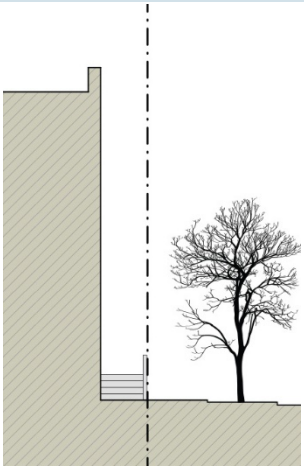
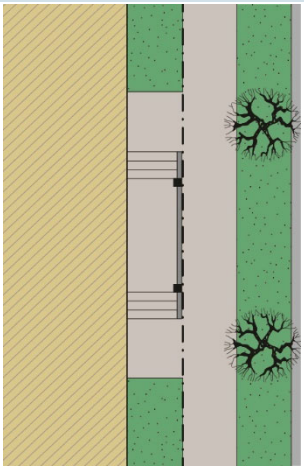
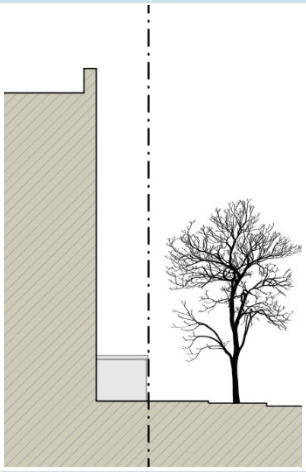
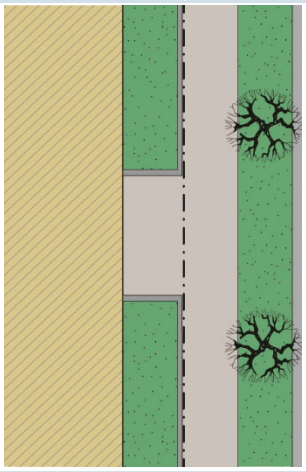
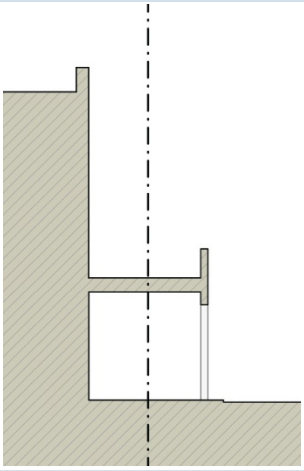
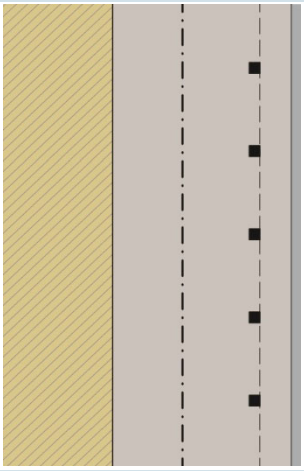
FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD D – FORECOURT		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT				
Setback Depth	8’ max., excluding Forecourt				
Combinations	Shopfront, Common Entry, Gallery				
Landscape and Fencing Requirements	(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted. (c) Forecourts may be paved or landscaped.				
Additional Requirements	(a) A Forecourt shall be located at the primary entrance, and shall be no greater than 600 sf in area. (b) The Forecourt must be bound by facades on a minimum of 2 sides. (c) Facades at the Forecourt may exceed maximum frontage setback. (d) The frontage setback must be configured according to Yard C – No-Yard.				

Figure 36-2-38. Frontage Types – Configuration

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION A – PORCH		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU				
Entry Grade	36” max.				
Combinations	n/a				
Setback and Encroachment	(a) Porches and related structure may encroach into frontage setbacks up to 100% of their depth in GU.				
Additional Requirements	(a) A Porch may only occur at the primary entrance. (b) Porches may be no less than 6’ in depth.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION B – STOOP		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT				
Entry Grade	36” max.				
Combinations	Common Entry				
Setback and Encroachment	(a) Stoops and related structure may encroach into frontage setbacks up to 100%. (b) Stoops may be recessed into building facades.				
Additional Requirements	(a) A Stoop is required at the primary entrance. (b) Stoops may be masonry, stone, stucco, or concrete. (c) Wood is prohibited for Stoop railings. (d) Stoop landings may be covered.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION C – COMMON ENTRY		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	20” max.				
Combinations	Shopfront, Stoop				
Setback and Encroachment	(a) Canopies and awnings may encroach into frontage setbacks up to 100% of their depth. (b) Canopies and awnings may encroach into the public pedestrian way up to 10’.				
Additional Requirements	(a) A Stoop combination is permitted in DT. (b) Canopies are permitted at the primary entrance. (c) Awnings are permitted along facades.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION D – GALLERY		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	Sidewalk grade				
Combinations	Shopfront, Common Entry				
Setback and Encroachment	(a) Galleries may encroach into frontage setbacks up to 100% of their depth. (b) Galleries may encroach into the public pedestrian way to up 10’. (c) Awnings are not permitted in combination with Galleries.				
Additional Requirements	(a) Galleries may be no less than 8’ in depth. (b) Galleries must have a minimum clearance of 10’. (c) Galleries must be supported by columns. (d) Galleries must be covered by roofing, green roofing, upper terraces, trellises, solar collectors, or fabric.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION E – SHOPFRONT		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	Sidewalk grade				
Combinations	Shopfront, Common Entry				
Setback and Encroachment	(a) Display windows may encroach into frontage setbacks up to 5' in depth. (b) Awnings may encroach into frontage setbacks up to 100% of their depth. (c) Awnings may encroach into the public pedestrian way to up to 10'.				
Additional Requirements	(a) Entries may be recessed from the facade up to 5' in depth. (b) Tenant spaces must provide Shopfronts along no less than 70% of tenant space frontage. (c) Tenant spaces with frontage on both primary and secondary frontages must provide Shopfronts along no less than 30% of the secondary frontage.				

9. Building Specifications: Encroachments.
   a) Encroachments into frontages are permitted as follows:
      i) Encroachments in frontage setback are prohibited except where specifically permitted in this Section, **Figure 36-2-37**, and **Figure 36-2-38**.
      ii) Roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to 2 feet but not beyond the lot line, and may not obscure views from windows to the street or from the street into windows.
      iii) Shading devices may encroach into frontage setbacks as follows:
      iv) In GU, shading devices attached to facades may encroach up to 6 feet, but not beyond the lot line.
      v) In DT and MS, shading devices may encroach into the front setback up to the lot line, and into the right-of-way up to 10 feet or within 2 feet of the curb.
      vi) Balconies may encroach into the frontage setback a maximum of 3 feet, but not beyond the lot line.
      vii) Bay and bow windows may encroach into the frontage setbacks up to 3 feet, but not beyond the lot line.
   b) Encroachments into pedestrian passages are permitted as follows:
      i) A minimum of 14 feet in height must be maintained along the entire length of pedestrian passage.
      ii) Buildings and structures may encroach over pedestrian passages.
      iii) An unobstructed pedestrian path must be maintained a minimum of 5 feet in width and 8 feet in height. The pedestrian path is required to be continuous, however, it is not required to follow a straight line.
      iv) Signage, bay and bow windows, balconies, lighting fixtures, and display windows may encroach into pedestrian passages.

v) Outdoor seating, outdoor dining, and other non-permanent fixtures may encroach into pedestrian passages.

10. Building Specifications: Glazing.

a) Facade Glazing of building frontages must meet the minimum area requirements, calculated by glass area for each facade separately, as specified in **Figure 36-2-39. Minimum Facade Glazing**.

b) Mirrored and reflective glass is prohibited.

c) Shopfront frontages must meet the following Glazing requirements:

Figure 36-2-39. Minimum Facade Glazing

MEASUREMENT	GU	DT
Ground Floor	20%	20%
Second Floor	20%	20%
Upper Floors	N/A	20%

i) Shopfronts must provide clear glazed areas for visibility into tenant spaces for no less than 60 percent of the shopfront area.

a. Facade area is calculated as the height from finished floor to finished ceiling times the width of the tenant space.

ii) Shopfront Glazing requirements are calculated separately for each tenant space.

d) Signs and posters shall cover no more than 30 percent of the total Glazing area.

11. MS Architectural Standards

This sub-section supersedes the zoning district standards for any subject addressed in the MS zoning district.

a) Building Width:

i) New buildings facing Main Street shall not exceed the average building width on their block except as follows:

a. Buildings may be a maximum of 150 feet wide if the facade is designed to simulate the average width of buildings on the block.

ii) Facade Standards:

a. Glazing at the second story shall not exceed 30% of the second story building facade wall area.

b. Mechanical equipment shall be screened from the street view.

iii) Sidewalk Coverings:

a. When awnings, canopies, or galleries are used, they shall be designed and installed in compliance with building codes.

b. Sidewalk coverings shall not obscure architectural details of designated historic building facades.

iv) Signs:

a. Signs shall not obscure other building elements such as windows, cornices, or architectural details.

b. Individual business signs in a single storefront shall relate to each other in design, size, and placement on the building and lettering style.

c. Externally illuminated signs shall contain light within the sign frame and shall not spill light over to other portions of the building.

12. Fencing

a) Hedges in frontage fences shall be evergreen.

b) Wood frontage fences shall be painted or stained.

c) Lot line fences shall be between 60 and 72 inches in height.

d) Frontage fences shall not exceed 48 inches in height nor violate the clear sight triangle.

e) Frontage fences may occur at the lot line, or up to 18 inches behind the lot line to permit landscaping.

f) When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.

g) The supporting members and posts shall be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences is considered equal treatment.

h) Chain link, barbed wire, razor wire, and electrically charged fences are not permitted.

13. Signs

The general intent of regulating signs that are visible from the public frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context in which they are located (See **Figure 36-2-40. General Sign Restrictions**). Signage provides legible information for pedestrians as well as drivers.

Except with respect to the additional provisions in this section, **Sec. 38-10. Signs** shall be applicable and govern pursuant to the administration, processes and provisions for all signage within the City Limits of the City of Las Cruces. However, only the signage types permitted in this subsection and **Figure 36-2-40. General Sign Restrictions** hereof shall be permitted in the Downtown.

a) Prohibited Signs

i) Moving, flashing, or animated signs, including, but not limited to searchlights, streamers, and spinners;

ii) Inflatable signs, such as but not limited to balloons, gas-inflated signs, or similar inflated signs;

iii) Portable signs, except for sidewalk signs, as allowed in **Figure 36-2-40. General Sign Restrictions**;

iv) Flags, other than those specifically allowed in **Sec. 38-10. Signs**;

v) Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

b) Permitted Signs and Sign Restrictions.

i) Permitted sign types are limited by Transect district and the following restrictions according to **Figure 36-2-40. General Sign Restrictions**:

a. The number of signs per sign type;

b. The area of signs;

c. Height of sign copy.

ii) Additional sign restrictions apply per sign type, according to **Figure 36-2-41. Specific Sign Regulations**.

iii) A permit is required for the installation or modification of all signs as specified in **Figure 36-2-41** as Permit.

a. Signs projecting into rights-of-way require a permit.

b. Signs not requiring a permit must meet all of the requirements of this section.

c. Any freestanding sign over 20 feet in height above grade or any sign extending above the public right-of-way shall require the seal of a professional engineer, indicating that the sign meets all best engineering practices and standards.

iv) Signs may be installed and maintained for the period of time specified according to **Figure 36-2-40. General Sign Restrictions** as Period.

a. All signs must be removed within 14 days of the termination of the permitted period. Signs permitted for a permanent period are not regulated by this subsection.

b. Where the period of a sign is limited to during business hours, the sign must be removed during all hours the establishment is not in operation.

c. Any moveable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

v) All signs must provide the following clearance except where specified otherwise:

a. 8 feet at pedestrian ways;

b. 13.5 feet at vehicular ways.

vi) Illuminated signs are permitted as follows:

a. Signs may be illuminated by a light source external to the sign;

b. Internally illuminated signs are permitted at shopfront frontages.

vii) Changeable copy is permitted for display cases, suspended, kiosk, ground, and sidewalk signs, and at community and regional parks. Change of copy does not require a permit.

Figure 36-2-40. General Sign Restrictions

SIGN TYPE	MS	DT	PERMIT	PERIOD	NUMBER	MAX. SIZE
Awning	•	•	S	O	1 sloping plane, plus 1 valence per awning	75% of sloping plane; 75% area of awning valence
Banner	•		N/A	O	1 per frontage	48 sqft
Canopy	•		S	P	1 per canopy	2 sqft per linear foot of shopfront
Corner	•	•	S	P	1 per building	24 in. wide
Display Case	•		S	P	1 per business	6 sqft
Ground			S	P	1 per frontage	36 sqft
Kiosk	•		S	P	N/A	24 sqft
Marquee	•		S	P	1 per entry	N/A
Projecting	•	•	S	P	1 per tenant	9 sqft
Sidewalk	•	•	N/A	B	1 per tenant	8 sqft
Suspended	•	•	S	P	1 per entry	9 sqft
Wall Sign	•	•	S	O	1 per frontage	3 sqft per 1 linear ft. up to 90% of the width of tenant space
Wall Mural Sign	•	•	S	P	1 per frontage	3 sqft per 1 linear ft. up to 90% of the width of tenant space
Window	•	•	S	O	1 per window	25% of glazed area
Window: Neon	•		N/A	O	N/A	25% of glazed area

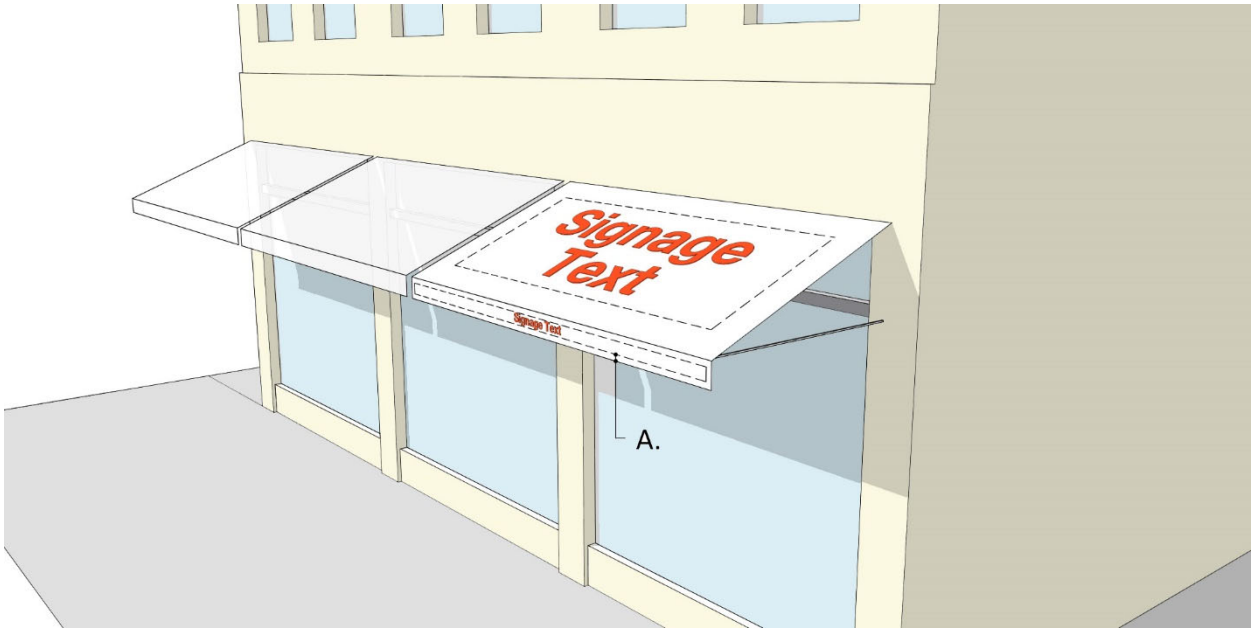
Symbol	Meaning
•	Permitted
<blank>	Not Permitted
n/a	Not Required
P	Permanent
O	Period of Occupation
B	During Business House
S	Standards

Figure 36-2-41. Specific Sign Regulations

Awning Sign

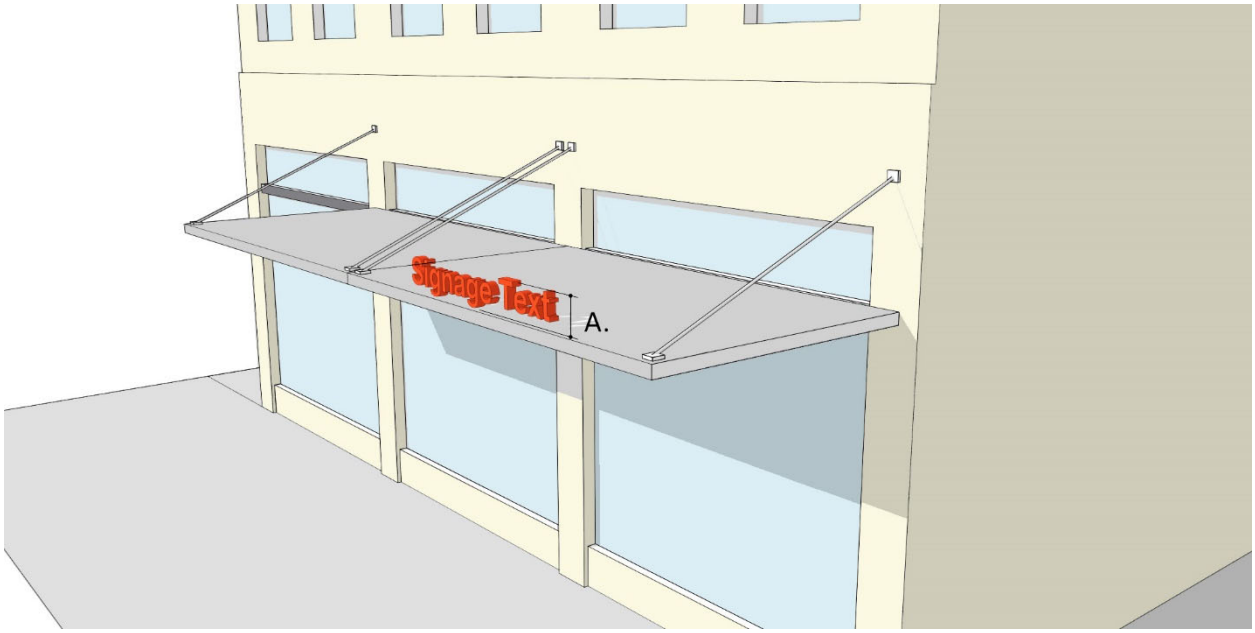
A. Signage area must have a 1" border.

B. Signage area may not exceed 75% of each portion of the sign area, which shall be calculated individually.



Canopy Sign

A. Canopy signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare. Conduit, raceways, and wiring may not be exposed to view from the sidewalk.



Corner Sign

A. Corner signs must provide 10’ of clearance.

B. Corner signs may extend up to 6’ above the parapets.

C. Corner signs may only be located at the corner of a building located on a corner (i.e., with both primary and secondary frontages).



Ground Sign

A. Ground signs must not exceed 6’ in height or width with a signable area of 12 sqft max.

B. One ground sign per frontage is permitted and may be double-sided.

C. Ground signs must be constructed of durable materials.

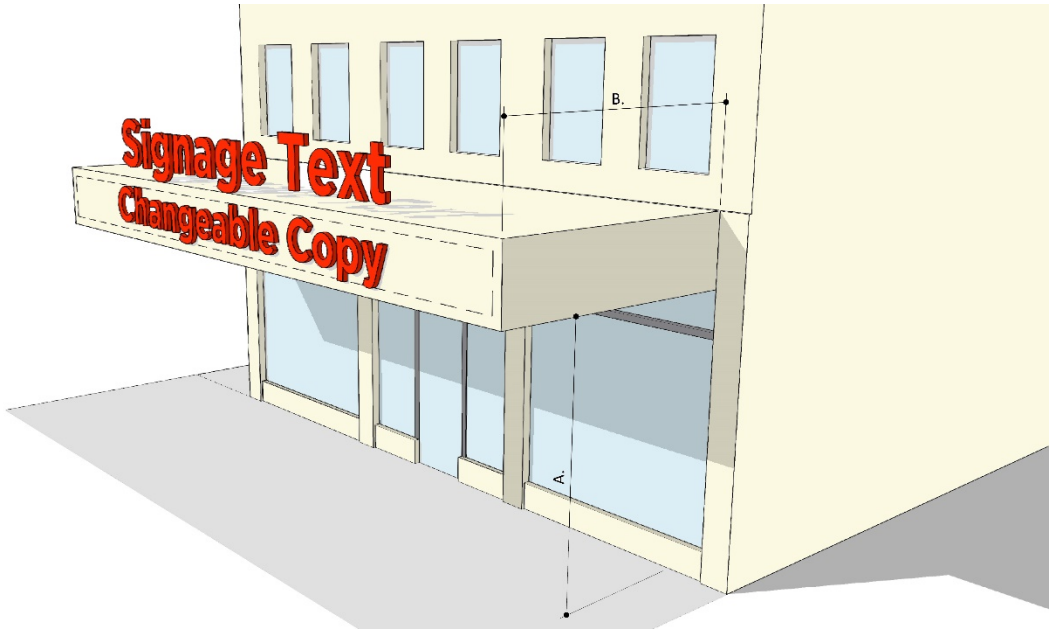


Marquee Sign

A. Marquee signs must provide 8’ of clearance.

B. Marquee signs project to within 2’ of the curb.

C. Marquee signs may be combined with a Canopy sign or a Projecting sign.

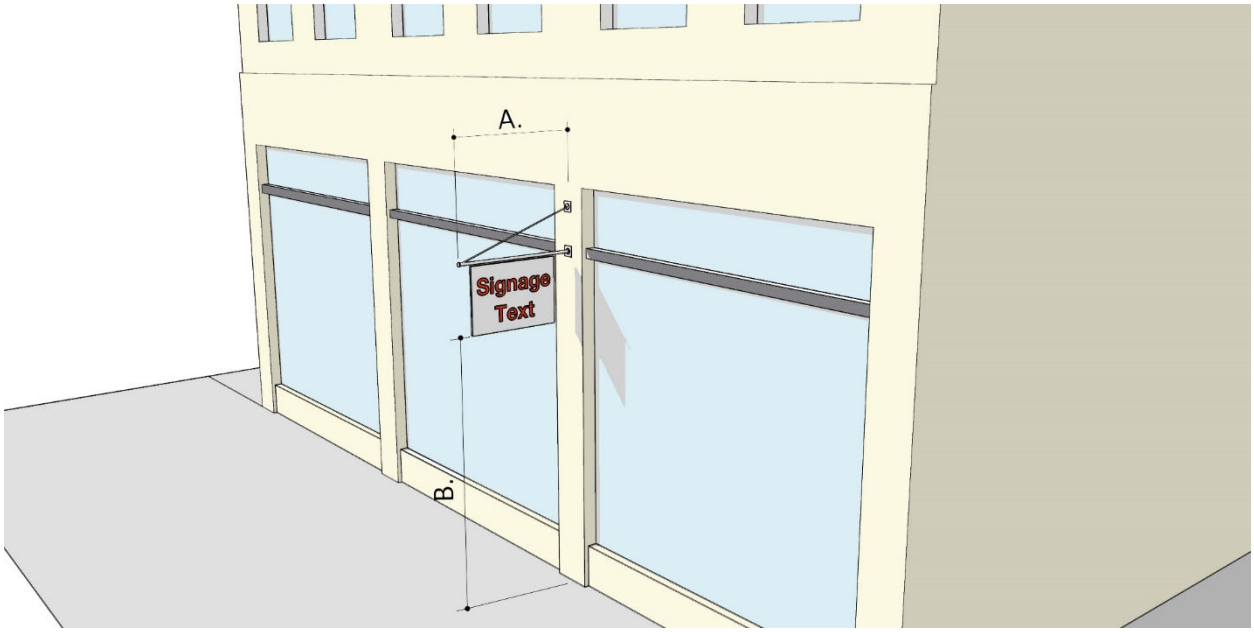


Projecting Sign

A. Projecting signs may encroach into the right-of-way up to 3’.

B. Projecting signs must provide 8’ of clearance.

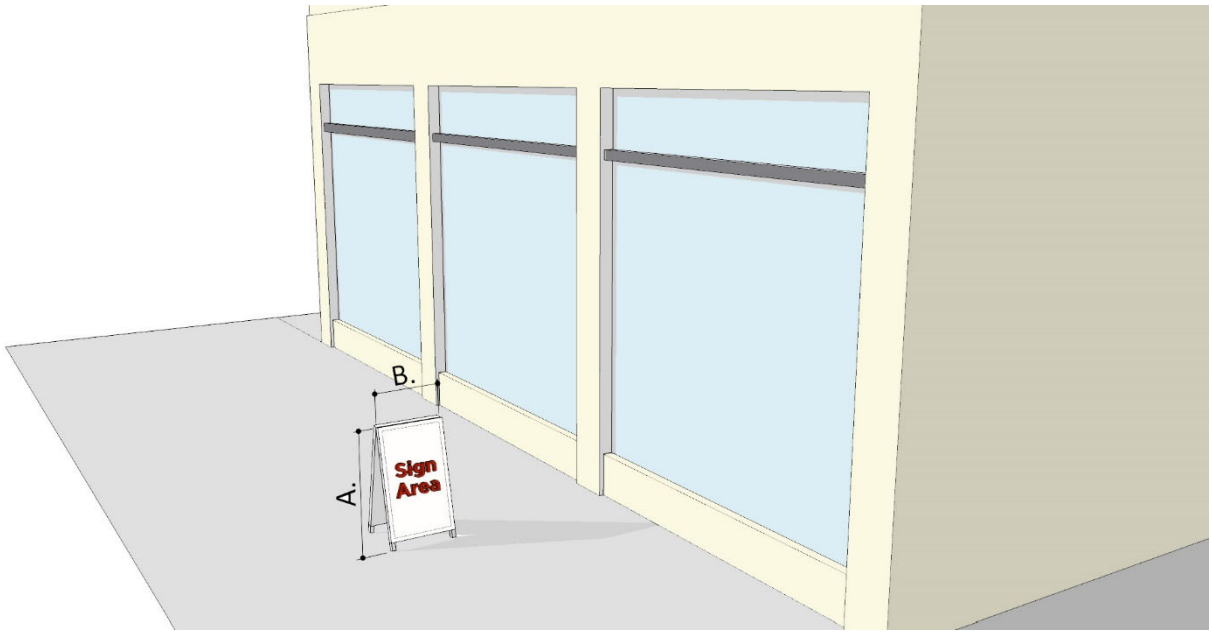
C. Projecting signs may be double-sided.



Sidewalk Sign

A. Sign height may not exceed 42”.

B. Sign width may not exceed 26” inches.

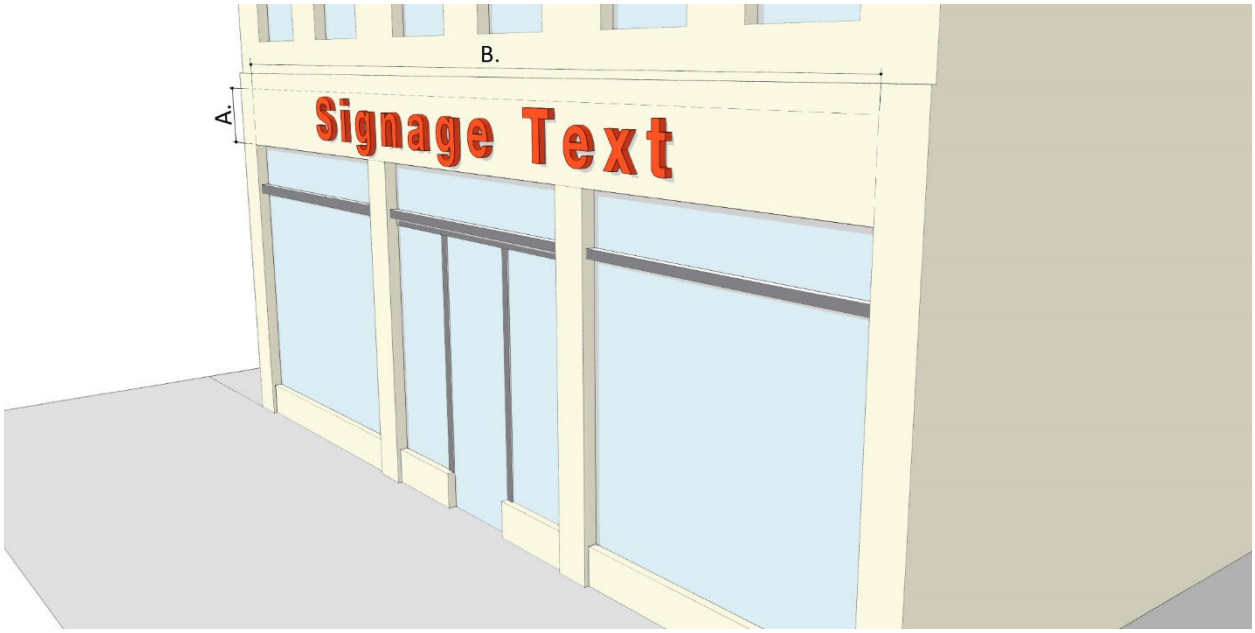


Wall Sign

A. Sign height may not exceed 36”.

B. Sign width may be 90% of storefront width.

C. Wall signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare.



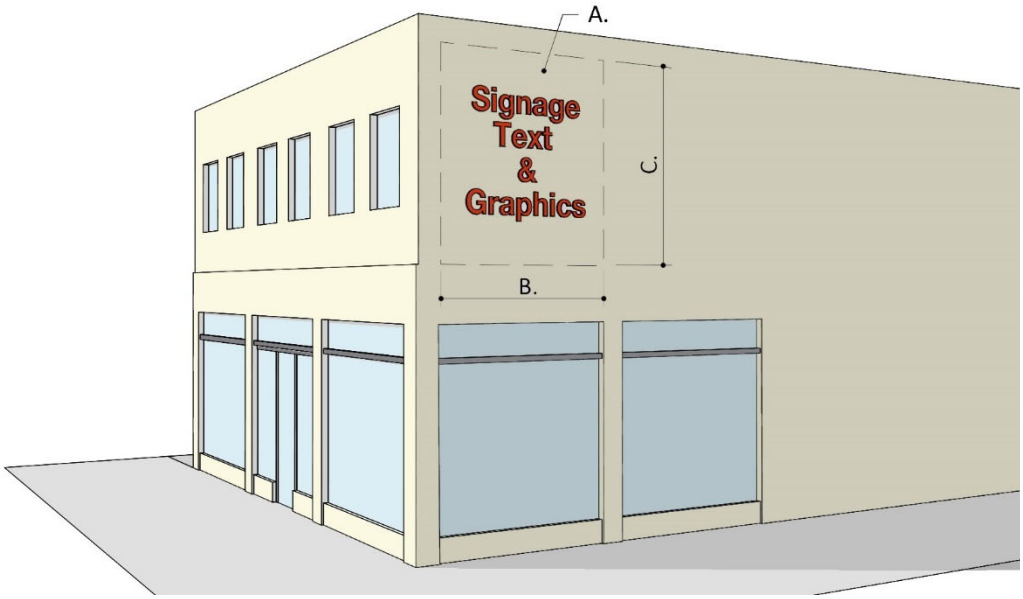
Wall Mural Sign

A. Signable area is 1,000 sqft max.

B. Sign width is 50’ max.

C. Sign height is 60’ max.

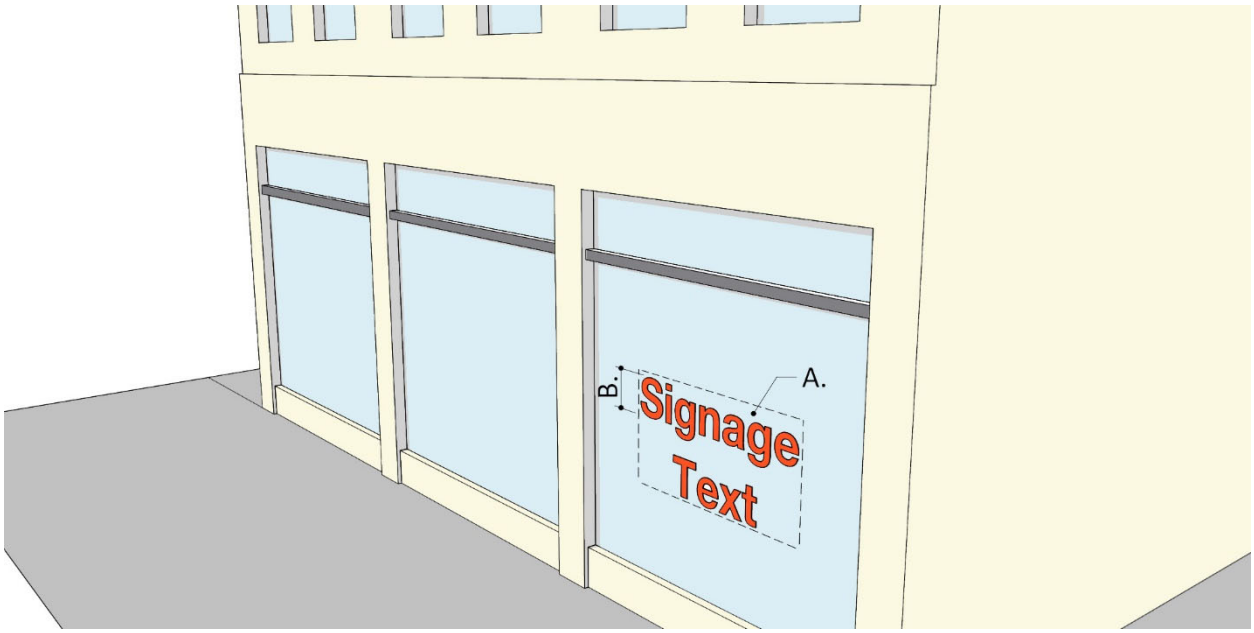
D. Only text or graphics painted directly on the wall or a graphic mural are permitted.



Window Sign

A. Signage area is 25% max. of shopfront window.

B. Copy height is 12” max.



14. Uses

a) Lot and building use is allowed according to **Figure 36-2-42. Downtown Development Code Allowed Uses** by use category and subcategory.

b) Multiple uses within a single lot or building are permitted in all districts.

c) Accessory uses are permitted as follows:

i) Accessory dwellings in GU are limited to housing related to the principal dwelling, rental housing, and home office uses, not exceeding 600 square feet per story.

ii) Home occupations are permitted in accordance with the provisions of **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #23. Home Occupation.

d) Manufacturing uses, other than cottage industries, are not permitted Downtown.

e) Conditional Uses are permitted pursuant to noted conditions.

Figure 36-2-42. Downtown Development Code Allowed Uses

USE CATEGORY	GU	DT	MS	CONDITIONS
RESIDENTIAL				
Single or Two-family Dwelling	A	NP	NP	
Family Child Care Home (1-6 occupants)	C	C	C	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #37 Child Care Home (≤6)
Accessory Dwelling Unit	A	A	A	
Multi-family Dwelling	A	A	A	
Group Home (up to 16 occupants)	C	C	C	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #13 Community Residence (Licensed for Persons with Disabilities)
LODGING				
Lodging in Accessory Dwelling Unit	A	A	A	
Bed and Breakfast (up to 6 rooms)	A	NP	NP	
Inn (up to 12 rooms)	A	A	A	
Hotel	A	A	A	
OFFICE				
Accessory Office	A	A	A	
Live-work Unit	A	A	A	
Office	C	A	A	Building area available for office use is limited to the first story.
Outpatient Clinic	NP	A	A	
Laboratory	NP	C	C	Medical, dental, or similar uses. Permitted only when entirely contained within an office building and used strictly for the purpose of serving the occupants of the office complex. There shall be no advertising signs or other visible displays indicating the use from the exterior of the building.
RETAIL				
Open Market Space	A	A	A	

USE CATEGORY	GU	DT	MS	CONDITIONS
Retail	C	A	A	Building area available for retail use is limited to the first story.
Push Cart	A	A	A	
Kiosk	NP	A	A	
Gasoline Sales	C	C	NP	Permitted only when vehicle repair activities are not associated with the use.
Restaurant or Other Dining Establishment	C	A	A	Seating shall not exceed 40.
Outdoor Cooking	A	A	A	
Outdoor Dining	A	A	A	
Tavern or Bar	C	A	A	Seating shall not exceed 40.
Nightclub	NP	A	A	
INSTITUTIONAL				
Live Theater or Movie Theater	NP	A	A	
Broadcasting Studios	NP	A	NP	
Gallery	C	A	A	Building area available for gallery use is limited to the first story.
Museum	C	A	A	Building area available for museum use is limited to the first story.
Libraries	A	A	A	
Legislative and Court Chambers	NP	A	A	
Conference Center	NP	A	A	
Terminal Waiting Areas	NP	A	A	
Funeral Homes	NP	A	NP	
Participatory Assembly	A	A	A	
Nursing Home with Medical Care	C	C	C	Must be located on a collector or higher designated roadway.
Classroom for Participatory Assembly Uses	A	A	A	
Child Classrooms & Daycare	A	A	A	
Accessory Daycare (fewer than 6 children)	A	A	A	
School, K-12	A	A	A	
School, college or university	A	A	A	
School, commercial, trade or technical	C	A	A	Located on a minor arterial or higher designated roadway.
AGRICULTURAL				
Animal (Pet) Care Facility	NP	A	A	
Animal (Pet) Day Care Facility	NP	A	A	
Chickens	C	NP	NP	Roosters are not permitted.
Garden Supply or Greenhouse	A	NP	NP	

(A) Approved by Right (C) Conditional (NP) Not Permitted

15. Parking

a) Off-street Parking Location and Access.

i) Off-street parking shall be provided in accordance with achieving the Downtown Master Plan goals and policies and supporting the development proposal.

ii) Additional off-street parking is not required in the downtown transects. Unless otherwise specified, off-street parking design shall comply with **Sec. 38-2. Roads, Rights-of-Way, and Parking** as well as any state and federal regulations.

iii) When provided, parking may not be located within 30 feet of the primary frontage line and 20 feet of secondary frontage lines.

iv) Parking areas shall have well-delineated pedestrian access routes to the most direct entrance of the building they serve.

v) Parking may be fulfilled in the following locations:

a. Parking spaces provided within the lot.

b. Parking spaces provided along a parking lane (on-street) corresponding to lot frontages.

c. Parking spaces leased from a private or public parking facility within 500 feet of the lot.

d. Parking spaces managed by an established parking district.

b) Parking lots and structures visible from frontages require one of the following screening methods or a combination of methods:

i) Liner Buildings, optional at parking lots and required at parking structures. The ground floor frontages of parking structures shall be screened with Liner Buildings with the exception of ingress and egress points.

ii) A masonry wall no less than 4 feet in height.

iii) An evergreen hedge, or other landscape element to screen the view of parking, no less than 4 feet in height.

c) Driveways providing access to off-street parking are limited to 24 feet (2-way) in width in DT or MS and 10 feet (1-way) in width in GU.

d) Vehicular access to off-street parking is restricted as follows:

i) Lots with rear alley access must provide vehicular access from a rear alley.

ii) One curb-cut is permitted for each secondary frontage. Curb cuts shall comply with **Sec. 38-2. Roads, Rights-of-Way, and Parking**.

iii) Where secondary frontages are not available, one curb-cut is permitted at the primary frontage for lots with a minimum width of 80 feet.

e) Pedestrian access to off-street parking must be provided from frontages, according to the following:

i) A minimum of one ADA-compliant walkway must be provided between each lot frontage and off-street parking areas.

ii) Pedestrian access walkways must be a minimum of 6 feet in width in DT.

f) Shared Vehicular Parking Options.

i) The number of spaces provided may be reduced according to **Figure 36-2-43. Shared Parking**, completed as follows:

a. For each use, enter the minimum required spaces as specified in **Figure 36-2-43**, into the first column.

b. For each time of day, multiply the required spaces per use by the occupancy rate, and enter the sum of the resulting column in the bottom row.

c. The resulting reduced minimum required parking spaces is the highest value entered in the bottom row.

Figure 36-2-43. Shared Parking

USES	REQ#	M—F 8AM—6PM	M—F 6PM—12AM	M—F 12AM—8AM	SAT & SUN 8AM—6PM	SAT & SUN 6PM—12AM	SAT & SUN 12AM—8AM
Residential		60%	100%	100%	80%	100%	100%
Office		70%	100%	100%	70%	100%	100%
Lodging		100%	20%	5%	5%	5%	5%
Retail		90%	80%	5%	100%	70%	5%
Restaurant		70%	100%	100%	70%	100%	100%
Theater		40%	80%	10%	80%	100%	10%
Entertainment		40%	100%	10%	80%	100%	50%
Conference		100%	100%	5%	100%	100%	5%
Civic		100%	20%	5%	10%	10%	5%
Civic Religious		20%	20%	5%	100%	50%	5%
Total Required							

16. Landscaping

a) The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.

b) Landscape quantities shall be determined by **Sec. 38-7. Landscaping**.

c) Proposed trees and understory trees shall be centered horizontally and minimally:

i) Three (3) feet from walkways, curbing, and other impervious pavements;

ii) Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;

iii) Six (6) feet from porch eaves, awnings, and similar overhead obstructions associated with the ground level of buildings;

iv) Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.

d) Ground vegetation with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited within two (2) feet of the sidewalk or street.

e) Bare and exposed ground shall be covered with live plant materials and/or mulch, including gravel mulch.

f) Artificial plants or artificial turf are prohibited.

g) Specific to DT and MS.

i) Landscape islands in interior parking lots shall only occur at the end of drive aisles. Islands should be the minimum size for healthy growth for the specific species of tree.

ii) Porous paving materials and other green infrastructure methods may be used in order to increase stormwater infiltration on site.

h) Any tree species and cultivar applicable for planting in the Downtown Las Cruces microclimate may be considered for planting within Downtown public squares, plazas, and private parcels, with the exception of those identified in **Figure 36-2-44. Prohibited Plants**.

Figure 36-2-44. Prohibited Plants

BOTANICAL NAME	COMMON NAME
Pennisetum setaceum	Crimson fountaingrass
Tamarix spp.	Saltcedar
x Chitalpa	Chitalpa
Elaeagnus angustifolia	Russian olive
Brassica tournefortii	Sahara mustard
Peganum harmala	African rue
Arundo donax	Giant cane
Saccharum ravennae	Ravennagrass
Ulmus pumila	Siberian elm
Ailanthus altissima	Tree of heaven

17. Streetscape

The primary use of thoroughfares is to provide access to private lots and public civic spaces. In accordance with the intent of this Section, streetscape improvements shall be designed to support several modes of transportation: public transportation, motor vehicles, and non-motorized vehicles such as bicycles and pedestrians.

a) Alley easements include one (1) bi-directional vehicular lane, within a total width alley of not less than 20 feet. The entire right-of-way should be paved and remain with clear access.

b) At the time of, and within, new or infill development trees shall be planted at an average spacing of no less than 40 feet on center within the front setback of the parcel being developed unless the front setback is less than 8 feet pursuant to **Figure 36-2-45. Public Frontage Type**.

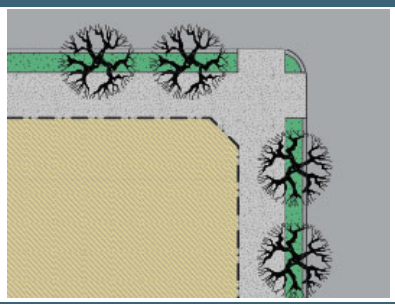
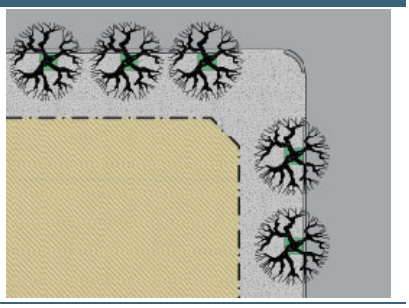
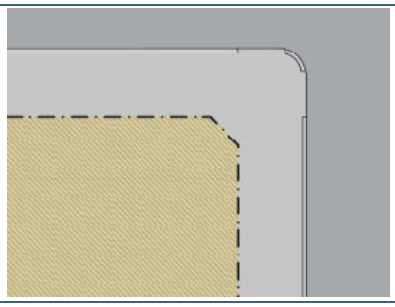
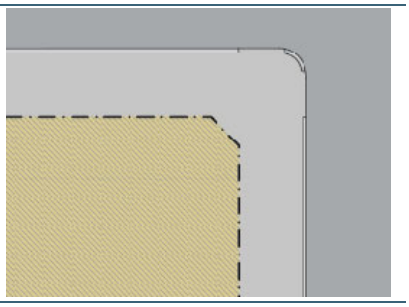
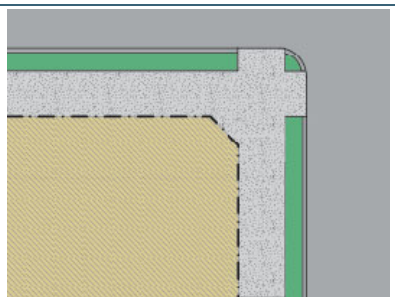
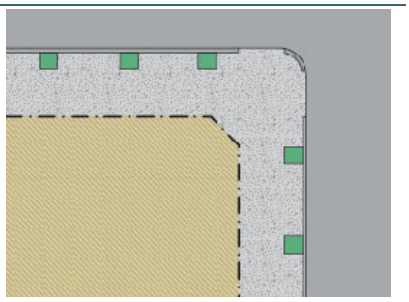
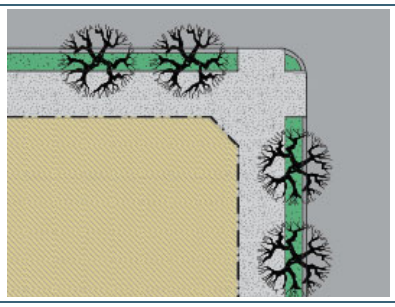
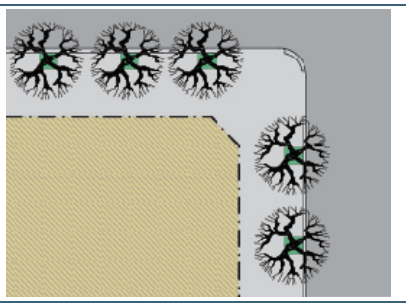
c) Streetscape improvements may be made pursuant to **Figure 36-2-45**.

i) At commercial frontages the spacing of trees may be irregular to avoid visually obscuring shopfronts.

ii) At gallery frontages, public planting is not required and public lighting may be provided within the gallery.

iii) Tree spacing may be adjusted up to 20 percent by administrative waiver to accommodate specific site conditions.

Figure 36-2-45. Public Frontage Type

PUBLIC FRONTAGE TYPE	A	B
Assembly: The principal variance are the type and dimension of curbs, walkways, planters, and landscape.		
Total Width	10-20’	16-20’
Curbing: The detailing of the edge of the vehicular way, incorporating drainage.		
Type Cuts	Raised Curb Ramp at 1:12 slope	Raised Curb Ramp at 1:12 slope
Walkway: The portion of the thoroughfare dedicated exclusively to pedestrian activity		
Type Width	Sidewalk 10-15’	Sidewalk 12-16’
Planter: The portion of the thoroughfare accommodating street trees and other landscape.		
Arrangement Planter Type Planter Width	Opportunistic Continuous 5’	Opportunistic Tree Well 4’x9’

18. Sidewalk Displays on Public Property.

a) *Sidewalk display* means the outdoor display of merchandise for sale to the public during regular business hours by any person, persons or organization when such merchandise is displayed on a portion of, or entirely on a public sidewalk or public place not designed for vehicular traffic.

i) All agents, employees, or representatives conducting a sidewalk display on Main Street between the roundabout and Bowman in downtown Las Cruces, shall comply with the following provisions:

a. All sidewalk displays shall only be conducted during regular business hours;

b. All displays shall be installed and removed by the business or property owner daily;

c. No booths, tables, or display merchandise shall obstruct ADA access, vehicular traffic, business entrances, or designated fire access points;

d. Sidewalk displays shall be limited to 100 square feet in total size;

e. Sidewalk displays shall only be conducted immediately in front of the permanent business located immediately adjacent to Main Street;

f. No person shall leave merchandise, booths, tables, or cases on the site of the display after the conclusion of regular business hours.

g. No person shall display merchandise of a type that is not originally sold by the permanent business located immediately adjacent to Main Street.

h. Sidewalk displays shall not include vending machines, food or beverage, outdoor lighting, or provide entertainment.

i. All debris and trash created by the sidewalk displays shall be immediately cleaned from the public property.

j. No sidewalk displays shall be allowed after the entity with which it is associated is not open to the public.

k. No permanent structure may be affixed to the sidewalk or any building. The business or property owner shall be responsible for any damage caused to the sidewalk or public property by the display;

l. The business or property owner assumes all risks with setting up a sidewalk display and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the displays.

Sec. 36-3. Permitted Uses and Use-Based Standards

A. Permitted Uses

1. Permitted Use Chart

   a) The Permitted Use Chart is contained in the tables on the following pages.

   b) Land and buildings in each of the zoning districts may be used for any of the specified uses in the Permitted Use Chart. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

   c) Use-Based Standards apply to uses as indicated in **Figure 36-3-2. Permitted Use Chart**. The associated standards are located in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

   d) The chart is organized by the following generalized land use groupings:

Residential Uses	Accessory or Temporary Uses	Public and Institutional Uses	Retail, Service, and Office Uses	Commercial, Auto, Industrial, and Agricultural Uses
Household Living Congregate Living Residential Care	Accessory Uses Temporary Uses	Child Care Schools Public/Semi-Public	Professional Office Medical Lodging Recreational and Entertainment Retail Shops and Services Food and Beverage	Commercial Cannabis-Related Automotive and Transportation Light Industrial Heavy Industrial Animals and Agriculture

2. Classification of New and Unlisted Uses

   It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

   a) The new or unlisted use will be referred to the Community Development Director who will make a determination as to the appropriate classification of the new or unlisted use based on findings of fact in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material and vibration likely to be generated and the general requirements for public utilities.

   b) The Community Development Director may seek input from other sources, such as professional urban planning publications, or economic development professionals or others familiar with the proposed use.

   c) The Community Development Director shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such uses shall be permitted.

   d) In such cases that any party may be aggrieved by the decision of the Community Development Director, the matter may be appealed in accordance with **Sec. 34-3.F. Appeals**.

3. Multiple Principal Uses within a Single Site

   When multiple principal uses are included on a single site, each individual use must be permitted on that site. For example, if a Retail Store includes a Restaurant, both uses must be allowed; or if a Funeral Home includes a Crematorium, both uses must be permitted.

a) Exception: Customarily incidental uses (as determined by the Community Development Director) are included in the primary use. For example, if a Hospital includes a gift shop, a Retail Store use is not required; or if a Warehouse or Distribution Center includes an office area, a Professional Office use is not required.

4. Parking Requirements

Minimum vehicle and bicycle parking requirements are included in **Figure 36-3-2. Permitted Use Chart**. Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area. See **Sec. 38-2.N. Off-Street Parking** (specifically **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements** and **Sec. 38-2.N.5. Bicycle Parking Standards**) for more information regarding parking requirements.

Figure 36-3-1. Legend for the Permitted Use Chart

Symbol	Meaning
●	Use is permitted in district indicated
○	Use is permitted in district upon approval of a Special Use Permit; see **Sec. 36-5.C. Special Use Permits (Error! Reference source not found.**s)
	Use is prohibited in district indicated
*	Use-based standards apply; see **Sec. 36-3.B. Use Classifications and Use-Based Standards**

Figure 36-3-2. Permitted Use Chart

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
Residential Uses											
Household Living (Note: See **Sec. 36-2.B. Zoning DistrictsError! Reference source not found.** for maximum dwelling units per acre in each district)											
1	Duplex, Triplex, or Quadplex	●	●	●	○					1 : dwelling unit	N/A
2	Live/Work*	●	●	●	○					1 : dwelling unit + parking required for business	Only parking required for business
3	Manufactured Home	●	●	●						2 : dwelling unit	N/A
4	Manufactured / Mobile Home Park (MHP)*	○	○	○						2 : dwelling unit	N/A
5	Mixed-Use*	○	●	●	○					Per use multiplied by 0.5	Per use

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
6	Mobile Home*	●	●	●						2: dwelling unit	N/A
7	Multi-Family Dwelling*	●	●	●	○					1 : dwelling unit	1 : 4 dwelling units
8	Single-Family Home	●	●	●						2 : dwelling unit	N/A
9	Townhouse*	●	●	●	○					2 : dwelling unit	1 : 2 bedrooms
Congregate Living											
10	Boarding House or Hostel	○	●	●						1 : bedroom + 1 : employee	1 : 2 bedrooms
11	Fraternity or Sorority House	○	●	●						0.5 : bedroom	1 : 2 bedrooms
Residential Care											
12	Assisted Living	○	●	●						1 : 4 beds + 1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
13	Community Residence (Licensed for Persons with Disabilities)	●	●	●						1 : 4 beds + 1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
14	Community Residence (Other)	○	●	●						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
15	Halfway House	○	○	○						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
16	Independent Senior Living	○	●	●						1 : dwelling unit	1 : dwelling unit
17	Nursing Home	○	○	●	●					1 : 4 beds + 1 : 2 employees	1 : 20 beds + 1 : 5 employees on maximum shift
18	Sober Living House	●	●	●						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
Accessory or Temporary Uses											
Accessory Uses											
19	Accessory Dwelling*	●	●	●						N/A	N/A
20	Accessory Structures*	●	●	●						N/A	N/A

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
21	Animal Raising (Accessory)*	●	●	●	●	●	●	○		N/A	N/A
22	Drive-Thru*		○	●	●	●				N/A	N/A
23	Home Occupation*	●	●	●						N/A	N/A
24	Outdoor Display (Permanent)			●	●	●	●			1 : 1,000 sqft of display area	N/A
25	Outdoor Storage*				○	●	●			1 : employee on maximum shift or 1 : 10,000 sqft of storage area	N/A
26	Pools and Recreational Courts	●	●	●	●					1 : 250 sqft of accompanying floor area where patrons circulate, sit, or congregate or 1 : 750 sqft of all gross surfaces	1 : 1,250 sqft of accompanying floor area where patrons circulate, sit, or congregate or 1 : 3,750 sqft of all gross surfaces
27	Solar Energy System (Accessory)*	●	●	●	●	●	●			N/A	N/A
28	Walk-Up Window*	●	●	●	●					N/A	N/A
29	Wind Energy System (Accessory)*	●	●	●	●	●	●			N/A	N/A
Temporary Uses											
30	Concrete Batch Plant (Temporary)	○	○	○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
31	Construction Building (Temporary)	●	●	●	●	●	●			1 : 400 sqft	1 : 5 employees on maximum shift
32	Construction Yard (Temporary)	●	●	●	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
33	Outdoor Display (Temporary)*	●	●	●	●	●	●			1 : 1,000 sqft of display area	1 : 5 employees or 1 : 2,000 sqft
34	Real Estate Office (Temporary)*	●	●	●	●	●	●			1 : 400 sqft	1 : 5 employees
35	Seasonal/Temporary Sales or Use*	●	●	●	●	●	●			1 : 1,000 sqft of sales area + 1 : employee at maximum shift	1 : 5 employees or 1 : 2,000 sqft

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
Public and Institutional Uses											
Child Care											
36	Child Care Center*	○	○	●	●					2 spaces + 1: 10 children	1 : 30 children
37	Child Care Home (≤6)*	●	●	●						N/A	N/A
38	Group Child Care Home (7-12)*	○	●	●						1 additional space	1 additional space
Schools											
39	School (K-8)*	●	●	●	●					2 : classroom	10 : classroom
40	School (9-12)*	●	●	●	●					4: classroom + 1: 250 sqft in assembly areas	6 : classroom
41	School (College or University)*	○	●	●	●					1 : 600 sqft of indoor area	1: 1,500 sqft of indoor area
42	School (Commercial, Trade, or Technical)	●	●	●	●	●				1 : 500 sqft	1 : 1,500 sqft
Public/Semi-Public											
43	Cemetery or Columbarium*				●					1: 500 sqft of assembly areas	1: 1,500 sqft of assembly area
44	City Facility or Building	●	●	●	●	●	●	●		As specified for use	As specified for use
45	Community Building or Banquet Center	○	●	●	●					1 : 250 sqft	1 : 1,000 sqft of assembly area
46	Community Garden	●	●	●	●	●	●	●		1 : 5,000 sqft	1 : 10,000 sqft
47	Convention Center or Exhibition Hall				●					1 : 5 maximum occupancy	1 : 75 maximum occupancy
48	Correctional Facility					●	●			1 : 1,000 sqft + 1 : employee on maximum shift	1 : 20 employees on maximum shift

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
49	Landfill						●			1 : 400 sqft of office	N/A
50	Library or Museum	●	●	●	●					1 : 600 sqft	1 : 1,000 sqft
51	Place of Worship	●	●	●	●					1 : 200 sqft of assembly area	1: 1,000 sqft of assembly area
52	Public Park*	●	●	●	●			●		Based on facilities provided	Based on facilities provided
53	Public Utilities (Major)*	●	●	●	●				●	N/A	N/A
54	Public Utilities (Minor)*	●	●	●	●				●	N/A	N/A
55	Recycling Drop-Off Point				●	●	●			1 : employee on maximum shift	1: 5 employees on maximum shift
56	Waste or Recycling Processing Facility					○	●			1 : 400 sqft of office or 1 : employee on maximum shift	1: 20 employees on maximum shift
Retail, Service, and Office Uses											
Professional Office											
57	Professional Office (Local)*	●	●	●	●	●	○			1 : 450 sqft	1 : 8,000 sqft
58	Professional Office (Regional)			●	●	●	○			1 : 450 sqft	1 : 8,000 sqft
Medical											
59	Emergency Room (Standalone)*			●	●					1 : 3 beds	1 : 20 employees on maximum shift
60	Hospital*			○	●					1 : 3 beds or 3 : 1,000 sqft	1 : 20 employees on maximum shift
61	Medical Clinic or Office		○	●	●					1 : 450 sqft	1 : 2,000 sqft
62	Medical or Research Laboratory			○	●					1 : 1,000 sqft	1 : 20 employees on maximum shift
63	Urgent Care		○	●	●					1 : 400 sqft or 2 : exam room	1 : 2,500 sqft
Lodging											

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
64	Bed and Breakfast*	○	●	●	●					0.5 : bedroom	1 : 5 employees
65	Campground*				●	●		●		1 : camp site + 1: 400 sqft office space	1 : 5 employees
66	Hotel or Motel		○	●	●	○				0.75 : room + 1 : 800 sqft of other uses	1 : 5 employees on maximum shift + 1 : 20 rooms
67	Recreational Vehicle Park*				●	●				1 : RV space + 1 : 2 employees	1 : 5 employees
Recreational and Entertainment											
68	Botanical Garden	●	●					●		Parking study required	1 : 20 auto spaces
69	Golf Course*	●	●	●	●	●		●		30 : 9 holes	1 : 9 holes
70	Indoor Entertainment		○	●	●	●	●			1 : 3 persons maximum capacity	1 : 20 persons maximum capacity
71	Outdoor Entertainment*		○	●	●	●	●			3 : 1,000 sqft	1 : 2,500 sqft
Retail Shops and Services											
72	Adult Business*				○	○				1 : 350 sqft	1 : 6,000 sqft
73	Art Studio or Instruction	○	●	●	●					1 : 450 sqft or 1 : student	1 : 2,500 or 1 : 5 students
74	Bank or Financial Institution		●	●	●					1 : 450 sqft	1 : 8,000 sqft
75	Flea Market			●	●					1 : 400 sqft of vendor area + 1 : food vendor	1 : 20 auto spaces
76	Gas Station*	○	○	●	●	●	○			1 : 300 sqft	1 : 2,000 sqft
77	Grocery (Local)	●	●	●	●					1 : 350 sqft	1 : 6,000 sqft
78	Grocery (Regional)*			●	●	●				1 : 350 sqft	1 : 6,000 sqft
79	Liquor or Package Store*				●	●				1 : 400 sqft	1 : 800 sqft
80	Payday Loans, Check Cashing, or Bail Bonds		○	○	●					1 : 450 sqft	1 : 8,000 sqft
81	Pawn Shop			●	●	●				1 : 400 sqft	1 : 3,000 sqft

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
82	Personal Services		●	●	●					1 : 450 sqft	1 : 8,000 sqft
83	Retail Store (Local)*	○	●	●	●	○	○			1 : 400 sqft	1 : 3,000 sqft
84	Retail Store (Regional)*			●	●	○	○			1 : 450 sqft	1 : 4,000 sqft
85	Retail Store (Sundry)*	○	●	●	●					1 : 400 sqft	1 : 3,000 sqft
86	Shopping Center*		●	●	●	○				1 : 450 sqft	1 : 4,000 sqft
	Food and Beverage										
87	Bar*			●	●	●				1 : 500 sqft	1 : 1,000 sqft
88	Cafe*	●	●	●	●					1 : 300 sqft	1 : 1,000 sqft
89	Food Truck Park*		○	●	●	●				2 : 1,000 sqft of area where patrons eat, queue, or congregate	1 : 10 auto spaces
90	Private Club or Lodge			●	●	●				1 : 500 sqft	1 : 1,000 sqft
91	Restaurant		○	●	●	●	○			1 : 300 sqft	1 : 1,000 sqft
92	Tap Room or Tasting Room*			●	●	●				1 : 500 sqft (tasting room only)	1 : 2,000 sqft (tasting room only)
	Commercial, Auto, Industrial, and Agricultural Uses										
	Commercial										
93	Catering or Commercial Off-Site Kitchen			●	●	●				1 : 500 sqft	1 : 5 employees on maximum shift
94	Contractors Yard or Building Material Sales*				●	●	●			1 : 1,000 sqft office space	1 : 5 employees on maximum shift
95	Crematorium					●	●			1 : 800 sqft	1 : 5 employees on maximum shift
96	Dispatch Service			●	●	●				1 : 400 sqft	1 : 5 employees on maximum shift
97	Dry Cleaning Plant				●	●				1 : 1,000 sqft	1 : 5 employees on maximum shift

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
98	Equipment Rental, Sales, or Repairs			●	●	●	●			1 : 400 sqft office space	1 : 5 employees on maximum shift
99	Film Staging or Production Studios				●	●	●			1 : 500 sqft	1 : 20 employees on maximum shift
100	Funeral Home			●	●	●				1 : 500 sqft	1 : 2,000 sqft
101	Industrial Printing or Distribution				●	●				1 : 1,000 sqft	1 : 20 employees on maximum shift
102	Manufactured Housing or Building Sales				●	●	●			1 : 450 sqft office space	1 : 8,000 sqft
103	Postal or Printing Services		○	●	●	●	○			1 : 1,000 sqft.	1 : 5 employees on maximum shift
104	Repair Shop		●	●	●	●				1 : 500 sqft or 1 : employee on maximum shift	1 : 5 employees on maximum shift
105	Self-Storage Warehouse				●	●	●			None if units have direct vehicular access; if not, 1 : 4,000 sqft	1 : 5 employees on maximum shift
106	Wireless Communication Facilities*	○	●	●	●	●	●	●		1 space	N/A
Cannabis-Related											
107	Cannabis Dispensary*			○	●					1 : 400 sqft	1 : 3,000 sqft
108	Cannabis Production			○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
109	Integrated Cannabis Business*			○	●	●				1 : 1,000 sqft	1 : 20 employees on maximum shift
Automotive and Transportation											
110	Auto Sales or Rental*			●	●	●				1 : 500 sqft showroom + office	1 : 5 employees on maximum shift
111	Auto Repair and Services (Major)*				●	●				5 : service bay + 1 : employee on maximum shift	1 : 5 employees on maximum shift

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
112	Auto Repair and Services (Minor)*			●	●	●				3 : service bay + 1 : employee on maximum shift	1 : 5 employees on maximum shift
113	Car Wash*		○	●	●	●				2 : service lane	1 : 5 employees on maximum shift
114	Commercial Parking Lot or Garage*		○	●	●	●				N/A	1 : 20 auto spaces
115	Heliport/Helistop*				○	○	○			N/A if accessory use; 2 spaces if primary use	N/A
116	Passenger Transportation Terminal*				●	●				1 : 300 sqft	1 : 500 sqft
117	Salvage or Wrecking Yard*					○	●			1 : 1,500 sqft of yard area + 1 : 400 sqft of office space	1 : 5 employees on maximum shift
118	Semi-Truck Wash					●	●			2 : service lane	N/A
119	Truck, Trailer, Boat, and RV Sales or Rental				●	●				1 : 500 sqft showroom + office	1 : 5 employees on maximum shift
Light Industrial											
120	Animal Processing (Slaughterhouse)					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
121	Animal Processing (Taxidermy)				●	●	●			1 : 1,000 sqft	1 : 5 employees on maximum shift
122	Artisan Manufacturing*	○	○	●	●	●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
123	Data Center*				○	●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
124	Hazardous Chemical Manufacturing or Storage					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
125	Manufacturing or Fabricating*					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
126	Warehouse or Distribution Center					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
Heavy Industrial											

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
127	Above-Ground Storage Tanks for Hazardous Materials*						●			1 : installation	N/A
128	Energy Production or Refinement						●			1 : 400 sqft office + 1 : employee on maximum shift	1 : 20 employees on maximum shift
129	Excavation of Raw Materials*				○	●	●			1 employee on maximum shift	1 : 20 employees on maximum shift
	Animals and Agriculture										
130	Animal Raising (Commercial Feed Lots)*						○			1 : employee on maximum shift	1 : 5 employees on maximum shift
131	Animal Raising (General Agriculture)*	●	●				●			N/A	N/A
132	Animal Services (Indoor Only)*	○	●	●	●	●				1 : employee on maximum shift	1 : 5 employees on maximum shift
133	Animal Services (With Outdoor Pens)	○	○	○	●	●				1 : employee on maximum shift	1 : 5 employees on maximum shift
134	Commercial Crop Farming	○		●	●	●	○			1 : employee on maximum shift	1 : 5 employees on maximum shift
135	Indoor Agriculture	○	○	○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
136	Plant Nursery		●	●	●	●				1 : 400 sqft of enclosed space	1 : 10,000 sqft enclosed space + 1 : 5 employees on maximum shift
137	Stables or Training	○			○	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
138	Wind or Solar Farm	○			○	●	●			N/A	N/A

B. Use Classifications and Use-Based Standards

Residential Uses

Household Living

1. Duplex, Triplex, or Quadplex

CLASSIFICATION

A building or buildings designed for two, three, or four units situated on a single lot.

2. Live/Work

CLASSIFICATION

A single building developed with a nonresidential use including, but not limited to, office and retail uses, where the proprietor of the nonresidential use resides in an attached dwelling unit above or adjacent to the establishment.

STANDARDS

The nonresidential use must be permitted within the district and be accessible from the main street frontage. No portion of the complete unit may be separately leased or sold.

3. Manufactured Home

CLASSIFICATION

A manufactured home that is a multi-section (also known as a double-wide) single-family dwelling constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

STANDARDS

In accordance with NMSA 3-21A-3, multi-section (also known as double-wide) Manufactured Homes are permitted in any district that a site-built home is permitted, subject to the same requirements (e.g., parking, landscaping, lot dimensions). Manufactured Homes located in a Manufactured Home Park are subject to the requirements outlined in #4 Manufactured / Mobile Home Park (MHP) below.

4. Manufactured / Mobile Home Park (MHP)

CLASSIFICATION

A privately owned tract of land, at least five acres in size, used for the continuous accommodation of 12 or more occupied Manufactured or Mobile Homes and operated for the pecuniary benefit of the owner of the parcel of land, the owner's agents, lessees, or assigns.

STANDARDS

1. Each Manufactured/ Mobile Home (MH) to be located in an MHP shall require a manufactured/ mobile home installation permit (MHIP). The owner of an MH unit shall receive an MHIP prior to locating the MH unit in the MHP. All site-built structures (e.g., carport) are required to have a building permit.

2. Permitted uses in an MHP.

a. Homes (including double manufactured - or single-wide mobile homes) or site-built homes with complete hookup to utilities.

b. Accessory structures, swimming pools, home occupations, and recreation areas and buildings.

c. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barbershops, may be permitted in MHPs, subject to the following restrictions:

i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park;

ii) Shall be discontinued if the Manufactured Home Park is discontinued;

iii) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park only; and

iv) Shall present no visible evidence of their commercial character outside the park.

3. Individual Manufactured Home Spaces (MHS) within an MHP shall have a minimum area of 3,500 square feet, with a minimum width or depth dimension of 35 feet.

4. No structure within an MHP shall not exceed 35 feet in height.

5. Setbacks and spacing (minimum including awnings, canopies, decks, and any other structures attached to, adjacent to, or touching a manufactured home):

a. Dwelling unit front setback: 10′.

b. Dwelling unit side setback: 5′.

c. Dwelling unit rear setback: 10′.

d. MHP boundary to any dwelling unit within the MHP: 10′, except adjacent to public right-of-way.

e. MHP boundary to any dwelling unit within the MHP: 25′ adjacent to public right-of-way.

f. Carport requirements refer to Figure 36-4-4.

6. Development Standards

a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to landscaping, sidewalks, signs, streetlighting, and off-street parking. All federal, state, and local accessibility requirements shall be met.

b. Screening. All MHPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the MHP or each phase of the MHP. Each MHS shall have a wall and/or fence defining the MHS.

c. Utilities. Utility placement shall be approved by the Utilities Department Director.

d. Streets.

i) All MHPs shall have direct motor vehicle access from a collector or higher designated roadway. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

ii) No internal street intersections shall be less than 125 feet from MHP entrances/exits or other internal street intersections. Each intersection, internal and external, shall be designed as close to 90 degrees as possible.

iii) All streets within an MHP shall meet the following minimum widths:

Figure 36-3-3. Required Pavement Width by Roadway Type

Parking Permitted*	Local, one way (Serving fewer than 20 MHS)	Local, two way (Serving 20 to 50 MHS)	Collector (Serving more than 50 MHS)
No	14′	18′	20′
One side	18′	27′	29′
Both sides	27′	36′	38′

* Parallel parking lanes are to be striped at nine feet in width.

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting mobile home spaces with each other and with MHP facilities.

f. Drainage. All MHS and streets shall be designed to ensure proper drainage. A complete drainage plan including elevations and drainage calculations shall be approved by the Community Development Director. No on-lot retention ponds are to be incorporated within the drainage plan for MHPs.

g. Refuse. The management of a MHP 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.

h. Vehicle Storage Areas. MHP may have a storage yard for recreational and other vehicles. Such storage yards shall have a minimum of 60 square feet of storage area per MHS in the development and shall be located so as not to detract from surrounding properties. All recreational and other vehicles shall be parked in the storage yard while not in use.

i. Personal Storage Options. Each mobile home space may have a personal storage unit provided by the MHP owner or tenant. If provided by the MHP owner, such storage shall be at least six feet in height with a storage capacity of at least 300 cubic feet. Each storage unit shall be anchored permanently to the ground. The storage unit may be located on the mobile home space lot line. As an option to storage units being located on individual mobile home spaces by the MHP owner, storage units may be grouped into a mini-storage building arrangement. At least 300 cubic feet of storage space per MHS shall be provided.

5. Mixed-Use

CLASSIFICATION

A building developed with two or more different uses including, but not limited to, residential, office, retail, public, or entertainment uses connected above or adjacent to each other. Individual uses within the building are permitted in accordance with those allowed in the same district.

STANDARDS

1. Uses – At least 75% of the first story of the structure shall be used for nonresidential use. The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

2. Amenities and Open Space – If 13 or more units are provided, the amenities and open space requirements in **Sec. 36-4.C.6. Additional Multi-Family Residential Amenities** shall also apply.

6. Mobile Home

CLASSIFICATION

A movable or portable housing structure 400 square feet or larger, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of the municipal building code.

STANDARDS

Mobile Homes are only allowed in certain cases (e.g., replacing an existing Mobile Home with a safer Mobile Home). See **Sec. 36-5.G. Nonconformities**.

7. Multi-Family Dwelling

CLASSIFICATION

A residential building designed for occupancy by tenants living independently of one another, excluding a hotel or motel.

STANDARDS

A courtyard, plaza, community garden, or other common greenspace is required (400 sqft minimum).

8. Single-Family Home

CLASSIFICATION

A detached dwelling unit designed and used exclusively for the residence by one family household or one group of lessees. This classification also includes multiple detached dwelling units located on a single property primarily occupied by a family unit.

9. Townhouse

CLASSIFICATION

A group of two (2) or more attached single-family units, each of which is on an individually platted lot, that share at least one common wall with another unit.

STANDARDS

No interior side yard is required and lot width/area is modified in accordance with **Sec. 36-4. Additional Dimensional and Building Design Standards**.

Congregate Living

10. Boarding House or Hostel

CLASSIFICATION

A dwelling with more than two rooms that are intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, where for compensation and by pre-arrangement for more than two weeks, food and lodging are provided.

11. Fraternity or Sorority House

CLASSIFICATION

A dwelling with sleeping rooms or a dormitory used for occupancy by individuals in a recognized organization, and in which kitchen facilities are for the common use of all occupants.

Residential Care

12. Assisted Living

CLASSIFICATION

A facility providing residence, supervision, and daily assistance for individuals with common dining and recreational areas designed for the needs of the elderly or disabled. Services in these establishments include personal services such as assistance with dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities and administration of medication by a person licensed or otherwise authorized in this state to administer the medication.

13. Community Residence (Licensed for Persons with Disabilities)

CLASSIFICATION

A State-licensed residence for persons who are physically disabled, developmentally disabled, psychiatrically disabled, or mentally ill. Per NMSA 3-21-1C, “All state-licensed or state-operated community residences for persons with a mental or developmental disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings.”

14. Community Residence (Other)

CLASSIFICATION

A community residence not elsewhere classified (e.g., homeless shelter or unlicensed group home).

15. Halfway House

CLASSIFICATION

The residents of halfway houses may be court mandated to live there, and a resident may be coming from a correctional facility rather than a substance use treatment program. As well as serving as a residence, halfway houses provide social, medical, psychiatric, educational, and other similar services. They are termed "halfway houses" due to their being halfway between completely independent living and in-patient or carceral facilities, where residents are highly restricted in their behavior and freedoms.

16. Independent Senior Living

CLASSIFICATION

An establishment providing dwelling units specifically designed for the needs of older people. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping, and transportation, and community facilities, such as central dining rooms and activity rooms.

17. Nursing Home

CLASSIFICATION

A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged, or disabled and who need ongoing health supervision but not hospitalization. Also referred to as Long-Term Care Facility or Skilled Nursing Facility.

18. Sober Living House

CLASSIFICATION

A sober living house is a peer-managed home designed to help people maintain drug and alcohol sobriety. This is achieved through required sobriety, recovery group attendance, and household participation. Those who live in these houses rent rooms indefinitely and live a life in accordance with their responsibilities with a limit of 10 persons to a residence.

Accessory or Temporary Uses

Accessory Uses

19. Accessory Dwelling

CLASSIFICATION

A self-contained living quarter, including an independent kitchen facility, that is attached or detached to a single-family home located on the same lot.

STANDARDS

1. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.

2. No more than one (1) family unit shall occupy an Accessory Dwelling Unit at a time.

3. Accessory Dwelling Units must meet the setbacks established for Accessory Structures in **Sec. 36-4.B.2. Accessory Structures**.

4. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.

5. Accessory Dwelling Units may be rented or occupied by a guest.

6. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

7. Accessory Dwelling Units shall have an assigned address.

20. Accessory Structures

CLASSIFICATION

A subordinate structure, the use of which is incidental to and customarily found in connection with a principal dwelling on the same property.

STANDARDS

See **Sec. 36-4.B.2. Accessory Structures**.

21. Animal Raising (Accessory)

CLASSIFICATION

The raising and breeding of animals or production of animal products, which is an accessory to a permitted principal use. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping in accordance with Chapter 7 of the Las Cruces Municipal Code. This use does not include slaughterhouses, feedlot operations, and any use included in #130 Animal Raising (Commercial Feed Lots).

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

22. Drive-Thru

CLASSIFICATION

A window or similar access point added to a business (including a restaurant, bank, or financial institution, pharmacy, etc.) in which patrons receive service while remaining in their vehicles.

STANDARDS

See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

23. Home Occupation

CLASSIFICATION

An occupation carried on in the home by a member of the household, without the use of a sign to advertise the occupation, without structural alterations to the building or any of its rooms, that does not involve open storage, and that does not create a nuisance to abutting residential property such as emission of odor, increased traffic or generation of light and smoke.

STANDARDS

1. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home Occupation. No sign, advertisement or display may be used to indicate the presence of a Home Occupation in the structure.

2. The Home Occupation shall be clearly incidental and subordinate to the home's use for residential purposes. Not more than 30 percent of the square footage of the dwelling area shall be used in the conduct of the Home Occupation(s).

3. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, environmental concerns, x-rays, or electrical disturbances to radio or television instruments.

4. Delivery of materials to and from the premises shall not involve the use of vehicles over two-ton capacity, except parcel post, United Parcel Service, or similar delivery trucks.

5. No traffic shall be generated by a Home Occupation in greater volume than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.

6. No Outside Storage is permitted in conjunction with a Home Occupation.

7. Auto and vehicle repair are not permitted for home occupations due to oil, grease, and material discharge.

8. There shall be no change in the outside appearance of the building or premises. There shall be no outside storage of business-related equipment or supplies except one company owned vehicle, that does not exceed (1) one ton. Only this vehicle shall be permitted to have signs and advertising in accordance with the vehicle sign provisions within the sign code.

24. Outdoor Display (Permanent)

CLASSIFICATION

The permanent display of merchandise offered for sale external to a retail building which can be viewed and/or accessed by the customer for purchase.

25. Outdoor Storage

CLASSIFICATION

The keeping of materials, equipment, supplies, and merchandise external to a building that are not for sale and are not intended to be viewed by customers for purchase.

STANDARDS

See **Sec. 38-8. Fencing, Screening, and Buffering** for applicable screening requirements.

26. Pools and Recreational Courts

CLASSIFICATION

An area for active play and recreation that includes but is not limited to, open space, sports courts, play equipment, trails, restrooms, indoor or outdoor pools, and maintenance structures. The use may be either publicly or privately maintained.

Standards

See **Sec. 38-8.F.1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures**.

27. Solar Energy System (Accessory)

CLASSIFICATION

A device accessory to a primary structure or use that relies upon the sun's rays as an energy source and is capable of collecting, distributing, and storing the sun's radiant energy.

STANDARDS

Solar energy system devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard, and must meet the following applicable requirements.

1. Ground-Mounted Solar Energy Systems

   a. Ground-mounted solar energy systems must meet applicable setbacks for the zoning district and shall be located in the rear yard.

   b. The surface area shall not exceed half the building footprint of the principal structure.

2. Roof-Mounted Solar Energy Systems

   a. Roof-mounted systems shall be mounted as flush as possible to the roof and not more than 12 inches above the existing roof surface.

   b. Roof-mounted systems must also be in compliance with the maximum building height for the applicable zoning district.

   c. Roof-mounted systems that are visible from the nearest edge of the street frontage Right-of-Way shall not have a highest finished pitch more than five percent steeper than the roof pitch on which the system is mounted, and shall be no higher than 16 inches above the roof.

28. Walk-Up Window

CLASSIFICATION

A window for service to patrons not in a vehicle (i.e., pedestrians or cyclists), typically in conjunction with a restaurant or other retail use.

STANDARDS

A walk-up window must face a sidewalk or other safe queuing area for pedestrians. A walk-up window queuing area shall not be located in a drive aisle.

29. Wind Energy System (Accessory)

CLASSIFICATION

A device accessory to a primary structure or use that relies upon wind as an energy source and is capable of collecting, distributing, and storing wind energy.

STANDARDS

1. General Standards

   a. Wind Energy Systems are permitted only in the rear yard.

b. The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.

c. Wind Energy Systems shall not be illuminated, nor may they bear any signs or advertising.

d. Wind Energy Systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

e. All wiring serving Wind Energy Systems must be underground.

f. Noise produced by Wind Energy Systems may not exceed 55 dBA measured at the property line.

h. Wind Energy Systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

i. A finish (paint/surface) must be provided for the Wind Energy System that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

j. The diameter of the area swept by the rotors may not exceed 12 feet.

2. Freestanding Systems – Additional Standards

a. Wind Energy Systems may be mounted on a tower detached from other structures on the lot.

b. The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.

c. Freestanding systems measured from the top blade may not exceed 45 feet in height.

d. Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet.

e. A maximum of one freestanding Wind Energy System shall be allowed per lot.

3. Roof-Mounted Systems – Additional Standards

a. Wind Energy Systems may be mounted on the roof of a structure as an appurtenance.

b. Roof-mounted systems measured from the top blade may not be more than five feet over the maximum allowed height for the structure.

c. A maximum of one roof-mounted Wind Energy System shall be allowed per lot.

d. Before any roof-mounted system is mounted, the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Engineer prior to the mounting of the system.

Temporary Uses

30. Concrete Batch Plant (Temporary)

CLASSIFICATION

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

31. Construction Building (Temporary)

CLASSIFICATION

A temporary building or structure used by a land developer to facilitate on-site operations and coordination of active construction.

STANDARDS

Such building(s), facilities, or other arrangement approved by the Community Development Director shall be removed upon completion of construction. Construction buildings or any other facilities shall be maintained in a neat and orderly fashion.

32. Construction Yard (Temporary)

CLASSIFICATION

A temporary outdoor storage facility used by a land developer or homebuilder to house materials and equipment for active on-site construction, including all necessary fencing, lighting, and surveillance measures.

STANDARDS

Such yard shall be removed upon completion of construction. Construction yards or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five feet in height and require written approval by the Community Development Director.

33. Outdoor Display (Temporary)

CLASSIFICATION

The temporary display of merchandise offered for sale external to a retail building in conjunction with seasonal or short-term events, which can be viewed and/or accessed by the customer for purchase. Display is considered "temporary" when brought inside nightly (e.g., sidewalk sale).

STANDARDS

These types of sales and displays shall be permitted for no more than 21 calendar days at a single location one time in a calendar year.

34. Real Estate Office (Temporary)

CLASSIFICATION

A model home or temporary structure used by a home builder to facilitate on-site sales and display within a subdivision where there are new homes available for purchase already built or to be built on lots located therein.

STANDARDS

A Real Estate Office (Temporary) is allowed in conjunction with a developing subdivision for a period of up to three years or when 85 percent of lots are sold, whichever occurs first. The Community Development Director may approve extensions up to two years. For model homes, a temporary Certificate of Occupancy will be issued until the above period ends, at which time a permanent Certificate of Occupancy is required.

35. Seasonal/Temporary Sales or Use

CLASSIFICATION

A business, sale, display, or event which is conducted for a limited time or on a cyclical annual or monthly basis. Uses may be conducted in tents, temporary or permanent buildings, vehicles, outside, or combination thereof.

STANDARDS

1. A temporary use permit from the City is required. The application submittal shall include the applicant's contact information, a description of the temporary use, a Site Plan (see **Sec. 36-5.B. Site Plans**), the date(s) of operation, and the property owners' written consent.

2. The temporary use may occupy up to 25 percent of the parking area if there are 20 spaces or less; 15 percent between 21 and 50 spaces; or 10 percent if there are more than 50 spaces. The temporary use shall not obstruct accessible parking spaces. There must still be adequate room for traffic circulation around the temporary use.

3. All uses proposed to be located in City parks shall comply with Chapter 20 Parks and Recreation of the Municipal Code.

4. Additional Restrictions:

a. Christmas Trees: Sales shall not occur before November 15 or after December 31.

b. Fireworks: Sales shall not occur before June 20 or after July 6. Sale of fireworks is also permitted three calendar days preceding and including New Year's Day, Chinese New Year and Cinco de Mayo of each year.

c. Other Temporary Stands: These uses are permitted for no more than three months for the sale of seasonal merchandise and for no more than 30 calendar days for nonseasonal merchandise.

d. Carnival or amusement park: Permitted for no more than 14 calendar days at a single location one time in a calendar year (not including the time required to set up and take down the structures associated with the use). Additional time requires a Special Use Permit.

e. Yard, garage or rummage sales, fund raising or celebration activities for nonprofit organization: These types of uses shall be conducted for no more than four calendar days, three times at one location in a calendar year. No permits are required for these uses when conducted from an individual's dwelling or an institution. If conducted from a business or other property not used mainly for residential or institutional purposes, all requirements for temporary uses must be met.

Public and Institutional Uses

Child Care

36. Child Care Center

CLASSIFICATION

A facility licensed by the State that provides care, services, and supervision for less than 24 hours a day to children, and is located in a nonresidential setting. (N.M. Code R. § 8.16.2.7(I))

37. Child Care Home (≤6)

CLASSIFICATION

A private dwelling licensed by the State that provides care, services and supervision for a period of less than 24 hours of any day for no more than 6 children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(AA))

STANDARDS

Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #23), except maximum number of patrons.

38. Group Child Care Home (7-12)

CLASSIFICATION

A private residence licensed by the State that provides care, services, and supervision for 7 but not more than 12 children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(CC))

STANDARDS

Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #23), except maximum number of patrons.

Schools

39. School (K-8)

CLASSIFICATION

A public or private institution approved by the State for the teaching of children between the grades of kindergarten and 8th grade, often referred to as primary, elementary, and/or middle school.

STANDARDS

All sites shall have a minimum of one acre. See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

40. School (9-12)

CLASSIFICATION

A public or private institution approved by the State for the teaching of children between the grades of 9th and 12th grade, often referred to as secondary and/or high school.

STANDARDS

This use shall be located on a collector or higher designated roadway. All sites shall have a minimum of one acre. See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

41. School (College or University)

CLASSIFICATION

An institution recognized by the State, other than a technical or trade school, that provides full-time or part-time secondary education beyond grades 9-12, and awards associate, baccalaureate or higher degrees of education.

STANDARDS

This use shall be located on a Collector or higher designated roadway. All sites shall have a minimum of one half-acre.

42. School (Commercial, Trade, or Technical)

CLASSIFICATION

An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills.

Trade or Technical School requires an SUP in NH-1 zoning district.

Public/Semi-Public

43. Cemetery or Columbarium

CLASSIFICATION

A site, building, or structure used for the burial of the human dead, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such site, building, or structure.

STANDARDS

Any cemetery site shall contain at least five acres and shall be located on a major local or higher designated roadway. A columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

44. City Facility or Building

CLASSIFICATION

A building or structure owned by the municipality and used for the administration and operation of a City Department.

45. Community Building or Banquet Center

CLASSIFICATION

A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

46. Community Garden

CLASSIFICATION

A facility operated by a public or semi-public entity for the cultivation of fruits, flowers, vegetables, or other plants for consumption or enjoyment by more than one person or family.

47. Convention Center or Exhibition Hall

CLASSIFICATION

A building or complex of buildings that are designed for the gathering of individuals and display of topic-specific goods, services, or information.

48. Correctional Facility

CLASSIFICATION

Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

49. Landfill

CLASSIFICATION

A lot or part thereof used for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, or nontoxic waste material by abandonment, dumping, burial, burning, or other means.

50. Library or Museum

CLASSIFICATION

A building or public facility serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge. Uses may include the sale of goods and novelties, and the ability to check out materials including books, videos, and other literature.

51. Place of Worship

CLASSIFICATION

A building, structure, or site used for nonprofit purposes by a recognized and legally established group primarily for religious worship and related religious services, including an area for assembly, housing of clergy, and related incidental activities.

52. Public Park

CLASSIFICATION

An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The park may be either publicly or privately maintained.

STANDARDS

All uses proposed to be located in City parks shall comply with Chapter 20 of the Municipal Code. Recreational events and activities may be permitted subject to Community Development Director approval.

Neighborhood Parks: Generally, these parks will be up to ten acres in size.

Community Parks: Generally, these parks will be up to 100 acres, but not less than ten acres in size, and should be located on a minor arterial or higher designated roadway.

Regional Parks: Generally, these parks will be more than 100 acres in size and should be located on a Principal Arterial.

53. Public Utilities (Major)

CLASSIFICATION

A building, complex of buildings, or facility owned by public or private entity used for the supply and distribution of utilities to the public including water, sanitary sewer, storm drainage, electricity, and gas services.

STANDARDS

The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten feet high.

Wastewater treatment plants or transfer stations: Use shall be located at least 300 feet from any residential zoning district boundary.

54. Public Utilities (Minor)

CLASSIFICATION

The installation, alteration, or maintenance by a service provider or government agency of above- or below-ground utility structures, including gas, electrical, steam, or water transmission lines, or their distribution systems, including all necessary poles, wires, mains, drains, sewers, pipes, conduits, hydrants, and other similar equipment associated, but not including buildings. Such use is reasonably necessary for the provision of adequate service by such entity for the public.

STANDARDS

The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten feet high.

55. Recycling Drop-Off Point

CLASSIFICATION

A facility for the collection of materials for recycling, excluding vehicles or vehicle parts.

56. Waste or Recycling Processing Facility

CLASSIFICATION

A building or structure used for the collection and processing of waste material, both recyclable or non-recyclable, including the preparation of materials for efficient shipment, compacting, flattening, grinding, crushing, or similar process.

Retail, Service, and Office Uses

Professional Office

57. Professional Office (Local)

CLASSIFICATION

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure less than or equal to 20,000 square feet in area.

NH-1 zoning district is limited to structures less than 3000 square feet.

58. Professional Office (Regional)

CLASSIFICATION

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure greater than 20,000 square feet in area.

Medical

59. Emergency Room (Standalone)

CLASSIFICATION

A standalone facility that provides immediate or emergent medical treatment as part of a hospital setting. Patients are treated on a walk-in basis and via emergency transport.

STANDARDS

This use shall be located on a Collector or higher designated roadway.

60. Hospital

CLASSIFICATION

An institution used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health, and that is licensed by the State. Includes customarily incidental uses, such as a gift shop or cafeteria.

STANDARDS

This use shall be located on a Minor Arterial or higher designated roadway.

61. Medical Clinic or Office

CLASSIFICATION

An institution for the examination and treatment of in-patients and out-patients by an individual or group of doctors, including dentists, or other licensed members of a human healthcare profession.

62. Medical or Research Laboratory

CLASSIFICATION

An establishment engaged in research concerning biology, microbiology, biochemistry, other life sciences, and general healthcare such as agricultural research, food research, pharmaceutical research, oceanographers, biotechnical research, and other related life science and healthcare research.

63. Urgent Care

CLASSIFICATION

A stand-alone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

Lodging

64. Bed and Breakfast

CLASSIFICATION

A commercial establishment within a detached dwelling unit containing dining and bathroom facilities with sleeping rooms for short-term guest lodging. The owner/operator shall live in the dwelling, in another dwelling on the property, or on property adjacent to the establishment.

STANDARDS

In the Rural Character Area, the number of rooms is limited to eight; in all other areas, the number of rooms is limited to 15. Overall design of buildings and/or site design shall be consistent with the residential neighborhood, architecturally compatible with existing buildings or be architecturally compatible with building types normally found in the zoning district in which it is located.

65. Campground

CLASSIFICATION

A lot or parcel used for transient occupancy by lodging in tents, camp trailers, travel trailers, motor homes, or similar movable and temporary sleeping quarters, excluding mobile homes.

66. Hotel or Motel

CLASSIFICATION

A commercial establishment providing sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and linens, and telephone and desk service, in which rooms are accessed by a hallway internal to the building or externally via an exposed hallway, balcony, parking lot or sidewalk.

67. Recreational Vehicle Park

CLASSIFICATION

A lot or parcel used for the accommodation of recreational vehicles for recreational use or transient lodging, including associated uses such as laundry, restroom, and shower facilities.

STANDARDS

1. Recreational vehicle (RVs), when used for temporary or permanent living purposes, shall be located solely in a recreational vehicle park (RVP) except as approved by the Community Development Director as follows:

a. Arrangements for temporary construction yards,

b. One RV temporarily located on a single-family lot, or

c. Other temporary arrangement (e.g., emergency shelter).

2. Permitted uses in an RVP.

a. Recreational vehicle parking.

b. One manufactured or site-built home for the RVP caretaker.

c. Accessory structures, swimming pools, home occupations, and recreation areas and buildings.

d. There shall be a community building or buildings that provide for the recreational and service needs of occupants of the RVP. It may include management offices, dumping stations, restrooms, showers, laundry/dry cleaning facilities and other uses and structures customarily incidental to operation of an RVP. The area of the community building or buildings may not be calculated as part of the required recreational area.

e. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barber shops, may be permitted in RVP subject to the following restrictions:

i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park;

ii) Shall be discontinued if the RVP is discontinued.

iii) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park only; and

iv) Shall present no visible evidence of their commercial character outside the park.

2. The minimum RVP size is two acres and each RV space shall be a minimum of 1,200 square feet not including sidewalks or streets. The density of spaces in any RVP shall not exceed 20 spaces per acre.

3. No structure within an RVP shall exceed 35 feet in height.

4. Development Standards

a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to Landscaping, Sidewalks, Signs, Streetlighting, and Off-Street Parking. All federal, state, and local accessibility requirements shall be met.

b. Screening. All RVPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the RVP or each phase of the RVP. Each RV space shall have a wall and/or fence defining the RVS.

c. Utilities. Utility placement shall be approved by the Utilities Department Director. Water, sewer, electricity, telephone, and other necessary utilities shall be available at the RVP. A means for emptying sewage holding tanks shall be provided and approved by City and the State Environment Department.

d. Streets.

i) RVPs shall have direct motor vehicle access to or be located on a collector or higher designated roadway. No entrance to or exit from an RVP shall be permitted through a residential zoning district.

ii) Private access ways and individual space arrangements shall be designed to accommodate the frequent movement of recreational vehicles.

There shall be at least three parking spaces designated in the RVP for each two RV spaces. Parking may be provided in common parking areas, on individual RV spaces, and/or on RVP streets. All parking (including RV spaces) must be paved to meet City standards.

iv) All streets within an RVP shall meet the following minimum widths:

Figure 36-3-4. Required Pavement Width by Roadway Type

Parking Permitted*	Local, one way (Serving fewer than 20 RVs)	Local, two way (Serving 20 to 50 RVs)	Collector (Serving more than 50 RVs)
No	14’	18’	20’
One side	18’	27’	29’
Both sides	27’	36’	38’

* Parallel parking lanes are to be striped at nine feet in width.

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting RV spaces with each other and with RVP facilities.

f. Recreation. There shall be an active, usable recreational area(s) for tenants, comprising at least five percent of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.

g. Refuse. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened from view and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

Recreational and Entertainment

68. Botanical Garden

CLASSIFICATION

A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

69. Golf Course

CLASSIFICATION

A public or private amusement enterprise including nine or more holes of golfing, which may include an associated clubhouse. This use does not include mini-golf courses and driving ranges.

70. Indoor Entertainment

CLASSIFICATION

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool hall, firing /archery range, skating rink, racquetball/handball club, batting cages, indoor tennis courts/club, indoor swimming pool, video game arcade, and indoor trampoline park.

71. Outdoor Entertainment

CLASSIFICATION

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors including, but not limited to, golf driving range, miniature golf course, temporary or permanent amusement park, firing/archery range, batting cages, automobile racetrack, go-cart tracks, swimming pool, sport arena/complex or track, or zoo.

STANDARDS

Parking and structures shall be located a minimum of 300 feet from any NH-1 zoning district boundary. Swimming pools must meet requirements outlined in Chapter 30 Building Code and in **Sec. 38-8. Fencing, Screening, and Buffering**.

Retail Shops and Services

72. Adult Business

CLASSIFICATION

A sexually oriented business, including, but not limited to, an adult arcade; adult book or video store; adult cabaret; adult dancing establishment; adult novelty store; and adult theater.

STANDARDS

1. Such uses shall be located at a minimum of 1,000 feet from a property line of a:

   a. School;

   b. Church;

   c. Nursery/day care; or

   d. Public park or recreational facility.

2. These uses shall be permitted, provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and

3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. This sign does not count toward the requirements included in **Sec. 38-10. Signs**. Such signs shall be 36" × 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows:

   WARNING: ADULT BOOKSTORE/VIDEO STORE

THE BUSINESS WITHIN IS SEXUALLY ORIENTED

or

WARNING: ADULT AMUSEMENT ESTABLISHMENT

THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

73. Art Studio or Instruction

CLASSIFICATION

An establishment that engages in the creation of artistic effects, or the instruction, for a fee, of artistic skills and lessons including, but not limited to, painting, floral design, dance, photography, glass blowing, illustration, and woodworking.

74. Bank or Financial Institution

CLASSIFICATION

An establishment for the deposit, custody, loan, exchange or issue of money, the extension of credit, and facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses, car title loan businesses and bail bonds. A drive-thru may be permitted only as an accessory use (see #22 Drive-Thru).

75. Flea Market

CLASSIFICATION

An open-air market in which spaces are rented or leased for the purpose of selling second-hand articles and home crafts.

76. Gas Station

CLASSIFICATION

Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels primarily to passenger vehicles.

STANDARDS

Where permitted within the NH districts, this use shall be located on a Collector or higher designated roadway.

See **Sec. 38-2.N.6.a)ii) Gas Pump Islands** for additional applicable requirements.

77. Grocery (Local)

CLASSIFICATION

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is 30,000 square feet or less.

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

78. Grocery (Regional)

CLASSIFICATION

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 30,000 square feet.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

79. Liquor or Package Store

CLASSIFICATION

A retail establishment primarily selling liquor, beer, wine, and/or other alcoholic beverages for off-site consumption.

STANDARDS

Alcohol sales for off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

80. Payday Loans, Check Cashing, or Bail Bonds

CLASSIFICATION

An establishment engaged in providing short-term loans, payouts of checks, or lump sums of money exclusive of a bank or financial institution.

81. Pawn Shop

CLASSIFICATION

An establishment that engages in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property, or the purchase or sale of personal property.

82. Personal Services

CLASSIFICATION

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Uses include but are not limited to, beauty and barber shops, laundry and drycleaning pick-up/drop-off establishments, permanent cosmetics, and incidental retail sales of products related to the provided services.

83. Retail Store (Local)

CLASSIFICATION

A commercial establishment no greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, specialty shops, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, and clothing sales.

STANDARDS

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

84. Retail Store (Regional)

CLASSIFICATION

A commercial establishment greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, and clothing sales.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

85. Retail Store (Sundry)

CLASSIFICATION

A commercial establishment that engages in the sale of various miscellaneous items that are usually of small value and insignificant enough to be mentioned individually including, but not limited to dry goods, toiletries, household supplies, and perishable and nonperishable foods.

STANDARDS

A minimum of 10 percent of the floor area of the Retail Store (Sundry) must be dedicated to fresh produce and designated as such within the Certificate of Occupancy.

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

86. Shopping Center

CLASSIFICATION

One or more connected buildings or structures used for commercial entities which are planned, constructed, developed, owned or managed independently or as a total entity and share access, parking, drainage, landscaping, and signage.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

Food and Beverage

87. Bar

CLASSIFICATION

An establishment that is primarily engaged in the sale of alcoholic beverages to be consumed on the premises including, but not limited to, taverns, night clubs, private clubs, and similar facilities.

STANDARDS

Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

88. Cafe

CLASSIFICATION

A small-scale food and beverage establishment that provides a casual dining experience. The primary focus of a Cafe is to serve a variety of hot and cold beverages along with light meals and snacks such as pastries, sandwiches, and salads. Cafes often include limited retail sales.

STANDARDS

In the NH-1 district, Cafes shall not exceed 3,000 square feet in area and Drive-Thrus are not permitted.

89. Food Truck Park

CLASSIFICATION

A lot or parcel used for the temporary parking of vehicle mounted food service establishments designed to be readily movable, in which food and beverages are sold for on- or off-site consumption, and may also include other mobile vendors offering retail goods and services.

STANDARDS

1. Food truck parks are subject to all regulations and required certifications from the New Mexico Health Department.

2. Hours of operation shall be limited to 8 a.m. to 9 p.m.;

3. Signage for the park is allowed in accordance with **Sec. 38-10. Signs**. Within the park, signs are allowed on the vehicle itself and each truck is permitted one Sidewalk Sign;

4. A drive-thru is not permitted in conjunction with the food truck park;

5. Food truck vendors shall not operate in required parking spaces, driveways, or fire lanes; and

6. A waste receptacle is required for every food truck vending unit and waste shall be removed daily.

90. Private Club or Lodge

CLASSIFICATION

An organization operated solely for recreational, fraternal, social, patriotic, political, benevolent or athletic purposes, but not for pecuniary gain, and that only sells alcoholic beverages incidental to its operation.

91. Restaurant

CLASSIFICATION

An establishment that prepares and sells food and beverages for immediate or off-site consumption, in which customers order at a counter or in similar fashion prior to sitting within the building or on the premises.

92. Tap Room or Tasting Room

CLASSIFICATION

An establishment associated with a local brewery, winery, or distillery operating under an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for consumption on-site.

Any production of alcohol as regulated by State law under one of these licenses is considered Artisan Manufacturing (see #122).

Such use may or may not include food sales.

STANDARDS

Alcohol sales for on- or off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

Commercial, Auto, and Industrial Uses

Commercial

93. Catering or Commercial Off-Site Kitchen

CLASSIFICATION

An establishment engaged in cooking, preparing, and delivering food or beverages for off-site consumption.

94. Contractors Yard or Building Material Sales

CLASSIFICATION

An establishment or structure used for the repair, maintenance, or storage of a contractor's vehicles and equipment, or sales of materials used in construction including, but not limited to, lumber, hardwood, stone, or brick.

STANDARDS

Gas tanks shall be permitted only when meeting Fire Code requirements as adopted by the City, when receiving approval from the Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau. Landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery is required to screen the tank from view from a public right-of-way.

95. Crematorium

CLASSIFICATION

A place used for the preparation and incineration of the human or animal deceased.

96. Dispatch Service

CLASSIFICATION

A business engaged in providing off-site services, where the business' primary offices, vehicles, and equipment are located on-site with little to no walk-in traffic. Services include, but are not limited to, cleaning and maid, plumbing, pest control, and locksmithing.

97. Dry Cleaning Plant

CLASSIFICATION

An establishment used for the cleaning of clothing, linen, and other textiles through a process involving the use of solvents. For drycleaning pick-up/drop-off service, see #82 Personal Services.

98. Equipment Rental, Sales, or Repairs

CLASSIFICATION

An establishment engaged in the repair, rental, and leasing of heavy construction equipment for off-site use.

Allowed in NH-3 when located on or adjacent to a collector or higher roadway.

99. Film Staging or Production Studios

CLASSIFICATION

An establishment engaged in the staging and/or recording of live, video, or audio productions including, but not limited to, music, commercials, motion pictures, and theatre performances.

100. Funeral Home

CLASSIFICATION

An establishment used for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies and services connected with.

101. Industrial Printing or Distribution

CLASSIFICATION

An establishment engaged in the manufacturing and distribution of media to the public including, but not limited to, newspapers, books, and/or similar media.

102. Manufactured Housing or Building Sales

CLASSIFICATION

A building, structure, or lot used for the marketing, sales, and distribution of Manufactured Homes.

103. Postal or Printing Services

CLASSIFICATION

An establishment engaged in the retail sale of stationery products, and services related to packaging, mail, and printing media for walk-in consumers.

104. Repair Shop

CLASSIFICATION

An establishment engaged in the repair and service of small products including, but not limited to, watches, clocks, jewelry, small appliances and electronics, instruments, and cameras.

105. Self-Storage Warehouse

CLASSIFICATION

A structure or building with enclosed storage space, divided into separate compartments, that is provided for use by individuals or businesses in exchange for payment or rent.

106. Wireless Communication Facilities

CLASSIFICATION

Includes antenna, towers, communication structures, and other similar vertical structures.

STANDARDS

See **Sec. 38-11. Wireless Communication Facilities**.

Cannabis-Related

107. Cannabis Dispensary

CLASSIFICATION

A specialized retail store that sells cannabis and cannabis-related products for medicinal or recreational use.

STANDARDS

Cannabis dispensaries shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall not be located within 300 feet from a school or daycare center that was in existence at the time the cannabis establishment was licensed, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within 300 feet of another cannabis retailer without an approved Special Use Permit. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law and access to the cannabis consumption area is restricted to persons 21 years of age and older.

108. Cannabis Production

CLASSIFICATION

The growing and harvesting of cannabis for commercial purposes that occurs entirely or primarily within an enclosed structure and/or any type of processing or manufacturing of cannabis-based products, which operation is licensed by the State.

109. Integrated Cannabis Business

CLASSIFICATION

A licensed Integrated Cannabis Business or Vertically Integrated Cannabis Establishment (VICE) as permitted and regulated by the State. Operations exceeding 10 percent of total floorspace in an Integrated Cannabis Business must be individually allowed by the Use Chart (for example, Cannabis Dispensary and Cannabis Production) and any standards for any individual uses must be followed.

STANDARDS

Integrated cannabis businesses shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall not be located within 300 feet from a school or daycare center that was in existence at the time the cannabis microbusiness was licensed, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within

300 feet of another cannabis retailer without an approved Special Use Permit. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law.

Automotive and Transportation

110. Auto Sales or Rental

CLASSIFICATION

An establishment engaged in the sale, lease, or rental of new or used automobiles such as cars, motorcycles, and light-duty trucks, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.

STANDARDS

See **Sec. 38-8.E.6. Auto Storage and Salvage Yards** for screening requirements.

111. Auto Repair and Services (Major)

CLASSIFICATION

An establishment engaged in the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers including, but not limited to, body work, framework, welding, overall painting, and tire replacement and disposal.

STANDARDS

See **Sec. 38-8.E.6. Auto Storage and Salvage Yards** for screening requirements.

112. Auto Repair and Services (Minor)

CLASSIFICATION

An establishment engaged in minor repairs of engines, motor vehicles, or trailers that does not require the removal of the engine head or pan, engine, transmission, or differential of a vehicle, including, but not limited to, minor repair or maintenance, oil changing, and minor interior upholstery work.

STANDARDS

See **Sec. 38-8.E.6. Auto Storage and Salvage Yards** for screening requirements.

113. Car Wash

CLASSIFICATION

An establishment engaged in the washing, waxing or cleaning of a standard passenger automobile, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle for a fee.

STANDARDS

Where permitted within the NH districts, this use shall be located on a Collector or higher designated roadway

114. Commercial Parking Lot or Garage

CLASSIFICATION

A lot or structure used for the parking of passenger vehicles with or without an assessed fee.

STANDARDS

Parking lots or garages must be within 500 feet of any office, commercial, or industrial use or zoning district. The parking area shall be suitably landscaped, paved and drained, lighted, and maintained free of debris.

See **Sec. 38-8.E. Required Screening** for screening requirements for all parking structures.

115. Heliport/Helistop

CLASSIFICATION

A designated space for the takeoff and landing of aerial vehicles, including helicopters and drones. This can range from simple, temporary setups with minimal facilities (helistops and drone launchpads) to more complex, permanent installations with extensive support services such as fueling, maintenance, and passenger terminals (heliports).

STANDARDS

Uses shall be in accordance with the federal Airspace Protection Regulations, including 14 CFR, Part 77.

116. Passenger Transportation Terminal

CLASSIFICATION

A building or complex of buildings, parking garages or lots, and associated structures which provide access, activities, and facilities of for the use, support, and convenience of the public traveling by, but not limited to, airplane, bus, cab, and rail.

STANDARDS

Airports:

1. Land uses at the Las Cruces International Airport (LCIA) property will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

2. Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

3. All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

117. Salvage or Wrecking Yard

CLASSIFICATION

A lot or portion thereof used for the dismantling, wrecking, storage, sale, or dumping of junk motor vehicles or trailers for their parts.

STANDARDS

See **Sec. 38-8.E.6. Auto Storage and Salvage Yards** for screening requirements.

118. Semi-Truck Wash

CLASSIFICATION

An establishment engaged in the washing, waxing, or cleaning of a heavy-duty truck or semi-truck, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle for a fee.

119. Truck, Trailer, Boat, and RV Sales or Rental

CLASSIFICATION

An establishment engaged in the sale, lease, or rental of new or used semi-trucks, trailers, boats, or RVs, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.

Light Industrial

120. Animal Processing (Slaughterhouse)

CLASSIFICATION

A facility engaged in the slaughtering and processing of animals and the refining of their byproducts for sale or distribution.

121. Animal Processing (Taxidermy)

CLASSIFICATION

An establishment engaged in the preparing, stuffing, and mounting of the skins of animals.

122. Artisan Manufacturing

CLASSIFICATION

Small-scale manufacturing and related processes or activities conducted indoors – including but not limited to application, assembling, compounding, design, fabrication, growing, making, packaging, processing, sculpting, teaching, treating of crafts or products, or welding – often by an artist, artisan, or craftsperson working with ceramic, clay, electronics, metal, paper, plastic, stone, textiles, wood, or similar materials either by hand or with minimal automation or technology, including but not limited to 3D printing. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers.

This use includes the production of beer, wine, or spirits associated with an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use. See #92 Tap Room or Tasting Room.

123. Data Center

CLASSIFICATION

A facility used to house and manage computer systems, servers, networking equipment, and other related components for the purpose of collecting, processing, storing, and disseminating large amounts of data.

STANDARDS

Noise attenuation measures are required to ensure noise levels do not exceed 55 dBA when measured at the property boundary adjacent to land zoned for an NH District.

124. Hazardous Chemical Manufacturing or Storage

CLASSIFICATION

A facility not elsewhere classified engaged in the manufacturing and development of chemical products by conducting a chemical process on organic or inorganic raw material whereby hazardous or toxic waste or byproducts are created and disposed of. This definition also includes the on-site storage of such products.

125. Manufacturing or Fabricating

CLASSIFICATION

An indoor facility, not elsewhere classified, engaged in the assembly, fabrication, production, packaging, or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce limited smoke, noise, dust, glare, odors or vibration off-site. Such uses commonly include an office component. A warehouse or distribution center is not typically open to the public.

STANDARDS

In the LI District, Manufacturing or Fabricating uses shall not exceed 60,000 sq. ft. of enclosed building area.

All operations must take place inside a building; however, outside storage is permitted as described in **Sec. 38-8.E.4. Outside Storage**.

126. Warehouse or Distribution Center

CLASSIFICATION

A building or structure used for the storage of goods or products for wholesale, distribution, or transfer to another location via freight, truck, or other similar transit method. Such uses commonly include an office component. A warehouse or distribution center is not typically open to the public.

Heavy Industrial

127. Above-Ground Storage Tanks for Hazardous Materials

CLASSIFICATION

A facility used for the above ground storage of flammable and combustible liquids, including compressed gases or liquified petroleum gas, for use, sale or wholesale, or distribution.

STANDARDS

Tanks shall be permitted only when meeting Uniform Fire Code requirements as adopted by the City of Las Cruces, when receiving approval from the Las Cruces Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau.

128. Energy Production or Refinement

CLASSIFICATION

A facility engaged in converting one or more energy sources, including, but not limited to water, fossil fuel, nuclear, or solar, into electrical energy for distribution and utilization.

129. Excavation of Raw Materials

CLASSIFICATION

A facility engaged in the excavation, storage, and distribution of raw resources from the Earth, such as sand, gravel, minerals, lumber, or similar resources above ground.

STANDARDS

Such uses shall be a minimum of 400 feet from a residential district boundary or from an existing residential property.

Animals and Agriculture

130. Animal Raising (Commercial Feed Lots)

CLASSIFICATION

A lot or parcel used for feeding livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means. These operations meet the U.S. Environmental Protection Agency's latest regulatory definition of a Concentrated Animal Feeding Operation (CAFO). The current definitions can be found at https://www3.epa.gov/npdes/pubs/sector_table.pdf.

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

131. Animal Raising (General Agriculture)

CLASSIFICATION

The raising and breeding of animals or production of animal products as the principal use of the lot. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping in accordance with Chapter 7 of the Las Cruces Municipal Code. This use does not include slaughterhouses, feedlot operations, and any use included in #130 Animal Raising (Commercial Feed Lots).

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

Minimum lot size for livestock is half (½) acre.

132. Animal Services (Indoor Only)

CLASSIFICATION

A facility engaged in the medical or surgical treatment, grooming, or overnight boarding or day care of animals within an enclosed building.

133. Animal Services (With Outdoor Pens)

CLASSIFICATION

A facility engaged in the medical or surgical treatment, grooming, or overnight boarding or day care of animals within enclosed indoor and outdoor spaces.

134. Commercial Crop Farming

CLASSIFICATION

An area used for the growing of farm products, vegetables, fruits, flowers, trees, and/or grain and including the necessary accessory structures or uses for raising, treating and storing products raised on the premises.

135. Indoor Agriculture

CLASSIFICATION

The commercial breeding, planting, nourishing, caring for, gathering, or processing of animals or plants, such as fruits, flowers, vegetables, or other similar plants, completely within an enclosed building or structure.

136. Plant Nursery

CLASSIFICATION

A facility for the growing, display, or sale of plant stock, seeds or other horticulture items, including the raising of plants outdoors or in greenhouses for sale either as food or for use in landscaping.

137. Stables or Training

CLASSIFICATION

A lot or portion thereof used for the commercial boarding and training of livestock, such as horses, mules, dogs, ponies, and donkeys, for hire by the public.

138. Wind or Solar Farm

CLASSIFICATION

A lot or parcel housing all necessary equipment, such as wind turbines and solar panels, to harness and convert solar and wind energies into electricity for sale or distribution.

Sec. 36-4. Additional Dimensional and Building Design Standards

A. All Development

1. Structures, Items, or Building Projections in Required Setbacks

   a) No structure, item, or building projection, whether a building permit is required or not, shall be permitted within the required setbacks except flagpoles, walls and fences, or decorative structures such as a bird bath.

      i) Flagpoles and similar freestanding vertical items exceeding 6 feet in height must be set back from the property line a distance at least equal to its height to ensure an adequate fall-zone.

   b) A maximum encroachment of six inches into the required side yard setback shall be permitted for the following items:

      i) Security lighting;

      ii) Decorative lighting fixtures;

      iii) Security bars around windows and doors;

      iv) Door hardware and required molding around doors;

      v) Canales and downspouts when canales are capped at the end, open along the top and drainage is directed through the downspouts to appropriate on-lot pond locations in either the front or rear of the property.

   c) The ordinary projection of, for example, porches, stoops, sills, scuppers, cornices, ornamental features, roof overhangs, fireplace chimneys, buttresses and wing walls shall not extend into the required setback area more than two feet.

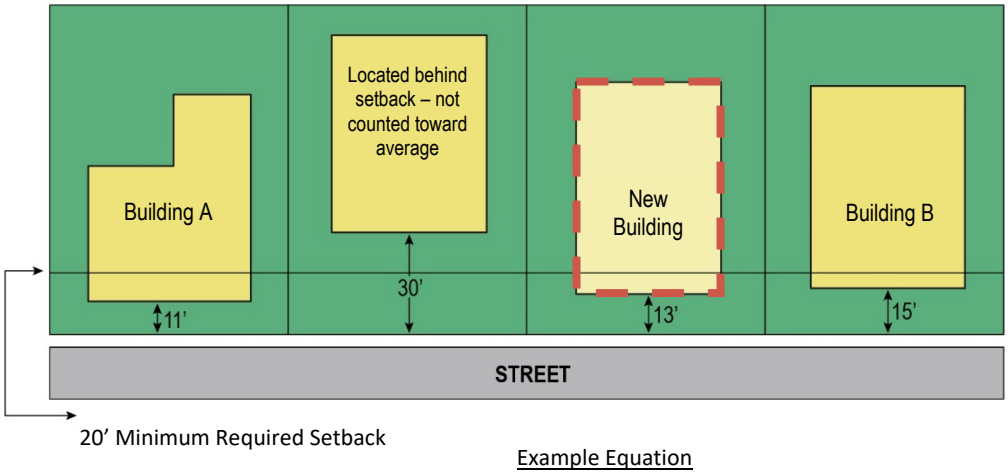
2. Right-of-Way/Easement Encroachments

   There shall be no permanent structures located on right-of-way or public easements without written approval of the governing agency.

3. Average Setbacks for Infill Areas

   When at least 40 percent of the lots on the same block face are developed, new buildings or additions to existing buildings may use the required front yard setback, or may extend into the front yard setback up to the average distance established by the existing buildings that are within the required setback.

Figure 36-4-1. Average Setbacks for Infill Development



Example Equation

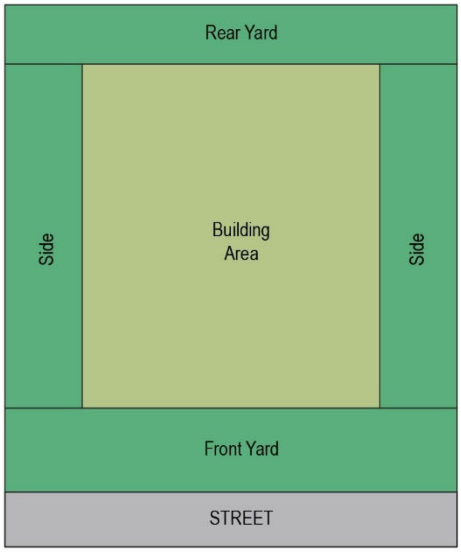
Building A 11' setback + Building B 15' setback = 26'

26' ÷ 2 = 13' setback is permitted for the New Building

4. Lot Requirements
    a) All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines.
        i) The Development Review Committee may determine that a variation will provide a better street and lot layout (e.g., improved connectivity within a development, improved access to open space, lessened impact on adjacent properties).
    b) Every lot shall have direct access and at least 20 feet of frontage along a public street or other approved public access easement.
    c) As shown in **Figure 36-4-2. Yard Requirements** "B) Corner Lot", both frontages of a corner lot shall be considered a front yard.
5. Shipping Container Structures
    a) A shipping container structure is a large metal container originally designed for cargo transport and other intermodal freight containers that are reused for residential, retail, or other non-transportation purposes.
    b) Metal shipping containers are not allowed to be used as accessory structures in Zoning Districts, except in the case when the primary structure/dwelling is constructed using shipping containers.
    c) Said shipping containers used for storage purposes are permitted within the CR, Commercial/Retail District (Rural, Suburban, Urban), LI, Light Industrial District (Rural, Suburban, Urban), and HI, Heavy Industrial District (Rural, Suburban, Urban) provided they comply with all requirements of this **Sec. 36-4. Additional Dimensional and Building Design Standards**.
    d) Shipping containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property or within a centralized location within a construction area. Said container(s) shall be removed upon completion of the project and/or issuance of a certificate of occupancy or completion.
    e) Shipping containers, PODS or similar "you pack" type moving containers are allowed within the front yard (driveway only) of residential uses for the purposes of packing/unpacking in preparation of or after a move to or from the subject property. Use of such containers shall be limited to 21 days (three weeks) after which the unit shall be removed from the property.

Figure 36-4-2. Yard Requirements

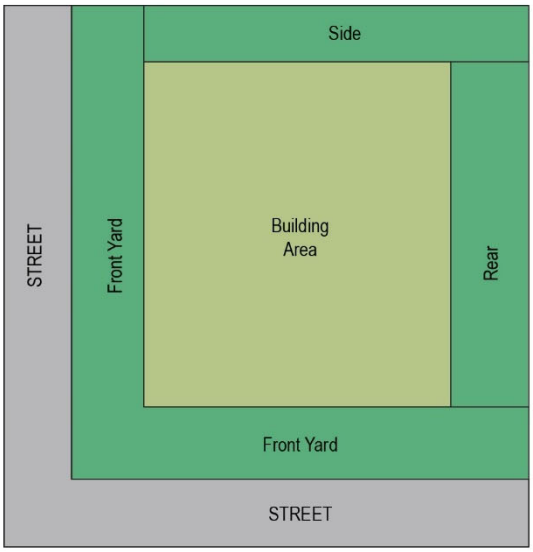
A) INTERIOR LOT



A) INTERIOR LOT

Interior lots require one (1) front yard, one (1) rear yard, and two (2) side yards.

B) CORNER LOT

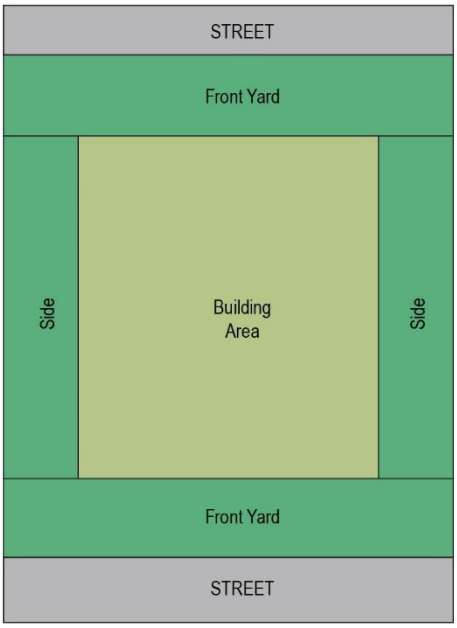


B) CORNER LOT

Corner lots require two (2) front yards, one (1) rear yard, and one (1) side yard.

*Homeowner has option of location of rear and side yard.

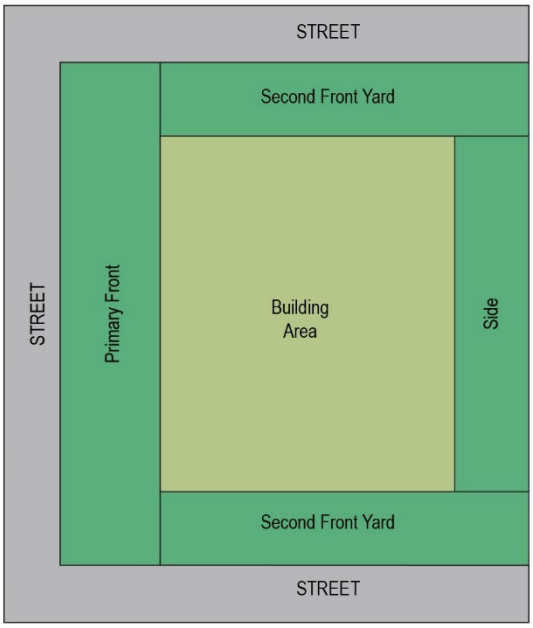
C) DOUBLE FRONTAGE LOT



C) DOUBLE FRONTAGE LOT

Double frontage lots require two (2) front yards, and two (2) side yards.

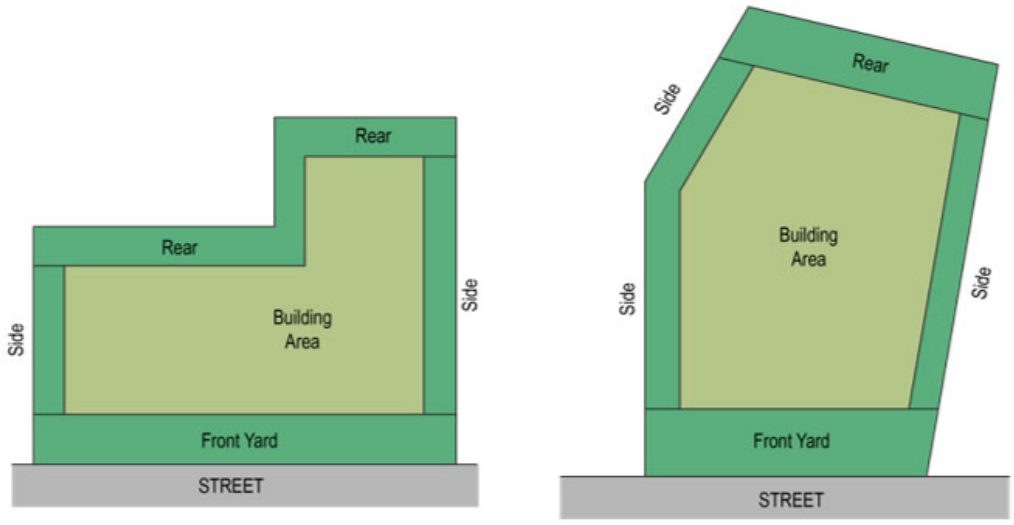
D) TRIPLE FRONTAGE LOT



D) TRIPLE FRONTAGE LOT

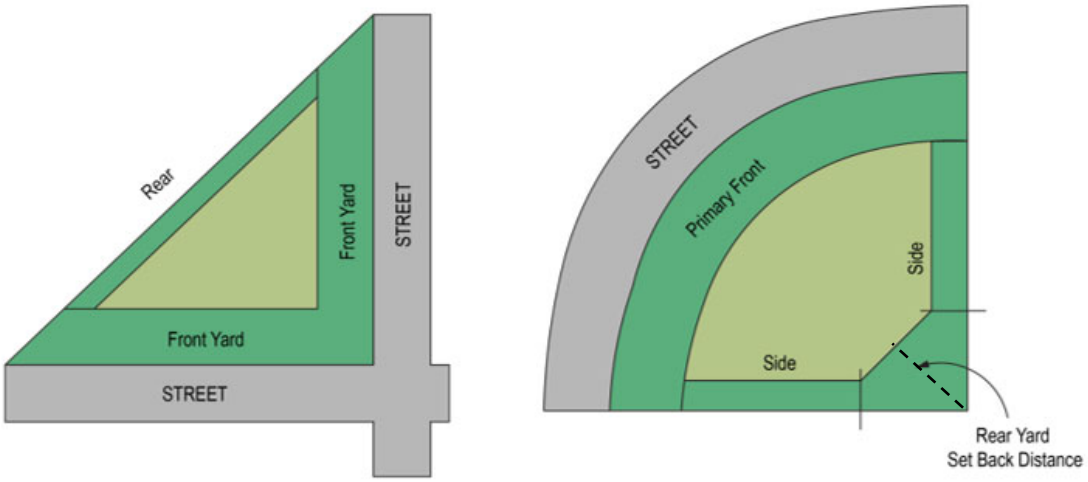
Triple lots require three (3) front yards, and one (1) side yard.

Figure 36-4-3. Yard Requirements for Odd Shaped Lots



A) ODD SHAPED LOTS

On odd shaped lots, the rear yard is determined by the rear line that is most parallel to the front. This pentagonal-shaped lot would require one (1) front yard, (1) rear yard, and three (3) side yards.



B) TRIANGULAR LOT

This triangular lot would require two (2) front yards, one (1) rear yard.

C) PIE SHAPED LOT

This pie shaped lot requires calculation of the rear yard at a line measured from the corner, a distance of the required rear yard, mid-point between the two side property lines.

B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development

1. Applicability

   The following requirements apply to all new Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse residential developments.

2. Accessory Structures

   a) The dimensional regulations in **Figure 36-4-4. Accessory Structure Requirements** shall apply to all Accessory Structures, with the exception of Accessory Structures associated with agricultural, farm, or equestrian uses on residential lots.

Figure 36-4-4. Accessory Structure Requirements

Standard	Lots up to 19,999 sqft	Lots 20,000 sqft and greater
Maximum Floor Area of All Accessory Structures Combined	1,100 sqft	5% of the lot area
Maximum Height of Accessory Structures	Not to exceed the height of the Main Building	
Maximum Number of Accessory Structures	3	4 (excluding agricultural barns)
Maximum Building Area Coverage	Main Buildings and Accessory Structures shall not exceed the allowable coverage percentage of the zoning district in which they are located.	
Minimum Front Setback	Carports shall be set back at least 5 feet from the front property line and shall not encroach into a utility easement unless a written affidavit and county clerk filing is completed.	
	Carports for RVs shall be set back at least 20 feet from the front building facade	
Minimum Side Setback	3’	3’
Minimum Rear Setback	3’	3’

   b) An Accessory Structure shall not be utilized for human habitation except in the case of an Accessory Dwelling.

   c) No Accessory Structures may be permitted on a property without an associated primary residential use, except in the case of property used for agricultural, farm, or equestrian uses.

   d) No permit is required for Accessory Structures less than 120 square feet in floor area and less than 13 feet in height, unless it will be used as an Accessory Dwelling.

   e) Accessory Structures are prohibited within easements.

   f) Accessory Structures 120 square feet or larger shall be finished on the exterior with similar construction materials and similar coloring as the principal dwelling. Metal building material may be used, provided the accessory structure is of a same or compatible architectural style and colors as the principal dwelling.

   g) Any accessory structure in the front yard shall be outside of the front yard setback.

3. Carports

   a) For a carport visible from a public right-of-way, the carport design should be consistent with the main building.

   b) Carports in the front yard must be attached to the main building.

   c) A building permit is required for an attached carport, as it is an addition to the residence. If detached, then it is considered an accessory structure.

4. Dimensional Standards for Palliative
5. Any agent used to lessen or reduce dust emissions.
6. Patio Homes and Townhouses

   No side yard setback is required for one side of Palliative

   Any agent used to lessen or reduce dust emissions.

   Patio Homes or the interior side(s) of Townhouses, subject to the following:

   a) Lot widths for Palliative

   b) Any agent used to lessen or reduce dust emissions.

   c) Patio Homes or Townhouses may be reduced to 20 feet. A zero-setback side shall not directly abut any other development or land use type.

   d) Exterior side yard setbacks (i.e., the side that is not the zero-setback side) must comply with the applicable zoning district requirements.

   e) Zero lot line development shall meet all adopted building and fire codes.

7. Cluster Development

   a) The purpose of cluster development is to provide open space in residential developments by allowing reductions in minimum lot areas or increases in densities. This approach allows the preservation of natural features, decreases impervious cover, supports housing variety, and creates unique neighborhoods.

   b) Cluster developments are allowed in any Suburban Character Area or Rural Character Area.

   c) The minimum size of a cluster development shall be five acres.

   d) Only uses permitted in the district may be used in the development.

   e) A minimum of 30 percent of the land must be preserved as either natural or Usable Open Space. This land must be in addition to any required park dedication. The preserved land must be accessible to all residents. The preserved area must be designated on the plat and remain open space indefinitely.

   f) There is no minimum lot area, width, or depth, but a minimum 20-foot street frontage is required for every lot.

   g) Method of Calculation

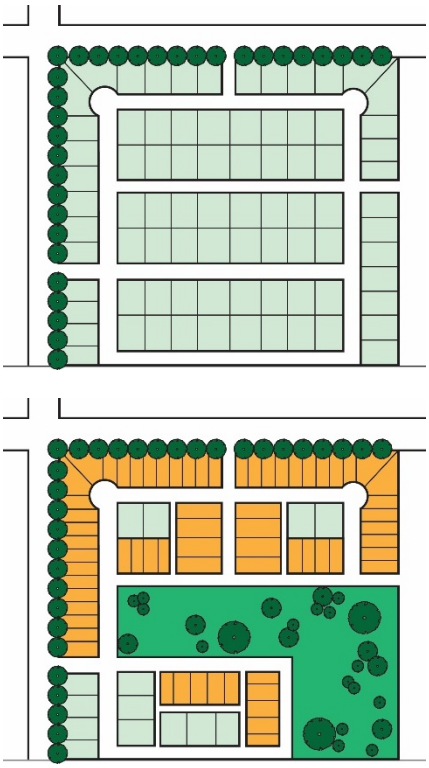
      i) Calculate the number of dwelling units permitted on the site based on the zoning district under typical development practices.

      ii) If at least 30 percent of the site is conserved, then the number of dwelling units may be up to 50 percent more than the number of units that would have been permitted with traditional development.

      iii) If at least 50 percent of the site is conserved, then an increase of 100 percent in the number of units is permitted.

   h) The City may agree to accept ownership and maintenance responsibilities of the conserved land if the area is at least 2 acres in contiguous area.

Figure 36-4-5. Conventional (Top) and Cluster (Bottom) Development



8. Residential Anti-Monotony Standards

   Adjacent single-family, duplex, or townhome housing facade designs must differ from one another by at least four of the following design options (exception: residential units that are attached by at least one common wall are not be considered adjacent units for purposes herein stated).

   a) Surface material;

   b) Color of house;

   c) Reversed floor plans;

   d) Roofing styles;

   e) Variation in building heights;

   f) Ornamental fixtures (e.g., vigas, portales, latias);

   g) Location and shape of windows and doors;

   h) Variation in front yard patios, walls, garages, etc.;

   i) Variation in front yard setbacks. A minimum five-foot variation must be used to qualify for this item. All setback requirements as determined by zoning district still apply in this instance.

Figure 36-4-6. Residential Anti-Monotony Examples



Development on a Block

- Varying front yard setbacks
- Location of doors
- Reversed floor plans
- Variation in front yard patios, walls, garages



Elevations

- Roofing styles
- Ornamental fixtures
- Color of house
- Varying building heights

C. Nonresidential, Mixed-Use, and Multi-Family Development

1. Applicability

   The following requirements apply to all new nonresidential, mixed-use, and multi-family development.

   a) Exception: The requirements herein do not apply within the HI, Heavy Industrial District (Rural, Suburban, Urban).

2. Building Materials

   a) At least 80 percent of the collective walls of a building shall be finished in one or more of the following building materials:

      i) Stucco or plaster;

      ii) Brick, stone, cast stone, rock, marble, granite, glass block, or tile;

      iii) Glazing;

      iv) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete.

         a. Any use of concrete products shall have an integrated color and be textured or patterned.

         b. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the wall on at least 10 percent of each wall;

      v) Exterior insulation and finish system (EIFS); and/or

      vi) Fiber cement siding (e.g., HardiePlank).

   b) Side and rear walls shall be finished in a similar color as the front of the building.

3. Front Facade Entry Requirements

   a) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the facade.

   b) Each building shall provide a sheltered or recessed entry.

   c) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

4. Building Articulation

   a) Facade Articulation

      i) Buildings with facades over one hundred feet in length shall incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every seventy-five feet.

      ii) The offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Community Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

   b) Height Articulation

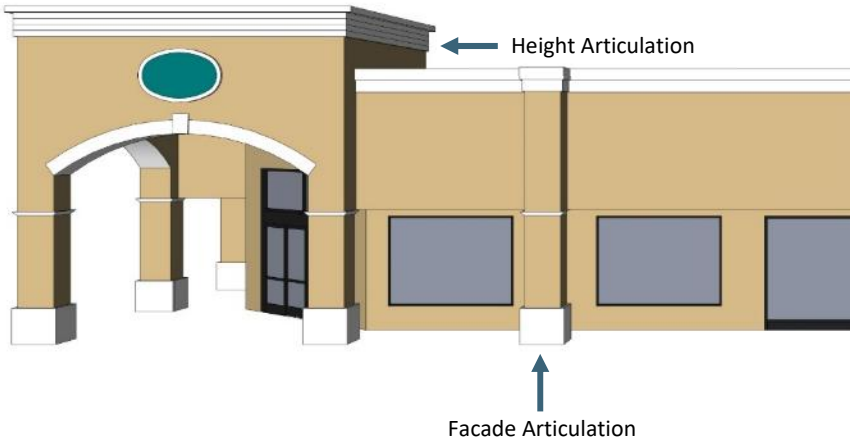
      i) Buildings with roofline adjacent to or visible from a public right-of-way shall not extend in a continuous plane for more than one hundred feet without offset of the roof plane. Rooflines must be visually broken up by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, or forms.

      ii) The offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Community Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

      iii) Alternatively, vertical articulation requirements may be met with an enhanced decorative cornice along the entire length of the facade if the applicant demonstrates, to the satisfaction of the Community

Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

Figure 36-4-7. Example of Horizontal and Vertical Articulation



5. Architectural Features

   All building walls shall incorporate at least three of the architectural features listed in **a)** and/or **b**) below. Building walls greater than 100 feet in length or buildings greater than 30 feet in height shall incorporate an additional item from Subsection **b**) below.

   a) Awnings, canopies, canales, vigas, portales, latias, ornamental cornices, pillar posts, decorative light features, integrated planters or water features, or other similar building element features as approved by the Community Development Director.

   b) Arcades, covered porches, alcoves, porticos, varied wall surfaces, enhanced building wall materials, or other similar building elements as approved by the Community Development Director.

6. Additional Multi-Family Residential Amenities

   The following requirements also apply to all new multi-family and mixed-use development with 13 or more units. These requirements are in addition to recreational amenities included in **Sec. 38-5. Parks, Trails, and Open Space**.

   a) Amenities and open space must be provided in accordance with the following:

      i) 13-49 units: One balcony, patio, or roof terrace for at least 20 percent of all units; one courtyard or community garden; and one amenity from the list below.

      ii) 50-99 units: One balcony, patio, or roof terrace for at least 35 percent of all units; two courtyards and/or community gardens; and two amenities from the list below.

      iii) 100-199 units: One balcony, patio, or roof terrace for at least 50 percent of all units; three courtyards and/or community gardens; and three amenities from the list below.

      iv) 200+ units: One balcony, patio, or roof terrace for at least 65 percent of all units; four courtyards and/or community gardens; and four amenities from the list below.

   b) Potential Amenities

      i) Swimming pools (1,000 sqft minimum) with a cooling deck;

      ii) At least four grills with shaded seating areas;

iii) Shade structure covering at least 1,000 sqft of recreation space;

iv) Bike storage area (1,000 sqft minimum) and repair station;

v) Child play area (minimum 3,000 sqft with play structure or other similar facility);

vi) Splash pad (1,000 sqft minimum);

vii) Dog park (5,000 sqft minimum) with a vinyl-coated chain link fence at least 5 feet in height; grass, wood chips, or a combination of the two for groundcover; and at least one bag dispenser and waste bin along the perimeter for every 2,500 sqft of park;

viii) Regulation size volleyball, basketball, tennis, or other similarly related playing court;

ix) Golf putting green (1,000 sqft minimum);

x) Fitness center/weight room (500 sqft minimum);

xi) Business center (500 sqft minimum);

xii) Media room (500 sqft minimum); and/or

xiii) Other similar amenities determined to the comparable in providing quality of life benefits to residents, as determined by the Community Development Director.

Sec. 36-5. Zoning Procedures

A. Zoning Map Amendments

Figure 36-4-1. Zoning Map Amendment Process Summary



1. The Zoning Map may be amended (i.e., rezonings, boundary changes, or district changes) in accordance with NMSA 3-21-6, as amended.
2. Application Procedures

   Application submittal requirements for a zoning map amendment include, but are not limited to, the following:

   a) Official zoning application that meets the following conditions:

      i) The application shall be signed by all property owners of record (including all trustees of an estate or all persons that have a specific "power of attorney" for the subject property as recorded in the County Clerk's Office). Persons who have an equitable interest in the subject property, but no legal title, shall not be deemed the "owners of record" of said property for purposes of this Code. The Community Development Director may reject any application if the ownership of the subject property is not clearly established.

      ii) Any pending litigation or any Final Order entered by any Court of Law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

      iii) The application shall include a copy of notification letter to the noticed area and copy of minutes (summary or verbatim) from meeting pursuant to **Sec. 34-3.H. Early Notification and Meeting Requirements** (if applicable).

      iv) The application shall include a development statement that describes the intended use and characteristics of the proposed development.

      v) The applicant may opt to provide a Site Plan for consideration.

   b) Submittal fee,

   c) Notarized affidavit,

   d) Copy of property's survey and legal description:

      i) An accurate and complete boundary survey shall be made of the land to be rezoned. Property lines shall be shown, giving the bearings in degrees, minutes, and seconds.

      ii) Distances shall be shown in feet and hundredths.

      iii) Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property.

      iv) The location and description of all monuments set or found shall be included where applicable.

      v) The survey must indicate the area of the requested zoning district(s), including survey descriptions of the various district boundaries.

   e) Copy of site plan (if applicable),

   f) A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, the Planning & Zoning Commission, or the City Council.

   g) Description and justification of requested variances (if applicable),

   h) Request and justification to waive submittal requirements (if applicable), and

i) For rezoning requests of areas 40 acres or larger, a Master Development Plan in accordance with **Sec. 37-3.A. Master Development Plan** shall be submitted in conjunction with the rezoning application.

j) Verification that the Future Development Map (FDM) is consistent with the proposed Zoning Map Amendment. If the FDM is not consistent with the proposed Zoning Map Amendment, then documentation showing the FDM changes with justification shall be provided.

3. Criteria for Review and Decisions

a) In considering all Zoning Map amendment requests, the decision-maker shall determine if the request is consistent with the goals of the Comprehensive Plan to enhance livability, prosperity, and environment for the shared benefit of current and future generations and the zoning code which allows flexibility and context sensitive design.

b) The decision-maker shall consider present and future needs and promote the health, safety, order, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.

c) The decision-maker shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic setting, and protect and preserve the quality of the water, air, and other environmental, natural, historical and cultural resources for the City.

4. Review and Recommendation – Community Development Director

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission and City Council along with the Zoning Map Amendment. The report shall recommend that the amendment be approved, conditionally approved, disapproved, or postponed.

5. Public Meeting and Notice Required

a) No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public meeting at which all parties in interest and citizens shall have an opportunity to be heard.

b) Notice shall be provided in accordance with **Sec. 34-3.G. Notice for a Public Meeting**.

6. Public Meeting and Recommendation – Planning & Zoning Commission

a) Following a recommendation by the Community Development Director, the Planning & Zoning Commission shall hold a public meeting on the proposed amendment, then provide a report and recommendation to the City Council to approve or deny the proposed amendment.

b) The recommendation may be made by a simple majority vote of the Planning & Zoning Commission.

7. Public Meeting and Final Action – City Council

a) Following receipt of the report and recommendation from the Planning & Zoning Commission, the City Council shall hold a public meeting to approve or deny the proposed amendment.

b) Zoning Map Amendments may be approved by a simple majority vote of the City Council.

i) Exception: In accordance with NMSA 3-21-6.C, if the owners of 20 percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation or within 100 feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the City Council (as opposed to a majority of those in attendance with a quorum).

ii) Special Use Permits shall not be considered a zoning district change.

iii) A Zoning Variance may be approved as part of a zoning district change request.

iv) The City Council is also authorized to remand the request back to the Planning & Zoning Commission for further study and consideration.

8. Recordation of Zoning Map Amendment

When approved by the City Council and the 30-calendar day appeal period has expired, the zoning district change shall be recorded and shown on the Zoning Map.

B. Site Plans

1. Purpose

   The purpose of the Site Plan is to facilitate the review of proposed improvements to property. Through Site Plan review, the City and other jurisdictional agencies can effectively apply the standards of this Development Code and other applicable development standards to multi-family, mixed-use, and nonresidential development.

2. Applicable Regulations

   All Site Plans must conform to applicable requirements and regulations found in the following documents:

   a) This Development Code;

   b) Fire Code;

   c) Building Code; and

   d) The Technical Manual and resources outlined in **Sec. 34-1.F. Technical Manual and Other Technical Resources**.

3. Site Plan Applicability

   The following applications require Site Plan approval:

   a) A request for approval to construct or expand any building.

      i) Exception: A Site Plan is not required if a Building Permit is not required.

   b) A request for approval of a Planned Unit Development district (see **D. Planned Unit Developments (Error! Reference source not found.**s), unless otherwise exempted in this Development Code or in the ordinance adopting the Planned Unit Development district; or

   c) A request for approval of a Special Use Permit (see **C. Special Use Permits (Error! Reference source not found.**s)).

4. Approval Process

   a) Administrative Site Plan

      i) The Community Development Director is responsible for approving a Site Plan with no associated Special Use Permit if it meets all the requirements of this Development Code.

      ii) The Community Development Director may authorize review and approval of a Site Plan simultaneously with review and approval of a Building Permit, Landscape Plan, Lighting Plan, or other plans required by this Development Code.

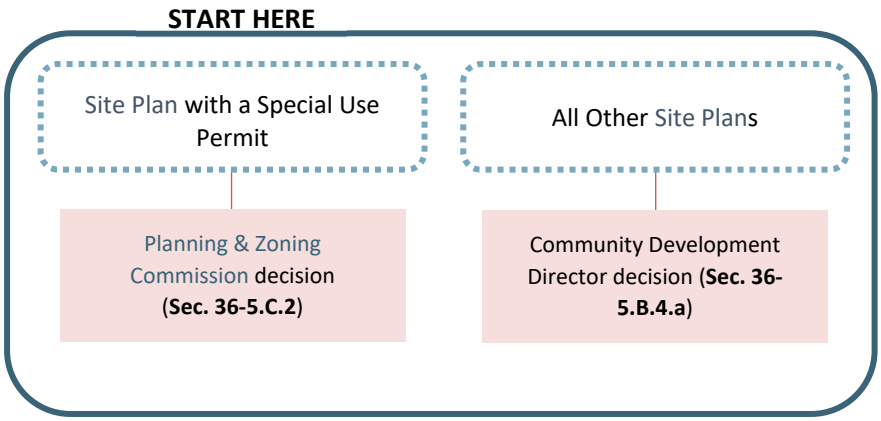
      iii) Community Development Director Action

      The Community Development Director will inform the applicant of their decision, identify any deficiencies, and provide instructions for the resubmittal of corrected plans, if applicable.

   b) Site Plan with a Special Use Permit (**Error! Reference source not found.**)

      A Site Plan submitted as part of an **Error! Reference source not found.** shall require a public meeting and decision by the Planning & Zoning Commission.

Figure 36-5-2. Site Plan Types and Processes Summary



5. Use of Existing Building

   a) If the Site Plan request involves the use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

   b) The decision-maker may conditionally approve of the Site Plan subject to compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

6. Site Plan Effect of Approval

   a) By approving a Site Plan, the City authorizes the applicant to submit Construction Plans for approval of a Building Permit.

   b) During the time the Site Plan remains valid, the City will not apply additional requirements concerning development features shown on the Site Plan (e.g., building placement, streets, drives, parking, landscaping, or screening).

7. Amendments to Administratively Approved Site Plans

   The Community Development Director may approve changes requested by the applicant to a Site Plan that was originally approved administratively without requiring the applicant to submit a new Site Plan if the Director determines that the modified Site Plan substantially conforms to the previously applied Site Plan; otherwise, a new Site Plan submittal is required.

8. Amendments to SUP Site Plans

   For amendments to Site Plans approved as part of an **Error! Reference source not found.**, see **Sec. 36-5.C.2.f) Revisions to an Approved Error! Reference source not found.**.

9. Dormant Site Plans and Site Plan Expiration

   a) A Site Plan approval expires two years from the approval date unless an applicant or property owner demonstrates Progress Toward Completion within the same phase (if applicable) or a new Site Plan is approved for the property.

      i) A Site Plan associated with an **Error! Reference source not found.** expires in conjunction with the **Error! Reference source not found.**. See **Sec. 36-5.C.3. Error! Reference source not found.** Expiration.

   b) If a Site Plan expires, all vesting claims shall also expire on the property, and the applicant must submit a new Site Plan subject to the regulations in place at the time.

10. Revocation of Site Plan Approval

    The City may revoke approval of a Site Plan if the City determines that the applicant has not met the conditions of approval or if the Site Plan contains, or is based upon, incorrect information or if approval was obtained using fraud or deceit.

11. Additional Development, Site Modifications, or Redevelopment

    Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal and approval of a revised Site Plan.

12. Site Plan Submittal Requirements

    The Site Plans shall be at a scale that adequately represents the information as determined by the Community Development Director. The plans shall be prepared electronically in PDF format or other approved format. Plans shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

    a) Title of Site Plan.

    b) Total acreage of site.

    c) Date of preparation, north arrow, written and graphic standard engineering scale.

    d) Identification of site by lot, block, subdivision, if applicable.

    e) A statement of ownership, signed by the property owner.

    f) Name and address of property owner.

    g) Name and address of applicant, if applicable.

    h) Name and address of consulting firm or representative, if applicable.

    i) Location and type of all land uses.

    j) All site improvements with all setbacks indicated.

    k) All easements of record.

    l) Dimensions of all buildings.

    m) 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.

    n) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.

    o) Pedestrian and bicycle circulation system and its relation to surrounding circulation.

    p) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

C. Special Use Permits (Error! Reference source not found.s)

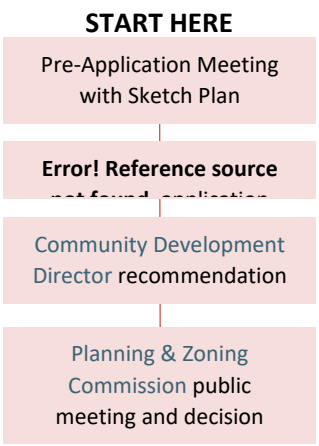


Figure 36-5-3. Error! Reference source not found. **Process**

1. General Provisions

   a) A Special Use Permit (**Error! Reference source not found.**) is required to allow a use that is not permitted by right in a zoning district and requires review and approval by the Planning & Zoning Commission to determine impacts on the surrounding area. Uses eligible for **Error! Reference source not found.** approval are designated in **Figure 36-3-2. Permitted Use Chart**.

   b) Approval of an **Error! Reference source not found.** is not a zoning district change.

2. Review Procedures

   The procedures for such approval are as follows:

   a) Pre-Application Meeting

   Any proposed **Error! Reference source not found.** shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. The submittal of a Sketch Plan is required for the pre-application meeting for an **Error! Reference source not found.**. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

   b) Application Procedures

      i) An official application for an **Error! Reference source not found.** shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:

         a. A letter of intent stating the following:

            i. A statement of the purpose and use of the property,

            ii. All property improvements to be made, and

            iii. A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

         b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown, giving the bearings in degrees, minutes, and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.

         c. A Site Plan in accordance with **B.12. Site Plan Submittal Requirements**.

         d. Architectural renderings or artistic drawings. The drawings shall be provided electronically in PDF format. Drawings shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

            i. All new development illustrating all exterior building materials and colors.

            ii. All new development illustrating relationships to neighboring uses, including site lighting.

            iii. Sign location, materials, color, size, shape, and lighting.

         e. A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, or the Planning & Zoning Commission.

         f. Copy of early notification letter to the defined noticed area and copy of minutes (summary or verbatim) from any required meeting pursuant to **Sec. 34-3.H. Early Notification and Meeting Requirements** (if applicable).

ii) Application materials that are illegible and/or otherwise of a low quality will not be accepted.

iii) A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director may waive any submittal requirement. The Planning & Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but are not limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing. The City Council may require additional information before acting on an appeal.

c) Community Development Director Recommendation

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the **Error! Reference source not found.**. The report shall recommend that the **Error! Reference source not found.** be approved, conditionally approved, disapproved, or postponed.

d) Public Meeting and Notice

A public meeting shall be held by the Planning & Zoning Commission for all Special Use Permits with notice in accordance with the provisions of **Sec. 34-3.G. Notice for a Public Meeting**.

e) Review and Approval Procedures

The Planning & Zoning Commission may deny an **Error! Reference source not found.** request or may grant final approval including the minimum conditions listed in **Sec. 36-3.B. Use Classifications and Use-Based Standards**. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan, to ensure compatibility with surrounding development, and to ensure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Any applicable development conditions in addition to those required by this Development Code shall be noted on the Certificate of Occupancy. Appeal of a Planning & Zoning Commission decision may be made in accordance with **Sec. 34-3.F. Appeals**.

f) Revisions to an Approved **Error! Reference source not found.**

Any major revision proposed to the **Error! Reference source not found.** and Site Plan shall require resubmittal of the **Error! Reference source not found.** and Site Plan in their entirety. Minor revisions that do not affect the overall intent of the **Error! Reference source not found.** and Site Plan may be approved by the Community Development Director. Major revisions to the Special Use Permit and Site Plan shall include, but are not limited to:

i) Any change in land use,

ii) A 15 percent cumulative increase in land use or building square footage,

iii) A 15 percent cumulative increase in vehicular traffic on any roadway segment or intersection,

iv) Any increase in size of the **Error! Reference source not found.** area,

v) Any reduction in screening, screening buffer yards, and setbacks at the Special Use boundary line, and

vi) A 15 percent cumulative increase in the buildable area for structures including signs.

g) Recording of the **Error! Reference source not found.**

After approval, the **Error! Reference source not found.** shall be issued by the Community Development Director and shall include all information, conditions, reference to site plans, and other provisions of the **Error! Reference source not found.**. The **Error! Reference source not found.** shall be filed in the City Clerk's Office. The **Error! Reference source not found.** shall not become effective until adequate evidence of filing in City records has been provided to the Community Development Director.

3. **Error! Reference source not found.** Expiration

Unless otherwise specified by the Planning & Zoning Commission's approval, an **Error! Reference source not found.** will expire if the applicant does not obtain a Certificate of Occupancy within 36 months of the Planning & Zoning Commission's approval.

D. Planned Unit Developments (Error! Reference source not found.s)

1. General Provisions

   a) Planned Unit Developments (**Error! Reference source not found.**s) are intended to promote development that is consistent with the comprehensive plan and that otherwise cannot be accommodated by the Development Code using existing mechanisms (e.g., Flexible Development Standards or Zoning Variances). The **Error! Reference source not found.** process is not intended as a method to avoid the Code's standards.

   b) An applicant shall not be granted a deviation to the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities (e.g., school site) or other development features that implement the vision of the Comprehensive Plan.

   c) All contiguous property owned or legally controlled by the applicant shall be included within the **Error! Reference source not found.**.

2. Review Procedures

   a) Authorization

   A **Error! Reference source not found.** is a zoning district change and is not permitted by-right in any zoning district. The procedures and requirements in this section shall govern the development of a **Error! Reference source not found.**.

   b) Process

   Each PUD shall require the following steps:

   i) Step 1: Pre-Application Meeting with a Sketch Plan;

   ii) Step 2: Concept Plan with zoning action;

   iii) Step 3: Platting, if required; and

   iv) Step 4: Site Plan(s)

   c) Step 1: Pre-Application Meeting

   Any proposed **Error! Reference source not found.** shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The submittal of a Sketch Plan is required for the pre-application meeting for a PUD. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

Figure 36-5-4. PUD Process Summary



d) Step 2: Concept Plan

i) Concept Plan Purpose

The Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Concept Plan forms the basis for approval of the **Error! Reference source not found.**.

ii) Concept Plan Application Submittal

The Concept Plan and supplemental application material shall be submitted to the Community Development Department no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning Commission. The application is subject to a determination of completeness by City Staff (see **Sec. 34-3.C.4. Complete Application** for more information).

iii) Approval Criteria

The Concept Plan may be approved only if it includes the following findings:

a. The proposed construction and use of the **Error! Reference source not found.** will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;

b. There is or will be adequate sewage capacity, roadway capacity, bicycle and pedestrian connectivity and accommodations, energy supply, and potable water supply to serve the **Error! Reference source not found.** at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued;

c. The PUD conforms to the intent, goals, objectives, policies, and standards of all City plans and codes (unless deviations are specifically noted);

d. The uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the **Error! Reference source not found.** will be located; and

e. The proposed uses will not subject surrounding properties and pedestrians to hazardous traffic conditions.

iv) Community Development Director Recommendation

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the Concept Plan. The report shall recommend that the Concept Plan be approved, conditionally approved, disapproved, or postponed.

v) Concept Plan Public Meetings and Approval

The Planning & Zoning Commission and City Council shall act upon the Concept Plan application in accordance with **A. Zoning Map Amendments**. The applicant or applicant's representative shall be present at the public meetings for the proposal to be considered. If the applicant or representative is not at the public meetings, the Concept Plan shall be postponed until the next regular meeting. The decision-makers may impose additional conditions as part of the terms of approval.

vi) PUD Shown on Zoning Map at Concept Plan Approval

If the Concept Plan is approved or conditionally approved by the City Council, the **Error! Reference source not found.** shall be shown on the Zoning Map as a **Error! Reference source not found.** replacing the existing zoning districts.

vii) Concept Plan Effective Period

The approved Concept Plan shall be effective for a period of five years. If a Site Plan for all or part of the area has not been approved by the expiration of the five-year period, the Concept Plan shall expire and a

new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved **Error! Reference source not found.**), a rezoning in accordance with **A. Zoning Map Amendments** is required.

viii) Concept Plan Submittal Requirements

A request for review of a Concept Plan shall include the following information:

a. Official Application and Development Statement, including the identification of the district upon which the PUD regulations are based unless otherwise stated in the **Error! Reference source not found.**;

b. Submittal fee;

c. Waiver request and justification to delete submittal information, if applicable;

d. Descriptions of deviations to planning-related development standards and the public benefits to be provided;

e. Association by-laws (may be submitted with each Site Plan);

f. Concept Plan. The following information shall be provided on the Concept Plan and supporting maps and drawings:

i. Name of Concept Plan.

ii. Name, address, and telephone number(s) of property owner(s), developer(s), and consultant(s) preparing the Concept Plan.

iii. Detailed area map showing the surrounding area within one-half mile and the **Error! Reference source not found.** in relationship to adjacent parcels, existing roadways, and natural or constructed features that may impact or be impacted by the **Error! Reference source not found.**.

iv. North arrow, date of preparation, and written and graphic standard engineering scale.

v. Legal description.

vi. Boundary lines of Concept Plan area with approximate length of lines and boundary lines of phases.

vii. For each lot, parcel, or tract, list proposed land uses and acreage and show the building envelope within which each structure will be located:

(a) Maximum number of dwelling units and maximum density.

(b) Maximum square footage of nonresidential uses.

viii. Proposed screening, screening buffer yard, and setback distances along the **Error! Reference source not found.** property line.

ix. Existing land uses and zoning on adjacent lots, parcels, or tracts.

x. Name of adjacent subdivisions (including the filing date, book, and page numbers), property owners, and zoning. If not subdivided, name of property owner.

xi. Twenty-foot contour intervals minimum or as appropriate.

xii. Proposed alignment of roadways and how they relate to the Comprehensive Plan and the Active Transportation Plan and the impacts created on the area road network, neighborhood, and other land uses. Impact data shall include the anticipated traffic volume generated by the proposed development, identification of the affected road network, and the additional traffic volumes associated for each road. If required, provide a Traffic Impact Study, including a roadway improvement schedule, consistent with the requirements of **Sec. 38-2.G. Traffic Impact Analysis**) and based on the latest recommendations from the Institute of Traffic Engineers.

xiii. Thoroughfare System: Identification of adjacent roadways and other transportation lines by functional classification; proposed location, length, width of all roadways, bikeways, trails, walkways, and any other transportation lines. Identify existing and proposed classification of roadways as per City of Las Cruces Design Standards, the Comprehensive Plan, and the Active Transportation Plan.

xiv. Proposed parks, trails, open spaces, and other amenities.

xv. Proposed public improvements.

xvi. Location and sizes of existing and proposed utilities.

xvii. Significant natural features, such as arroyos and 100-year floodplains.

xviii. All easements.

xix. Tabular Information:

(a) Land uses of each parcel and phase (if applicable).

(b) Total acreage of the **Error! Reference source not found.** and acreage for each land use for the development and by phase (if applicable).

(c) Number of dwelling units and density for the development and by phase (if applicable).

(d) Total square footage of nonresidential uses for the development and by phase (if applicable).

(e) Total acreage for open space, private and public facilities, and right-of-way for the development and by phase (if applicable).

(f) Maximum height of proposed structures for each parcel and phase (if applicable).

xx. Phasing plan. If developing in phases, a phasing plan shall identify the phase in which (or date by which) public facilities (e.g., trails, amenity centers, recreational facilities, other improvements) will be provided.

xxi. Approval block signifying the final approved Concept Plan to be signed by the Community Development Director upon approval by the City Council and resolution of all outstanding staff comments.

g. Other Impact Studies, if determined by the Planning & Zoning Commission as necessary to present clear and compelling evidence regarding development impacts, are to be submitted prior to City Council consideration:

i. Impacts on any public facilities outside the **Error! Reference source not found.** area. Impact data shall include expected population generated by the proposed development, identification of public facilities (e.g., utilities, parks, that are anticipated for use by said population and level of capacity of said utilized public facilities).

ii. Impacts on air quality, specifically solid particulates known as PM10. Impact data shall include identification of proposed uses that generate air pollution substances into the environment and the projected impact.

iii. Impacts on views and noise to adjacent property. Impact data shall include identification of proposed uses that generate excessive noise, anticipated maximum height for proposed structures, identification of existing physical features that are viewed from the PUD and adjacent properties, and how these views will be altered by the PUD. Proposals to mitigate impacts shall be provided.

iv. Geological and Soils Hazards. Report on the Geologic and Soils Hazards in relation to slope conditions, drainage problems and suitability for septic system use, if applicable, as identified by the Soil Survey of Doña Ana County Area, New Mexico. This report shall also include either an aerial photograph or a map with existing contours at an appropriate interval to establish accurate ground contour of the **Error! Reference source not found.** area.

e) Step 3: Platting

If platting is required, all plats and plans must be submitted and approved in accordance with **Sec. 37-2. Subdivision Procedures**.

f) Step 4: Site Plan

i) Site Plan Purpose

The purpose of a Site Plan is to identify the detailed site layout and features for a PUD development or phase of PUD development.

ii) Site Plan Application Submittal and Review

a. Upon approval of the Concept Plan and completion of any required platting process, the applicant may submit a Site Plan in accordance with **B. Site Plans** for part or all of the land area covered by a Concept Plan for Community Development Director consideration. The Director may defer the Site Plan to the Planning & Zoning Commission and City Council for any reason.

b. Alternatively, an applicant may choose to submit a Site Plan along with the Concept Plan, which may be approved by the Planning & Zoning Commission and City Council.

iii) Site Plan Deviations from an Approved Concept Plan

Any substantial change proposed on a Site Plan that would affect the approved Concept Plan shall require re-submittal of the Concept Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the Concept Plan, which may be approved by the Community Development Director; however, the Director may determine that any proposed change should be heard at a public meeting before the Planning & Zoning Commission and City Council. Substantial changes to the Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

a. Any change that would increase the intensity of the land uses;

b. A 15 percent cumulative increase or decrease in residential density;

c. A 15 percent cumulative increase or decrease in nonresidential square footage;

d. Any change in private incentives and public benefits;

e. Increase in size of property;

f. Any reduction in screening, screening buffers, and setbacks at the PUD property line;

g. A 15 percent cumulative increase in the buildable area for structures, including signs; and

h. A 15 percent cumulative reduction in open space.

iv) Approval Criteria

No findings are required except that the Site Plan conforms to the Concept Plan and all standards established by this Development Code and the identified base zoning district unless specifically indicated otherwise within the **Error! Reference source not found.**.

E. Building Permits and Certificates of Occupancy

1. No permit for the construction of a new building, fence, wall, sign, or any other structure that requires a Building Permit shall be issued until the lot is part of a plat of record, approved by the City and filed with the County. This requirement does not apply to additions or repairs.
2. No building or premises hereafter erected or structurally altered shall be used, occupied, or changed in use or occupant until a Certificate of Occupancy has been issued by the Building Official, stating that the building or

proposed use of the building/premises complies with the City's adopted construction and safety codes and the provisions of this Development Code.

F. Zoning Variances



Figure 36-5-5. Zoning Variance Process Summary

1. General Provisions

   a) In accordance with NMSA 3-21-8 and this section, the Planning & Zoning Commission may authorize a Zoning Variance from this **Chapter 36. Zoning Regulations** as outlined herein.

   b) Zoning Variances may only be used to waive or modify dimensional requirements, such as setbacks, building heights, or lot coverage. Zoning Variances shall not modify permitted uses or use-based standards.

   c) The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance.

   d) The granting of a Zoning Variance does not establish precedence for future determinations.

2. Review Procedures

   The procedures for such approval are as follows:

   a) Any proposed Zoning Variance request shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

   b) Applications shall be submitted to the Community Development Director. The application is subject to a determination of completeness by City Staff (see **Sec. 34-3.C.4. Complete Application** for more information).

   c) The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the application. The report shall recommend that the application be approved, conditionally approved, disapproved, or postponed based on the criteria outlined below.

   d) A public meeting before the Planning & Zoning Commission is required. The Planning & Zoning Commission shall approve, conditionally approve, disapprove, or postpone the request.

   e) Approval Criteria

      i) The Planning & Zoning Commission shall consider the following criteria:

         a. The proposed Zoning Variance is not contrary to the public interest;

         b. Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;

         c. That the spirit of the zoning regulations is observed and substantial justice done; and

         d. That the goals and policies of the Comprehensive Plan are implemented.

      ii) No Zoning Variance may be granted that results in undue hardship upon another parcel of land.

      iii) A Zoning Variance shall not be granted to relieve a self-created hardship.

      iv) The relief granted shall be to the minimum degree required to alleviate such hardship.

      v) The Planning & Zoning Commission shall not grant a Zoning Variance unless it finds, based upon evidence, that each of the conditions and standards in this section have been met.

   f) The Planning & Zoning Commission may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Development Code.

G. Nonconformities

1. Purpose

   The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulatory environment (i.e., legal nonconforming). The regulations herein are intended to reduce or eliminate these nonconformities over time.

2. Applicability

   These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place.

3. Illegal Nonconformities

   Any land use, lot, structure, and/or site feature that was established in violation of the regulations at the time is prohibited and shall be considered a violation of this Development Code. The provisions included in this section do not apply to illegal nonconformities.

4. General Provisions

   a) Authority to Continue

      Any nonconformity that legally existed on or before the Effective Date of this Development Code that becomes nonconforming upon the adoption of this Development Code or past or future amendments may be continued, subject to the regulations of this section.

   b) Repairs and Maintenance

      Nothing in this Development Code shall prohibit the routine operation and maintenance of legal nonconformities in such a manner as to not exacerbate any existing nonconformity.

   c) Change in Ownership or Tenancy

      Nonconforming status runs with the land and is not affected by changes in tenancy, ownership, or management.

   d) Determination of Legal Nonconforming Status

      The burden of proving that a nonconformity legally exists is the responsibility of the subject owner. The Community Development Director is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner. Resources for such evidence include but are not limited to recorded plats, aerial photography, or utility billing records.

   e) Nonconformity Legalization

      The Planning & Zoning Commission may use the Zoning Variance process to bring any nonconformity into compliance, subject to the requirements of **F. Zoning Variances**.

5. Nonconforming Lots

   A nonconforming lot is a lot that does not meet the current dimensional requirements established in **Sec. 36-2. Zoning Districts**. Any platted lot is deemed a conforming lot. Any variations to the dimensional requirements may be modified through the Flexible Development Standards.

6. Nonconforming Uses

   a) A nonconforming use is a land use that is not permitted in the zoning district in which it is located, or that does not meet the use-based standards outlined in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

   b) If a nonconforming use is discontinued for a period of at least 24 months, the use shall not resume except in full conformance with this Development Code. For the purpose of this paragraph, to "discontinue" shall mean to intentionally terminate operations of the nonconforming use.

c) Any nonconforming use that does not involve a permanent type of structure or operation that is moved from the premises shall be considered to have been discontinued, regardless of intent.

d) A nonconforming use shall not be expanded, except that the Community Development Director may authorize the expansion of a nonconforming use within an existing structure.

7. Nonconforming Structures

a) A nonconforming structure is a building or other construction that does not meet the building height, setbacks, design, or other structural requirements.

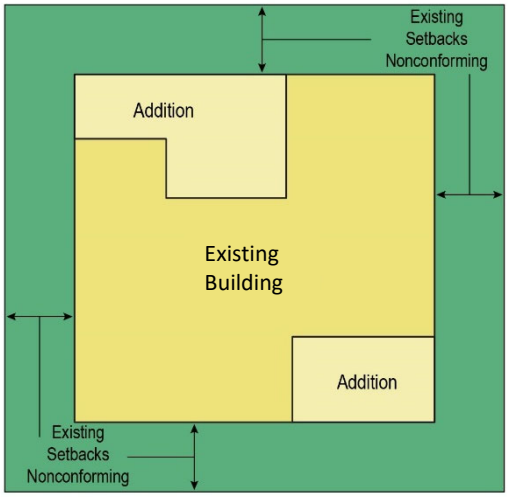
b) A structure or portion thereof may be altered to decrease its nonconformity as determined by the Community Development Director.

i) A mobile home or recreational vehicle (RV) used as a residence may be replaced if the unit is being replaced by a manufactured house, site-built house, or safer mobile home. If the replacement residence is a mobile home, for safety reasons, the replacement mobile home shall have accessible bedroom windows, the appropriate number of properly located and working smoke detectors, and an effective residential fire extinguisher. Furthermore, the replacement dwelling unit shall not be located on the property to create a nonconformity that did not previously exist.

c) A nonconforming structure may be expanded; however, the expansion must conform to the Development Code standards in place at that time and shall not result in increased or additional nonconformities.

i) A building with nonconforming setbacks shall be permitted additions within the extension of existing building lines. Such additions may not be larger than 50 percent of the building. See **Figure 36-5-6. Nonconforming Setbacks and Additions**.

Figure 36-5-6. Nonconforming Setbacks and Additions



d) Reconstruction of nonconforming structures or portions amounting to less than 50 percent of the existing square footage is permitted if the nonconformity is not enlarged in volume, area, or footprint.

e) Voluntary removal or destruction of a nonconforming structure or portion amounting to 50 percent or more of the existing square footage shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.

f) Involuntary damage to or destruction of a nonconforming structure (e.g., fire, winds, or other calamity) may be rebuilt, reconstructed, or restored on the same footprint of the original structure plus any addition or expansion that is allowed by and conforming to the applicable zoning district. Such reconstruction is permitted as long as it begins within 24 months of the loss and complies with all other applicable zoning, development, and building codes.

g) A nonconforming structure may be moved to another location on the lot, provided that the moving will make it nonconforming to an equal or a lesser extent. A nonconforming structure shall not be moved to an off-site location unless the nonconformity is eliminated through the relocation.

8. Nonconforming Change in Land Use

a) Change in land use is defined as an increase or decrease in the intensity of land use. Intensity is determined by the number of car parking stalls required for a particular use as found in section 36-3. A nonconforming use may be changed to a less restrictive conforming use, i.e., a use that is allowed in the zoning district and that requires fewer parking stalls. A nonconforming use may be changed to a more restrictive conforming use, i.e.,

a use that is allowed in the zoning district and that requires more parking stalls, only if the additional parking stalls are provided along with the necessary drainage and landscaping.

Chapter 37. Subdivision Regulations

Sec. 37-1. General Provisions

A. Title

This chapter shall be known and shall be cited as the "Subdivision Regulations" of the City of Las Cruces, New Mexico.

B. Purpose

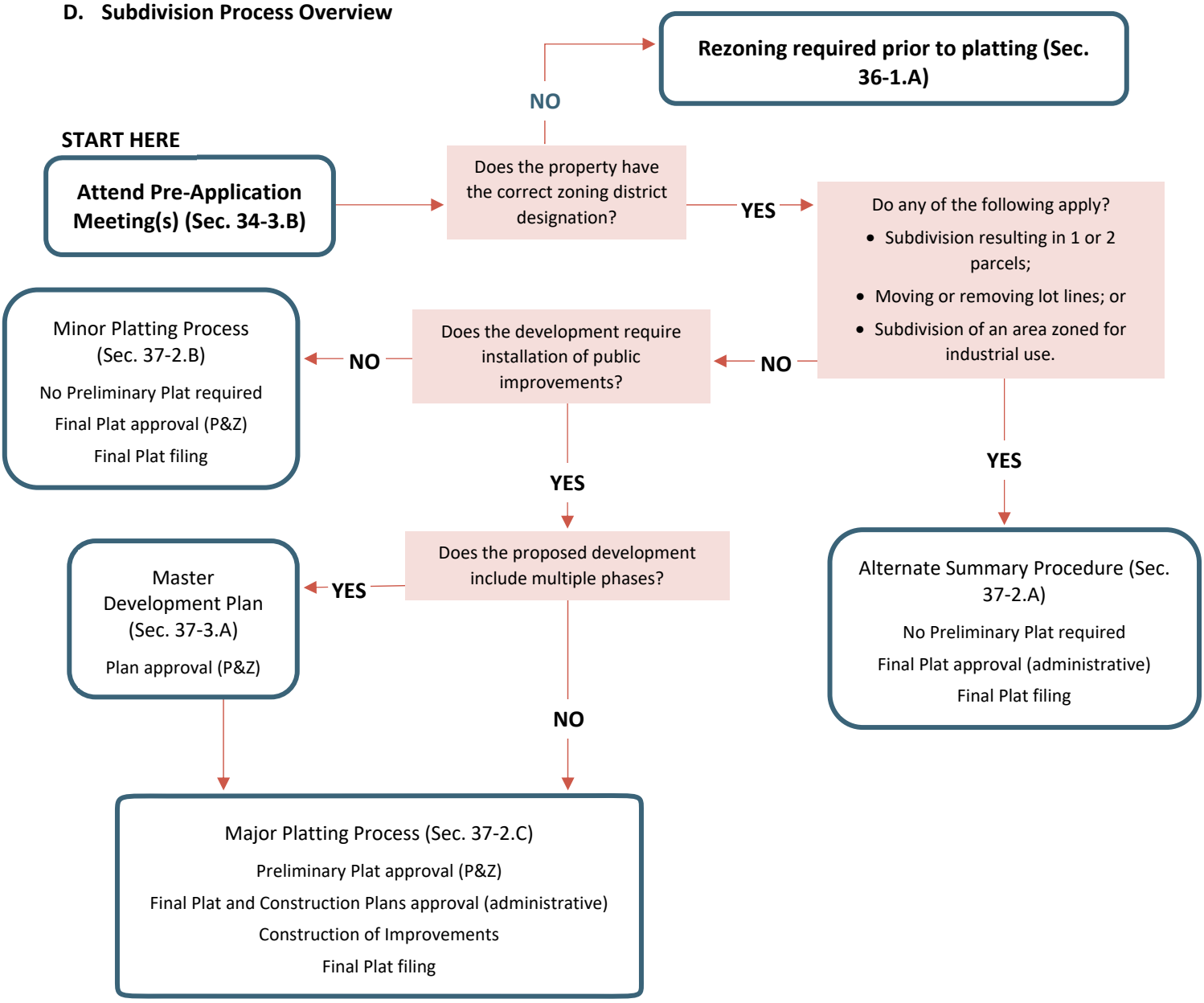
The purpose of this section is to promote the health, safety, convenience, and general welfare of the residents of the City through the implementation of a readable and understandable set of subdivision regulations outlining the processing of subdivision applications. More specifically, provisions of this section are designed to achieve the following objectives in newly subdivided areas:

1. Ensure orderly, efficient, and integrated growth and development within the City pursuant to guidelines established by the elements of the Comprehensive Plan and all other applicable City policies, rules, and regulations;
2. Promote proper street location, width, and design to facilitate multi-modal circulation and to minimize adverse growth impacts in accordance with the Comprehensive Plan, Active Transportation Plan, and City design standards;
3. Provide for proper right-of-way dedication and vacation practices;
4. Provide for the protection and preservation of natural resources and the promotion of natural beauty within the City;
5. Uphold the interests of public safety and quality of life;
6. Ensure that the proposed development is suitable for a given parcel of land, based on its location and environmental characteristics; and
7. Strive for a customer service approach to subdivision application processing.

C. Applicability

1. This chapter applies to anyone wishing to:
   a) Divide a parcel of land into two or more parts; or
   b) Eliminate or adjust lot lines between two or more existing parcels; or
   c) Dedicate or vacate right-of-way; or
   d) Annex an unplatted parcel into the City limits.
2. Failure to comply with these regulations, including the transfer or sale of such land prior to approval and recording of a necessary plat with the County Clerk's Office, or the improper recording of a plat in violation of this chapter, shall be subject to the penalties outlined in **Sec. 34-1.H. Violations and Enforcement**.

D. Subdivision Process Overview



Sec. 37-2. Subdivision Procedures

A. Alternate Summary Procedure

1. Purpose

   The purpose of the Alternate Summary Procedure is to allow an expedited administrative review of certain applications in accordance with NMSA 3-20-8.

2. Applicability

   a) The Community Development Director is hereby authorized to consider approval of the following:

      i) Subdivisions of not more than two parcels of land;

      ii) Resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots; or

      iii) Subdivisions of two or more parcels of land in areas zoned for industrial use (i.e., the LI, Light Industrial District (Rural, Suburban, Urban) or the HI, Heavy Industrial District (Rural, Suburban, Urban)).

   b) Such submittals may include the dedication of public right-of-way but shall not include the vacation of dedicated rights-of-way.

   c) Submittals must be in substantial conformity with these Subdivision Regulations, demonstrating compliance with the Code and any approved Flexible Development Standards and Zoning Variances.

3. Submittal and Consideration

   a) If the Alternate Summary Process will be used more than once during the platting process, applicants must first submit a Master Development Plan for Planning & Zoning Commission approval (see **Sec. 37-3.A. Master Development Plan**).

   b) Applicants shall submit a Final Plat (see **Sec. 37-3.D. Final Plat**) for consideration and approval.

   c) Where two or more contiguous ASPs are located, public improvements must be installed prior to the filing of the Final Plat.

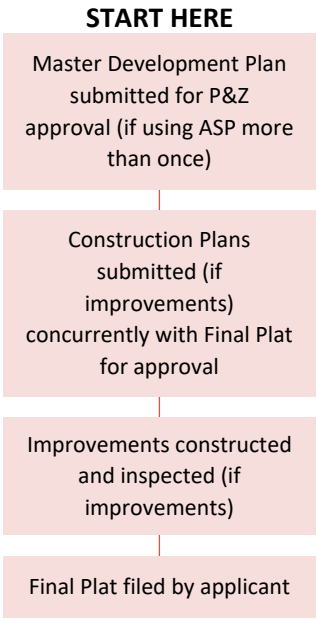
   d) If public improvements will be installed, the applicant shall submit Construction Plans concurrent with the submittal of a Final Plat. Upon approval of Construction Plans and the Final Plat, improvements shall be constructed and inspected.

      i) All improvements must be installed throughout the area included in the Master Development Plan prior to the filing of the Final Plat (unless Performance Security is provided for all remaining improvements in accordance with **Sec. 37-4.C.1.a**) or Substantial Completion of the development in accordance with **Sec. 37-4.D**).

   e) Approval by this Alternate Summary Procedure shall be endorsed on the plat or the instrument of conveyance.

   f) Any application without any formal submission within one year of the last submission will automatically expire.

Figure 37-2-1. Alternate Summary Procedure Summary



B. Minor Platting Process

1. Purpose

   The purpose of the Minor Platting Process is to allow an expedited review of plats that do not require the installation of any public improvements.

2. Applicability

   The Minor Platting Process may be utilized for any plat that meets all of the following requirements:

   a) Does not meet the requirements for the Alternate Summary Procedure, and

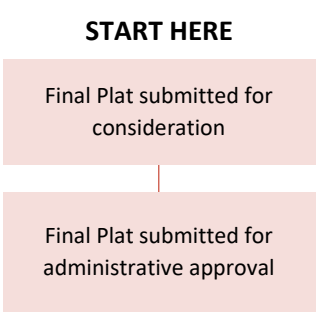
3. Does not require the installation of public improvements. Submittal and Consideration

   a) Applicants shall submit a Final Plat (see **Sec. 37-3.D. Final Plat**) for consideration and approval.

   b) Following approval of the Final Plat, the plat shall be filed and recorded with the County Clerk's Office.

   c) Any application without any formal submission within one year of the last submission will automatically expire.

Figure 37-2-2. Minor Platting Process Summary



C. Major Platting Process

1. Purpose

   The purpose of the Major Platting Process is to accommodate more substantial subdivisions that include the installation of public improvements.

2. Applicability

   The Major Platting Process shall be used for any plat that does not meet the requirements for the Alternate Summary Procedure or the Minor Platting Process.

3. Submittal and Consideration

   a) The applicant shall submit a Preliminary Plat for consideration in accordance with **Sec. 37-3.B. Preliminary Plat**.

   b) Following Preliminary Plat approval, the applicant shall submit a Final Plat for consideration in accordance with **Sec. 37-3.D. Final Plat** and Construction Plans for consideration in accordance with **Sec. 37-3.C. Construction Plans**.

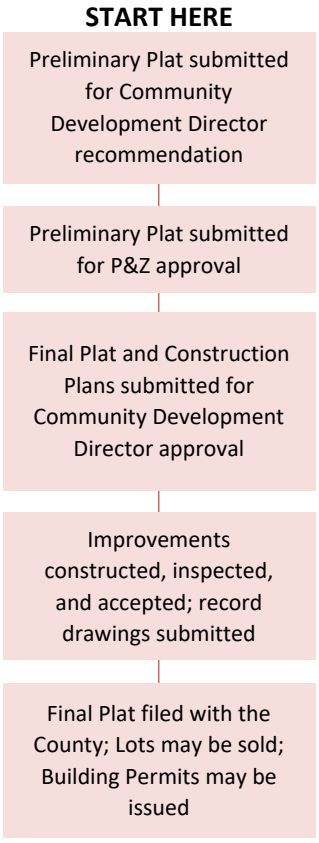
   c) Following approval of the Construction Plans, the applicant may begin site grading and installation of public improvements. Improvements shall be inspected in accordance with **Sec. 37-4.C. Installation and Acceptance of Public Improvements**.

   d) Following completion and inspection of the public improvements (or the provision of Performance Security and other requirements outlined in **Sec. 37-4.C.1.a)**), applicants may file the Final Plat and Building Permits may be issued.

      i) Final Plats may be filed and Building Permits may be issued prior to completion of all required improvements upon determination of substantial completion (see **Sec. 37-4.D. Substantial Completion**).

   e) Any application without any formal submission within one year of the last submission will automatically expire.

Figure 37-2-3. Major Platting Process Summary



D. Plat Vacations

1. City Council may vote to vacate or partially vacate any filed plat upon the owners' request, in accordance with NMSA 3-20-12.
2. City Council may require that streets dedicated to the City in the original plat shall continue to be dedicated to the City; alternatively, the rights-of-way may be vacated as outlined in **E. Right-of-Way Abandonment**.

E. Right-of-Way Abandonment

1. Initiation

   Right-of-way abandonments may be initiated by the adjacent property owner(s) or by the City Council if the Council determines that the right-of-way abandonment will not interfere with the interest of public health, safety, and welfare.

2. Submittal

   Right-of-way abandonments shall be prepared as a Final Plat for the right-of-way to be vacated and the affected adjacent lots in accordance with **Sec. 37-3.D. Final Plat**.

3. Division of the Land to be Abandoned

   Generally, the abandoned land will be divided in equal proportions and joined via plat with the adjacent properties. The Community Development Director shall review the plat that originally dedicated the right-of-way, access considerations, and adjacent property owners' requests to determine the final division.

4. Utility Easements

   If there are utility lines in rights-of-way that are to be abandoned, a utility easement will be required in lieu of right-of-way or relocation. In accordance with NMSA 3-20-13, the rights of any utility already existing shall not be affected by any full or partial abandonment.

5. Right-of-Way Abandonment Approval Process

   a) Administrative Review and Recommendation

      Right-of-way abandonment requests shall be reviewed and recommended by City Staff in accordance with **Sec. 37-3.D. Final Plat**.

   b) City Council Decision

      i) The Planning & Zoning Commission shall conduct a public meeting to review the abandonment request, recommendations from City Staff, the presentation from the petitioner or the petitioner's representative, and from any interested citizens. Action shall be in the form of approval, denial, or modification.

   c) Any necessary zoning map amendments (i.e., rezonings to align with new lot lines) shall be processed in conjunction with the abandonment.

6. Right-of-Way Dedications

   For standalone right-of-way dedications, see **Sec. 38-2.D. Private Streets**.

Sec. 37-3. Plat and Plan Types

A. Master Development Plan

1. Master Development Plan Purpose

   a) The purpose of the Master Development Plan process is to advance the goals and objectives of the City's Comprehensive Plan and to address a variety of environmental and social issues in an area being proposed for future development.

   b) A Master Development Plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development. Approved Master Development Plans shall be used as a general guide to land development with successive steps established for specific plans that shall be consistent with the adopted Master Development Plan.

   c) The Master Development Plan process is designed to guide future land development and transportation patterns.

2. Master Development Plan Required

   a) A Master Development Plan shall be required when any of the following criteria apply:

      i) A development is to be divided into various phases.

      ii) A request for annexation is made (see **Sec. 34-4. Annexation Process**).

      iii) When an applicant proposes to utilize the Alternate Summary Procedure more than once.

   b) A Master Development Plan may be omitted at the discretion of the Community Development Director for residential developments consisting of no more than two phases or forty or fewer acres.

   c) A Preliminary Plat may be submitted simultaneously with the Master Development Plan. A Final Plat shall not be submitted at the same time as the Master Development Plan or the Preliminary Plat.

   d) Said Master Development Plan shall be prepared by, and have the seal of, a Professional Engineer, Surveyor, or Registered Landscape Architect licensed in the State of New Mexico. The survey shall be prepared using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.

   e) The Master Development Plan must include the entire planned development. Future phases for adjacent properties may be identified on the Master Development Plan.

3. Submittal of a Master Development Plan Application

   a) Following a pre-application meeting (**Sec. 34-3.B**) and any required early notification (**Sec. 34-3.H**), an applicant may submit the Master Development Plan application.

   b) The Master Development Plan and supplemental material shall be submitted to the Community Development Department no later than 45 calendar days prior to the day of the next regular meeting of the Planning & Zoning Commission for approval consideration.

   c) Applications shall be subject to a Determination of Completeness (**Sec. 34-3.C.4**).

   d) Any application without any formal submission within one year of the last submission will automatically expire.

4. Consideration of a Master Development Plan Application

   a) Administrative Review and Recommendation

      The **Error! Reference source not found.** shall review and recommend the application in accordance with **Sec. 34-3.C. Application Processing**.

   b) Planning & Zoning Commission Action

i) Agendas shall be posted and public notice provided prior to a public meeting before the Planning & Zoning Commission in accordance with **Sec. 34-3.G. Notice for a Public Meeting.**

ii) The Planning & Zoning Commission shall review the Master Development Plan, comments received from the **Error! Reference source not found.**, and presentations from the applicant or the applicant's representative and from any interested citizens.

iii) Action from the Planning & Zoning Commission shall be in the form of approval, conditional approval, postponement, or disapproval. Action from the Planning & Zoning Commission shall be recorded and published in accordance with **Sec. 34-3.D. Notice of Decision**.

iv) It is the requirement of the Planning & Zoning Commission that no Master Development Plan shall be reviewed unless either the applicant or the applicant's representative is present at the Planning & Zoning Commission public meeting. If neither party is present at the public meeting, the Master Development Plan will be postponed until the next regular Planning & Zoning Commission meeting.

c) Effect of Master Development Plan Approval

Upon approval of the Master Development Plan, the developer may submit to the Community Development Department any zoning applications, Preliminary Plats, Construction Plans, or Final Plats as necessary and applicable, that reflect the objectives of the approved Master Development Plan.

d) Effective Term and Expiration

i) The approval of the Master Development Plan shall be effective for a period of five years. The Master Development Plan shall expire five years from the date of approval unless one of the following applications has been approved, in accordance with the Master Development Plan for all or part of the master-planned area:

a. Preliminary Plat or Final Plat

b. Building Permit

c. Other development application

ii) Prior to the expiration date, the applicant may submit a request for extension of approval for up to one year, if desired. The request will require review by the Community Development Director based on current requirements and approval by the Planning & Zoning Commission. The Community Development Director or Planning & Zoning Commission may revise requirements based on projected needs or growth around the master-planned area, including infrastructure improvements related to signals, road network, streetlighting, etc.

iii) If no subdivision is approved and constructed within 10 years, then the subdivision will follow current standards for development.

e) Revisions to an Approved Master Development Plan

Any substantial change to the Master Development Plan will require resubmittal of the plan in its entirety and may trigger the need for a noticed area meeting at the discretion of the Community Development Director. Minor modifications shall be reviewed and considered by the Community Development Director. Substantial changes to the Master Development Plan shall require a new application in accordance with the standards at the time of application. Substantial changes shall include, but are not limited to:

i) Any major change in land use or use intensity (e.g., shifting or increasing drainage areas, adding a trail easement);

ii) Modifications of vehicular traffic circulation on public streets or roadway network changes;

iii) Increase in residential density; or

iv) Any change in the Master Development Plan that is determined by the Community Development Director to be substantial.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Master Development Plan Submittal Requirements

The Master Development Plan shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Master Development Plan Submittal Requirements
Application, signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.
Application submittal fee.
Name of Master Development Plan.
Detailed area/vicinity map clearly showing the surrounding area and the proposal's relationship to existing road networks, and existing natural and/or constructed features that may impact the development or may be impacted by the development. Detail must be sufficient so that the subject property can be located in the field using the map.
A separate sheet identifying the limits of any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
North arrow, date of preparation, written and graphic standard engineering scale.
A general legal description that shall include approximate survey ties and approximate acreage
Name and address of the consultant preparing the Master Development Plan.
Name and address of the developer.
Boundary lines of the Master Development Plan, with approximate lengths of lines.
Proposed land use, by parcel or phase. Residential parcels shall provide gross density range.
Present zoning and proposed zoning (if applicable).
Contours—20-foot intervals. In instances whereby 20-foot intervals are not appropriate or applicable, contours may be provided at an appropriate interval that adequately presents the elevation differences of the land as determined by the Community Development Director.
Adjacent land use and zoning district identification.
Thoroughfare system: • Proposed approximate location, length, width and point of intersection of all major transportation systems, which may include: o Bikeways, trails, and any other transportation lines; o Existing and proposed points of ingress and egress;

Master Development Plan Submittal Requirements
○ Existing and proposed transit stops and transit service as per the RoadRUNNER Transit Plans; and ○ Location and phasing of signalized intersections. • Identify existing and proposed classification of roads as per City design standards and based on the Comprehensive Plan and Active Transportation Plan.
Significant natural features, such as arroyos and approximate 100-year floodplains.
Easements, with all public easements labeled as “easement for public use.”
Tabular information. • Land use of each parcel and phase (if applicable). • Approximate acreage for each parcel and phase (if applicable). • Number of residential dwelling units, minimum and maximum range, for the development and by phase (if applicable). • Number of dwelling units by type. • Dwelling Units Per Acre (**Error! Reference source not found.**) for each parcel and phase (if applicable). • Approximate square footage of nonresidential uses for the development and by phase (if applicable) • Approximate acreage proposed for open space, private and public facilities, and right-of-way for the development and by phase (if applicable). • Approximate additional population to be generated by development, based on U.S. Census data. • Approximate additional traffic estimated to be generated by development, utilizing ITE trip generation, latest edition, information, as amended.
Approval block signifying the final approved Master Development Plan to be signed by the Community Development Director upon approval by the Planning & Zoning Commission and compliance with all conditions.
Phasing plan. If developing in phases, a phasing plan shall identify the phase (or date by which) public facilities (e.g., trails, amenity centers, recreational facilities, other improvements) will be provided.
Conceptual utilities plan. The conceptual utilities plan shall contain enough information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development to meet Las Cruces Utilities standards.
A CLOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA prior to master plan approval. A LOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA before acceptance by the City and before the issuance of any Certificate of Occupancy. (if applicable)
Conceptual drainage plan. The conceptual drainage plan shall contain enough information to provide a general understanding of how drainage issues will be addressed by the development.
Conceptual traffic-related improvements plan. The conceptual traffic related improvement plan shall contain enough information to provide a general understanding of how any increase in traffic on adjacent and internal public streets will be addressed by the development.
Copy of early notification letter (**Sec. 34-3.H. Early Notification and Meeting Requirements**) to noticed area and copy of minutes (summary or verbatim) from any subsequent noticed area meeting as may have been required.

B. Preliminary Plat

1. Preliminary Plat Purpose

   The purpose of the Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of all adopted City plans, rules and regulations, and the development Master Development Plan, if applicable.

2. Preliminary Plat Required

   a) A Preliminary Plat conforming to this section shall be required for all subdivisions that follow the Major Platting Process (**Sec. 37-2.C**).

   b) A Preliminary Plat may be submitted simultaneously with a Master Development Plan.

   c) Requests for zoning variances or exceptions may be considered in conjunction with the plat request.

3. Submittal of a Preliminary Plat Application

   a) Following a pre-application meeting (**Sec. 34-3.B**) and any required early notification (**Sec. 34-3.H**), an applicant may submit the Preliminary Plat application.

   b) Applications shall be subject to a Determination of Completeness (**Sec. 34-3.C.4**).

   c) Any application without any formal submission within one year of the last submission will automatically expire.

4. Consideration of a Preliminary Plat Application

   a) Administrative Review and Recommendation

      The **Error! Reference source not found.** shall review and recommend the application in accordance with **Sec. 34-3.C. Application Processing**.

   b) Planning & Zoning Commission Action

      i) In accordance with NMSA 3-20-7, the Planning & Zoning Commission shall take action to either approve or disapprove the Preliminary Plat within 35 days of the plat's Official Submittal Date. Upon agreement that a delay is appropriate, the applicant may be required to submit a statement waiving the right to action within this timeframe.

      ii) Agendas shall be posted and public notice provided prior to a public meeting before the Planning & Zoning Commission in accordance with **Sec. 34-3.G. Notice for a Public Meeting**. In accordance with NMSA 3-20-7, an applicant may waive the requirement for a public meeting.

      iii) The Planning & Zoning Commission shall review the Preliminary Plat application, comments from the **Error! Reference source not found.**, the presentation from the subdivider or the subdivider's representative and from any interested citizens at a public meeting (if applicable).

      iv) Action from the Planning & Zoning Commission shall be recorded in the minutes of the meeting.

   c) Effect of Preliminary Plat Approval

      Approval of a Preliminary Plat shall not constitute approval of the Final Plat, but shall signify the general acceptability of the proposed subdivision. Preliminary Plat approval shall constitute permission to prepare and submit the Construction Plans for all improvements for the proposed subdivision. Construction Plans shall not be considered until Preliminary Plat approval is complete.

   d) Effective Term and Expiration

      i) Preliminary Plat approval shall be effective for no more than three years from the date of approval. If Construction Plans or a Final Plat application has not been submitted, the Preliminary Plat shall expire, and a new Preliminary Plat application must be submitted for approval.

ii) If the approved Preliminary Plat contains more than one phase, a Final Plat must be submitted within every three years thereafter (for a Preliminary Plat with more than one phase) until all phases are complete; otherwise, the Preliminary Plat shall expire.

iii) If an approved Final Plat is allowed to expire, the Preliminary Plat shall also expire.

iv) The applicant may submit a request for a one-year extension of approval, prior to the expiration date, if desired. The request will be reviewed by the Community Development Director. All plat extensions shall be automatically conditioned to require compliance with all City codes, regulations, and specifications in place at the time of development of the plat in question.

e) Deviations from an Approved Preliminary Plat

i) Any Final Plat submittal that results in a substantial change to an approved Preliminary Plat will require resubmittal of the Preliminary Plat in its entirety and may trigger the need for a noticed area meeting at the discretion of the Community Development Director. Minor modifications shall be considered by the Community Development Director.

ii) Substantial changes will be subject to a Planning & Zoning Commission public meeting, with the same requirements as an original application. Substantial changes shall include but are not limited to:

a. Any major change in land use or use intensity (e.g., shifting or increasing drainage areas, adding a trail easement);

b. Modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;

c. Roadway network changes;

d. An anticipated increase in residential density;

e. Any change in the Preliminary Plat that is determined by the Community Development Director to be substantial.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Preliminary Plat Submittal Requirements

The Preliminary Plat shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Preliminary Plat Submittal Requirements
Application.
Application submittal fee.
Name of proposed subdivision.
Total acreage of subdivision, to nearest one-hundredth of an acre.
Date of preparation, north arrow, written and graphic standard engineering scale.

Preliminary Plat Submittal Requirements
Detailed area/vicinity map showing existing road networks to include a minimum of two major thoroughfares, outline of surrounding parcels, and existing natural and/or constructed features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map.
Name and address of subdivider.
Name and address of the person, corporation or organization preparing the Preliminary Plat.
An accurate and complete boundary survey of the land to be subdivided that meets or exceeds the Minimum Standards for Surveying NMAC 12.8.2. • The name of the surveyor who performed and is responsible for the survey shall be provided. • Boundary survey will include all monuments found accepted/rejected and monuments to be set. • Boundary lines shall be given in bearings (degrees, minutes, and seconds). • Distances will be shown in feet to the nearest hundredth. • Curved boundary lines will provide sufficient data to be reestablished on the ground and will include central angle, radius, arc length, chord bearing and distance.
A statement of ownership, signed by the legal owner, and the equitable owner if applicable, on the final approved Preliminary Plat.
A separate sheet identifying the limits of any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
A separate sheet with the Intersection Site Design (ISD) study. ISD are not required on the final plat.
Zoning or proposed zoning shall be shown with boundaries given as streets, highways, or property lines. Special Use Permit or Planned Unit Development information and any Zoning Variance requests shall be included if applicable.
Uniquely identify each lot-by-lot number and block when applicable, tracts to be identified by alphabetically. Acreage for each lot and tract will be included.
Proposed lot lines and public rights-of-way lines; rights-of-way and street widths; rights-of-way for public services or utilities with identification of any limitations thereof.
When using a private water provider, provide a current engineered water system analysis, in accordance with LCFD guidelines.
Proof that all lots in any subdivision meet the requirements of **Chapter 36. Zoning Regulations** and that each lot shall be dimensioned in such a manner that setbacks, as required by the code, shall be met for any structure or building that may be on or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by **Chapter 36. Zoning Regulations**.
Additional setbacks and any restrictions needed to accommodate required clear sight triangles at intersections;
Approximate locations, dimensions, areas, and purposes of tracts proposed to be reserved for the public;
Sites and approximate area(s) for any multi-family dwellings or nonresidential uses;
Existing conditions: • Present site designation or subdivision name; • Easements on-site: Location, width, and purpose of each, with all public easements labeled as “easement for public use”, and existing filed information of said easement; • Public rights-of-way on and within 150 feet of the site: name, width, and classification of each, and filed information of public right-of-way, to include right-of-way document establishing width, owner, maintenance, etc.;

Preliminary Plat Submittal Requirements
• Utilities on and adjacent to the site: Locations and size of each water line, sanitary and storm drain; locations of all irrigation channels and drains; locations of sewer mains, gas mains, gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the directions, distances, and sizes of the nearest lines; • Existing topography. o For land with average slopes of less than five percent, show contour lines at intervals of not more than two feet; o For land with average slopes exceeding five percent, show contour lines at intervals of not more than five feet; • Floodplain shall be clearly graphically delineated and noted; • Existing storm drainage facilities on and adjacent to the site; • Walkshed analysis of existing and proposed parks within a ¼-mile radius; • Conditions on adjacent land significantly affecting design of the subdivision: approximate directions and gradients of ground slopes, character and location of development, and access points from adjacent points.
Approval block signifying the final approved Preliminary Plat, to be signed by the Community Development Director upon approval by the Planning & Zoning Commission and resolution of all outstanding staff comments;
Conceptual utilities plan. The conceptual utilities plan shall contain enough information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development to meet Las Cruces Utilities standards.
A CLOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA prior to preliminary plat approval. If master planned provide approval documentation from the master plan. A LOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA before acceptance by the City and before the issuance of any Certificate of Occupancy. (if applicable)
ITE Trip Generation, pending TIA requirement. Refer to **Sec. 38-2.G. Traffic Impact Analysis**, ITE Traffic Impact Analysis guidelines, and other requirements as approved in consultation with the Public Works Director. For Preliminary Plats that are submitted without a preceding Master Development Plan, the applicant may opt to delay the Master TIA until after Preliminary Plat approval and before or with Construction Plan submittal; however, applicants should be aware that Preliminary Plat resubmittal may be required based on outcomes of the Master TIA.
Master Drainage Study. The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The digital format of the report contents must be provided (e.g., AutoCAD, HEC-RAS, etc.). For Preliminary Plats that are submitted without a preceding Master Development Plan, conditional approval with submission of the master drainage study can be given. • The report shall include, but not be limited to, the following information and calculations: o Calculation for peak flow from all offsite tributary drainage areas. o Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres. o Preliminary analysis of 100-year floodplain and major drainage ways. o Closed sub-basin analysis of 100-year floodplain and major drainage ways. o Discussion and analysis of downstream drainage facilities. o Discussion of anticipated drainage problems within the proposed development and possible solutions. o Report shall be typed on 8½-inch x 11-inch pages. • Drawings for the master drainage study shall include, but not be limited to, the following: o Any and all floodplains and flood ways must be identified. A copy of applicable FEMA floodplain map is required indicating limits of current study. o Existing topography. – For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet. – For land that slopes more than five percent, show contour lines at intervals of not more than five feet. – Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures. – Identification of all drainage basins in the development.

Preliminary Plat Submittal Requirements
– Location of all streets in/adjacent to the proposed development. – Identification of all drainage basins tributary to the proposed development. – Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at a scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available) • Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

C. Construction Plans

1. Construction Plans Purpose

   Construction Plans ensure that public improvements are installed to serve a development in accordance with all applicable regulations.

2. Construction Plans Required

   Construction Plans shall be required prior to the installation of public improvements (e.g., those improvements that are intended for dedication to the City) or private improvements as determined by the reviewing department.

3. Submittal of Construction Plans

   Construction Plans shall be submitted simultaneously with the Final Plat.

4. Consideration of Construction Plans

   a) The Community Development Department shall review the submittal for completeness in accordance with **Sec. 34-3.C.4. Complete Application**.

   b) Construction Plans and supplemental material will be processed by the applicable City departments and other governmental agencies for review, comments, and recommendations and forwarded to the Community Development Director.

   c) The Community Development Director shall forward any comments to the applicant for completion. Construction Plans and supplemental material that receive comments shall be resubmitted and reviewed until the provisions set forth in this section are met. At that time, the Construction Plans shall be approved, the construction approval block signed by the appropriate authorities and a construction permit issued (if the Final Plat has received approval from the appropriate authority).

   d) Whenever comments received by the City departments are in conflict, the Community Development Director will determine the appropriate procedure to be followed, utilizing the **Error! Reference source not found.** where appropriate, in order to resolve said conflict or disagreement.

   e) Appeals

      Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Engineer of Record Responsibility

   Review and approval of the construction plans does not preclude the Engineer of Record from responsibility for adherence to all applicable local, state and federal codes, regulations and requirements. Errors and omissions when discovered are the responsibility of the developer to resolve prior to final acceptance.

6. Construction Plans Submittal Requirements

   The Construction Plans shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be

shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**:

Construction Plans Submittal Requirements
Application.
Application submittal fee.
A Final Plat conforming to **Sec. 37-3.D. Final Plat** (unless the installation of public improvements is delayed in accordance with **Sec. 37-4.C.1.a)**.
Updated clear sight triangle based on actual horizontal and vertical geometry of roadway design conforming to **Sec. 38-2.H. Clear Sight Triangle**.

Geotechnical soils investigation report. A complete geotechnical soils investigation and corresponding report may be required if the soil conditions are unknown, unreliable, or otherwise unusual. This requirement must be met when working in soils that are graded “expansive” or “very fine.”
 	
Any geotechnical soils investigation must include, at a minimum, representative sampling and testing for:
 	
• Soil classification (NRCS);
• Sieve analysis;
• Structural design factors (R value and/or CBR value); and
• Other parameters may be required, including but not limited to:
  ○ Soil percolation tests (permeability);
  ○ Soil boring logs; and
  ○ Water table elevations.

Pavement design. A complete pavement design shall be based on a TIA where applicable and may be required for collectors, arterials, industrial parks/developments, or other areas subject to unusual traffic loadings. This requirement must be met whenever the soil to be worked in has been graded as “expansive” or “very fine.” Pavement designs must include, at a minimum: • Depth and type of subgrade preparation; • Depth and type of base course needed; and • Depth and type of asphalt pavement needed (Note: Asphalt mix formula to be required from contractors).
Final drainage study. The final drainage study shall be a detailed report and analysis of the drainage in the proposed development. It shall include detailed calculations for all potential runoff within the proposed development, and detailed calculations supporting the design of all drainage structures within the development. Construction plans for all drainage structures, and grading plans for all street grades where applicable, shall also be considered as part of the final drainage study. All drawings shall be formatted for 24-inch x 36-inch sheets. Drawings and calculations comprising the final drainage study shall include, but not be limited to, the following information: • Existing and proposed contours for proposed development. (Contour interval based on City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico – two-foot contour interval minimum). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall contain spot elevations or one-foot contour intervals. • Location(s) and elevation(s) of City or U.S.G.S benchmark(s). All elevations shall be based on City of Las Cruces Low Distortion Projection or a datum approved by the City Surveyor. • Property lines. • Streets, R.O.W. limits, names and grades. • Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts. All pertinent information such as size, slope, elevations and locations of existing drainage ways shall be included in order to facilitate review and approval of drainage plans. • Overall drainage area boundaries and drainage sub-area boundaries. • Proposed types of curbs and gutters and gutter flow directions, including crosspans (intersections).

Construction Plans Submittal Requirements
• Proposed storm drains, open drainage ways and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other appurtenances necessary for drainage control. • Proposed inflow and outfall point(s) for runoff from the study area. • Routing and accumulative flows at various critical points for the initial (10-year) and major (100-year) storm runoff. • Minimum finished-floor elevation and ground-site elevations at all critical building locations for protection from major storm runoff. • A 1-inch = 100-foot (preferable) scale map of the proposed development that shows the following information: o Locations and sizes of all drainage structures; o General flow patterns within the development; o Minimum finished-floor or building-pad elevation of each building site; o 100-year flood level in all streets in which the curb would be overtopped during the 100-year storm; o All drainage basins within the development (Note: The number of basins should be limited to the smallest practical number.) • All floodplains and arroyos within the proposed development. A copy of the current FEMA Floodplain Map is required showing project limits. • Plan details. The following details shall be indicated on the drainage plans. o Title block (lower right-hand corner preferred); o Scale; o Date and revisions; o Name and address of professional engineer (and firm); o Professional engineer's seal; o Drawing number (sheet n/n); o Legend; o Approval block for appropriate reviewing departments and agencies.
Construction drawings. Construction drawings shall be prepared by a registered professional engineer licensed in the state. All drawings shall be formatted for 24-inch x 36-inch sheets and shall show the following information: • Plan. • North arrow; • Property lines; • Street names and easements (with locations and width dimensions); • Existing utility lines, locations, and depths (or heights): o Water; o Gas; o Storm drains; o Irrigation canals; o Sanitary sewers; o All existing and proposed public and private utilities. • Profile. o Vertical and horizontal grids with scales identified; o Ground surface grade (dashed line) and proposed grade (solid line); o Existing utility lines where crossed; o Benchmarks (N.G.S. Datum). • Proposed construction. o Pipes and culverts. – Plan showing stationing; – Profile showing elevations at even stationing (at 50-foot intervals) – Size and length pipe, pipe composition (if applicable), and distances between manholes; – Slope of pipe; – Size and type of valves and fittings – Radius of curved utility line – Inlet and outlet details of all manholes and inlets, and connections to existing drainage systems (if applicable); – Manhole details, including station numbers, and invert and top elevations; – Typical bedding details for pipe for all bedding situations encountered on project; o Open channels:

Construction Plans Submittal Requirements
– Plan showing stationing; – Profile indicating elevations of invert of channel, top of lining (if any), and adjacent ground grade; – Profile showing elevations at even stationing (at 50-foot intervals); – Typical cross sections; – Construction notes; – Lining details; – Rip-rap and bedding details, with graduation requirements for same; – Details of all inflow and outflow structures and drop structures (includes subgrade and foundation design details); o Technical specifications shall be included on any drainage project permitted for construction within the City. Specifications shall meet the minimum guidelines for construction as outlined in the City standard specifications for roadway construction and design standards as amended. o Parks, trails, other recreation improvements; streetscape and irrigation improvements; details and technical specifications related to these improvements.
A separate TIA permit is required and must be referenced. Final approved TIA report must be submitted prior to construction drawing submittal. Once approved the TIA shall be included as part of the construction drawing submittal with requirements as noted in **Sec. 38-2.G. Traffic Impact Analysis**, ITE guidelines, and approved in consultation with the Public Works Director.
Street plan and profiles. The plan and profiles shall be formatted for 24-inch x 36-inch sheets by a registered professional engineer, licensed in the state. The scale of all plans and profiles shall be 1:5 vertical, 1:50 horizontal unless a grid break would result. In such cases, the scale may be 1:10 vertical, 1:100 horizontal. A grid shall be required in all cases. • Plan: o Title block (lower right-hand corner preferred); o Horizontal/vertical scale; o Date and revisions; o Name of professional engineer (and firm); o Professional engineer's seal; o Drawing number (sheet n/n); o Legend; o Construction approval block for appropriate reviewing departments and agencies; o Street name; o North arrow; o Match lines with stationing and "see sheets" called out; o Limits of construction; o Centerline stationing; o Stations at street intersections, curb returns, and property lines; o Sizes and locations of all utilities (existing and proposed) (stub-outs not required); o Rights-of-way widths; o Adjacent block and lot numbers; o Fire hydrant locations; o Water and gas lines and valve locations, sizes, materials, and radius for curved lines, with all fittings (e.g., elbows, caps) called out; o Sidewalk and wheelchair ramp locations; o Curve centerline data; o Proposed street lighting system, signage, and markings; o Stationing and locations or crown transition; o Back-of-curb radius (P.C., P.T., and midpoint stations), or sidewalk if no curbing is required, if applicable; o Curb/gutter locations, if applicable; o Top-of-curb elevations, or of sidewalk if no curbing is required, and stations at each front lot corner; o Drainage flow arrows at crosspans and nontypical intersections; o Driveway locations and stations (if applicable); o Proposed top-of-pavement spot elevations at and across from all intersections (at flowline extensions); o A local benchmark based on N.G.S. datum, with description, location and elevation; o Sewer lines with flow directions and manhole locations, sewer line size, materials, manhole numbers, and radius for curved lines; o "No parking" sign locations (if applicable); and

Construction Plans Submittal Requirements
○ Bike lane stripes, bike lane symbols, buffered bike lanes, protected bike lanes, bike lane or share the road signs, and bike sharrow lane symbols (if applicable). • Profiles: ○ Proposed and existing grades 100 feet beyond limits of construction; ○ Even stationing (at 50-foot intervals) and elevations on all profiles of top-of-curb, right and left, street centerline required if in a nontypical section; ○ Stationing and elevation of the vertical point of intersection on all vertical curves, including PVT, PVI, PVC, and K value; ○ Top-of-curb elevations (or top-of-sidewalk elevations if no curbing is required at each lot corner); ○ Sanitary and storm sewer pipe invert elevations; ○ Slopes and lengths of sewer lines; ○ Stationing, size, and material of manholes; elevation for manhole rim, invert in and invert out; ○ Water and gas lines shown on profile with depths per Las Cruces Utilities standards and any necessary line lowering; ○ Limits of construction; and ○ Grid at scale of 1:5 Vertical and 1:50 horizontal; scale can be 1:10 vertical and 1:100 horizontal if size will require a page break.
Grading plans. The plans shall be prepared by a registered professional engineer licensed in the state. All grading, including lot grading, shall be done at time of roadway construction and to be maintained by subdivider. The grading plans shall be provided separately from the utility master plan. The following information shall be required: • Street names; • Block and lot numbers; • North arrow; • Written and graphic standard engineering scales; • Existing contours based on project "as-builts," not plans, at 2-foot intervals (100 feet beyond project boundary if adjacent land is undeveloped and the property line of the adjacent land is developed). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall provide spot elevations, or one-foot contour intervals; • Retaining wall locations (and note if walls will be built at time of roadway construction); • Top-of-curb elevations, or sidewalk if no curbing is required at each lot corner • Pad elevations or finished floor elevations (for each lot); • Spot elevations showing high points and low points or a typical lot detail if the proposed development has a relatively flat surface (e.g., River Valley subdivision); • Pond elevations: Top, bottom and dimension from property lines (if applicable); • Barrow ditch elevations (if applicable); • Drainage channel elevations (if applicable); • Drainage flow arrows (and note if roof area will drain to ponding area); • Retention/detention, basin, location and elevation; • A project benchmark based on N.G.S. datum with description, location, and elevation; • General notes for grading and construction, etc.; • Off-site grading or slope grading limits (if applicable); • All grading must comply with Chapter 70 Grading, Excavations, and Fills of the International Building Code. Alternative design may only be approved by the Public Works Director. ○ If grading will be performed on the land of an adjacent property owner(s), or construction vehicles may need to access the property, a copy of a letter must be provided to the City, signed by the adjacent property owner(s), stating that they understand the nature of the work and do not oppose the modification to their property and/or that they will allow temporary access to their property by the contractor; • Existing utilities.
Utility master plan. The Utility master plan shall include all phases of development and be prepared by a registered professional engineer, licensed in the state. If utilities are not in the standard location, i.e., street right-of-way, then preapproval is required by the utilities department. The utility master plan shall be provided separately from the grading plans. The following information shall be required: • Lot and block numbers; • Street names; • North arrow, written and graphic standard engineering scale; • Utility stub-outs;

Construction Plans Submittal Requirements
• Street light pad and conduit locations; • Wire utility boxes; • Fire hydrant locations; • Water and gas valve locations and fittings; • A local benchmark based on N.G.S. datum, with description, location, and elevation; and • Sewer lines with flow directions and manhole locations.
Detail sheet, to be prepared by a registered professional engineer licensed in the state. The following information shall be required, if applicable: • Roadway construction notes and general notes; • Utility construction notes; • Manhole details; • Radius of curved utility line; • Typical utility stub-out to lot detail; • Street intersection detail (if applicable); • Typical street cross-section(s) (including paving composition); • Curb and gutter detail; • Wheelchair ramp detail; • Retaining wall detail, cut-off wall detail, and all fencing details (a separate permit will be required if applicable); • Drainage structure details; • Light base details; • Typical lot layout; • Foundation detail for signage; • Signage face detail; • Street lighting system details following the Approved Product List; • Any other construction detail that may be needed for clarification purposes; and • Water and gas valve and line detail.

D. Final Plat

1. Final Plat Purpose

   The Final Plat is the subdivision instrument that is prepared for recording in the County Clerk's Office. The Final Plat process ensures that the recordable plat is in complete compliance with plans approved earlier in the Preliminary Plat process.

2. Replats

   A replat (i.e., resubdivision) that makes changes to a previously approved Final Plat requires the filing of a new Final Plat. A replat follows the same procedures outlined in this **D. Final Plat**.

3. Final Plat Required

   a) A Final Plat shall not be submitted until Preliminary Plat approval, if applicable, is complete.

   b) Said Final Plat shall be prepared by, and have the seal of, a professional surveyor. The survey shall be prepared using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.

4. Submittal of a Final Plat Application

   a) Following a pre-application meeting (**Sec. 34-3.B**), any required early notification (**Sec. 34-3.H**), and any required Preliminary Plat approval, an applicant may submit the Final Plat application in conjunction with Construction Plans (if applicable).

   b) Applications shall be subject to a Determination of Completeness as outlined in **Sec. 34-3.C.4. Complete Application**.

5. Consideration of a Final Plat Application

   a) In accordance with NMSA 3-20-7, the City shall take action to either approve or disapprove the Final Plat within 35 days of the plat's Official Submittal Date. Upon agreement that a delay is appropriate, the applicant may be required to submit a statement waiving the right to action within this timeframe.

   b) Administrative Approval of Final Plats

      i) For Final Plats following an approved Preliminary Plat, the Community Development Director shall review and approve the application in accordance with **Sec. 34-3.C. Application Processing**.

      ii) For Final Plats that do not follow an approved Preliminary Plat, the **Error! Reference source not found.** shall provide a recommendation and the Planning & Zoning Commission shall approve the application in accordance with **Sec. 34-3.C. Application Processing**.

   c) Effect of Final Plat Approval

      The Final Plat shall not be filed until all improvements have been constructed, inspected, and ready for approval and maintenance acceptance by the City. Upon approval and filing of the Final Plat, the applicant may sell lots and apply for Building Permits.

      i) If the construction of public improvements will be delayed in accordance with **Sec. 37-4.C.1.a)**, Performance Security shall be submitted with the Final Plat and Construction Plans.

      ii) If the construction of public improvements is substantially complete, the City shall authorize the applicant to file the Final Plat and may issue building permits. See **Sec. 37-4.D. Substantial Completion** for more information.

   d) Revisions to an Approved Final Plat

      i) No changes, revisions, erasures, or modifications shall be made on the Final Plat.

      ii) No Final Plat shall be filed and recorded prior to the satisfaction of all requirements and conditions.

e) Expiration

If the applicant has not filed a Final Plat within three years of the date of approval, the Final Plat shall expire.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

6. Final Plat Submittal Requirements

The Final Plat shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. Once approved, the Final Plat shall be prepared for filing on 18-inch x 24-inch Mylar sheets at a scale that adequately represents the information. Copies provided shall be legible. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following materials shall be submitted for a Final Plat unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Final Plat Submittal Requirements
Application.
Application submittal fee.
Name of subdivision.
Total acreage of subdivision to nearest one-hundredth of an acre.
Date of preparation, north arrow, written and graphic standard engineering scale.
Detailed area/vicinity map showing existing road networks to include a minimum of two major thoroughfares, outline of surrounding parcels and existing natural and/or constructed features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map.
A separate sheet identifying any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
Signed statements by the subdivider dedicating public rights-of-way and granting all required easements for public use. Also include a statement that the subdivision is planned with the free consent of and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds. For consistency on all plats, the dedication statement shall read as follows: DEDICATION THE TRACT HEREON IS TO BE KNOWN AS _____ SUBDIVISION. ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED. THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.
Name and address of subdivider.
Name and address of the person, corporation or organization preparing the Final Plat.

Final Plat Submittal Requirements
Certification block for Planning & Zoning Commission chair and secretary.
Certification block(s) by authorized representatives from respective utility companies (cable, telephone company and electric company, etc.).
Certification and seal by a Professional Surveyor in accordance with the laws of the state, certifying the accuracy of the survey and the plat, and that the surveyor prepared or supervised preparation of the plat.
An accurate and complete boundary survey of the land to be subdivided that meets or exceeds the Minimum Standards for Surveying NMAC 12.8.2. • The name of the surveyor who performed the survey shall be provided. • Boundary survey will include all monuments found accepted/rejected and set. • Boundary lines shall be given in bearings (degrees, minutes, and seconds). • Distances will be shown in feet to the nearest hundredth. • Curved boundary lines will provide sufficient data to be reestablished on the ground and will include central angle, radius, arc length, chord bearing and distance.
Subdivision shall be tied to an existing established monument. Subdivision will use the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.
Bearings and lengths for all lot lines and rights-of-way lines existing or proposed. Lines to be eliminated shall be designated and identified by dashed lines.
Names of streets, rights-of-way widths of all streets, commercial alleys, green ways, bikeways, trails, and other transportation links shall be so designated.
Provide record information (book and page or plat) dedicating existing rights-of-way.
Number to identify each lot; Acreage of each lot; Letter to identify each block.
Location, dimensions, and purpose of all easements, existing or proposed, and any limitations thereof. For existing easements, provide recording information book and page. All easements shall indicate its purpose and intended user. Any easement dedicated to the City shall state “the easement is intended for public use and shall be dedicated to the City of Las Cruces upon the filing of this plat”.
Adjacent land ownership within 100 feet as of the date drafted for submittal. Note subdivision and/or owner’s names and filing information: book, page and date.
Outlots or tracts designated by letter, with disposition indicated in the Note section. Location of land intended to be converted or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision shall be so identified. The purpose of each outlot and the responsibility for maintenance of all tracts shall be noted. All outlot or tracts shall indicate its purpose and intended user. Any outlot or tract dedicated to the City shall state “the outlot or tract is intended for public use and shall be dedicated to the City of Las Cruces upon the filing of this plat”.
Floodplain shall be clearly graphically delineated and noted.
Necessary easements for EBID or community ditches in relation to irrigation.
Ponding icon. For lots utilizing on-lot ponding, an icon shall be placed on the lot in the approximate location of the proposed ponding area. A note referencing the ponding icon shall also be present on the plat and reflect the purpose and the lot owner’s responsibility for maintaining the ponding area.

Final Plat Submittal Requirements
A note placed on the plat stating: "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
Appropriate documentation shall be submitted to show proof of water service and approval of sewage disposal. (Applicable if the subdivision will not be utilizing City services.)
Address plat. The address plat shall be submitted as a PDF sized for 18-inch x 24-inch sheets at a scale that adequately represents the information. The following information shall be required: • Title of subdivision; • Approved lot layout; • Lot and block numbers; • Street name; • Street address for each lot (Community Development Department will provide the addresses); and • Neighborhood delivery and collection box unit location (NDCBU), if applicable.
A traverse closure sheet (computer printout) for the exterior boundaries of the entire tract and for each parcel within the tract, except any parcels that are true rectangles.
Approved Master Traffic Impact Analysis . Refer to **Sec. 38-2.G. Traffic Impact Analysis**, ITE Traffic Impact Analysis guidelines, and other requirements as approved in consultation with the Public Works Director.
Master Drainage Study (unless already provided with a Preliminary Plat). The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The digital format of the report contents must be provided (e.g., AutoCAD, HEC-RAS, etc.). • The report shall include, but not be limited to, the following information and calculations: o Calculation for peak flow from all offsite tributary drainage areas. o Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres. o Preliminary analysis of 100-year floodplain and major drainage ways. o Closed sub-basin analysis of 100-year floodplain and major drainage ways. o Discussion and analysis of downstream drainage facilities. o Discussion of anticipated drainage problems within the proposed development and possible solutions. o Report shall be typed on 8½-inch x 11-inch pages. • Drawings for the master drainage study shall include, but not be limited to, the following: o Any and all floodplains and flood ways must be identified. A copy of applicable FEMA floodplain map is required indicating limits of current study. o Existing topography. – For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet. – For land that slopes more than five percent, show contour lines at intervals of not more than five feet. – Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures. – Identification of all drainage basins in the development. – Location of all streets in/adjacent to the proposed development. – Identification of all drainage basins tributary to the proposed development. – Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at a scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available) Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

Sec. 37-4. Adequate Public Facilities

A. Subdivider Responsibility

1. The subdivider of any approved subdivision shall be responsible for all on- and off-site infrastructure and utility improvements necessary for filing the Final Plat.
2. The subdivider shall be responsible for any necessary off-site utility extensions required to provide service, unless such extensions are already part of the utility capital improvement program.

B. Adequate Public Improvements Required

1. Land proposed for development must be adequately served by essential public improvements and services, including but not limited to water, wastewater, roadway facilities (e.g., street lighting, traffic signals, parking, and traffic control devices), bicycle, pedestrian, drainage, and park facilities. Requirements for such facilities are outlined in **Chapter 38. Development Standards** and Volume I of the Code of Ordinances.
2. Land shall not be approved for platting or site development until adequate public improvements necessary to serve the development exist or provision has been made for the facilities.
3. A public improvement is considered sufficient when it is demonstrated to have available capacity to meet the demand generated by the proposed development, other adopted master plans for public facilities, and applicable capital improvement plans.

C. Installation and Acceptance of Public Improvements

1. Public Improvements Required for Final Plat

   Public improvements shall be constructed, installed, inspected, and ready for approval and maintenance acceptance by the Public Works Department prior to the filing of an approved Final Plat.

   a) Exception: The Public Works Director may authorize a delay in the installation of public improvements for up to 24 months following Final Plat approval.

      i) A form of Performance Security and a bid from the contractor shall be filed with the City, along with a development agreement outlining the improvements to be completed, any cost sharing agreements (e.g., oversizing), and other terms as required by the Public Works Director.

         a. The amount of such Performance Security must cover 125 percent of the projected cost of all required improvements agreed to by the Public Works Director. The amount shall be based on the projected costs that the City – not a private developer – would incur at the time improvements are scheduled for completion.

      ii) Any of the following types of security shall be filed with the Community Development Director:

         a. Performance bond. A surety bond acceptable to the City to cover estimated costs of improvements.

         b. Escrow account. An account established with a financial institution in the amount of the projected costs of improvements.

         c. Irrevocable stand-by letter of credit. Irrevocable authority to draw a draft for the projected cost of improvements.

         d. Cashiers' check. An amount of security acceptable to the City to cover estimated costs of improvements.

         e. Any other form of security approved by the Community Development Director, Finance Director, and legal staff.

      iii) The City shall not issue any building permits within the subdivision until all improvements have been installed and inspected or are otherwise in compliance with **D. Substantial Completion**, unless Performance Security is provided.

iv) If the City determines that the subdivider will not construct any or all of the improvements in accordance with the specifications, the City may withdraw and employ from the deposit of collateral such funds as necessary to construct the improvements in accordance with the specifications.

2. Acceptance of Improvements

a) Following completion (or Substantial Completion in accordance with **Sec. 37-4.D** below) of all public improvements, the subdivider may request the City to conduct an inspection and consider acceptance of the improvements.

i) For acceptance of utility improvements, and prior to connection to the City's utility system, the subdivider shall submit utility Record Drawings for review and approval in accordance with the Public Works Department's and Utility Department's established record drawing submittal requirements.

ii) For acceptance of park improvements, the subdivider shall submit park construction document plans for review and approval by Parks & Recreation Department Director. Such plans shall be submitted to the Parks & Recreation Department through the Community Development Department.

b) The subdivider shall make a written request to the Community Development Director for final acceptance of all subdivision improvements. Along with the written request, the City shall require the submission of Record Drawings in accordance with **3. Record Drawings Submittal Requirements** and a detailed material listing. The City shall inspect said improvements to determine whether the infrastructure is acceptable and whether it conforms to the approved Final Plat and construction drawings.

c) The Community Development Director may formally accept said public improvements for City maintenance upon receipt of a written report of recommendation for acceptance and from the Public Works Director, Utilities Director, and Parks & Recreation Director that all applicable facilities have been fully installed in accordance with the plans, as approved, and that they are in conformance with the requirements of this Code.

d) The Community Development Director will notify the subdivider via letter (mailed or electronically mailed) as to whether the improvements will be accepted for City maintenance. The improvements will be accepted only with the concurrence of the Community Development Director, Public Works Director, Utilities Director, and Parks & Recreation Director.

3. Record Drawings Submittal Requirements

a) Record Drawings shall be submitted to the Public Works Director and Utilities Director for review and approval.

b) The computer-aided drawing file to be submitted shall be labeled with the contractor's name, the engineer's name, the subdivision name, the subdivision location, and the final inspection date. The computer-aided drawing file shall be the file used to generate the final Record Drawings (hard copy). The computer-aided drawing file shall depict the final as-builts with the rights-of-way and the subdivision tied to an existing established monument and using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico. The computer file drawing shall be in one of the latest two versions of AutoCAD, or in a similar 100 percent compatible and transferable file. Prior to submittal of the digital Record Drawings, the project engineer shall enter into a digital file agreement with the City. The purpose of the digital file agreement is to protect the project engineer from liability in the event that the drawings become altered in any manner not approved by the City and the project engineer.

c) Said drawings shall be signed and sealed by a registered engineer of the state. The drawings made from the design drawings based on the contractors' as-builts and the computer-aided drawing file shall provide the following information for City review:

i) Grade changes. Reflect all changes in grading from the approved plan and profile sheets, including but not limited to curb elevations, property line elevations, drop inlets, curb return elevations, tops of manholes, and inverts.

ii) Street alignment changes. Designate any alignment change within a street right-of-way that deviates from that shown on the approved plan and the profile sheets.

iii) Detail sheet changes. Reflect any change in street cross sections, retaining walls or other general details that have been altered from the approved construction drawings.

iv) Utility changes. Designate all utility changes that deviate from the approved plan and profile sheets.

v) Park changes. Reflect any changes in park features that deviate from the approved plan.

d) Additionally, a detailed material listing shall be required. The materials listing must be a tabular listing that includes, wherever appropriate, mains (sewer mains must include depth), valves, manholes, fire hydrants, number of service lines, and number of drainage inlets. These materials must be represented in the listing by the standard measure or by the unit installed (e.g., linear foot, number of each). The listing must be separated by utility function for potable water, wastewater, storm drainage, and energy/gas. The listing must include:

i) Developer's name;

ii) Subdivision name and location;

iii) Date of final inspection;

iv) Quantity and unit of materials installed (e.g., 250 linear feet, eight each);

v) Cost of improvements; and

vi) Material description, including size or dimensions (e.g., 4-inch PVC main).

D. Substantial Completion

In order to ensure the health, safety, and welfare of City residents and the ability of City departments to deliver required services, Final Plat will not be filed and Building Permits will not be issued until a subdivision has reached substantial completion as defined herein.

1. Infrastructure Required

a) Installation of the following systems, in their entirety, shall be completed prior to issuance of a building permit(s) (if applicable to the development):

i) Complete roadway sections (subgrade, base course, asphalt paving, curb and gutter, sidewalks/multi-use paths for Arterial and Collector Streets);

ii) Complete and electrified streetlighting system (or proof is provided that electrical work is in progress);

iii) Complete water, wastewater, energy/gas, and drainage systems as shown and authorized on the permitted construction drawings;

iv) Electrical and gas utility connections (or proof is provided that electrical and gas utility connection work is in progress);

v) Dedicated parks and trails (unless an agreement with the Parks Department has been established for improvements to be installed at a later date);

vi) Retaining structures and retaining walls;

vii) Any off-site infrastructure improvements; and

viii) Installation of mailbox clusters or other USPS-approved mail delivery systems.

b) Minor punch list items may remain, as determined by the City's project manager. Examples of such items may include signage (excluding traffic control), park equipment, landscaping, and screening walls.

2. Administrative Approval

The Community Development Director shall confer with the Public Works Director, Utilities Director, and Parks & Recreation Directors, along with any other reviewing agency affected by the delayed public improvements, for

their approval. When Substantial Completion has been confirmed, the Community Development Director shall approve the filing of a Final Plat and issuance of Building Permits.

3. Effect of Approval

   a) Upon Community Development Director approval, a Final Plat may be filed and a Building Permit may be issued.

   b) All other proposed construction or activities that require the Building Permit must be determined to comply with applicable standards and regulations.

   c) No final inspection of buildings or structures may occur, no Certificate of Occupancy may be issued, no public potable water service may be provided, and no building may be occupied until all items are completed.

4. Completion of Other Required Improvements

   a) Any delayed improvements shall be guaranteed in accordance with **Sec. 37-4.C.1** above.

   b) If required improvements have not been installed within the 2-year period, the Community Development Director may approve one extension of no longer than 6 months.

   c) Any further extension of time for completion of required improvements shall require approval of the Planning & Zoning Commission.

   d) Updated improvement cost estimates and additional performance security may be considered as a condition of any approved extension.

5. Plat Note

   The following note shall be included on all Final Plats filed using the Substantial Completion provisions contained herein: “Substantial completion of the subdivision’s public improvements must be obtained prior to City issuance of building permits for lots contained within this subdivision.”

Chapter 38. Development Standards

Sec. 38-1. Development Standards General Provisions

A. Title

This chapter shall be known and shall be cited as the “Development Standards” of the City of Las Cruces, New Mexico.

B. Purpose

Each section contained herein specifies the purpose of the regulations.

C. Applicability

Each section contained herein specifies the applicability of the regulations.

D. Adequate Public Facilities Required

Adequate public facilities are required in accordance with **Sec. 37-4. Adequate Public Facilities**. A public facility is considered sufficient when it is demonstrated to have available capacity to meet the demand generated by the proposed development, the Comprehensive Plan, other adopted master plans for public facilities, and applicable capital improvement plans.

E. Lot Type and Dimensional Standards

Lot design shall meet the lot type and configuration requirements and provide adequate width, depth, and shape in accordance with the standards outlined in **Chapter 36. Zoning Regulations**.

Sec. 38-2. Roads, Rights-of-Way, and Parking

A. Purpose

The purpose of this section is to regulate various transportation-related issues associated with public and private development, such as street design criteria, street layout, access management, installation of streetlighting, and preparation of traffic impact studies. In all transportation decisions, safety shall be prioritized to ensure the well-being and protection of every individual traveling within the City. These regulations are intended to provide a transportation network that accommodates pedestrian, bicycle, mass transit, vehicular traffic, and emergency services. Development shall be supported by a connected street network having adequate capacity, ingress/egress, traffic circulation, low traffic speeds, safe pedestrian and bicycle facilities, and mitigation of urban heat impacts.

The applicant shall ensure that the subdivision plat is served by an adequate roadway network, including local streets, collectors, and arterials, and shall be responsible for the costs of rights-of-way and street improvements in accordance with the following requirements and standards. The location and design of the transportation network shall be guided by the Active Transportation Plan, the Comprehensive Plan, and requirements of this section.

B. Applicability

1. All new and reconstructed roadways shall meet the requirements contained herein. Other best practices resources that may be referenced and enforced by the City include, but are not limited to, publications developed by organizations such as NMDOT, AASHTO, FHWA, ITE, and NACTO, and federal requirements such as ADA and PROWAG. The most current version of these publications may be used along with engineering judgement to justify waivers from the criteria outlined in this document, if needed, in support of the vision and goals of the City of Las Cruces.
2. Designation of a particular street shall be determined by the following classification in accordance with the Comprehensive Plan Future Thoroughfare Map, Mesilla Valley MPO Future Thoroughfare Map, Active Transportation Plan, and Long-Range Transit Plan, any location- or corridor-specific plans, and other City Council adopted plans.
3. These regulations are intended to promote a hierarchy of connected streets where arterials connect to collectors and collectors connect to local streets to provide a multimodal connectivity that is conducive to pedestrians and bicyclists.

C. Street Design Criteria

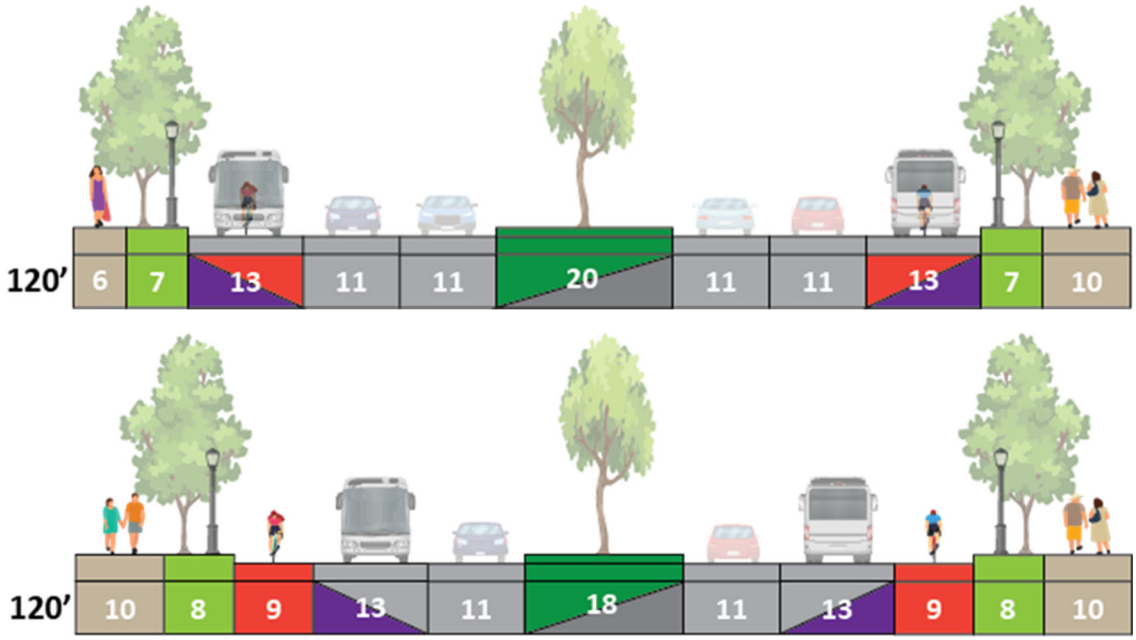
1. This section provides requirements for new construction of a roadway network that provides safe transportation for all modes, along with possible infill alternatives to accommodate reconstruction within limited rights-of-way.
    a) If more than one cross-section configuration is shown below, in Figure 38-2-1- Roadway Cross-Sections, the applicant shall have the option to select the configuration appropriate for the proposed development with consideration of the surrounding neighborhood or area. If there are proposed modifications to the cross-sections outlined within this Code, then the Development Review Committee may approve alternative cross-sections.
    b) The cross-sections shown in Figure 38-2-1- Roadway Cross-Sections are illustrative minimums and the Development Review Committee reserves the right to require additional or reduced improvements and/or right-of-way as necessary to meet City goals and plans.
2. The subdivider shall dedicate all rights-of-way in accordance with this section.
    a) Requirements for dedication of rights-of-way and improvement of approach roads, signalization, median breaks, additional lanes, and other traffic mitigation or safety improvements may be increased depending upon the size or density of the proposed development, if the need is demonstrated by a Traffic Impact Analysis, or to accommodate drainage and/or sustainable practices.

3. The roadway network for new subdivisions shall also meet the requirements of any required traffic impact analysis (see **Sec. 38-2.G. Traffic Impact Analysis**).
4. All arterial, collector, and local streets shall include curb and gutter drainage systems. Modifications to the curb and gutter drainage systems are permitted for stormwater harvesting if approved by the Development Review Committee. In the roadway cross-sections contained herein, the curb is included in the parkway or multi-use path/sidewalk and median widths shown herein, while the gutter width is included in the travel lanes. Traffic instruments shall be located within the utilities and street furniture easements.
5. Where required by the City or proposed by the subdivider, any alleys shall be constructed based on the requirements of this section.
6. Facilities for pedestrians and bicyclists must consider urban heat mitigation measures, including but not limited to shade and cooling surfaces, in accordance with the City's Urban Heat Study.
7. Green infrastructure and low-impact development is encouraged whenever possible. See **Sec. 38-4. Low-Impact Development and Green Infrastructure** for more information. The recommendations provided by the National Association of City Transportation Officials (NACTO) in the Urban Street Design Guide Stormwater Management section may be utilized as a reference for the development of green infrastructure along roadways within the City limits.
8. For intersection design, no fire apparatus shall encroach into oncoming traffic without specific approval of the Fire Marshal. An auto turn truck radius diagram shall be required to show a fire apparatus can meet intersection design requirements.
9. The capacity of on-site intersections and facilities shall be sufficient to prevent traffic entering the site from backing up on to the adjacent street.
10. The roadway network shall incorporate any required ADA paratransit (Dial-a-Ride) improvements (e.g., signage, accessible station design) required by the City.
11. All streets, including curb and gutter improvements, sidewalks, multi-purpose paths, streetlighting and all associated costs (subject to the City's adopted cost-sharing policy described in **Sec. 38-2.I.9.b) Developer Responsibility**), and other required infrastructure shall be provided by and at the expense of the subdivider. The subdivider shall dedicate all rights-of-way in accordance with this section and install all improvements in accordance with the standards required by this section. See **Sec. 37-4.D. Substantial Completion** for more information regarding the timing of infrastructure installation.
12. If an arterial or collector is bordering subdivision boundaries with another property owner, the subdivider shall dedicate half the required rights-of-way in accordance with this section and install all required improvements within this area in accordance with the standards required by this section. The limits of the required improvements are not limited to the frontage of the subdivision boundary and may extend beyond the limits of the subdivision to meet the City's safety and street network connectivity goals (e.g., when required by a Traffic Impact Analysis, tapering to align with connecting roadways, etc.).

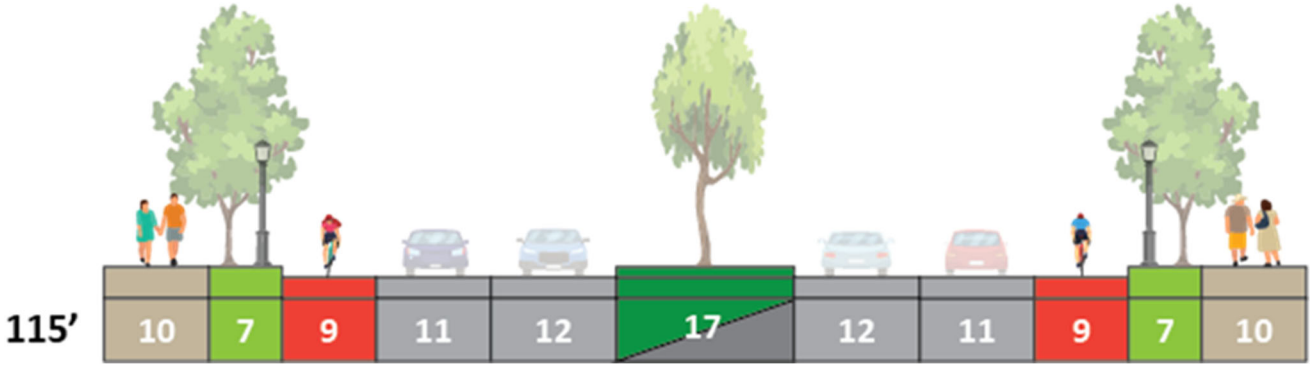
Figure 38-2-1. Roadway Cross-Sections

Element	Description
Travel Lane	Travel lanes shall meet the roadway cross-sections widths of this section. The DRC may modify lane widths based on Character Areas, neighborhood characteristics, adjacent land uses, and other factors. For roadways with low travel speeds, the roadway design should include elements that provide for a safe and comfortable roadway for cyclists sharing the road.
Parking	A parking lane may be required for new development in Urban Character Areas and Suburban Character Areas. When parking is placed adjacent to a bikeway, the bikeway shall be placed on the street side of the parking lane unless an alternative design is approved by the DRC.
Bikeway	Bikeways shall meet the roadway cross-sections of this section. A bikeway facility shall be a buffered or protected bike lane with at least a three-foot buffer and six-foot lane for principal and minor arterials unless modified by the DRC. The DRC may also require physical barriers within the buffer, such as delineators or curbing to provide further protection to bicyclists.
Bike + Transit	For Urban Character Areas and Suburban Character Area, the DRC may determine that a dedicated transit lane is required for new development to provide continuous use for transit vehicles. Since bus usage is typically infrequent, the lane can also provide access to bicyclists. Appropriate markings and signage shall be utilized for shared lanes and transit lanes as required by the DRC.
Bike + Travel	For Local Streets, the DRC may determine that sharrow marking and appropriate signage be installed for these lanes.
Travel Lane + Transit	For Urban Character Areas and Suburban Character Area, the DRC may determine that a dedicated transit lane is required for new development to provide continuous use for transit vehicles. Appropriate markings and signage shall be utilized for transit lanes as required by the DRC.
Multi-Use Path/Sidewalk	A multi-use path is a shared path that serves both pedestrians and bicyclists and is the default bicycle facility for new development. Multi-use paths shall have a minimum width of 10 feet, unless modified by the DRC to accommodate infill constraints. Paths narrower than 10 feet are considered sidewalks. At the DRC's discretion, a multi-use path and parkway may be modified in Urban Character Areas to create a wide sidewalk with tree wells exclusively for pedestrian use where the mixing of pedestrian and bicycle traffic may not be appropriate.
Parkway	Parkways are an important street design element that provides a buffer between pedestrians/bicyclists and vehicles and supports a zone for street tree installation. At the DRC's discretion, parkway widths may be reduced to accommodate infill constraints. In Urban Character Areas, the DRC may also require tree wells within the parkway to increase the width of the sidewalk zone.
Median/ Turn Lane	A median shall be installed based on the cross-sections in this section to serve as a vertical barrier between directions of vehicular travel. The median can also accommodate a left turn lane in certain locations while maintaining an area for a pedestrian refuge. A continuous median is required with no median openings at the time of development unless median opening criteria is met. At the DRC's discretion, a two-way left turn lane may be installed in place of the median for Collectors with four travel lanes or less that have lower traffic speeds and volumes.
Center Lane	A two-way left turn lane may be installed in place of the median for Collectors with four travel lanes or less that have lower traffic speeds and volumes. A two-way left turn lane must be approved by the DRC.

Principal Arterial

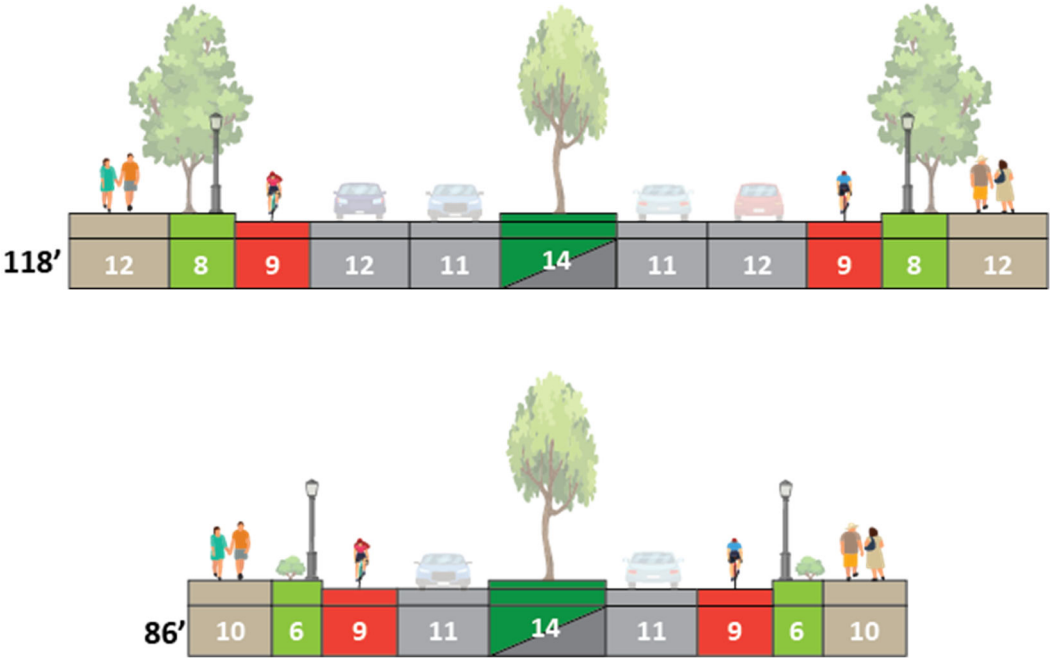


Minor Arterial



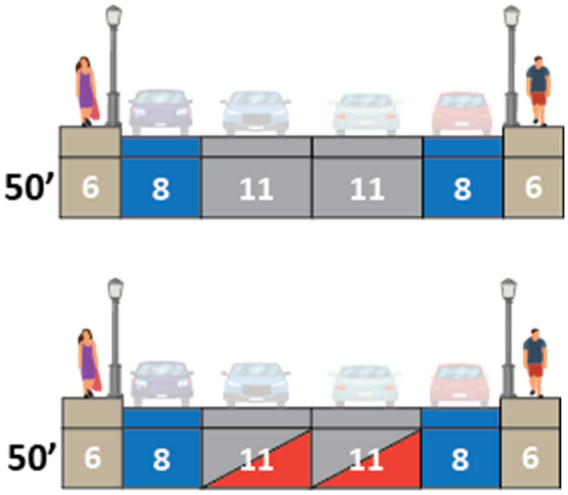
Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

Collector

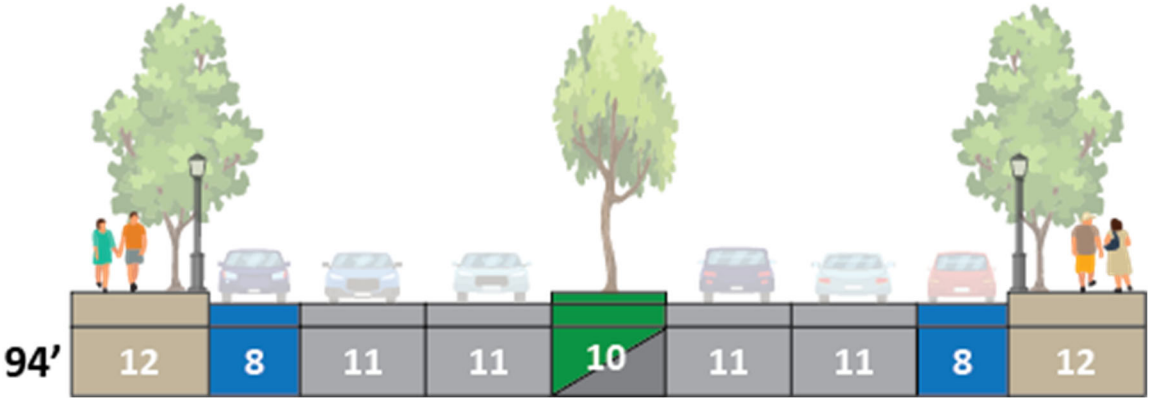

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Travel Lane
Parking
Bikeway
Bike + Transit
Bike + Travel
Travel Lane + Transit
Median/ Turn Lane
Multi-Use Path/Sidewalk
Parkway

Local Street

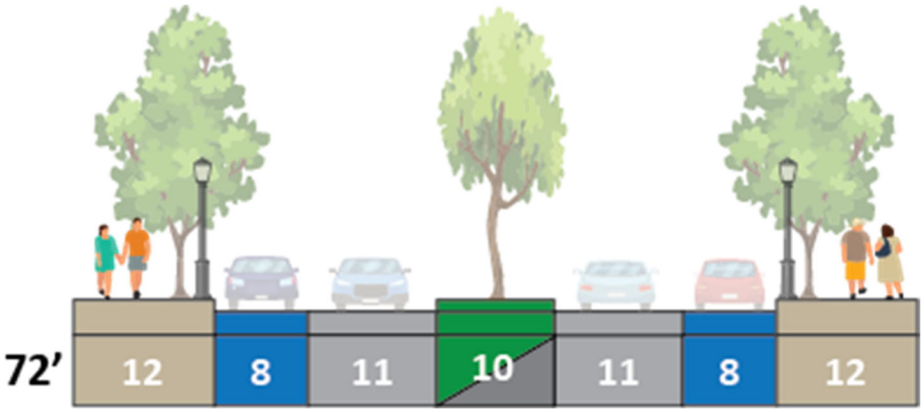


Boulevard

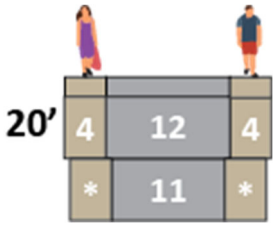


Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

Avenue



Alley



*Asterisk indicates variable right-of-way width based on fire safety or utility needs, as determined by the Fire Marshal or Public Works Director.

Any structures that have alley-only access shall have a 20’ clear paved width alley. The Fire Marshal may require that any structures with alley-only access be fire sprinklered.



D. Private Streets

1. Standards

   a) No collectors or arterials as designated by the Comprehensive Plan Future Thoroughfare Map may be a private street.

   b) Construction and development of private streets shall meet the standards for right-of-way width and improvement as applied to public streets. All private streets shall be designed, constructed, and maintained to meet City standards. Property owners are responsible for ensuring ongoing maintenance for private streets, including streetlighting, traffic controls, and other related features.

   c) All traffic control devices and regulatory signs on private streets shall conform to those required on public streets.

   d) Streetlighting shall meet the requirements for public streets and shall be entirely at the expense of the subdivider and subsequent property owners.

2. Waiver of City Services

   The subdivider shall note any waiver of services on the subdivision plat. Certain City services may not be provided for private street subdivisions, including emergency services, street maintenance, law enforcement patrols, enforcement of traffic and parking regulations, preparation of accident reports, and payment of costs for street lighting.

3. Homeowners' Association (HOA) Requirements

   a) The subdivider shall provide for the establishment of a homeowners' association (HOA) to assume the obligation of perpetual maintenance of private streets and other improvements held privately, including a mandatory assessment for such private streets, drainage structures, and any other improvements to be placed on all property owners within the subdivision, allowance for City staff to inspect the streets to ensure they are being maintained to City standards, hold harmless provisions as required in this section, and providing for notice to the City of any amendments to these relevant sections.

   b) The HOA shall clearly mark entrances to all private streets with a sign placed in a prominent and visible location indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the City.

   c) All restricted access entrances shall be staffed 24 hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification.

   d) Gates on fire apparatus access roads shall open not less than 20 feet of clear-width for two-way gates and 15 feet of clear-width for one-way gates. The method used to ensure City and emergency access into the subdivision shall be approved by the Fire Department and by any other applicable emergency service providers during the Final Platting process. Gates on private streets shall provide a traffic queue analysis and provide adequate on-street storage in advance of the gate.

      i) If the HOA fails to maintain reliable access, the City may enter the private street subdivision and remove any gate or device that is a barrier to access and bill the expense to the association. If the bill is not paid, the City may file a lien for the expense against any property owned by the association.

   e) The HOA, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury or death arising from the condition of the private streets, out of any use of access gates or cross arms, damages arising from emergency response, or out of any use of the subdivision by the City or governmental or utility entity.

4. Consideration of City Acceptance of Private Streets

a) Requirements and Conditions

i) The City shall not be required to accept any private streets for public dedication and maintenance.

ii) Such streets must meet the City's current standards or be brought up to the current standards prior to acceptance.

iii) As a condition of accepting the dedication and maintenance of private streets, the City may impose a requirement for repairs and improvements at private expense prior to acceptance, enter into an agreement for an assessment or pro-rata sharing of costs for repairs or improvements prior to acceptance, or other legal or equitable options to ensure that the streets being accepted are not a liability to the City. The City shall be the sole judge of the nature and extent of repairs or improvements needed.

iv) The City may also require, at the sole expense of the association's or property owner's expense, the removal of any guard houses, access control devices, landscaping, or other amenities located within the streets or common areas prior to City acceptance.

b) Consideration Process

i) The HOA may petition the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members, and the favorable vote of a majority of the membership.

ii) The HOA shall supply documentation that the roadways were originally built to the City's Construction Standards or have been brought into compliance in accordance with **a)ii)** above.

iii) A Final Plat shall be submitted to the **Error! Reference source not found.** for review and recommendation, then submitted to the City Attorney for review and approval prior to submission of this request to the Planning & Zoning Commission and City Council. City Attorney approval is required prior to review by the Planning & Zoning Commission and City Council.

iv) The Planning & Zoning Commission shall consider the request and forward a recommendation to City Council. The City Council shall make their decision based on the public health, safety, and welfare considerations of the community.

E. Street Layout

1. Applicability

New subdivisions shall be supported by a connected street layout that provides for enhanced traffic circulation, interconnectivity, and low traffic speeds. The roadway network for new subdivisions shall meet the International Fire Code and the following requirements in this section.

2. Street Hierarchy

Higher classification roadways will connect to lower classification roadways to promote safer traffic speeds and multimodal connectivity.

a) Arterials may connect to Arterials and Collectors.

b) Collectors may connect to Arterials, Collectors, and Local Streets.

c) Local Streets may intersect/connect as necessary to improve neighborhood/activity center access, connectivity, and public safety.

3. Roundabouts and Traffic Circles

a) Roundabouts or traffic circles shall be the standard form of traffic control provided at all new and reconstructed intersections that meet MUTCD warrants for the installation of all-way stop control or a traffic signal.

i) Exception: The Public Works Director may determine that another configuration is preferable in certain situations.

b) The design of all roundabouts and traffic circles shall be reviewed and approved by the Public Works Director and Fire Marshal.

4. Cul-de-Sacs and Dead-End Streets

a) Cul-de-sac streets are discouraged unless necessary to preserve natural and/or environmentally sensitive features (e.g., drainageways, protected trees) as determined by the Community Development Director.

b) No cul-de-sac shall exceed the length as in **Figure 38-2-3**.

c) No cul-de-sac in any unsprinklered single-family subdivision shall serve more than 25 single-family dwelling units.

i) For purposes of this paragraph, cul-de-sac length shall be measured along the centerline of the cul-de-sac from a point beginning at the intersection of the cul-de-sac street with the centerline of the street from which it extends to the center of the turnaround at the end of such cul-de-sac. For the purposes of measurement, either a full four-way intersection or a three-way intersection shall be considered an intersection.

Figure 38-2-2. Cul-de-Sac Length Measurement

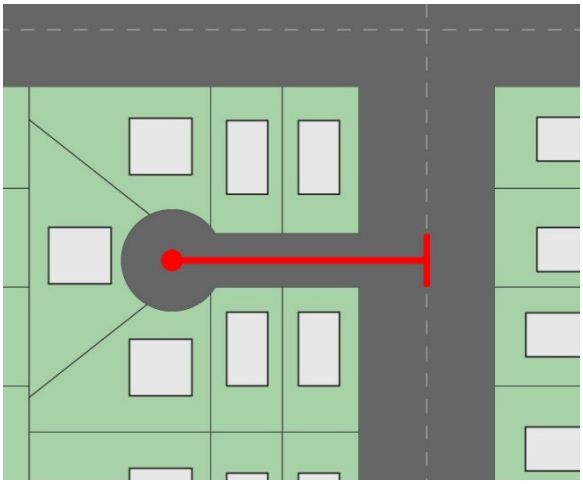


Figure 38-2-3. Width for Cul-de-sac Streets for Certain Activities

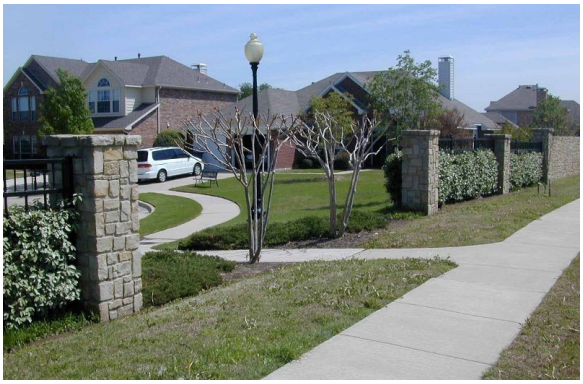
Activity Served	Cul-de-Sac Paving Width*	Cul-de-Sac Right-of-Way Width	Cul-de-Sac Maximum Length	Turnaround Paving Width*	Turnaround Right-of-Way Width
1—25 residential dwellings	38’	56’	600’	96’ diameter	110’ diameter or 100’ with 12’ sidewalk and utility easement**
All Other Development	38’	54’	600’	96’ diameter	110’ diameter or 100’ with 12’ sidewalk and utility easement**
LI, Light Industrial District (Rural, Suburban, Urban) or HI, Heavy Industrial District (Rural, Suburban, Urban)	40’	62’	600’	100’ diameter	120’ diameter

*Measured to lip of curb

**Shall be a minimum of 12’ of right-of-way or right-of-way/easement combination behind curb

d) A cul-de-sac is only permitted if pedestrian and bicycle access is provided to an adjacent or nearby park, roadway, trail, or City-dedicated open space (see example in **Figure 38-2-4**). A minimum ten-foot paved path shall be dedicated and improved to provide pedestrian and bicycle access between the cul-de-sac and adjacent or nearby park, roadway, trail, or City-dedicated open space.

Figure 38-2-4. Cul-de-Sac with Pedestrian Connection



e) No dead-end streets will be approved unless the streets are provided to connect with existing streets or future platted streets on adjacent land. In the case of dead-end streets that will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb is provided. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed based on the standards of a cul-de-sac. Signage shall be provided at the street stub identifying the stub as a future connection.

5. Block Length and Perimeter

a) Measurements shall be calculated along the centerline of the street from the centerline or center point of one intersection to the centerline or center point of the next intersection to include knuckles and/or turns and curves, including a three- or four-way intersection or a curve that exceeds 75 degrees, as shown in **Figure 38-2-5**.

b) The maximum length of any block or street segment shall be as shown in **Figure 38-2-6**, based on the location's Character Area. These requirements do not apply to frontages along arterial streets.

Figure 38-2-5. Measurement of Block Lengths and Perimeters

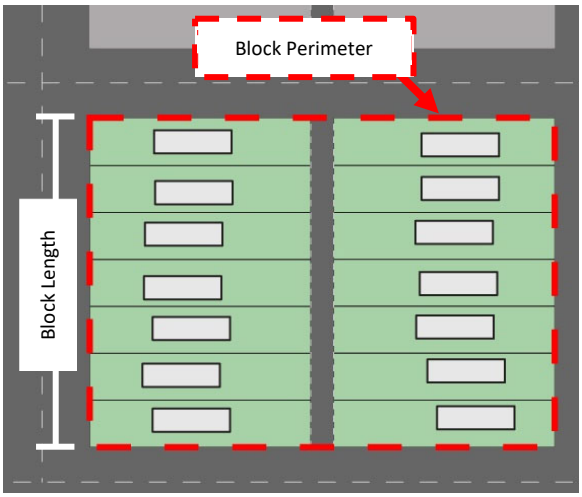


Figure 38-2-6. Maximum Block Lengths and Perimeters

Character Area	Max. Block Length	Max. Block Length with Traffic Calming Measures approved by the DRC*	Max. Block Perimeter
Urban Character Area	400'	600'	2,200'
Suburban Character Area	660'	800'	3,000'
Rural Character Area	900'	900'	N/A

*The Development Review Committee may require additional traffic calming measures based on the design of the blocks and roadway network of the subdivision. Continuous streets with no traffic control may require traffic calming.

6. Traffic Calming

   a) New development shall implement traffic calming measures as required in the Traffic Calming section of the Technical Manual and the Speed Management Policy for Arterials and Non-Residential Collectors.

   b) Arterial, collector, and local street traffic calming implementation, such as roundabouts, shall be installed at the time of roadway development and as approved by the Public Works Director and Fire Marshal based on FHWA guidelines and City requirements.

7. Alleys

   a) Alleys are permitted in all new development and redevelopment projects.

      i) If alley access is provided, then the Development Review Committee may modify the required street cross-section to reduce the right-of-way and/or pavement width accordingly.

   b) Where the average lot width along a block face averages 20 feet or less, the lots shall be rear-loaded with alley access.

      i) Exception: Townhouse lots may be narrower than 20 feet and front-loaded.

   c) The following general requirements apply to alleys:

      i) Alleys shall be as nearly parallel to the street frontage as reasonably possible.

      ii) Alley intersections with streets shall be at right angles.

      iii) Alleys shall not be platted to intersect with arterial or collector streets.

      iv) Dead-end alleys shall not be permitted unless a permanent or temporary turnaround is provided.

      v) Alleys forming the boundary of a subdivision, and adjacent to unplatted property, shall be dedicated and improved the same as if situated in the interior of a subdivision.

8. Alignment, Offsets, and Spacing

   a) Arterials and collectors shall be spaced and aligned in a continuous network that is in a rectilinear pattern. Intersections shall be square, both vertically and horizontally. Street approaches shall be at a 90-degree angle for a length = Intersection Sight Distance (see **H. Clear Sight Triangle**) * 1.5 measured from the center of the intersection.

   b) Offsets for local streets shall be limited to a minimum spacing of 200 feet from centerline to centerline. Offsets between streets may be addressed by roundabouts if approved by the Public Works Director.

   c) Principal arterials shall be spaced at least two miles apart, minor arterials at least one mile apart, and collectors at least one-quarter mile apart.

F. Access Management

1. Applicability

   a) All new development shall comply with the access management provisions of this section, including roadway network connectivity and driveways. All driveways shall be installed on public and private streets in accordance with this section, which defines access widths, spacing and offsets. No person shall construct a driveway without first obtaining a permit from the City.

   b) Where multi-use paths are utilized, driveway access will be limited to minimize conflicts between vehicles and pedestrians/bicyclists.

2. Purpose

   This section provides controls for access management and driveways for residential and nonresidential areas. The purpose of access management controls is to ensure safe ingress/egress, promote convenient access between adjacent sites, and lessen congestion on roadways.

3. Generally

a) Access point design should be compatible with the function of the roadway since the number, spacing, type and location of access points has a significant effect on capacity, speed, and safety.

b) Consolidated access points, including the requirement of a dedicated access point via roadway (public or private) or alley to serve all subdivided lots, shall be required for large parcels (e.g., shopping centers or other multi-tenant developments) to reduce conflict points between pedestrians, cyclists, and vehicles.

c) Construction of all access points, regardless of existing curbs or curb cuts, requires a site plan, which shall be provided to the Community Development Department and Public Works Department if applicable for approval prior to building permit issuance.

d) The approval of access permits may be granted if both the design and the construction of driveways and median openings are compatible with the intended function of the roadway facility, as defined in this section.

e) Access management shall meet the following requirements:

i) Appropriate Throat Lengths

Appropriate throat lengths (both unobstructed and with cross traffic permitted) for ingress and egress points, stacking and queuing lanes, pedestrian accommodations, bicycles facilities, and any facilities or accommodations which could impact traffic operations along the adjacent roadways or overall traffic safety. The internal circulation system should be designed to preclude stacking or queuing in the travel lanes of adjacent roadways.

ii) Internal Vehicle Circulation (Internal Roadway Network)

Internal circulation is the means by which vehicular traffic is delivered between entry points and parking areas, pick-up/drop-off points, and service areas. Internal circulation roadways should permit access between all areas. These roads should be designed to safely and efficiently deliver vehicles and pedestrians to their respective destinations.

iii) Service and Delivery Vehicles and Access to Waste Containers

Service and delivery vehicles require separate criteria for movement to and from the site and loading docks – location, size, number, turning movement exhibits, ease of access from street/alley/internal road/parking lot, loading areas. Of particular interest is that adequate turning paths are provided for large service vehicles to allow entry and exit without encroaching upon opposing lanes or curbed areas.

There should be sufficient separation between external and internal circulation roads so large vehicles can be queued on entry or exit without blocking access to parking spaces or internal roadway circulation systems and include swept path analysis for designated driveway from the public roadways (both ingress and egress and both directions) and loading docks and/or dumpster(s). The number of loading berths provided should be sufficient to accommodate anticipated service and delivery activity.

iv) Emergency Vehicles Access

Emergency vehicle access shall comply with the requirements for the most recently adopted International Fire Code Section 503. Fire Apparatus Access Roads.

v) Queuing Analysis

Adequate internal and external vehicle queuing storage is crucial for safe and efficient access and circulation.

For any development, appropriate vehicular queuing should be provided at all access drives. In small developments, parking areas and access points should be designed to allow vehicles waiting to exit to align perpendicular to the off-site roadway system. In large developments, queuing areas should be spacious enough to prevent stored vehicles from obstructing internal circulation and to enable drivers to enter a signalized intersection with minimum headways for maximum flow rates. Queue storage within parking

facilities or parking areas should allow vehicles to enter and come to a stop without blocking internal circulation or causing traffic backups on the off-site roadway. Drive-through establishments like banks, car washes, and fast-food restaurants should have sufficient capacity to accommodate normal peak queues. Since many of these businesses have major daily or seasonal variations in activity, peaking characteristics should be carefully evaluated.

vi) Parking Requirements

The parking provided by the project must be adequate to meet the anticipated use of the site. Off-street parking shall be provided in accordance with **Sec. 38-2.N. Off-Street Parking**. In some cases, special parking demand studies may be provided to assess the adequacy of the parking per ITE guidelines or data from at least three similar sites. Proper parking layout shall not affect traffic flow and operations on the external street systems and internal circulation.

vii) Pedestrian, Transit, Bicycles, and Handicapped Facilities

The overall site plan should also consider public transportation, pedestrians, bicyclists and those with disabilities. Adequate facilities for parking bicycles should be included. Transit facilities, carpool parking, and shuttle bus staging areas should be provided as appropriate for the development. Where provided, these facilities should be located adjacent to service drive and entrance locations, at key locations along circulation drives, or at major pedestrian focal points along the external roadway system. Pedestrian connections between these facilities and the site's buildings must be integrated into the overall project design, and provide maximum accessibility through the use of sidewalk ramps, etc. These connections must also be provided to the public sidewalk, path, or trail systems surrounding the site.

4. Residential Lot Access and Frontage

a) Within the Urban Character Area, where a subdivision abuts or contains an existing or proposed Arterial Street or Collector Street, lots, including residential lots, shall front onto the Arterial Street or Collector Street with the following requirements:

i) Lots shall be accessed from an alley at the rear of the property.

ii) Lots shall not have driveway access to the arterial or collector street.

iii) There shall be a multi-use path along the entire face of the block with lots facing the arterial or collector street.

The Development Review Committee may waive the requirement for frontage onto existing arterial or collector streets where it is determined that, due to existing development or other unique situation, frontage onto an arterial would be overly burdensome to the landowner, result in double frontage lots, or jeopardize the public's health, welfare, and safety.

b) In all areas, residential driveways serving four or fewer units shall not have direct roadway access to an Arterial Street or Collector Street.

5. Subdivision Access Points

   a) All subdivisions shall provide vehicular access to principal arterials, minor arterials, collectors, and/or local streets to provide safe and efficient operations for pedestrians and bicyclists.

   b) The minimum number of access points shall be determined by a Traffic Impact Analysis and/or the Fire Code from the residential subdivision to the arterial or collector streets. The minimum number of access points shall be as identified in **Figure 38-2-7** or as required by the Fire Code, whichever is greater.

   c) Street stubs shall be credited as access points when ingress or egress to a development is available only from a single road on which the subdivision has less than 250 feet of frontage.

Figure 38-2-7. Minimum Access Points

Development Type and Size	Min. Number of Access Points
Primarily Residential Uses	
Less than 30 units	1
Between 30 and 80 units	2
More than 80 units	3
All Other Uses	
Less than 5 acres	1
Between 5 and 20 acres	2
More than 20 acres	3

   i) The provision of additional access points is not possible due to existing lot configurations, the absence of connecting streets, or environmental or topographic constraints;

   ii) The New Mexico Department of Transportation will not authorize additional access points;

   iii) Alternative access can be provided in a manner acceptable to the City that is supported by a Traffic Impact Analysis; or

   iv) All structures are equipped with fire sprinkler systems.

6. Connection to Adjoining Platted Right-of-Way

   The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are developed and have right-of-way platted for such connections.

7. Connection to Adjoining Undeveloped Lands

   The arrangement of streets in a development shall provide for the alignment and continuation of existing and proposed streets into adjoining lands where the adjoining lands are undeveloped and/or deemed appropriate for future development. Streets providing connection into such adjoining lands shall comply with the following:

   a) The arrangement of streets and blocks on the periphery of the development shall reasonably accommodate future development on the adjoining lands that complies with the standards in **E.5. Block Length**,

   b) Dead-end streets shall provide a temporary turnaround constructed to City standards (see **Sec. 38-2.E.4.e)**),

   c) The platting of partial width rights-of-way is prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means, and

   d) The Final Plat shall identify all such streets (street stubs) and include a notation that all street stubs are intended for connection with future streets on adjoining lands.

8. Cross-Access Between Adjoining Multifamily, Nonresidential, and Mixed-Use Developments

   a) General

      i) New development shall be served by a system of sidewalks, paths, greenways, roadways, accessways, and other facilities designed to provide for multiple travel modes (motor vehicle, transit, bicycle, and pedestrian), based on the development's size and character, zoning district, and relationship to

development and development patterns in surrounding areas, and existing and planned community transportation systems.

a. The Development Review Committee may waive certain facilities for smaller developments.

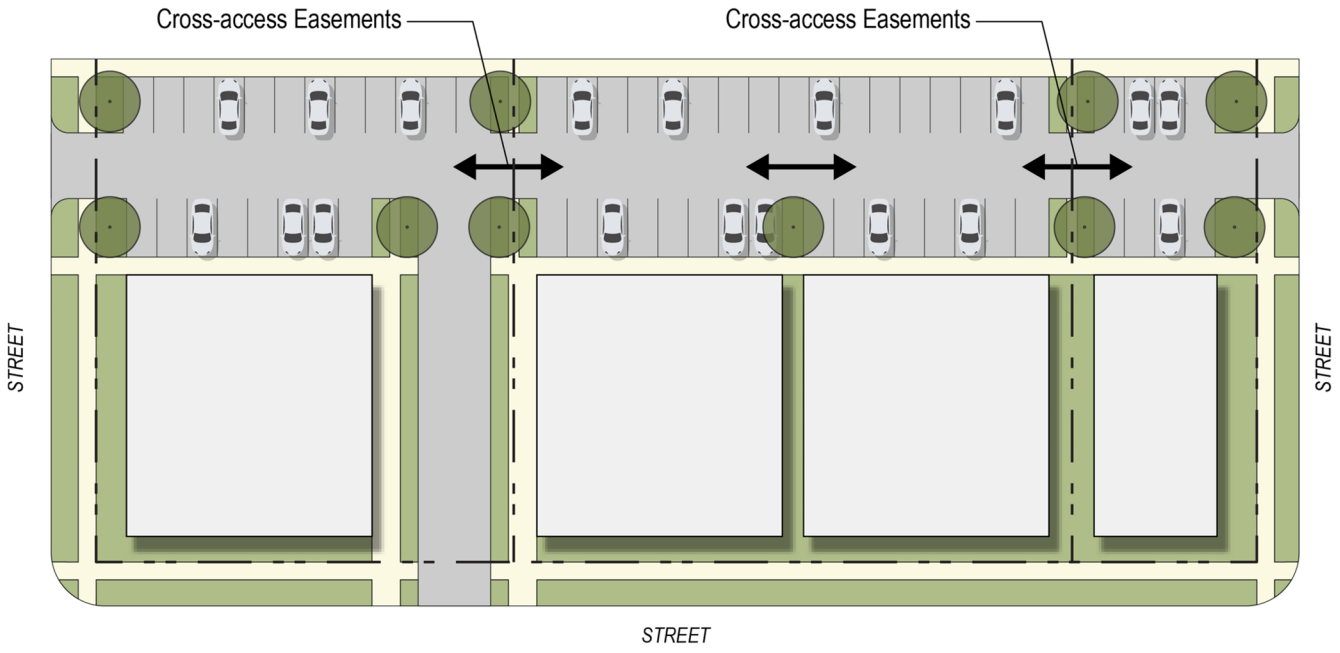
ii) Motor vehicle, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated to provide the development's occupants and visitors transportation options and to enhance safe and efficient mobility throughout the development and the community.

b) Pedestrian and Bicycle Cross-Access

i) Each internal pedestrian and bicycle circulation system in new multifamily, mixed-use, or nonresidential development, shall be designed and maintained to allow for pedestrian and bicycle walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development and to vacant lands.

a. The Development Review Committee may modify the pedestrian and bicycle cross-access requirements upon determining that such cross-access is impractical or infeasible due to the presence of topographic conditions or built or natural features.

Figure 38-2-8. Example of Cross-Access



c) Parking Lots Cross-Access

i) Each internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land. The cross-access shall consist of a driveway or drive aisle(s) at least 27 feet wide or otherwise designed to accommodate a fire apparatus.

ii) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded by the landowner with the Doña Ana County Clerk's Office.

iii) The Development Review Committee may modify the parking lots cross-access requirements upon determining that such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

9. Driveways

a) Driveway Design Elements

Required design criteria are presented in this section to define access widths, spacing, and offsets.

i) All Driveways

a. Driveway design shall comply with the NCHRP Report 659 – Guide for the Geometric Design of Driveways.

b. Driveways shall align with opposing streets and driveways if no raised center median exists on the cross street. However, if it is not technically feasible to align with existing driveways and intersections, proposed driveways shall meet the minimum distance requirements from adjacent street intersections and driveways as specified in **Figure 38-2-11. Minimum Commercial Driveway Spacing by Intersection Type**. The distance from adjacent driveways and intersection shall be sufficient to minimize driveway blockage from queue over-flow from adjacent intersections.

c. Driveways shall intersect at 90-degree approach angles to the primary direction of the abutting roadway, where applicable.

d. The number of driveways should be sufficient to provide adequate driveway capacity for the site yet kept to a minimum to reduce traffic conflicts. Access driveways shall intercept traffic approaching the site as efficiently as possible while providing adequate inbound and outbound access capacity.

e. Abutting properties shall share driveways and driving aisles. A written agreement shall establish the conditions of joint use, of maintenance requirements and of ingress/egress requirements. These agreements shall be approved as to form and content by the City Attorney and Community Development Director and must be referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy. The agreement shall be properly executed by the owners of all affected properties, filed by the owners, and provided to the City once completed.

f. The design of driveways shall ensure that the minimum recommended horizontal and vertical intersection sight distance is adequately provided as defined in the latest edition of AASHTO's A Policy on Geometric Design of Highways and Streets. Adequate sight distances at driveways may include the addition of safety-related improvements including but not limited to right turn lanes, pork chop islands on the side street, slotted left turn lanes on the mainline or other traffic control devices.

g. Acceleration and deceleration lanes may be required on the City street for the access driveway as determined by the New Mexico State Access Management Manual.

h. If a driveway is proposed to be signalized, it should be located to facilitate traffic progression past the site. A signal progression analysis may be required for signalized driveways. Curb re-turn type access is allowed for signalized driveways. The Public Works Director may require additional analysis or improvements for signalized driveways.

i. Minimum throat length based on the type of control and number of lanes in the NCHRP Report 659 Exhibit 5-55 shall be met.

j. All access or driveway locations are subject to Public Works Director approval.

k. The Development Review Committee may modify any provision within this section upon determination that an alternative configuration would produce a more desirable outcome based on topographic conditions or other site-specific features.

ii) Residential Driveways

a. A residential driveway is an entrance to and/or exit from a residential dwelling or dwelling adjacent to a dedicated street, for the exclusive use and benefit of the residents. For driveways serving more than one dwelling on a lot (e.g., duplexes), a shared driveway is encouraged to minimize curb cuts.

b. Driveway widths shall be measured on the property line and no apron shall be closer than six feet from side property lines, except when serving adjacent properties. Driveways shall not be permitted in the taper area of any right-turn lane or any part of a right-turn lane.

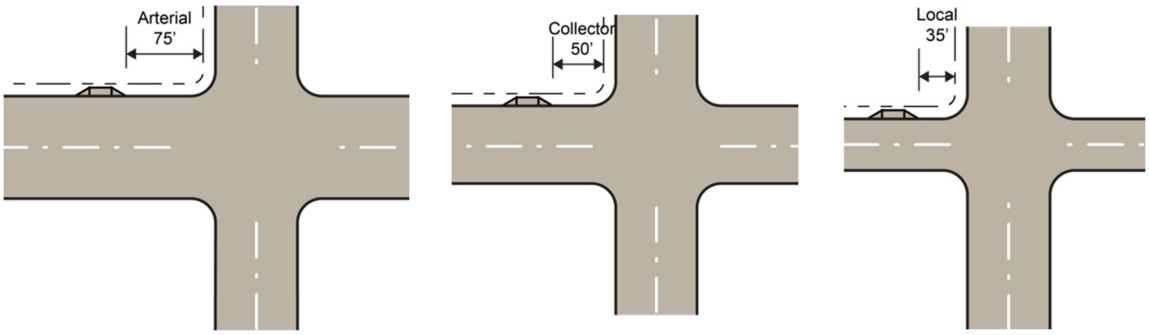
c. The minimum width of a driveway apron shall be 12 feet and the maximum width shall be 27 feet.

d. A minimum of 22 feet of standing curb must remain between any two driveways located on the same lot or single parcel of land.

e. No double or circle driveways shall be installed for lots that are 58 feet or less in width.

f. A corner property driveway apron shall be no closer than 35 feet from the property line at the intersecting local street, 50 feet to the property line along collector streets, and 75 feet to the property line along arterial streets (see **Figure 38-2-9. Minimum Residential Driveway Spacing by Street Type**). Under no condition shall driveways encroach on corner curb returns of intersections or within five feet from handicap access ramps.

Figure 38-2-9. Minimum Residential Driveway Spacing by Street Type



g. All driveways shall extend from any street, alley, or curbline to any garage, carport, or parking space. The slope of a driveway should start from the property line towards any garage, carport or parking space and not include the sidewalk. . The vertical transition of the driveway shall be designed to prevent contact of any vehicle undercarriage or bumper with the surface. No vehicle may overhang into or block any portion of a sidewalk.

iii) Commercial Driveways

a. A commercial driveway is an entrance to and/or exit from any commercial/industrial/institutional/office business, or similar type of establishment providing access by employees and/or the public adjacent to a dedicated street. For the purposes of this section, commercial driveways also apply to multifamily buildings with five or more units.

b. Driveway widths shall be measured on the property line.

Figure 38-2-10. Driveway Apron Width

Street Accessed	Minimum	Maximum
Arterials	30 feet	40 feet
Collectors	30 feet	40 feet
Local Streets	25 feet	35 feet

c. The width of two-way driveway aprons shall be based on the classification of the roadway that is being accessed (see **Figure 38-2-10**).

d. The width of one-way driveway aprons shall be a minimum of 15 feet per access lane. Gates on fire apparatus access roads shall open not less than 20 feet of clear-width for two-way gates and 15 feet of clear-width for one-way gates.

e. A minimum of five feet of standing curb must remain between one-way curb cuts.

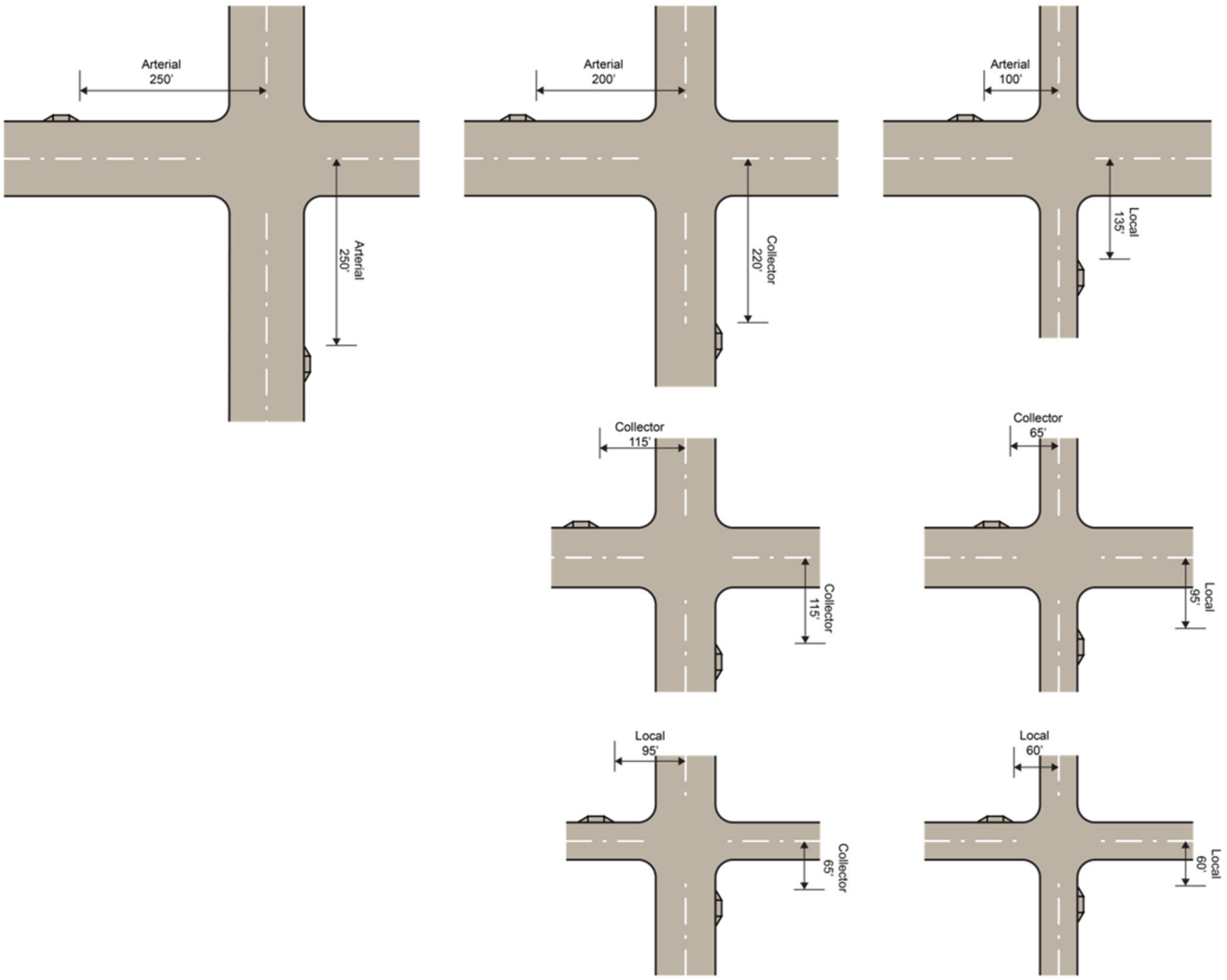
f. Driveway distances to adjacent intersections shall meet the minimum requirements, measured in feet, as shown in **Figure 38-2-11** based on classification of both intersecting streets. The distance is measured from the center of the intersection to the edge of the driveway apron closest to that intersection. These should be considered minimum values whereby longer distances may be required if justified by an engineering study and queuing analysis. Note that if access is along a highway under the authority of the New Mexico State Transportation Department, criteria in accordance with the State Access Management Manual, shall apply. In addition, minimum driveway spacing shall meet corner clearances and Intersection Sight Distance (see **Sec. 38-2.H. Clear Sight Triangle**).

g. Distances shall be measured from the inside edge of the pavement of each driveway or the edge of the intersecting street travel lanes.

h. No driveway shall be closer than ten feet from side property lines, except when serving adjacent properties.

i. When a property is at the corner of two streets, access shall be provided along the intersecting street with the lower classification. For example, if the property is at the intersection of a principle arterial and local street, access shall be from the local street unless access is approved by the Public Works Director on the street with the higher classification.

Figure 38-2-11. Minimum Commercial Driveway Spacing by Intersection Type



j. The location of driveways serving adjacent properties will be reviewed to ensure that they do not create conflicting traffic movements or pose sight distance problems for turning traffic. Where feasible, driveways that serve adjacent properties should be combined into one driveway. Developer must show, in plans, all existing or planned driveways on adjacent properties.

k. The access turning radii shall accommodate the turning radius of the largest design vehicle to routinely use the access. Pedestrian safety across the curb cut also needs to be considered for significantly wide access points. Coordination shall occur with Dial-a-Ride vehicles and other transit related functions to ensure that there is sufficient turning radii to support transit vehicles.

l. A 50-foot minimum turning radius shall be used for an access when combination trucks or single unit vehicles exceeding 30 feet in length are intended to use the access on a daily basis.

m. Construction of all driveways shall comply with the Design Standards and Standard Specifications for Road Construction within the Technical Manual as well as accessibility standards in place at time of building permit issuance.

n. The permittee is responsible for all costs associated with placement and/or removal of driveways accessing public right-of-way. This is to include restoration of existing landscaping, road surfacing, and sidewalk area.

o. Warrants for deceleration and acceleration lanes along with the associated design dimensions at driveway locations shall be in conformance with criteria from the New Mexico Department of Transportation's State Access Management Manual, current edition. The location and dimensions of such shared driveways shall be determined by the Public Works Director. The Public Works Director may require a study to demonstrate that a shared mutual access easement is required for the driveway based on the location and dimension of the proposed shared driveway.

b) Abandonment, Removal, and Restoration Requirements

i) Abandoned Driveways and Median Openings

If any vehicular crossing, other sidewalk crossing, or median opening is clearly abandoned as a crossing, or is no longer used for its intended purpose, any permit previously or hereafter granted for said crossing or median opening as such shall be subject to revocation by the Public Works Director with written justification, only after 60 calendar days written notice of such proposed revocation has been given to the owner of the property to which the crossing or median opening is appurtenant. The owner's name and address will be determined from the Assessor's Office of Doña Ana County. Written notice also will be given to the occupant of said premises, if any, if such occupant is other than the owner. It shall be sufficient notice under the provisions of this and the following section to mail said notices by certified mail with return receipt requested. In the event the name and address of the owner cannot be reasonably ascertained from the assessor's office, and the premises are unoccupied, it shall be sufficient notice to publish said notice in a newspaper of general circulation in the City of Las Cruces, once a week for four consecutive weeks.

a. For the purpose of this paragraph, a crossing or median opening is "clearly abandoned" if there has been no vehicular use of the driveway, crossing, or median opening for a period of at least 24 months.

ii) Removal and Restoration Requirements

In the event the Public Works Director has revoked any permit for a driveway, use of a sidewalk crossing or median opening under the provisions of **i)** above, due to changes taking place within said property, crossing or median opening shall be removed at the expense of the owner of the property. The written notice of revocation shall also set forth requirements for the removal and proper restoration of the curb, sidewalk or median opening. The time allowed for removal and restoration by the owner or occupant shall be 60 days after notice in the cases provided for in **i)** above; provided, however, that upon resolution duly passed by the City Council, that a traffic hazard exists at a nonconforming driveway or median opening which causes imminent danger to life and safety of property, then conformance may be required within a lesser period of time as set by the City Council, but in no event less than 30 days. Each day's delay of the owner in complying with such notice, after the expiration of the time specified, shall constitute a separate violation of this article. If conformance is not attained within the time allotted, the City may make the necessary removal and restoration and the cost thereof shall constitute a lien on said property in the amount of the cost of the required improvements.

10. Median Openings

The location of openings in a median, to allow left-turn ingress and egress movements at a driveway or local street, will be based on the type and operating speed of the roadway, the volume of traffic expected to make the left-turn movements, and the location relative to other intersecting streets, driveways, and median openings. All requests for median cuts or alterations shall be made at the time of request for a building permit, and shall be included on the construction plans.

a) Median Opening Priority

All median openings for City street intersections shall take priority over commercial access in determining location of median openings.

b) Analysis of Median Opening

i) To justify a new median opening, a traffic impact study that defines the ability of the roadway and the driveway to accommodate the opening shall be prepared by a professional engineer in the State of New Mexico, retained by the firm or individual requesting the median opening. The analysis shall include, but not be limited to, the following information:

a. The impact(s) to the operation of adjacent signalized and un-signalized intersections within 500 feet of the proposed opening shall be considered in the analysis.

b. Adequate sight distance requirements for intersections, based on AASHTO criteria.

c. Analysis of potential conflicting vehicular, pedestrian, and bicycle movements with recommendations for eliminating those conflicts.

ii) Shared access points for two or more adjacent individual parcels are required. Future development of adjacent parcels must be considered in determining the opening location.

c) Minimum Median Opening Design Standards

i) Minimum Spacing

A minimum median spacing of 300 feet from adjacent openings shall be required on all collector streets. On arterial streets, spacing shall be as shown in **Figure 38-2-12** if approved by the Public Works Director based on the Traffic Impact Analysis (TIA) Guidelines within the Technical Manual. The Public Works Director may require a study or Traffic Impact Analysis justifying the need. This distance shall be measured from face of curb to face to curb.

Figure 38-2-12. Median Opening Spacing

Street Type	Min. Spacing
From Intersection with Arterial or Collector	500 feet
All Other Openings	300 feet

a. The Public Works Director may reduce the 500-foot required spacing to allow openings as close as 300 feet to arterial or collectors, if justified.

ii) Taper Length

A minimum deceleration taper of 100 feet shall be required on all median openings.

iii) Storage Length

A minimum storage length of 60 feet shall be required on all median openings on City streets, unless the Public Works Director or findings from a prepared Traffic Impact Analysis require additional storage length.

iv) Commercial Access Requirements

For median openings to be considered for commercial access, the median opening must generate traffic, as demonstrated by a projected trip generation, of not less than 25 left-turn ingress or 25 egress vehicles during the peak hour.

d) Median Opening Approval

i) New median openings and associated left-turn storage may be approved by the Public Works Director upon receipt of a traffic impact study justifying the need for the median opening.

ii) Widening, relocating, or other alterations proposed to change or modify an existing median opening, for any reason, must be approved by the Public Works Director, and must meet the requirements outlined in

this section. All future median installations shall conform to this policy and shall be approved by the Public Works Director.

e) Construction Costs for Median Openings

i) The cost of constructing any of the following, for any reason, shall be paid by the party requesting the opening.

a. Constructing a new median opening for private access.

b. Widening, relocating or otherwise changing or altering an existing opening.

c. Constructing a new median opening for access to dedicated public right-of-way.

d. Constructing a new median opening for access to a new subdivision.

ii) All design, demolition, and construction costs are the responsibility of the party requesting the median opening.

f) Landscaping Consideration for Medians

Medians shall be landscaped in accordance with in **Sec. 38-7.D.2. Median and Public Area Landscaping**.

g) Construction Specifications

All construction of driveways or median openings permitted under this article shall be done in a manner as defined herein, and as per the Standard Specifications for Road Construction in the Technical Manual, as amended. All construction of driveways shall be at the expense of the owner of the abutting property, unless such construction is a part of a major City-funded capital improvement project and/or ADA/sidewalk maintenance program.

h) Abandonment, Removal, or Restoration

For abandonment, removal, or restoration, see **Sec. 38-2.F.9.b)** above.

G. Traffic Impact Analysis

1. Purpose

   The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific development activity on the existing and planned thoroughfare system of the City. The following addresses the requirements of the TIA relative to the proposed site.

2. Responsibility of TIA Preparation

   When required, the applicant shall submit at the applicant's expense a traffic study that assesses the traffic impacts associated with a proposed development. The TIA must be prepared under the direction of a Professional Engineer (P.E.) licensed in the State of New Mexico with experience in traffic engineering sufficient to assess traffic impacts. The TIA report shall be signed and sealed by the Professional Engineer.

3. Applicability/Determination of Need

   A TIA (or a Specific Traffic Study) shall be required for any development that meets the specific thresholds/ triggers or special situations identified in the table below. The table also lists specific scope requirements such as the minimum study area, issue(s) to be addressed and analysis years based on the type of study/TIA. Generally, a traffic study shall be required for any development expected to generate traffic volumes that will significantly impact the capacity or safety of the street system.

Figure 38-2-13. Required TIA Type

		Specific Traffic Study	Tier I TIA	Tier II TIA
Thresholds/Triggers and Special Situations[1]	Peak hour trips[2]	N/A	50 – 99 Trips	100 or more Trips
	Daily trips[2]	N/A	500 -749 Trips	750 or more Trips
	Special Situations	Refer to **Sec. 38-2.G.3.d) Special Circumstances**	Refer to **Sec. 38-2.G.3.d) Special Circumstances**	Refer to **Sec. 38-2.G.3.d) Special Circumstances**
Minimum Study Area/Issue(s)		Specific issue(s)/concern(s) Identified during a TIA scoping meeting or required by the Public Works Director	Site access driveways	Site access driveways
			All Major intersections and/or roadways within affected areas (signalized or unsignalized)	All Major intersections and/or roadways within affected areas (signalized or unsignalized)
			All driveways/intersections where traffic movements could be affected by new driveway traffic movements	All driveways/intersections where traffic movements could be affected by new driveway traffic movements
			All signalized intersections and major unsignalized intersections within 1/4 mile	All signalized intersections and major unsignalized intersections within 1/2 mile
Analysis Years		As determined during a TIA scoping meeting or required by the Public Works Director	Existing Year	Existing Year
			Opening Year, +5 yrs, +20 yrs[3]	Opening Year, +10 yrs, +20 yrs[3,4]
			Intermediate Year (Multi-phased development)	Intermediate Year (Multi-phased development)

[1.] TIA is required if a development/project meets any of the thresholds or triggers.

[2.] Unadjusted total trip generation anticipated by the development/project per the latest editions of the ITE Trip Generation Manual. Phased projects must be evaluated as a whole assuming full build-out conditions for the purpose of determining the need for a TIA.

[3.] In case of fair share needed

[4.] Regional development

The following provides specific situations where a TIA shall be required:

a) Platting

   A TIA shall be required prior to approval of a Final Plat for a platting proposal when the expected vehicle trip generation exceeds the trip thresholds.

b) Annexation

A TIA shall be required when an annexation is requested by a private entity, and the trip generation of the fully developed land use scenario of the annexed land exceeds the peak hour trip thresholds. This requirement will be waived if the Thoroughfare Development Plan has adequately considered this traffic generation or if the City has initiated the annexation.

c) Building Permit, Driveway Permit, or Development Plan

A TIA shall be required for any building permit, driveway permit, or development plan if the project meets the requirements of **Figure 38-2-13. Required TIA Type**. This requirement includes permits for sites with existing driveways.

d) Special Circumstances

A TIA may be required for a development if the Public Works Director determines that one or more of the following conditions exist:

i) Any project that is located in the vicinity (within a 1/2-mile radius from the project site/limit) of any intersections that operates at a level of service (LOS) D or worse OR located on the congested corridors (LOS D or worse) OR the next major intersection after the adjacent roads and intersections operates at a LOS D or worse.

ii) Traffic generated from a non-residential development has a clear and obvious ingress or egress path-through adjacent residential neighborhoods.

iii) Traffic operational impacts are anticipated by the Public Works Director with a clear connection to the proposed development and identified in writing, such as problems with driveways, left or right turns, signal timing, median openings, or sight distance.

iv) Development requires a new median opening (refer to **Sec. 38-2.F.10.b) Analysis of Median Opening**).

v) The traffic generated by a new development will impact existing traffic problems on adjacent streets that have been documented by the Public Works Director.

vi) The internal street or access system is not anticipated to accommodate the expected traffic generation. This also applies to inadequate internal circulation for developments that create queuing of vehicles such as drive thru or long vehicles such as semi-tractor trailers.

vii) The Public Works Director may require an applicant to conduct a TIA if there is a reasonable expectation that the project may adversely affect pedestrian and/or cyclist safety within the study area.

e) Waiver

A request for waiver of the traffic study may be submitted to the City. The waiver letter must include sufficient information documenting the justification for the waiver. The Public Works Director will review the request and decide whether a waiver can be granted. If a waiver is granted, the applicant may still be required to mitigate impacts as determined by the Public Works Director.

f) TIA Update

Any previous TIA relating to a development shall be updated if the TIA was approved more than three years ago, changes to the development proposal have been made that affect trip generation or traffic patterns, and/or changes in background traffic conditions as determined by the Public Works Director. If an updated TIA is necessary, additional information will be required to:

i) Update changes in the proposed development,

ii) Update or refine assumptions made in a prior submittal,

iii) Provide specific information not available at the time of the previous submittal, and

iv) Provide any new mitigation measures needed and any previously identified mitigation measures that will need to be changed.

If an updated TIA is requested, the applicant may demonstrate the currency of the existing TIA using these four criteria.

4. TIA Mandatory Scoping Requirements

   a) Prior to beginning any study, the applicant and/or their transportation consultant shall contact the Public Works Director and/or other appropriate representatives from the affected agencies when interjurisdictional impacts are anticipated. This meeting is a mandatory pre-scoping meeting. The purpose of the mandatory pre-scoping meeting is to establish assumptions and the process of preparing the study.

   b) The Pre-Scoping Meeting Information Sheet in the Technical Manual for TIA shall be prepared and submitted to the Public Works Director at least ten (10) business working days prior to the pre-scoping meeting.

   c) Based on the agreements reached at the pre-scoping meeting, a scope of work shall be prepared by the applicant's transportation consultant and approved by the Public Works Director prior to commencement of the study.

5. Coordination With Other Public Agencies

   In situations where several agencies must approve a development/project or are responsible for affected roadways, the applicant must contact all agencies to determine issues to be addressed, scope of the study, etc.

6. TIA Requirements

   All TIAs and related studies shall be prepared as per the technical criteria set forth in the Technical Manual. The guidelines in the Technical Manual may be modified by the Public Works Director when unusual conditions indicate that such modification will provide an adequate and safe street network.

H. Clear Sight Triangle

1. Applicability

   Roadways, including intersections, site entrances, and driveways shall comply with the latest AASHTO and NACTO standards and have sufficient visibility to allow motorists to easily travel and enter or exit safely, as well as protect pedestrians and bicyclists.

2. Clear Sight Triangle Required

   At any intersection of two roadways, a Clear Sight Triangle shall be provided for an unobstructed path of sight.

3. Prohibited and Permitted Objects

   a) This area shall be kept clear of any development, landscaping, signage, storage, fencing, or any other object that could impair a driver's view based on the latest AASHTO standards. Certain objects low enough to avoid impairing a driver's view may be permitted if in accordance with the latest AASHTO standards.

   b) An intersecting street or driveway may not be appropriate along a vertical curve when required sight distance from a side street or driveway is not attainable. If the Public Works Director determines that it is essential that a side street or driveway intersect an Arterial or Collector along a vertical curve, then it may be necessary to reduce the vertical curve so that the necessary sight distance is available.

   c) Objects that may be located in the Clear Sight Triangle include, but are not limited to, hydrants, utility poles, utility junction boxes, and traffic control devices, provided that these objects are located to minimize visual obstruction. Objects not exceeding 12 inches wide may be permitted by the Public Works Director.

   d) Any existing trees located within the Clear Sight Triangle will be allowed to remain if all branches are trimmed to a height of ten feet above the point where the pavement meets the edge of the gutter pan on the street immediately adjacent to the tree(s) in question.

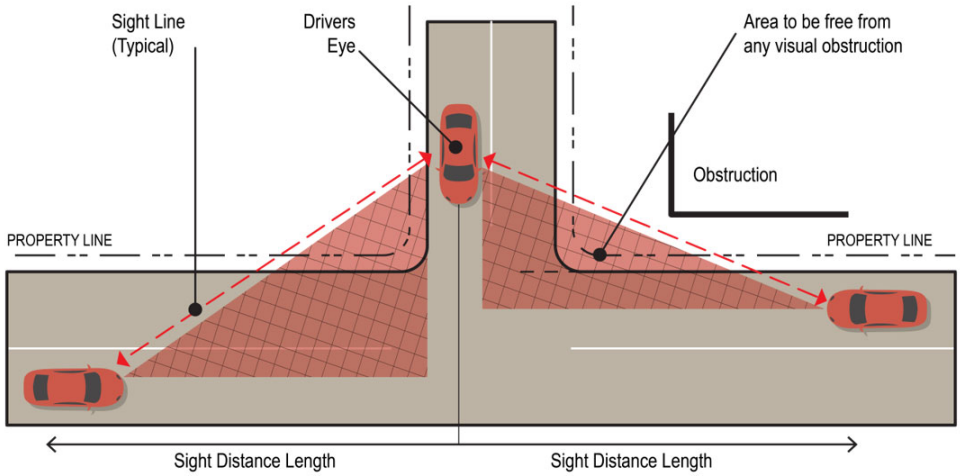
   e) No single post or column or combination of obstructions to view within the designated triangle shall exceed 12 inches in thickness at its greatest cross-section dimension.

4. Required Dimensions

   a) The Clear Sight Triangle shall be in accordance with the most current AASHTO Green Book guidelines.

   b) The Public Works Director may require larger Clear Sight Triangles than those based on AASHTO Standards in certain cases (e.g., unique intersections, steep grades) by documenting in writing the specific problems being mitigated.

   c) The Development Review Committee may allow an alternative configuration that remains compliant with AASHTO Green Book requirements for Clear Sight Triangle or other safety concern.



5. Required Site Plan Note

   The following note is required on all site plans: “Landscaping, signage, walls, fences, trees, and shrubbery between two feet and ten feet tall (as measured from the gutter pan) are not allowed within the clear sight triangle. Unique street and lot grades may require additional limitations within the clear sight triangle.”

I. Streetlighting

1. Applicability

   All subdivisions and developments that significantly alter the street cross-section shall comply with the streetlighting provisions of this section. Streetlighting is necessary to provide illumination and other safety benefits for roadway users during nighttime hours. The City shall designate priority corridors and infill development areas to install streetlights in conformance with this section.

2. Purpose

   The purpose of streetlights is to provide drivers with quick, accurate, and comfortable visibility at night. Residents should realize that the streetlights are provided for traffic safety, not property or personal security. It is true that streetlights do provide some amount of security. This, however, is not their primary intent and streetlights shall not be installed for security reason alone. The following standards apply to all streetlighting to provide adequate illumination for development, minimize light pollution, and promote energy conservation.

3. General

   a) The subdivider/developer shall install streetlighting on all public and private streets.

b) All new streetlighting or any modification to existing street lighting shall meet the most current version of IES RP-8 requirements, as amended, or other prior approved standard. The following statement shall be added to all street lighting plans "This is to certify that the proposed street lighting system for (enter Project Name) complies with the street lighting standards and requirements set forth in the most current version of the Roadway Lighting ANSI/IES RP-8 standards as recommended by the Illuminating Engineering Society (IES)."

c) Streetlighting shall be installed at the locations listed below. Meters shall also be installed to accommodate the streetlighting and to accommodate for any proposed future phases or development.

d) The City will not maintain streetlighting within a private development(s).

e) All streetlighting fixtures, pole types, and hardware shall be selected from the City's Traffic Signal and Street Lightings Approved Product List.

f) All development should include an IES or other prior approved standard submittal to include digital submission of calculations including in the software format used.

4. Required Placement

a) Spacing for streetlights shall be determined by the requirements of IES. Mounting heights shall typically be 25 feet on residential streets and 35 feet arterials and nonresidential streets; however, additional lighting infrastructure may be required based on IES study.

b) The subdivider/developer shall install streetlights at all intersections, including three- and four-way intersections. The streetlight shall be as close to the corner as possible. The location of streetlights shall be based on the geometry of the roadways to include pedestrian crosswalks and sidewalk locations. For roundabouts, lighting is required and shall be approved by the Public Works Director.

c) A streetlight shall also be required at the beginning of turnarounds of cul-de-sacs based on IES RP-8 or other prior approved standard requirements.

d) The Public Works Director may waive or modify streetlight installation, placement, and spacing upon determination that an alternative configuration would be more desirable given the surrounding context (e.g., preservation areas, open spaces) or other site-specific features.

5. Installation and Maintenance Responsibility

a) The subdivider/developer shall install all service connections and streetlight poles for a subdivision/development. All wiring for streetlights shall be underground unless overhead wiring is approved by the City.

b) The subdivider/developer shall be responsible for the maintenance and cost of electricity to power the streetlights until such lights are accepted by the City.

c) Easements shall be shown on the subdivision plat for all electrical service.

d) Limited Access Facilities

i) The City shall be responsible for lighting major streets going over or under a freeway that has been approved by the City. The City shall pay the monthly power bill for these lights.

ii) The City is not responsible for the necessary lighting of structures or interchanges intersecting with local streets.

iii) The City may install streetlights at the intersection of local streets with frontage roads. The freeway frontage road is deemed to terminate at its approach to an off-ramp and begin at its connection to an on-ramp.

6. Streetlighting Requests

a) All streetlighting shall comply with IES RP-8 or other prior approved standard requirements.

b) Any request to relocate an existing City-owned streetlight must be pre-approved by the Public Works Director prior to construction and will be relocated at the requesters' expense. All electrical work shall be performed by an electrician licensed in the State of New Mexico working under a New Mexico licensed electrical contractor. All work shall comply with the City standards, NEC and MUTCD, and shall be coordinated with the City of Las Cruces Traffic Engineering section.

c) Subdivisions that were approved/planned to be exempted from lighting installation shall be reviewed at time of full street reconstruction only, or at the cost of the requestors/area being affected.

d) All lighting designs, pole designs, luminaire designs, and location of poles for all street lighting shall be approved by the Public Works Director.

e) When considering streetlighting requests, the Public Works Director will consider the following factors and thresholds:

i) Adjacent Land Uses

a. Proximity to schools, parks, large community centers, places of worship, and other civic facilities;

b. Upon petition of local residents and/or property owners; and

c. Other locations where a study demonstrates a need.

ii) Coordination of Activities

a. Coordination of street lighting installation with full reconstruction activities.

iii) Arterial Streets

a. Street lighting may be installed along arterial streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

b. Minimum warrant considerations for arterial streets would be an average daily traffic in excess of 10,000 vehicles, and an 85th percentile speed of 40 miles per hour, or greater based on an engineering study.

iv) Collector Streets

a. Street lighting may be installed along collector streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

b. Minimum warrant considerations for collector streets would be an average daily traffic in excess of 5,000 vehicles, and an 85th percentile speed of 35 miles per hour or greater, based on an engineering study.

v) Local Streets

a. Street lighting may be installed along local streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

7. Underground Light Circuits for Subdivisions and Other Developments

a) In existing subdivisions/developments where all utilities are presently placed underground and no streetlights exist, the City is responsible for the installation of underground streetlight circuits.

b) In new subdivisions/developments, all street lighting shall be installed by the subdivider concurrently with other associated infrastructure improvements.

c) In subdivisions/developments where utilities exist overhead and the property owners choose to place these overhead utilities underground, the property owners will be responsible for underground streetlight circuit installation.

d) In new subdivisions/developments, all streetlight circuits are to be placed underground.

e) All new streetlights and associated components shall meet City lighting specifications.

f) Any existing street lighting systems annexed into the City shall be subject to review for compliance with applicable electrical standards. Failure to meet the requirements of those standards could result in possible condemnation; and lighting that does not meet the standards may be scheduled to be replaced with City standard streetlights as funds become available.

8. Street Lighting Location

a) Improved Streets

i) Consideration must be given to the effect pole placements have on abutting properties. In view of this, the City will make a reasonable concession in a lighting pattern to avoid placing a pole at a point where it would have a detrimental effect on the abutting property. The City's intent is to focus such concessions primarily on residential properties. In most cases, the pole should be located within the right of way adjacent to the property line, but more importantly lateral placement should conform to the specifications of both streetlight pole and light head design without hindering the safety impacts of lighting based on IES requirements.

ii) Once the permit to use the right-of-way is issued, adherence to approved pole locations is expected.

iii) Street lighting shall be installed on a cul-de-sac street/local street intersection based on IES RP-8 requirements.

iv) Streetlight placement shall not obstruct the visibility of new or existing street signs and shall not interfere with pedestrian use of the ADA ramps, sidewalks, driveways, multi-use paths, or utility infrastructure. Sidewalks shall remain free of obstructions in compliance with the Americans with Disabilities Act.

b) New Street Construction

i) A set of drawings of proposed street construction shall be submitted to the Community Development Department for the purpose of locating streetlights. One set of drawings, showing streetlight locations and power sources, shall be submitted to El Paso Electric Company by subdivision developer, along with installation information and instructions, if the City is permitting a connection to an existing flat-rate circuit. All efforts will be made to avoid conflicts and duplications, and to coordinate construction efforts.

ii) Preliminary plans for local and collector streets will show an accurate survey tie to all poles (i.e., stationing and offsets) and plans for new construction should show utility easements.

iii) All plans will be reviewed by the City for proposed paving width and alignment, prior to submittal to the individual utility companies.

9. Streetlight Procedures for New Subdivisions

a) Preliminary Review

The developer, or a representative, shall submit to the Community Development Department section a master utility plan of a proposed subdivision, showing the electrical utility location runs and service points, either underground or above ground. The master utility plan shall contain location of all utility lines (gas, water, sewer, fire hydrants, street lighting, etc.), and location, botanical and common name, and mature size of trees and shrubs in the parkways and medians to be retained as part of the final parkway and median landscape plan. The Community Development Department shall review the plan for streetlight locations, and connecting conduit runs to electrical service points. The plan shall be returned to the developer with any comments, for review by the developer's registered New Mexico professional engineer. Upon satisfactory acceptance of the changes by City staff, said changes then shall be incorporated into the construction plans.

b) Developer Responsibility

The developer shall be required to construct the entire streetlight system within the Arterial, Collector, and Local street system at the time of roadway construction. This includes, but is not limited to, all underground connecting conduits, wires, concrete foundations, poles, luminaries, fuses, fuse holders, ground rods, pull

boxes, electrical service and controls, and lighting control systems. Costs associated with installing light standards/luminaires, wiring, and service meters associated with lighting on designated collectors or arterials as part of the new development will be shared equally between developer and the City of Las Cruces. All streetlights and associated components shall comply with the City traffic standards and applicable electrical codes. All electrical work shall be performed by a journeyman electrician licensed in the State of New Mexico working under a New Mexico licensed electrical contractor. All lighting shall be metered and planned to serve a large area of land to be developed to the extent possible.

c) City Responsibility

Upon request from the developer, the Public Works Director shall provide the bolt circle template for streetlight foundations, as shown on the approved construction drawings.

d) Contractor/Developer Information Contact

For information concerning the below items, the contractor is to contact the designated Public Works project manager, who will consult with Transportation Department/Streets/Traffic Operations personnel, as needed:

i) Information concerning design specifications.

ii) Any conflict of streetlight locations, requiring relocation as a solution.

iii) Any changes or rerouting of conduit runs.

iv) Request for additional streetlights, within the scope of **6. Streetlighting Requests** above.

v) Request to omit a streetlight, as shown on the plans.

vi) All other items concerning streetlights that are not shown above.

J. Traffic Signals, Traffic Control Signs, Street Lights, and/or Roadways

1. All new or modified traffic control devices within City right-of-way or any off-street parking areas shall meet MUTCD requirements and receive approval by the Public Works Director.
2. Relocation of City Streetlight, Signal, or Sign
   a) Any request to relocate an existing City-owned streetlight, traffic signal, or traffic control sign must be approved by the Public Works Director prior to construction, and will be relocated, upon receipt of permission, at the requesters' expense. At the City's option, the City may move the streetlight, traffic signal, or traffic control sign and be reimbursed by the requestor.
   b) All sign work shall be performed by a qualified signs and markings technician holding an International Municipal Signal Association (IMSA) level one or better certification or a pre-approved certification equivalent to IMSA.
   c) All signal work shall be performed by a qualified traffic signal technician holding an IMSA level two or better certification or a pre-approved certification equivalent to IMSA.
   d) All electrical work shall be performed by a journeyman electrician, licensed in the State of New Mexico, working under a New Mexico licensed electrical contractor.
   e) All work shall comply with the City standards and specifications, National Electrical Code and Manual on Uniform Traffic Control Devices and shall be coordinated with the Public Works Department.
3. When new development increases the traffic volumes on an existing signalized or non-signalized intersection, the following actions may be required:
   a) A non-signalized intersection may have to be signalized.
   b) An existing signalized intersection may have to be modified.
   c) A signalized or non-signalized intersection's geometry may have to be modified.

d) The intersection may have to be reconstructed.

4. The signal maintenance shall be the responsibility of the City.
5. When new development or increased land use density increases the traffic volumes on an existing roadway, the following actions may be required:
   a) The roadway may need to be reconstructed.
   b) The roadway may need to be widened.
   c) Additional turn lanes may need to be constructed.
   d) Additional roadways for ingress/egress may need to be constructed.
6. If a modification to an intersection or roadway is required, the permittee will be required to provide all or a portion of the funding for the improvements. The funding requirements shall be determined by the Public Works Director and will generally be a pro-rata share based on additional traffic loading being proposed.
7. Acceptable construction of all roadway or intersection modifications must be constructed before the development's acceptance by the City.
8. A traffic signal warrant study per the Manual of Uniform on Traffic Control Devices (MUTCD) performed by a New Mexico registered professional engineer shall be required when the traffic impact analysis shows a drop in level of service below "B" on an intersection and/or intersections.
9. The City shall review the traffic impact analysis and the traffic signal warrant study to determine if a signal and/or modification to the roadway system is required.

K. Audible Pedestrian Traffic Signals

Audible pedestrian signals shall be installed based on MUTCD requirements, ADAAG, and FHWA as part of the traffic signal equipment.

L. Placement of Traffic Control Devices

1. The most current edition of the MUTCD shall govern the use and placement of traffic control devices, whether temporary or permanent, within the right-of-way.
2. All traffic control devices shall be installed complete and in place before any street or road is opened to public access. All traffic control devices shall be installed by a qualified signs and markings technician holding an IMSA Sign Level I or better certification (or a pre-approved certification equivalent to IMSA).
3. An approved traffic control plan for establishing temporary traffic control is required for any agency or qualified persons working within or next to any driving lane, sidewalk, multi-use path or at any other place that would impede the movement of other pedestrians or vehicles within the right-of-way. This includes but not limited to, any work that requires the use of any kind of traffic control devices such as cones, barrels, channeling devices, barricades, etc., being placed within the right-of-way.
4. All temporary traffic control devices shall be furnished, erected, and maintained by the contractor or qualified responsible party. All traffic control devices shall only be erected and maintained by a qualified person certified in work zone safety (or a pre-approved certification equivalent to IMSA).
5. A traffic control plan shall be submitted to the Public Works Department through the formal plan review process prior to placement on any street under City jurisdiction. All plans shall comply with the most current edition of the MUTCD indicating dates, times and duration of work, traffic devices to be used, placement of devices, and the order that devices are to be placed and removed. Traffic control devices shall maintain ADA accessibility and ensure that pedestrian and bicycle safety and access is maintained per MUTCD and federal guidelines. An approved traffic control plan is required before any part of the public right-of-way is blocked or any traffic control device is placed within the right-of-way (this includes all traffic, vehicular, pedestrian, bikes, etc.) The approved

traffic control plan must remain on-site or be immediately available and presented to Public Works staff for review to ensure the work zone is set up per plan. An emergency contact number for the contractor must also be provided. Failure to comply with this requirement may result in work stoppage, removal of traffic devices at the violators' expense, and citations per **Sec. 34-1.H. Violations and Enforcement** and applicable Las Cruces Municipal Code.

6. Any request to install or relocate an existing City traffic control device must be pre-approved by the Public Works Director prior to construction and will be at the requesters' expense. All sign work shall be performed by a qualified signs and markings technician holding an IMSA Level I certification or better (or a pre-approved certification equivalent to IMSA).

   a) Temporary Traffic Control Devices: All traffic control plans for placement of temporary traffic control devices within City right-of-way are required to be submitted to the Public Works Department for approval. Traffic control plans shall include, but not be limited to, the following information:

      i) Spacing of appropriate signage shown in feet.

      ii) Calculation of taper lengths per the MUTCD.

      iii) Sign code references per the MUTCD.

      iv) Phasing of traffic control placement, as necessary.

      v) Dates and times of day for short-duration lane closures of ten working days or less.

      Contractors are required to adhere to the approved traffic control plan regarding setup and duration of lane closure(s).

   b) Permanent Traffic Control Devices: In private developments, placement of all new signage and/or markings shall be the responsibility of the developer or owner. Placement shall be in accordance with the submitted sign plan as approved by the Public Works Director. Maintenance of signage in private developments open to the public shall be maintained by the property owner. Property owners are responsible for ensuring ongoing maintenance of private streets, including streetlighting, traffic controls, and other related features.

M. Sidewalks and Multi-Use Paths

1. Applicability

   Sidewalks or multi-use paths shall be installed on all designated access easements, public and private streets for new development and shall include curb and gutter infrastructure. Sidewalks or multi-use paths shall also be installed on property on which a Building Permit is being issued that requires a Certificate of Occupancy.

2. Purpose

   The purpose of this section is to improve the safety of residents by providing a separation between vehicles and sidewalk users, such as pedestrians or people with disabilities. In addition, sidewalks and multi-use paths promote physical activity for residents, especially when constructed with a parkway that includes street trees. Sidewalks and multi-use paths are an important mode of transportation for commuting and for recreational use.

3. General

   The following standards and requirements shall apply to sidewalks and multi-use paths in the City.

   a) Sidewalks or multi-use paths shall be provided along all new roadways in accordance with **Figure 38-2-1. Roadway Cross-Sections** and shall comply with the Construction Standards within the Technical Manual and the latest addition of the United States Access Board's Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

   b) Site development shall provide for multimodal access between the right-of-way and the development.

   c) All sidewalks and multi-use paths shall provide a minimum clear path width in accordance with the following:

i) The minimum width of all sidewalks shall be 5 feet..

ii) For multi-use paths, there shall be a minimum clear path of 8 feet for all streets. For any transit or bus stops, there shall be a minimum clear path of 8 feet that is perpendicular to the curb to allow for ADA accessibility.

iii) If a bus shelter is located at a stop, there should be a minimum of 20 feet along the length of the sidewalk that is a minimum of 8 feet wide.

d) Multi-use paths shall be concrete for the portion where any driveways are located.

e) Curb ramps shall be provided within a street right-of-way wherever an accessible route for pedestrians (sidewalk or pedestrian way) is required. The design and construction of curb ramps shall be in accordance with federal and state accessibility standards.

4. The Development Review Committee may require sidewalks or multi-use paths to be wider than required by **Figure 38-2-1. Roadway Cross-Sections** for developments with higher densities, pedestrian-oriented developments, or other areas with high pedestrian traffic.

5. The Development Review Committee may modify the requirements for sidewalks on individual streets or within subdivisions based on the following criteria.

a) Limited, confined infill in existing, developed single-family residential neighborhoods where sidewalks or multi-use paths are not present and have not historically been provided.

b) On local streets within an approved subdivision where all the lots provide a minimum one-half acre lot area, and the adjoining properties have no sidewalks.

c) On local streets where pedestrian access is provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way; provided, however, that an easement may be required to provide for the installation of traffic signage and signalization, utility services, or other similar facilities.

6. Timing for Sidewalk and Multi-Use Path Construction

The timing of sidewalk and multi-use path construction shall be as required by this section unless a development agreement between the property owner and the City provides for alternative timing for construction and security has been provided in accordance with this section and **Sec. 37-4.C.1.a)**.

a) New Subdivisions

i) For new arterials or collectors, sidewalks, multi-use paths, hike and bike trails, and curb ramps shall be installed by the subdivider at the time of road construction.

a. In no case will a Building Permit be issued until sidewalks and multi-use paths are completed along arterial and collector streets, in accordance with **Sec. 37-4.D. Substantial Completion**.

ii) For new Local streets, sidewalks, multi-use paths, hike and bike trails, and curb ramps must be installed by the builder at the time of Building Permit construction. Sidewalks must be installed prior to issuance of a Certificate of Occupancy. If the lot is not developed within three years, then the current property owner is required to install the sidewalk on the property to eliminate sidewalk gaps. Sidewalk behind rollover curb to be installed by developer at the time of subdivision.

b) Existing Developments

i) For existing developments, sidewalks or multi-use paths must be installed prior to issuance of a Certificate of Occupancy.

a. Existing sidewalks may be utilized if they are at least four feet in width, ADA-compliant, in good condition, and connect to other existing sidewalks of the same width.

b. New sidewalks must be installed if existing sidewalks are in disrepair and no longer safe for usage by pedestrians or people with disabilities.

ii) When a new sidewalk is installed crossing a driveway that is no longer in use, the unused driveway shall also be removed. See **Sec. 38-2.F.9.b) Abandonment, Removal, and Restoration Requirements**.

N. Off-Street Parking

1. Applicability

a) New Development

All new development shall provide off-street vehicular parking, bicycle parking, and loading areas in accordance with the standards of this section unless exempted by **N.4.a)i)** below.

b) Addition or Expansion

i) If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street vehicular parking and loading spaces that may be required for the expanded or enlarged part of the structure or use shall be provided in accordance with the requirements of this section.

ii) If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any required bicycle parking for the entire structure or use shall be provided in accordance with the requirements of this section.

c) Change in Use

Any change in use of an existing structure or land shall be accompanied by the provision of any additional off-street vehicular parking, bicycle parking, and loading spaces required for the new use unless accommodated by **4.c) Off-Street Parking Alternatives and Reductions** below or another mechanism within this Development Code.

2. Purpose

The purpose of this section is to:

a) Ensure that off-street vehicle parking, bicycle parking, loading, and access demands associated with new development are met within the context of surrounding land uses and neighborhoods;

b) Allow flexibility in addressing vehicle parking, loading, and access issues by presenting a menu of strategies to address parking issues rather than only parking space requirements;

c) Ensure that off-street parking, loading, and access demands associated with new development are met without adversely impacting surrounding land uses and neighborhoods;

d) Accommodate safe and convenient movement of vehicles, bicycles, pedestrians, and transit.

3. Parking Plan Required

a) Applications for development shall include a parking plan, which shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the vehicular off-street parking facilities and bicycle parking facilities (if applicable) to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, and bicycle circulation systems for the development.

i) The Community Development Director may waive this submittal requirement if the Director determines that a parking plan is not necessary to demonstrate the proposed development's compliance with the standards in this section based on the size and configuration of existing parking and loading areas on the site. Multimodal circulation and impacts and infrastructure improvements will need to be addressed via a TIA at the discretion of the Public Works Director.

b) Site plans shall specify the proposed land uses before a building permit will be issued. A revised site plan will be required if revised land uses require additional parking that cannot be accommodated through **4.c) Off-Street Parking Alternatives and Reductions** below.

4. Minimum Off-Street Vehicular Parking Requirements

a) Required Off-Street Parking Spaces

Development shall provide at least the number of off-street vehicular parking spaces required by **Figure 36-3-2. Permitted Use Chart**, based on the proposed use(s), subject to **c) Off-Street Parking Alternatives and Reductions**.

i) Exception: No off-street vehicle parking is required in the following areas due to the reduced automobile use associated with pedestrian-oriented, mixed-use developments:

a. DDC, Downtown Development Code

b. MXCO, Mixed Use Corridor Overlay District

c. TCO, Town Center Overlay District

d. NCO, Neighborhood Center Overlay District

e. Urban Character Area

b) Calculation of Requirements

i) Fractions

When calculation of the number of required spaces results in a fractional number, any fraction of 0.5 or greater shall be rounded up to the next higher whole number and any fraction of less than 0.5 shall be rounded down to the lower whole number.

ii) Area Measurements

All square-footage-based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the gross floor area of the building.

iii) Parking and Loading for Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses unless reduced through a shared parking agreement or other provision within this Code.

a. Note that some combined uses (e.g., Shopping Center or Mixed-Use) are defined uses in **Figure 36-3-2. Permitted Use Chart** and include established parking ratios or other methods of calculation.

iv) Parking and Loading for Unlisted Uses

For uses not expressly listed in **Figure 36-3-2. Permitted Use Chart**, the Community Development Director is authorized to:

a. Apply the off-street parking space requirement specified for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related occupancy classification, or other factors determined by the Director);

b. Establish the off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or another acceptable source of parking demand data; or

c. Establish the off-street parking space and loading requirements based on a parking and loading demand study prepared by the applicant according to **v)** below.

v) Discretionary Requirement Based on Demand Study

Uses that reference this subsection in **Figure 36-3-2. Permitted Use Chart** have widely varying parking and loading demand characteristics, making it difficult to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this subsection, the Community Development Director shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

c) Off-Street Parking Alternatives and Reductions

i) Approval of Parking Alternatives

The following provisions are methods to reduce the number, size, and/or square footage of area required for on-site vehicle parking. Bicycle parking must be provided as required by **Figure 36-3-2. Permitted Use Chart**. These methods cannot be applied to any provision regarding parking for persons with disabilities, unless no off-street parking is provided.

The Community Development Director may approve parking alternatives to the off-street parking spaces required by **Figure 36-3-2. Permitted Use Chart** in accordance with one or more of the standards in this section.

ii) Shared and Joint Use of Parking Areas

When a mix of uses are located on one site or adjacent properties, applicants shall seek shared parking agreements to reduce the amount of required parking.

a. These agreements shall be approved as to form and content by the City Attorney and Community Development Director and must be referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy.

b. Agreements may be made with adjoining property owners regardless of the hours of operation of the adjoining uses.

c. In combining parking requirements, a minimum of 75 percent of the required off-street parking for all uses shall be met.

d. Adequate and safe pedestrian access by a walkway protected by a landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the shared parking.

e. Signage shall be provided to direct the public to the shared parking spaces.

f. An agreement for shared and joint use of parking areas shall become null and void if there is a change in the land uses that are covered by the agreement, platting, or re-platting of the land. In these instances, a new agreement shall be required.

iii) Off-Site Parking

a. Up to 40 percent of the required parking spaces may be provided on property separate from the property served, provided all of the separate parking is within 500 feet from the property served, as measured along the pedestrian path.

i. Required accessible spaces must be provided off-street and on-site.

b. Adequate, safe, and well-lit pedestrian access shall be provided between the off-site vehicular parking area and the primary pedestrian entrances to the use served by the off-site parking.

c. A parking agreement ensuring that the allowed off-street parking is required for the life of the land use shall be properly executed by all the separate property owners, approved as to content and form by the

City Attorney and the Community Development Director, referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy, and submitted to the Community Development Director.

iv) On-Street Parking

In areas where on-street parking is permissible and verified by the Public Works Director, this parking can be used for up to 25 percent of the required parking of a use provided that the on-street parking is within the area of the property on which the use is located. Required accessible spaces must be provided off-street and on-site.

v) Parking Structure

A 20 percent reduction in the total number of required parking spaces will be granted if the required parking is provided in a parking structure that is two stories or more.

vi) Bicycle Parking Spaces

a. Bicycle parking facilities shall meet the design standards found in the Technical Manual and **Sec. 38-2.N.5** below.

b. Bicycle Racks: One motor vehicle parking space can be replaced with four bicycle rack spaces or other approved bicycle parking facilities. This option can be used for not more than 50 percent of the vehicular parking spaces.

c. Bicycle Lockers: One motor vehicle parking space can be replaced with two bicycle locker spaces. This option can be used for up to seven vehicle spaces or not more than 15 percent of the vehicular parking spaces, whichever is less.

5. Bicycle Parking Standards

a) Minimum Required Bicycle Parking

i) Bicycle parking spaces are required in all zoning and overlay districts for the following:

a. New development; and

b. Any individual expansion or alteration of a building existing prior to the effective date of this ordinance if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area (including interior alterations).

ii) The amount of parking shall be provided in accordance with **Figure 36-3-2. Permitted Use Chart**, based on the development's principal use(s).

b) General Bicycle Parking Standards

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

i) Located on the property in a way that provides the optimum security for the bicycles;

ii) Located on a paved or similar hard, all-weather surface, having a slope not greater than three percent;

iii) Well-lit and accessible to the public or bicyclists after dark;

iv) Does not interfere with pedestrian or bicycle traffic;

v) Identified with adequate signs and striping;

vi) Protected from conflicts with vehicular traffic;

vii) Located as near as practicable to the main entrance of the building they are intended to serve; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required; and

viii) Designed in accordance with the Technical Manual.

6. General Standards for Off-Street Vehicular Parking and Loading Areas

a) Size of Parking Spaces and Driving Aisles

The minimum dimensional requirements for parking stalls and driving aisles are shown in **Figure 38-2-14. Minimum Dimensional Requirements for Parking Stalls and Driving Aisles**. Twenty-seven feet is the minimum two-way driving aisle width, including non-dedicated streets or private drives, when there is no parking on both sides of the driving aisle. Twelve feet is the minimum width for a one-way driving aisle. The City Fire Department may require wider driving aisles whenever necessary to address fire and safety concerns as addressed in the International Fire Code, as amended.

Figure 38-2-14. Minimum Dimensional Requirements for Parking Stalls and Driving Aisles

Parking Angle	Stall Width	Stall Length	Stall Base	Stall Depth	Width of One-Way Aisle	Width of Two-Way Aisle
30 degrees	9′	19′	18′	17.3′	12′	27′
45 degrees	9′	19′	12.7′	19.8′	13′	27′
60 degrees	9′	19′	10.4′	21′	18′	27′
90 degrees	9′	19′	9′	19′	27′	27′
0 degrees (parallel)	9′	22′	22′	9′	12′	27′

NOTES:

Driving/back-up aisles are not required for one single-family dwelling per lot or one duplex per lot. All other land uses shall provide driving aisles when parking stalls are required.

All angle parking, except 90 degree and parallel parking shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted in designs approved by the Community Development Director.

All parking lot designs shall have primary ingress and egress to a public street or access easement. Secondary access only may be to an alley. However, access to or from an alley and parking lot is permitted if 1 to 4 dwelling units are located on property that abuts the alley. Primary ingress/egress to an alley is permitted for properties with 1 to 4 dwelling units.

Except for single-family or two-family dwelling units, parking and loading areas shall be arranged so that vehicles will not be required to back out of parking or loading spaces directly into a public way. Circulation within a parking lot shall be designed to minimize aisles with one inlet/outlet. Aisles with only one inlet/outlet shall provide “back outs” for end spaces.

Land uses that involve the servicing of motor vehicles shall not service vehicles in the required parking stalls.

i) Compact Vehicle Parking

a. Up to 10 percent of the total number of required parking spaces may be used for compact vehicle parking; provided, that the total number of required off-street parking spaces is provided on site.

b. Compact parking spaces shall be 8 feet wide by 18 feet long for 90-degree parking or the equivalent dimensions required for an angle space to maintain the 8-foot by 18-foot rectangle.

c. Compact spaces shall be clearly signed and marked “Compact Only.”

ii) Gas Pump Islands

a. Gas pump islands designed to accommodate two or more vehicles on each side: A minimum of 24 feet (perpendicular) shall be provided between gas pump islands, islands and buildings, curbs, other types of driving aisle obstructions, and between the back of parking spaces and the end of the gas pump vehicle space. (Distance may be reduced to 18 feet between parking spaces and pump vehicle spaces if one-way and angle parking.)

b. Gas pump islands designed for one vehicle on each side: A minimum of 18 feet (perpendicular) shall be provided. (24 feet required between parking spaces and pump vehicle spaces unless one-way and angle parking.)

c. Diesel pump islands for tractor-trailer trucks only; no automobiles or recreational vehicles will use these pumps. A site plan shall show diesel pumps spaced at least 17 feet, center-to-center distance, with a minimum of 14 feet of one-way driving clearance between pump islands.

iii) Electric Vehicle Charging Stations

Electric Vehicle (EV) charging stations may be located beyond the wheelstop, in landscape areas, or in another location that does not block a pedestrian, bicycle, or vehicular accessway.

b) Parking Spaces for Persons with Disabilities

Parking spaces for persons with physical disabilities shall comply with federal and state requirements, and the Technical Manual. Such a place shall be designated by a conspicuously posted sign bearing the international sign of accessibility.

c) Landscaping

For parking lot landscaping requirements, see **Sec. 38-7.D.5. Parking Lot Landscaping**.

d) Construction and Maintenance of Parking Areas

i) Single-Family Homes, Townhouses, and Duplex, Triplex, or Quadplex Developments

Crushed stone or crusher fines is the minimum surface that may be used for driveways or parking areas for single-structure Single-Family Homes, Townhouses, and Duplex, Triplex, or Quadplex developments on one lot.

ii) All Other Developments

a. Surfacing Requirements

All vehicular use areas must be surfaced with one of the following materials:

i. Pervious and impervious asphaltic concrete;

ii. Pervious and impervious cement concrete;

iii. A penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate; or,

iv. Alternative surfacing as determined appropriate by the Fire Marshal and Public Works Director.

The surface must be maintained in a smooth, durable, and well-drained condition and be kept clear of debris or other accumulated refuse.

b. Striping

Parking spaces, back-up aisle, loading areas, entrances, exits, and clear sight triangles shall be appropriately marked to indicate their location.

c. Landscaping and Irrigation

Landscaping and an irrigation system in compliance with **Sec. 38-7. Landscaping** will be required with the installation of a parking area.

d. Drainage

Drainage shall comply with **Sec. 38-3. Drainage and Flood Control** and all other City regulations. Excess flow and volume shall be detained or retained on site. The installation of a parking area may require a drainage facility.

e) Requirements for Lots with More than 50 Parking Spaces

i) Parking Location

No more than 50 percent of off-street parking may be located between the front facade and a public street unless outlots are present.

ii) Sub-Lots and Pedestrianways

a. Large surface parking lots shall be visually and functionally segmented into several smaller sub-lots by landscaped areas. Each sub-lot shall contain a maximum of 50 parking spaces. An additional 50 parking spaces are allowed per sub-lot if the landscaped area and associated plantings exceeds the minimum established in **Sec. 38-7.D.5. Parking Lot Landscaping** by at least 20 percent.

b. For every parking sub-lot, a landscaped median/divider at least 15 feet wide shall be installed to break up the sub-lots. These medians shall contain pedestrian accessways to offer safe, marked routes between parking spaces and building entries.

iii) Pedestrian Circulation

An internal pedestrian accessway, at least six feet in width and ADA accessible, must be provided from the perimeter sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured, painted, and/or raised surface.

iv) Additional Landscaping

Up to a 10 percent reduction in the required number of parking spaces will be allowed if additional shade trees are provided beyond the requirements of **Sec. 38-7.D.5. Parking Lot Landscaping**. Each parking space eliminated through this option shall be replaced with a minimum of two trees.

f) Tandem Parking Spaces

Tandem parking provides for two or more parking spaces, one behind the other, where access to one parked vehicle can only be gained through the abutting space. Tandem parking can be utilized for no more than 50 percent of all required parking spaces. Tandem parking shall only be utilized for specific, property owner-/manager-controlled cases such as:

i) Residential parking, when both spaces are designated for a single dwelling unit;

ii) Employee parking;

iii) Company-owned vehicles; or

iv) Controlled parking situations (funeral homes, sporting events, car rental or truck agencies).

g) Parking and Storage of Large Motor Vehicles

Subsections **g)i)** through **g)vi)** below apply to all areas other than the Rural Character Area.

i) Parking and storage areas for any motor vehicle or its appurtenances, including the necessary driveways to get to and from the parking and storage areas, shall not cover more than one-half of any open area between the front, including the secondary front, of the main dwelling and the front property line in a single-family or duplex property,

a. Exception: In the case of a lot on a cul-de-sac, up to two-thirds of any open area between the front of the main dwelling and the front property line may be used.

ii) Townhouse lots may use up to three-fourths of any open area between the front, including the secondary front, of a building or structure and the front property line.

iii) No motor vehicle or its appurtenances shall be parked or stored on any sidewalk within any public right-of-way or protrude onto any public right-of-way.

iv) Recreational vehicles and motor vehicle appurtenances (e.g., RVs, camper shells, boats, trailers, boat on trailer, camper shell on truck) shall be limited to a maximum of one per main dwelling unit within any open area between the front and side of the main dwelling and the front and side property lines with no limit in the rear open areas.

v) The land area in front of or to the side of the main dwelling on which the recreational vehicle or motor vehicle appurtenance is parked or stored shall be graveled or paved. No parking or storage of recreational vehicles and motor vehicle appurtenances shall be permitted on graveled areas considered to be part of the property's landscaping.

vi) No parking or storage of recreational vehicles and motor vehicle appurtenances shall be located within the clear sight triangle (**H. Clear Sight Triangle**) on corner lots.

h) Wheelstop Provisions

i) Wheelstops are required for all parking spaces except those serving residential developments of four or fewer units.

ii) Size Requirements: Six feet in length, six inches in height.

iii) Horizontal in Placement: Two feet from the base of the parking space, securely anchored to the parking surface.

iv) Materials: Wheel stop material shall be compatible and appropriate to the site. Materials such as concrete, railroad ties, landscape timbers, or molded steel may be used.

v) Alternative Wheelstop Methods:

a. Adjacent to sidewalk: When the parking space base is adjacent to a six-foot required sidewalk, the sidewalk may be widened to eight feet, essentially making two feet of the sidewalk the wheelstop.

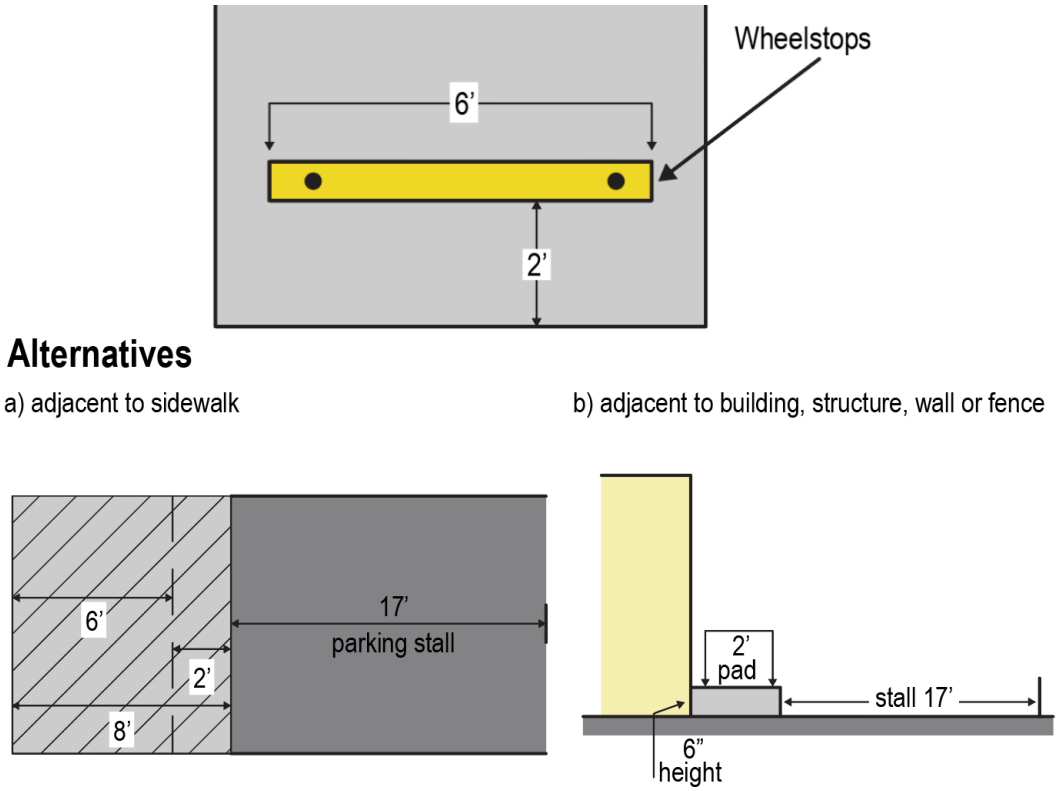
b. Adjacent to building, structure, wall or fence: When a parking space base is adjacent to a building structure or wall, a two-foot pad or landing may be constructed adjacent to the structure or wall. The pad or landing's construction must be of a minimum asphalt standard. The pad or landing cannot take the place of a required sidewalk.

c. Adjacent to landscaping/aggregate: Low lying (no taller than three inches and below the top of the curbing) landscape may be placed within the two-foot area where the pad or landing would be present. The landscaping shall be enclosed by a six-inch curb and be properly irrigated.

vi) Parking Space Measurement: When utilizing one of the alternative wheelstop methods, the parking space length will be measured two feet less or 17 feet.

vii) Exceptions: One and two-family dwellings are not required to provide wheel stops.

Figure 38-2-15. Wheelstop Placement and Design



7. Loading and Stacking

   a) New development involving routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development’s uses in a safe and convenient manner.

   b) Loading and stacking areas must not conflict with emergency, vehicular, bicycle, or pedestrian access. All loading and stacking areas shall be shown on a site plan.

   c) Number and Size of Loading Berths Required

      i) Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area, at the discretion of the Community Development Director.

ii) A minimum stacking distance of 40 feet shall be provided at all ingress/egress access drives intersecting with a street. Other distances may be approved by the Director if warranted by lot size and configuration.

iii) **Figure 38-2-16** sets forth the minimum number of loading berths.

a. The Public Works Director may reduce the required loading space by up to 100 percent if warranted by the building's use.

Figure 38-2-16. Required Off-Street Loading Berths

Gross Floor Area (sqft)	Number of Loading Berths	Size of Each Loading Berth
Less than 10,000	None	N/A
10,000 to 29,999	1	10 feet x 25 feet
30,000 to 100,000	2	12 feet x 50 feet
More than 100,000	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet wide x 50 feet long x 14 feet high

d) Location, Screening, and Arrangement of Loading Areas

i) Off-street loading berths shall be located and arranged so that vehicles can maneuver for loading and unloading entirely within the property lines of the site and are not required to back onto or from a public street.

ii) Required off-street loading spaces shall not be permitted in any front setback area or in any required street side setback area.

iii) Off-street loading spaces may occupy all or any part of a required rear setback area where visibility from public streets and windows of neighboring buildings will be minimized.

iv) Loading areas shall not interfere with parking lot maneuvering areas.

v) State and City streets or rights-of-way shall not be used for loading and unloading purposes.

vi) Off-street loading berths shall be located and/or screened so they are not visible from any thoroughfare or collector street right-of-way or from adjacent lands that are classified in a residential zoning district or developed with a residential use.

e) Vehicle Stacking Areas

The minimum stacking lane requirements are as follows:

i) Length required: The minimum length for a drive-thru is 85-100 feet

ii) Width required: Ten feet, except nine feet of drivable area at the point of service.

iii) The measurement of the length of the stacking lane begins at the middle of the last point of service and ends at the point of entry of the lane.

iv) A stacking lane shall be designed in a manner that permits appropriate traffic circulation and avoids congestion in the parking area.

v) The minimum radius of a stacking lane shall be 25 feet.

vi) Vehicles shall not overflow into the access easements or driving aisles.

f) Where traffic flow is controlled by an entry gate, guard house, or drive-through service facility, an adequate stacking lane, approved by the Public Works Director, shall be provided in a manner that does not interfere with maneuvering into parking spaces or traffic flow of aisles, streets, bike paths, or sidewalks.

Sec. 38-3. Drainage and Flood Control

A. Purpose

1. This section contains guidelines for drainage system design and establishes a standard practice for recognized and established engineering design of storm drain facilities to protect the health, safety, welfare, and property of the general public. This section also includes requirements for the submittal of drainage plans and associated documents related to development. Specific design criteria for drainage systems are included in the City of Las Cruces Drainage Technical Manual.
2. Methods and processes included in this section are the minimum standards. Recognized and established engineering practices and principles shall be followed in all engineering projects within the City limits. The Public Works Director shall determine the required parameters of any particular project or technical analysis and may require additional criteria should such be deemed to be in the best interest of the general public. If any of these requirements conflict with existing standards or guidelines, the more stringent shall apply.
3. Authority to Issue Administrative Warnings

   The Public Works Director, Community Development Director, and personnel under their supervision, as well as the City building and project inspectors shall be authorized to issue verbal or written administrative warnings to any person, operator or owner who allegedly violates any provision of this Section.

B. Applicability

This Section applies to all new development, expansions that increase impervious surface, and or development that otherwise changes pervious surfaces (e.g., adds vegetation, changes slopes, etc.) as determined by the Public Works Director.

C. Drainage Reports and Construction Plans for Drainage Facilities

1. Requirements for Drainage Reports and Construction Plans

   All drainage reports and construction plans shall be prepared by a professional engineer registered in the State of New Mexico and shall comply with the minimum requirements and specifications set forth in this section.

   Review schedules will be as outlined in the subdivision and building codes. However, reports involving large developments and complex structures will require more review time. If the development is phased, the final drainage report must also address how the intermediate runoff of each phase will be mitigated.

   The engineer should be aware that whenever unusual or serious drainage problems are anticipated in conjunction with a proposed development, additional analysis and information beyond the minimum requirements outlined in this section may be required by the Public Works Director.

   The following specifications and criteria shall be used for Drainage Reports:

   a) Master Drainage Study

      i) A master drainage study shall be required prior to approval for any annexation, Planned Unit Development, or Preliminary Plat. The purpose of the master drainage study is to identify major drainage facilities, ponding areas, locations of culverts, bridges, open channels, and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The report shall include but not be limited to the following information and calculations:

         a. Calculations for peak flow for the 1-percent probability storm event from all upstream off-site tributary drainage areas.

b. Calculations for peak flow for the 1-percent probability storm event within the proposed development for all drainage basins larger than 20 acres.

c. Preliminary analysis of the floodplain and major drainage ways for the 1-percent and 10-percent probability storm event.

d. Closed subbasin analysis including identification of water into or out of subbasin.

e. Discussion and analysis of adverse impact anticipated to downstream drainage facilities.

f. Discussion of drainage problems and solutions that are anticipated within the proposed development.

g. The report shall be submitted electronically and formatted to an 8½-inch by 11-inch paper.

h. All drainage studies/reports must include a table of pertinent values in the body of the report. The values shall include, at a minimum, flow depth for all flow paths, peak velocity, Tc, freeboard for channels (not including streets), flow (Q), CN numbers, and volumes of runoff for basins. Drainage studies shall include maps showing both flow and volume into and out of basin(s) and proposed development.

i. Flows may need to be routed to a historic point of convergence for both the pre- and post-development/construction condition.

j. If a hydrologic model is required, the model should be included as an Appendix or Exhibit to the Drainage Report.

ii) Drawings for the master drainage study shall include but not be limited to the following:

a. Any and all floodplains and floodways must be identified. A copy of the applicable FEMA floodplain map is required indicating limits of current study.

b. Existing topography, one- or two-foot contour intervals.

c. Location and size of existing and proposed open channels, storm drains, and all other drainage structures.

d. NRCS soils map with area of interest indicated.

e. Identification of all contributing existing and affected drainage basins upstream and within the development.

f. Location of all streets larger than local classification.

g. Basin maps may be scaled as small as 1" = 600' (1:7200). Orthophoto maps at a scale of 1" = 200' are preferred. Basin maps shall have each basin name, area (acres), 10-percent and 1-percent peak flows (CFS) into and out of the basin (shown at the location of concentration) and, clearly indicated flow paths. Maps of a scale 1" = 2,000' may be used for undeveloped, offsite basins greater than one square mile.

h. All drainage maps shall be formatted to a minimum of 24" × 36" and shall be included in the electronic submittal. Pre-printed maps, such as USGS maps, are acceptable. Maps of a smaller size may be accepted at the reviewer's discretion.

iii) Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of subbasins analyzed in the report shall be held to the smallest practical number.

iv) Required Outline

The following is a sample outline for a typical master drainage report. Each of these headings should be addressed in the report body with supporting information and calculations in the appendices. Information provided at this stage of the review process is reviewed for only the phase submitted for and only for the requirements above. Post-development items are considered conceptual during this review phase.

a. Introduction and purpose
b. Methodology
c. Scope of investigation
d. Meteorological and geological
    i. Climate
    ii. Rainfall
    iii. Soil investigation
        (a) Hydrologic soil classification
        (b) Runoff curve number
        (c) Soil description
e. Basins
    i. Basin parameters – Existing and Proposed
        (a) Offsite
        (b) Onsite
f. Hydrology
    i. Pre-development
        (a) Direct runoff
        (b) Runoff volume computation
        (c) Peak flow computations
    ii. Post-development
        (a) Direct runoff
        (b) Runoff volume computation
        (c) Peak flow computations
    iii. Comparison of ponding volumes pre- and post-development
g. Hydraulics
    i. Natural and constructed channels
    ii. Streets
h. Conclusion section
    i. Discussion of final drainage management strategy, including upstream and downstream impact
    ii. Detailed description of hydraulic and hydrologic interaction
    iii. Formal statement by the developer certifying that the development will not have an adverse impact on properties and structures adjacent to or downstream of the new development. The statement must identify how standards are satisfied.
i. Appendices
    i. All required maps and drawings in electronic format
    ii. All calculations in electronic format

iii. Input and output from any modeling and routing software in electronic format

b) Final Drainage Study and Construction Plans for Drainage Facilities and Structures:

The final drainage study shall be a detailed study and analysis of the drainage in the proposed development for both predevelopment and post-development conditions. Developments include but are not limited to subdivisions, commercial developments, or planned unit developments. It shall include detailed calculations for all runoff within the proposed development, and detailed calculations for all runoff exterior to the site, with detailed calculations supporting the design of all drainage structures within the development. Final drainage studies shall use the approved methods as outlined in the Runoff Analysis Methods and shall incorporate green infrastructure as per the City of Las Cruces Standards. Construction plans for all drainage structures, grading plans, and street grades, where applicable, shall also be considered part of the final drainage study. Drawings and calculations comprising the final drainage study shall include but not be limited to the following information:

i) Clearly labeled existing and proposed contours for proposed development. (Contour interval based on USGS datum, one-foot contour interval minimum.)

ii) Location and elevations of City or USGS benchmarks. All elevations shall be based on USGS datum.

iii) Property lines.

iv) Streets, right-of-way limits, names and grades.

v) Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts. All pertinent information such as size, slope, and location of existing drainage ways shall be included to facilitate review and approval of drainage plans.

vi) Overall drainage area boundaries and drainage sub area boundaries.

vii) Proposed type of curb and gutter (vertical, combination, rollover, or flat) and gutter flow directions including cross-spans (intersections).

viii) Proposed storm drains, open drainage ways, and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other required appurtenances necessary for drainage control.

ix) Proposed inflow and outfall points for runoff from the study area.

x) Routing and combining all flows at various critical points for the initial 10-percent probability (10-year) and major (1-percent probability, 100-year) storm runoff.

xi) Minimum finished floor elevation and ground site elevations at all critical building locations for protection from major storm runoff.

xii) Predevelopment and post-development basin maps, with a scale of 1” = 100’ (1:100) of the proposed development, which shall show the following information:

a. Location and size of all drainage structures.

b. General flow patterns and flow paths within the development also to include offsite basins affecting the development.

c. Finished floor and ground site elevations of all buildings and adjacent sites and structures.

d. The 1-percent probability storm event flood level in all streets in which the curb is overtopped.

e. All drainage basins within, and affecting, the development shown in a table listing basin names, basin area (acre), 10-percent and 1-percent flood event peak flows into and out of each basin shown at the flow path location. The number of basins should be limited to the smallest practical number.

xiii) All floodplains and floodways within the proposed development. A copy of the current FEMA floodplain map is required, showing project limits.

xiv) All electronic or printed drawings shall be on 24” by 36” sheets. Maps of a smaller size may be accepted at the reviewer’s discretion.

xv) NRCS soils map showing project location.

xvi) Final drainage study shall incorporate master drainage study.

xvii) Recommended outline. The following is a sample outline for a typical final drainage report. Each of these headings should be addressed in the report body with supporting information and calculations in the appendices. Information provided at this stage of the review process is reviewed for only the phase submitted for and only for the requirements above.

a. Introduction and purpose

b. Methodology

c. Scope of investigation

d. Meteorological and geological

i. Climate

ii. Rainfall

iii. Investigation

(a) Hydrologic soil classification

(b) Runoff curve number

(c) Soil description

e. Basins

i. Basin parameters

f. Hydrology

i. Pre-development

(a) Direct runoff

(b) Runoff volume computation

(c) Peak flow computations

ii. Post-development

(a) Direct runoff

(b) Runoff volume computation

(c) Peak flow computations

iii. Comparison and ponding of pre- and post-development

g. Hydraulics

i. Natural and constructed channels

ii. Streets

iii. Culverts and storm drains

h. Conclusion section

i. Discussion of the final drainage approach

ii. Detailed description of hydraulic and hydrologic interaction.

i. Appendices
    i. All required maps and drawings
    ii. All calculations
    iii. Input and output from any modeling and routing software

c) Plan Details

The following details shall be indicated on the drainage plans:

i) Title block (lower right-hand corner preferred)
ii) Scale
iii) Date and revisions
iv) Name of professional engineer and firm
v) Professional engineer's seal
vi) Drawing number (sheet n/n)
vii) Legend
viii) Approval blocks for various City departments

d) Construction Plans

Construction plans shall show the following information:

i) Plan
    a. North arrow
    b. Property lines, adjacent properties, ownership thereof, and subdivision information
    c. Street names and easements with width dimensions and location
    d. Existing utility lines, location and depth, or height, as follows:
        i. Water
        ii. Gas
        iii. Telephone
        iv. Storm drains
        v. Irrigation canals
        vi. Sanitary sewers
        vii. Other utilities
ii) Profile
    a. Vertical and horizontal grids with scales
    b. Ground surface grade (dashed) and proposed grade (solid)
    c. Existing utility lines where crossed
    d. Benchmarks (USGS datum)
iii) Proposed construction
    a. Pipes and culverts

i. Plan showing stationing

ii. Profile

iii. Size, length between manholes, and pipe composition

iv. Grades of pipe

v. Inlet and outlet details of all manholes and inlets and connections to existing drainage systems

vi. Manhole details, including station numbers and invert and top elevations

vii. Typical bedding details for pipe for all bedding situations encountered on the project

b. Open channels

i. Plan showing stationing

ii. Profile indicating the grade of invert of channel, top of lining if any, and adjacent ground grade

iii. Typical cross-sections

iv. Construction notes

v. Lining details

vi. Riprap and bedding details and gradation requirements for same

vii. Structure details of all inflow, outflow, and drop structures. Including sub grade and foundation design details

2. Construction Approval

Record drawings of improvements shall be provided for all subdivision or public right-of-way construction projects. The design engineer and the City must review and approve any changes to the original design of a project. Record drawings will be made by the design engineer from information provided by job-site contractors or field surveys. Upon obtaining the record drawings, final inspection, Letter of Map Revision (when applicable), and approval by the Public Works Director, the project can be issued a letter of acceptance, or the improvement can be accepted by the City in the case of a subdivision or planned development.

D. Flood Hazard Prevention and Flood Control

1. In General

a) Statutory Authorization

The Legislature of the State of New Mexico has in New Mexico Statutes Annotated 1978, § 3-18-7 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses, and it is determined to be in the public interest for the City to establish the flood control damage prevention regulations in this section.

b) Findings of Fact

i) The flood hazard areas of the City are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

ii) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

c) Statement of Purpose

It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

i) Protect human life and health;

ii) Minimize expenditure of public money for costly flood control projects;

iii) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

iv) Minimize prolonged business interruptions associated with flooding;

v) Minimize damage to public facilities and utilities such as water, sewer, and gas mains; electric, telephone, and communication lines; and streets and bridges located in flood-prone areas;

vi) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

vii) Ensure that potential buyers are notified that the property is in a flood zone or a flood-prone area.

d) Methods of Reducing Flood Losses

In order to accomplish its purposes, this section is intended to introduce methods designed to reduce flood losses, including the following:

i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or that cause excessive increases in flood heights or velocities.

ii) Require that land and buildings vulnerable to floods, including facilities which serve such development, be protected against flood damage at the time of initial construction. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

iii) Control filling, grading, dredging and other development which may increase flood damage.

iv) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

e) Applicability of Section

This section shall apply to all areas of special flood hazard within the jurisdiction of the City.

f) Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for the City of Las Cruces, Doña Ana County, NM, dated July 6, 2016, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2016, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

g) Establishment of Development Permit

A development permit shall be required to ensure conformance with the provisions of this Code prior to the commencement of any development activities.

h) Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Code and other applicable regulations.

i) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing regulations, ordinances, easements, covenants, or deed restrictions. However, where this Code and the provisions of other regulations or ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

j) Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

i) Considered as minimum requirements;

ii) Liberally construed in favor of the City of Las Cruces; and

iii) Deemed neither to limit nor repeal any other powers granted under State Statutes.

k) Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations applicable at the time of authorship. On rare occasions, greater floods can and will occur, and flood levels may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section, or any administrative decision lawfully made thereunder.

l) Lands to which this Section Applies

The section shall apply to all areas of special flood hazard within the jurisdiction of the City of Las Cruces, New Mexico.

m) Determination of Substantially Improved or Substantially Damaged Existing Buildings and Structures in Flood Hazard Areas

For applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the Floodplain Administrator shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Floodplain Administrator determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this Code, the Building Official shall require the building to meet the requirements. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure occurring during the immediate past five-year period.

2. Administration

a) Designation of the Floodplain Administrator

The Community Development Director hereby appoints a Floodplain Administrator who is certified to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Regulations) pertaining to floodplain management.

b) Duties and Responsibilities of the Certified Floodplain Administrator

Duties and responsibilities of the certified Floodplain Administrator under this section shall include but not be limited to:

i) Maintaining and holding open for public inspection all records pertaining to this section;

ii) Reviewing permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

iii) Reviewing and then approving or denying all applications for development permits required under the Code;

iv) Reviewing permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State or Local governmental agencies, (including section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1334) from which prior approval is required);;

v) Making the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

vi) In riverine conditions, notifying adjacent communities and the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

vii) Assuring that the stormwater capacity within the altered or relocated portion of any watercourse is maintained;

viii) Obtaining, reviewing, and reasonably utilizing any base flood elevation data and floodways data available from a federal, state, local, or other source in order to administer the provisions of **Sec. 38-3.D.3.a)** through **Sec. 38-3.D.3.e)** below When base flood elevation data has not been provided, in accordance with **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**;

ix) Requiring that, when a regulatory floodway has not been designated, that no new construction, substantial improvements or other development, including fill, shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;

x) When a hydraulic or hydrologic study terminates near or within a development area, the limits of study shall be extended as necessary by the community and/or Floodplain Administrator to ensure hydraulic continuity and stable boundary conditions. The study shall extend upstream and downstream until computed water-surface elevations and flow characteristics are fully representative of existing conditions and no longer influenced by project effects. Extensions shall conform to FEMA MT-2 technical guidance and 44 CFR § 65.6(a)(8) to maintain proper tie-ins to effective data; and

xi) Assuring that, under the provisions of 44 CFR Chapter 1, Section 65-12, of the National Flood Insurance Program regulations, the City of Las Cruces may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevations of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

c) Permit Procedures

i) Application for a development permit required under this Code shall be presented to the floodplain administrator on forms furnished by the property owner or the property owner’s representative and may include, but is not limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the development in relation to areas of special flood hazard. Additionally, the following information is required:

a. Where base flood elevations have not been provided by the Federal Emergency Management Agency, a drainage study prepared and certified by a professional engineer registered in the state. The drainage study shall include:

i. An aerial photo of the area to be developed and contributing watershed;

ii. An up-to-date contour map of the site to be developed at a scale of 1” = 100’ and contour lines at intervals of no more than one foot and spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than 100 feet apart in all directions;

iii. A contour map identifying the site to be developed and the entire watershed that contributes storm runoff to the development site;

iv. Calculations showing the peak discharge and volume of runoff that will pond or pass through the development site from a 1-percent probability storm; and

v. Calculations showing the 1-percent probability storm base flood elevation in relation to mean sea level on the site to be developed.

b. Elevation in relation to mean sea level of the lowest floor, including any basement, of all new and substantially improved structures;

c. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

d. A certificate from a professional engineer or architect registered in the state of New Mexico that the nonresidential floodproofed structure shall meet the floodproofing criteria of **Sec. 38-3.D.3.b)ii)** below;

e. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

f. Maintenance of a record of all such information in accordance with **Sec. 38-3.D.2.b)i)** above.

ii) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the sections of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

g. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable; and

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

d) Variance Procedures

i) The City Council shall hear and render judgment on request for variances from the requirements of this ordinance.

ii) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this article.

iii) Any person aggrieved by the decision of the City Council may appeal such decision to the District Court within 30 days of the rendering of the decision.

iv) Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

v) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places without regard to the procedures set forth in the remainder of this ordinance.

vi) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below, the base flood level, providing the relevant factors in **Sec. 38-3.D.2.c)ii)** have been fully considered.

As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

vii) Upon consideration of the factors noted in this ordinance and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article stated in **Sec. 38-3.D.1.c)** and **Sec. 38-3.D.1.d)**.

viii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

ix) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

x) Prerequisites for granting variances shall be as follows:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon:

i. Showing a good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, and extraordinary public expense, and create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant, to whom a variance is granted, shall be given written notice of the permitted elevation of the lowest floor of the structure to be built, which shall not be more than two feet below the base flood elevation. The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

xi) Variances may be issued by the City of Las Cruces for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

a. The criteria outlined in i) through x) are met; and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

e) Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

i) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

ii) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

iv) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

3. Flood Hazard Reduction

a) General Standards

In all areas of special flood hazards, the following are required for all new construction and substantial improvements:

i) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

ii) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

iii) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

iv) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

v) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

vi) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

vii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

viii) Floodplain development shall follow the Federal Emergency Management Agency's Letter of Map Change (LOMC) process (e.g., LOMA, LOMR, LOMR-F, CLOMR, CLOMR-F) as specified in 44 CFR. Upon the submittal of any preliminary and final drainage drawings for review, floodplain information shall be required along with a Conditional Letter of Map Revision (CLOMR and CLOMR-F) and a Letter of Map Revision (LOMR and LOMR-F) for 1-percent probability storm event for storm flows of greater than 250 cubic feet per second, developments of five acres and larger, developments with 50 or more lots, and/or developments with any changes to the existing flow path in flood hazard zones AE, A, AH, AO, and D. Information shall include peak discharges for the 10-percent, 2-percent, 1-percent, and 0.2-percent probability storms for the floodplain inundation area and anticipated depth of floodwaters one foot and deeper. Standard step backwater models shall be used for flood depth determination. The Hydrologic Engineering Centers HEC-2 analysis method may be required. Improvements and subdivisions will not be accepted by the City until the flood study has been approved by the Federal Emergency Management Agency.

a. A CLOMR will be submitted for review by the City and submitted to the Federal Emergency Management Agency prior to plan and/or Final Plat approval.

b. A LOMR will be submitted for review by the City and submitted to the Federal Emergency Management Agency before acceptance by the City and before the issuance of any Certificate of Occupancy. Costs incurred for the preparation of materials and fees paid to the Federal Emergency Management Agency will be borne by the developer.

b) Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**, **Sec. 38-3.D.2.b)viii)**, or **Sec. 38-3.D.3.c)iii)** below), the following are required:

i) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including any basement, elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in **Sec. 38-3.D.2.c)i)a** above is satisfied. When Base Flood elevation data has not been established, the City shall obtain, review, and reasonably utilize any Base Flood elevation data and regulatory data available from federal, state, or other source, in order to administer the provisions of this Section.

ii) Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level plus one foot of freeboard, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be issued by the certifying professional to the Floodplain Administrator and be maintained by the Floodplain Administrator.

iii) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are useable solely for the parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

iv) Manufactured Homes

Manufactured homes are subject to the following regulations.

a. All manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purpose of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes in the following categories that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and shall be

securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movements in accordance with paragraph **d** below:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zone A1-30, AH, and AE on the community's FIRM that are not subject to the provision of paragraph **b** above must be elevated so that it meets the greater of either:

i. The lowest floor of the manufactured home is elevated at least one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, whichever is higher.

d. Ground anchoring systems shall meet the requirements outlined in the City manufactured housing installation code. Anchors and anchoring systems that do not meet these requirements shall be designed by a professional engineer registered in the state of New Mexico and approved by the Floodplain Administrator.

v) Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of **Sec. 38-3.D.2.c)i)b** above, and the elevation and anchoring requirements for "manufactured homes" in **Sec. 38-3.D.3.b)iv)** above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

c) Standards for Subdivision Proposals

i) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with **Sec. 38-3.D.1.b). Findings of Fact** through **Sec. 38-3.D.1.d). Methods of Reducing Flood Losses**.

ii) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet the development permit requirements of **Sec. 38-3.D.1.g). Establishment of Development Permit** and **Sec. 38-3.D.2.b)ix)**.

iii) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to **Sec. 38-3.D.1.f). Basis for Establishing the Areas of Special Flood Hazard** or **Sec. 38-3.D.2.b)viii)** above.

iv) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

v) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to

minimize or eliminate flood damage. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during a flood event.

vi) All proposals for the development of subdivisions shall meet development permit requirements of **Sec. 38-3.D.1.g) Establishment of Development Permit** and **Sec. 38-3.D.2.b)ix)**, this section, as well as the requirements of **Chapter 37. Subdivision Regulations**.

vii) All preliminary and final plats submitted for approval must have any floodplain clearly graphically delineated and noted.

d) \Standards for Areas of Shallow Flooding (AO/AH Zones)

Areas designated as shallow flooding are located within the area of special flood hazard as established in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**. These areas have flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where higher velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following apply to AO and AH zones:

i) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot of freeboard (at least three feet if no depth number is specified).

ii) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including any basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot of freeboard (at least three feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level plus one foot of freeboard, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

iii) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in **Sec. 38-3.D.2.c)i)a** above, are satisfied.

iv) Adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.

e) Floodways

Floodways located within areas of special flood hazard established in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply to the floodway:

i) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

ii) If subsection **i)** above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Sec. 38-3.D.3.a) General Standards** through **Sec. 38-3.D.3.d) Standards for Areas of Shallow Flooding (AO/AH Zones)**.

iii) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City of Las Cruces may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through the Federal Emergency Management Agency.

f) Severability

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

g) Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $10,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Las Cruces City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Development In or Adjacent to Areas Prone to Erosion

1. Scope of Division

Construction of slope protection within the City shall require an approved building permit and shall conform to the minimum design standards as specified within this Code and in accordance with the latest City-adopted edition of the International Building Code (IBC), City construction specifications, and design standards for all drainage facilities that will be dedicated to the City. All development in the special flood hazard area (SFHA) – also known as the flood zone – must comply with the Code of Federal Regulations (44 CFR 60.3).

2. Slope Protection for Drainage Ponds and Embankments

The following shall be applied to slope protection design and construction of slopes greater than 3:1:

a) Construction permit applications, if applicable, shall include all structural calculations, investigative reports, and design documentation.

b) All slope protection within the City shall be designed and constructed per City Design Standards and in accordance with the latest City-adopted edition of the International Building Code for both private and public construction, as applicable.

c) For any facilities dedicated to the City, a site-specific geotechnical investigation will be required.

d) City of Las Cruces Pond requirements, revised June 20, 2023, or latest version are included in the Drainage Technical Manual.

3. Erosion Control and Mitigation

The following shall apply to development:

a) A draft Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) must be included as part of the initial project design plan submissions for a construction permit.

b) All Best Management Practices (BMPs) shall be listed in the SWPPP.

c) All grading shall limit and control surface soil disturbance and removal of vegetation. All grading shall have controls in place to prevent surface runoff and sediment transport off-site.

d) A draft wind erosion plan (WECP) shall also be submitted, per WECP standards and requirements.

e) Storm runoff discharging to floodways adjacent to residential properties must be designed to prevent erosion of adjacent private property.

f) Requirements for erosion and wind control are located within the Technical Manual.

4. Geotechnical Soils Investigation

a) A geotechnical soils report is required for any facilities that will be dedicated to the City. A geotechnical soils investigation may be required if the soil conditions are unknown or otherwise unusual as determined by the Public Works Department. This requirement must also be met for soils that are classified as expansive, very fine, loose structure, have a history of instability, have a potential for future instability, or will have a designed or natural slope steeper than 3:1. Any soils report, or addendum, for a project/development shall be part of the building permit application and shall be presented as part of the construction permit drawing submittal.

b) Geotechnical investigations shall meet the requirements of ASTM D-420 “Investigation and Sampling Soils and Rocks for Engineering Purposes”.

c) Each boring log shall note the ground surface elevation at the location of each boring.

d) Ponds: Subsurface exploration depth below the designed bottom-of-pond (BOP) elevation to define the infiltration zone shall be:

i) Private ponds. Exploration of ten feet (minimum) below the designed bottom-of-pond (BOP) elevation for at least 20 percent of ponds in a development. Exploration points shall be equally spaced across proposed pond locations.

ii) City drainage ponds, ponds dedicated to the City, and dual-use facilities. One exploratory hole of 20 feet below BOP (minimum) for each pond.

5. General Slope Protection

The following applies to all slope protection related to drainage structures, including pond embankments and slope stabilization to prevent erosion and sediment transport due to storm events:

a) All slope protection designs 3:1 or steeper shall be designed by a Professional Engineer licensed in the State of New Mexico and reviewed by the City prior to issuance of a construction permit.

b) All slopes that do not have natural vegetation or ground cover shall be stabilized.

c) Slope stabilization methods shall follow guidelines and standards included in the Technical Design Manual and the latest edition of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction.

d) Slope protection using planted vegetation is required for slopes 4:1 or less. Design shall be in accordance with **Sec. 38-7. Landscaping** and the following specifications:

i) Planted slope protection shall not be used for slopes steeper than 4:1.

ii) United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) practice standards shall be met for slope protection planting.

F. Stormwater Quality/Pollution Reduction Development

1. Purpose

In order to meet the requirements included in federal and state regulations, including the Municipal Separate Storm System (MS4) permit and National Pollution Discharge System (NPDES), this section outlines the City guidelines for improving the quality of stormwater runoff by controlling pollutants and sediment, and improving the air quality by controlling dust from unstable soil.

Industrial, commercial, and residential construction shall conform to the latest applicable permit requirements and will submit a Stormwater Pollution Prevention Plan (SWPPP) and Wind Erosion Control Plan (WECP) for any

site that may release dust, sediment, or contaminated runoff to natural waters, including floodways and the Rio Grande.

National Pollutant Discharge Elimination System (NPDES) applies to persons obtaining construction permits clearing one (1) acre or more under the federal Environmental Protection Agency (EPA) Construction General Permit. This section shall apply to any stormwater discharge associated with commercial, industrial, residential, roadway, and other activities, including construction, in strict accordance with the current MS4 permit for the City of Las Cruces.

It shall also be the purpose of this section to:

a) Maintain and improve the quality of surface water and groundwater within the City limits;

b) Promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, pet waste, and other contaminants into the City's storm drains, natural waters, and water courses;

c) Encourage recycling of used motor oil and safe disposal of other hazardous consumer products;

d) Respect, protect, maintain, and restore arroyos, wetlands, bosques, floodplains, steep slopes, riparian vegetation, and wildlife habitat areas that are within the City's jurisdiction;

e) Treat stormwater runoff as a valuable natural resource of the City of Las Cruces, which is prone to drought, by encouraging water collection and infiltration on site;

f) Control the adverse impacts associated with increased and high-velocity stormwater runoff on natural drainage ways and stormwater structures due to increased development and its creation of new impervious surfaces;

g) Integrate stormwater management measures into the landscape and site planning process;

h) Provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating permanent measures into the overall landscape and site design;

i) Facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the City; and

j) Assist the City in compliance with all federal and state laws, regulations, and permits applicable to stormwater discharge.

2. Administration

The Public Works Director shall administer and coordinate the implementation and enforcement of the provisions of this section.

3. Duties and Responsibilities of Public Works Director

Duties and responsibilities of the Public Works Director shall include, but are not limited to, the following:

a) Be the guardian of the MS4, including all dams, detention and retention basins, storm drains, outlet working channels, and pumping stations;

b) Maintain and hold open for public inspection all records pertaining to the provisions of this section;

c) Review permit applications to determine whether proposed developments will eliminate or reduce the pollutants entering the MS4;

d) Review, approve, or deny all applications for development permits required by the adoption of this section;

e) Maintain supervision over the operation and maintenance condition of the MS4 to ensure its safe and effective functioning and notify the streets systems administrator of any required maintenance and/or repair work;

f) Conduct an annual inspection of the MS4 and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness, and maintenance condition of the system, and a line item list of required special maintenance or repairs to the streets systems administrator;

g) Establish and implement a program to locate and eliminate illicit discharges and improper disposals to the MS4;

h) Establish and implement a program to prevent, contain, and respond to spills that may discharge into MS4. This program shall be in conjunction with the fire department's hazardous materials division;

i) Establish and implement a program to identify and control pollutants in stormwater discharges from any construction or commercial facility that the Public Works Director determines is contributing a substantial pollutant loading to the MS4.

4. General Prohibitions

a) No person shall introduce or cause to be introduced into the MS4 or waters within the jurisdiction of the City any discharge that is not composed entirely of stormwater other than those that are identified in the following section.

b) It is an affirmative defense to any enforcement action for violation of subsection **a)** above that the discharge was composed entirely of one or more of the following categories of discharges:

i) A discharge authorized by and in full compliance with an NPDES permit (other than the NPDES permit for discharges from the MS4);

ii) A discharge resulting from firefighting;

iii) Agricultural stormwater runoff;

iv) A discharge from water line flushing, but not including discharge from water line disinfected by super chlorination or other means unless it contains no harmful quantity of chlorine or any other chemical used in line disinfection;

v) A discharge from residential lawn watering, residential landscape irrigation, or crop irrigation, water;

vi) A discharge from a diverted stream flow or natural spring;

vii) A discharge from uncontaminated pumped groundwater or rising groundwater;

viii) Uncontaminated groundwater infiltration to the MS4;

ix) Uncontaminated discharge from a foundation drain, crawl space pump, footing drain, or sump pump;

x) A discharge from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

xi) A discharge from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;

xii) A discharge from individual residential vehicle washing;

xiii) Uncontaminated discharge from riparian habitat or wetland; and/or

xiv) Discharge from water used in street washing provided that the water is not contaminated with any harmful cleaning substance.

c) No affirmative defense shall be available under subsection **b)** above if the discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, and written notice of such determination has been provided to the discharger.

5. Specific Prohibitions and Requirements

a) The specific prohibitions and requirements in this section are within but do not limit the general prohibition of all the discharges prohibited by **Sec. 38-3.F.4. General Prohibitions**.

b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's NPDES permit, or any state- or federal-issued discharge permit for discharges from its MS4.

c) Additional Requirements

Additional requirements which may be requested from operator could include:

i) Location of all easements and rights-of-way;

ii) The delineation, if applicable, of the 100-year floodplain, floodway, if applicable, and any on-site or adjacent wetlands;

iii) Percolation test results for all areas with retention ponds or other facilities designed for infiltration and a description of techniques to be used to prevent the clogging of soil pores by fine sediment;

iv) A description of the approximate area of the watershed above the site, including the vegetative coverage and impervious surfaces;

v) SWPPP;

vi) The NOI.

d) Denial and Review

The Community Development Director may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans, or observed upon a site inspection by City personnel, are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. Together with written notification to the applicant that the approval sought is denied, the Public Works Director shall provide the applicant a written explanation of the reasons for the denial. The applicant may request review of the decision made by the Community Development Director or by the Development Review Committee. Any such request for review shall be made within ten days of the date the applicant receives notification of the decision by the Community Development Director. The decision whether or not to review the decision shall be within the sole discretion of the Committee and may be limited to written materials considered by the Committee to be relevant.

e) Inspections and Corrective Action by the City

The City of Las Cruces, through its designated agent(s), shall inspect sites throughout construction activities and either shall approve that portion of the work completed or shall notify the permittee that the work fails to comply with the provisions of this Code, State Administrative Code and/or federal NPDES regulations. Corrective action for non-compliance issues shall begin immediately. Completion of corrections shall not exceed seven days. Failure to comply will result in an immediate stop work order of construction on the site.

f) Increase in Minimum Standards

The Public Works Director and/or the Community Development Director may require implementation of more than the minimum stormwater standards if arroyos on site, or immediately downstream of a site, show evidence of increased flooding, accelerated erosion (erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away), channel erosion or sedimentation. Increased requirements shall be limited to the following on-site measures:

i) Erosion control measures extended to a broader area of the site than the development area;

ii) Revegetation of highly eroded areas;

iii) Arroyo restoration or other erosion control measures within highly eroded channels; or

iv) A combination of the above measures.

g) Variance from Stormwater Quality Management On Site

i) The Public Works Director may authorize alternative methods if the following conditions are met:

a. Stormwater quality can effectively be controlled through private off-site mitigation or through an arrangement to use an existing regional stormwater management facility.

b. Any of the following conditions apply:

i. The soil is not stable as demonstrated by a geotechnical report certified by a professional engineer licensed in the State of New Mexico.

ii. A licensed professional can clearly demonstrate and provide technical basis to support that the site use is not consistent with the capture and reuse of stormwater.

iii. Other physical conditions exist that do not leave sufficient area for on-site stormwater quality control.

iv. The developer constructs a project in accordance with drainage design standards to replenish regional groundwater supplies at an off-site location that is located in the same drainage basin within the boundaries of the development site.

v. Acquisition of surface water rights may be required in order to implement management off site.

ii) The basis for requesting private off-site mitigation or a variance request is clearly demonstrated in the Drainage Plan or negotiated during the PUD process (see **Sec. 36-5.D. Planned Unit Developments (Error! Reference source not found.**s)).

h) Notification or Permitting by Other Agencies

Activities permitted by this section may also require notification or permitting by other agencies, including but not limited to written approval from the Elephant Butte Irrigation District or other official watercourse related organization, the federal Environmental Protection Agency, the United States Army Corps of Engineers, the Federal Emergency Management Agency (FEMA) and the New Mexico Environment Department (NMED).

G. Low-Impact Development and Green Infrastructure

1. LID strategies shall be considered and developed as part of the development drainage plan in order to minimize required stormwater detention or retention volumes. LID strategies shall be considered for both commercial and residential development and should demonstrate consideration of the local climate and soil types and availability of water for maintenance of trees and vegetation. The City's Landscape Architect shall maintain a list of approved plant materials.
2. The Technical Manual and **Sec. 38-4. Low-Impact Development and Green Infrastructure** include approved LID methods to improve stormwater quality. Such LID methods must be shown on the final Drainage Report.

H. Drainage System Operation and Maintenance

1. The actual effectiveness of any storm drainage system compared to that determined through modeling and other engineering computation procedures may differ greatly. The intake capacity of a storm drain inlet can be reduced by more than 75 percent due to debris accumulation. Trash collecting on a pier of a bridge over a flood control channel may actually direct water out of the channel although the discharge is well below the channel design capacity. Sand and silt accumulations within a storm sewer may completely block the line. Pump stations that have not been regularly exercised may not operate when called upon.
2. In order to increase system efficiency and improve the City drainage systems, the following maintenance guidelines shall apply to operators of private drainage systems:

Figure 38-3-1. Private Drainage System Maintenance Guidelines

Facility	Maintenance	Inspection
Channels	Monthly June-October	Semiannual
Pump stations	Monthly June-October	Semiannual
Detention/Retention facilities	As necessary, monthly June-October	After any major storm (one inch or greater)
Storm sewer systems	Annual	Biannual
Storm sewer inlets	After rainfall events or biweekly during rainy periods	Semiannual

3. Proper operations and maintenance of storm drainage and flood control facilities includes both cleaning and minor repair to the facilities as well as completely rebuilding some facilities which have, through weathering or lack of maintenance, been rendered useless or present a threat to public safety. The purpose of the operation and maintenance is to maintain the design capacity and the use of the facility.
4. Community Ditches and Parkways

   The maintenance, cleaning, weed and grass removal, upkeep and repair of community ditches and parkways within the City shall be the responsibility of the owners of the abutting property, whether or not such persons are users of water in the community ditch.
5. Maintenance Responsibilities for Stormwater Systems

   a) Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

   b) The stormwater management system shall be maintained in good condition and promptly repaired. Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation, and any other stormwater measure constructed on site. Such maintenance shall be in accordance with the National Pollutant Discharge Elimination System Manual "Storm Water Management Guidelines for Construction and Industrial Activities", latest version.

   c) All stormwater management measures and facilities shall be maintained by the fee simple owner of the property, a homeowners association that can demonstrate that it not be disbanded during the life of the facility or a regional entity specifically dedicated to the maintenance of a regional pond, unless a dedication of the stormwater management system has been required or accepted by the City, in which case, the City shall be responsible for maintenance. Maintenance agreements shall be recorded at the County Clerk's Office and the rights and responsibilities for the maintenance of the drainage structures will be associated with the property in the event of a transfer of ownership, unless and until the drainage structures are modified or removed. Any and all changes to the maintenance agreement will be required to be recorded at the County.

   d) Owner(s) of drainage structures, including ponds, that discharge or connect to the City of Las Cruces stormwater utility (MS4) or discharge into the Waters of the United States within the City of Las Cruces city limits must conduct, at a minimum, an inspection of each drainage structure every three years following a passing inspection beginning when the property owner assumes ownership of the property and files the maintenance agreement.

      i) Privately maintained infrastructure shall be inspected by City personnel on a routine basis. Inspection shall include, but not be limited to:

a. Inspection and maintenance records; review of design and technical specifications of infrastructure; physical inspection of the facility; and review of the required maintenance agreement.

b. Erosion will be noted in physical inspection with corrective actions required.

c. Sediment accumulation will be noted by required engineered controls including sediment gauges, staffs, or designed elevation of pond depth, to determine if sediment removal is required.

ii) The City may choose to provide a pre-formatted inspection report to be used for each inspection. Any maintenance and repair deficiency identified in the inspection report must be adequately addressed to ensure compliance with the requirements of the City. Upon completion of all necessary maintenance, repair or deficiency identified in the inspection report, the drainage structure shall be re-inspected at the Owner's expense. The re-inspection report shall be filed and approved by the City confirming that all corrective measures have been completed.

iii) If the Owner(s) responsible for maintaining the drainage structure(s) fails to properly maintain the structures or submit certified inspection reports, the City will send a written notice to the owner(s) to correct the problem within 30 days from the Owner(s) receipt of the notice. If the owner(s) fail to comply with the notice, the City may initiate action as outlined in the subsequent section, Maintenance Agreement.

e) Prior to project construction plan approval by the City, applicants must ensure implementation and maintenance of the Best Management Practices (BMPs). Applicants shall be required to submit a maintenance agreement and operation and maintenance plan prior to issuance assuring that all permanent BMPs will be maintained throughout the use of the project site.

6. Maintenance Agreement

The maintenance agreement shall include the following:

a) Operation and Maintenance (O&M) Plan

The applicant shall include an operation and maintenance (O&M) plan, prepared satisfactory to the City, with the approved maintenance agreement, which describes the designated responsible party to manage the stormwater BMP(s), including maintenance frequency specific maintenance activities (including maintenance of storm drain inlet markers), copies of agency permits and any other necessary activities. At a minimum, maintenance agreements shall require the applicant to provide inspection and servicing of all permanent BMPs on an annual basis. The project proponent shall complete and maintain O&M forms to document all maintenance requirements. Parties responsible for the O&M plan shall retain records for at least five years following the date that the maintenance occurred. These documents shall be made available to the City for inspection upon request at any time. O&M plan shall require engineered controls, including staffs or gauges, to facilitate inspection of sediment accumulation in retention and detention facilities.

b) Access Easement/Agreement

Unless the applicant accepts permanent maintenance responsibilities, the applicant shall execute an access easement, if needed, to the official maintenance entity that shall be binding on the land throughout the life of the project.

c) Maintenance Violations

If, after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or responsible party within 30 days, the City may perform or contract all necessary work to place the facility in proper working condition. The owner(s) or responsible party of the facility shall be assessed the associated costs of the work and shall reimburse the costs for said work. In the event of non-payment of work, a lien will be placed on the property associated with the repair, maintenance or corrections of deficiencies identified by the City.

7. Citizen Participation

a) All citizens are encouraged to report to the City any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this section of which they become aware.

b) The Public Works Director or City Codes Enforcement Department shall receive all such citizen reports by email or web reporting (Ask 311), telephone, in writing, and in person. A written record of each citizen report will be prepared and kept on file for a period of three years, and a copy of the City's record of the report will be furnished to the reporting citizen upon request. Also upon request, the City will inform the reporting citizen of any action undertaken by the City in response to the citizen's report.

Sec. 38-4. Low-Impact Development and Green Infrastructure

A. Purpose

1. Beneficial alternative and innovative solutions to stormwater management should be included in projects during the design process, with the primary intent of reducing the volume of stormwater runoff from a site and increasing water quality. This is accomplished by using a combination of strategic site design, stormwater control measures, and landscape elements to capture and treat water closer to the source (the site upon which the water initially falls). This approach can help prevent localized flooding, provide an array of multi-benefits for the community, and reduce the need for or impact on traditional stormwater infrastructure and facilities.
2. Low Impact Development (LID) is an approach to site planning that seeks to protect natural water processes on a site by avoiding impacts of development to the extent possible via protecting undisturbed open space and existing vegetation, minimizing land disturbance, and minimizing impervious cover. LID may also include strategies that restore predevelopment hydrological conditions on a site.
3. Green Infrastructure (GI) includes techniques that utilize plants, soils and other natural elements and processes to store, slow, and/or filter water on-site through functional landscape elements. GI is appropriate for use in both greenfield and urban developments.

B. Applicability

1. LID and GI techniques should be utilized on all new developments or redevelopments.
2. A menu of elements outlined in the Technical Manual allows for the application of LID and GI elements in a variety of contexts, from low-density single-family neighborhoods to urban mixed-use developments.
3. Projects that are not otherwise required to meet the GI/LID requirements may participate in an incentive program, as outlined in the Technical Manual.

C. General Requirements

1. All LID and GI elements shall be regionally and contextually appropriate.
2. LID and GI elements shall seek to maximize the provision of multi-benefits as applicable and appropriate.
3. With approval of the Public Works Director, the City may accept maintenance duties of GI elements constructed in the right-of-way.
4. See the Technical Manual for a menu of approved LID and GI elements.

D. LID and GI Incentive Program

In addition to achieving the minimum requirements, the Technical Manual outlines a series of credits that projects may achieve, with higher levels of credit given based on the quality or quantity of the LID/GI elements used and more credits offered to sites with higher allowable levels of impervious cover (IC) where installation of elements is more demanding (e.g., high-density urban projects get higher levels of credits than low-density suburban projects).

1. Other City Requirements

   Projects must comply with all City code requirements, including landscape provisions and maintenance requirements. Elements shall not be double counted with other City requirements (e.g., landscape elements) already required by code. LID/GI elements used towards this incentive program must be beyond minimum code requirements, except as outlined in the Technical Manual. Enhancement of landscape elements required by code may count for partial incentive credit, for example, using low-maintenance, drought-resistant native plant species in landscape areas otherwise required by code.

2. MS4 and Other Requirements

Projects must comply with the requirements of the latest active MS4 permit and any other applicable U.S. Environmental Protection Agency or state-level requirements regarding water quality and stormwater. GI and LID elements used to meet these requirements may count towards the LID/GI elements credits required per this Code.

3. Alternative Compliance

   Credit may be granted if the project obtains certification under a third-party sustainability certification, as noted in the Technical Manual. If credits are provided under the expectation of a third-party certification but the project ends up not achieving those credentials, the project must achieve equivalent credit via provision of LID/GI elements outlined in the Technical Manual or pay a fee-in-lieu.

4. Fee in Lieu

   Credit may be granted for the payment of a fee in lieu of providing on-site LID/GI elements, as approved by the Community Development Director and Public Works Director, and in consultation with the City's Landscape Architect and Forester/Arborist. Fees paid through this program shall go into the Green Infrastructure Fund which allows the City to install or maintain GI elements elsewhere in the City, at their discretion. Fee calculation amounts are provided in the Technical Manual.

5. The City reserves the right to inspect GI elements installed under the incentive program on private property for proper installation, maintenance, and ongoing performance. If the City deems the element to be not installed, maintained, or performing properly the owner must rectify the issue in a reasonable timeframe or be subject to penalty as applicable for not delivering on approved development agreements.

6. Credit may be granted to GI elements constructed within the right-of-way, per **C. General Requirements**.

7. Additional requirements can be found in the Technical Manual.

Sec. 38-5. Parks, Trails, and Open Space

A. Purpose

The purpose of this section is to ensure that new master plan or subdivision development allocates resources for accessible and useable parks and trails in accordance with the adopted Parks and Recreation Master Plan, the Comprehensive Plan, the Active Transportation Plan and any applicable adopted City plan.

B. Applicability

1. Single-family Residential Development. The requirements of this section for park land and trail dedication shall apply to all developments resulting in the creation of new residential dwelling units.
   a) Exceptions:
      i) Replats of property if no increase in dwelling units will occur.
      ii) Property in the Rural Character Area or zoned OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) or OS-2, Open Space-Drainage District (Rural, Suburban, Urban).
2. Multi-family Residential Development. The requirements of this section for park land and trail dedication shall apply to all developments resulting in the creation of new multi-family residential units.
3. Non-Residential Development. The requirements of this section for open space and trail dedications shall apply to non-residential developments.
   a) Mixed-use developments may propose park land, trails, or open space dedication or a combination to satisfy the requirements of this section.
   b) Exceptions:
      i) Single-lot commercial developments containing less than 5 acres; and
      ii) Property zoned Industrial is not required to dedicate open space, however shall provide connections and dedicate trail easements if adjacent to an existing or proposed trail corridor in accordance with **Sec. 38-5.D. Trails**.
      iii) Projects with approved applicable adopted plans.
      iv) Approved Planned Unit Developments (PUDs) that provide parks and trails in accordance with applicable adopted plans.
4. Park Impact Fees will be assessed at the time of building permit for other park facilities as outlined in Section 33-32 of the LCMC.

C. Park Land

1. Park Land Dedication

   Dedication of park land and installation of park improvements within new developments and redevelopments is required to provide shared space and amenities for the health and enjoyment of neighborhood residents.

2. The amount of park land required to be dedicated (or fee in lieu of dedication) is as follows:

   (3 acres x number of dwellings *x* people per unit*) / 1,000 people = Acres to be dedicated

   *Multi-family and single-family persons per unit shall be based on adopted land use assumptions.

3. Density shall be determined by the units specified on a master development plan or site plan or, in cases where not specified the maximum density per applicable zoning district should be used.
4. Parkland Standards

   Land may be dedicated for neighborhood parks to serve new development. Dedicated acreage may also be combined with existing parkland to accommodate larger community park facilities. At a minimum, parkland shall comply with the following area and location standards:

   a) Land dedicated for a neighborhood park shall be a minimum of three contiguous acres in size. Land may be considered contiguous if it abuts both sides of a street with a Local classification and the separate areas are joined by a marked pedestrian crossing; and

   b) The land must provide a minimum of 200 feet of continuous street frontage; and

   c) Walkshed. Dedicated parkland shall accommodate neighborhood walksheds of ¼ mile by providing a safe, accessible sidewalk or trail connections from the outside edge of the park property to the adjacent neighborhoods; and

   d) The land must be situated to allow convenient pedestrian and bicycle access; and

   e) Park area must be visible from adjacent homes or buildings and public streets; and

   f) Drainage areas or areas with undulating topography or slopes exceeding five percent are acceptable if the areas are to remain in their natural state and will preserve one or more significant features such as creeks, watersheds, viewsheds, native clusters of trees, or habitat for native or migratory species; and

   g) At the discretion of Parks and Recreation and in cases of specialized facilities, no more than half the area of the park land dedication may be located as follows:

      i) On a slope of 20 percent or greater; or

      ii) Within an arroyo; or

      iii) Within the 100-year floodplain.

   h) The location of dedicated park land shall also address the following, with specific consideration where service gaps are identified within the Parks and Recreation Master Plan:

      i) Proximity to existing or planned transit routes; and

      ii) Concentrations of multi-family housing and affordable developments; and

      iii) Population density; and

      iv) Areas of low household income.

5. Parkland Improvements

   Improvement shall be designed and built in accordance with the Parks and Recreation Facility Standards Manual and shall be coordinated with and approved by the Parks Director or their designee.

6. Fee in Lieu of Required Parkland Dedication and Improvements

   When a fee is paid in lieu of parkland dedication and improvements in accordance with **Sec. 38-5.I**, the applicant shall provide an estimate of the cost of required park improvements. The applicant shall pay the amount of the approved estimate to the City in lieu of construction of required improvements to comply with this Section.

D. Trails

1. Trail Dedication and Construction

When a trail or trail extension is proposed on the subject property, the decision-making body is authorized to require that a dedicated tract or easement be provided for the trail. Sufficient land shall be dedicated and improved to provide trails in conformance with applicable adopted City plans.

a) Extensions of the public trail network shall be included in the calculation of the amount of dedicated park land when the trail and amenities, including street trees and landscaping, street furnishings, or other improvements outlined by the Parks and Recreation Facility Standards Manual or applicable adopted plans are installed.

b) Connections to existing and proposed trail corridors shall be dedicated and built when the trail corridor is adjacent to or connects to a proposed development that meets **Sec. 38-5.B. Applicability**.

c) . Trails shall be located and constructed as illustrated in applicable adopted plans.

d. Minor alignment adjustments may be appropriate to accommodate site-specific characteristics to achieve the ideal trail alignment.

d) Trail Connections to adjacent land shall be provided when:

i) The adjacent land is publicly owned or otherwise open to the public, or

ii) The adjacent land is under common ownership with the parcel proposed for development.

2. Trail Standards

Unless otherwise specified, all trails shall be constructed to adopted City standards and criteria from the Parks and Recreation Master Plan or any other applicable adopted City plan, and the Parks and Recreation Facility Standards Manual and shall conform to the requirements of the Americans with Disabilities Act, where applicable and as may be amended. Universal design should be incorporated whenever practical.

Extensions of the public trail network or portions thereof may be included in the calculation of the amount of dedicated park land upon the approval of the Parks and Recreation Director or designee and when the trail and amenities are installed.

Connections to existing and proposed trail corridors are dedicated and built when the trail corridor is adjacent to or connects to a proposed development that meet **Sec. 38-5.B. Applicability**.

E. Open Space

1. Open Space Dedication

Open space dedication may be considered to preserve natural or environmentally sensitive areas, protect historically or culturally significant sites, or provide public gathering places such as plazas within a development or when outlined in any applicable adopted City plan.

2. Public open space may be dedicated in lieu of or in combination with park land to meet the minimum requirements of this section with review and approval by the Parks and Recreation Director or designee.

a) Amenities and improvements for a dedicated public open space shall comply with the Parks and Recreation Facility Standards Manual. Open Space improvements shall be determined during the development review process and shown on the Preliminary Plat or Site Plan for the proposed development.

3. Private open space may be included to address part of the required dedication in accordance with **Sec. 38-5.I.3**.

F. Dedication Procedures

1. Proposed Development

a) The developer shall provide an area or areas for public parks, trails, or open space, or a combination, in accordance with the Las Cruces Parks and Recreation Master Plan and any other applicable adopted City plan.

b) The developer shall dedicate easements or deed property for trails and trail connections in accordance with applicable adopted plans.

2. Planning & Zoning Commission. The developer and the DRC, in consultation with the Parks and Recreation Advisory Board, as appropriate, shall make a joint recommendation to the Planning & Zoning Commission as to the land dedication or fee in lieu of dedication. If they are unable to agree, the developer and the DRC shall make separate recommendations to the Planning & Zoning Commission who shall determine the issue.

G. Criteria for Dedication

1. Land shown as dedicated on a Final Plat shall be free from any of the following:
   a) Human inhabitants;
   b) Hazards, including scrap material, junk, vehicles or equipment, above-ground or below-ground environmental contaminants or holding tanks;
   c) Encumbrances of any kind, including deed restrictions, liens, or easements, unless they confer to the benefit of the City or will not interfere with the use of the property as a park;
   d) Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.
2. Land dedicated for open space or for unimproved parkland or trails must be preserved in its pre-developed state and may not be used for construction activities or storage of materials or equipment during construction of the subdivision or development, unless otherwise specified in a development agreement.

H. Zoning Requirements

1. Lots created for the purpose of park land or trail dedication shall not be required to meet the standards for lot size or area within any zoning district.
2. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.

I. Alternatives to Park Land Dedication and / or Improvements

If suitable land for park land dedication is not available, the subdivider or developer may propose one or more of the following in lieu of dedication and upon the approval of the Parks Director or designee:

1. Fee in Lieu

   A fee set by the City Council based on the market value of the required acreage and improvements.

   a) The City shall determine the amount of the fee at the time of Preliminary Plat or Site Plan approval and the developer or subdivider must pay all fees before recording a Final Plat or obtaining a Building Permit.
   b) The City will reserve the contributed fees for the purpose of purchasing and/or improving public park and recreational land in the City in a manner that is consistent with the service level and proximity criteria in the Las Cruces Parks and Recreation Master Plan.
   c) If the City fails to expend all the contributed funds on parks or improvements to parks in accordance with NMSA 5-8-11, the original property owner, subdivider, or developer or their successors and assigns in chain of title, may request in writing that the City refund any remaining funds in accordance with NMSA 5-8-17.
   d) Park Fund Established
      i) Establishment

      A separate fund to be deposited at the highest interest rate permitted by law to be entitled “Park Fund” shall be and is hereby created. The money paid into the fund shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or improving public park and recreational land within the City.

ii) Purchases and Use of Funds

The principal and interest deposited and kept in the Park Fund shall be used solely for the purpose of purchasing and/or improving land for public park and recreation uses.

2. Improvements to Existing Parks

Improvements the developer or subdivider pledges to perform or provide in existing City parks in accordance with a recommendation from the City and consistent with adopted City standards.

3. Private Park or Open Space Development

Providing private parkland or open space shall account for up to 50 percent of the required public park land dedication, provided that the private park conforms to the following:

a) The property is deed-restricted for use as a park or reserved open space;

b) The property is shown on the Final Plat as park land or common area;

c) Parks are built to the standards of a public park and conform to the intent of the Parks and Recreation Master Plan and the Comprehensive Plan; and

d) The park or open space is owned and maintained by a homeowners' or property owner's association.

4. Other Substitutions

a) Specialty parks less than 3 contiguous acres;

b) Combination of improved parkland, trails, and open space that result in 3-acres;

c) Improved parkland located adjacent to developable vacant property that can be expanded with future development; and

d) Improved parkland installed by the developer whereby improved acreage in excess of the development's minimum requirement is reimbursed by the City as outlined in a reimbursement agreement approved by City Council.

J. Dedication Prior to Development Application

1. If a developer wishes to dedicate land that exceeds the requirement of this section reimbursed by the City as outlined in a reimbursement agreement approved by City Council.The approved credit shall be applied toward the developer's obligation under this section for any subsequent development by the same developer/owner within a one-half (½) mile walkshed of the original development site or as recommended by the DRC and approved by the Planning & Zoning Commission.

K. Timing of Dedication or Fee in Lieu

1. Timing of Land Dedications

a) Dedication of park land shall occur through the filing of a Final Plat that has been approved by the City. Completion of construction of park improvements to the satisfaction of the City shall be a precondition of the filing of a Final Plat unless either a Performance Security acceptable to the City has been submitted or the Director of the Parks & Recreation Department agrees to waive this precondition. When not dedicating with a Final Plat, a separate instrument addressing the items in **K.1.a)ii)** below is required.

i) The proposed dedication shall be shown on the Preliminary and Final Plat or Site Plan and shall be reviewed as an element for final approval of an application for development.

ii) Submission of dedication documents is required for final approval. Dedication documents include, but are not limited to:

a. A metes and bounds description of the land to be dedicated,

b. A survey of the property,

c. A copy of the fee simple deed and title policy for the property,

d. An environmental statement (ESA Phase 1) that indicates the site is free of environmental contamination or hazards, and identifies critical environmental features, and

e. Documents conveying ownership to the City by warranty deed, transferring the property in fee simple to the City, and ensuring that the property is free and clear of any mortgages or liens at the time of such conveyance.

iii) The park land shall be labeled on the Final Plat or Site Plan as "Public Park, Trail or Open Space (as applicable)land dedicated to the City of Las Cruces" with the acreage of land labeled on the Plat or Site Plan.

iv) Any disturbed land shall be restored, and the soil stabilized by vegetative cover by the developer.

b) Deeded land is dedicated public property and not subject to any right of reversion or refund.

2. Timing of Fees in Lieu

a) A cash contribution in lieu of required land development shall be payable before the City signing the Final Plat, or issuance of building permits for a Site Plan.

b) With the approval of the Planning & Zoning Commission, a developer may pay such contribution in three equal installments to be paid in full within one year of Final Plat approval.

3. Multi-phase developments shall dedicate sufficient park land and trail easements to meet or exceed the proportionate total requirement for the phase being recorded on the Final Plat.

4. Timing of Improvements

a) Subject to Adequate Facilities and Substantial Completion.

b) Improvements must be completed no later than 50% build-out or 2 years after the subdivision plat is recorded, whichever comes first.

c) If required park improvements are not installed at the time of subdivision construction a form of Performance Security and a bid from the contractor shall be filed with the City, along with a development agreement outlining the improvements to be completed, any cost sharing agreements (e.g., oversizing), and other terms as required by the Parks and Recreation Director.

i) The amount of such Performance Security must cover 125 percent of the projected cost of all required improvements agreed to by the Parks and Recreation Director. The amount shall be based on the projected costs that the City – not a private developer – would incur at the time improvements are scheduled for completion.

ii) Any of the following types of security shall be filed with the Community Development Director:

a. Performance bond. A surety bond acceptable to the City.

b. Escrow account. An account established with a financial institution.

c. Irrevocable stand-by letter of credit. The City shall have irrevocable authority to draw a draft for the projected cost of improvements.

d. Cashiers' check. An amount of security acceptable to the City.

e. Any other form of security approved by the Community Development Director, Finance Director, and legal staff.

d) The City shall not issue any building permits within the subdivision until all improvements have been installed and inspected, unless Performance Security is provided.

e) Any further extension of time for completion of required improvements shall require approval of the Planning & Zoning Commission.

f) Updated improvement cost estimates and additional performance security may be considered as a condition of any approved extension.

Sec. 38-6. Tree Preservation

A. Purpose

The purpose of this section is to support the following objectives from the Comprehensive Plan:

1. Maximize tree cover;
2. Improve air quality;
3. Manage stormwater runoff;
4. Reduce the community's overall carbon footprint;
5. Preserve natural amenities; and
6. Enhancement of social and economic benefits.

B. Applicability

The regulations herein apply to all new development and any redevelopment or modifications that affect a Protected Tree.

C. Exempted Trees

The regulations herein do not apply to the following trees:

1. Trees smaller than 6 inches DBH;
2. A dead or diseased tree, which is deemed beyond the point of recovery and at risk of spreading disease;
3. Trees that cause a safety hazard (e.g., blocking the clear sight triangle as required by **Sec. 38-2.H**);
4. Trees planted and growing on the premises for sale at a nursery or tree farm; or
5. Plants classified as a noxious species by the New Mexico Department of Agriculture.

D. Protected Trees

1. Trees that are not exempt from preservation are considered Protected Trees and shall require a Tree Removal Permit from the Community Development Director, upon a determination that there are no feasible alternatives for site development. A Tree Removal Permit may be requested in conjunction with the Site Plan.
2. Protected Trees may be credited toward the landscaping requirements in **Sec. 38-7.D. Required Landscaping**, with each counting as three trees.
3. Protected Trees must be protected during construction activities in accordance with **Sec. 38-7.E. Critical Root Zone Protection**.
4. Any Protected Tree that is damaged resulting in death of the tree or removed without a Tree Removal Permit, including those damaged during construction or within two years following issuance of a Certificate of Occupancy, shall be subject to a fine in accordance with **Sec. 34-1.H. Violations and Enforcement**, which shall be assessed until the removed tree is mitigated in accordance with **Sec. 38-6.E** below.

E. Replacement of Existing Trees and Tree Mitigation Plans

1. Any Protected Tree that is removed from a site must be replaced with a new or transplanted tree meeting the minimum size requirements in **Sec. 38-7.C.3.c)**.
2. Any applicant proposing to remove a Protected Tree must submit a Tree Mitigation Plan. The Tree Mitigation Plan shall be submitted to the Community Development Director for approval and may be prepared as part of a Landscape Plan, if applicable (see **Sec. 38-7.F. Landscape Plan**). The Tree Mitigation Plan shall show the following:
   a) Existing/proposed topography
   b) Location of property lines, easement, rights of ways, setbacks, parking areas, and sidewalks
   c) Location, species, size (in DBH inches), and Critical Root Zone (see **Sec. 38-7.E**) of each Protected Tree.
   d) A tree inventory that summarizes the following:
      i) Total number of DBH inches on the site (for trees two inches DBH and larger);
      ii) Total number of inches DBH to be removed;
      iii) Total number of inches DBH to be preserved;
      iv) Location of proposed new or transplanted trees to mitigate any removed Protected Tree;
      v) Any proposed landscaping credits for preserved Protected Trees; and
      vi) A summary of the tree protection methods to be utilized.

Sec. 38-7. Landscaping

A. Purpose

The City wishes to promote and preserve visually attractive and pleasing surroundings, reduce erosion and runoff, and improve the quality of the environment. The City desires to have development in an attractive and high-quality manner. Therefore, landscaping shall be provided and maintained as set forth in this section and in accordance with the Comprehensive Plan and the Parks and Recreation Master Plan.

B. Applicability

The requirements herein apply to all new construction, additions, or structural modifications unless otherwise noted herein.

C. General Requirements

1. Clear Sight Triangle

   Any landscaping in the Clear Sight Triangle must comply with **Sec. 38-2.H. Clear Sight Triangle**.

2. Irrigation System

   The irrigation system and the landscaping shall be installed before the issuance of a Certificate of Occupancy unless a written agreement has been made with the City to extend the time of installation (e.g., in the event of a drought). Such agreements will be for a maximum period of nine months. Irrigation systems must comply with the Technical Manual.

   a) Exemptions: In particular situations, the Community Development Director, following consultation with the City's Landscape Architect, may allow an irrigation system to be omitted or a temporary irrigation system installed to establish the plantings and then removed once plant material is established.

3. Approved Plant Materials

   a) It is the City's expressed desire to promote drought-tolerant species.

   b) The City shall maintain a list of approved plant materials, which is included within the Technical Manual. All required landscaping materials must be selected from this list.

      i) An applicant may request approval of a plant type not included on the approved list for consideration by the Community Development Director.

      ii) Turf, other than those identified on the recommended plant list, is not permitted.

         a. Exemptions: In particular situations (e.g., golf courses), the Community Development Director, following consultation with the City's Landscape Architect, may allow the use of other turf grasses.

      iii) Artificial trees, shrubs, and plants are not permitted.

   c) At the time of planting, all vegetation must meet the following minimum size requirements:

      i) Evergreen trees: 8 feet tall

      ii) Deciduous trees: 1.5-inch DBH single-trunk trees; 1.25-inch DBH for multi-trunk trees

      iii) Shrubs and ornamental grasses: 5-gallon container

   d) Plantings must have good structure and a good root system, including no girdling roots, with no flaws as defined by the American Nursery and Landscape Association American Standard for Nursery Stock, ANSI Z60.1 – 2004 or latest version.

   e) No single plant species shall be used for more than 50 percent of the required landscape materials.

f) The Community Development Director is authorized to limit species and placement to protect aboveground and underground infrastructure.

4. Installation Timing

   All required landscaping must be installed prior to issuance of a Certificate of Occupancy.

5. Maintenance

   a) The owner of the landscaped property shall be responsible for maintaining the area in a healthy, clean, trimmed, weed-free and litter-free condition. Proper irrigation, pruning, fertilizing and pest management are also included as maintenance.

   b) Landscape in parkways shall be maintained by the property owner of the contiguous property.

      i) Exemptions: Parkways that abut the rear property line of residential development and abut a Collector or Arterial Street shall be maintained by the City.

   c) Landscape in medians may be maintained by the City, adjacent property owner(s), homeowners' association, and/or other arrangement approved by the City.

   d) All approved landscape material must be maintained in a healthy, thriving condition, or must be replaced with the same or a substitution approved by the Community Development Director within 60 days. Maintenance shall be in accordance with ANSI A300.

   e) All plant growth shall be controlled so that it will not interfere with the installation, maintenance, or repair of any public utility, nor shall it restrict pedestrian or vehicular traffic or constitute a traffic hazard. This includes preventing plant growth from blocking the Clear Sight Triangle, as required by **Sec. 38-2.H. Clear Sight Triangle**.

   f) If a resident landscapes any property that is dedicated to the City, such resident is responsible for maintenance of that area until a written agreement is made to the contrary with the City.

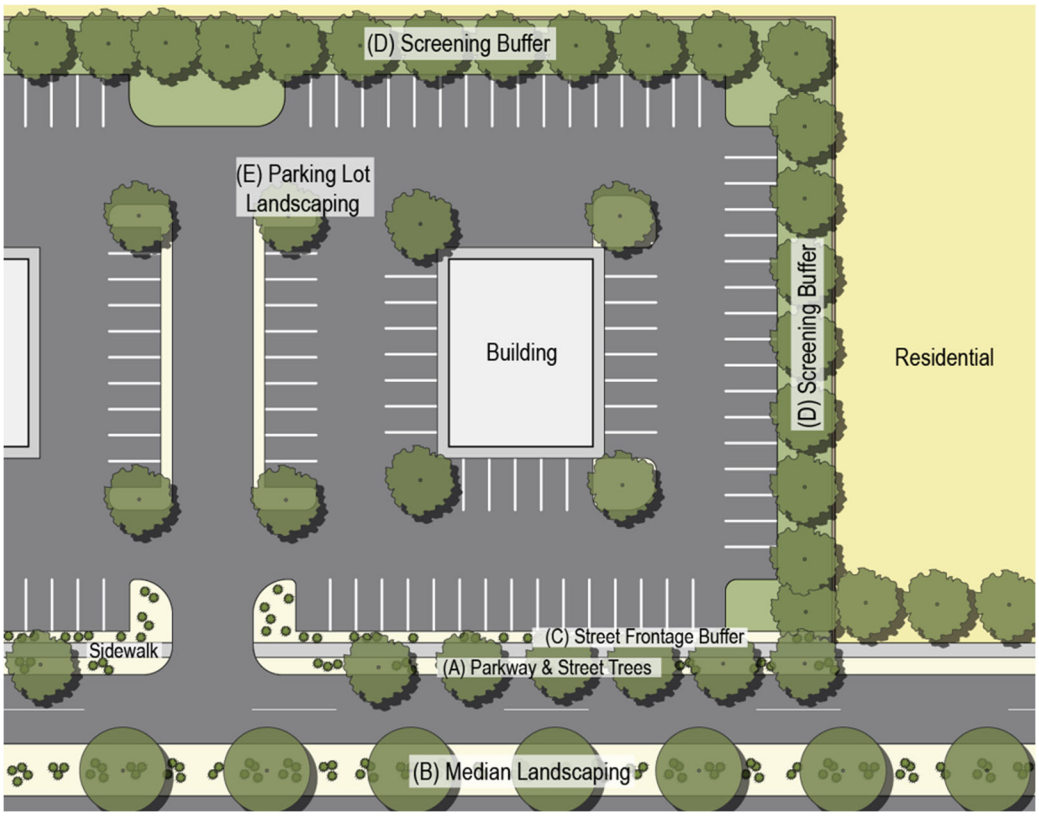
6. Payment in Lieu of Landscaping Parkways and Medians

   The Community Development Director, following consultation with the City's Landscape Architect, may determine that a payment in lieu of landscaping is acceptable in situations where meeting the above requirements is not feasible. Payment in lieu of landscaping may be approved by the Community Development Director, equal to the current costs of design, plantings and materials, construction, taxes, and contingencies that would otherwise be required to meet the standards herein.

D. Required Landscaping

The following figure and table summarize the required landscaping types unless expressly exempt within each subsection:

Figure 38-7-1. Required Landscaping Types



Landscaping Type	Requirement Summary	Applicability
(A) Parkway & Street Trees	Minimum 6' parkway width[1] with one tree per 30' of frontage along Streets in Urban Character Areas or 40' along Streets in Suburban Character Areas; plus one shrub per 25' feet of frontage.	Required on Arterials and Collectors for all new development or expansions of 20% or more.
(B) Median Landscaping	One tree per 250 square feet; plus one shrub per 250 square feet.	Required when the applicant constructs a street with a median or adjacent to an existing un-landscaped median.
(C) Street Frontage Buffer	Minimum 4' buffer extending the length of the parking or drive area with one shrub per 50 square feet of buffer.	Required for all new development (excluding 1-4 unit residential) or expansions of 20% or more when a parking lot or drive area is adjacent to the right-of-way.
(D) Screening Buffer	Varies; see **Sec. 38-8. Fencing, Screening, and Buffering**.	May be required depending on adjacent zoning; see **Sec. 38-8. Fencing, Screening, and Buffering**.
(E) Parking Lot Landscaping	Minimum 15% of the total parking area[2] shall be landscaped. A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area. A minimum of 20 live shrubs shall be provided for every 1,000 square feet of required landscaped area. One tree per 10 parking spaces.	Required for all development with more than 10 spaces in a surface parking lot.
(F) Lot Area Landscaping	Any unused area shall be retained in (or restored to) its natural state or landscaped in accordance with these standards. Residential lots (1-4 units) must have at least one tree in the front yard per 60' of frontage, in addition to any required street trees.	Required for all development.

[1] Parkway width less than 6' requires approval from the Public Works Director and the Parks and Recreation Department.

[2] For the purposes of this section, the parking area includes the entire tract of land except for the building pad and fenced-in storage area.

1. Parkway & Street Trees

   a) Street trees and shrubs are required on all Arterial and Collector Streets within Suburban Character Areas or Urban Character Areas.

   b) Street trees and shrubs shall be placed in the parkway of the street, unless the Community Development Director requires different locations of trees based on a lack of adequate parkway, utility conflicts, topography, or a uniquely shaped lot.

      i) Exception: Residential lots with between one and four units may plant the required trees in the front yard.

   c) The spacing for all street trees shall be at 30 feet or less for streets in Urban Character Areas or 40 feet or less for streets in Suburban Character Areas. Street trees may be clustered, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly spaced.

   d) Shrubs shall be provided at a rate of one shrub per 25 linear feet of parkway frontage in Suburban Character Areas or Urban Character Areas.

      i) Exception: Residential lots with between one and four units do not require shrubs.

   e) Median and parkway areas must be graded to initially retain stormwater within the median or parkway. Swales and small retention areas must be incorporated into the design such that stormwater runoff may be available to the trees and shrubs in addition to the irrigation water.

   f) The finished grade of the groundcover will be one-half inch to one inch below the back of curb or back of sidewalk.

2. Median and Public Area Landscaping

   a) These requirements apply to medians and other areas (e.g., subdivision entrances, drainageways, and rights-of-way) that are dedicated to the City or development adjacent to an un-landscaped median.

   b) Applicants shall submit plans for planting and irrigation for the approval of the Community Development and Parks & Recreation Departments, affected utilities and the State Highway Department, if appropriate, prior to construction. Any such dedication of land shall be in addition to the requirements for dedication of park land or fees in lieu thereof as stated in **Sec. 38-5. Parks, Trails, and Open Space**.

   c) The City has adopted landscape themes for medians that shall act as a guide for development of medians, which are included in the Technical Manual.

   d) Design guidelines for properties that are to be dedicated to the City shall be as follows:

      i) Grassed areas shall have a maximum design slope of 5:1, that is, five feet horizontal distance for every one foot vertical. Mounded groundcover areas shall have a maximum design slope of 3:1, that is, three feet horizontal distance for every one foot vertical.

      ii) Median and parkway areas must be graded to initially retain stormwater within the median or parkway. Swales and small retention areas must be incorporated into the design such that stormwater runoff may be available to the trees and shrubs in addition to the irrigation water.

      iii) The finished grade of the groundcover will be one-half inch to one inch below the back of curb or back of sidewalk.

      iv) Pedestrian crossing areas shall be surfaced with a hard paving suitable for foot and wheelchair traffic, consistent with the latest ADA and similar accessibility standards.

      v) All medians shall contain a minimum two-inch water stubout. Those medians in a series under one development shall contain one two-inch stubout and one two-inch conduit between medians which is suitable for electricity and water. The conduit shall be a minimum of four-inch class 200 PVC and shall be placed a minimum of 24 inches underground.

vi) All drainage, retention and detention areas shall be buffered in accordance with **Figure 38-8-4. Required Compatibility Screen Type**.

vii) All planting and irrigation installation must be generally located within the center of the median to avoid future potential widening of the roadways, additional or expanded turning lanes or other modifications to the median.

viii) Median noses that are five feet to ten feet wide (back of curb to back of curb) must not be planted. Only groundcover or patterned and colored concrete may be installed in these areas. Median noses that are less than five feet wide (back of curb to back of curb) must be covered with patterned, colored concrete. Patterns may be score joint, broomed finish, or stamped, or a combination thereof. Colors must be appropriate to a public streetscape and must not be red.

3. Street Frontage Buffers

   a) Street Frontage Buffers are required when a parking lot or other vehicular area is adjacent to a street or right-of-way, intended to help block light trespass from headlights onto adjacent properties or right-of-way.

   b) Street Frontage Buffers shall be at least four feet in width and shall extend the width of the property line abutting the street with an exception for defined vehicular or pedestrian access points.

   c) Street Frontage Buffers shall be planted at a rate of one shrub per 50 square feet of buffer.

4. Screening Buffers

   Screening Buffers may be required along side and/or rear lot lines depending on the adjacent zoning. See **Sec. 38-8. Fencing, Screening, and Buffering** for requirements.

5. Parking Lot Landscaping

   The following regulations apply to any new development or redevelopment.

   a) A minimum area equal to 15 percent of the total parking area shall be landscaped.

      i) For the purposes of this article, the parking area includes the entire tract of land except for the building pad and fenced-in storage area.

   b) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

   c) A minimum of 20 live shrubs shall be provided for every 1,000 square feet of required landscaped area.

   d) A minimum of 1 tree per 10 parking spaces.

   e) Landscape areas must be defined by a curb unless designed as a stormwater retention facility. See **Sec. 38-4. Low-Impact Development and Green Infrastructure** and the Technical Manual for more information regarding incentives for incorporating sustainable design.

6. Lot Area

   a) Any portion of the site not used for buildings, parking, driveways, plantings, plazas or designated gathering areas, walkways, utilities, or approved storage shall be retained in (or restored to) its natural state or landscaped in accordance with the following standards:

      i) Living groundcover (as permitted by the approved plant list),

      ii) Organic materials such as mulch or wood chips, or

      iii) Inorganic materials such as decorative gravel or rocks.

   b) Materials must be permeable, with any weed barrier allowing the percolation of standing water within 72 hours.

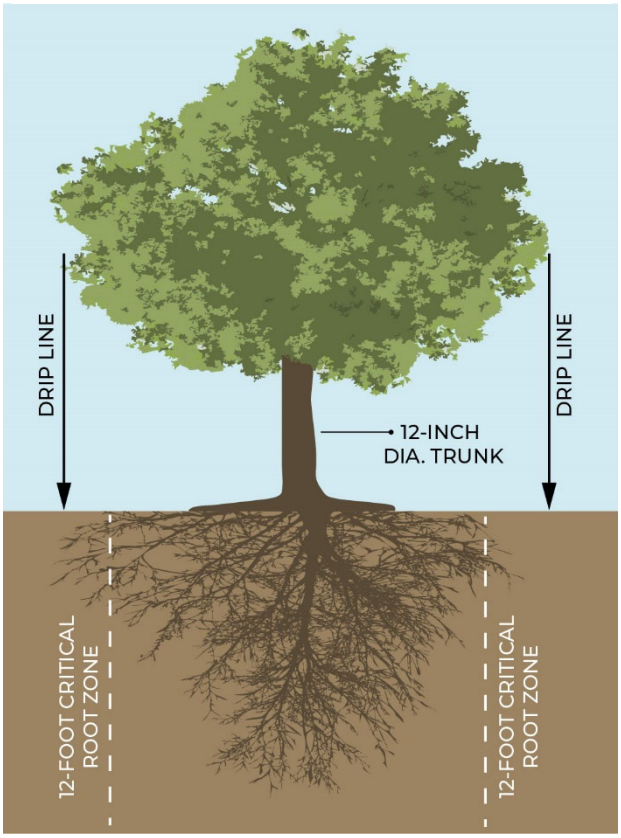
   c) Loose materials shall be contained by a curb or other suitable alternative to contain the materials within the landscaped area.

d) Residential lots (1-4 units) must have at least one tree in the front yard per 60 feet of street frontage, in addition to any required street trees.

E. Critical Root Zone Protection

1. Every required tree shall have a Critical Root Zone (CRZ) surrounding the tree to protect the tree from damage or other harm.
2. The CRZ is measured as a radius outward from the trunk of the tree. The radius shall be determined based on ANSI A300 for the individual species. See **Figure 38-7-2** for an example.
3. The following activities are prohibited in the CRZ:
   a) Storage or parking vehicles, building materials, refuse, excavated soils, or dumping of poisonous or hazardous materials on or around the tree and roots. Poisonous or hazardous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water, or any other material that may be harmful to tree health;
   b) The use of tree trunks as a winch support, anchorage, temporary power pole, signposts, or other similar functions;
   c) Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches, and other miscellaneous excavation without prior approval of the City;
   d) Soil disturbance or grade change;
   e) Vehicular traffic;
   f) Drainage changes that reduce the amount of drainage entering the CRZ; and
   g) Maintain adequate irrigation during construction.

Figure 38-7-2. Example Illustration of Critical Root Zone and Drip Line



4. The following restrictions apply during construction near the CRZ:
   a) All trees shall be protected by a fence, frame, or box constructed around the drip line of the preserved tree.
   b) A minimum of three inches of mulch or compost shall be spread beneath the drip line of the tree but must be kept four inches from the trunk.
   c) No person shall excavate any ditches, tunnels or trenches, place any paving material or place any drive or parking area within the drip line of any required tree without prior written approval of the Community Development Director at the time of Site Plan approval.
   d) No person shall attach any rope, wire, nails, advertising posters, or other contrivance to any required tree.

F. Landscape Plan

1. A Landscape Plan indicating the following shall be submitted in conjunction with the application for the building permit for Community Development Director approval:
   a) Type, size, and location of landscaping;

b) A summary of the tree protection methods to be utilized for any Protected Tree or other tree required by this section;

c) Existing and planned driveways and streets with associated clear sight lines;

d) Topography; and

e) An irrigation plan showing the type and size of pipes and heads;

2. All plans shall be at a scale of one inch equals 10 feet or one inch equals 20 feet.
3. The Landscape Plan shall include the following statements:
   a) "The owner is responsible for all landscaping maintenance, including the repair or replacement of any required landscaping."
   b) "An irrigation system will be designed, installed, and functional prior to the approval of the Certificate of Occupancy" (unless the requirement for an irrigation system is specifically waived by the City).
4. The Landscape Plan may include a Tree Mitigation Plan, if applicable (see **Sec. 38-6.E.2**).

Sec. 38-8. Fencing, Screening, and Buffering

A. Purpose

The purpose of this section is to establish when fencing, screening, or buffering is required to promote land use compatibility and a positive aesthetic appearance. Additionally, this section provides regulations related to the height, placement, and other considerations for both required and non-required fencing, screening, and buffering.

B. Applicability

1. The regulations included herein apply to all changes in occupancy or new development or expansions greater than 10 percent of the building footprint.
2. Screening must be installed prior to the issuance of a Certificate of Occupancy. All required fencing, screening, or buffering devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The Certificate of Occupancy may be revoked for failure to adequately maintain such device.

C. General Regulations

1. Placement
   a) No fence, screen, buffer, or any other object may be placed within the Clear Sight Triangle. See **Sec. 38-2.H. Clear Sight Triangle** for more information.
   b) No wall or fence shall be permitted in a public right-of-way or easement, unless an encroachment agreement is obtained and approved by the City's right-of-way coordinator.
      i) If written approval of the governing agency, affected utility or individuals is obtained, a wall or fence may be placed on an easement.
2. Materials and Appearance
   a) Materials shall consist of one or more of the following materials (see **Figure 38-8-1**), unless otherwise stated:
      i) Brick masonry, stone masonry, concrete block, or other architectural masonry finish; or
      ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet, and with sufficient evergreen landscaping to create a solid screening effect; or
      iii) Living plant screens (Evergreen shrubs with a minimum of three feet in height at the time of planting) that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project; or

Figure 38-8-1. Examples of Acceptable Screening Materials







iv) Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, meeting the intent and function of this Section at the discretion of the Community Development Director.

b) All required screening devices must be equally finished on both sides.

c) All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified below, but need not be of the same material as the main fence or wall.

d) Where a screening device is constructed, placed or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.

3. Common Walls or Fences

a) A Common Wall or Common Fence shall not be constructed or structurally altered in any manner without the written consent of adjacent property owners who share or will share ownership of the wall or fence.

b) Written consent must be submitted at the time of request for a building permit.

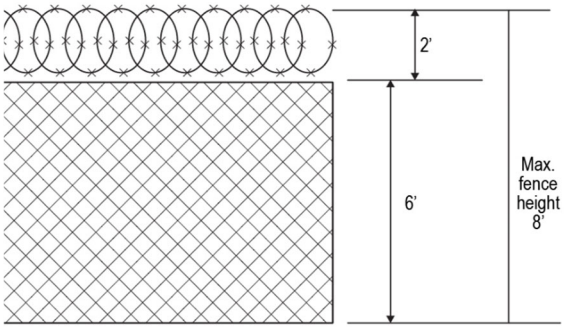
4. Retaining Walls

Retaining wall requirements are found in the Technical Manual. The proposed retaining wall design shall be submitted by the property owner/applicant to the Community Development Director and Public Works Director for approval consideration.

5. Barbed Wire and Other Similar Types of Containment Wire

a) Barbed wire and other similar types of containment wire (e.g., horse wire, “no climb” wire, and access-prohibiting wire) is permitted only when located at least six feet above the highest adjacent ground surface and will be included in the overall measurement of the fence or wall (see **Figure 38-8-2**). Such fences shall not exceed a maximum of eight feet in height.

Figure 38-8-2. Barbed Wire



b) Barbed wire and other similar types of containment wire are permitted only in the following locations:

i) In any district in conjunction with a commercial agricultural use, equestrian use, utility substation, detention facility use, or use located on airport property;

ii) CR, Commercial/Retail District (Rural, Suburban, Urban);

iii) LI, Light Industrial District (Rural, Suburban, Urban); or

iv) HI, Heavy Industrial District (Rural, Suburban, Urban).

c) Barbed wire and other similar types of containment wire shall not be permitted in the required front yard of any property, except those listed in **i) above**.

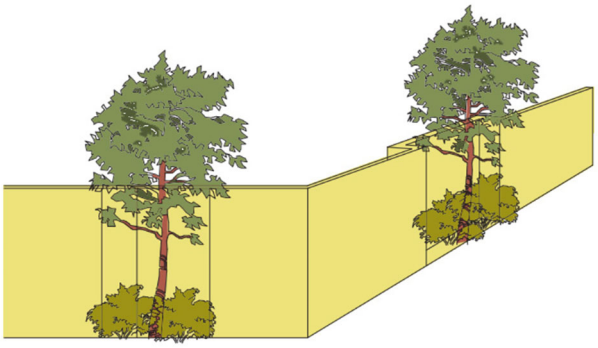
6. Chain-Link Fencing

Chain-link fencing shall be prohibited in front of the building face or on property lines adjacent to roadways with a Collector Street designation or higher.

7. Street-Facing Screening Wall Design

   Walls or fences 50 feet in length or longer along public streets must include features to avoid the appearance of blank walls facing the street. These features may include, but are not limited to, changes in depth, changes in texture or masonry patterns, columns, artwork, and/or landscaping shall be employed along the periphery to avoid the monotony of a large, blank surface.

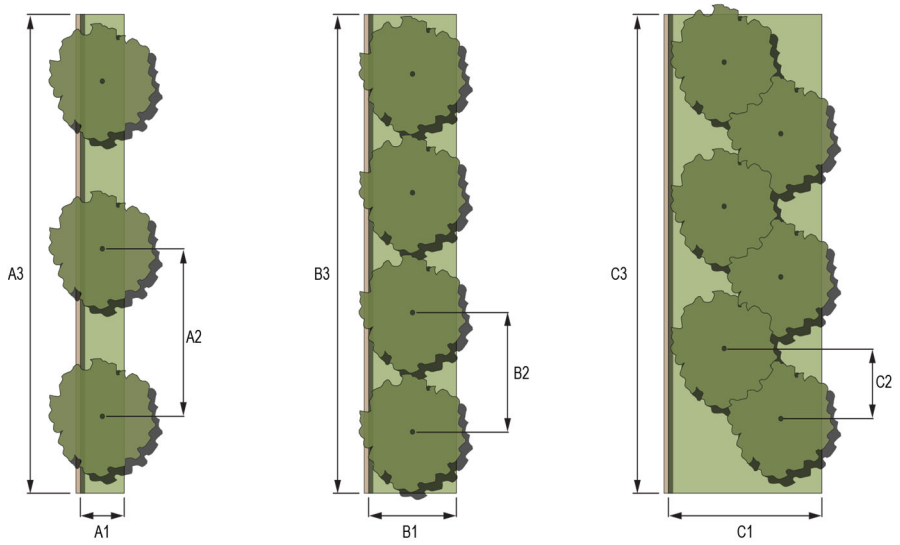
Figure 38-8-3. Screening Wall Design Example



D. Required Buffer Yards

1. Buffer Yards are required between differing district types as indicated in **Figure 38-8-4**.
   a) Buffer Yards are not required when the sites are separated by a public roadway.
2. Buffer Yards shall be placed along the shared lot line on the property of the subject property district (according to **Figure 38-8-4**), with the wall along the property line. The property owner in the more intensive district is responsible for installing and maintaining the screening.
3. Buffer Yards may include screening walls, landscaping, drainage facilities, green infrastructure and low-impact development elements, walls and fences, but not parking or any permanent structures taller than the screening wall height.
4. The Community Development Director may modify or reduce the requirements within this **Sec. 38-8.D. Required Buffer Yards** to authorize an alternative configuration of buffering and/or other techniques that would result in an equivalent or improved appearance and compatibility with adjacent existing and future development.

Figure 38-8-4. Required Compatibility Screen Type



Type A
A1 = 10 ft deep buffer
A2 = 35 ft on center tree spacing
A3 = 6 ft tall masonry wall along property line

Type B
B1 = 20 ft deep buffer
B2 = 25 ft on center tree spacing
B3 = 6 ft tall masonry wall along property line

Type C
C1 = 35 ft deep buffer
C2 = 15 ft on center tree spacing
C3 = 6 ft tall masonry wall along property line

	Adjacent Zoning District							
Subject Property District (District below required to install buffer)	**NH-1 District**	**NH-2 District**	**NH-3 District**	**CR District**	**LI District**	**HI District**	**OS-1 District**	**OS-2 District**
NH-1 District	-	-	-	-	-	-	-	-
NH-2 District	-	-	-	-	-	-	-	-
NH-3 District	Type A	-	-	-	-	-	-	-
CR District	Type B	Type A	-	-	-	-	Type B	-
LI District	Type C	Type B	Type A	Type A	-	-	Type B	-
HI District	Type C	Type C	Type B	Type A	Type A	-	Type C	-
OS-1 District	-	-	-	-	-	-	-	-
OS-2 District	Type C	Type C	Type B	Type A	Type A	-	Type C	-

E. Required Screening

All development (excluding residential development with four or fewer units) shall comply with the following screening standards.

1. Dumpster/Waste Container Areas

   Dumpster enclosures shall be constructed of non-combustible screening material and shall be compatible in terms of color, texture, and scale that are used in the main building with which the dumpster enclosure is associated. Acceptable screening materials include rock, brick, and minimum twenty (20) gauge steel with a maximum one-quarter (1/4) inch gap between panels and one-quarter (1/4) inch in diameter holes. Dumpsters shall be screened with opaque to semi-opaque material on three sides and a gate (for easy access) on the fourth side. The screening and gate must be a minimum of twelve inches higher than the lid of the open container/dumpster. The dumpster enclosure shall be permitted a maximum two (2) inch gap from the bottom of the screening to grade to allow for the cleaning.

Figure 38-8-5. Example of a Screened Dumpster



2. Dumpsters are required for all commercial development.
   a. Exceptions:
      i. An existing developed lot that does not meet the City of Las Cruces Utility Standards to include dumpster and enclosure.
      ii. Alternatives for a dumpster may be approved by the City of Las Cruces Utility Department.
3. Mechanical/Utility Equipment

   a) Mechanical/utility equipment must be screened from view from all angles using landscaping or walls in a manner that conceals the equipment. Such screening must remain consistent with the landscaping and architectural character (especially in terms of color, physical style, and scale). A screening wall shall be at least six feet in height and no more than one foot taller than needed to screen the equipment, as determined by the Community Development Director.

   b) When located on a rooftop or otherwise attached to the building, mechanical/utility equipment shall be screened from view through the use of building design elements such as varied roof height, parapets, etc. In instances where adjacent rights-of-way are significantly higher in elevation to adjacent properties, rooftop equipment should be screened to the best extent possible. When the chosen architectural style selected does not lend itself to using these techniques, such equipment must be shielded from view by an opaque screen that is treated in a manner that most accurately matches the look, design, and texture of the building to which it is attached.

Figure 38-8-6. Example of Screened Ground-Mounted Equipment



   c) Exterior mechanical/utility equipment mounted on building facades shall be prohibited unless used as an integrated architectural design feature and painted in a color that blends in with their visual

background and/or building to which they are attached.

4. Outside Storage

   Any outside areas containing storage materials, whether directly for sale or otherwise, shall, at minimum, be fully enclosed on four sides with a masonry wall between 6 and 8 feet in height, (or taller if needed to be fully sight-obscuring), and must be set back at least as far as the main building's front facade. Outside storage screening walls must be compatible with the architectural character of the development, especially in terms of color, texture, physical style, and scale.

   a) Screening of outside storage is not required in the HI, Heavy Industrial District (Rural, Suburban, Urban), unless the property is adjacent to another zoning district

   b) The Community Development Director may modify these requirements based on intensity and amount of storage materials and the surrounding development/zoning (e.g., a plant nursery).

5. Parking Structures

   Structured parking visible from a public right-of-way or from any NH District shall be screened by one of the following methods (or a combination thereof) with the exception of ingress and egress points:

   a) Liner Buildings that surround the parking structure;

   b) Solid walls meeting the material and articulation requirements of **Sec. 36-4.C. Nonresidential, Mixed-Use, and Multi-Family Development** that are aesthetically consistent with any associated buildings; or

   c) Alternative screening methods approved by the Community Development Director, such as:

      i) Landscaping that screens at least 50% of pedestrian-level parking garage facades immediately upon installation, with species selected to eventually provide a full 100% screening;

      ii) Incorporation of Glazing techniques that mimic a typical building; or

      iii) An artistic covering that fully screens the view of vehicles, which may include murals, sculptures, lighting, and other materials that create an interesting appearance consistent with the remainder of the development.

6. Auto Storage and Salvage Yards

   a) Automotive storage and salvage yards shall be fully enclosed on four sides and fully sight-obscuring from public right-of-way and from view of any NH District.

   b) Exceptions:

      i) Automobiles currently for-sale or parked for less than a 24-hour period do not require screening.

      ii) Screening of automotive storage and salvage yards is not required in the LI, Light Industrial District (Rural, Suburban, Urban) or the HI, Heavy Industrial District (Rural, Suburban, Urban), unless the property is adjacent to another zoning district.

7. Loading Docks/Bays and Service Areas

   Loading and unloading zones must be screened from the street via landscaping, walls, fencing, etc. Screening shall be sight obscuring (semi-opaque at minimum) and a minimum of 6 feet in height.

F. Other Required Fences

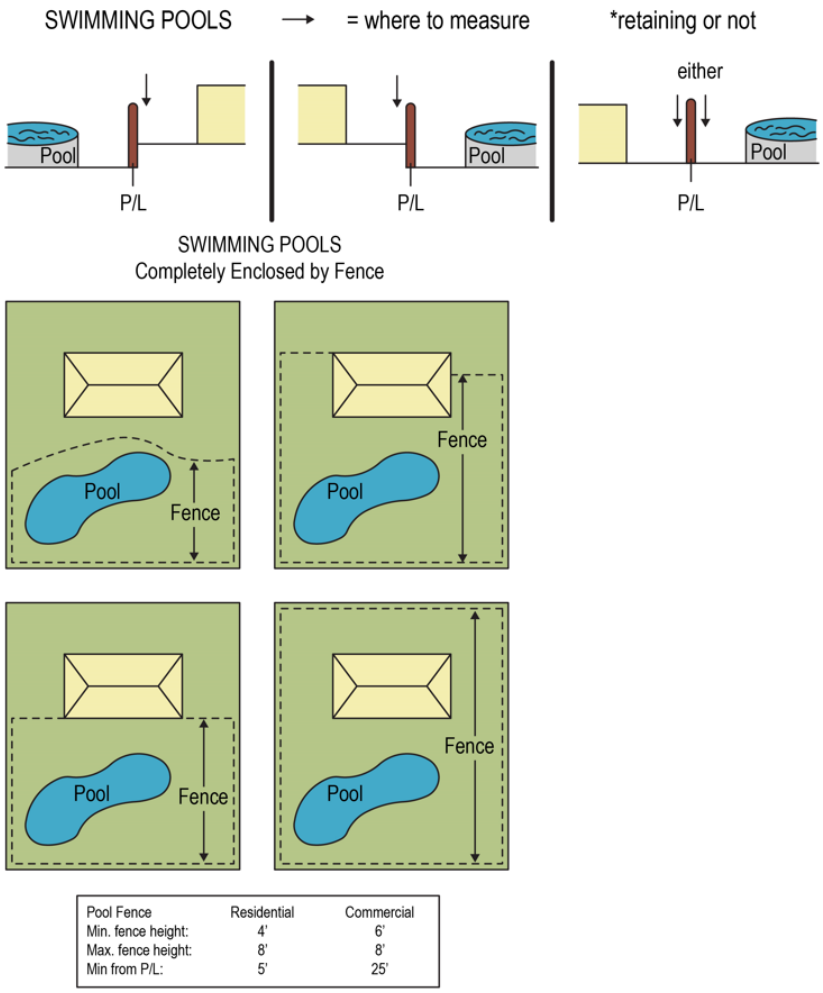
1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures

   a) All water recreational structures, except commercial or public swimming pools, shall be completely enclosed by a wall or fence at least 4 feet in height. A minimum 4-foot fence or wall completely enclosing the entire yard or portion thereof where the structure is located will satisfy this requirement. All gates in fences shall be self-closing and equipped with self-latching devices.

   b) For commercial or public swimming pools, a protective fence or wall no less than 6 feet in height shall be provided which completely encloses the pool area, and the pool shall be no closer than 25 feet from any property line. All gates in fences shall be self-closing and equipped with self-latching devices.

   c) All other Building Code requirements for the construction of swimming pools and other similar structures shall be met.

Figure 38-8-7. Swimming Pool Enclosures



Pool Fence	Residential	Commercial
Min. fence height:	4'	6'
Max. fence height:	8'	8'
Min from P/L:	5'	25'

G. Maximum Fence or Wall Height

The following requirements apply to all fences and walls, unless alternative screening is required by this **Sec. 38-8. Fencing, Screening, and Buffering**.

1. Method of Measurement

   The height measurement of a wall or fence shall be made on the side of the wall or fence at the lowest non-artificially raised grade level.

2. Maximum Fence or Wall Height for Residential Land Uses

   a) Fences or walls within the required front yard setback: 4-foot maximum height.

      i) Exception: Arches or entryways are permitted in required front yard setbacks in accordance with the following (see **Figure 38-8-8**):

         a. Maximum height of 8 feet permitted.

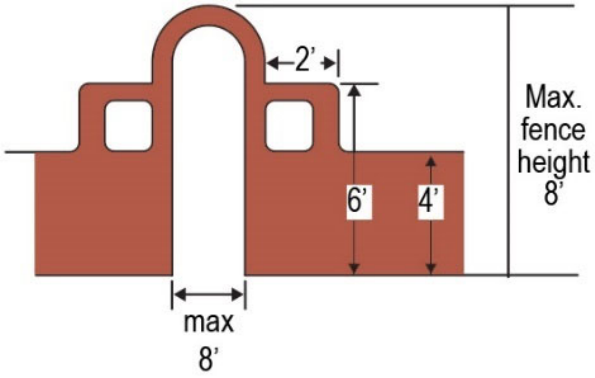
         b. Arch width shall not exceed 8 feet.

         c. A "step-down" design is permitted in conjunction with the arch. A 2-foot length on both sides of the arch is permitted at a height not to exceed 6 feet.

         d. Maximum of one arch or entryway is permitted in the required front yard.

         e. Arches or entryways are permitted behind the required front yard setback at any width, with a maximum height of 8 feet.

Figure 38-8-8. Arches or Entryways in the Front Yard Setback



   b) Fences or walls within the required rear and side yard setback: 8-foot maximum height.

   c) Fences or walls on corner lots: A maximum height of 8 feet shall be permitted on the secondary front yard, behind the primary required front yard setback. However, Clear Sight Triangle requirements shall be met (see **Sec. 38-2.H. Clear Sight Triangle**).

3. Maximum Height for Nonresidential Land Uses

   a) Fences or walls within the required front yard setback: 6-foot maximum height.

   b) Fences or walls within the rear and side yard setback: 8-foot maximum height.

   c) Fences or walls on corner lots: A maximum height of 8 feet shall be permitted on the secondary front yard, behind the primary required front yard setback. However, Clear Sight Triangle requirements shall be met (see **Sec. 38-2.H. Clear Sight Triangle**).

Sec. 38-9. Outdoor Lighting

A. Purpose

The purpose of this section is to provide regulations for outdoor lighting that will:

1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce.
2. Be useful, targeted, low-level, and controlled, minimizing adverse offsite impacts including light trespass, and obtrusive light.
3. Curtail light pollution and improve the nighttime environment.
4. Help protect the natural environment and wildlife from the adverse effects of night lighting through the use of warm-colored lighting.
5. Conserve energy and resources to the greatest extent possible.

B. Applicability

1. Except as described below, all outdoor lighting shall comply with these requirements and the City's Traffic Signal and Street Lightings Approved Products List. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting, whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party. This includes, but is not limited to:
   a) New lighting
   b) Replacement lighting
   c) Search light(s)
   d) Spotlight(s)
   e) Flood light(s)
   f) Security lighting
   g) Architectural lighting
   h) Lighting for parks, parking lots, roadways
   i) Commercial/ Public Athletic facility lighting
   j) Building overhang and open canopy lighting
   k) Product display area lighting
   l) Landscape lighting
   m) Mobile vendor lighting
   n) Other lighting not in direct conflict with this section.
2. The following are not regulated by this section:
   a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.
   b) Repairs to existing luminaires. This does not include retrofitting old lighting devices for new ones.
   c) Temporary lighting for theatrical, television, performance areas and construction sites.

d) Underwater lighting in swimming pools and water features.

e) Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and 70 lumens.

f) Sign lighting (regulated by **Sec. 38-10. Signs**).

g) Open gas flames.

h) Emergency outdoor lighting.

i) The residential use of individual solar landscaping luminaires not exceeding property boundaries.

j) Construction lighting that does not exceed construction site boundaries.

k) Private residential recreational facilities (e.g. basketball court, batting cage, tennis court, etc.)

l) Any recognized historical structure/property.

3. The provisions of this section shall be considered to be the minimum requirements to meet the purpose expressed in **Sec. 38-9.A** of this section; however, nothing herein shall prohibit the Building Official from imposing greater requirements to ensure the promotion of health, safety, and welfare of the citizens of the City.
4. All outdoor lighting shall be installed in conformance with the provisions of this section, applicable electrical, building, and energy codes, applicable sections of the Las Cruces Municipal Code and manufacturer's instructions.

C. Conflict

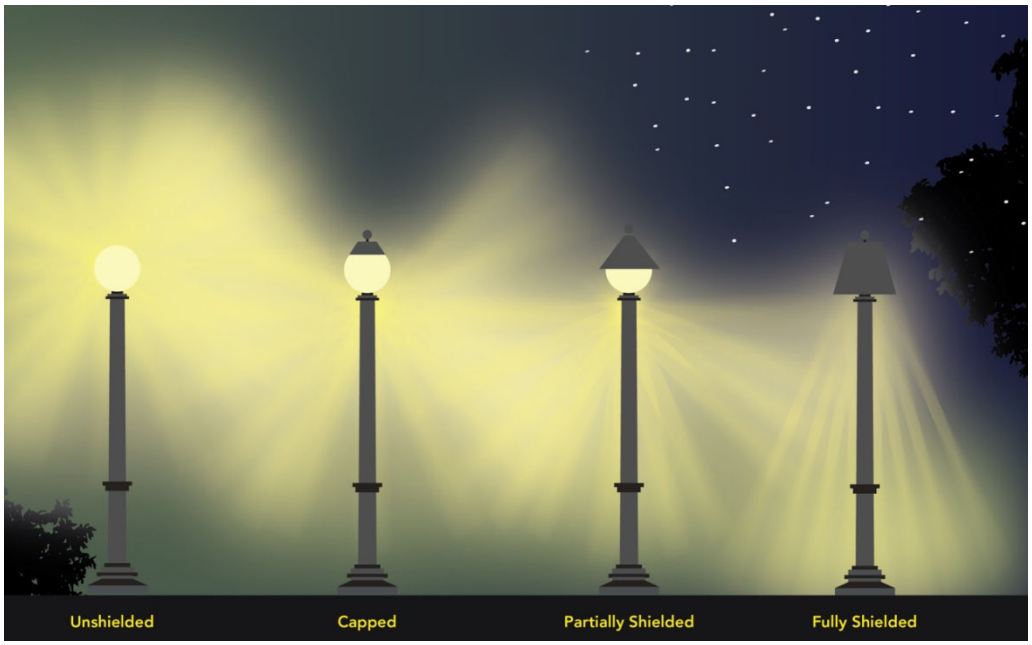
When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence and all other requirements herein shall remain in force:

1. Lighting required by federal or state laws or regulations.
2. When proposed, the conflicting regulation shall be submitted at the time of permit submittal.

D. General Requirements

All outdoor luminaries not specifically exempted above shall be fully shielded. Fully shielded fixtures encase the light source to prevent any light from escaping upwards or sideways. Only light directed downwards is allowed, ensuring that the illumination is limited to the target area.

Figure 38-9-1. Illustration of Fully Shielded Lighting



E. Lighting Zones

1. Lighting zones are established to align with adopted zoning districts. The lighting zone shall determine the limitations for commercial lighting as specified in this section.
2. When two or more zoning districts are shown on a property, the more restrictive shall apply unless approved by the Community Development Director.

F. Residential Lighting

1. Applicability

   The requirements herein apply to residential properties with one to four units per lot.

   a) Lighting fixtures shall be installed in a manner that restricts light from glaring into adjacent properties.

G. All Other Lighting

1. Applicability

   The requirements herein apply to all properties except residential properties with one to four units per lot.

2. Total Initial Lumens Per Property

   a) The total installed initial lamp lumens of all outdoor lighting systems on the property shall not exceed the total site lumen limit. The total property lumen limit shall be determined using the impervious area method (**Figure 38-9-**).

3. Limits to Off-Site Impacts

   All luminaires, unless noted otherwise, shall be rated and installed according to **Figure 38-9-3**.

4. Adjustable mounting devices prohibited except as needed to conform with **Sec. 38-9.G.8** and **Sec. 38-9.H**.

5. Automatic Daylight Switching Requirements

   a) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system.

   b) Automatic lighting controls are not required for the following:

      i) Lighting under parking canopies.

Figure 38-9-2. Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, Impervious Area Method

Note: When lighting intersections of property drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual property impervious area to provide for intersection lighting.

OS-1, OS-2, H	NH-1	NH-2, NH-3, HP, SMO, ADO	CR, LI, HI, TCO, MXCO, UD, DDC	AOD, LCIIP	PUD
1.5 lms/sq.ft.	2.5 lms/sq.ft	4.0 lms/sq.ft.	8.0 lms/sq.ft.	12 lms.sq.ft.	DESIGNATION

ii) Lighting for tunnels, parking garages, garage entrances, and similar conditions.

iii) Approved emergency outdoor lighting.

Figure 38-9-3. Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings

Note: A luminaire may be used if it is rated for the lighting zone of the property or lower in number for all ratings B, U and G. Luminaires must be installed according to its manufacturer's specifications. A luminaire certified as a full cutoff luminaire shall be deemed as meeting the uplight requirement.

MAXIMUM BUG RATING	FEET FROM PROPERTY LINE		
ZONING DISTRICT	0 TO 30 FEET	30+ TO 60 FEET	60+ FEET
NH-1	B0-U0-G1	B2-U0-G1	B3-U0-G1
NH-2, NH-3, ADO, SMO	B0-U1-G0	B3-U1-G1	B4-U1-G2
CR, LI, HI, TCO, MXCO, UD, DDC	B1-U2-G0	B4-U2-G1	B5-U2-G3
OS-1, OS-2, H	B0-U0-G0	B0-U0-G0	B0-U0-G0
AOD, LCIIP	B2-U3-G1	B4-U3-G2	B5-U3-G4
NOTES	NOTES 1 & 2 FOR THIS COLUMN	NOTES 1 & 3 FOR THIS COLUMN	NOTES 1 & 3 FOR THIS COLUMN

[1] The luminaire must be mounted with backlight (without shields) towards the property line.

[2] For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be five feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to this figure only and shall not be used to increase the lighting area of the site.

[3] Building-mounted luminaires that cannot be mounted with their backlight (without shields) to the property line shall meet the allowed glare rating for all luminaires. Light from a building-mounted luminaire must not exceed the B rating in the direction of the property line.

6. Automatic Lighting Reduction Requirements
   a) Total outdoor lighting lumens shall be reduced (by at least 30 percent) or extinguished at 11:00 p.m. or 30 minutes after the close of business, whichever is later.
   b) Lighting reductions are not required for any of the following:
      i) Approved emergency outdoor lighting;
      ii) Code required lighting for steps, stairs, walkways, and building entrances;
      iii) When, in the opinion of the Building Official, lighting levels must be maintained;
      iv) Motion-activated lighting; or
      v) Businesses that operate on a 24-hour basis.
7. Emergency Outdoor Lighting
   a) The lumens allowed for approved emergency outdoor lighting shall be allowed in addition to the total property lumen limit for that property.
   b) Approved emergency outdoor lighting shall not be subject to the limits to off-site impacts for that property.
   c) Approved emergency outdoor lighting shall not be subject to the automatic lighting reduction requirements. Approved emergency outdoor lighting shall not be subject to the automatic switching requirements.
8. Architectural Illumination
   a) A separate allowance of lumens for architectural lighting will be allowed in the amount of ten percent of the calculated installed property lumens.
   b) The luminaires used for architectural lighting shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the building.

H. Flag Lighting

1. Flag lighting sources shall not exceed 7,000 lumens per flagpole.
2. The light source and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

I. Alternate Materials and Methods of Construction, Installation, and Operation

The provisions of this code are not intended to prevent the use of any design, materials, or method of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The Community Development Director may approve any proposed alternative provided they find that it has been designed by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the Code. This section shall not have the effect to waive any requirements of this Code.

J. Complex and Non-conforming Use (For Commercial and Residential Lighting)

1. High intensity and special purpose lighting. The following lighting systems are prohibited unless approved by the Community Development Director.
   a) Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens.

b) Aerial lasers.

c) Searchlights.

d) Other very intense lighting defined as having a light source exceeding 20,000 lumens or an intensity in any direction of more than 2,000,000 candelas.

2. Complex and nonconforming uses.Lighting not complying with the technical requirements of this section but consistent with its intent may be installed for complex sites or uses or special uses including but not limited to the following applications:

a) Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums;

b) Construction lighting greater than 20,000 lumens or exceeds project boundaries;

c) Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.;

d) Parking structures;

e) Urban parks;

f) (Decorative and architectural lighting of bridges, public monuments, and public buildings;

g) Theme and amusement parks; or

h) Projected images and movies, including drive-in theaters.

3. These proposed lighting installations shall demonstrate that they have sustained:

a) Every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the information required for a commercial plan submittal.

4. The Community Development Director shall review each such application. A special lighting permit may be granted if, upon review, the Community Development Director believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

K. Plan Submittals

1. Plan submittals for projects involving outdoor lighting shall contain all the information required by the City of Las Cruces Building Code (Chapter 30, Las Cruces Municipal Code).

2. In addition, evidence of compliance with the requirements of this section shall be provided by including an outdoor lighting site plan (labeled as sheet OLP in the submitted plan set) consisting of the following:

a) Calculations showing total site lumens.

b) Locations of all proposed outdoor luminaires (including site, parking lot, parking canopies, walkways/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.). This includes all normal and emergency outdoor lighting. Lumens shall be listed for all luminaires; BUG ratings shall be provided for all luminaires.

c) A fixture schedule that includes all luminaires shown on the plan(s). The schedule shall include, at a minimum:

i) Fixture type/mark;

ii) manufacturer; catalog/part number;

iii) lamp quantity per luminaire;

iv) lamp type;

v) lamp initial lumens for all new luminaires and BUG rating for each existing luminaire;

vi) mounting height of the luminaire above finished grade, description/comments; and

vii) maximum BUG rating for the location.

d) City ordinance requires most sites to reduce the outdoor illumination by a minimum of at least 30 percent or extinguished at 11:00 p.m. or 30 minutes after the close of business. The lighting plans shall therefore be prepared in a fashion that clearly identifies which fixtures are to remain on all night for security lighting purposes. This identification can be accomplished via fixture shading, keynotes, or the creation of a separate after-hours lighting/photometric plan designated OLS in the plan set.

e) A note shall be placed on the lighting plan which identifies the time(s) at which the site will enter security-lighting-only mode, and a general description of the device(s) that will automatically be controlling the lighting.

f) A pole detail for each type of pole light shall be included in the submittal. This detail shall include, at a minimum: Mounting height of the luminaire(s) as measured from the fixture lens to the finished grade of the parking lot, the fixture type of the luminaires mounted on the pole.

g) A complete date for the current plan, and complete dates for all prior versions of the plans that were submitted to the City.

h) A contact name and phone number for the preparer of the lighting submittal.

i) All components shall be on one sheet. Failure to comply will result in plans being returned and not reviewed.

3. Additional information may be required by the Building Official or the Community Development Department in order to determine compliance with this section.

4. A description of luminaires, sufficient to demonstrate compliance with this section, including lamps, poles or other supports and shielding devices, provided as catalogue illustrations from the manufacturer, and photometric data, such as that furnished by the manufacturer, showing the downward angle of light emission shall be available on the jobsite with the approved set of plans.

L. Legal Nonconforming Lighting

1. Lighting installed prior to the effective date of this section shall comply with the following:

   a) Any new luminaire or new outdoor lighting shall meet the requirements of this section for new outdoor lighting.

   b) A legally installed luminaire existing as of the date of this section is exempt from the provisions of this section except that any replacement lighting must comply with the provisions of this section for new outdoor lighting.

   c) For the purposes of this section, a legally installed luminaire means a fixture that was permitted and installed in accordance with the adopted codes and regulations applicable at the time of installation but must be included in plan submittal for new lighting proposed to be installed.

2. Resumption of use after abandonment. If a property with nonconforming lighting is abandoned or remains vacant for a period of 12 months or more, then all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before any further use of the property occurs or before a certificate of completion, certificate of occupancy, or business registration is issued.

3. Repairs, Alterations, Change of Occupancy, Additions, Historic Buildings, and Relocated Buildings

   a) Repairs

      Relamping or replacement of components of a legally installed luminaire existing as of the date of this section (including capacitor, ballast or photocell) shall be exempt from the provisions of this section.

   b) Minor Modifications, Additions, or New Lighting Fixtures for Nonresidential and Multi-Family Dwellings

For non-residential and multi-family dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Code shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

c) Change of Occupancy

Where the use in a space intensifies all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before the change in use commences or before a certificate of completion, certificate of occupancy, or business registration is issued.

d) Additions

Where there is an extension or increase in floor area of 25 percent or greater, additional dwelling units, number of stories, or parking spaces all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

4. Nuisance Lighting

If a light is deemed to be a hazard to vehicular or pedestrian traffic, an immediate remediation shall be required.

5. Multiple-Tenant Commercial Properties

a) Outdoor lighting associated directly with a specific tenant shall be treated as single-tenant commercial property.

Sec. 38-10.Signs

A. Purpose

1. The purpose of this section is to permit signs that will not, by their size, location, or construction, endanger the public health and safety of individuals.
2. Furthermore, it is the purpose of this section to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty and environment of the City.
3. This section regulates the time, place, and manner of display of signs. It is not the purpose of this section to regulate the specific content of any sign.

B. Applicability

1. This section shall apply to all new or expanded signs within the City limits.
2. The following are not included within the scope of these regulations:
   a) Signs posted by the City or other governmental entity;
   b) Banners legally attached to City or other public utility poles;
   c) Signs four square feet or smaller for display in an NH zoning district for less than one week;
   d) Signs placed on the lot of a for-sale model home;
   e) Signs placed inside of vehicles that are currently available for sale;
   f) Signs placed inside the field fence of an athletic field or stadium;
   g) Seasonal decorations; and
   h) Signs ancillary to business operations smaller than 6 square feet. Examples of such types typically include hours of operation, open/closed signs, service entrance signs, or menu displays.
3. Signage for Planned Unit Developments (PUDs)
   a) PUDs shall follow the regulations of this **Sec. 38-10. Signs** as applicable to the PUD base district (or primary use as determined by the Community Development Director).
   b) Applicants who wish to propose alternative signage shall submit a sign plan detailing the proposed signage location, dimensions, materials, lighting, and other features. Such a plan shall be reviewed and approved in conjunction with the PUD application.
4. All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.

C. Sign Permit Required

1. A sign permit is required for all new or expanded signs, unless otherwise stated.
   a) Exceptions. A sign permit is not required for the following:
      i) Normal maintenance, painting, repainting, or cleaning of a sign with no structural changes; or
      ii) Replacement of a sign face that does not increase the area of the sign face or add any additional illumination.
2. Each application for a sign permit shall be accompanied by plans and other pertinent information as necessary to clearly depict the site location, height, weight, size, material, method of erection, and construction of said sign.

D. Prohibited Signs

1. Any sign not expressly permitted within this **Sec. 38-10. Signs** is prohibited.
2. The following sign types are specifically prohibited:
   a) Billboards
   b) Inflatable or balloon signs
   c) Portable signs (other than a Sidewalk Sign)
   d) Signs with parts that move or spin to attract attention (other than an Electronic Reader Board)
   e) Snipe or bandit signs
   f) Streamers and pennants
   g) Vehicular signs
3. Any sign erected on, attached to, or painted on retaining walls, fences, rocks, or natural features is prohibited. This prohibition shall not include signs located at the entryway to a subdivision or signs located at athletic fields.
4. Any sign illegally placed, constructed, or maintained is prohibited.

Figure 38-10-1. Examples of Prohibited Signs

Billboard



Portable Sign



Snipe or Bandit Signs



Inflatable or Balloon Sign



Vehicular Sign



Moving Sign



Streamer or Pennant



E. Method of Sign Measurements

1. Setbacks

   Setbacks shall be measured in linear feet from property lines to the leading edge of the sign.

2. Sign Area

   a) Sign Area shall be calculated in square feet, and by means of the smallest square, circle, rectangle, or combination thereof that will encompass the sign face and any framing, trim, or molding, and the supporting structure (see **Figure 38-10-2**).

   b) All attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

   c) The area of signs with more than one face is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.

   d) For three-dimensional objects, the sign area is the sum of the two adjacent faces of a cube encompassing the object (see **Figure 38-10-3**).

Figure 38-10-2. Sign Area Calculation



3. Sign Height

   Sign height shall be measured in linear feet. The overall height of a sign structure is measured from the lowest elevation of the ground abutting the base of the sign to the highest point of the sign structure (see **Figure 38-10-4**).

Figure 38-10-3. 3D Object Area Calculation

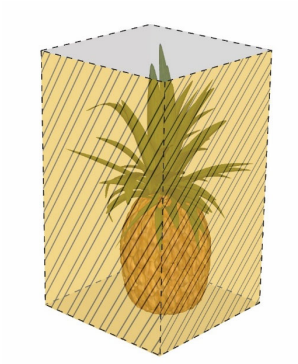


Figure 38-10-4. Sign Height Calculation



F. Placement

1. No sign shall be permitted to violate the clear sight triangle as referenced in **Sec. 5-3.G. Clear Sight Triangle**.
2. No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.
3. Signs shall not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal, or device. A sign shall not be placed at any location where it obstructs or interferes with the clear view of any traveler on any street.
4. Signs may only be placed in (e.g., bench signs, waste receptacle signs) or extend onto or over a public right-of-way or sidewalk when a specific exception is provided by the City Manager.
5. Any sign extending over an area intended for pedestrian use shall not be less than eight feet above the finished grade below it.
6. Any freestanding sign over 20 feet in height above grade or any sign extending above the public right-of-way shall require the seal of a Professional Engineer, indicating that the sign meets all best engineering practices and standards.
7. No permit for a sign that extends beyond private property onto a public street, public sidewalk, or public alley will constitute a permanent easement. Every such permit shall be revocable by the Community Development Director. The City shall not be liable for any damages to the owner because of such revocation.
8. No sign shall be placed or constructed on a property without permission from the property owner.

G. Sign Types and Supplemental Standards

Attached Signs

1. Awning or Canopy Sign

Description

A sign that is fastened to or painted on an awning or canopy.



Supplemental Standards

No Awning or Canopy Sign shall project into the right-of-way except when a building has a setback of less than five feet.

2. Projecting Sign

Description

A sign attached to a wall that projects from the building face for view from either side.



Supplemental Standards

A Projecting Sign may exceed the building height by up to 36 inches; however, no sign shall exceed the maximum building height of the zoning district.

Any sign projecting over the right-of-way shall not project more than eight feet into the right-of-way and shall meet the minimum clearance established in **Sec. 38-10.F.5** above. As noted in **Sec. 38-10.F.6**, signs projecting over the right-of-way require the seal of a professional engineer.

3. Roof-Mounted Sign

Description

Any sign that is attached to the roof of a building or structure.

Supplemental Standards

Signs shall be more than 24 inches in height; however, no sign shall exceed the maximum height of the zoning district.



4. Wall Sign

Description

Any sign affixed flush with or painted onto the wall of any building. This description does not include other instances of painted applications, such as murals, that have been recommended by the City Art Board.

Supplemental Standards

No Wall Sign may extend more than 12 inches in depth out from the wall to which it is attached. No Wall Sign may be extended above the roofline.



5. Window Sign

Description

Any sign displayed in or painted onto a window. This description does not include Ancillary Signs as described in **B.2.h)**.

Supplemental Standards

Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.

A window sign does not include merchandise or models of products or services incorporated in a window display.



Freestanding Signs

6. Menu Board Sign

Description

A sign located in the drive-through of a restaurant leading up to the drive-up window.



Supplemental Standards

The volume of the speaker shall not exceed ambient noise conditions as measured at the property line.

Any illumination must be discontinued at the close of business.

The design, materials, and finish of the sign shall match those of the building(s) on the same lot.

7. Monument Sign

Description

A Monument Sign is a freestanding sign constructed of masonry, metal, or similar weather-resistant materials with a concrete base that extends along the entire width of the sign.



Supplemental Standards

N/A

8. Pole Sign

Description

Any sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level.

Supplemental Standards

N/A



9. Sidewalk Sign

Description

A Sidewalk Sign is a moveable, self-supporting sign with a lightweight frame and base and an erasable or changeable surface. Sidewalk Signs are pedestrian-oriented and not intended to be read from passing vehicles.

Supplemental Standards

Sidewalk Signs may be placed on a public sidewalk if it does not reduce the clear area of the sidewalk to less than five feet.

One Sidewalk Sign is permitted per business. The sign shall only be placed outside during business hours.



Temporary Signs

10. Feather Sign

Description

A Feather Sign is a tall, narrow flag that flutters in the wind, commonly used to attract attention to events or businesses. Feather Signs are considered temporary signs.



Supplemental Standards

Feather Signs must be set back at least 15 feet from a front property line.

Feather Signs shall not be placed in an easement or Clear Sight Triangle.

Feather Signs must be removed daily.

11. Political Sign

Description

A Political Sign is a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.



Supplemental Standards

No individual political sign shall exceed 32 square feet in sign area.

All political signs may be erected no sooner than 90 days before the election and/or caucus to which they pertain and shall be removed within ten days following the same election and/or caucus.

It is unlawful for any person, organization or political committee to publish or print or circulate any campaign advertising or communication which does not specify the name of the sponsor or the name of a responsible officer who authorized the printing or publication or circulation of such material in any municipal election or special election. Written, printed or posted materials shall also show a telephone contact number. If the advertisement is transmitted by audio or audiovisual media, the statement shall be both written legibly and spoken clearly. Disclaimers do not need to be printed on bumper stickers, pins, buttons, pens and similar small items.

Advertising on a duly permitted billboard shall be exempt from the size and time limits stated in this section.

Political signs are permitted to be placed on fences/walls (e.g., chain link fences, retaining walls, rock walls), but are not permitted

to be placed in clear sight triangles or in a manner that would prevent clear sight of vehicles (see **Sec. 38-2.H. Clear Sight Triangle**).

12. Development ID Sign

Description

A development identification sign means a permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

Supplemental Standards

Development identification sign (permanent)

a.The maximum sign area shall not exceed 32 square feet.

b.The maximum height shall not exceed ten feet.

c.The sign may be placed in the public right-of-way, provided prior approval has been granted by city manager or official designee.

d.This sign may be used in addition to any other freestanding sign allowed pursuant to this chapter.

13. Temporary Ground Sign

Description

A Temporary Ground Sign is a small sign intended for short-term display. Examples of temporary ground signs typically include but are not limited to real estate signs, political signs, or construction signs.



Supplemental Standards

Each property is allowed one temporary ground sign per road frontage for up to six months per every 12-month period. The Community Development Director may allow an additional six-month extension if the property is actively listed for sale or at least one building on the site is actively listed for lease.

No permit is required for temporary ground signs.

All temporary ground signs must have a solid, durable backing that resists folding or twisting, and be anchored or fastened to the ground. The property or sign owner must replace any sign that becomes damaged or faded, or reflects more than three degrees off-center.

Temporary Ground Signs are allowed within the required setbacks; however, they are prohibited in the right-of-way.

Temporary Ground Signs shall not exceed 8 square feet for property zoned NH-1 or NH-2, or 24 square feet for all other districts.

In addition, up to four temporary ground signs may be displayed on an indefinite basis if placed within 10 feet of the primary structure within the NH-1, NH-2, or NH-3 districts.

14. Temporary Special Event Banner

Description

Temporary Special Event Banners are temporary banners displayed across a public roadway in support of a special event.



Supplemental Standards

A Sign Permit shall be obtained, indicating the dates of display, number of banners to be displayed, location(s) of display, etc., and must be approved by the Community Development Director. All Temporary Special Event Banners shall be installed and removed either by the City or the entity requesting the display.

If installed and removed by the City, permit fees shall be based on the number of banners to be installed/removed at a rate approved by the City Council (Resolution No. 23-074). Permit fees shall be paid by the applicant upon permit approval and in advance of sign installation.

If installed and removed by the entity requesting the display the City requires a minimum of $1,000,000 insurance, with the City being named as an additional insured party and the entity must provide a hold harmless indemnity agreement, not holding the City responsible for any accidents or loss in the installation/removal of the banners.

Temporary Special Event Banners shall be restricted to placement on City-owned utility/light poles only.

Temporary Special Event Banners shall only be displayed along City-approved roadways.

Temporary Special Event Banners shall be permitted to be displayed 1.5 times the length of the event being advertised, with a maximum of 21 days.

15. Temporary Wall Banner Sign

Description

A Temporary Wall Banner Sign is a lightweight, flexible banner affixed to the side of a building intended for short-term display. Examples of Temporary Wall Banner Signs typically include but are not limited to grand opening or special sale signs.



Supplemental Standards

Each nonresidential building or tenant with a valid Certificate of Occupancy is allowed to display a Temporary Wall Banner Sign for a period of no more than 30 days within a 12-month period.

Banners must be securely affixed to the wall and shall be immediately replaced or removed if the banner becomes damaged or worn.

Temporary Wall Banner Signs shall not exceed 24 square feet or 15 percent of the building/tenant facade, whichever is greater.

H. Permitted Locations and Dimensional Standards

1. Permitted Locations

   Signs types are permitted by zoning district, as indicated in **Figure 38-10-5**.

2. Combined Maximum Area

   The maximum size is determined by the combined area of all attached signs and all freestanding signs. The maximum size for each grouping is indicated in **Figure 38-10-5**.

   a) For attached signs, the building on which the sign shall be placed is used to calculate the square footage of the sign. The exterior is considered the entire perimeter of the building.

   b) For freestanding signs, frontage is calculated based on the largest single frontage along the drive.

   c) For buildings with frontage on more than one street, the sign area is calculated by the longest frontage. Figure 38-10-5. Permitted Sign Locations and Standards

Zoning Districts											
	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
Attached Signs	Max. Combined Area of Attached Signs										
	1 linear foot of exterior wall = 1 sqft			1 linear foot of exterior wall = 1.5 sqft					1 linear foot of exterior wall = 1.25 sqft		1 linear foot of exterior wall = 1 sqft
Awning or Canopy Sign		X	X	X	X	X			X	X	X
Projecting Sign		X	X	X	X	X			X	X	X
Roof-Mounted Sign				X	X	X					
Wall Sign	X	X	X	X	X	X	X		X	X	X
Window Sign	X	X	X	X	X	X	X		X	X	X
Freestanding Signs	Max. Combined Area of Freestanding Signs										
	0-100' frontage = 50 sqft 101-300' frontage = 75 sqft 301'+ frontage = 100 sqft			0-100' frontage = 100 sqft 101-300' frontage = 150 sqft 301'+ frontage = 200 sqft					0-100' frontage = 75 sqft 101-300' frontage = 125 sqft 301'+ frontage = 150 sqft		0-100' frontage = 50 sqft 101-300' frontage = 75 sqft 301'+ frontage = 100 sqft
Menu Board Sign				X	X	X			X	X	
Monument Sign	X	X	X	X	X	X	X	X	X	X	X
Pole Sign			X	X	X	X					
Sidewalk Sign	X	X	X	X			X		X	X	X
Temporary Signs	See individual sign types for dimensions										
Feather Sign	X	X	X	X	X	X	X	X	X	X	X
Political Sign	X	X	X	X	X	X	X	X	X	X	X
Temporary Ground Sign	X	X	X	X	X	X	X	X	X	X	X
Temporary Special Event Banner	X	X	X	X	X	X	X	X	X	X	

Temporary Wall Banner Sign	X	X	X	X	X	X	X		X	X	

3. Maximum Number of Freestanding Signs

   Each lot or parcel shall be limited to one freestanding sign unless there is more than 600' of frontage (can be combined by adding both street frontages except in NH-1 zoning districts) than two freestanding signs are permitted.

4. Maximum Height

   The maximum height for freestanding signs is determined by zoning district and street class, as indicated in **Figure 38-10-6**.

5. Minimum Setback

   The minimum setback for the placement of freestanding signs is determined by street class, indicated in **Figure 38-10-6**. Setbacks are measured from the property line.

Figure 38-10-6. Maximum Height and Minimum Setback for Freestanding Signs

Street Class	Maximum Height by Zone								Minimum Setback	
	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Front Yard	Side Yard
Local Street	3'	3'	6'	6'	18'	30'	6'	6'	10'	5'
Collector Street	6'	6'	18'	30'	30'	30'	12'	12'	12'	5'
Minor Arterial	6'	6'	30'	30'	30'	30'	12'	12'	15'	5'
Principal Arterial	6'	12'	30'	30'	30'	30'	18'	18'	15'	5'

I. Sign Features and Lighting

1. Electronic Display Boards

   a) Electronic Display Boards are allowed in conjunction only with the following sign types, and must not exceed 75 percent of the sign face:

      i) Menu Board Sign

      ii) Monument Sign

      iii) Pole Sign

      iv) Wall Sign

   b) No scrolling, flashing, rotating, or animated displays are allowed.

   c) Displays shall remain static for at least 30-second periods. Transitions must occur within a one-second period.

   d) The display shall be configured to turn off or return to a static, default design if a malfunction occurs.

2. Changeable Copy Signs

   Changeable Copy Signs are allowed in conjunction only with the following sign types, and must not exceed 75 percent of the sign face:

   a) Awning or Canopy Sign

   b) Menu Board Sign

   c) Monument Sign

   d) Pole Sign

   e) Projecting Sign

   f) Wall Sign







Figure 38-10-7. Examples of Electronic Display Boards





Figure 38-10-8. Examples of Changeable Copy Signs

3. Sign Lighting

   a) Maximum Brightness

      i) Maximum brightness levels for internally illuminated signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 250 nits when measured from the sign's face at its maximum brightness at night.

      ii) Each internally illuminated sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

      iii) The luminance on the face of an externally illuminated sign shall not exceed 150 nits. Photometric evidence of the installed luminaires showing compliance with this section shall be provided to the city within ten business days of installation.

      iv) A sign's nighttime lighting shall count toward the maximum allowable lighting for the property (See **Sec. 38-9.G.1**).

   b) Shading and Shielding

      i) Internally illuminated signs must be constructed so that the top of the sign is constructed of metal or of suitable material that does not allow light penetration vertically, so as to ensure that light is not emitted directly towards the sky.

      ii) Externally illuminated signs shall have luminaires mounted at the top of the sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign.

   c) Signs In and Near a NH-1 District or Rural Character Area

      i) Signs in a NH-1 District or Rural Character Area shall not be illuminated.

      ii) Signs that face a NH-1 District or Rural Character Area having a linear distance of 75 feet or less from that zone shall not be illuminated.

J. Common Signage Plan

1. Applicability

   A Common Signage Plan applies to two development scenarios:

   a) A multi-tenant center or one lot with multiple buildings, excluding accessory structures (required), and

   b) Multiple adjacent lots (optional).

2. Bonus Area

   Developments utilizing the Common Signage Plan shall receive a 15 percent increase in the maximum size area indicated in **Figure 38-10-5. Permitted Sign Locations and Standards** for freestanding signs.

3. Submittal Requirements

   A Common Signage Plan shall include the following information:

   a) The location of all buildings, parking areas, driveways, landscaped areas, and any other information as required by the City;

   b) Calculation of the maximum total sign area, the maximum height of signs, and the number of signs by type on each lot;

   c) An accurate indication on the plan of the proposed location of each present and future sign of any type; and

d) An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions.

4. Review and Approval Procedure

a) The Common Signage Plan shall be submitted in conjunction with any site plan or other development plan required by the City.

b) The Community Development Director shall be responsible for the review and approval of a Common Signage Plan.

c) After approval of a Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in compliance with such plan, and such plan may be enforced in the same way as any provision of the subsection.

K. Maintenance, Abandonment, and Removal

1. Maintenance and Safety

a) All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and the supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot, or other deterioration.

b) If the Code Enforcement Officer determines that any sign becomes unsecured, unsafe or subject to fall, the Code Enforcement Officer shall give written notice of the sign's condition in accordance with **3. Repair or Removal of Noncompliant Signs**.

2. Abandoned Signs

a) All signs shall be fully removed when the business/operation on site is no longer conducted.

i) For signs with a changeable face (e.g., multi-tenant signs), a new blank face shall be inserted. Alternatively, the entire sign face may be painted and the original message must not show through the paint.

ii) For signs where a message is placed on a structure or object (e.g., an awning), only the message is required to be removed. The message must not be visible following removal.

3. Repair or Removal of Noncompliant Signs

a) Any written notice to repair or remove a sign in violation of this code will be sent via certified mail by the Code Enforcement Officer to the land owner and to the sign owner lessee, or person(s) responsible for the sign.

b) If such order is not acted on within seven days, the Code Enforcement Officer may initiate proceedings to remove the sign at the expense of the land owner, sign owner, lessee, or person(s) responsible for the sign.

c) Additional time may be granted by the Code Enforcement Officer if compliance is proceeding.

d) Only one written notice per violation will be issued. The notice shall remain in effect for the duration of the business's present ownership.

e) Upon final determination that the sign is unlawful (following any appeals as outlined in **Sec. 34-3.F. Appeals**), the City reserves the right to remove and dispose of the sign at the sign owner's expense.

f) No notice is required for the removal and disposal of signs illegally placed in the right-of-way or clear sight triangle (see **Sec. 38-2.H. Clear Sight Triangle**).

L. Nonconforming Signs

1. Nonconforming signs that were lawful at the time of their construction may be continued.

2. No person may increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. When any sign is substantially damaged (i.e., the cost of restoring the sign is at least 50 percent of the market value of the sign before it was damaged), destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed, or rebuilt except in full compliance with this section.
4. Any change in the use of any building or property on which a nonconforming sign is located will require that all nonconforming signs on that property be brought into compliance with all applicable sections of this section.
    a) Exception: The message of a nonconforming sign may be changed so long as this does not create any new nonconforming issues.
5. A nonconforming sign shall not be moved or replaced except to bring the sign into conformity with this section.
    a) For the purpose of this subsection, the term "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of the sign. An example is replacing wood pole supports with metal I-beam supports.
6. Any nonconforming sign shall be considered abandoned if the sign is blank for 90 days, and the land and sign owner(s) are responsible for its removal. For the purposes of this subsection, a sign is blank if:
    a) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
    b) The advertising message it displays becomes illegible in whole or substantial part; or
    c) The advertising copy has been removed.

Sec. 38-11.Wireless Communication Facilities

A. Purpose

The purpose of this section is to establish supplementary regulations governing wireless communication facilities, including towers, co-located facilities, and antennas. These regulations promote the following goals:

1. Encourage the location of facilities to preserve the character of Las Cruces' neighborhoods and support viewshed protection;
2. Protect residential uses and land uses from potential adverse impacts of wireless communication facilities;
3. Prioritize co-location of wireless communication facilities over additional single-use towers;
4. Minimize the number of new towers;
5. Encourage the use of minimally visually intrusive technology to the maximum extent technically feasible;
6. Promote regulatory certainty; and
7. Allow telecommunications providers to provide services to the community quickly, effectively, and efficiently.

B. Applicability

1. This section applies to all towers and antennas located within the City's jurisdiction, except as expressly exempted below.
2. Exemptions
   a) Amateur (Ham) radio antennas, limited to the number and height necessary to engage in amateur communications;
   b) Microwave reflectors and parabolic antennas;
   c) Antennas and equipment located completely inside of buildings; and
   d) Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance.
      i) Minor modifications include the addition of antennas to conforming wireless towers and attached wireless communications facilities that comply with all applicable regulations of this section.
      ii) A building permit is required to authorize minor modifications as stated in **i)** above.

C. General Requirements

1. Federal Law

   The wireless communication facility regulations of this section must be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012.
2. All structures shall be sited, designed, constructed, operated, inspected, maintained, repaired, modified, removed and replaced in compliance with the City's adopted Uniform Building Code, as amended.
3. Communication facilities may be considered a principal or accessory use. Another principal or accessory use on the same lot does not preclude installation of a tower on that lot.
4. Required Approvals

   Except in the LI, Light Industrial District (Rural, Suburban, Urban) and HI, Heavy Industrial District (Rural, Suburban, Urban), communication towers must be of a monopole design unless a Special Use Permit is approved (see **Sec. 36-5.C. Special Use Permits (Error! Reference source not found.**s)) allowing an alternative design that is

determined to better blend into the surrounding environment or that the required antennas cannot be supported by a monopole.

a) Applicable permits are required to authorize alteration of existing, or co-location of new communication facilities on existing structures that comply with the requirements of this Code.

5. Communication structures, towers, and antennas shall comply with the following requirements:

a) Business Registration

Business registrations are required for each communication structure for commercial purposes.

b) Setbacks and Separation

i) Communication structures shall be placed within the primary buildable area for the parcel's specific zoning district and must be to the side and/or rear of all residential dwellings (e.g., house, apartment, duplex, triplex, quadplex, townhouse, etc.).

ii) Freestanding facilities are prohibited in the following locations:

a. Within 50 feet of an existing right-of-way.

b. Within any setback established by the applicable zoning district.

iii) Communication structures must be set back a distance equal to at least 110 percent of the height of the structure from any adjacent lot containing or zoned to permit residential uses.

iv) This use is prohibited within 1,000 feet in any direction of any other freestanding wireless communication facility or structure, as measured from the wall or fence of each facility. This requirement does not apply to small wireless facilities within the public right-of-way.

v) Towers shall be set back one foot for each one foot in height plus 10 percent of the total height from any residential use or structure on any adjacent or the same parcel.

vi) Any increase in height or reduction of minimum spacing or setback requirements shall require approval of a Zoning Variance.

c) Lighting

Towers may not be illuminated by artificial means and may not display strobe lights unless such lighting is expressly required by the Federal Aviation Administration or other federal or state authorities. When incorporated into the approved design of the tower, light fixtures used to illuminate ballfields, parking lots, or similar areas may be attached to the tower.

d) Signage

The use of any portion of a tower for advertising or signs other than warning or equipment information signs is expressly prohibited.

e) Maximum Height

i) Single-carrier wireless communication facilities: 65 feet, or the maximum height permitted in the applicable zoning district.

ii) Co-locations on any existing unconcealed tower or existing structure: 75 feet, or the maximum height permitted within the applicable zoning district plus 10 feet.

f) Viewshed Protection

Only co-locations and stealth towers are permitted in the following locations:

i) Within 660 feet of an easement or public right-of-way identified as part of an existing or future trail system as established by the City’s adopted Active Transportation Plan.

ii) Within 660 feet of the centerline of a public street designated as a protected view corridor.

D. Co-Location

1. All commercial use communication structures shall be co-located or integrated within an existing structure unless evidence is presented demonstrating that such co-location or integration cannot and should not occur. Evidence may include, but is not limited to, that no other structure suitable for co-location exists:
   a) Within a one-mile radius to meet the applicant's engineering requirements or structural strength or space availability needs for all improvements;
   b) In which unavoidable electromagnetic interference would occur between the new and any existing communication structures;
   c) In which other factors render the use of existing structures unsuitable;
   d) In which urban design features and aesthetic views would be hampered, beyond the objectives desired with the creation of this requirement, of existing natural and man-made structures; and
   e) Whose owners of existing structures would not allow the placement of the applicant's structure or such owners are requiring payments thereof that substantially exceed commercially reasonable rates.
2. Such evidence shall be presented to the Community Development Department for review and approval by the Community Development Director. Such proof may be required as part of the Special Use Permit and/or building permit approval processes, and only then shall an independent, freestanding communication structure be allowed in accordance with other requirements of this Code. Where co-location is proposed on a City-owned facility, such evidence shall also be presented to the Director responsible for City facilities.
3. Co-location of structures shall be in accordance with the following provisions:
   a) If the receiving structure was previously granted a Special Use Permit for its use and placement, including necessary variances for height and setbacks, the original special use permit does not need to be amended provided all requirements of the original Special Use Permit and this section have been met.
   b) Additional buildings and additions to existing equipment and accessory structures for towers must comply with applicable architectural and urban design criteria for the subject property.
   c) An unlimited number of communication antennas may be placed on an existing tower and/or other communication structure, provided all other requirements are met, including building codes and urban design criteria.
   d) If not governed specifically by this section, the building or structure receiving a co-located communication facility must comply with all applicable zoning and building code provisions, if applicable, or other city ordinances and/or state laws related to their placement, use, and construction.
   e) All co-located communication facilities must be an integrated architectural design feature and painted or textured such a color as to blend in with their visual background.
   f) When roof mounts are used, at a minimum, the first five feet of the communication structure shall be screened from view on all sides using building design elements, such as varied roof heights and/or parapets.
   g) Wall mounts cannot project more than three feet from the surface of the building and the projection cannot violate any of the normally required building setbacks and/or screening buffer yards. Structures that are attached parallel to a pitched roof surface cannot project more than three feet above the surface of such roof.
      i) Exception*:* This does not apply to roof top mounted structures that vertically ascend upward from a flat roof or structures placed at the apex of pitched roofs.
   h) All wall-mounted communication structures must maintain a minimum clearance of eight feet above the nearest adjacent ground and/or walking surface.

i) There shall be no limit on the number of wall and roof mount structures, in any zoning district, provided the structure is compatible with and integrated to the architecture of the receiving structure and can be demonstrated in plans to be submitted to the Community Development Director for review and approval.

E. Stealth Towers

The use of stealth towers or design techniques is encouraged and intended to provide more options for the placement and use of communication structures while integrating or concealing the communication structure into an improvement.

1. Examples of communication structures integrated and/or concealed into public or private facilities using stealth towers include but are not limited to:
   a) Flagpoles,
   b) Spires, bell towers, and other architectural features added to buildings,
   c) Integrated communication structures on utility substations, buildings, and water tanks,
   d) Extensions of communication antennas to existing lighting poles at sports facilities, and
   e) Any other proposed communication structure that is integrated and/or concealed within a building or structure and is approved in accordance with the provisions of this section.

F. Urban Design Criteria

1. General Provisions
   a) Building architecture, not including the tower, shall be consistent with surrounding structures in both style and construction material.
   b) Access to all communication structures and associated buildings on the property shall be shown on the Site Plans as part of special use or building permit approval processes.
   c) No chain link fencing around any communication structures is allowed along arterial or collector streets.
   d) All utility buildings and structures accessory to a tower must comply with all applicable requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, must be screened from view of abutting property used or zoned for residential purposes by a screening wall or fence in accordance with the screening standards for mechanical and utility equipment in **Sec. 38-8.E.3**.
   e) Equipment buildings associated with communication structures shall follow an architectural style, construction materials, and colors similar to existing buildings within the neighborhood; building facades for tower accessory structures and the first 20 feet of towers shall be painted earth-tones or similar colors to existing structures within the neighborhood and constructed of similar building materials.
   f) Antennas or other radiating/receiving devices are not required to have architectural treatments or other design features, such as painting and texturing, applied as required within this Code, if such treatments would interfere with the operation of the device. Such treatments are required of the supporting structure, including towers, and not the radiating/receiving device.
2. Towers and Other Communication Structures in Residential Districts

   In addition to **1. General Provisions** above, communication structures located within residential districts are also subject to the following:

   a) All private communication structures on residentially zoned property shall either be painted or treated the same color as the primary structure or the surface to which the structure is attached. This includes painting or screening roof-mounted communication structures.

i) Screening and/or painting of roof-mounted structures is required on all sides the residential property in which a communication structure is to be or is placed.

3. Towers and Other Communication Structures in Commercial and Industrial Zoning Districts.

a) Additional Setbacks for Antennas, Communication Structures, and Satellite Service Devices:

i) Structures shall be set back at least one foot for each one foot in height from any residential dwelling structure on any adjacent parcel.

ii) Equipment and accessory structures shall conform to building and accessory structure maximum heights and minimum setbacks for the parcel's specific zoning district.

b) Additional Setbacks and Placement Restrictions for Towers:

i) Structures shall be placed within the primary buildable area for the parcel's specific zoning district and must be to the rear of the primary building structure. If there is no primary building, then the tower must be within the primary buildable area.

ii) A Special Use Permit may be granted to permit tower height greater than what is allowed. The Special Use Permit process shall also be used for any deviations related to setbacks and/or screening buffer yards.

G. Special Use Permit Review Criteria

1. The regulations within this subsection apply for all commercial communication structures that require the approval of a Special Use Permit.

2. Factors to be Considered

In addition to any other applicable requirements, the following factors must be considered in a decision to approve or deny a special use permit for a wireless communications tower:

a) Height of the proposed tower;

b) Proximity of the tower to residential structures, residential district boundaries, and existing towers;

c) Nature of uses on adjacent and nearby properties;

d) Surrounding topography;

e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

f) The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;

g) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;

h) Proposed ingress and egress;

i) The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area;

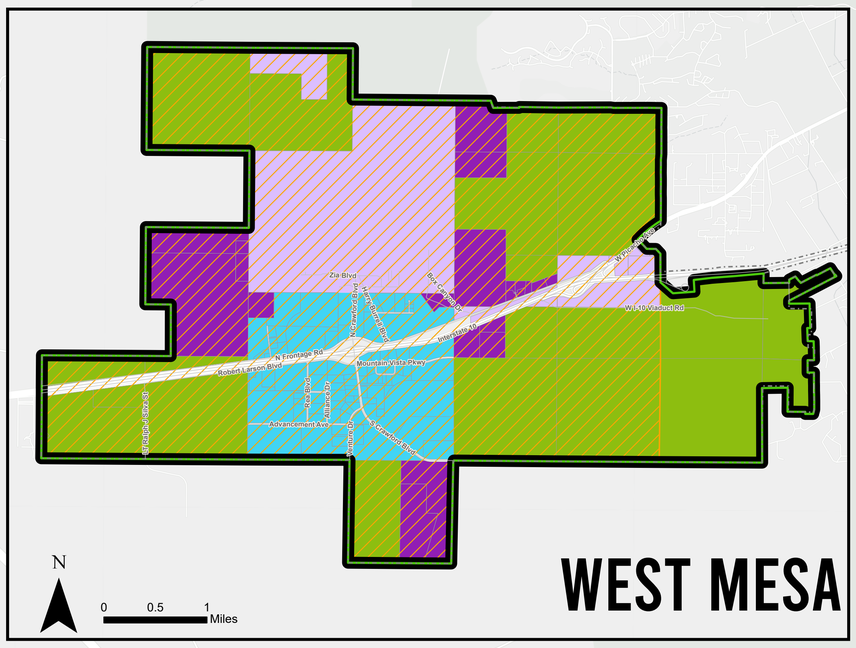
j) The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical considerations.

H. Removal of Abandoned Antenna and Towers

Abandonment or cessation of use of the communication structure shall require the removal of all facilities associated with the communication structure from the subject property within six months after the abandonment or cessation of use. Foundations for such structures should be altered or removed to be visually appealing and safe.

EXHIBIT "B"

CITY OF LAS CRUCES
REALIZE ZONING MAP



Zoning Districts
- Neighborhood 1 (NH-1)
- Neighborhood 2 (NH-2)
- Neighborhood 3 (NH-3)
- Commercial/Retail (CR)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Open Space-1 (OS-1)
- Open Space 2 (OS-2)
- Planned Unit Development (PUD)
- Holding (H)

Legacy Zoning Districts
- Downtown Development Code (DDC)
- University District Overlay (UDO)
- Las Cruces Innovation and Industrial Park (LCIIP)
- South Mesquite Overlay (SMO)
- Alameda Depot Overlay (ADO-1 to 6)

Characters
- Urban Character (U)
- Rural Character (R)
- No Character Defined

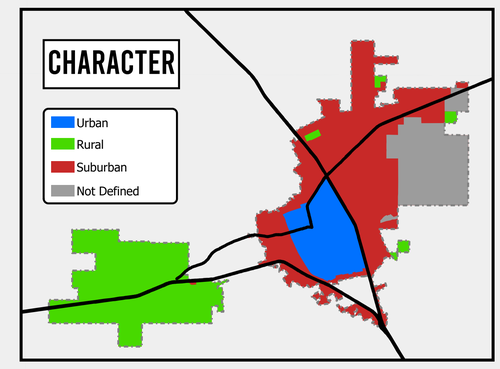
* Everything else is Suburban Character (S)

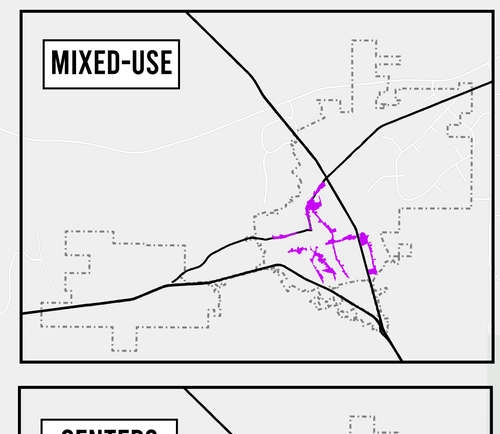
Overlays
- Mixed-Use (MX)
- Town Center (TC)
- Neighborhood Center (NC) * None currently added *
- Airport Overlay District

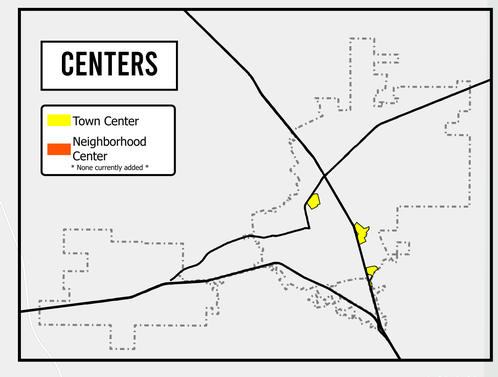
Zoning District Colors are consistent with official colors. The Characters and Overlays may be different in order to improve visual clarity within map.

A Town Center is planned for this general area. Boundaries are waiting to be established as development continues.

* All Parcels have a Zoning District and Character.
* Overlays are additional zoning traits a parcel may have applied.
* Some parcels have more than one zoning district within it. Zoning districts within a parcel share that parcel's character an any applied overlays.
* Refer to the online map for further information.
https://storymaps.arcgis.com/stories/3e66bc92724e4fa3962e680742e09067









10/28/25
City of Las Cruces GIS
Community Development Department
GIS@lascruces.gov

Chapter 34. Development Code General Provisions

Sec. 34-1. Establishment

A. Title

This Development Code of the City of Las Cruces, New Mexico, shall be known as, and may be cited as, the "Development Code," "Code," or "these regulations."

B. Purpose

The purpose of this Development Code is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this Code is intended to implement the Comprehensive Plan, Active Transportation Plan, neighborhood blueprints, and all other City-adopted plans and policies.

C. Authority and Jurisdiction

1. This Code is created and adopted in accordance with NMSA 3-17, 3-19, 3-20, 3-21, and 3-21A, as amended, and shall be applicable to all property within the corporate limits of the City, except for state and federal land.
2. State property, Doña Ana County property, the Las Cruces Public School District School Board property, New Mexico State University (Board of Regents), federal property, and property owned or controlled by any other governmental entity being utilized for public purposes shall be exempt from these regulations only when specific exemption is provided elsewhere by state or federal statute or court order. Such exemption shall not apply to local, state, or federal property that is not being used for public purposes. Governmental and private entities shall comply with the requirements of Section 3-19-11 NMSA.
3. This Code identifies certain administrative roles (e.g., Community Development Director) as approval authorities. The definition of each role indicates whether a designee of that person may be delegated authority. See **Sec. 34-5. Definitions**.

D. Effective Date

The Effective Date of this Development Code shall be February 18, 2025.

E. Transitional Provisions

The provisions of this section address development projects that were initiated prior to the Effective Date of this Development Code specified in **Sec. 34-1.D** above.

1. Generally
   a) For 8 months after the Effective Date, property owners/applicants shall have the option to follow codes as of the day before said effective date. This option shall be granted upon submittal of written notice, on a form approved by the Community Development Director, accompanying the submittal of an application authorized under this ordinance. If said submittal is not approved within 1 year of the effective date, the submittal shall be considered void and thereafter, any subsequent submittal shall follow the current code. No extensions will be approved after the 1-year approval deadline.
   b) Construction permits granted under the regulations in place before the Effective Date shall remain valid until their expiration. Projects with valid permits may be carried out in accordance with the regulations in effect at the time of their approval.
   c) The adoption of this Development Code shall not require any change in plans, construction, or designated use for which a permit or other official approval was granted before the Effective Date.

d) Vesting under previous regulations applies only within the zoning or subdivision processes. Subdivision vesting does not vest zoning-related applications; zoning vesting does not vest subdivision-related applications.

i) Example: Subdivision Process

An approved Master Development Plan (subdivision-related process) vests future subdivision submittals, as long as the approved Master Development Plan or Preliminary Plat does not expire.

ii) Example: Zoning Process

An approved PUD Concept Plan (zoning-related process) vests future zoning submittals, as long as the approved Concept Plan does not expire.

e) If an application expires or resubmittal is required for any other reason, the development must meet the standards in effect at the time of re-application.

f) An applicant who submitted a complete application that was ultimately approved may opt to use the more recent regulations for the remainder of the development project; however, that project is no longer eligible to use the older regulations at a later stage.

2. Completed Subdivision Applications

a) Complete applications for subdivision-related approvals (e.g., Master Development Plan, Preliminary Plat, Construction Plan, Final Plat) pending approval on the Effective Date will be reviewed wholly under the terms of the development regulations in effect immediately preceding the Effective Date.

i) Example: Master Development Plan for a Phased Development

If a complete Master Development Plan (MDP) application for a phased development project was submitted prior to the Effective Date and was ultimately approved, the entire development project may develop under the approved MDP and regulations in place at the time of the MDP submittal.

3. Completed Zoning Applications

a) Complete applications for zoning-related approvals (e.g., Planned Unit Developments, Site Plans, Special Use Permits, Zoning Variances, Building Permits) pending approval on the Effective Date may be reviewed wholly under the terms of the development regulations in effect immediately preceding the Effective Date.

i) Example: Concept Plan, Site Plan, and Building Permits for a Planned Unit Development

If a complete Concept Plan application for a Planned Unit Development (PUD) is submitted prior to the Effective Date and is ultimately approved, the City may approve a Site Plan and Building Permit that conform to the Concept Plan and comply with the regulations in place at the time of the Concept Plan submittal.

b) If a Building Permit was issued before the Effective Date (or a complete Building Permit application was submitted before the Effective Date and ultimately approved), the structure may be completed in conformance with the issued Building Permit and other applicable permits and conditions, even if such structure does not comply with provisions of this Code.

c) If the structure is not completed within the time allowed under the original Building Permit and any authorized permit extension, the structure may be constructed, completed, and occupied only if it complies with the regulations of this Code.

4. Transitions in Permitted Use Status

a) If a use is allowed by **Sec. 36-3.A. Permitted Uses**, it is considered a lawfully established and conforming use under this Code.

b) If a use existed as an allowed by-right use or an approved SUP on the Effective Date and it now requires an SUP in accordance with **Sec. 36-3.A. Permitted Uses**, it is considered to be a lawfully established and conforming SUP under this Code.

c) A lawfully established existing use that is not allowed by-right or by SUP in the district in which the use is located is considered a legally nonconforming use and is subject to all applicable regulations of **Sec. 36-5.G. Nonconformities**.

5. Violations

A violation of former regulations continues to be a violation under this Development Code and is subject to penalties and enforcement under **Sec. 34-1.H. Violations and Enforcement**, unless the use, development, construction, or other activity now complies with the provisions of this Development Code.

F. Technical Manual and Other Technical Resources

This Development Code references a Technical Manual, which is maintained separately from this Code by the Development Review Committee. The standards contained within the Technical Manual apply to all development within the City's jurisdiction. This code also references several other technical resources that apply within the City, including (but not limited to) the latest editions of thoroughfare design manuals prepared by AASHTO, NACTO, ITE, FHWA, and related entities. These are the minimum standards required. Development shall follow these minimum standards and any City guidelines adopted by resolution, as amended.

G. Fees

All fees shall be paid in accordance with the City's Fee Schedule, as adopted by the City Council. An application may be denied for failure to pay such fees.

H. Violations and Enforcement

1. Duty to Enforce. The official(s) designated by the City Manager shall enforce this Development Code.
2. The City has the right to execute the following actions to remedy violations of this Development Code or noncompliance with approved plans in accordance with NMSA 3-17-1:
   a) Withhold or revoke permits or issue a stop-work order for any land, structure, or improvement;
   b) Seek injunctive relief to stop a violation;
   c) Seek a court order to remove a violation; or
   d) Other penalties and remedies as provided by law.
3. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

I. Interpretations

The Community Development Director is the responsible official for determining interpretations and meanings. The Director's determination may be appealed in accordance with **Sec. 34-3.F.2 Appeal of a Director Decision**.

J. Conflicting Provisions

1. Conflict with State or Federal Regulations

Any provisions of U.S. or New Mexico State Law that impose a greater duty, standard, or requirement than those contained herein shall supersede the provisions of this Code.

2. Conflict within the Development Code or Other City Regulations
   a) Where the provisions of any local ordinance or regulation impose greater restrictions than those of this Development Code, generally, the provisions of such document shall prevail.

b) When two or more provisions of this Development Code are in conflict, generally, the most restrictive provision shall apply.

c) In either case, the Community Development Director shall have the authority, on a case-by-case basis, to determine which conflicting provisions of this Code and/or other local requirements shall be imposed.

3. Conflict with Private Agreements

This Development Code does not interfere with, abrogate, or annul any easement, deed restriction, covenant, or other agreement between private parties. The City's regulations supersede any private agreements, and the City will not recognize or enforce any private agreements.

K. Severability

If any chapter, section, paragraph, sentence, phrase, or part of this Code is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

Sec. 34-2. Approval and Appeal Entities

A. City Council

1. Establishment

   The City Council is established by Part I Charter, Article II of the Las Cruces Municipal Code.

2. Authority

   Figure 34-2-1 summarizes the City Council's major roles and responsibilities within this Development Code.

B. Planning & Zoning Commission

1. Establishment

   In accordance with NMSA 3-19-1, a Planning & Zoning Commission has been created by the City Council as stated in Chapter 2, Article IV, Division 2, Subdivision VI. Planning & Zoning Commission of the Las Cruces Municipal Code.

2. Authority

   Figure 34-2-1 summarizes the Planning & Zoning Commission's major roles and responsibilities within this Development Code.

C. Development Review Committee

1. Generally

   The Development Review Committee (DRC) is a formal group of representatives employed by the City or its representatives empowered to act on behalf of their respective departments on development-related applications.

2. Composition

   a) Required Members

      i) Membership of the DRC shall consist of one representative from each of the following departments (or their successor department(s)):

         a. Public Works Department;

         b. Community Development Department;

         c. Utilities Department;

         d. Fire Department;

         e. Parks & Recreation Department; and

         f. Up to two additional City Staff appointees as designated by the City Manager, with technical and management experience in urban design, advance and long-range planning, and sustainability related to public works, subdivision, major construction, and facility projects.

      ii) Department representatives shall be the Director or the Assistant Director (or equivalent title).

3. Authority

   Figure 34-2-1 summarizes the DRC's major roles and responsibilities within this Development Code.

4. Meetings

   a) The DRC shall meet as needed to review development-related issues and applications, as summarized in **Figure 34-2-1**. The notice of DRC meetings shall appear in the public meeting schedule.

   b) The Community Development Director shall set the agenda for DRC meetings and abide by all notification requirements pursuant to approved policy and the New Mexico Open Meetings Act (OMA).

   c) Minutes will be taken during DRC meetings pursuant to approved policy and the New Mexico Open Meetings Act (OMA).

   d) When the DRC provides a recommendation to another entity, the Community Development Director shall provide the meeting minutes or compile the comments and provide a summary report for the approval authority(ies).

D. Summary of Approval Authorities

Figure 34-2-1. Summary of Major Roles and Responsibilities provides an overview of the primary approval responsibilities outlined in this Development Code.

Figure 34-2-1. Summary of Major Roles and Responsibilities

Note: Decisions within this table may be appealed in accordance with **Sec. 34-3.F. Appeals**.

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
General							
Sec. 34-3.E	Flexible Development Standards				Decide		
Sec. 34-1.F	Technical Manual			Update			
Sec. 34-3.F.2.a)	Appeal of a Director Decision: Planning-Related		Decide				
Sec. 34-3.F.2.b)	Appeal of a Director Decision: Engineering-Related						Appeals heard by Arbitration Committee
Sec. 34-3.F.3	Appeal of a DRC Decision		Decide				
Sec. 34-3.F.4	Appeal of a Planning & Zoning Commission Decision	Decide					
Sec. 34-3.F.5	Appeal of a City Council Decision						Appeals heard by District Court
Sec. 35-1.F.1	Appeal of a Community Development Director Historic Preservation Decision						Appeals heard by Historic Preservation Committee
Sec. 35-1.F	Appeal of a Historic Preservation Committee Decision		Decide				
Sec. 34-3.I	Development Code Amendments	Decide*	Recommend*	~~Recommend~~			
Sec. 34-4.D	Annexation	Decide*	Recommend*	Recommend			
Historic Preservation-Related							
Sec. 35-2.D	Cultural Property Designation	Decide					Historic Preservation Committee recommendation*
Sec. 35-2.E	Historic District Designation	Decide*	Recommend*				Historic Preservation Committee recommendation*
Sec. 35-3.A.2	Certificate of Appropriateness				Decide (minor)		Historic Preservation Committee decision* (major)
Sec. 35-3.C	Demolition of Cultural Properties	Appeals					Historic Preservation Committee decision*
Sec. 35-3.D	Certificate of Economic Hardship						Historic Preservation Committee decision*
Zoning Regulations-Related							
Sec. 36-5.A	Zoning Map Amendments	Decide*	Recommend*		Recommend		

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
Sec. 36-5.B	Site Plans (except with SUP)				Decide		
Sec. 36-5.C	Special Use Permit (SUP)		Decide*		Recommend		
Sec. 36-5.D	Planned Unit Development (PUD) Concept Plan	Decide*	Recommend*	Recommend			
Sec. 36-5.D	Planned Unit Development (PUD) Site Plan				Decide		
Sec. 36-5.E	Building Permits and Certificates of Occupancy						Building Official
Sec. 36-5.F	Zoning Variance		Decide*		Recommend		
Subdivision Regulations-Related							
Sec. 37-3.A.4	Master Development Plan		Decide*	Recommend			
Sec. 37-3.B	Preliminary Plat		Decide*~~*~~	Recommend			
Sec. 37-2.A	Final Plat using the Alternate Summary Procedure (ASP)				Decide		
Sec. 37-3.D	Final Plat following an approved Preliminary Plat (i.e., Major Platting Process)				Decide		
Sec. 37-3.D	Final Plat without an approved Preliminary Plat (i.e., Minor Platting Process)		Decide~~**~~	Recommend			
Sec. 37-2.E.5	Right-of-Way Vacation	Decide~~* (dual)*~~	~~Decide (dual)*~~		Recommend		
Sec. 37-3.C.4	Construction Plans				Decide		Affected departments and agencies to provide comments
Sec. 37-4.C	Acceptance of Public Improvements				Decide		Public Works, Utilities, and Parks & Recreation Directors must confirm completion
Sec. 37-4.D.2	Authorization of Substantial Completion				Decide		Affected departments and agencies must confirm agreement
Development Standards-Related							
Sec. 38-2.C.1.a)	Roadway Cross-Section Configuration			Decide			
Sec. 38-2C.1.a)	Roadway Dedication and/or Improvement Waiver			Decide			Appeal to City Council
Sec. 38-2.D.4.b)	Private Street Acceptance	Decide	Recommend	Recommend			City Attorney approval required
Sec. 38-2.F.10.d)	Driveway/Median Opening Permits					Decide	
Sec. 38-2.G	Traffic Impact Analysis					Decide	
Sec. 38-2.I.6.c)	Streetlights					Decide	
Sec. 38-3.D.2.b)ix)	Development Permits in Floodplain						Floodplain Administrator decision
Sec. 38-3.C.1.a)	Master Drainage Study					Decide	
Sec. 38-3.C.1.b)	Final Drainage Study					Decide	
Sec. 38-3.H.6	Operation & Maintenance Plan					Decide	
Sec. 38-5.D	Park and Trail Dedication		Decide	Recommend			

Section	Application/Plan Type	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director	Other
Sec. 38-6.E and **Sec. 38-7.F**	Tree Mitigation Plan and Landscape Plan				Decide		
Sec. 38-6.D.1	Removal of Protected Trees				Decide		
Sec. 38-9.K	Outdoor Lighting Plan				Decide		
Sec. 38-10.C	Sign Permit				Decide		
Sec. 38-10.J	Common Signage Plan				Decide		
Sec. 38-11.D	Wireless Communication Facility				Decide		

*Indicates a public meeting is required.

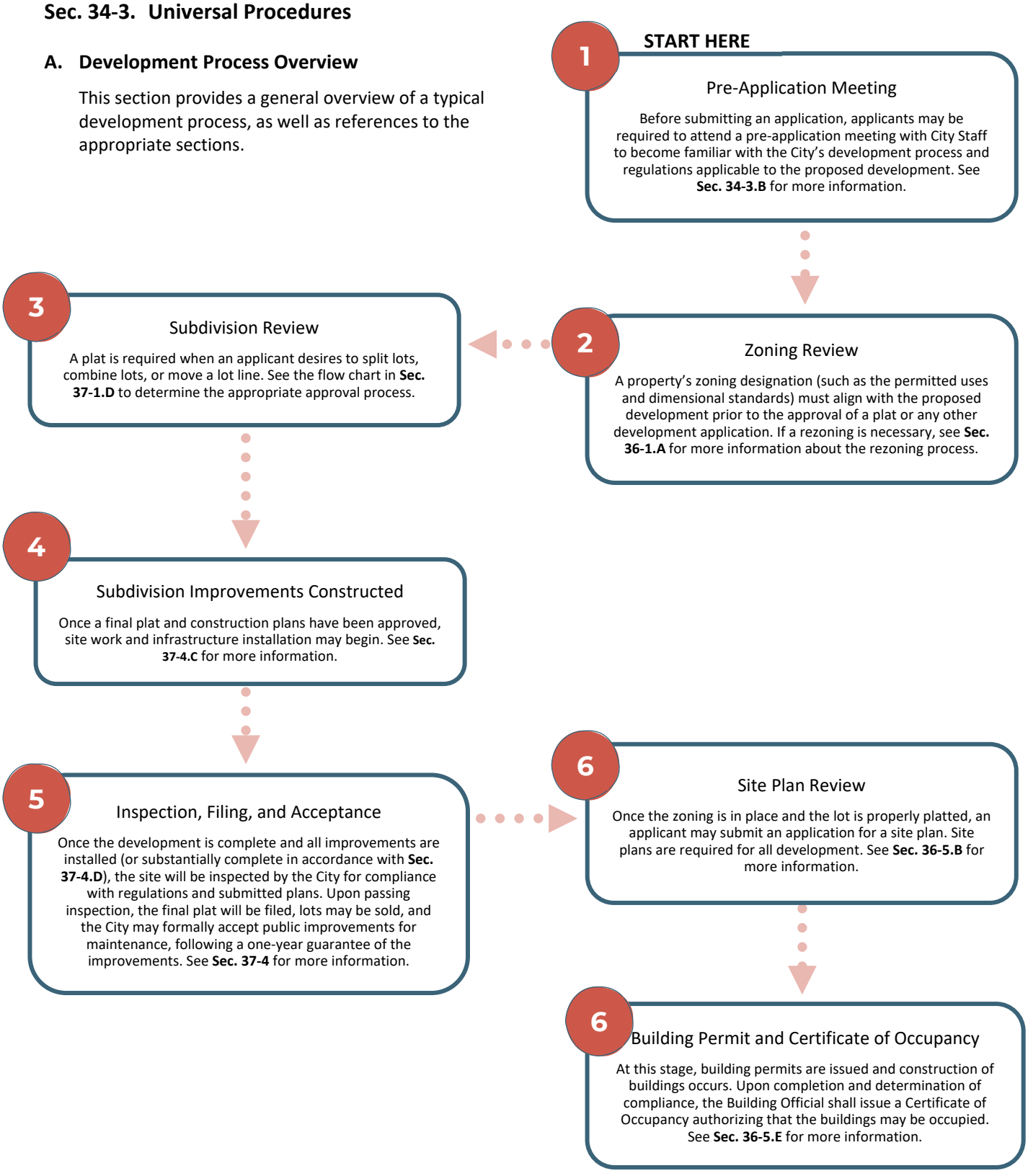
**Indicates a public meeting is required unless waived by the applicant in accordance with NMSA 3-20-7.

Note: All DRC meetings are advertised meetings open to the public to attend, during which the public is allowed to provide comments when recognized by the DRC Chairperson.

Sec. 34-3. Universal Procedures

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections.



B. Pre-Application Meeting

1. Purpose

   a) The pre-application meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.

   b) The pre-application meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historical information.

   c) This exchange of information is intended to promote an efficient and orderly review process.

2. Meeting

   a) Prior to the submittal of any required plan or application, the applicant must consult with Community Development Department staff to determine whether a pre-application meeting is required for the type of application or plan being proposed. The Community Development Department staff will determine the appropriate City staff to attend the meeting.

      i) Pre-application meetings are always required for a PUD or SUP application.

   b) When a pre-application meeting is not required, the applicant may choose to participate in a voluntary pre-application meeting.

   c) If multiple applications are submitted requiring meetings with the same department, the respective department representative may allow one consolidated meeting.

   d) The applicant may be represented by their land planner, surveyor, engineer, or other designated agent.

3. Sketch Plan

   Although not required (except for a PUD or SUP), the property owner is encouraged to submit a Sketch Plan of the development for the pre-application meeting so that the Community Development staff can offer guidance and feedback before the submittal of a formal application to the City. Information and questions regarding utilities, roadways, drainage, and other development standards required by this Code should be considered to improve the effectiveness of this meeting.

C. Application Processing

1. Initiation of Application

   a) Initiation by Owner or Owner's Agent

      i) Unless provided by this Development Code, any petition or application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.

      ii) If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf.

      iii) The decision-maker (as identified by **Figure 34-2-1. Summary of Major Roles and Responsibilities**) may require the submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

   b) Initiation by City Manager

      The City Manager can initiate any application authorized under this Development Code.

2. Application Requirements

   a) Universal Application Contents

i) The City is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes.

ii) All application forms are available from the Community Development Department and/or on the City's website.

iii) Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate, or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.

iv) Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b) Universal Application Fees

i) Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.

ii) Unless waived by City Council or permitted by the Fee Schedule, the prescribed fee shall not be refundable unless it was submitted in error.

3. Modification, Addition, or Waiver of Required Submittal Materials

a) The Community Development Director may require additional or modified information or provisionally waive planning-related application requirements following the pre-application meeting.

b) The Public Works Director and the Utilities Director may require additional or modified information or provisionally waive engineering-related application requirements following the pre-application meeting.

c) Examples of possible additional requirements and/or information could include but are not limited to a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc.

d) Any request for additional or waived submittal requirements shall be justified in writing by the requesting entity.

4. Complete Application

a) Every required application shall be subject to a Determination of Completeness by the Community Development Director. The application shall only be accepted for processing when it is accompanied by all documents required by and prepared in accordance with the requirements of this Development Code.

b) A Determination of Completeness of an application shall be conducted in accordance with the following procedures:

i) If the submitted application is incomplete, the applicant shall be sent notification in writing.

a. Such notice shall be served by depositing it in the U.S. Postal Service or by electronic mail transmission.

b. The notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see **Sec. 34-3.C.6. Application Expiration**) if the documents or other information are not provided to the City.

ii) If the application is determined to be complete, the application shall be processed as prescribed by this Development Code.

c) A typographical error shall not constitute an incomplete application.

d) A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this Development Code. It is not guaranteed that an accepted, complete application will be approved if it is determined that the application does not comply with this Development Code.

e) If the application is resubmitted after a notification of incompleteness within the time allotted in **Sec. 34-3.C.6. Application Expiration**, the application shall be processed upon receipt of the resubmittal. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

5. Submittal of Multiple Applications

   An applicant may submit multiple requests at once so that all requests are reviewed simultaneously (e.g., Master Development Plan and Zoning Variance applications); however, applicants should be aware that required revisions to one application may require the resubmittal of other applications.

6. Application Expiration

   An application shall automatically expire at the close of business on the 45th calendar day after the application's submittal if the applicant fails to provide documents or other information necessary to comply with the City's requirements. The applicant must restart the application process if all required materials have not been provided within 45 days.

7. Application Extension

   The Community Development Director may extend the expiration of an application only when unique circumstances are present and additional time is needed for an applicant to provide documents or information to complete an application. Any extension shall be documented in writing, and the extension shall not exceed 180 days.

8. Modification of Complete Applications

   a) Modifications Requested by the City

      If revisions are requested by the City, and the modification is received at least 10 business days prior to the scheduled decision on the application, then the application shall be decided in accordance with the original schedule.

   b) Modifications Not Requested by the City

      Unless otherwise specified, when an applicant chooses to revise a submitted application, a new application must be submitted and the process restarted.

9. Submittal of Previously Decided Applications

   After the final decision on an application, the same (or substantially similar as determined by the Community Development Director) application shall not be submitted again until six months after the decision-maker's action.

10. Administrative Review

    a) Applications shall be submitted to the Community Development Director unless otherwise stated, who will distribute the submittal to applicable City departments and agencies for review. Each department shall complete the review and provide written comments to the Community Development Director.

    b) Each required department shall prepare and submit one set of consolidated comments to the Community Development Director. The Community Development Director shall compile the comments and provide the comments to the applicant for revisions.

    c) Whenever comments received by the City departments are in conflict, the Community Development Director will determine the appropriate procedure to be followed, utilizing the Development Review Committee where appropriate, in order to resolve said conflict or disagreement.

    d) The application shall be resubmitted and reviewed until the provisions of the Code are met and the submittal is recommended or approved, as applicable.

    e) The Community Development Director may opt to defer any application to the Planning & Zoning Commission.

f) When the Community Development Director is responsible for providing a recommendation, the Community Development Director shall prepare a report including comments and the reason(s) for the recommendation.

D. Notice of Decision

Upon a final decision by the Planning & Zoning Commission or City Council, the Community Development Department shall promptly:

1. Prepare a written decision that includes an order and a statement of the factual and legal basis for the order and file the written decision with the City Clerk. Also, this document shall state the requirements for filing an appeal.
2. Make the written decision publicly available, which may include posting the document on the City's website.

E. Flexible Development Standards

1. Purpose

   a) The purpose of this section is to establish a three~~two~~-tier system to allow flexibility in certain planning-related development standards (e.g., setbacks) that are part of a building permit or business registration request. The City Council grants the Community Development Director administrative discretion to allow limited departures that are generally considered insignificant from certain planning-related development standards.

   b) This section does not apply to development standards associated with signs and lighting, which require Zoning Variance. See **Sec. 36-5.F. Zoning Variances** for requirements.

2. Application Procedures

   An applicant requesting a departure from a planning-related development standard shall file a complete application, including the development statement that includes the following:

   a) Official building permit or business registration application,

   b) Submittal fee,

   c) Notarized affidavit,

   d) Copy of property's survey and legal description,

   e) Copy of site plan, if applicable, (requirements to be detailed),

   f) Description and justification of requested departures from standards,

   g) Request and justification to waive submittal requirements, and

   h) An application that meets the following conditions:

      i) The application shall be signed by all property owners of record (including all trustees of an estate or all persons that have a specific "power of attorney" for the subject property as recorded in the County Clerk's office). Persons who have an equitable interest in the subject property, but no legal title, shall not be deemed the "owners of record" of said property for purposes of this Code.

      ii) Any pending litigation or any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

      iii) The Community Development Director may reject any application if the ownership of the subject property is not clearly established.

3. Tier System

   a) Tier 1

      A request of up to a 25 percent departure from a planning-related development standard may be granted by the Community Development Director. Minimum lot area/width/depth departures may be granted as

necessary to prevent a taking of property as well as requests that are a result of governmental action (e.g., right-of-way acquisition).

b) Tier 2

A request for more than 25 percent and up to the following maximum departures from planning-related development standards may be granted by the Community Development Director. However, the Director is required to negotiate with the applicant to receive on behalf of the public one or more benefits (e.g., additional landscaping for reduced setbacks) deemed equivalent to the requested departure from standard.

Types of departure requests:

i) Setbacks/bufferyards/screens: 100 percent.

ii) Landscaping: 33 percent (from 15 percent to ten percent area coverage).

iii) Parking and all other requests not excluded in **Sec. 34-3.E.1.b)** above: 50 percent.

(See other parking flexibility options in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**.)

c) Tier 3

A request for deviations from planning-related development standards for properties located within the Metropolitan Redevelopment Area (MRA) in the Urban Zoning designations may be granted the following by the Community Development Director.

i) Setbacks/buffer yards/screens: 100 percent.

ii) Landscaping: 75 percent (from 15 percent required area coverage).

iii) Outdoor Lighting: Compliance with lighting may be extended up to one year if there are no safety concerns.

iv) Parking: Exempt in the Urban area.

~~iv)~~Building Permit Fees: Urban Core may request reimbursement for building permit fees for vacant and redeveloped properties.

4. Notice of Request

The Community Development Director shall decide the appropriate surrounding property owners to be contacted by regular mail before acting on a request. Written comments about the request shall be delivered to the community development department to be considered by the Community Development Director within 10 business days of the date the notice of the request was mailed.

5. Action on the Request

Within ten working days after mailing the notice of the request to surrounding property owners, the Community Development Director shall act on the request.

6. Notice of Decision

The surrounding property owners that were contacted about the request and the applicant will be notified in writing about the decision on the request. The Community Development Director, for any reason, may require an applicant to follow the procedures for a Zoning Variance outlined in **Sec. 36-5.F. Zoning Variances**.

7. Appeal

Any person aggrieved by a determination of the Community Development Director may appeal the decision in accordance with **Sec. 34-3.F. Appeals**.

F. Appeals

1. Application Requirements

a) Who May Appeal

Any person, department, committee, commission, board, or bureau that is affected by a final decision of an administrative official, committee, or board in the administration or enforcement of this Development Code may appeal the decision.

b) Written Statement

All appellants shall submit to the Community Development Department a detailed written statement of the grounds of their appeal, including findings. The appeal shall state all issues to be considered. Only the issues stated shall be considered during the applicable proceeding.

c) Timing for Filing Appeal

An appeal shall be filed no later than 15 calendar days after the decision (or 30 calendar days for appeals to the District Court in accordance with NMSA 39-3-1), and after all other procedures established by this Code have been exhausted.

d) Fees

Fees shall be assessed to the appellant person or persons in order to cover the costs of such appeal. Such fees shall be as prescribed in the Fee Schedule as adopted and amended.

e) Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee, or board from whom the appeal is taken certifies that by reason of facts, a stay would cause imminent peril of life and property. Upon certification, the proceedings shall not be stayed except by order of District Court after notice to the official, commission, committee, or board from whom the appeal is taken.

2. Appeal of a Director Decision

a) Planning-Related Issues

i) Planning-related issues are issues related to, but not limited to, lot configuration or dimensions, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, or other issues determined by the Community Development Director to be planning-related.

ii) Appeals shall be resolved by the Planning & Zoning Commission. The Planning & Zoning Commission, by a majority vote of a quorum of the Commission, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of a Director.

b) Engineering-Related Issues

i) Engineering- or utility-related opinions are related to, but not limited to, design specifications for roadways, grading, drainage, utilities, or other issues determined by the Community Development Director and/or the Public Works Director to be engineering-related.

ii) Appeals of engineering-related issues shall be resolved by arbitration. The Arbitration Committee shall consist of three engineers licensed to practice in the state who are not associated with the City but are familiar with its development standards. The City shall choose one engineer, the applicant shall choose the second engineer, and the two chosen engineers shall choose the third.

iii) The Arbitration Committee shall review the engineering- or utilities-related issue under question and any pertinent information within 30 calendar days of the appeal submittal. The appellant shall be responsible for all costs associated with the Arbitration Committee.

iv) Action from the Arbitration Committee shall be in the form of approval or disapproval. Action from the arbitration committee shall be final unless appealed to the state board of registration for professional engineers and surveyors or to a court of competent jurisdiction.

3. Appeal of a DRC Decision to the Planning & Zoning Commission

   The Planning & Zoning Commission, by a majority vote of a quorum of the Commission, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Development Review Committee.

4. Appeal of a Planning & Zoning Commission Decision to the City Council

   The City Council, by a majority vote of all its members, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Planning & Zoning Commission.

5. Appeal of a City Council Decision to District Court

   The decision of the City Council may be appealed to District Court in accordance with NMSA 39-3-1.

6. Appeal of a Historic Preservation Decision

   Appeals of Historic Preservation decisions shall be in accordance with **Sec. 35-1.F. Appeals**.

G. Notice for a Public Meeting

When a public meeting before the Planning & Zoning Commission or City Council is required by these regulations, notice shall be provided as follows.

1. Notice of Public Meeting Agenda

   The agenda for the public meeting shall be made available no later than 15 calendar days prior to the public meeting.

2. Posted Sign Notice

   a) At least 15 calendar days prior to the public meeting, notice of the proposed development shall be posted in conspicuous places on the subject property by the property owner, applicant, or representative.

   b) A sign measuring four feet by four feet shall be used and secured with appropriate supporting hardware made available by the Community Development Director. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs, which shall be determined by the Community Development Director.

   c) It shall be the responsibility of the property owner, applicant, or representative to ensure continuous visible posting until a final determination is made on the proposal, regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, the Community Development Director will inform the property owner, applicant, or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates, and venues.

   d) In the event that notification signs were issued for a case under appeal, the property owner and/or original applicant shall ensure that all signs previously erected for notice purposes remain up until a decision on the appeal is rendered. Modification to and/or replacement of said signs shall be authorized and directed by the Community Development Director to ensure appropriate information regarding the appeal venue is displayed.

   e) Signs must be removed by the property owner, applicant, or representative within one week of the final decision.

3. Mailed Notice

   a) Certified Mailed Notice for Changes Affecting One Block or Less

      Whenever a change is proposed for an area of one block or less, notice of the public meeting shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the County treasurer, of lots of land within the area proposed to be changed by a regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by regulation.

b) Non-Certified Mailed Notice for Changes Affecting More than One Block

Whenever a change is proposed for an area of more than one block, notice of the public meeting shall be mailed by first class mail to the owners, as shown by the records of the County treasurer, of lots of land within the area proposed to be changed by a regulation and within 500 feet, excluding public right-of-way, of the area proposed to be changed by regulation.

c) If the notice is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, with a return receipt requested, to that address.

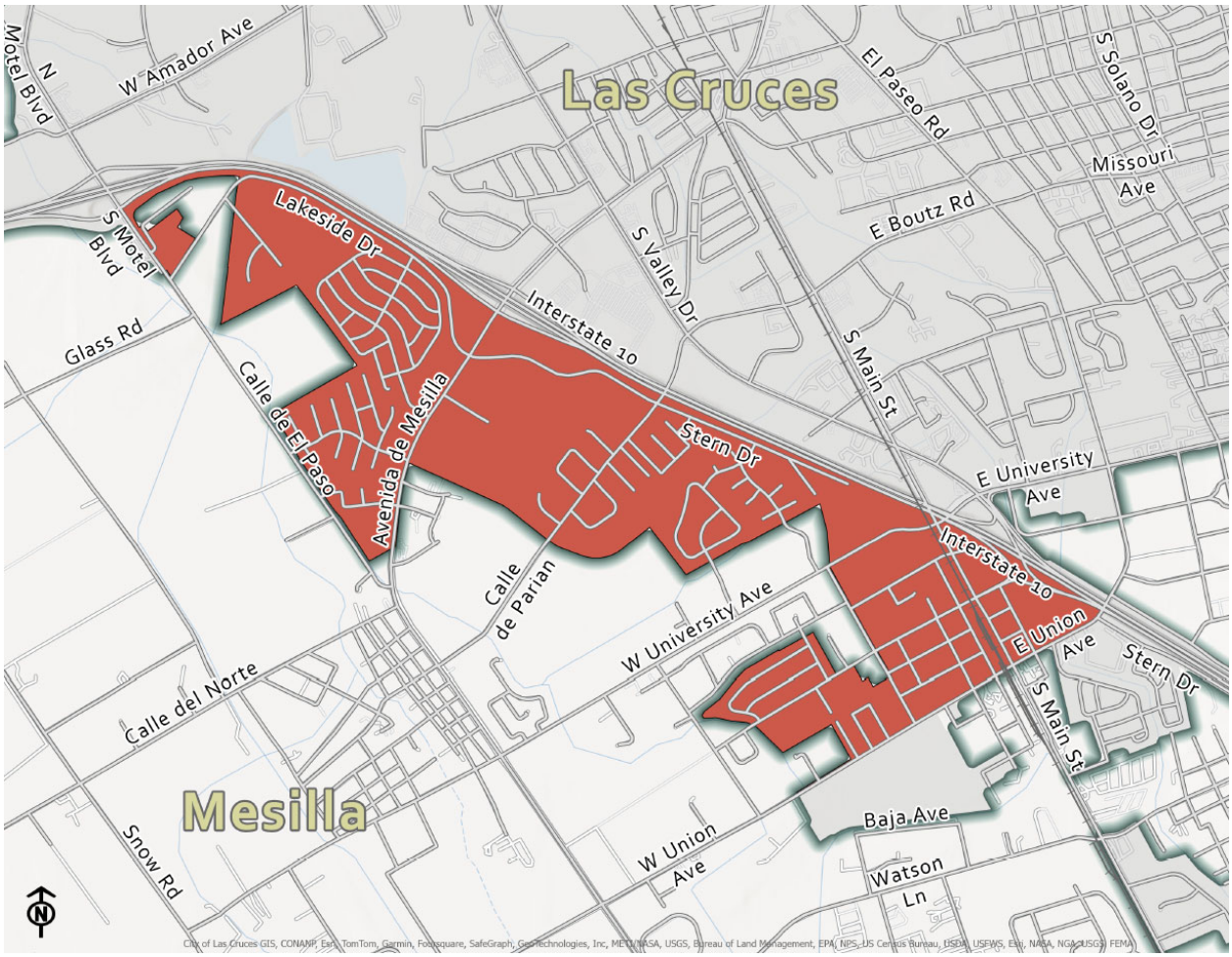
4. Published Notice

Notice of the time and place of the public meeting shall be published at least 15 calendar days prior to the public meeting in a newspaper of general circulation in the City.

5. Special Notice of Planning & Zoning Commission Cases

The Community Development Director shall provide notification, by certified mail, to the Town of Mesilla of all cases presented to the Planning & Zoning Commission for properties located in the area shown in **Figure 34-3-1. Town of Mesilla Special Notification Area Map**.

Figure 34-3-1. Town of Mesilla Special Notification Area Map



H. Early Notification and Meeting Requirements

1. Purpose

   Early notification and meeting requirements are established to provide a courtesy notice to potentially affected community members regarding a proposed development or action prior to the application's submittal.

2. Applicability

   Any application for a rezoning of more than one acre or any development that requires a Master Development Plan shall meet the requirements herein.

   a) Exception: Subdivisions that meet all requirements of the Development Code are not subject to these requirements.

3. Requirements and Notification

   a) The applicant shall facilitate a meeting with the public, providing details of the plan or project seeking approval. The applicant shall secure a meeting facility in a location within the City as close as practical to the project site.

   b) Details of the meeting location, date, and time shall be provided to the City at least 15 business days before the meeting. The City will mail notice to all property owners and registered neighborhood groups within 500 feet of the subject property at least 10 business days before the meeting.

I. Amendments to this Development Code

1. Petitions for Amendments

   a) Any person or corporation having a proprietary interest in any property may petition the City for an amendment to this Development Code's text.

   b) The Planning & Zoning Commission may, on its own motion or on request from the City Council, study and propose amendments for the City Council's consideration.

2. Planning & Zoning Commission Recommendation

   The Planning & Zoning Commission shall provide a recommendation regarding proposed Development Code amendments following a recommendation by the Development Review Committee and a public meeting held in accordance with **G. Notice for a Public Meeting**.

3. City Council Decision

   Following Planning & Zoning Commission recommendation, the City Council shall decide on the proposed Development Code amendments following a public meeting held in accordance with the City Clerk's typical time frames and processes.

4. Zoning Map Amendments

   Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with NMSA 3-21-6. See **Sec. 36-5.A. Zoning Map Amendments** for more information.

Sec. 34-4. Annexation Process

A. Annexation Purpose

The purpose of an annexation is to redesignate property outside the City as being within the City limits thereafter. Annexations can be used to maintain a unified urban area and to promote orderly growth by utilizing City services.

B. Annexation Process

In accordance with NMSA 3-7-1, there are three methods of annexing territory into a municipality:

1. The arbitration method (NMSA 3-7-5 through 3-7-10);
2. The boundary commission method (NMSA 3-7-11 through 3-7-16); and
3. The petition method (NMSA 3-7-17).

C. Submittal of an Annexation Application

1. Following a pre-application meeting (see **Sec. 34-3.B. Pre-Application Meeting**) and any required early notification (see **Sec. 34-3.H. Early Notification and Meeting Requirements**), an applicant may submit the annexation application.
2. The annexation application and supplemental material shall be submitted to the Community Development Department no later than 25 calendar days prior to the day of the next regular meeting of the Planning & Zoning Commission for consideration.
3. Applications shall be subject to a Determination of Completeness as outlined in **Sec. 34-3.C.4. Complete Application**.
4. The applicant shall submit the following items and all related checklist materials for consideration of an annexation request:
   a) An Annexation Plat meeting the criteria for a Final Plat (see **Sec. 37-3.D. Final Plat**).
   b) An Annexation Plan meeting the criteria for a Master Development Plan (**Sec. 37-3.A. Master Development Plan**) identifying the purpose for which the property is intended to be used.
   c) An initial zoning request shall be submitted concurrently with the annexation application. The initial zoning of land shall occur jointly with the annexation procedures but shall occur as a separate and distinct action by the City Council.
   d) A cost-benefit analysis to compare long-term public revenues and expenditures related to the proposed development. The analysis shall be commissioned by the City at the expense of the applicant. City-commissioned fiscal impact analyses should be conducted according to a standard methodology developed and endorsed by the City in conjunction with a qualified third party. The analysis should consider factors such as the need to extend and indefinitely maintain City infrastructure (e.g., utilities, roadways, parks) and increased demand on City services (e.g., police, fire, libraries). The report shall also consider anticipated revenues generated by the development. The City may waive the requirement for a fiscal impact analysis where annexation is proposed to incorporate land already serviced by City utilities, to improve public health, or to absorb municipally owned land.

D. Review and Consideration of an Annexation Request

1. Criteria for Consideration

   Review and approval entities shall consider the following criteria when evaluating an annexation request:

   a) Whether adequate public facilities are available in the area,
   b) Potential fiscal, sustainability, and environmental impacts;
   c) Compatibility with pre-existing and proximate land uses;
   d) Availability of land within the municipal limits that can accommodate the proposed land use; and
   e) Conformity to the growth patterns and development policies promoted in the Comprehensive Plan and other long-range planning documents.

2. Board of County Commissioners Comment

   In accordance with NMSA 3-7-17.1, the City shall submit the petition to the Board of County Commissioners for review and comment.

3. Development Review Committee Recommendation

   Annexation requests shall be forwarded to the Development Review Committee for review, comment, and recommendation.

4. Planning & Zoning Commission Recommendation

   Following Development Review Committee review, the Annexation Plat, Annexation Plan, initial zoning request, and cost-benefit analysis (if applicable) shall be scheduled for a public meeting for Planning & Zoning Commission recommendation.

   a) A written report shall be provided to the Planning & Zoning Commission from the Development Review Committee.

   b) The Planning & Zoning Commission shall recommend either approval, conditional approval, postponement, or disapproval of each element of the annexation request.

   c) It is the requirement of the Planning & Zoning Commission that no annexation request shall be reviewed unless either the applicant or the applicant's representative is present at the public meeting. If neither is present at the public meeting, the request will be postponed until the next regular Planning & Zoning Commission meeting.

5. City Council Decision

   a) Following a recommendation by the Planning & Zoning Commission, the annexation request and the initial zoning request shall be forwarded to the City Council for a public meeting and final action.

   b) The annexation request and the initial zoning request will be scheduled for the next available regular City Council meeting once staff has received the minutes of the Planning & Zoning Commission public meeting and all public notice requirements are met.

   c) The City Council shall approve, amend, postpone, or disapprove each element of the annexation request.

   d) A copy of the notice of decisions that include any changes or conditions the Planning & Zoning Commission and City Council made at public meetings shall be provided to all appropriate parties in accordance with **Sec. 34-3.D. Notice of Decision**.

Sec. 34-5. Definitions

A. Usage and Interpretation

For the purpose of this Development Code (Chapters 34 through 38), the following terms used herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory; and
5. The term "may" is discretionary.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms in the practice of municipal planning and engineering.

B. Terms Defined: A-D

1. Abandoned Sign

A sign that no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted or product or service. See **Sec. 38-10.K.2. Abandoned Signs**.

2. Absolute Photometry

A photometric measurement (usually of a solid-state luminaire) that directly measures the output of the luminaire. Reference Standard IES LM-79.

3. Accelerated Erosion

Rapid erosion caused by artificially induced alteration of the vegetation, land surface topography, or runoff patterns.

4. Accessory Structure

See **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

5. Accessory Uses

A use incidental to and customarily associated with a specific principal use located on the same lot or parcel.

6. Activity/Activities

Any land stripping, earthmoving, trenching, road construction, and demolition or renovation of manmade facilities.

~~6.~~7. Addition

Any act or process that changes one or more of the exterior architectural features of a building or structure by increasing the size or capacity of a structure through new construction or by joining one or more existing structures.

~~7.~~8. Adjacent

Next to or adjoining something else.

~~8.~~9. Agricultural Stormwater Runoff

Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

~~9.~~10. Air Contaminant

Smoke, vapor, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, windborne matter, or any air contaminant for which there is no national ambient air quality standard, and that is or may become harmful to public health or the environment when present in the outdoor atmosphere in sufficient quantities or duration.

~~10.~~11.Alley

Alleys provide access to the rear yards and can enhance pedestrian safety and traffic circulation. Rear service alleys can be used for solid waste collection services and/or additional off-street parking to accommodate expanded multimodal infrastructure or reduced right-of-way requirements along adjacent Local Streets, Collectors, or Arterial roadways.

~~11.~~12.Alluvial Fan Flooding

Flooding on the surface of an alluvial fan or similar landform that originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths. Alluvial fan flooding is shown as Zone AO on a Flood Insurance Rate Map (FIRM) with a flood depth and velocity.

~~12.~~13.Alteration

Any change to the exterior of a building, site, object, or structure, including, but not limited to, the construction, reconstruction, or removal of any architectural or structural elements; or changes to an interior space of a publicly accessible building designated as a historic landmark.

~~13.~~14.Ambient Air

That portion of the atmosphere, external to buildings, to which the general public has access. Land owned or controlled by the stationary source and to which public access is precluded by a fence, physical barriers, or other effective means is exempted from the ambient air provisions.

15. Anthropogenic

Created or caused by human activity.

~~14.~~16.Apex

The top or narrow point of the alluvial fan.

~~15.~~17.Appeal

A request for a review of an interpretation or decision. See **Sec. 34-3.F. Appeals**.

~~16.~~18.Applicant

The person or entity responsible for the submittal of an application. The applicant must be the actual owner of the subject property or a representative designated in writing by the owner.

~~17.~~19.Architectural Lighting/Architectural Illumination

Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

~~18.~~20.Area of Shallow Flooding

A designated AO, AH, or VO zone on the City of Las Cruces's flood insurance rate map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

~~19.~~21.Area of Special Flood Hazard

An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, V1-V30, VE, or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

~~20.~~22.Arroyo

A dry creek, streambed, or gully that temporarily or seasonally fills and flows after sufficient rain.

~~21.~~23.Arterial Street

See #223 Minor Arterial and #279 Principal Arterial.

~~22.~~24.Astronomic Time Switch

An automatic lighting control device that switches outdoor lighting relative to the time of solar day with time of year correction.

~~23.~~25.Attached Sign

A type of sign that is fastened to, connected to, or painted on and wholly or partially supported by a building. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

~~24.~~26.Awning

A hood or cover that projects from the wall of a building and is composed of rigid or nonrigid materials.

~~25.~~27.Backfill

Soil that is replaced in a hole or trench after excavation and placement of utilities, conduct, structures, or plant materials.

~~26.~~28.Backflow

The reversal of the normal flow of water (potable or non-potable) or other substances into a drinking water system that may be caused by back siphonage or back pressure in the presence of a cross-connection.

~~27.~~29.Backlight

For an exterior luminaire, flux radiated in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

~~28.~~30.Base Flood

The flood having a one-percent chance of being equaled or exceeded in any given year.

~~29.~~31.Base Flood Elevation (BFE)

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year - also called the Base Flood.

~~30.~~32.Basement

Any area of the building having its flood sub-grade (below ground level) on all sides.

~~31.~~33.Best Management Practices (BMP)

The correct application of the current scientific principles to the evaluation, design, construction, and maintenance of engineering projects. All projects must meet the minimum standards as adopted by the City. All designs are based on health, safety, convenience, and general welfare of the public.

~~32.~~34.Billboard

A freestanding sign type that typically includes a concrete foundation, metal pole structure, and a flat surface upon which a display panel or a material such as vinyl, canvas, or plastic surface is placed. See **Sec. 38-10.D. Prohibited Signs**.

~~33.~~35.Block

Land surrounded on all sides by streets or other rights-of-way or by physical barriers such as bodies of water or public open spaces.

~~34.~~36.Buffer Yard

An area along the property line between various districts that have differing intensities and impacts intended to promote public health, safety, and welfare. See **Sec. 38-8.D. Required Buffer Yards**.

~~35.~~37.BUG

A luminaire classification system that evaluates backlight (B), uplight (U), and glare (G).

~~36.~~38.Build-To Line

A line established within a certain distance from the front property line, in front of which a building facade (or a percentage of a facade) must be built. Build-To Lines are typically used to place buildings closer to the street frontage, resulting in more pedestrian-oriented development.

~~37.~~39.Building

Any structure as defined in Chapter 30 of the Las Cruces Municipal Code.

~~38.~~40.Building Height

The height of a building measured from the lowest adjacent ground surface level to the highest point of the building or from the elevation of the adjacent ground, whichever is lower. Building height excludes chimneys, flagpoles, cooling towers, elevators, bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes and spires, and parapet walls not exceeding ten feet in height.

~~39.~~41.Building Official

The City official authorized to administer the Building Code or their designee. See Chapter 30. Buildings and Building Regulations of the Las Cruces Municipal Code.

~~40.~~42.Building Permit

Any duly authorized permit for construction issued by the Building Official authorizing construction or demolition, including soil disturbance. See **Sec. 36-5.E. Building Permits and Certificates of Occupancy** and LCMC, Chapter 30, Article II, Division 2, Sections 30-171 through 30-722.

~~41.~~43.Candela

The basic SI (Systeme International d'Unities) unit of luminous intensity. One candela is one lumen per steradian.

~~42.~~44.Canopy or Marquee

A permanent, roof-like shelter extending from part or all of a building or independent of a building.

~~43.~~45.Certificate of Appropriateness

A written record issued by the Historic Preservation Committee or City Staff on behalf of the Committee, authorizing plans for alterations, construction, removal, or demolition of a building, structure, object, or site located within a historic district or designated as a cultural property. See **Sec. 35-3. Plan Review, Certificates of Appropriateness, and Economic Hardship**.

~~44.~~46.Certificate of Economic Hardship

A written record of relief issued by the Historic Preservation Committee, following the denial of a Certificate of Appropriateness, that authorizes plans for additions, alterations, construction, removal, continuation of a non-compliant condition, or demolition in whole or part of a building, structure, object, or site that is located within a historic district or designated as a cultural property when the property owner is unable to either fund the required work, put the property to a reasonably beneficial use, and/or cannot obtain a reasonable economic return thereon without completion of the requested course of action. See **Sec. 35-3.D. Certificate of Economic Hardship**.

~~45.~~47.Certificate of Occupancy

The permit issued by the Building Official to indicate that a structure may be occupied and/or used for its approved purpose(s). See **Sec. 36-5.E. Building Permits and Certificates of Occupancy**.

~~46.~~48.Certified Local Government (CLG)

A unit of local government (town, city, or county) that has met the requirements of and has applied for certification to the State to become a fully participating partner in national and state historic preservation programs.

~~47.~~49.Change of Occupancy

Where the occupancy of a space changes from one group of occupants to another group of occupants, or changes from one division to another division in the same occupancy group (as defined in the International Building Code).

~~48.~~50.Channel

A natural or artificial watercourse (including arroyos, streams, swales, ditches, diversions, and manmade facilities) with a defined bed and banks that conducts continuously or periodically flowing water.

~~49.~~51.Character Areas

The City is divided into three types of Character Areas:

(a) Rural Character Area

(b) Suburban Character Area

(c) Urban Character Area

See **Sec. 36-2.B.2. Character Areas** for more information.

52. Chemical/Organic Stabilizer

Any nontoxic chemical or organic dust suppressant other than water which meets and specifications, criteria, or tests required by any federal, state or local water agency and is not prohibited for use by the U.S. Environmental Protection Agency (EPA) or any applicable law, rule or regulation.

~~50.~~53.City

The City of Las Cruces administrative government, which encompasses all lands within the City's corporate boundary as designated by the present City limit location(s).

~~51.~~54.City Council

The governing body of the City of Las Cruces, New Mexico. See **Sec. 34-2.A. City Council**.

~~52.~~55.Clear Sight Triangle

An area of unobstructed vision at street intersections and entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. See **Sec. 38-2.H. Clear Sight Triangle**.

~~53.~~56.Clearing and Grubbing

Any activity that removes the vegetative surface cover from a site. Clearing includes removing and disposing of all unwanted surface material, such as trees, brush, grass, weeds, downed trees, and other material. Grubbing includes removing and disposing of all unwanted vegetative matter from underground, such as stumps, roots, buried logs, and other debris.

~~54.~~57.Code Enforcement Officer

The City official(s) designated to enforce and ensure compliance with this Development Code and other ordinances adopted by the City, or their designee.

~~55.~~58.Codes

Any other applicable local, state, or federal codes.

~~56.~~59.Collector Street

Collectors provide access from local streets through neighborhoods to arterials. Collectors are used for short trips within a small geographical area rather than across the region.

~~57.~~60.Co-Location

To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, in, or adjacent to a wireless support structure or utility pole. See **Sec. 38-11.D. Co-Location**.

~~58.~~61.Common Wall or Common Fence

An artificially constructed barrier or structure along a property line between two or more properties owned by two or more separate property owners. See **Sec. 38-8.C.3. Common Walls or Fences**.

~~59.~~62.Community Development Director

The Director of the City's Community Development Department (or successor department charged with overseeing land use and development in the City), as appointed by the City Manager. This term also includes the Director's designee(s) or Consultant.

~~60.~~63. Compaction

The process of making a soil denser through the application of dynamic impact to the soil mass. Specific minimum requirements are found within the current City construction specifications (standard specifications for road construction).

~~61.~~64. Compatibility

The positive relationship of alterations to existing buildings and designs for new construction to their environs, measured by consistent application of accepted design guidelines and standards that define the individual visual character, function and use, and architectural features of a specific geographic area.

~~62.~~65. Comprehensive Plan

The most recent City-adopted policy document that serves as the guide for the future physical development of the City and any actions concerning land use and development.

~~63.~~66. Concept Plan

A Concept Plan is a required step in the Planned Unit Development (PUD) process that is intended to assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Concept Plan forms the basis for approval of the PUD. See **Sec. 36-5.D.2.d) Step 2: Concept Plan**.

~~64.~~67. Conduit

An underground, nonmetallic, waterproof enclosure for voltage-carrying street light circuits.

~~65.~~68. Construction

Any act or process that requires a building permit.

~~66.~~69. Construction and Demolition Activities

Any on-site activities preparatory to or related to building alteration, rehabilitation, removal or razing, or improvement on real property, including the placement and upkeep of mobile or manufactured homes or buildings. "Construction" also means construction of roadway systems including, arterials, expressways, interstates, tunnels, overpasses, bridges, interchanges, residential and commercial streets within a subdivision, and airport runway improvements.

~~67.~~70. Construction Plans

Construction Plans are a set of detailed drawings and studies that ensure public improvements are installed to serve a development in accordance with all applicable regulations. See **Sec. 37-3.C. Construction Plans**.

~~68.~~71. Contiguous Property

Parcels of property that are in contact or touching.

~~69.~~72. Contributing Property

A building, object, site, or structure in a historic district that enhances the district's historical and/or architectural significance through location, design, setting, materials, workmanship, and/or association and as determined by the SHPO.

~~70.~~73. Control Measures (CMs)

Defined procedures intended for controlling the detachment of soil, the movement of water and/or the deposition of sediment.

~~71.~~74. **Control Plan**

A written description of all reasonably available control measures (RACMs) to be implemented at a work site and/or in transit to and from a work site for any earth-moving, construction, or potential dust-generating operation. Such written description may be incorporated into building and construction plans or a separate document submitted with said plans.

~~72.~~75. **County**

Doña Ana County, New Mexico.

~~73.~~76. **County Clerk's Office**

The Doña Ana County Clerk's Office, which maintains records such as resolutions, ordinances, plats, and permits.

~~74.~~77. **Crown**

The cross slope or difference in elevation between the high point of a street (usually the centerline of the street) and the gutter line, adjacent to the pavement edge, for any given cross section. Crown is normally expressed as a percentage or inches of vertical change per foot of horizontal distance.

~~75.~~78. **Cul-De-Sac**

A minor street with only one outlet and culminated by a turnaround. See **Sec. 38-2.E.4. Cul-de-Sacs and Dead-End Streets**.

~~76.~~79. **Cultural Landscape**

A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or aesthetic values. The four general types of cultural landscapes are: historic sites, historic-designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

~~77.~~80. **Cultural Properties Review Committee (CPRC)**

The committee appointed by the Governor of the State of New Mexico and established by the Cultural Properties Act NMSA 1978, Sections 18-6A-1 et seq. (as amended) to serve as a professional policy-making and advisory board for historic preservation in New Mexico.

~~78.~~81. **Cultural Property**

Any building, structure, object, improvement, or site of particular historic or aesthetic significance to the city, the state, or the nation where cultural, political, spiritual, economic, educational, archaeological, social, or artistic history of the community, state, or nation is reflected or exemplified or which is identified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for representation of a period, style, or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced a particular period of time or aesthetic movement; also known as a cultural resource or a historic landmark. See **Sec. 35-2.D. Cultural Property Designation**.

~~79.~~82. **Cultural Property Designation Report**

A report prepared by City Staff that provides the history of a property, a map of its location, and historic and current views of the property, and includes a determination of eligibility based upon the application of the National Register Criteria for Evaluation to present for recommendation before the City Council. See **Sec. 35-2.D.2.l) Eligibility Report**.

~~80.~~83.Curb Cut

A depressed segment of a vertical roadway curb.

~~81.~~84.Curb Return

A curved segment of curb used at each end of an opening in the roadway curb.

~~82.~~85.DBH

See #96 Diameter at Breast Height.

~~83.~~86.Dedicated Easement

A public easement that is dedicated for public use and is recorded as such in the County Clerk's Office. See #108 Easement.

~~84.~~87.Demolition

Any act or process that requires a building permit for the purpose of removing or destroying, in whole or in part, any improvement to a site.

~~85.~~88.Demolition by Neglect

Any voluntary or involuntary act or process that results in a failure to maintain a building, structure, object, or site in sound condition when such act or process, over a period of time, results in the visible deterioration or removal, in whole or in part, of any man-made component on the site. See **Sec. 35-3.C.5. Demolition by Neglect and Deferred Maintenance**.

~~86.~~89.Design Guidelines

The written standards adopted by the City intended to provide technical advice and guidance to the Historic Preservation Committee and the Historic Preservation Specialist to evaluate applications to preserve the historical, cultural, and architectural character of an area or of a building, object, site, or structure.

~~87.~~90.Designated Property

A property that has been recognized as historically significant at the local, state, and/or national level by being listed in the Register of Cultural Properties, the State Register of Cultural Properties, and/or the National Register of Historic Places.

~~88.~~91.Designee

A City official designated full authority by the decision-maker or City Manager to conduct an act on the decision-maker's behalf.

~~89.~~92.Detention Basin

A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

~~90.~~93.Determination of Completeness

The determination made by the Community Development Director that an application is accompanied by all required documents and has been prepared in accordance with the requirements of this Development Code. Acceptance of an application does not indicate approval or compliance with the Development Code's standards. See **Sec. 34-3.C.4. Complete Application**.

~~91.~~94.Development

Any human-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Development includes, but is not limited to, such activities as the construction, reconstruction, alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of a watercourse.

~~92.~~95.Development Code

This Development Code (sometimes referred to as the "Code") adopted by the City Council, including any future amendments.

~~93.~~96.Development Project

Any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

~~94.~~97.Development Review Committee (DRC)

An informal group of representatives employed or retained by the City whose duties include reviewing development-related proposals and resolving conflicting comments, recommendations, or design differences between City reviewing departments and applicants. See **Sec. 34-2.C. Development Review Committee**.

~~95.~~98.Development Schedule

The calendar maintained by the Community Development Director identifying Official Submittal Dates and upcoming meeting schedules.

~~96.~~99.Diameter at Breast Height (DBH)

The diameter of a tree as measured at four-and-one-half feet above grade. ~~Abbreviated "DBH."~~

~~97.~~100.Discretion

Reasonable discretion of the decision-maker, given the specific issue, situation, past actions on previous similar decisions, and other available information.

~~98.~~101.Disturbed Area

Any area in which the soil will be altered by grading, leveling, scraping, cut and fill activities, excavation, brush and timber clearing, grubbing, and unpaved soils on which vehicle operations and/or construction activities will occur.

~~99.~~102.Drainage Plan

A plan indicating an on-site drainage proposal, the passage of stormwaters through the development and safe discharge of runoff onto adjacent lands or into storm drainage facilities. Also, a comprehensive analysis of (i) the existing storm drainage conditions of a proposed development, and (ii) the disposal of the increased runoff which is generated by the proposed development.

~~**100. DRC**~~

~~See #94 Development Review Committee.~~

~~101.~~103.Driveway

A point of vehicular access between a street and an abutting property, and is further defined to include:

(1) The area between the face of curb and the right-of-way line for streets with curbs.

(2) The area between the edge of pavement of the outside travel lane and the right-of-way line for strip paved streets.

(3) The area between the right-of-way line and 15 feet from the right-of-way line toward the street for completely unimproved streets.

~~102.~~104.Driveway Apron

The drivable portion of the driveway approach extending from the property side of the curb to the sidewalk section and lying between the end slopes of the driveway approach.

~~**103. DUA**~~

~~See #107 Dwelling Units Per Acre.~~

~~104.~~105.Dust Generating Operation

Any activity or source capable of generating emissions of fugitive dust or causes off-property transport, including, but not limited to, activities associated with creating a disturbed area, construction and demolition activities, and the movement of vehicles on unpaved roadways or parking areas.

~~105.~~106.Dust or Dust Emissions

The finest particulates within the soil that may be transported and deposited by a blowing wind initiated by a surface disturbance that could present a health or safety hazard to the adjacent area or its occupants.

107. Dust Suppressant

A chemical compound or mixture of chemical compounds added with or without water to a dust source for purposes of preventing air entrainment.

~~106.~~108.Dwelling

A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families.

~~107.~~109.Dwelling Units Per Acre (DUA)

The total number of dwelling units divided by the total site acreage. Dwelling units per acre (DUA) is calculated using gross acreage of the proposed development, including any floodplain, rights-of-way, and other undevelopable land.

Example calculation:

45 dwelling units on a 5-acre site = 9 DUA

4 dwelling units on a 20,000-square-foot site (0.459 acres) = 8.7 DUA

C. Terms Defined: E-K

~~108.~~110.Easement

A non-possessing interest held by one person, party, or entity in land of another, whereby, that person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the right of the fee owner to the use and enjoyment of their land.

~~109.~~111.Emergency Outdoor Lighting

Generally, lighting that is only energized by an emergency power source; or to illuminate the path of egress solely during a fire or other emergency situation; or lighting for security purposes used solely during an alarm.

~~110.~~112.Emission

An air contaminant, or the act of discharging an air contaminant, visible or invisible that could cause a health and safety hazard to the adjacent area and its occupants.

~~111.~~113.Engineering Site Review

A surficial review of a site to determine its preliminary engineering capacity based on exposed indicators that include historical site stability and past development(s). This investigation is performed under the direction of a Professional Engineer.

~~112.~~114.Erosion

Geological process in which earthen materials are worn away and transported by natural forces such as wind or water.

~~113.~~115.Erosion and Sediment Control Plan

A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

~~114.~~116.Erosion Control

Measures used to reduce the amount of soil particles that are carried off of a land area and deposited in a receiving water.

~~115.~~117.ETZ

Extraterritorial zone.

~~116.~~118.Expansive Soils

Soils that contain a high concentration of clay-sized particles that, when wetted, will expand in size and lose strength, or, when dried, will shrink and form a hard cemented layer. These soils are typically restrictive to water passage or infiltration.

~~117.~~119.Exterior Appearance

The visual character of all outside surfaces of a structure, including the kind and texture of materials, signs, light fixtures, steps, or appurtenant elements.

~~118.~~120.Exterior Features

Architectural or structural elements that define the architectural style and general design patterns of the exterior of a building or structure, including the type and texture of building materials and the type, style, and general arrangement of all windows, doors, ornamental features, light fixtures, signs, fences, walls, and other elements, as well as other natural features such as vegetation, trees, and shrubbery.

~~119.~~121.Family

Persons related by blood or marriage, or a group of persons who need not be related by blood or marriage, living together as a single housekeeping unit.

~~120.~~122.Fee In Lieu

A payment of money in place of meeting all or part of the standards required by this Development Code.

~~121.~~123.Fee Schedule

A listing of fees for various applications, which is prepared by the City Manager's Office and approved by the City Council. The Fee Schedule may be amended periodically. The Fee Schedule is approved and maintained separately from this Development Code.

~~122.~~124.Fence

Any artificially constructed access barrier consisting of posts, wire, wood, steel, cable, or similar material to enclose or screen areas of land. Included within this definition are prefabricated fence panels (wood, plastic, or metal) that are typically sold at building supply stores. See **Sec. 38-8. Fencing, Screening, and Buffering**.

~~123.~~125.Final Plat

The official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The Final Plat shall be filed and recorded with the County Clerk's Office. A Final Plat may also be referred to as a Record Plat or Plat of Record. See **Sec. 37-3.D. Final Plat**.

~~124.~~126.Finding of Fact

The conclusions found to be true from an examination of the underlying evidence and testimony of a case under consideration in accordance with established review criteria.

~~125.~~127.Fire Department

The City's fire department or any duly authorized representative thereof.

~~126.~~128.Flexible Development Standard

A numerical deviation from the Development Code requirements that may be approved administratively. See **Sec. 34-3.E. Flexible Development Standard**.

~~127.~~129.Flood Elevation Study

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (e.g., mudflow) or other flood-related erosion hazards.

~~128.~~130.Flood Hazard Area

An area subject to inundation from the 1-percent probability storm.

~~129.~~131.Flood Insurance Rate Map (FIRM)

Official map of a community that defines both the special flood hazard areas and flood zones applicable to the community. This map is used by the National Flood Insurance Program (NFIP) for floodplain management, mitigation, and insurance purposes.

~~130.~~132.Flood Insurance Study (FIS)

The official report provided by the Federal Emergency Management Agency. The report compiles and presents flood risk data for specific watercourses, lakes, and other flood hazard areas within a community.

~~131.~~133. **Flood Lamp**

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

~~132.~~134. **Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

~~133.~~135. **Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

~~134.~~136. **Floodplain Management Regulations**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state, or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

~~135.~~137. **Floodplain or Floodprone Area**

Any land area susceptible to being inundated by flooding.

~~136.~~138. **Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot cumulatively. Also referred to as “Regulatory Floodway”.

~~137.~~139. **Floor Area**

The gross square feet of floor area within a building or portion thereof. For the purpose of this Code, floor area and gross floor area shall be the same, and shall be based on the outside dimensions of a building as shown on a plot plan, and shall include interior balconies, mezzanines, stairwells, storage areas, mechanical equipment areas, and basements.

~~138.~~140. **Freeway**

A divided multilane highway for through traffic with all crossroads separated in grade and with full control of access.

~~139.~~141. **Freestanding Sign**

A type of sign attached to or supported from the ground and not attached to a building. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

~~140.~~142. **Frontage**

A specified distance measured along a right-of-way property line or access easement.

~~141.~~143. **Frontage Road**

A local street parallel to and adjacent to another street, normally a highway or a freeway.

144. Fugitive Dust

Particles lifted into the ambient air by manmade and natural disturbance activities such as the movement of soil, vehicles, equipment, blasting, and wind.

~~142.~~145.Full Cutoff (or Fully Shielded) Luminaire

A luminaire where zero candelas occur at or above an angle of 90 degrees and a maximum of ten percent candelas at 80 degrees above the nadir of the installed luminaire. This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report from a nationally recognized independent testing agency and as certified by the manufacturer.

~~143.~~146.Geotechnical Soils Investigation

A geotechnical investigation includes surface exploration and subsurface exploration of a site. Subsurface exploration usually involves soil sampling and laboratory tests of the soil samples to establish their unique engineering design properties. Investigations are documented with all findings, location(s), investigation equipment listing, with field crew names, and the responsible Professional Engineer.

~~144.~~147.Geotechnical Soils Report

A written summary report containing all information obtained from a geotechnical soils investigation, a discussion of the findings and their evaluation(s), and a summary of specific engineering design recommendations, parameters, or designs. This document is signed and sealed by a Professional Engineer.

~~145.~~148.Glare

Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

~~146.~~149.Glazing

The transparent or translucent material (i.e., windows or doors with glass) on the exterior of a building. In calculating Glazing, the window assembly/frame are included; however, only the glass portion is included for a door. Where Glazing is required, ground floors must have a Visible Light Transmittance (VLT) of 0.6 (that is, 60% of light is transmitted) or higher to meet the requirements herein.

~~147.~~150.Grading

Grading includes any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means. Site grading is performed to ensure a level base or obtaining a specific slope on the land.

~~148.~~151.Grading Plan

A plan describing the existing topography and proposed grading, including retaining walls and details, interfaces with adjacent properties, streets, alleys, and channels, referenced to mean sea level based on a city benchmark, and showing sufficient contours, spot elevations, and cross sections to allow a clear understanding by reviewers, contractors, and inspectors.

~~149.~~152.Ground Water

Groundwater is water that exists underground in saturated zones beneath the land surface. The upper surface of the saturated zone is the water table.

~~150.~~153. **Hardship**

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and the property is rendered unusable without the granting of a variance or other relief.

154. **Haul Road**

A road constructed for, or used for, the purpose of hauling construction materials, or to provide access to one or more construction sites or industrial operations.

~~151.~~155. **High Wind Event**

A climatological occurrence in which the average wind speed exceeds a threshold in which fugitive dust will be generated from undisturbed areas, naturally covered areas, disturbed areas, and construction sites, regardless of reasonably available control measures implementation. The average wind speed for high wind events is a sustained wind speed of 25 miles per hour or greater.

~~152.~~156. **Highest Adjacent Grade**

The highest natural elevation of the ground surface next to a finished structure's walls or, if the structure has not been constructed, next to the proposed walls of the structure.

~~153.~~157. **Historic Building**

Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register-listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

~~154.~~158. **Historic Character**

Those architectural forms, materials, elements, features, construction methods or craftsmanship, spatial arrangements, and architectural style that, when combined, result in a distinctive setting, feeling, building, or area.

~~155.~~159. **Historic Context**

Summary information about the period, local setting and/or surroundings, circumstances, associations, and events that created, influenced, or resulted in the development of a specific property or group of properties, collected to assist in the development of a full understanding and assessment of the property.

~~156.~~160. **Historic Cultural Properties Inventory (HCPI) Form**

The form provided by City Staff upon request to an applicant interested in nominating a property or properties within a potential district for inclusion in the local Register of Cultural Properties in which baseline information is compiled to determine potential nomination eligibility. See **Sec. 35-2.D.2. Procedure for the Designation of a Cultural Property**.

~~157.~~161. **Historic District**

An area in the City designated under local, state, or federal authority that contains within definable geographic boundaries one or more properties zoned with a Historic Preservation Overlay, including accessory structures, fences, and other appurtenances having historical, cultural, and archaeological significance, and which may contain an assortment of properties classified as significant, contributing, noncontributing, and intrusive.

~~158.~~162. **Historic District Designation Report**

A report prepared by City Staff that provides the history of a cluster of properties, a map of their location, and historic and current views of the properties, and a determination based upon the application of evaluation criteria for review by the Historic Preservation Committee. See **Sec. 35-2.E.2. Procedure for the Designation of a Historic District**.

~~159.~~163. **Historic Eligible**

A property that appears to meet the criteria for designation.

~~160.~~164. **Historic Integrity**

A determination of the extent that a site, structure, object, building, or area retains its defining archaeological, historic, and/or cultural attributes associated with one or more of the National Register Criteria for Evaluation.

~~161.~~165. **Historic Interior**

An architecturally or historically significant interior space that remains substantially intact in terms of original configuration; original volume; and/or original architectural ornamentation and decoration, which exhibits surviving original historical finishes or has the potential for accurate restoration of such finishes; and which is open, to be used by, or may be used by the public.

~~162.~~166. **Historic Preservation Committee**

The committee created by the City Council authorized to direct and assist in the preparation and updating of the City's historic preservation plan; to create and review design guidelines for historic districts and cultural properties; to review and render decisions upon applications relating to historic and cultural properties; and to advise City Staff in initiating and implementing relevant preservation planning programs.

~~163.~~167. **Historic Preservation Design Guidelines**

The written standards adopted by the City intended to provide technical advice and guidance to the Historic Preservation Committee and City Staff to evaluate applications to preserve the historic, cultural, and architectural character of an area or of a building, object, site, or structure.

~~164.~~168. **Historic Preservation Fund**

A federally supported assistance program managed by the National Park Service to assist State, Tribal, and local historic preservation offices with a variety of historic preservation and community projects focused on heritage preservation.

~~165.~~169. **Historic Preservation Overlay Zone**

An overlay zoning district corresponding to the Historic District Designation that protects and preserves individual structures and neighborhoods composed of architecturally and historically significant buildings; this zoning district shall be in addition to any other zoning district in place, and may be applied to buildings, structures, objects, sites, and districts.

~~166.~~170. **Historic Preservation Program**

The City's policy initiative under the direction of the City Council to encourage and uphold the Declaration of Policy and Intent in **Chapter 35. Historic Preservation**.

~~167.~~171. **Historic Significance**

"Historic Significance" means:

(1) The attributes or characteristics of a district, site, or structure that possess integrity of location, design, setting, materials, workmanship, feeling, and association;

(2) A district, site, or structure that is associated with events that have made a contribution to the broad patterns of our history;

(3) A district, site, or structure that is associated with the lives of persons significant in the past;

(4) A district, site, or structure that embodies the distinctive characteristics of a type, period, or method of construction;

(5) A district, site, or structure that represents a significant and distinguishable entity whose components may lack individual distinction; or

(6) A district, site, or structure that has yielded, or may be likely to yield, information important in prehistory or history.

~~168.~~172.Historic Site

The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, and/or archeological value regardless of the value of any existing structure.

~~169.~~173.Historic Site Survey

A systematic gathering of information related to the architectural, historic, scenic, and/or archaeological significance of buildings, structures, and/or objects within a specified geographic area through an assessment of field and archival documentation for the purpose of identifying properties that may be designated as cultural properties or historic districts.

~~170.~~174.Historic Structure

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

~~171.~~175.Historical Survey (Intensive)

A systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them in accordance with criteria of significance within specific historic contexts.

~~172.~~176.Historical Survey (Reconnaissance)

An examination of all or part of an area accomplished in sufficient detail to make generalizations about the types and distributions of historic properties that may be present.

~~173.~~177.Historical Rehabilitation

The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values and characteristics.

~~174.~~178.Historical Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

~~175.~~179.Illuminated Sign

Any sign lighted internally, externally, or by lights directed towards the sign by any light source.

~~176.~~180.Impervious Cover

Those surfaces that do not effectively allow rainfall infiltration. (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

~~177.~~181.Improvements

Any building, structure, work of art, parking facility, fence, gate, wall, or other object constituting a physical addition to real property, or any part of such addition, including infrastructure such as streets, curbs, gutters, sidewalks, fire hydrants, storm drainage facilities, bike paths, trails, and water, sewer, and gas systems or parts thereof.

182. Inactive Disturbed Area

Any disturbed surface area on which active operations have been suspended.

~~178.~~183.Incandescent Lamp

A lamp that produces light via an electrically heated metallic filament.

~~179.~~184.Infill

Any vacant or underutilized tract, lot, or parcel of real property, including those parcels currently used for agricultural purposes, that falls within the infill boundary established by the Infill Policy Plan.

~~180.~~185.Infill Development

For the purposes of **Chapter 35. Historic Preservation**, the utilization of or the construction upon vacant or underused parcels of land within historic districts or adjacent to individual or clusters of cultural properties whereby new construction or any alterations to the site are undertaken in accordance with design guidelines to ensure compatibility with neighboring structures which regard to height, setbacks, landscaping, aesthetics, mass, and materials.

~~181.~~186.Infiltration

The process by which water on the ground surface enters the soil.

~~182.~~187. **Infiltration Facility**

Any structure or device designed to facilitate infiltration of retained water to the subsurface. These facilities may be above grade or below grade.

~~183.~~188. **Initial Lumens**

A lamp's light output, in lumens, at initial installation. The manufacturer usually lists initial lumens. For example, a 100-watt incandescent lamp emits approximately 1,800 lumens.

~~184.~~189. **International Building Code (IBC)**

The model building code developed by the International Code Council (ICC). This code has been adopted by the City for construction within the City, exempting one- and two-family dwellings.

~~185.~~190. **International Residential Code (IRC)**

A comprehensive, stand-alone residential code that contains minimum regulations for one- and two-family dwellings and townhouses up to three stories. It brings together all building, plumbing, mechanical, fuel gas, energy, and electrical provisions for one- and two-family residences.

~~186.~~191. **Intersection**

A point where two or more streets intersect.

~~187.~~192. **Irrigation System**

Consists of an underground system, automatic or manual, that includes a reduced principal backflow preventor, pipes, valves, and heads, and that shall be of an adequate size to properly irrigate the proposed planting.

~~188.~~193. **Institute of Transportation Engineers (ITE)**

~~Institute of Transportation Engineers.~~ The Institute of Transportation Engineers (ITE) is an international educational and scientific association of transportation professionals who are responsible for meeting mobility and safety needs.

D. Terms Defined: L-O

~~189.~~194. **Lamp**

A generic term for a source of optical radiation (i.e., "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

~~190.~~195. **Land Development**

The performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the installation of public artwork, the division of land into two or more parcels, and the creation or termination of access right.

196. **Land Stripping/Activity**

Removal of all or any portion of existing vegetation, or natural soil surfacing, from parcels of land by various means.

~~191.~~197. **Landowner**

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

~~192.~~198. **Landscape Lighting**

Lighting designed specifically for illuminating exterior natural features.

~~193.~~199. **Landscaping**

A combination of trees, shrubs, perennials, groundcovers, and artifacts, arranged in such a manner as to effect a design that follows the principles of **Sec. 38-7. Landscaping**. For approved types of landscaping and planting, see the Approved Plant List included in the Technical Manual.

~~194.~~200. Las Cruces Municipal Code (**LCMC**)

~~Abbreviation for the Las Cruces Municipal Code.~~

~~195.~~201. **Levee**

A levee is a long ridge of sand, silt, and/or clay built up by a river along its banks, especially during floods. It can also be an artificial embankment built to protect adjoining land from inundation. Levees can be naturally occurring or artificially constructed. They are used to prevent rivers from flooding cities in a storm surge and to increase available land for habitation or agriculture.

~~196.~~202. **Level of Service (LOS)**

A measure used by traffic engineers to determine the effectiveness of operation of elements of transportation infrastructure ranging from LOS A (highest) to LOS F (lowest).

~~197.~~203. **Light Pollution**

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety or security, and impacts on the nocturnal environment.

~~198.~~204. **Light Trespass**

Light that falls beyond the ~~property it~~property is intended to illuminate.

~~199.~~205. **Lighting System**

On a site, all exterior electric lighting and controls.

~~200.~~206. **Lighting Zone**

An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community. See **Sec. 38-9.E. Lighting Zones**.

~~201.~~207. **Liner Building**

A building specifically designed to mask a parking lot or a parking structure from a public frontage.

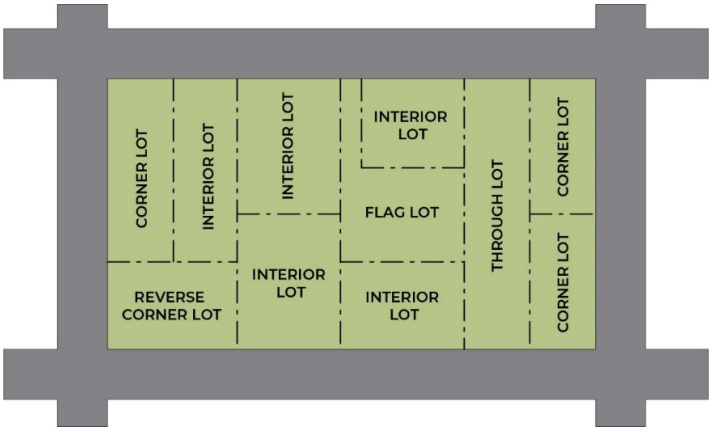
~~202.~~208. **Local Street**

Local streets provide neighborhood traffic circulation and property access. Local streets are the majority of streets in a roadway network; however, they carry the least amount of traffic.

~~203.~~209.Lot

A portion of a legally platted subdivision that is shown as a lot, tract, or parcel of land and held in separate ownership, as shown on the records of the county assessor. A legal lot is a parcel that has been divided in accordance with present or past zoning and subdivision requirements.

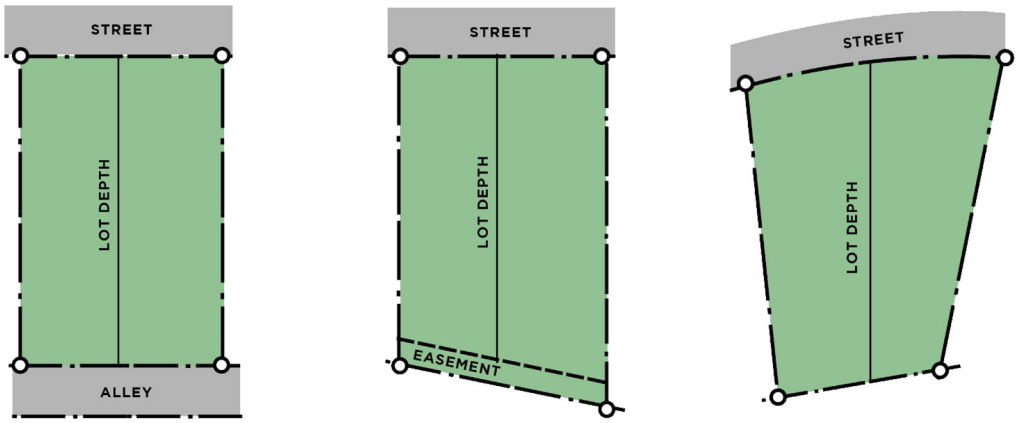
Figure 34-5-1. Lot Types



~~204.~~210.Lot Depth

The mean horizontal distance between the front and rear lot lines.

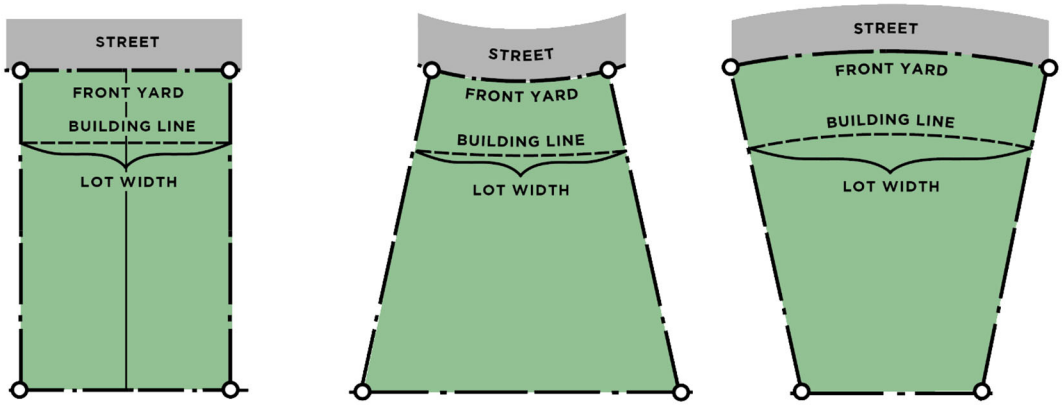
Figure 34-5-2. Lot Depth Measurement Examples



~~205.~~211.Lot Width

The width of a lot at the designated front property line.

Figure 34-5-3. Lot Width Measurement Examples



~~206.~~212.Lot, Corner

A lot abutting upon two or more streets or rights-of-way at their intersection. See **Sec. 36-4.A.4 Lot Requirements**.

~~207.~~213.Lot, Double Frontage

An interior lot fronting on two streets. One frontage shall be designated as the primary front yard. See **Sec. 36-4.A.4 Lot Requirements**.

~~208.~~214.**Lot, Flag**

A lot, parcel, or tract of land that includes a private accessway (the "flagpole" portion of the lot) extending to a public right-of-way to provide access to the rest of the lot (the "flag" portion of the lot). The private accessway has less frontage on a public right-of-way than the normally approved minimum lot width. See **Sec. 36-4.A.4. Lot Requirements**.

~~209.~~215.**Lot, Interior**

A lot other than a corner lot. See **Sec. 36-4.A.4 Lot Requirements**.

~~210.~~216.**Lowest Floor**

The lowest floor of the lowest enclosed area of a structure, including the basement. An unfinished enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of the National Flood Insurance Program regulations.

~~211.~~217.**Lumen**

The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt", a measure of power consumption).

~~212.~~218.**Luminaire**

The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

~~213.~~219.**Luminaire Lumens**

The cumulative total of initial lumens emitted by all lamps contained within a single luminaire. For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. For luminaires with absolute photometry per Illuminating Engineering Society (IES) LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

~~214.~~220.**Luminance**

A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (one nit = one cd/m 2).

~~215.~~221.**Main Dwelling**

The primary dwelling on a property zoned for residential use.

222. Maintenance

The checking, repairing, and replacement of various dust control measures to insure their continued workability.

~~216.~~223.**Maintenance Agreement**

A legally recorded document that acts as a property deed restriction and provides for long-term maintenance of stormwater management practices and drainage infrastructure.

~~217.~~224.Manual On Uniform Traffic Control Devices (MUTCD)

A document issued by the Federal Highway Administration (FHWA) of the United States Department of Transportation (USDOT) to specify the standards by which traffic signs, road surface markings, and signals are designed, installed, and used.

~~218.~~225.Manufactured Home or Manufactured Home Park

See **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

~~219.~~226.Marquee Sign

A sign attached to, mounted on, or painted on a marquee. See #42 Canopy or Marquee.

~~220.~~227.Master Development Plan

The graphic depiction of a phased or other larger development and associated materials intended to allow for high-level review of a proposed development. The Master Development Plan precedes a Preliminary Plat. See **Sec. 37-3.A. Master Development Plan** for more information.

~~221.~~228.Mean Sea Level

For purposes of the National Flood Insurance Program, North American Vertical Datum of 1988 (NAVD 1988) or other datum, to which base flood elevations shown on the City of Las Cruces's Flood Insurance Rate Map are referenced.

~~222.~~229.Mechanically Stabilized Earth (MSE) Retaining Walls

A composite structure consisting of alternating layers of compacted backfill and soil reinforcement elements, fixed to a wall facing. The stability of the wall system is derived from the interaction between the backfill and soil reinforcements, involving friction and tension. The wall facing is relatively thin, with the primary function of preventing erosion of the structural backfill.

~~223.~~230.Minor Arterial

Minor arterials provide high levels of mobility with limited or restricted access to abutting properties. Because mobility is the primary function of arterials, access control is highly desirable. Consolidated driveways and access between parking lots/parcels shall be required to reduce frequency of decelerating/accelerating vehicles, reduce conflict points, and maintain efficient traffic, pedestrian, bicycle, and transit flow.

~~224.~~231.Mobile Vendor

A vehicle-mounted establishment that offers food sales (e.g., food truck restaurant), retail sales (e.g., pop-up boutique), or commercial services (e.g., mobile pet grooming) from inside the vehicle.

~~225.~~232.Modular Building

A standardized factory-fabricated transportable building module not having a chassis or wheels of its own, designed and constructed in accordance with all applicable local building codes and intended to be placed on a permanent foundation, meeting all local zoning codes and to be used by itself or incorporated with similar units, manufactured housing, mobile homes, or site-built buildings at a building site. A modular building can be used for residential or nonresidential uses when located in appropriate zoning districts and must meet the appropriate building standards for a traditionally-constructed building.

~~226.~~233.Mounting Height

The height of the photometric center of a luminaire above grade level.

~~227.~~234. **Multi-Use Path**

A multi-use trail or path at least 10 feet in width that is physically separated from motorized vehicular traffic by a parkway or open space and usable by pedestrians, bicyclists, wheelchair users, and other non-vehicular users. See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**.

~~228.~~235. **Municipal Separate Storm Sewer System (MS4)**

The system of conveyances (including roads with drainage systems, municipal streets, flood control dams, retention and detention basins, grate and/or curb inlets, curbs, gutters, ditches, man-made channels, arroyos, agriculture drains, storm drains or designated flow paths) owned, operated or controlled by the city and designed or used for collecting or conveying stormwater.

~~229.~~236. **National Historic Preservation Act (NHPA)**

The National Historic Preservation Act, 54 U.S.C. 300101 et seq., was enacted "to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

~~230.~~237. **National Register Criteria for Evaluation**

The criteria listed in the Code of Federal Regulations, Title 36, Part 60 (36 CFR 60) used to evaluate districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(1) That are associated with events that have made a significant contribution to the broad patterns of American history; or

(2) That are associated with the lives of persons significant in American history; or

(3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) That have yielded, or may be likely to yield, information important in prehistory or history.

~~231.~~238. **National Register of Historic Places**

The official list of the nation's places worthy of preservation; established under the National Historic Preservation Act of 1966, the register is administered by the National Park Service under the auspices of the Department of the Interior.

239. **Natural Cover**

Any vegetation, or natural ground surface, which exists on the property, prior to any construction activity. This includes areas which have been previously restored to undisturbed conditions.

~~232.~~240. **New Construction**

For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of Las Cruces and includes any subsequent improvements to such structures. (See "Start of Construction".)

~~233.~~241.**New Mexico Historic Preservation Division (NMHPD)**

A division within the Department of Cultural Affairs in the State of New Mexico authorized to identify and protect New Mexico's cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes, and diverse heritage.

~~234.~~242.**No Disturbance Zone**

Part of the designed foundation zone downslope of a retaining wall foundation. This zone develops the passive resistance to prevent the horizontal forces from the retained fill from moving the wall. Typically, this zone is a minimum width equivalent to the depth of the retained soil.

~~235.~~243.**Nonconforming**

See **Sec. 36-5.G. Nonconformities**.

~~236.~~244.**Nonconforming Sign**

Any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes. See **Sec. 38-10.L. Nonconforming Signs**.

~~237.~~245.**Noncontributing Property**

A building, object, site, or structure in a historic district that does not possess individual architectural, historical, or structural significance or integrity within the context of the historic district or cluster of cultural properties and as determined by SHPO.

~~238.~~246.**Nonpoint Source**

Any source of any discharge of a pollutant that does not originate from a single source or point.

~~239.~~247.**Notice of Intent (NOI)**

The document that must be filed with the U.S. Environmental Protection Agency as notice to the NPDES permitting authority of the operator's intent to be covered under either the industrial general permit or the construction general permit.

~~240.~~248.**Notice of Termination (NOT)**

The document that must be filed with the U.S. Environmental Protection Agency when a facility is ready to terminate its NOI.

~~241.~~249.**NPDES**

The Federal National Pollutant Discharge Elimination System. This national law is the basis for the City Stormwater Management Plan (SWMP).

~~242.~~250.**NPDES Permit**

A permit issued by U.S. Environmental Protection Agency (or by the state under authority delegated pursuant to 33 USCS Section 1342 (b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

~~243.~~251.Natural Resources Conservation Service (**NRCS**)

~~Natural Resources Conservation Service (~~NRCS~~)~~, formerly known as the Soil Conservation Service (SCS), is an agency of the United States Department of Agriculture (USDA) that provides technical assistance to agriculture and communities.

~~244.~~252.Nuisance

See Chapter 18 of the Las Cruces Municipal Code.

~~245.~~253.Official Submittal Date

The date on which the City considers an application to be completed and officially submitted in accordance with the Development Schedule.

~~246.~~254.Open Space

That area for active or passive recreation, natural preservation. Open space is generally undeveloped, but may include accessory uses such as picnic pavilions, restrooms, or parking areas.

~~247.~~255.Ordinary Repairs and Maintenance

Any work done on or replacement of any part of a building or structure for which a permit issued by the Building Official is not required. The purpose and effect of such work or replacement is generally to correct any deterioration or decay of or damage to such building or structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

~~248.~~256.Outdoor Lighting

Lighting located exterior to a structure or that illuminates areas exterior to a structure.

~~249.~~257.Outdoor Luminaire

Any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed. This includes, but is not limited to:

(1) Searchlight

(2) Spotlight

(3) Floodlight

(4) Security lighting

(5) Sign and architectural lighting

(6) Lighting for parks, parking lots, roadways

(7) Athletic facility lighting

(8) Building overhand and open canopy lighting

(9) Product display area lighting

(10) Landscape lighting

(11) Signs or billboards, whether on-premises or off-premises, including LED, plasma, and similar light sources

~~250.~~258.Outlot

A parcel of ground or tract of land within a platted subdivision to be used for purposes other than residential. An example of an outlot is a tract of land designated for open space or a retention pond.

~~251.~~259.Owner

The person or entity who owns a property, use, facility, or operation or their designated representative.

~~252.~~260.Owner Consent

The act or result of reaching consensus and agreement, through reason and deliberation, by the owner(s) of real estate when cultural property designation is proposed at the suggestion of another party.

~~253.~~261.Owner Objection (Cultural Property Designation)

The right of all owners of record to object to a proposed cultural property designation of its buildings, structures, objects, or other improvements and the parcel of land to which those improvements are firmly attached.

~~254.~~262.Owner Objection (Historic District Designation)

The right of an owner (or owners) of record to object to the inclusion of its real property within a proposed historic district, potentially resulting in a modification to the district's proposed boundaries.

~~255.~~263.Owner of Record

The person, corporation, or other legal entity identified as the property owner in the official records of the Doña Ana County Assessor's Office.

E. Terms Defined: P-S

264. Palliative

Any agent used to lessen or reduce dust emissions.

~~256.~~265. Patio Home

A type of single-family residential development in which the main structure is placed directly along a side property line (i.e., the "zero-setback side"), while the other side observes the typical setback requirement. See **Sec. 36-4.B.4. Dimensional Standards for Patio Homes and Townhouses**.

~~257.~~266.Park, Neighborhood

Accessible, family-friendly destinations within the City that provide active and passive recreation opportunities within walking distance (1/4 mile walk-shed) of neighborhoods. Common amenities may include playground equipment, picnic areas, park benches, walking trails, open play areas, and occasionally, sports courts or athletic fields.

~~258.~~267.Parking Lot

An off-street, ground-level area improved for the temporary storage of motor vehicles.

~~259.~~268.Parkway

That area of a public street that is between the curb and sidewalk or between the sidewalk and the property line, which is used for planting and streetscaping purposes.

~~260.~~269.Partially Shielded Luminaire

A luminaire with an opaque top and translucent or perforated sides, designed to emit most light downward.

~~261.~~270.Particulate Matter

A mixture of solid particles and liquid droplets found in the air, including, but not limited to, dust, dirt, soot, and smoke.

~~262.~~271.Peak Hour

The highest consecutive four, 15-minute periods where traffic flow is heaviest on a particular road segment or intersection.

~~263.~~272.Pennant

A display made of a lightweight material that tapers to a point, having no logo or advertising message printed on it. See **Sec. 38-10.D. Prohibited Signs**.

~~264.~~273.Performance Security

A surety bond or other form of security made out to the City in an amount equal to the estimated full cost of the improvements, said cost being estimated by the Public Works Director, to ensure the City that the said improvements will be constructed in accordance with these regulations. See **Sec. 37-4.C. Installation and Acceptance of Public Improvements**.

~~265.~~274.Period of Significance

The finite span of time during which important events and activities associated with a specific cultural property or group of cultural properties occurred.

~~266.~~275.Person

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

~~267.~~276.Phasing

Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.

~~268.~~277.Planned Unit Development (PUD)

A development process whereby the intent is to promote design and development standard flexibility in cases where strict application of the zoning ordinance would inhibit the overall goals and objectives of the City. Also referred to as a "PUD". See **Sec. 36-5.D. Planned Unit Developments (PUDs)**.

~~269.~~278.Planning & Zoning Commission

The officially appointed Planning & Zoning Commission of the City. See **Sec. 34-2.B. Planning & Zoning Commission**.

~~270.~~279.Planning-Related Issues

Issues related to but not limited to lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, and other issues determined by the Community Development Director to be planning-related.

~~271.~~280.Plat

A map, chart, survey, or plan, certified by a land surveyor, that contains a description of subdivided plat or resubdivided replat land with ties to permanent survey monuments.

~~272.~~281.PM10 Emissions

~~Particulate matter, both filterable and condensable, with an aerodynamic diameter less than or equal to a nominal ten micrometers.~~ Finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air.

~~273.~~282.Point Source

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leach ate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

~~274.~~283.Pollutant

Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

~~275.~~284.Porch

A roofed patio entrance or exit area, open on at least one side.

~~276.~~285.Portable Sign

A freestanding sign not permanently affixed, anchored, or secured to the ground or a building, which may be rolled or moved about.

~~277.~~286.Preliminary Plat

The graphic expression of the proposed plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout, and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development. See **Sec. 37-3.B. Preliminary Plat**.

~~278.~~287.Preservation

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a cultural property, including any buildings, objects, and structures on the site.

~~279.~~288.Principal Arterial

Principal arterials provide high levels of mobility with limited or restricted access to abutting properties. Because mobility is the primary function of arterials, access control is highly desirable. Consolidated driveways and access between parking lots/parcels shall be required to reduce the frequency of decelerating/accelerating vehicles, reduce conflict points, and maintain efficient traffic, pedestrian, bicycle, and transit flow.

~~280.~~289.Professional Engineer

A person licensed by the New Mexico State Board of Licensure who is legally allowed to represent themself to the public as an engineer and is allowed to perform engineering design or construction of private and public works.

~~281.~~290.Progress Toward Completion

Includes any one or more of the following:

(1) An application for a Final Plat or plan for development is submitted;

(2) A good-faith attempt is made to file with the City or County an application for a permit necessary to begin or continue towards completion of the project;

(3) Costs have been incurred for developing the project, including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

(4) Fiscal security is posted with a regulatory agency to ensure the performance of an obligation required by the regulatory agency; or

(5) Utility connection fees for the project have been paid to a regulatory agency.

~~282.~~291.Prohibited Sign

Any sign not expressly permitted or any sign that is specifically prohibited in **Sec. 38-10.D. Prohibited Signs**.

~~283.~~292.Protected Tree

Any tree that is not exempted by **Sec. 38-6.C. Exempted Trees**. See **Sec. 38-6. Tree Preservation**.

~~284.~~293.Property Line

The official boundary of a parcel, lot, or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps of the County Clerk's Office.

~~285.~~294.Public Area

Any bus bench, bus shelter, landscaped median, trail, park, or arroyo duly recognized by the City.

~~286.~~295.Public Works Director

The Director of the City's Public Works Department (or successor department charged with overseeing infrastructure planning, development, and maintenance in the City), as appointed by the City Manager. This term also includes the Director's designee(s).

~~**287. PUD**~~

~~See #268 Planned Unit Development.~~

~~288.~~296.Pull Box

A nonmetallic box of a size specified, installed underground at surface level, and used as a junction point for connecting conduit, and as a pull point for electrical circuits.

~~289.~~297.Queue

A line of waiting vehicles.

~~290.~~298.Reasonably Available Control Measures (RACM)

Techniques used to limit the emission and/or airborne transport of fugitive dust from its original site to accomplish satisfactory results for temporary and/or extended suppression of dust and PM10 emission(s).

~~291.~~299.Recharge

The replenishment of underground water reserves.

~~292.~~300.Reconstruction

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

~~293.~~301.Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

~~294.~~302.Recreational Vehicle

A vehicle that is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

See #67 Recreational Vehicle Park in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

~~295.~~303.Register of Cultural Properties

The list maintained by City Staff for the City enumerating the physical addresses or locations of designated historically, architecturally, archaeologically, and culturally significant local buildings, structures, objects, and sites.

~~296.~~304.Registered Landscape Architect

An individual registered under the Landscape Architects Practice Act to practice landscape architecture in the state. Nothing contained in this definition shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering, or land surveying as defined by New Mexico Administrative Code, Title 16, Chapter 44, Landscape Architects.

~~297.~~305.Relative Photometry

Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire.

~~298.~~306.Release

Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the United States or onto the ground in such a manner that a pollutant may be discharged into the MS4.

~~299.~~307.Relocation

Any repositioning of a building, structure, or object on its existing site, or the act of moving a building, structure, or object to another site.

~~300.~~308.Remodel

The process of altering existing structural components or architectural features and/or finishes of a resource or property; to reconfigure an existing resource or property in such a manner as to remove, cover, replace, or rearrange elements of defining character.

~~301.~~309.Repair

Any minor construction undertaken to remedy an existing condition that has deteriorated but otherwise is not defined as construction, alteration, demolition, remodeling, removal, or relocation.

~~302.~~310.**Replat**

A replat or resubdivision that makes changes to a previously approved Final Plat. See **Sec. 37-3.D.2. Replats**.

~~303.~~311.**Residential**

Residential dwellings as defined in the International Residential Code as adopted by the City of Las Cruces.

~~304.~~312.**Retained Fill Depth (Grade Differential)**

The fill depth retained by a retaining wall as measured by the soil surface elevation difference immediately adjacent to both sides of the wall.

~~305.~~313.**Retaining Wall**

An engineered ~~designed~~ wall constructed of but not limited to brick, block, rock, concrete, MSE, or reinforced concrete to retain over 24 inches of soil or surcharge~~. Retaining walls must be designed to resist the sum of all specific forces with a predetermined safety factor~~.

~~306.~~314.**Right-of-Way**

Any land area deeded, reserved, or otherwise acquired by the city, the county, or the state for public use (e.g., roads, streets).

~~307.~~315.**Roadway**

That portion of the street available for vehicular traffic.

~~308.~~316.**Roof**

An overhead structure used for protection or shielding from the sun, rain, or other elements of weather.

~~309.~~317.**Runoff Computation**

Runoff computations for both the ten percent probability and one percent probability storm event shall be submitted with the proposed storm drainage plan. The most recent official federal (ACOE, FEMA, FIS, USDA, USGS, etc.) data and references must be used when analyzing flow that crosses any site.

~~310.~~318.**Safety Factor**

A reasonable engineering design factor increasing a force or load to cover unknown factors/forces that may impact it.

~~311.~~319.**Sand**

A granular material composed of finely divided mineral particles. Sand is defined by grain size; sand grains are smaller than gravel and coarser than silt.

~~312.~~320.**Screening**

The use of a wall, fence, thick shrubbery, or similar materials to minimize the potentially adverse impact of one land use on another. See **Sec. 38-8. Fencing, Screening, and Buffering**.

~~313.~~321.**Seasonal Lighting**

Temporary lighting installed and operated in connection with holidays or traditions.

~~314.~~322. **Service Connection**

The service connection is the terminal end of the municipal water supply system where the customer's water piping system is connected. The service connection for metered water services is attached at the customer's (downstream) side of the water meter. The service connection for the use of a fire hydrant and all other temporary or emergency water services is located at the point of entry to the municipal water supply system.

~~315.~~323. **Setback**

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

~~316.~~324. **Shared Use Path**

Shared use paths, also commonly referred to as trails or greenways, are paths designed for and generally used by bicyclists, pedestrians, and other non-motorized users.

~~317.~~325. **Shielded Directional Luminaire**

A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

~~318.~~326. **Sidewalk**

A pedestrian walkway with permanently improved surfacing. See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**.

~~319.~~327. **Sign**

Any structure or object or part thereof used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

~~320.~~328. **Significant Cultural Property**

Buildings, objects, sites, or structures of the highest and most unique historical, cultural, architectural, or archaeological importance whose demolition, destruction, or otherwise loss or adverse damage would constitute an irreplaceable loss to a community. Such properties should be identified by the State Historic Preservation Office or registry.

~~321.~~329. **Silt**

A granular material of a size between sand and clay and composed primarily of broken grains of quartz. Silt may occur as a soil or as sediment mixed in suspension with water.

330. **Silt Fence**

A temporary sediment control device consisting of a synthetic filter fabric stretched across and attached to supporting posts and entrenched along its bottom - typically designed for water erosion control.

~~322.~~331. **Site**

The land or water area where any facility or activity is physically located or conducted, including land used in connection with the facility or activity, such as borrow pits and storage areas, and may include land adjacent to the site when utilized by the operator.

~~323.~~332.Site-Built

A structure that is constructed from materials brought to the site and modified for assembly. Some materials may be assembled off-site but must be assembled on-site to make a complete structure. This does not include a manufactured home, mobile home, or recreational vehicle.

~~324.~~333.Site Plan

A required plan intended to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of open space, parking, screening, lighting, and other developmental elements. See **Sec. 36-5.B. Site Plans**.

~~325.~~334.Sketch Plan

A high-level conceptual sketch used to facilitate discussion during a Pre-Application Meeting. See **Sec. 34-3.B.3. Sketch Plan**.

~~326.~~335.Slope

The steepness or degree of inclination of a certain area of land. It can be the steepness between two specific points in a given area, the average of the gradual change in steepness, or an erratic variation in the elevation of the ground.

~~327.~~336.Slope Protection

A stable surface added to a slope to provide erosion protection. Slope protection may include grouted rock, concrete facing, gabions, geotextiles, or vegetation.

~~328.~~337.Solid Waste

Any garbage, rubbish, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, from community and institutional activities, and material from transportation-related activities.

Also, solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, compost, yard waste, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

~~329.~~338.Special Use Permit (SUP)

A Special Use Permit (SUP) is a type of zoning designation that allows certain uses in designated locations subject to additional review and possible conditions to protect public health, safety, and welfare. Uses that require an SUP are indicated as such in **Sec. 36-3.A.1. Permitted Use Chart**. See **Sec. 36-5.C. Special Use Permits (SUPs)**.

~~330.~~339.Specification

An explicit set of requirements to be satisfied by a material, product, or service.

~~331.~~340.Spot Lamp

A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope. Such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

~~332.~~341.Start of Construction

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a portion of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

~~333.~~342.State Historic Preservation Officer (SHPO)

The director of the New Mexico Historic Preservation Division, appointed by the Governor, who manages the State's Historic Preservation Plan and coordinates historic preservation activities at all levels of government in the State and with individuals, private organizations, and traditional communities.

~~334.~~343.State Register of Cultural Properties

The official list of historic properties worthy of designation in New Mexico; authorized in 1969 and administered by the New Mexico Historic Preservation Division, the register is periodically updated by the Cultural Properties Review Committee.

~~335.~~344.Stealth Tower

A tower that is camouflaged to be unrecognizable as a telecommunications facility, including architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structures, antennas integrated into architectural elements such as church spires or window walls, and antenna structures designed to resemble light poles, flagpoles, or trees.

~~336.~~345.Stop Work Order

A written order issued by the Building Official to a property owner or the person performing the work to immediately cease all activity on any building, structure, object, or site.

~~337.~~346.Stormwater

Precipitation runoff, snow melt runoff, and surface runoff and drainage.

~~338.~~347.Stormwater Discharge Associated with Industrial Activity

The discharge from any conveyance that is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in 40 CFR Section 122.26 (b) (14), and which is not excluded from the U.S. Environmental Protection Agency's definition of the same term.

~~339.~~348.Stormwater Management

The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and peak flow discharge rates.

~~340.~~349.Stormwater Pollution Prevention Plan (SWPPP)

An engineered plan to combat potential pollutant sources at a construction site by presenting appropriate measures to prevent or control the pollution of stormwater runoff. It is based on the National Pollutant Discharge Elimination System (NPDES) laws and regulations. Minimum compliance with the SWPPP plan will identify and place best management practices (BMPs) and control measures that are locally available and have been proven successful in the area.

~~341.~~350.Story

The same as defined in Chapter 30 of the Las Cruces Municipal Code.

~~342.~~351.Streamers

A display made of light, flexible material, consisting of long, narrow, wavy strips. See **Sec. 38-10.D. Prohibited Signs**.

~~343.~~352.Street

A public way that has been dedicated or reserved by plat, other than an alley, which affords the principal means of access to abutting property.

~~344.~~353.Street Light Circuits

An underground facility consisting of street light foundations, 1-½ inch connecting conduit, pull boxes, stub-outs, and junction points for electrical service.

~~345.~~354.Street Line

The outermost boundary or property line of a street right-of-way that is the mutual property line of abutting properties.

~~346.~~355.Street Trees

Trees planted along streets for beautification and benefit of the general public. See **Sec. 38-7.D.1. Parkway & Street Trees**.

~~347.~~356.Street, Private

A private roadway that affords the traffic circulation within a development or parcel of land and gives access to uses and structures.

~~348.~~357.Street, Public

A public thoroughfare for the principal means of access to abutting property.

~~349.~~358.Structural Integrity

An unimpaired condition relating to the functional stability of major building components in relationship to their original or altered function; a measure of the quality of construction and the ability of the structure to function as designed or intended; and the quality or state of being complete or uncompromised.

~~350.~~359.Structural Requirements

The safety standards that apply to those signs governed by the requirements in the building code and other companion documents.

~~351.~~360.Structure

Any building ~~thing~~ constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground (e.g., buildings, parking areas, walks, ~~fences,~~ canopies, and signs).

~~352.~~361.**Subdivider**

An owner or an owner's agent who undertakes the subdivision of land as set forth in the respective regulations.

~~353.~~362.**Subdivision**

The division of land into two or more parts by platting or by metes and bounds description into tracts or lots for any purpose.

~~354.~~363.**Substantial Completion**

The stage in the progress of construction when the improvements are sufficiently complete to issue a Building Permit (but not a Certificate of Occupancy) prior to the filing of the Final Plat. Substantial Completion may only occur when there is only minor work remaining. See **Sec. 37-4.D. Substantial Completion**.

~~355.~~364.**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~356.~~365.**Substantial Improvement**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. (See #332 Start of Construction.) This includes structures that have incurred "substantial damage", regardless of the actual repair work performed (see #355 Substantial Damage). The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of federal, state, or local health, sanitary, or safety code specifications that have been identified by the Code Enforcement Officer and which are the minimum necessary conditions, or

(2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

~~357. SUP~~

~~See #329 Special Use Permit.~~

~~358.~~366.**Survey**

A systematic gathering of information related to the architectural, historic, scenic, and/or archaeological significance of buildings, structures, objects, and/or landscape features within a specified geographic area through an assessment of field and archival documentation for the purpose of identifying properties that may be designated as cultural properties or historic districts.

~~359.~~367.**Surveyor**

A person who is engaged in the practice of surveying and is qualified to so practice as attested by their legal registration as a professional surveyor in the state.

F. Terms Defined: T-Z

~~360.~~368.**Taper Length**

The measured length to transition from a travel lane into an adjacent auxiliary lane (i.e., left turn bay, deceleration lane, etc.).

~~361.~~369. **Technical Manual**

The technical manual(s) developed and maintained by the City containing detailed technical standards and requirements. See **Sec. 34-1.F. Technical Manual and Other Technical Resources**.

~~362.~~370. **Temporary Lighting**

Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

~~363.~~371. **Temporary Sign**

A type of sign intended for a limited period of display. See **Sec. 38-10.G. Sign Types and Supplemental Standards**.

~~364.~~372. **Total Initial Lumens**

The sum of the individual initial lumens output for all the luminaires of an installation. For example, six luminaires with 10,000 initial lumens output per luminaire would equal 60,000 total initial lumens.

373. **Track-out Control**

A device to remove mud or soil from a vehicle before the vehicle enters a paved public road and prevent contamination into an adjacent MS4 city utility(s).

~~365.~~374. **Tract**

A portion of land with defined boundaries created by a deed or other legal instrument.

~~366.~~375. **Traditional Cultural Property**

A cultural property where associated cultural practices or beliefs of a living community occur that are both rooted in a community's history and important in maintaining the continuing identity of the community.

~~367.~~376. **Trail**

A way designed for and used by pedestrians and/or cyclists using nonmotorized bicycles for recreational or transportation purposes.

~~368.~~377. **Traffic Calming Device**

Any modification designed to reduce the speed of traffic on a particular street.

~~369.~~378. **Traffic Calming Study**

An appraisal of existing traffic conditions and the development of a plan for implementing one or more traffic calming devices in a residential neighborhood.

~~370.~~379. **Traffic Control Device**

A sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.

~~371.~~380. **Traffic Count**

A manual or automated count of the number of vehicles traversing a particular street in a given time period.

~~372.~~381. **Traffic Impact Analysis**

An analysis that assesses the effects of specific development activity on the existing and planned thoroughfare system of the City. Abbreviated “TIA”. See **Sec. 38-2.G. Traffic Impact Analysis**.

~~373.~~382. **Translucent**

A material allowing light to pass through but obscures or diffuses the image (not transparent or clear).

~~374.~~383. **Uncontaminated**

Not containing a harmful quantity of any pollutant.

~~375.~~384. **Undisturbed**

Land or property which is in its natural condition and has not been stripped or graded. An exception would be if the property has been revegetated and the soil and vegetative groundcover is now mature.

~~376.~~385. **Unpaved Road**

A road that is not paved with a formal hardened surfacing but instead has a running surface of either crushed gravel or native soil. Such roads are typically for low use and slow traffic. Their ability to produce dust from traffic is well known.

~~377.~~386. **Unshielded Luminaire**

A luminaire that does not meet the definition of "fully shielded" or "partially shielded."

~~378.~~387. **Uplight**

For or an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

~~379.~~388. **Usable Open Space**

Open space within a lot, tract, parcel, or development site, excluding areas devoted to roadways and parking.

~~380.~~389. **Utilities Director**

The Director of the City's Utilities Department, as appointed by the City Manager. This term also includes the Director's designee(s).

~~381.~~390. **Utility Easement**

A grant of a strip or area of land by the property owner, or general public, for the specific purpose of locating or maintaining utility systems.

391. **Vacant Lot**

A parcel of land which contains no buildings or structures of a temporary or permanent nature, excluding perimeter walls or fences.

~~382.~~392. **Vacation**

To void a portion of a previously filed subdivision plat application or to void the filed plat in its entirety.

~~383.~~393. **Vehicular Sign**

A sign attached to, mounted on, or otherwise affixed to any vehicle, whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message. This description includes but is not limited to mobile billboards and banner signage on parked vehicles. This description does not include bumper stickers, magnetic signage smaller than four square feet, painted messages, or decals.

~~384.~~394. **Violation**

The failure of a structure, site, site feature, or other element regulated by the Development Code to meet the required standards. See **Sec. 34-1.H. Violations and Enforcement**.

395. Visible Emissions

Any emission which contains particulate matter which are visually detectable without the aid of instruments.

~~385.~~396. **Wall**

An artificially constructed barrier of solid material such as brick, block, rock, concrete (or reinforced concrete), used to enclose or screen an area.

~~386.~~397. **Water Conservation**

The preservation, control, and management of water. See the City's Water Conservation Program for more information.

~~387.~~398. **Water in the State (or Water)**

Any groundwater, percolating or otherwise, lakes, ponds, impounding reservoirs, springs, rivers, canals, streams, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. This includes dry washes, gullies, arroyos, and other ephemeral streams.

~~388.~~399. **Water Quality Standard**

Provisions of the state, territorial, authorized tribal, or federal law approved by the U.S. Environmental Protection Agency that describe the desired condition of a water body, including groundwater, and the means by which that condition will be protected or achieved.

~~389.~~400. **Water Surface Elevation**

The height, in relation to the North American Vertical Datum (NAVD) of 1988 or (other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

~~390.~~401. **Watercourse**

A permanent or intermittent stream or other body of water, either natural or human-made, which gathers or carries surface water.

~~391.~~402. **Waters of the United States**

All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States," at 40 CFR Section 122.2, including the Rio Grande River, dry washes, arroyos, but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

~~392.~~403. **Well-Drained Soil**

A mixture of sand and rock with only minor amounts of silt and no clay component. Well-drained soil allows water to drain at a moderate rate without water pooling.

~~393.~~404. **Wetland**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland generally includes swamps, marshes, bogs, playas, and similar areas.

~~394.~~405. **Wind Erosion Control Plan (WECP)**

A document used to list control measures to be used for the activities being undertaken to prevent fugitive dust or windblown particulate matter and mitigate the escape of these materials beyond the property lines(s) of the originating site(s).

406. **Wind Fence**

A fence made of small, evenly spaced wooden slats (similar to a snow fence) or fabric. They are erected to reduce wind velocity and to trap blowing sand. They may be used as perimeter controls around open construction sites to keep sediments from being blown off-site. The spaces between the fence slats allow wind and sediment to pass through but reduce the wind's speed, allowing transported soil particles to deposit along the fence.

~~395.~~407. **Wind Speed**

The average wind velocity, regardless of direction, based on a 60-minute average from the nearest weather report or PM10 monitoring station, or by a portable wind instrument located at the site.

408. **Wind Speed Test**

A on-site test of the wind speed measured at zero to two feet above the ground surface. This test is taken and certified by a City of Las Cruces construction inspector or codes enforcement officer using a portable hand-held anemometer standing at a specific approved point within the development (+/- 2 feet).

~~396.~~409. **Yard**

The space on a lot unobstructed by buildings from the ground to the sky, including sidewalks, driveways, patios, and other ground-level surfaces.

~~397.~~410. **Yard, Required Front**

The required yard between the designated front property line and the front setback line.

~~398.~~411. **Yard, Required Rear**

The required yard between the designated rear property line and the rear setback line.

~~399.~~412. **Yard, Required Side**

The required yard between the designated side property line and the side, front, and rear setback lines.

~~400.~~413. **Zoning District**

Any zone of the City designated on the Zoning Map within which certain zoning and land use requirements are specified and are uniform. See **Sec. 36-2. Zoning Districts**.

~~401.~~414.Zoning Map

A map that graphically shows all zoning district boundaries and classifications within the City. The Zoning Map is maintained by the Community Development Department. May also be referred to as Zoning District Map, Official Zoning Map, or Zoning Atlas. See **Sec. 36-2.A.2. Zoning Map**.

~~402.~~415.Zoning Variance

A mechanism to provide relief from the requirements of **Chapter 36. Zoning Regulations** based on a hardship. See NMSA 3-21-8 and **Sec. 36-5.F. Zoning Variances**.

Chapter 35. Historic Preservation

Sec. 35-1. General Information

A. Short Title

This chapter shall be known and may be cited as "The City of Las Cruces Historic Preservation District and Landmark Ordinance" and may be referred to as "the Historic Preservation Ordinance."

B. Declaration of Policy and Intent

The City of Las Cruces ("City") declares as a matter of public policy that the protection, preservation, maintenance, care, and use of cultural properties is a public necessity conducive to the general welfare of the people and beneficial to the furtherance of the community's economic prosperity and quality of life. The purposes of this article include, but are not limited to:

1. The promotion, protection, and use of the City's historic building inventory for the education, pleasure, and welfare of residents and visitors;
2. The protection, enhancement, and perpetuation of cultural properties that represent or reflect distinctive and important aspects and eras of human habitation and activity in Las Cruces;
3. The evaluation, recognition, preservation, protection, enhancement, restoration, and promotion of architectural landmarks, cultural properties, and cultural landscapes significant to the City's, region's, state's, and nation's architectural, archaeological, cultural, social, economic, ethnic, and political history, and to develop, enhance, and protect appropriate settings for such places;
4. The enhancement and fostering of civic pride in the aesthetics and history of the built environment and in the accomplishments of earlier inhabitants in the area that became Las Cruces;
5. The integration of historic preservation planning into the City's Comprehensive Plan;
6. The stabilization and improvement of property values as a positive economic development objective that recognizes and protects the rights of owners of historic properties and owners of properties adjacent to landmarks and historic districts;
7. The strengthening of the City's economy through heritage and cultural tourism and real estate for the benefit of residents and tourists through promotion and use of historic buildings and cultural properties; and
8. The avoidance of the irreversible and irreplaceable loss through demolition or neglect of cultural properties that convey a sense of the City's heritage, cultural diversity, and history by encouraging the conservation, through sympathetic rehabilitation and reuse, of historically or architecturally significant properties.

C. Authority and Jurisdiction

This chapter is created pursuant to the authority set forth in NMSA 1978, Sections 3-22-1 et seq. (as amended), the Historic District and Landmark Act, and NMSA 1978, Sections 18-6A-1 et seq. (as amended), the Cultural Properties Protection Act.

D. Administration of the Historic Preservation Program

The Community Development Director is responsible for administering these regulations. Within this **Chapter 35. Historic Preservation**, this term may also include another historic preservation professional designated by the City Manager who meets the requirements of NMSA 4.10.10.12.

E. Alterations or Demolition without a Certificate of Appropriateness

1. It is unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, or raze any cultural property in violation of this chapter.
2. In addition to any remedies, a person, corporation, or entity, including the City, is liable to the City if the person demolishes, or causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a cultural property without first obtaining a permit from the Community Development Department and a Certificate of Appropriateness as required in this chapter.
3. Such violations shall be subject to the provisions of **Sec. 34-1.H. Violations and Enforcement**.

F. Appeals

1. A historic preservation decision by the Community Development Director may be appealed to the Historic Preservation Committee.
2. A historic preservation decision by the Historic Preservation Committee may be appealed to the Planning & Zoning Commission.

Sec. 35-2. Historic Preservation Committee

A. Historic Preservation Committee

The Historic Preservation Committee is established by Chapter 2 of the City's Code of Ordinances (Article IV, Division 3, Subdivision XVI).

B. Duties and Responsibilities of the Historic Preservation Committee

The Committee shall exercise, but not be exclusively limited by, the following duties and responsibilities according to its bylaws:

1. Request input from the Community Development Director regarding surveys within the city limits of the City of Las Cruces to identify properties, neighborhoods, archaeological sites, and buildings for evaluation and potential designation as cultural resources.
2. Recommend to the Mayor and City Council properties to be designated and entered in the City, State, or Federal Register of Cultural Properties.
3. Review and render decisions on Certificates of Appropriateness during open, public meetings.
4. Recommend to the Mayor and City Council the adoption of design guidelines to ensure proper restoration and rehabilitation practices for historic building inventory; to ensure architectural and aesthetic compatibility within historic districts and in proximity to cultural properties; and to guide infill development to achieve comparable aesthetics and massing with existing, neighboring buildings, objects, structures, and sites.
5. Assist in the dissemination of information to the public concerning historic preservation and seek input from groups, individuals, and organizations on these matters.
6. Consider methods for encouraging and incentivizing historic preservation efforts and provide recommendations to these ends to the Mayor and City Council.
7. Advise the Mayor and City Council on any proposed public alterations that may impact the exterior appearance of cultural properties to avoid any potential adverse effects.
8. Consider alternative options and actions when reviewing applications seeking the demolition in part or in whole of designated cultural properties.

9. Advise the Mayor and City Council on the relative merits of proposals involving the use of public funds to restore, preserve, and protect cultural properties, and to secure state, federal, and/or other grants or assistance in support of such projects, and to monitor and comment on such projects during their duration.
10. Seek any benefits that may be granted under the National Historic Preservation Act, as amended, or any other state or federal legislation, including, but not limited to, the benefits that are received from communities under the Certified Local Government (CLG) program with regard to training, grant funding, and technical assistance.
11. Prepare an annual report to be presented to the Mayor and City Council of the Committee's activities and the effects of the historic preservation program on the economic development and general welfare of the City and its residents.

C. Surveys and Inventories

1. The Community Development Director shall conduct surveys and inventories to identify neighborhoods, areas, sites, buildings, structures, and objects in the City of Las Cruces that possess historic, community, architectural, aesthetic, cultural, archaeological, or traditional importance, interest, or value related to the development of the community.
2. As part of the survey, the Community Development Director shall review and evaluate prior surveys and studies by any government entity or private organization, and recommend the compilation of appropriate research findings, including descriptions, newspapers accounts, land-use records, maps, deeds, photographs, and/or other useful sources.
3. The Committee will provide input regarding the City's efforts in identifying potential cultural properties and historic districts, and apply procedures to nominate those potential cultural properties and historic districts that are at least 50 years of age based on the following criteria:
   a) The potential cultural properties are situated in a single, identifiable neighborhood or distinct geographical area of the community; or
   b) The potential cultural properties are associated with a particular person, event, and/or era of the community's past; or
   c) The potential cultural properties are of a particular architectural style, school, or building technique; or of a particular architect, engineer, builder, designer, craftsman, or artisan; or
   d) Such other criteria as may be adopted by the Committee to assure systematic surveys and inventories of potential cultural properties and historic districts within the municipal boundaries.
4. The Community Development Director shall apply eligibility criteria to potential cultural properties and historic districts and provide recommendations to the Committee to nominate such properties as procedurally outlined in this article for inclusion in the City's Register of Cultural Properties.

D. Cultural Property Designation

1. Standards for the Designation of a Cultural Property or Cultural Properties

   Upon the successful evaluation of eligibility criteria to base a recommendation for designation, the Committee shall recommend to the City Council a justification for a property's inclusion in the City's Register of Cultural Properties contingent upon that property meeting all of the following requirements:

   a) Located within the corporate boundaries of the City; and
   b) At least 50 years old, in whole or in part, or else of exceptional significance; and
   c) Possesses integrity of design, materials, workmanship, setting, location, feeling, and association, as defined for listing in the National Register of Historic Places; and

d) Embodies such other qualities and characteristics as in the judgment of the Committee should be considered for designation as a cultural property; and

e) Possesses one or more of the following demonstrations of significance:

i) A broad cultural, political, economic, or social association with the historic development of the community, the state, or the nation; and/or

ii) Identification with a historic person or with important events in local, state, and/or national history; and/or

iii) Possesses distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; and/or

iv) Possesses authenticity of its period of significance as evidenced by the survival of its characteristics, historic fabric, and architectural elements from that period; and/or

v) Is a notable work of a master builder, designer, or architect; and/or

vi) Possesses or may likely yield information important in prehistory or history; and/or

vii) An improvement embodying all or part of the above characteristics which is subject to encroachment of detrimental influences or potential adverse effects; and/or

viii) An improvement of historical, architectural, or cultural significance that is threatened with demolition by public or private action; and/or

ix) Possesses other qualities and characteristics that, in the judgment of the Committee should be considered for designation as a cultural property.

2. Procedure for the Designation of a Cultural Property

Any nomination application for a proposed cultural property shall be subject to the following review process:

a) Pre-Application Meeting

Prior to submitting an application for cultural property designation, an applicant shall meet with the Community Development Director to review the nomination proposal. The Director shall explain to the applicant the procedure and standards to nominate a property for designation, and include the historic context and any known architectural, cultural, or archaeological significance associated with the property. Additionally, when the applicant is not the owner of record, the Director shall encourage the applicant to contact the owner(s) of record prior to proceeding with the application process to secure the owner(s)'s consent.

b) Applicant Eligibility

Nominations for cultural property designation may be made by any property owner(s) of record; a contract purchaser of a nominated property; an individual, a group, or an association; or the Historic Preservation Committee.

c) Property Eligibility

Any building, structure, object, or site that meets the criteria outlined in **1. Standards for the Designation of a Cultural Property or Cultural Properties** is eligible for consideration to be nominated for designation.

d) Owner Consent

In every case, the owner(s) of record must provide written approval of the application. If the applicant is not the owner of record, owner consent must be received before moving forward with the cultural property designation nomination process.

e) Application

Upon the applicant's request, the Community Development Director shall provide a Historic Cultural Properties Inventory (HCPI) Form. The applicant shall complete the form, which shall include, among other information, a

legal description of the building, structure, object, or site. At the applicant's request, the Director may assist with the completion of the designation form.

f) Filing

Upon the applicant's delivery of the completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall review the application within ten business days of its filing, and notify the applicant in writing of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 15 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

g) Notice

Within five business days of the filing of an application, whether or not deemed complete, the Community Development Director shall notify in writing the owner(s) of record of the proposed designation nomination, except in the cases when the applicant is the owner of record, or the owner of record previously provided consent in writing to the Director.

h) Schedule a Public Meeting

Upon receipt of a completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall schedule a public meeting for the next regularly scheduled meeting of the Historic Preservation Committee in accordance with the Open Meetings Act (NMSA 1978, Section 10-15-1 et seq.).

i) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owner(s) of record, legal description of the property, and common address of the property.

j) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owner(s) of record of the subject property and the owner(s) of record of all properties within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the completed application of the Historic Cultural Properties Inventory (HCPI) Form.

k) Public Meeting Sign

The applicant shall place one sign per frontage upon the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting .

l) Eligibility Report

Prior to the public meeting on the application for a cultural property nomination, the Community Development Director shall conduct an analysis of the property proposed for designation and prepare a report containing preliminary findings on the historic, cultural, architectural and aesthetic significance of the property. The analysis shall be provided in writing to the Committee and made available to the public in advance of the public meeting.

m) Public Meeting

Applicants shall meet with the Committee and the Community Development Director at a public meeting for a formal recommendation by the Committee regarding the proposed project. The Committee shall conduct the public meeting and a record of such proceedings shall be preserved in such a manner as prescribed by the City of Las Cruces.

n) Withdrawal of Application

An applicant may, at any time during the nomination process, withdraw an application for cultural property designation by providing notice, in writing, to the Community Development Director.

o) Historic Preservation Committee Action

i) At the public meeting, the Committee shall take statements presented by the owner(s) of record of the subject property, as well as statements, either oral or written, from any interested parties concerning the eligibility and/or effect of the potential designation on the proposed cultural property.

ii) The Committee may invite and consider testimony to evaluate information provided either during the nomination process or during the public meeting. A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact or to provide time to evaluate fully new evidence presented at the public meeting.

iii) If the Committee fails to act within 45 calendar days of the final adjournment of a public meeting for the designation of a cultural property, the Committee shall be deemed to have recommended denial. Otherwise, upon approval of the cultural property designation application, the Community Development Director or the Committee shall draft a Cultural Property Designation Report for City Council action. Said report shall include a map of the subject property, current and historical photographs, history of the property, plans and drawings (if available and if applicable), and a determination on the eligibility criteria.

p) City Council Action

i) Upon considering the Committee's finding of fact regarding a nomination, the City Council shall grant or deny the Cultural Property Designation Report and application for cultural property designation with a simple majority or greater vote.

ii) Upon designation as a cultural property by the City Council, a notice of the designation will be sent by the Community Development Director to the applicant and/or owner(s) of record of the building, structure, object, or site. The applicant and/or owner(s) of record shall be responsible for providing a copy of the resolution effectuating the designation to the Doña Ana County Clerk’s Office. A copy of the recorded resolution shall be returned to the Community Development Department within 60 calendar days of City Council approval of a cultural property designation. When designated as a cultural property, the property shall be included in the City of Las Cruces Register of Cultural Properties and shall be identified on the City's Geographic Information Systems (GIS) mapping layers with the appropriate shorthand designation as a cultural property.

q) Suspension of Work

During the period beginning with the filing of an application for cultural property designation and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any building, structure, object, or site that is the subject of an application for cultural property designation may undergo alteration, construction, demolition, or removal if such alteration, construction, demolition, or removal would be subject to a building permit issued after the filing of a cultural property application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

r) Re-Application Following Denial or Withdrawal of an Application

In the event that an application for cultural property designation is denied by the Committee and/or City Council or the application is withdrawn by the applicant, no subsequent application for cultural property designation of the same building, structure, object, or site shall be made within 12 months of the date of the denial. If the applicant withdraws the application prior to review by the Committee, a subsequent application may be submitted at any time.

s) Amendments

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee may request that the designation of a cultural property be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same property may be entertained by the Committee at any time following City Council action designating any building, structure, object, or site as a cultural property. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public meeting.

t) Rescinding of Designation

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee, on its own initiative and with prior consent of the City Council, may request that the designation of a cultural property be rescinded by the same procedures and according to the same criteria set forth herein for designation. The City Council may rescind cultural property designation of any designated property provided that the vote to rescind the designation is not less than a two-thirds vote of the councilors holding office.

E. Historic District Designation

1. Standards for Designation of Historic Districts

The Historic Preservation Committee shall not recommend, nor the City Council grant, a designation of a historic district unless each body makes findings based upon the evidence presented to it in each specific case, and that the proposed historic district meets all of the following requirements:

a) Located within the corporate boundaries of the City; and

b) Includes one or more cultural properties along with such other buildings, structures, objects, or sites which, while not of such historical significance to be designated as individual cultural properties, nevertheless contribute to the overall visual characteristics that have been identified as significant within the proposed historic district; and

c) At least 50 years old, in whole or in part, or else of exceptional significance; and

d) Possesses integrity of design, materials, workmanship, setting, location, feeling, and association, as defined for listing in the National Register of Historic Places; and

e) Establishes a sense of time and place; and

f) Includes potentially eligible cultural properties that possess one or more of the following demonstrations of significance:

i) A broad cultural, political, economic, or social association with the historic development of the community, the state, or the nation; and/or

ii) Identification with a historic person or persons or with important events in local, state, and/or national history; and/or

iii) Possess distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, method of construction, or use of local materials or craftsmanship; and/or

iv) Possess authenticity of its period of significance as evidenced by the survival of its characteristics, historic fabric, and architectural elements from that period; and/or

v) Represent a notable work of a master builder, designer, or architect; and/or

vi) Possess or may likely yield information important in prehistory or history; and/or

vii) Possess architectural or land-use characteristics that are repeated throughout the area in a manner which distinguishes the proposed historic district from the rest of the City; and/or

viii) An area embodying all or part of the above characteristics that is subject to encroachment of detrimental influences and potential adverse effects; and/or

ix) An area of historical, architectural, or cultural significance that is threatened with demolition by public or private action; and/or

x) An area with other qualities and characteristics that, in the judgment of the Committee, should be considered for designation as a historic district.

2. Procedure for the Designation of a Historic District

Any nomination application for a proposed historic district shall be subject to the following review process:

a) Pre-Application Meeting

Prior to submitting an application for historic district designation, an applicant shall meet with the Community Development Director to review the nomination proposal. The Director shall explain to the applicant the procedure and standards to nominate an area for designation, and include any known architectural, cultural, or archaeological significance associated with the area. Additionally, the Director shall require the applicant to secure support for the proposed historic district nomination in the form of petition signatures of at least 20 percent of the owners of record within the boundaries of the proposed historic district.

b) Applicant Eligibility

Nominations for historic district designation may be made by any property owner(s) of record; a contract purchaser of a nominated property; an individual or group of City residents; an association with members who are City residents; or the Historic Preservation Committee.

c) Owner Consent

Consent must be attained from at least 20 percent of the owners of record within the boundaries of the proposed historic district, and this support among property owners shall be achieved in the form of gathering signatures on a petition.

d) Application

Upon the applicant's request, the Community Development Director shall provide a Historic Cultural Properties Inventory (HCPI) Form, which shall be completed and contain all of the following information:

i) A map delineating the boundaries of the area proposed for designation;

ii) A written statement setting forth the character of the area and justification for designation of the proposed area;

iii) Drawings or photographs of significant buildings, structures, sites, or objects within the boundaries of the proposed area;

iv) Descriptions of the historic condition and use, existing condition and use, and approximated or exact age of each property within the boundaries of the proposed district; and

v) Such other information as prescribed by the Historic Preservation Committee.

e) Filing

Upon the applicant's delivery of the completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall review the application within 30 business days of its filing, and notify the applicant in writing of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 45 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

f) Notice

Within 15 business days of the filing of an application, whether or not deemed complete, the Community Development Director shall notify, in writing and delivered by certified mail with return receipt, the owners of record within the boundaries of the proposed designation nomination. Said notification shall identify the boundaries of the proposed district and provide a date, time, and location for a public, informational meeting to be convened by the Director not more than 30 business days from the date of the filing of an application.

g) Schedule a Public Meeting

Upon receipt of a completed Historic Cultural Properties Inventory (HCPI) Form, the Community Development Director shall schedule a public meeting for the next regularly scheduled meeting of the Historic Preservation Committee in accordance with the City's notification requirements for public meetings.

h) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the legal description of the proposed boundaries, the name of the subdivision(s) (if applicable), and a general description of the area bounded by the proposed historic district.

i) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of all properties within the boundaries of the proposed historic district. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the completed application of the Historic District Designation Form.

j) Public Meeting Sign

The applicant shall place one sign upon the public right-of-way adjacent to the boundaries of the proposed district's area at least 15 calendar days in advance of the public meeting’s date.

k) Public Meeting

The Committee shall conduct the public meeting and a record of such proceedings shall be preserved in such a manner as prescribed by the City of Las Cruces. The meeting’s purpose shall be to provide information regarding the details and the potential land-use impacts of the proposed historic district. Owners of record shall be informed of the right to support or object to the proposed historic district. Opportunity for public comments regarding the merits and potential impacts of the proposed historic district will be provided at the public meeting.

l) Withdrawal of Application

An applicant may, at any time during the nomination process, withdraw an application for historic district designation by providing notice, in writing, to the Community Development Director.

m) Owner Objection

In the event that owners of record of the individual real properties within the proposed historic district object to the designation of the proposed historic district, those objections shall be recorded on forms provided by the Community Development Department; completed forms shall be notarized and filed with the City Clerk at any time but not later than 30 calendar days following the final adjournment of the public meeting.

n) Historic Preservation Committee Recommendation

i) At the public meeting, the Committee shall consider statements presented by the owners of record of any property within the boundaries of the proposed historic district, as well as statements, either oral or written, from any interested parties concerning the effect of the proposed designation on the affected properties.

ii) The Committee may invite and consider testimony to evaluate information provided either during the historic district nomination process or during the public meeting. A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact or to provide time to evaluate fully new evidence presented at the public meeting.

iii) The Committee shall make written findings of fact and shall assist the Community Development Director to submit same in the form of a Historic District Designation Report, together with its recommendation, to the Planning & Zoning Commission within 45 calendar days following the close of the public meeting.

iv) If the Committee fails to act within 45 calendar days of the final adjournment of a public meetingfor the designation of a historic district, the Committee shall be deemed to have recommended denial. Otherwise, upon approval of the historic district designation application, the Community Development Director shall draft a Historic District Designation Report for Planning & Zoning Commission action. Said report shall include a map of the proposed district's boundaries, current and historical photographs, histories of the properties, plans and drawings (if available and if applicable), and a determination on the eligibility criteria.

o) Planning & Zoning Commission Recommendation and City Council Action

i) The Planning & Zoning Commission shall consider recommendation and City Council shall consider action in accordance with **Sec. 36-5.A. Zoning Map Amendments**.

ii) When no owner objection is filed in accordance with this chapter, the Committee or Council shall grant or deny the nomination for historic district designation with not less than a majority vote. When an owner of record, or owners of record, properly file objections with the City Clerk in accordance with this chapter, the Committee or Council may grant the proposed designation upon the condition that demonstrable support of the designation by a simple majority of owners of record within the proposed historic district's boundaries can be presented.

iii) Upon designation as a historic district by the City Council, a notice of the designation will be sent by the Community Development Director to the owners of record of the properties within the boundaries of the designated district. The owners of record shall be responsible for providing a copy of the resolution effectuating the designation to the Doña Ana County Clerk’s Office. A copy of the recorded resolution shall be returned to the Community Development Department within 60 calendar days of City Council approval of a historic district designation. When designated as a historic district, the historic district shall be included in the City of Las Cruces Register of Cultural Properties and shall be identified on the City's Geographic Information Systems (GIS) mapping layers with the appropriate shorthand designation as a historic district.

p) Suspension of Work

i) During the period beginning with the filing of an application for historic district designation and ending with the final action of the City Council granting or denying said application, no exterior architectural feature of any building, structure, object, or site that is the subject of an application for historic district designation may undergo alteration, construction, demolition, or removal if such alteration, construction, demolition, or removal would be subject to a building permit issued after the filing of a historic district application. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

ii) Re-application following denial or withdrawal of an application. In the event that an application for historic district designation is denied by the City Council or the application is withdrawn by the applicant, no subsequent application for historic district designation shall be made within 12 months of the date of the denial. If the applicant withdraws the application prior to review by the Historic Preservation Committee, a subsequent application may be submitted at any time.

q) Amendments

Any property owner of record; a contract purchaser of a nominated property; individual or group of City residents; association with members who are City residents; or the Historic Preservation Committee, on its

own initiative and with prior consent of the Planning & Zoning Commission, may request that the designation of a historic district be amended by the same procedures and according to the same criteria set forth herein for designation. An amended application relating to the same district may be entertained by the Committee at any time following City Council action designating a historic district. Minor, material amendments, excluding boundary amendments, may be completed administratively without a public meeting.

F. Review Standards for Cultural Properties

In making recommendations for proper and accepted treatments for the rehabilitation and restoration of cultural properties and older building inventory, the Historic Preservation Committee shall be governed by the following review standards and design principles:

1. Standards for Review of Cultural Properties

   The review of plans for changes affecting the exterior appearance of designated cultural properties shall be based upon the Secretary of the Interior's "Standards for Rehabilitation" as follows, as amended:

   a) A property shall be used for its historic purpose or be placed in a new use (i.e., adaptive reuse) that requires minimal change to the defining characteristics of the building and its site and environment.

   b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of exterior features and spaces that characterize a property shall be avoided.

   c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

   e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. Design Principles for Cultural Properties

   a) Any new construction such as primary buildings, secondary, and accessory buildings and additions to historic buildings and structures at a cultural property or at a property within a designated historic district shall conform, subject to the restrictions of **Chapter 36. Zoning Regulations**, to the following general design principles:

i) Relationship of Building Mass and Space

The relationship between the open space between existing structures and adjoining structures shall be proportionate to and compatible with the adjacent neighborhood;

ii) Scale of Structure

The scale of any alterations, modifications, or additions, or of any new construction shall be compatible with the existing, surrounding structures;

iii) Height

The height of any proposed alteration, addition, or new construction shall be compatible with the existing structure and with neighboring structures;

iv) Directional Expression of Principal Facade

Any proposed alteration or new construction shall be compatible with the predominant horizontal or vertical expression of the historic structure and, for wholly new construction, the predominant horizontal or vertical expression along the street block;

v) Proportions of Street-Facing Facades

The relationship between the width and height of any historic structure and any proposed modification, alteration, or addition at a street-facing façade shall be compatible with one another and the relationship between the width and height of any proposed new structure shall be compatible with nearby structures;

vi) Relationship of Windows and Doors

The relationship between and among doors and windows shall be compatible with and in proportion to each other and be compatible with the historic character of such elements;

vii) Architectural Details

Architectural details and materials shall be incorporated, as necessary, to relate new construction with historic construction to preserve and enhance the inherent characteristics of the historic property and/or neighboring properties; and

viii) Roof Form

The design of any roof shall be compatible with the roof forms and materials of the historic roof of any existing improvement, building, structure, or object.

b) In addition to the foregoing, the Historic Preservation Committee will apply review standards as further set forth in any policy, preservation plan, or design guidelines adopted by the Committee; the U.S. Secretary of the Interior's Standards for Rehabilitation, as amended; and/or the National Park Service's Guidelines for Rehabilitating Historic Buildings, each as amended from time-to-time.

3. Standards for Adaptive Reuse

a) Adaptive reuse is a process that transforms a disused or ineffective structure into something that can be used for a different purpose. Sometimes, nothing changes except the item’s use. The adaptive reuse of a historic building should have minimal impact on its heritage significance and setting. Adaptive reuse recognizes the need for the historic property to meet continuing changes in the community while retaining the property’s historic character.

b) By reusing an existing building, the energy required to create these spaces, the material waste generated from the tenant improvement, and the use of new materials are lessened. The revitalization of buildings through reuse or repurposing also helps to stabilize neighborhoods and preserve the City’s historic character and architecture, reduce the environmental hazards and costs associated with new construction, and enhance economic growth with new housing and employment opportunities. Communities further benefit from the

added values of context, culture, history, and ambiance, resulting in true community redevelopment and sustainability.

c) With regard to the applications for adaptive reuse of a cultural property, the following matters shall be considered:

i) Its historical, architectural, cultural, and aesthetic significance;

ii) Its use, its intended use, and/or the use for which the cultural property was originally designed; new construction, addition, repair, or maintenance not associated with a change of use or occupancy classification do not qualify as an adaptive reuse project;

iii) All adaptive reuse projects are subject to review by the Historic Preservation Committee. The Committee will review the project for overall design, exterior materials, zoning requirements, and health and safety factors to ensure that it meets the requirements and will result in a functional and attractive addition to the local neighborhood and to the City.

iv) Adaptive reuse projects are complex and challenging. Even if all of the above steps are completed, given the nature of existing historic structures, unforeseen complexities are to be expected during construction. Because of this, regular communication with the building inspector during construction will be vital to ensure that potential delays are minimized or reduced.

4. Standards for Requests for Demolition

With regard to applications to demolish a cultural property, the following matters shall be considered:

a) Its historical, architectural, cultural, and aesthetic significance.

b) Its use, its intended use and/or the use for which the building, structure, object, or site was originally designed and the feasibility of the continuation of its designed use.

c) Its importance and the extent to which its historical or architectural value is such that its removal will be detrimental to the public interest.

d) The extent to which it is of such unusual or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty.

e) The extent to which its retention would be of economic value, attract tourists, educate citizens regarding the City's heritage, or make the City a more attractive and desirable place to live.

f) The probable impact of its removal upon the ambience and integrity as a cultural resource.

g) The structural soundness and integrity of the building, structure, object or site and the economic feasibility of its restoration or rehabilitation so as to allow for its reasonable use.

h) The threat to public health and safety as a result of deterioration or disrepair of the building, structure, object, or site, excluding demolition by neglect.

i) The technological feasibility of structural rehabilitation.

5. Criteria Regarding Relocation of Cultural Properties

The following factors shall be considered with regard to an application to move to a new location or site any cultural property:

a) The impact of the loss of integrity suffered as a result of removal from the original location; and, if located within a historic district, the impact of that loss of integrity upon the district as a whole.

b) The relative value to the applicant of the proposed relocation contrasted to the value to the community as a whole in allowing it to remain at its original and/or historic site.

c) The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site as they relate to the protection of historic properties and districts.

d) In the event that a proposed new location is in a historic district, the impact on the visual compatibility of adjacent buildings, structures, objects, or sites.

e) The likelihood of significant damage to the physical integrity of the building or structure itself.

G. Review of Proposed National Register of Historic Places Nominations

1. Before a property located within the municipal boundaries of the City of Las Cruces may be considered for inclusion in the National Register of Historic Places, the State Historic Preservation Officer (SHPO) or designee in the New Mexico Historic Preservation Division (NMHPD) shall notify the applicable chief local elected official and the Historic Preservation Committee according to the following procedure:

   a) The SHPO/NMHPD shall forward a copy of the completed National Register nomination to the City for all properties located in the City's jurisdiction within 30 calendar days of receipt unless the City initiated the nomination. If the City initiates its own nomination, it shall provide the completed nomination to SHPO/NMHPD within 30 days of completion.

   b) Within 60 days, the Committee shall provide opportunity for public comment by including the National Register nomination on the agenda of the next regularly scheduled public meeting.

   c) The Committee shall prepare a report regarding the eligibility of the property and whether or not, in its opinion, the property meets the criteria for listing in the National Register of Historic Places.

   d) Within 60 days of notice from the SHPO/NMHPD, the chief local elected official shall transmit the report of the Committee and the elected official's recommendation to the SHPO/NMHPD.

   e) If either or both the Committee and the Mayor agree that the property should be nominated, the nomination will be scheduled for review by the Cultural Properties Review Committee and make the report and recommendations available to the Secretary of the Interior.

2. If both the Committee and the chief elected official recommend that a property not be nominated to the National Register of Historic Places:

   a) The SHPO/NMHPD shall take no further action, unless within 30 days of the receipt of such recommendation an appeal is filed with the SHPH/NMHPD.

   b) If such an appeal is filed, the SHPO/NMHPD shall follow the procedures for making and submitting a nomination.

   c) Any report and recommendations made that the property should not be nominated shall be submitted to the Secretary of the Interior.

Sec. 35-3. Plan Review, Certificates of Appropriateness, and Economic Hardship

A. Plan Review of Cultural Properties

1. Plan review shall be completed for any new construction, addition, remodeling, rehabilitation, renovation, restoration, or proposed demolition of the exterior of any building, structure, object, or site that meets the following criteria:

   a) Visible from a public right-of-way, excluding public alleyways at the rear of a property; and

   b) Proposed for an individually designated cultural property or for any property within a designated historic district; and

   c) Requires a Building Permit as defined by the Building Code (see Chapter 30 Buildings and Building Regulations of the Las Cruces Municipal Code).

   d) Plan review submittal requirements and review standards are based on the property location within the City; the age of the property; and the contributing element of the property as assigned by survey, as amended every 10 years.

   e) Every reasonable effort shall be made to provide a compatible use for any designated cultural property. The destruction, alteration, or removal of original distinguishing elements or architectural features of a building, structure, object, or site and its environment shall be avoided.

   f) Each applicant may request one or more pre-application meetings with the Community Development Director to review proposed scopes of work and compliance with historic preservation design standards, building codes, zoning requirements, and other applicable regulations.

   g) Submittal requirements identified herein satisfy historic compliance review but shall not be construed to reflect the submittal requirements of other review authorities. Applicants should consult with appropriate City staff prior to submitting an application for building permit application review.

Figure 35-3-1. Building Permit and COA Process Summary



2. Procedure to Apply for Building Permits and Certificates of Appropriateness

   Any application for a Building Permit to undertake any work at a designated cultural property shall be subject to the following review process:

   a) Application for a Building Permit to Alter an Existing Structure

      Applicants shall provide the following information as part of a Building Permit application:

      i) A completed Building Permit application and a completed Certificate of Appropriateness application; and

      ii) A site map or aerial view of the parcel of land on which the subject building, object, structure, site, or improvement is located; and

      iii) Photographs of the current exterior condition of the subject area; and

      iv) Historic images of the subject property, if available; and

      v) Material samples and/or product specifications for any proposed new or repair materials including, but not limited to, siding materials and installation pattern; masonry color, texture, and bonding pattern; roof shingles; major architectural elements (e.g., doors, windows, columns, decorative architectural features, etc.); and

vi) Drawings and/or specifications detailing the proposed scope of work including, but not limited to, building elevations, plans, and significant architectural details; and

vii) Other reasonable information that may be requested by the Community Development Director.

Information submitted for review by the Historic Preservation Committee must be provided in a format as required by the Community Development Director but not less than one printed copy of all requested documentation; one sample of proposed materials; and one electronic or digital copy (only jpeg or gif format unless another format is approved prior to submittal; any electronic submittal must be clearly legible when printed at 11-inch by 17-inch format).

b) Fees

Fees shall be calculated and collected by the City. Applicable deposits and fees shall be set by resolution and collected according to the current fee schedule for building permits.

c) Filing

The Certificate of Appropriateness application shall be submitted to the Community Development Director. Upon receipt of all required information, the application will be determined to be complete, and the Director shall schedule a meeting before the Historic Preservation Committee to review and render a decision on the application.

d) Plan Review of Cultural Properties and Historic District Properties

i) Certificate of Appropriateness applications for all other requests shall be reviewed by the Historic Preservation Committee with a public meeting as outlined below.

ii) All proposed alterations shall be evaluated in accordance with **Sec. 35-2.F. Review Standards for Cultural Properties**.

e) Schedule a Public Meeting

Upon receipt of a completed Certificate of Appropriateness application, the Community Development Director shall schedule a public meeting for a regularly scheduled meeting of the Historic Preservation Committee in accordance with the City's notification requirements for public meetings.

f) Appropriateness Report

Prior to the public meeting on the Certificate of Appropriateness application, the Community Development Director shall conduct an analysis of the subject property and prepare a report containing preliminary findings on the historic, cultural, architectural and aesthetic significance of the property. The analysis shall be provided in writing to the Committee and made available to the public in advance of the public meeting.

g) Public Meeting

The Committee shall conduct the public meeting and a record of such proceedings shall be preserved ~~in such a manner as prescribed by **Sec. 34-3.G. Notice for a Public Meeting**~~.

h) Withdrawal of Application

An applicant may, at any time during the review process, withdraw a Certificate of Appropriateness application by providing notice, in writing, to the Community Development Director.

i) Historic Preservation Committee Action

The Committee shall act upon completed Certificate of Appropriateness applications in a timely manner. The Committee may request modifications to the proposed scope of work as a condition of approval of a Certificate of Appropriateness; it may approve the application without modifications; or it may deny the application. No decision rendered by the Committee shall conflict with provisions in **Chapter 36. Zoning Regulations**.

j) Issuance of a Certificate of Appropriateness

Upon the approval of a Certificate of Appropriateness application, either administratively or by the Committee, the Community Development Director shall issue a Certificate of Appropriateness to the applicant as a component, and in conjunction with other requirements, to be issued a building permit.

k) Suspension of Work

During the period beginning with the filing of a Certificate of Appropriateness application and ending with the final action taken on the Certificate of Appropriateness, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to plan review and issuance of a Building Permit.

l) Final Inspection

The Building Official and/or Building Inspector(s), in consultation with the Community Development Director, shall complete, prior to issuance of a Certificate of Occupancy, an inspection of any work approved under a Certificate of Appropriateness to ensure compliance with the approvals granted by the Committee or on its behalf. Nothing in this subsection shall operate to bar repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

m) Lapse of a Certificate of Appropriateness

An approved Certificate of Appropriateness shall be valid for one year from the date of issuance to the applicant to complete the proposed scope of work. In the event the applicant is unable to complete the approved scope of work, the Community Development Director may approve up to one six-month extension to complete the scope of work. In the event the approved scope of work remains incomplete upon the expiration of 18 months since issuance, the applicant will be required to submit a new Certificate of Appropriateness application.

B. Plan Review for Municipal-Owner Cultural Properties

Plan review shall be completed for any new construction, addition, remodeling, rehabilitation, renovation, or restoration, or proposed demolition of the exterior of any building, structure, object, or site, or historic interior, of any cultural property owned by the City of Las Cruces, in accordance with the following criteria:

1. The plan review process shall adhere to the procedures as stated in **Sec. 35-3.A. Plan Review of Cultural Properties**; and
2. The proposed scope of work shall be reviewed by the Community Development Director and/or the Historic Preservation Committee in accordance with **Sec. 35-2.F. Review Standards for Cultural Properties**.

C. Demolition of Cultural Properties

1. Requests for demolition of any portion of or the entirety of any building, structure, site, or object deemed significant shall require review by the Historic Preservation Committee. Criteria used to assess significance include:
   a) More than 50 years of age;
   b) Designed and/or constructed by a particular architect or builder, either by itself or in context of a group of buildings or structures;
   c) A naturally occurring land or geological formation that has been designated as a cultural property or is located within the boundaries of a designated historic district.
2. Deconstruction and reuse of historic materials is preferred over demolition. Demolition shall be considered only when all other redevelopment options for a building, structure, object, or site have been exhausted.

3. Procedure for the demolition of designated cultural properties.

   Demolition review begins with the filing of an application for a demolition permit and applies to any demolition, alterations, or new construction that involved total or partial demolition. During review, as assessment of the historical and/or architectural importance of the building, structure, and/or feature will be determined. The Historic Preservation Committee is responsible for determining the significance of the resource and whether it qualifies for preservation or demolition.

   a) Pre-Application Meeting

      Prior to submitting a demolition request, an applicant shall meet with the Building Official, Community Development Director, and/or other City Staff to review the demolition proposal. At that time, the Community Development Director shall identify to the applicant any known historic significance classification or documentation pertaining to the property.

   b) Application

      All applications for a demolition permit shall be submitted on forms provided by the Community Development Director. No demolition permit application shall be accepted for processing unless it is complete and is accompanied by all applicable fees, deposits, and bonds. A complete demolition permit application shall contain the following:

      i) A legible, dimensioned, and accurate Plat of Survey, prepared and sealed by a New Mexico licensed surveyor within 12 months of application, indicating location of all improvement proposed for demolition;

      ii) Written affidavit of the owner(s) of record of the property acknowledging the proposed demolition when the applicant is not the owner of record;

      iii) Plans of all levels of the building or structure proposed to be demolished;

      iv) Photographs of all existing conditions including all exterior elevations, all significant architectural features (exterior and interior), and all rooms or spaces (exterior and interior) affected by the proposed demolition work;

      v) Historic images of the property and general area of proposed demolition, if any available;

      vi) A detailed report of non-code-compliant elements and structural deficiencies, prepared by a registered architect, structural engineer with expertise in the rehabilitation of contemporary and/or historic properties, or an expert in adobe construction when applicable;

      vii) A detailed list of irreparable or deteriorated building features, components, or elements;

      viii) A detailed cost estimate for the rehabilitation of the improvement, property, or site, prepared by a design professional or licensed contractor with expertise in the renovation of contemporary and/or historic properties;

      ix) A comparison of the estimated rehabilitation cost of the property proposed for demolition with market values for comparable improvements, properties, or sites within the municipal boundaries;

      x) A detailed cost estimate for the restoration of the site per City code in the event that no new construction activity commences following demolition;

      xi) A summary of potential sites, if any, to which the resource could be relocated within the historic district with an estimate of the cost of the move to each proposed location, if any, by a qualified building mover;

      xii) A proposed schedule for demolition activities;

      xiii) A completed Building Permit application and a written justification outlining the reasons demolition is sought; and

      xiv) Other reasonable information required or that may be requested by the Community Development Director.

c) Fees

Fees shall be calculated and collected by the Community Development Department. Applicable deposits and fees shall be set by resolution and collected according to the current fee schedule for building permits.

d) Filing

An application for demolition shall be filed with the Building Official and the Community Development Director. Within ten business days of the filing of an application, the Community Development Director shall review the submitted application for demolition and inform the applicant, in writing, of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 30 business days of the notice of deficiencies will result in an automatic withdrawal of the application.

e) Notice

i) Upon receipt of a complete demolition application, the Community Development Director shall schedule a public meeting for any cultural property or property located within a historic district, except for those properties designated as noncontributing due to a lack of architectural, historic, or structural significance or integrity, at a regularly-scheduled meeting of the Committee no sooner than 180 days from the acceptance of a completed application. Demolition permit applications for noncontributing buildings with no architectural, historical, or structural significance or integrity shall be reviewed at a regular public meeting.

ii) The applicant may request an additional public meeting to occur within the 180-day period to receive preliminary feedback from the HPC regarding the demolition application. HPC feedback at this meeting is intended to provide general opinion and is considered nonbinding. No official action will be taken by the HPC at this meeting. Notice shall be provided as indicated in **f)** below.

f) Notice of Public Meeting

Notice of a public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owners of record, legal description of the property where demolition work is proposed, and the common address of the property where demolition work is proposed.

g) Public Meeting Sign

The applicant shall place one sign at the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting. Said sign shall include the words "Proposed for Demolition" in addition to the date, time, and place of such public meeting.

h) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of the property proposed for demolition and to the owners of record of all properties identified herein for notification within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the demolition application.

i) Property Analysis

i) Prior to the public meeting, the Community Development Director shall visit the site to familiarize themselves with the existing condition of the property proposed for demolition.

ii) Prior to the public meeting for the purpose of reviewing a demolition application, the Community Development Director shall conduct an analysis of the submitted documents and a written summary of the site visit as part of a written report containing preliminary findings on the historical, architectural, cultural, and aesthetic significance of the subject property. The analysis shall be provided to the Committee, in writing, and made available to the public in advance of the public meeting.

j) Public Meeting

i) The public meeting for the purpose of reviewing a demolition application shall be conducted by the Historic Preservation Committee and a record of such proceedings shall be preserved in such manner as the Committee shall, by rule, prescribe from time to time.

ii) The applicant bears the burden of proof that the failure to approve the proposed demolition would leave the subject property without an economically viable use, and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property being incapable of earning any reasonable economic return.

k) Withdrawal of Application

An applicant may, at any time prior to the scheduled public meeting , withdraw an application for demolition by providing notice, in writing, to the Community Development Director or the Building Official.

l) Historic Preservation Committee Action

i) The Committee shall not only consider the property, building, structure, architectural feature, or object proposed for demolition; the merit of any proposed replacement construction or improvement shall also be a standard of review for a demolition request. The Committee may solicit testimony to evaluate information provided either as part of a demolition application or at the public meeting . A public meeting may be postponed indefinitely or postponed to a date specific in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact.

ii) Additionally, the Committee may continue a public meeting during a subsequent regularly scheduled meeting of the Committee to provide time to fully evaluate new evidence presented at the public meeting. Furthermore, the Committee may continue a public meeting regarding a request for demolition for a specified period of time, not to exceed 120 calendar days, for the sole purpose of allowing the applicant and the Committee to seek alternatives to demolition when the Committee determines that all of the following conditions exist:

a. The property itself, or in relation to its environs, has significant historical, architectural, aesthetic or cultural value in its present condition;

b. Realistic alternatives for preservation of the property—including adaptive uses—are believed to be neither cost-prohibitive nor beyond the limits of local market value; and

c. The property, in its existing condition, does not present a public health or safety hazard to individuals, neighboring properties, or the greater community.

iii) When the Committee postpones a recommendation regarding a demolition request, the Committee shall retract said postponement when the Committee determines that an applicant has:

a. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the property who is willing to preserve, rehabilitate, or restore the improvement, property, or site;

b. Made a bona fide and reasonable, but unsuccessful, effort to locate a purchaser for the improvement who is willing and able to relocate the improvement to another property or site;

c. Made a bona fide and reasonable, but unsuccessful, effort to develop a cost-effective program for the preservation of the improvement; and

d. Agreed to accept a demolition permit on specified conditions of the Committee.

iv) If the cultural property qualifies as significant, the demolition delay period will start in order to provide time to document the resource and to explore preservation alternatives. If all alternatives have been reviewed, the applicant, as a condition of demolition approval, will prepare and submit, prior to commencement of demolition work, the following documentation of a building, structure, object,

improvement, or site that is designated as a cultural property or identified as a contributing or significant property within a designated historic district:

a. Site plan (scale not less than one inch equals twenty feet, zero inches);

b. Floor plans of each level (scale not less than one-eighth of one inch equals one foot, zero inches);

c. Elevations of each side of the property improvement (scale not less than one-eighth of one inch equals one foot, zero inches); and

d. Photographs of each elevation and significant interior or exterior architectural features as determined by the Committee (clear, black and white images).

v) The Committee shall make written findings of fact within 45 calendar days following the close of the public meeting.

vi) The Committee may grant a demolition request for a cultural property or a property within a historic district if, upon review of all testimony, the maintenance, use, and/or alteration of the property would cause immediate and substantial hardship for the owner(s) of record because rehabilitation in a manner which preserves the architectural, historic, or structural integrity of the property either:

a. Is infeasible from a technical, mechanical, or structural perspective; or

b. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure when accounting for such factors as current market value, permitted uses of the property, and/or the cost of compliance with local, state, and federal codes applicable to the property.

vii) The Committee, by a simple majority vote, shall grant or deny the application for demolition.

m) Suspension of Work

During the period beginning with the filing of an application for demolition and ending with the final action of either the Historic Preservation Committee or the City Council, granting or denying said application, no exterior architectural feature of any building, structure, object, improvement, or site that is the subject of an application for demolition may undergo alteration, construction, demolition, or removal. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

n) Site Restoration

Upon completion of any approved demolition, a site must be restored and maintained as required by City code until construction activity resumes at the property.

o) Lapse of Demolition Approval

Any approval granted by the Committee or City Council for the demolition, in whole or in part, of any building, structure, object, improvement, or site shall be valid for a period of 12 months from the date of the issuance of a demolition approval. Failure to complete the approved work in a timely fashion will require the re-application for approval of any outstanding demolition work.

4. Standards for Demolition Request Review

The Historic Preservation Committee shall make findings related to a demolition request based upon the evidence presented to it in each specific case and shall not approve a proposed demolition unless demolition action improves or corrects one or more of the following conditions:

a) The property constitutes a hazard to the safety and welfare of the general public or occupants of the property or site as determined, in consultation with the Community Development Director, by the Building Official, Code Enforcement Officer, Chief of Police, and Fire Chief and providing the property was not subject to demolition by neglect;

b) The property is a deterrent to a major improvement program that will be of substantial benefit to the community for which the applicant has secured all necessary and required planning and zoning approvals, environmental clearances, and project funding and providing the property was not subject to demolition by neglect;

c) Retention of the property will cause undue economic hardship to the Owner of Record when a governmental action, an act of God, or other events beyond the control of the applicant created the hardship and all feasible alternatives to eliminate the financial hardship (which may include the sale of the property at fair market value or relocation of the improvement to another site) have been attempted and exhausted by the applicant; or

d) The retention of the property is not in the best interest of the majority of the community.

5. Demolition by Neglect and Deferred Maintenance

Buildings, structures, and objects designated as a Cultural Property or lying within the boundaries of a historic district shall be maintained and protected from demolition that results from neglect or undeterred deterioration of the exterior features or structural elements.

a) Duty to Maintain

Any building, structure, or object designated as a cultural property or lying within the boundaries of a historic district shall be preserved against material deterioration of exterior features and structural elements by its owner of record. Nothing in this chapter shall exempt an improvement designated as a cultural or historic property from compliance with the provisions of the City's adopted Property Maintenance Code.

b) Duty to Repair

The owner of record (private or City) for any building, structure, or object designated as a cultural property shall, upon written notice from the Code Enforcement Officer, or other representative on behalf of the City, repair any deficient element that is contributing to material deterioration, including, but not limited to, damage to or decay of:

i) Foundations, flooring, or floor supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

ii) Walls or other vertical supports that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

iii) Ceilings, roofs, and their support systems or other horizontal members, that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

iv) Fireplaces or chimneys that causes leaning, sagging, splitting, listing, or buckling of all or part of the building, structure, or object;

v) Exterior finishes, including, but not limited to, wood, brick, stone, stucco, mortar, or other material;

vi) Any design detail, significant feature, or structural element that results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;

vii) Any window, window frame, door, or doorway that, individually or collectively, results in any appreciable loss of architectural, historic, or structural integrity of the building, structure, or object;

viii) Any feature intended to provide a watertight condition that results in significant moisture infiltration into the building, structure, or object;

ix) Any feature or element that results in the creation of a fire hazard or other nuisance to the welfare of the general public; or

x) Any archaeological site or vacant cultural property shall be adequately secured against unauthorized entry.

c) Completed Repair

Upon notice from the Codes Enforcement department, the Historic Preservation Committee shall verify, within 45 days, that the duty to repair was completed.

6. Natural Destruction or Demolition

In the case of partial or complete destruction or demolition of a cultural property as a result of an act of God or other natural disaster, the property may be completely demolished only with Committee concurrence, provided that the Building Official, Fire Department Chief, and Chief of Police, in consultation with the Community Development Director, jointly determine the improvement is structurally unsound and poses an immediate or imminent nuisance and/or hazard to the general health, safety, and welfare of the public.

D. Certificate of Economic Hardship

In any case in which the proposed work of an applicant is not approved following either administrative or Historic Preservation Committee review and the submittal of a written findings of fact, an applicant may apply for a Certificate of Economic Hardship.

1. Procedure to Apply for a Certificate of Economic Hardship

a) Pre-Application Meeting

Prior to submitting a Certificate of Economic Hardship request, an applicant shall meet with the Community Development Director to review the basis for economic hardship relief.

b) Application

All applications for a Certificate of Economic Hardship shall be submitted on forms provided by the Community Development Director. No Certificate of Economic Hardship application shall be accepted for processing unless it is complete and is accompanied by all applicable items required.

c) Filing

The application for a Certificate of Economic Hardship shall be filed with the Community Development Director. Within ten working days of the filing of an application, the Director shall review the submitted application for a Certificate of Economic Hardship and inform the applicant, in writing, of any deficiencies that must be corrected and/or clarified prior to the scheduling of a public meeting. Failure of the applicant to provide amended information within 30 working days of the notice of deficiencies will result in an automatic withdrawal of the application.

d) Notice

Upon receipt of a complete Certificate of Economic Hardship application, the Community Development Director shall schedule a public meeting at the next regularly scheduled meeting of the Committee that is possible in accordance with the stipulated public notice procedure.

e) Notice of Public Meeting

Notice of the public meeting shall be published on the City of Las Cruces webpage and in a newspaper of general circulation within the City not less than 15 calendar days in advance of the date of the meeting. The notice shall identify the applicant, property owners of record, legal description of the property, and common address of the property.

f) Public Meeting Sign

The applicant shall place one sign at the public right-of-way adjacent to the property that is the subject of the public meeting at least 15 calendar days in advance of the date of the public meeting.

g) Mailing

Not less than 15 calendar days prior to the public meeting, the Community Development Director shall mail a written notice to the owners of record of the subject property and to the owners of record of all properties identified herein for notification within 500 feet. Written notice shall include the date, time, and location of the scheduled public meeting and information regarding access to a digital or written copy of the demolition application.

h) Public Meeting

The public meeting for the purpose of reviewing a Certificate of Economic Hardship application shall be conducted by the Historic Preservation Committee and a record of such proceedings shall be preserved in such manner as the Committee shall, by rule, prescribe from time to time.

i) Withdrawal of Application

An applicant may, at any time during the review process, withdraw a Certificate of Economic Hardship application by providing notice, in writing, to the Community Development Director.

j) Committee Action

i) At the public meeting, the Committee shall take statements presented by the owner(s) of record of the subject property as well as statements from any interested parties concerning the issuance of a Certificate of Economic Hardship. At a minimum, the applicant shall be required to submit evidence at the public meeting to support any of the Standards for a Certificate of Economic Hardship Review as identified in **Sec. 35-3.D.2** below. Evidence presented by the applicant, shall in the applicant's opinion, contribute to the economic hardship alleged to be incurred if the applicant is not granted a Certificate of Economic Hardship. Specific information and documentation that may be presented by the applicant and/or requested by the Committee may include:

a. The amount paid for the property, the date of the purchase, and the party from whom the property was purchased (including a description of the relationship, if any, between the owner and the entity from whom the property was purchased);

b. The assessed value of the land and improvements thereon according to the most recent assessments;

c. Real estate taxes for two years previous to the application for an economic hardship request;

d. Remaining balance on any mortgage, if any, and annual debt service, if any, for the two years previous to the application for an economic hardship request;

e. All appraisals obtained within the two years previous to the application for an economic hardship request by the owner of record or the applicant in connection with the purchase, financing, or ownership of the property;

f. Any listing of the property for sale or rent, price asked, and offers received, if any;

g. Any consideration by the owner of record or the applicant regarding profitable adaptive uses for the property;

h. If the property is income-producing, the annual gross income from the property for the two years previous to the application for an economic hardship request; itemized operating and maintenance expenses for the previous two years; and annual cash flow before and after debt service, if any, during the same period;

i. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; or

j. Any information including the income tax bracket of the owner of record or the applicant or any other principal investors in the property that is reasonably necessary for a determination as to whether or not

the property can be reasonably used or yield a reasonable return on an investment to present or future owners of the property.

ii) The Committee may invite and consider testimony to evaluate information provided either as part of a Certificate of Economic Hardship application or at the public meeting. A public meeting may be continued to a future date in the event that the Committee determines that additional information, unavailable at the public meeting, is warranted and necessary for the purpose of making a finding of fact.

iii) Furthermore, the Committee may continue a public meeting during a subsequent regularly scheduled meeting to provide time to fully evaluate new evidence presented at the public meeting.

iv) The Committee shall make written findings of fact within 45 calendar days following the close of the public meeting.

v) Upon the Committee's granting of relief due to economic hardship, the Community Development Director shall provide to the applicant a written Certificate of Economic Hardship that describes the rehabilitation relief granted and the basis of the economic relief.

k) Suspension of Work

During the period beginning with the filing of an application for a Certificate of Economic Hardship and ending with the final action of either the Historic Preservation Committee or the City Council, granting or denying said application, no exterior architectural feature of any improvement, property, or site that is the subject of an application may undergo any alteration or construction, if such work would be subject to a building permit and/or is subject to the issuance of a Certificate of Appropriateness. Nothing in this subsection shall operate to bar ordinary repair and maintenance or any work that is necessary to prevent or correct an imminently dangerous or hazardous condition.

l) Revocation of Certificate of Economic Hardship

If an applicant seeks a building permit for additional work on the same property for which a Certificate of Economic Hardship had been granted at an earlier date, the previously granted rehabilitation relief may be revoked and approvals for any additional work may include the requirement for completion of rehabilitation work previously deferred due to economic hardship.

2. Standards for a Certificate of Economic Hardship Review

The Historic Preservation Committee shall make findings related to a Certificate of Economic Hardship request based on the evidence presented to it in each specific case. The Committee shall not approve a Certificate of Economic Hardship unless it determines that the hardship was not created with the intent of circumventing this chapter and an applicant can prove one or more of the following conditions:

a) A substantial decrease in the fair market value of the property as a result of the denial of the proposed work;

b) A substantial decrease in financial return to the owners of record or other investors in the property as a result of the denial of the proposed work;

c) A substantial and significant additional cost to complete the proposed construction, alteration, relocation and/or demolition would be incurred to comply with the recommendations of the Committee for changes necessary for the issuance of a Certificate of Appropriateness;

d) The structural instability and a lack of sustainability for rehabilitation of any structure, object, or other improvement on the property;

e) A lack of economically feasible rehabilitation or adaptive use of the existing building, improvement, site, structure, or object; and/or

f) The retention of the resource will cause undue financial hardship to the owner of record or the applicant when a governmental action, an act of God, or other event beyond the owner’s control created the hardship, and all feasible alternatives to eliminate the economic hardship, which may include offering the resource for sale at its

fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner of record and/or the applicant.

Chapter 36. Zoning Regulations

Sec. 36-1. General Provisions

A. Title

This chapter shall be known and shall be cited as the "Zoning Regulations" of the City of Las Cruces, New Mexico.

B. Purpose

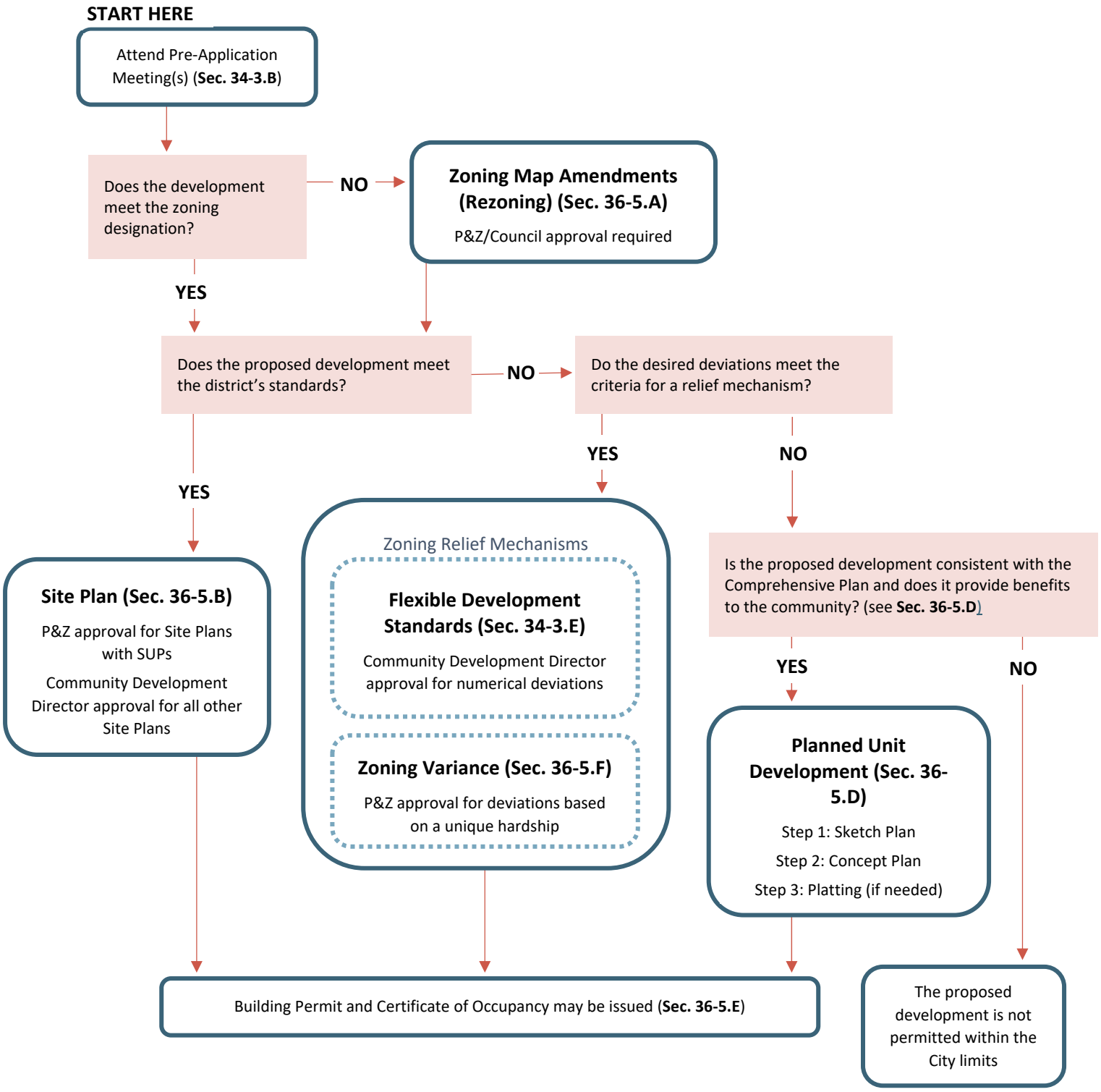
The purpose of these Zoning Regulations is to:

1. Ensure that all development is in accordance with this Code and the Comprehensive Plan;
2. Promote health, safety, and general welfare of the community;
3. Encourage innovations in land development and redevelopment that complement neighborhoods' existing character and support the consolidation of trips, and encourage bicycle, pedestrian, and transit modes of travel;
4. Regulate the erection, construction, alteration, repair, demolition, or use of buildings, structures, or land;
5. Control and abate the unlawful use of structures, buildings, or land;
6. Minimize adverse environmental impacts of development;
7. Reduce nuisances, such as noise, glare, and odor;
8. Encourage development of vacant properties within established areas; and
9. Conserve the value of buildings and land.

C. Applicability

1. All land, buildings, structures, and appurtenances thereon located in the City that are hereafter occupied, used, erected, altered, or converted shall be used, placed, and erected in conformance with these Zoning Regulations.
2. The provisions of this Code shall be considered the minimum requirements or standards to meet the purpose and intent expressed in **B. Purpose** above.

D. Zoning Process Overview



Sec. 36-2. Zoning Districts

A. Establishment of Zoning Districts, Map, and Boundaries

1. Designation of Official Districts

   The following shall be the official zoning districts:

   a) Zoning Districts

      i) NH-1, Neighborhood 1 District (Rural, Suburban, Urban)

      ii) NH-2, Neighborhood 2 District (Rural, Suburban, Urban)

      iii) NH-3, Neighborhood 3 District (Rural, Suburban, Urban)

      iv) CR, Commercial/Retail District (Rural, Suburban, Urban)

      v) LI, Light Industrial District (Rural, Suburban, Urban)

      vi) HI, Heavy Industrial District (Rural, Suburban, Urban)

      vii) OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)

      viii) OS-2, Open Space-Drainage District (Rural, Suburban, Urban)

   b) Overlay Zoning Districts

      i) MXCO, Mixed Use Corridor Overlay District

      ii) TCO, Town Center Overlay District

      iii) NCO, Neighborhood Center Overlay District

      iv) AOD, Las Cruces International Airport Operations Overlay District

   c) Legacy Zoning Districts

      i) ADO, Alameda Depot Neighborhood Overlay District

      ii) LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

      iii) SMO, South Mesquite Overlay District

      iv) UD, University District Overlay District

   d) Special Zoning Districts

      i) DDC, Downtown Development Code: See **E. DDC, Downtown Development Code** for applicable standards and procedures.

      ii) Historic Preservation District: See **Chapter 35. Historic Preservation** for applicable standards and procedures.

      iii) Planned Unit Developments (PUDs): See **Sec. 36-5.D. Planned Unit Developments (PUDs)** for applicable standards and procedures.

2. Zoning Map

   For the purpose of this Code, the City shall be divided into zoning districts, which shall be shown on the official Zoning Map.

3. Interpretation and Extension of District Boundaries

   Where uncertainty exists concerning the boundaries of any zoning district shown on the Zoning Map, the ordinance creating or changing a zoning district boundary shall be the governing document. The following rules shall apply if there is still uncertainty after reviewing the creating ordinance:

   a) Boundaries shall be construed as the centerline of existing, future, or vacated streets, highways, railroads, alleys, drainage or irrigation canals, other public rights-of-way, or un-zoned rights-of-way. The boundary extension of any zoning district shall be a projection of the property line and/or zoning district boundary line to the centerline of any applicable right-of-way centerline, regardless of the angle of intersection.

   b) Where property has been subdivided into blocks and lots, the boundaries shall be construed to be the lot line.

   c) Where property is not otherwise designated, divided, or subdivided, the boundary line shall be determined by the scaled distance shown on the Zoning Map.

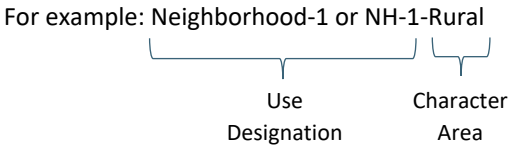
B. Zoning Districts

1. Generally

   a) This section establishes zoning districts based on predominant use types. Each zoning district includes different permitted uses, as shown in **Figure 36-3-2. Permitted Use Chart**.

   b) These zoning districts include Character Areas. The purpose of the Character Areas is to implement the Comprehensive Plan's Future Development Map's Place Classifications: Rural, Suburban, and Urban. Each character area includes standards relating to site design, building form, and development character.

   c) Each zoning district includes both a use designation (e.g., "NH-1") and character area (e.g., "Rural"). This approach creates a menu of regulatory tools that both allows flexibility and promotes context-sensitive development.



2. Character Areas

a) Rural Character Area

The Rural Character Area describes land that is sparsely developed with significant areas of open space, including lands used for ranching, agriculture, or resource extraction. Rural places include lower-density residential development that offers residents relative seclusion from a more developed setting supported by public infrastructure. Substantial investment in public infrastructure to service more intense development patterns is not expected.

Figure 36-2-1. Rural Character Area Example Illustrations

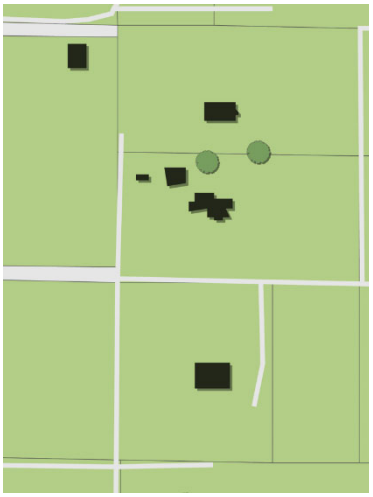
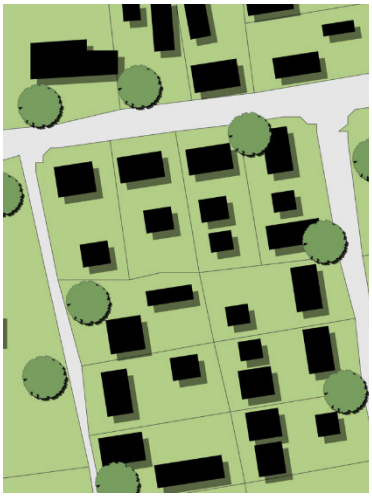
NH-1-Rural	NH-2-Rural	NH-3-Rural
		
Low-intensity areas with large lots and primarily residential development	Low-intensity areas with large lots and residential development with compatible-scale neighborhood services	Low-intensity areas with large lots and a mix of residential and nonresidential development

Figure 36-2-2. Rural Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

b) Suburban Character Area

The Suburban Character Area describes areas of contemporary development where land uses are dispersed among distinct residential neighborhoods, retail centers, office parks, and industrial uses. While development intensities may vary, suburban places favor segmented land uses with transitions between development types over the blending of differing uses in a single site. This character area may also support urban development patterns. These areas balance the needs of drivers, pedestrians, bicyclists, and other multi-modal users.

Figure 36-2-3. Suburban Character Area Example Illustrations

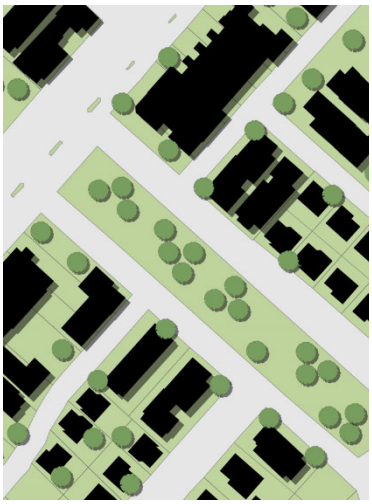
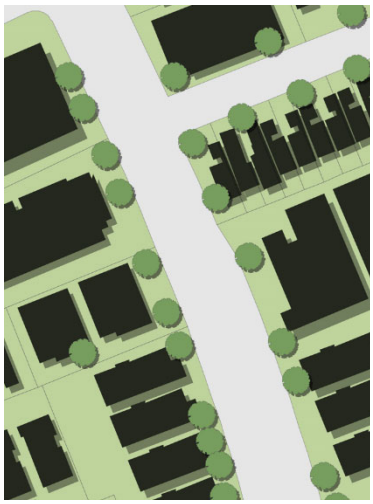
NH-1-Suburban	NH-2-Suburban	NH-3-Suburban
		
Mid-intensity, suburban areas with primarily residential development	Mid-intensity, suburban areas with compatible-scale neighborhood services	Mid-intensity, suburban areas with a mix of residential and nonresidential development

Figure 36-2-4. Suburban Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Character Area-Specific Standard: No more than 50 percent of off-street parking may be located between the front facade and the public right-of-way. Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

c) Urban Character Area

The Urban Character Area describes areas including traditional downtowns and medium- to high-density center-city neighborhoods. Urban places blend a wide variety of land uses within individual districts, development sites, and buildings to promote compact development and walkable environments. These areas prioritize pedestrians, bicyclists, and other multi-modal users.

Figure 36-2-5. Urban Character Area Example Illustrations

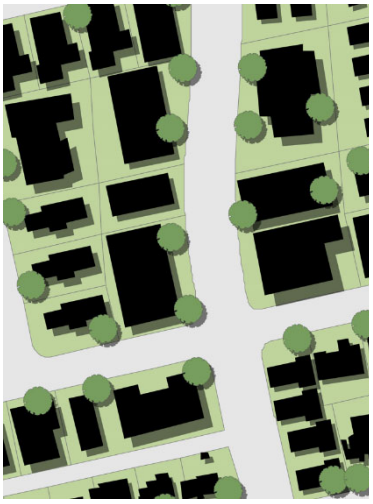
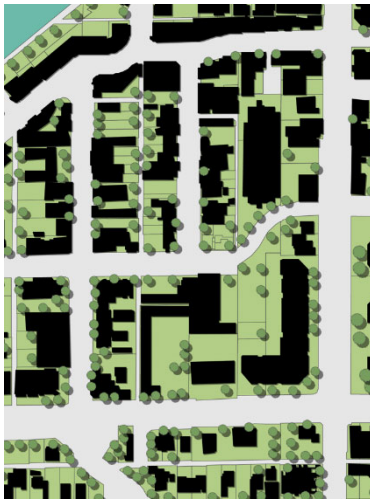
NH-1-Urban	NH-2-Urban	NH-3-Urban
		
Highest-intensity neighborhoods with primarily residential development	Highest-intensity neighborhoods with compatible-scale neighborhood services	Highest-intensity neighborhoods with a mix of residential and nonresidential development

Figure 36-2-6. Urban Character Area Standards

Streetscape	
Street Cross-Section	See **Sec. 38-2.C. Street Design Criteria**
Streetlights	See **Sec. 38-2.I. Streetlighting**
Sidewalks & Trails	See **Sec. 38-2.M. Sidewalks and Multi-Use Paths**
Street Trees	See **Sec. 38-7.D. Required Landscaping**
Connectivity	See **Sec. 38-2.E.5. Block Length**
Site Design	
Parking Treatment	See **Sec. 38-2.N.6. General Standards for Off-Street Vehicular Parking and Loading Areas** Character Area-Specific Standard: No off-street parking may be located between the front facade and the public right-of-way. Location-Specific Standard: Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area.
Transition Treatment	See **Sec. 38-8. Fencing, Screening, and Buffering**

3. NH-1, Neighborhood 1 District (Rural, Suburban, Urban)

The NH-1 District supports areas primarily used for housing, offering housing options that vary in intensity and density based on the character of the area. These options include low-density detached homes, mid-density options like cottage courts and townhomes, and high-density apartment and condominium developments. While nonresidential development is limited, the district offers a mix of neighborhood services and public and semi-public uses such as parks, schools, and places of worship to provide basic amenities and services to the community.

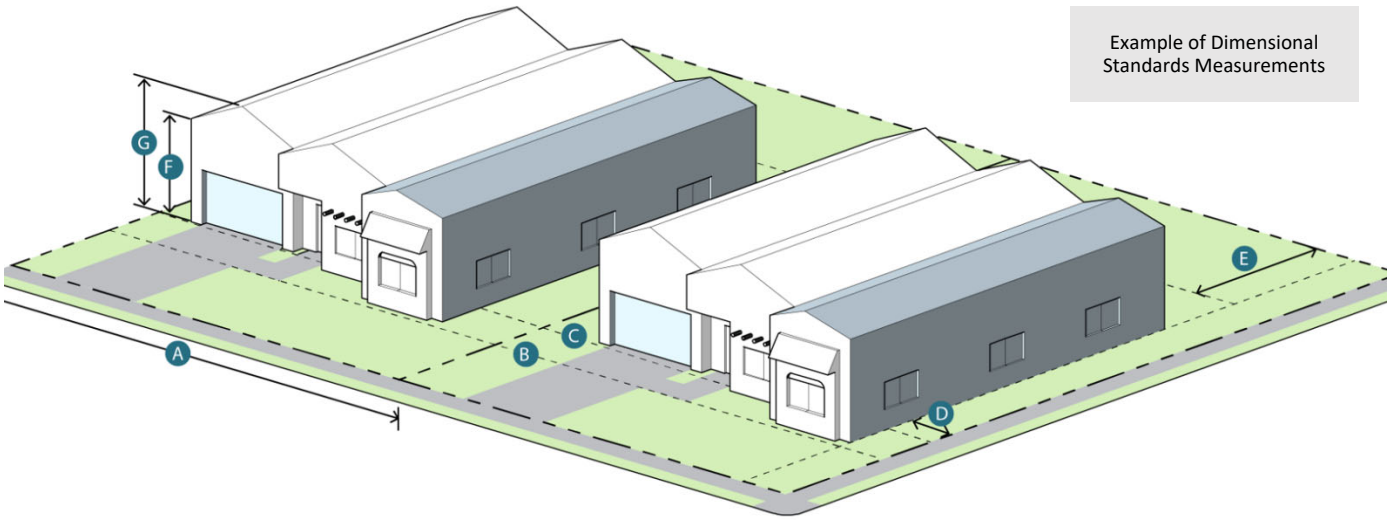


Figure 36-2-7. NH-1 Density, Dimensions, and Primary Building Design Standards

		NH-1-Rural	NH-1-Suburban	NH-1-Urban
	DENSITY			
	Residential Density (Max.)[1]	1 DUA	16 DUA	40 DUA
	DIMENSIONS			
A	Lot Width (Min.)	70’	40’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors Locals	N/A	N/A	 15’ 12’
D	Side Setback (Min.)	15’	5’	0’
E	Rear Setback (Min.)	25’	15’	5’ *minimum separation of 10' for buildings on adjacent properties~~10’~~
	Secondary Front Setback (Min.)	20’	12’	5’ *out of clear site triangle
F	Ground Floor Height (Min.)	N/A	N/A	~~12’ min. for buildings with 1-2 stories~~; 12~~16~~’ min for buildings with 3+ stories
G	Building Height (Max.)	40’	50’	70’

	NH-1-Rural	NH-1-Suburban	NH-1-Urban
Garage Front Setback (Min.)	20’	20’	15~~12~~’
Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.

[1]Excludes accessory dwellings.

[2]At least 50~~75~~% of the front facade shall be located in front of the Build-To Line~~.~~ or a designated area that is to remain active or passive open space along the front.

4. NH-2, Neighborhood 2 District (Rural, Suburban, Urban)

   The NH-2 District includes a harmonious mix of well-integrated and compatible land uses that seamlessly blend together. Conveniently located neighborhood services support a vibrant living experience, with both vertical and horizontal mixed use development. This district is designed to enable people to live, work, and play in a cohesive environment.

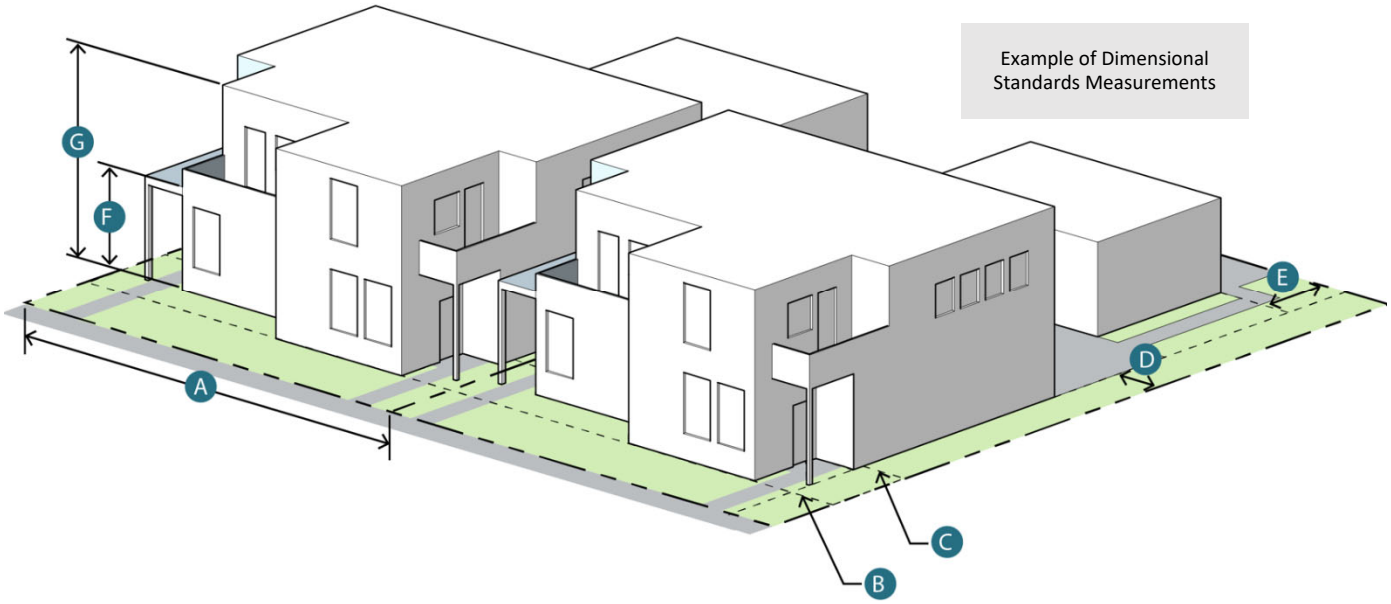


Figure 36-2-8. NH-2 Density, Dimensions, and Primary Building Design Standards

		NH-2-Rural	NH-2-Suburban	NH-2-Urban
	DENSITY			
	Residential Density (Max.)[1]	2 DUA	24 DUA	50 DUA
	DIMENSIONS			
A	Lot Width (Min.)	60’	35’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors Locals	N/A	N/A	 15’ 12’
D	Side Setback (Min.)	15’	5’	0’
E	Rear Setback (Min.)	25’	15’	~~10’~~5’ *minimum separation of 10' for buildings on adjacent properties
	Secondary Front Setback (Min.)	20’	12’	5’ *out of clear site triangle
F	Ground Floor Height (Min.)	N/A	N/A	~~12’ min. for buildings with 1-2 stories;~~ 12~~16~~’ min for buildings with 3+ stories
G	Building Height (Max.)	40’	50’	70’
	Garage Front Setback (Min.)	20’	20’	15~~2~~’
	Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		

	NH-2-Rural	NH-2-Suburban	NH-2-Urban
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.

[1]Excludes accessory dwellings.

[2]At least 75% of the front facade shall be located in front of the Build-To Line ~~.~~ , or a designated area that is to remain active or passive open space along the front.

5. NH-3, Neighborhood 3 District (Rural, Suburban, Urban)

The NH-3 District is a transitional zone between residential and nonresidential areas that promotes interconnectivity and walkability within the district while ensuring compatibility with adjacent districts. Development intensity may vary throughout the site; the lowest intensities (e.g., larger lot size, increased setback, reduced height, residential uses) should be placed adjacent to a NH-1 or NH-2 District to ensure compatibility. Vertical mixed-use, retail, commercial, and office uses are appropriate in this district when appropriately integrated with nearby residential uses, ensuring that they complement and do not negatively impact the residential character of the adjacent districts. Intensive uses such as heavy commercial, industrial, and outdoor storage are not appropriate in this district.



Figure 36-2-9. NH-3 Density, Dimensions, and Building Design Standards

		NH-3-Rural	NH-3-Suburban	NH-3-Urban
DENSITY				
	Residential Density (Max.)[1]	4 DUA	30 DUA	60 DUA
DIMENSIONS				
A	Lot Width (Min.)	50’	30’	20’
B	Front Setback (Min.) Arterials/Collectors Locals	 25’ 20’	 20’ 15’	 15’ 12’
C	Front Build-To Line[2] Arterials/Collectors, Locals	N/A	N/A	 15’ 12’

	NH-3-Rural	NH-3-Suburban	NH-3-Urban
E Side Setback (Min.)	15’	5’	0’
F Rear Setback (Min.)	20’	10’	5’ *minimum separation of 10' for buildings on adjacent properties
Secondary Front Setback (Min.)	15’	12’	5’ *out of clear site triangle
G Ground Floor Height (Min.)	N/A	N/A	~~12’ min. for buildings with 1-2 stories; 16’~~12’ min for buildings with 3+ stories
H Building Height (Max.)	40’	50’	70’
Accessory Structures	See **Sec. 36-4.B.2. Accessory Structures**.		
PRIMARY BUILDING DESIGN			
Architectural Definition	N/A	N/A	Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels
Glazing (Min. – Mixed-Use, Commercial, Or Office Uses Only)	N/A	N/A	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.
Garage	20’	20’	15’

[1]Excludes accessory dwellings.

[2]At least 75% of the front facade shall be located between the Build-To Line~~.~~ . or a designated area that is to remain active or passive open space along the front.

6. CR, Commercial/Retail District (Rural, Suburban, Urban)

   The CR, Commercial/Retail District (Rural, Suburban, Urban) provides a wide range of commercial uses at various scales to serve residents and attract regional customers. This district specifically:

   a) Accommodates commercial, retail, office, and related nonresidential uses.

   b) Provides a system of convenient pedestrian and bicycle facilities to ensure connectivity between parking, adjacent streets, and all on-site facilities.

   c) Utilizes landscape areas of water-wise plantings along site frontages, within parking areas, and adjacent to public gathering areas to create aesthetically appealing commercial development.

   d) Mitigates intensive commercial development impacts through green infrastructure design, including xeriscaping and bioretention features.

   e) Promotes commercial development that manages vehicular access through consolidated curb cuts, cross-access easements, and driveway throat length.

   f) Provides uniform architectural styles and design features to foster holistic, attractive commercial development.

   g) Includes design standards for nonresidential buildings that fit the character of the surrounding community.

7. LI, Light Industrial District (Rural, Suburban, Urban)

   The LI, Light Industrial District (Rural, Suburban, Urban) provides for light industrial uses within a business/industrial park setting. Development intensity is low, with a focus on high-quality design and amenities. This district encourages uses that accommodate light industrial activities with secondary limited retail and service uses. This district specifically:

   a) Encourages industrial development in areas not directly adjacent to neighborhoods.

   b) Promotes industrial development to take direct access from Freeways, Principal Arterial, or Minor Arterial thoroughfares.

   c) Locates allowed land uses away from sensitive environmental areas.

8. HI, Heavy Industrial District (Rural, Suburban, Urban)

   The HI, Heavy Industrial District (Rural, Suburban, Urban) provides for the development of intensive industrial uses that generate significant development impacts. This district does not support secondary retail and commercial uses. This district specifically:

   a) Locates industrial development away from neighborhoods and commercial developments.

   b) Requires industrial development to take direct access from Freeways or Principal Arterial thoroughfares.

   c) Locates allowed land uses away from sensitive environmental areas.

9. OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)

   a) The OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) is intended to preserve, protect, and enhance areas set aside for parks, recreation, and open space. This district specifically:

      i) Allows both public and private lands to serve as areas providing passive recreational opportunities in a natural setting.

      ii) Protects, preserves, and/or restores natural resources and open spaces such as areas of undisturbed native vegetation, arroyos, and major land features when development within these areas would be detrimental to the health, safety, and general welfare of City residents.

      iii) Establishes buffer areas that are aimed at mitigating issues involving potentially incompatible land uses.

b) Application of the OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) to private land requires the express written consent of the property owner(s).

10. OS-2, Open Space-Drainage District (Rural, Suburban, Urban)

The OS-2, Open Space-Drainage District (Rural, Suburban, Urban) is intended to provide for drainage areas or facilities, typically owned by or dedicated to the City.

Figure 36-2-10. Dimensional Standards

	CR	LI	HI	OS-1	OS-2
LOT STANDARDS					
Lot Width (Min.)	60’	60’	60’	N/A	N/A
Lot Depth (Min.)	70’	70’	70’	N/A	N/A
PRIMARY BUILDING SETBACKS					
Front (Min.)	15’	15’	15’	N/A	N/A
Side (Min.)	0’	0’	0’	N/A	N/A
Rear (Min.)	0’	0’	0’	N/A	N/A
Rear – Alley (Min.)	15’	0’	0’	N/A	N/A
BUILDING STANDARDS					
Building Height (Max.)	60’	60’	60’	N/A	N/A

Note: Zero lot line development shall meet all adopted building and fire codes.

C. Overlay Zoning Districts

1. Overlay Zoning Districts

   As overlay districts, these standards apply in addition to a base zoning district's standards unless otherwise stated. The following is a list of the overlay zoning districts described in this subsection:

   a) MXCO, Mixed Use Corridor Overlay District

   b) TCO, Town Center Overlay District

   c) NCO, Neighborhood Center Overlay District

   d) AOD, Las Cruces International Airport Operations Overlay District

2. MXCO, Mixed Use Corridor Overlay District

   The MXCO is intended to implement the Comprehensive Plan's Mixed Use Corridor Place Type Overlay. Mixed Use Corridors support a mix of residential and nonresidential land uses along roadway or trail corridors. Mixed Use Corridors mimic the built environment of a central business district or other mixed-use activity center by combining residential and nonresidential land uses within buildings or on shared parcels but arranges such uses in a linear manner along established thoroughfares. Land uses are prescribed by the underlying base district; however, typical land uses include retail businesses, commercial services, professional offices, multi-family residential, and limited single-family residential.

   In addition to the uses permitted in the underlying base district by **Sec. 36-3.B. Use Classifications and Use-Based Standards**, the following uses are permitted by-right in the MXCO:

   a) Multi-Family Dwelling (if Multi-Family Dwelling is not permitted in the base district, then density shall be based on NH-3)

   The MXCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. Within the MXCO, an applicant may choose to combine the MXCO with the NCO to achieve more flexible standards. A property owner may request to become part of the MXCO if the property is adjacent to the existing overlay.

3. TCO, Town Center Overlay District

   The TCO is intended to implement the Comprehensive Plan's Town Center Place Type Overlay. Town Centers include a mix of residential and nonresidential land uses that collectively create a vibrant and walkable activity center. Town Centers support institutional, cultural, employment, shopping, and entertainment uses while also providing high-density residential living options to create an energized environment to live, work, and play. Land uses are prescribed by the underlying base district; however, typical land uses include retail businesses, commercial services, professional offices, multi-family residential, and limited single-family residential.

   The TCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. A property owner may request to become part of the TCO if the property is adjacent to the existing overlay.

4. NCO, Neighborhood Center Overlay District

   The NCO is intended to implement the Comprehensive Plan's Neighborhood Center Place Type Overlay. Neighborhood Centers include a mix of residential and nonresidential land uses that provide nodes of community activity for surrounding residential neighborhoods. These walkable activity centers provide local employment, shopping, and entertainment opportunities. Neighborhood Centers are located at key neighborhood intersections, and can be used to provide a transition between single-family residential neighborhoods and areas of higher development intensity.

   Only the following uses are permitted in the NCO, including any use-based standards established by **Sec. 36-3.B. Use Classifications and Use-Based Standards**:

a) Walk-Up Window

b) Child Care Center

c) Community Building or Banquet Center

d) Indoor Entertainment

e) Art Studio or Instruction

f) Grocery (Local)

g) Personal Services

h) Retail Store (Local)

i) Bar

j) Cafe

k) Restaurant

l) Tap Room or Tasting Room

The NCO is an optional overlay, meaning an applicant within the district may choose to use all of the standards prescribed by this section, or they may choose to use the base district's standards. A property owner may request to become part of the NCO if the property is adjacent to the existing overlay.

Figure 36-2-11. MXCO, TCO, and NCO District Density, Dimensions, and Primary Building Design Standards

	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
DENSITY			
Residential Density Range (Min./Max.)[1, 2]	75% / 150% of the base district DUA	75% / 150% of the base district DUA	N/A
DIMENSIONS			
Setbacks (Min.) Front Side Rear	 12' 0' As established by the base district	 12' 0' As established by the base district	 12' 0' As established by the base district
Front Build-To Line[3] Arterials/Collectors/Boulevards Locals/Avenues	 20' 15'	 20' 15'	 20' 15'
PRIMARY BUILDING DESIGN			
Building Height (~~Min. and~~ Max.)	5 stories		Buildings shall not exceed the maximum building height of the base district by more than 15'
Facade Delineation	Changes in building elements (e.g., canopies, balconies, awnings, materials, offsets) shall delineate between adjacent buildings and storefronts and to distinguish ground-floor space from upper stories. Buildings with 3+ stories shall incorporate a tripartite design with architecturally defined base, middle, and top levels.		
Glazing of Nonresidential Facades (Min.)	Ground floor front facade(s): 50% min. All other facades/floors: 20% min.		Ground floor front facade(s): 35% min. All other facades/floors: 20% min.
	Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent, or opaque glass is prohibited.		

	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
Architectural Elements	See **Sec. 36-4.C. Nonresidential, Mixed-Use, and Multi-Family Development**, subsection **5. Architectural Features**,		
SITE DESIGN STANDARDS			
Street Design	New development shall use the Boulevard and Avenue cross-sections (see **Sec. 38-2.C. Street Design Criteria**). Redevelopment shall incorporate principles from these cross-sections as determined by the Development Review Committee.		NCOs shall not be located on Local Streets, except at an intersection with a Boulevard, Avenue, or larger facility.
Parking	No off-street parking may be located between the front facade and the public right-of-way. See parking reduction provisions in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**.		
Pedestrian Environment	Pedestrian areas adjacent to the buildings shall incorporate features to promote a walkable environment, such as seats, benches, shade trees, awnings, and arcades. Where awnings are used, they should be metal or an equivalent durable material.		
Signs	See **Figure 38-10-5. Permitted Sign Locations and Standards** in **Sec. 38-10. Signs**.		

[1] Excludes any accessory dwellings.

[2] An applicant must pick one overlay to use. Overlays cannot overlap to compound the density bonus.

[3] At least 75% of the front facade shall be located in front of the Build-To Line.

5. AOD, Las Cruces International Airport Operations Overlay District

   a) Purpose

      The purpose of the Las Cruces International Airport Operations Overlay District is to protect the operations of the Las Cruces International Airport ("Airport") from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. Since the boundaries associated with this district are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.

   b) AOD Boundary

      The boundaries of this district are shown in **Figure 36-2-12. Las Cruces International Airport Operations Overlay District (AOD)**.

   c) Restrictions

      No residential uses shall be allowed within AOD unless the following requirements are met. These requirements are necessary to mitigate the encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth of the airport.

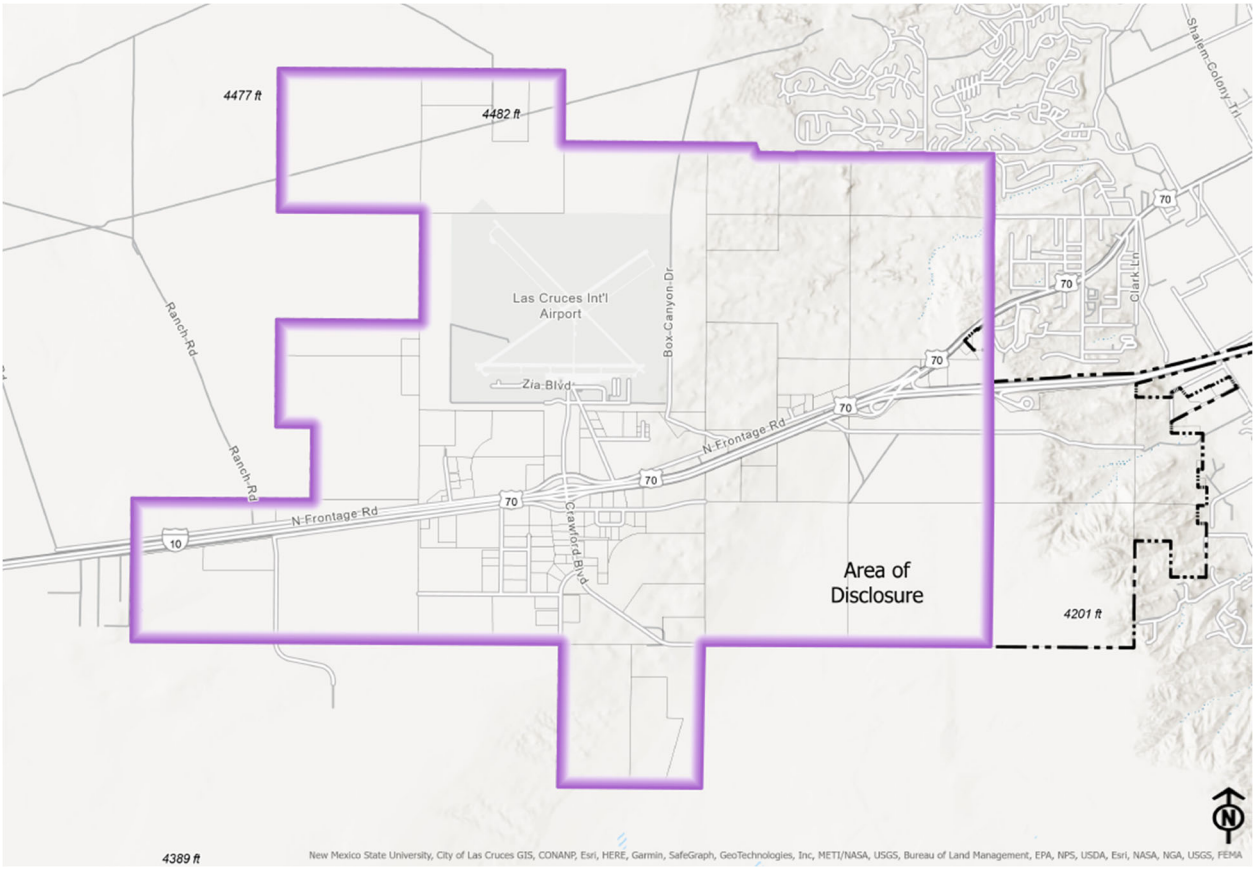
      i) No use may be made of land, water, or electrical power within any zone (includes approach, horizontal, conical, and transitional zones) in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

      ii) No structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone to a height in excess of applicable height limits established by that zone (including approach, horizontal, conical, and transitional zones).

      iii) Effective on the date of this overlay approval, all land subdivisions within the area of disclosure shall require disclosure of the land's proximity to the airport by any person or entity subdividing land within this area. Disclosure of this information shall be required on the final subdivision plat to be recorded with the County Clerk’s Office.

   d) Development Process. Development within the area of disclosure shall be subject to review and approval by the Airport Manager and shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended. The Airport Manager shall distribute the approved plans to the appropriate entity for permitting.

Figure 36-2-12. Las Cruces International Airport Operations Overlay District (AOD)



D. Legacy Zoning Districts

1. Legacy zoning districts are previously existing zoning districts that have been preserved within the Development Code but will not be applied to new land. The following is a list of the legacy zoning districts described in this subsection:

   a) ADO, Alameda Depot Neighborhood Overlay District

   b) LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

   c) SMO, South Mesquite Overlay District

   d) UD, University District Overlay District

2. ADO, Alameda Depot Neighborhood Overlay District

   a) Purpose. The Alameda Depot neighborhood, with its rich history, diverse architecture and peaceful environment, is an important part of Las Cruces life. The purpose of the Alameda Depot Neighborhood Overlay (ADO) is to implement the policies that were established in the Alameda Depot Neighborhood Plan. As it is impacted by changes in downtown and surrounding neighborhoods, residents and property owners want to protect the characteristics that make the Alameda Depot neighborhood special. Specific provisions in this overlay provide greater flexibility for historic properties and address such things as such as setbacks, land uses, parking and changes to structures that predate the creation of development standards. The Alameda Depot Overlay contains a state historic district and a national historic district, but the neighborhood has not been designated a local historic district, and will be exempt from any future local historic district ordinances should they be adopted by the city.

   b) Applicability.

      i) Introduction. This overlay applies to all properties within the Alameda Depot neighborhood boundaries. These properties have been categorized into six sub-areas, and have been given new zoning designations based on the distinct characteristics of each (see **c)** below). The overlay shall be used to regulate development standards, land uses, design of new streets, new buildings, and new public spaces.

      ii) Terms. The provisions of this overlay are activated by "shall" when required; "should" when recommended; and "may" when optional. Technical terms used throughout this section may be defined in **d)** below. Those terms not defined in **d)** below shall be accorded their commonly accepted meanings or as defined in **Sec. 34-5. Definitions**. In the event of conflicts between these definitions and the provisions herein stated, the Community Development Director shall have the authority pursuant to **Sec. 34-1.I. Interpretations** and **Sec. 34-1.J. Conflicting Provisions** to determine which will be imposed.

      iii) Diagrams and illustrations. Diagrams and illustrations are an integral part of this overlay and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

   c) Delineation of overlay. The Alameda Depot Overlay District shall include all properties noted on the associated map (**Figure 36-2-13**). Within the overlay, six distinct zones shall be established: ADO-1, the Alameda Corridor; ADO-2, the Griggs/Organ Corridor; ADO-3, the North and South Residential Cores; ADO-4, the Picacho Corridor; ADO-5, Amador Corridor; and ADO-6, the Railroad Corridor. Description of overlay zones:

      i) ADO-1, the Alameda Corridor: Uses in ADO-1 include single-family residential, multifamily residential, low-intensity office and commercial uses, and public/institutional uses that generate relatively little traffic or parking demand. The residential and historic character of the neighborhood shall be retained as closely as possible.

      ii) ADO-2, the Griggs/Organ Corridor: Uses in ADO-2 include single-family residential, multifamily residential, low-intensity office and commercial uses, and public/institutional uses that generate relatively little traffic or parking demand. The residential and historic character of the neighborhood shall be retained as closely as possible.

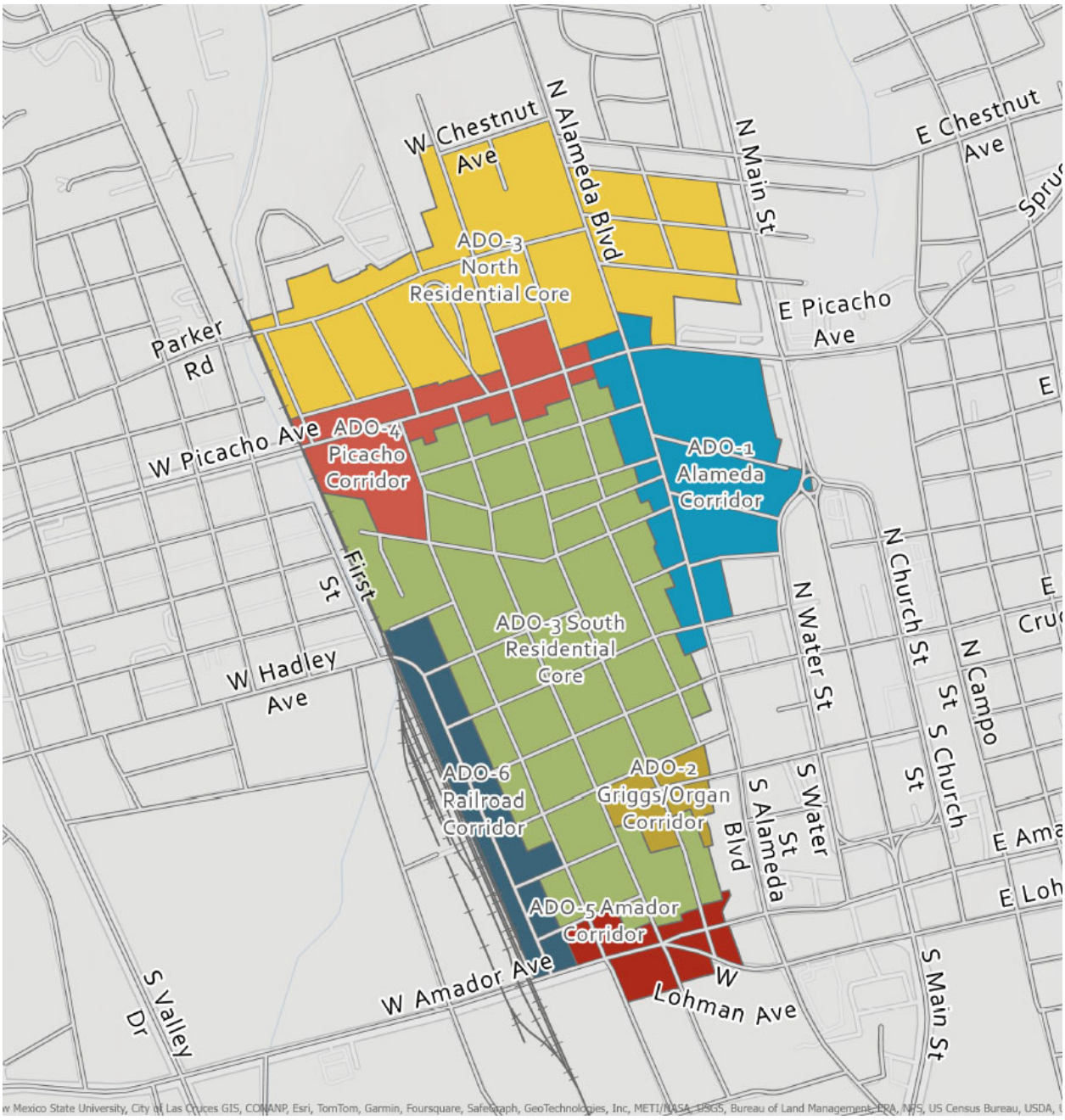
iii) ADO-3 the North and South Residential Cores: ADO-3, the Residential Core, is intended to accommodate primarily detached single-family dwelling units, with or without secondary residences, to maintain and protect a low-density residential character of development, and to maintain the historic appearance of this central area of the neighborhood as closely as possible.

iv) ADO-4, the Picacho Corridor: Uses in ADO-4 include single-family residential, multifamily residential, and low- and medium-intensity office and commercial uses. The residential and historic character of the neighborhood shall be retained as closely as possible. All office and commercial uses are intended to serve as transition zones between higher-intensity uses on Picacho Avenue and the predominantly residential uses of the neighborhood.

v) ADO-5, Amador Corridor: Uses in ADO-5 include single-family residential, multifamily residential, and low- and medium-intensity office and commercial uses. The residential and historic character of the neighborhood shall be retained as closely as possible. All office and commercial uses are intended to serve as transition zones between higher intensity uses on Amador Avenue and adjacent to the DDC, Downtown Development Code and the predominantly residential uses of the neighborhood.

vi) ADO-6, the Railroad Corridor: ADO-6, the Mesilla Street/Railroad Track Corridor, is intended to exist as a mixed-use environment allowing low-intensity manufacturing, low- and medium-intensity office and commercial, and limited residential uses. Residential uses must be part of a mixed-use development. Residential uses existing at the time of adoption of this overlay that are not a part of a mixed-use development are considered legally nonconforming, and shall adhere to the nonconforming use provisions stated below in **h)** below, with the exception of **h)i)a** below. These uses are not subject to the one-year vacancy limit.

Figure 36-2-13. Alameda Depot Overlay (ADO) Boundaries



d) Definitions. Definitions are in addition to those noted in **Sec. 34-5. Definitions**:

Accessory dwelling unit: A self-contained living quarter containing independent kitchen (cooking/culinary) facilities attached to and under the same roof as the main dwelling, created by: The conversion of an existing single-family dwelling; or the addition to an existing single-family dwelling; or the incorporation of applicable areas into a new single-family dwelling design which is subsequently constructed. (also see #19 Accessory Dwelling in **Sec. 36-3.B**).

Accessory use or structure: A subordinate use or structure, the use of which is incidental to and customarily found in connection with the principal dwelling on the same property. Examples: Gazebo, greenhouse, tool shed, detached garage, guest dwelling, swimming pool, tennis court, barn, and flagpole (also see **Sec. 36-4.B.2 Accessory Structures**).

Brew-pub: A brew-pub is a microbrewery that serves food or is combined with a pub. A microbrewery, or craft brewery, is a brewery that produces a limited amount of beer. The maximum amount of beer a brewery can produce and still be classed as a microbrewery in New Mexico is less than or equal to 200,000 barrels a year, according to the New Mexico Alcohol and Gaming Division.

Downtown Development Code (DDC)): All properties with zoning designation of DDC, Downtown Development Code.

Compatible: Capable of existing together in harmony. Parts of a whole that work well together when pieced together.

Consistent: That which is similar to, or nearly the same.

Contributing property: A property, structure, or object that adds to the historical integrity or architectural qualities that make the historic area significant. In general, a contributing property is key to a historic district's historic associations, historic architectural qualities, or archaeological qualities. (A list of contributing properties in the Alameda Depot Neighborhood Overlay is available from the community development department.)

Demolition: An act that destroys or removes in whole or in part of the exterior of a building or structure on a property.

Dwelling, above ground floor: Dwelling unit(s) located above ground floor office or commercial uses.

Facade: Any exterior wall of a structure.

Guest dwelling: A detached or attached dwelling to be used for temporary occupancy only and is not to be rented or leased. A guest dwelling shall be no more than 50 percent of the main dwelling's heated/cooled square footage and shall not contain a kitchen (also see #19 Accessory Dwelling in **Sec. 36-3.B**).

Historic: Structures/buildings deemed historic are those listed as contributing on the federal and/or state historic registers.

Historic district: Area in which historic buildings and their settings are protected by public review. Historic districts comprise the city's significant historic and architectural resources. Inclusion in a historic district signifies that a property contributes to an ensemble that is worth protecting by virtue of its historic importance or architectural quality.

LCMC: Most current edition of the Las Cruces Municipal Code.

Live/work unit: A building that may be used flexibly for living and working in the same building. A variety of uses in the buildings is encouraged. Dwelling units may be located above the ground floor, attached to the rear of a shop front, or detached and located in the rear or side yard. Work is of a commercial nature subject to business registration requirements and not a home occupation.

Manufactured home: A manufactured or modular home that is a single-family dwelling with a heated area of at least 36 feet by 24 feet and at least 864 square feet and constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing

Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the regulations made pursuant to that Act. (#3 Manufactured Home in **Sec. 36-3.B**).

Mixed-use: For the purposes of this overlay, the term refers to the practice of allowing more than one type of land use category (i.e., residential, office, or commercial, etc.) in a single building or set of buildings located on a single parcel. Condominium maps created and filed showing distinct sub-lots on an otherwise single parcel shall be considered as a single parcel for purposes herein stated.

Mobile home: A moveable or portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes, but does not include structures built to the standards of any municipal building code and other technical codes. (#6 Mobile Home in **Sec. 36-3.B**).

National Historic District: An area that the U.S. Government designates as historically important through the U.S. Department of Interior, under the auspices of the National Park Service. Federally designated historic districts are listed on the National Register of Historic Places. The Alameda Depot Neighborhood Overlay contains a National Historic District.

Outdoor plaza or space: A generally open area that may be used for active or passive purposes by one or more businesses and the public visiting the location. An example may include an outdoor seating area for a cafe or restaurant, outdoor sales and service, a landscaped plaza serving as open space for patrons and visitors alike, etc.

Overlay and special zoning district: Synonymous terms used to define boundaries around an area that has a set of unique or unusual characteristics. Overlays and special zoning districts have a special purpose as defined in an accompanying plan, and may alter general residential, office, commercial or industrial zoning districts or replace them entirely.

Performing arts center: A multi-use performance facility that is intended for use by various types of the performing arts, including dance, music, and theatre.

Secondary residence: A dwelling unit that is subordinate in size and location to the main dwelling on a single property, and may be rented or leased as an independent dwelling unit. A secondary residence is different from a guest dwelling or accessory structure in that it is distinct dwelling unit containing a kitchen. Examples include a traditional guest house, apartment, cottage, or converted garage.

State historic district: An area that is designated by the state as historically important and which follows criteria similar to the federal standards. State listings can have similar benefits to federal designation, such as qualification for grants and tax incentives. Designation of a district is through a review process at the state historic preservation office. New Mexico's Register of Historic Places lists districts and individual properties. The Alameda Depot Neighborhood Overlay contains a state historic district.

Step-back: In buildings with multiple stories, a reduction in the footprint of each level located successively farther from the ground. Step-backs prevent a "canyon effect," which deprives neighboring properties of sun light, and ensure that streets and yards are provided adequate light and air. In addition, they create articulation and a sense of vertical rhythm in the architecture. The space created by a step-back may be used for terraces, gardens, outdoor seating, etc.

Structure: That which is built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

Traditional guest house: A type of secondary residence with kitchen facilities found in the Alameda Depot neighborhood as a result of adaptive reuse of existing structures on the same parcel as the primary dwelling. Historically, these units were converted from nonresidential uses, such as a coach house.

e) Permitted uses.

i) Land uses in ADO-1, the Alameda Corridor; ADO-2, the Griggs/Organ Corridor; ADO-4, the Picacho Corridor; ADO-5, Amador Corridor; and ADO-6, the Railroad Corridor shall follow **Figure 36-2-14. ADO Permitted Use Chart** below.

ii) Uses in ADO-3, the North and South Residential Cores, shall be in accordance with the underlying zoning as designated in **Figure 36-3-2. Permitted Use Chart**.

iii) Land use definitions. Unless otherwise stated, land uses are as follows:

a. *Residential:* Low- and medium-density residential uses in the Alameda Depot Neighborhood Overlay are intended to accommodate single-family site built/manufactured dwelling units, including patio homes and townhouses, and multifamily dwellings up to 20 per acre, with no more than four attached units each.

b. *Low-intensity office:* These office uses are small-scale and provide low-intensity service activities. No goods or merchandise are prepared or sold on the premises with the exception of those activities that serve the primary use. Access to streets that are a major local or higher designation is recommended.

c. *Low-intensity commercial:* Low-intensity commercial uses are those that generate small-scale retail and service activities within a neighborhood area.

d. *Medium-intensity commercial*: Medium-intensity commercial areas facilitate and encourage development of those uses that provide retail and service activities as a convenience to the general public.

e. *Public/institutional:* These are uses dedicated to public or nonprofit service, such as schools, religious institutions, government and quasi-governmental agencies, libraries, etc.

f. *Low-intensity industrial:* Low-intensity industrial uses are those that accommodate a wide variety of light manufacturing, commercial, processing, storage, packaging, compounding, wholesaling and distribution operations. Such uses shall be constructed and operated to ensure that there is: 1) no activity producing noise, glare, or heat observable or measurable outside the building; 2) no emission of objectionable dust, fumes, odors, vapors, gases, smoke, or other forms of air pollution; 3) no vibration which is discernible beyond the property lines to the human sense of feeling for three minutes or more duration in any one hour of a day.

Figure 36-2-14. ADO Permitted Use Chart

a) RESIDENTIAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Assisted Living or Retirement Facility	C	C	NP	Use shall be located on a collector or higher designated roadway.
Bed and Breakfast	C	C	NP	See #64 Bed and Breakfast in **Sec. 36-3.B**
Boarding House	A	A	NP	
Dwelling Unit, including: Accessory Dwelling Unit Apartments Detached Site Built Single Family DU (incl. manufactured homes) Duplex, Triplex, etc. Dwelling, Live-Work Guest Dwelling Patio Homes Townhouse (Attached Single Family DU) Secondary Residences	A	A	C	In ADO-6, residential uses are intended to be multi-family and must be part of a live/work or multi-use development project. Project must be no more than 50% residential.
Fraternity/Sorority House	A	A	NP	
Halfway House	S	S	NP	
Home for Disabled	A	A	NP	

a) RESIDENTIAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Nursing Home	C	C	NP	Use shall be located on a collector or higher designated roadway.
Temporary/Homeless Shelter	A	A	NP	
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

b) RESIDENTIAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Accessory Uses & Structures	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
Greenhouse (Noncommercial), Garden Shed, Tool Shed	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
Recreational Court, Tennis, etc., Private	C	C	C	See #Sec. 36-4.B.2 Accessory Structures in **Sec. 36-3.B**
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

c) RECREATIONAL USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Health/Exercise Club/Gymnasium/Sports Institution	NP	A	A	
Park	A	A	A	
Recreational Court, Tennis, etc., Public	A	A	A	
Skating Rink	NP	A	NP	
Swimming Pool, Commercial or Public	C	C	C	See #71 Outdoor Entertainment in **Sec. 36-3.B**
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

d) INSTITUTIONAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Child Care: Family Child Care Home (5—6 children)	C	C	C	See #37 Child Care Home (≤6) in **Sec. 36-3.B**
Child Care: Group Child Care Home (7—12 children)	C	C	C	See #38 Group Child Care Home (7-12) in **Sec. 36-3.B**
Child Care: Child Care Center or Preschool (over 12 children)	NP	S	S	See #36 Child Care Center in **Sec. 36-3.B**
Community Buildings	C	C	NP	
Convention Center/Exhibition Hall	A	A	NP	
Institutional Office (incl. quasi-governmental)	A	A	A	
Library/Museum	C	C	C	
Religious Institution w/Columbarium	C	C	C	See #43 Cemetery or Columbarium in **Sec. 36-3.B**
School (K-12) Public, Private, Parochial	C	C	NP	See #39 School (K-8)40School (9-12) in **Sec. 36-3.B**
School, College or University	C	C	NP	See #41 School (College or University) in **Sec. 36-3.B**
School, Commercial, Trade or Technical	C	C	C	See #42 School (Commercial, Trade, or Technical) in **Sec. 36-3.B**

d) INSTITUTIONAL RELATED USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Theatre, Performing Arts	NP	C	C	Use shall be located on a collector or higher designated roadway.
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

e) OFFICE & COMMERCIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Art Studio	C	C	C	Retail activity is limited to 25% of the gross floor area in ADO-1 and ADO-2, and 50% in ADO-4, ADO-5 and ADO-6.
Bank, Bonding & Financial Institution (No Drive-Thru)	A	A	A	
Eating and Drinking Establishments (Cafe, Cafeteria, Coffee Shop, Restaurant; Bar, Pub, Tavern (No Dancing); Brewpub; etc.)	C	A	A	No drive-thru permitted.
Equipment (Large) Repair & Service (Non-Vehicular)	NP	C	C	No outside storage of parts, materials. or equipment is permitted.
Equipment Rental	NP	C	C	No outside storage of parts, materials, or equipment is permitted.
Gas Station	NP	A	A	
General Office and Service (Accounting, Auditing & Bookkeeping; Architectural, Contracting, Engineering, Planning & Surveying; Photo Studio; Barber/Beauty/Hair Salon & Related Personal Care; Cleaning & Maid Services; Consulting Services; Counseling Services; Credit Reporting & Collection; Desktop Publishing & Graphic Design; Funeral Home; Insurance; Laboratory; Legal Services; Lessons (Art, Dance, Music, etc.); Mailing & Stenographic Services; Medical/Dental Office; Motion Picture Production; Real Estate; Research Organization, Noncommercial; Tax Preparation; and other similar Business Offices.)	A	A	A	
General Retail & Commercial (Bicycle Sales, Service and Repair; Building Materials; Delicatessen, Carpet/Window Treatments; Clothing Store; Convenience Store; Department Store; Produce/Meat Market; Grocery Store; Hardware Store w/out outdoor sales or storage; Furniture Store; Garden Supply; Home Furnishings; Laundry/Dry Cleaning Services; Liquor Store; Pawn Shop; Pharmacy; Photography Studio; Plant Nursery; Specialty Foods such as bakeries, confectionaries, etc.; Specialty Store such as books, music, toys, etc.; Variety Store; Video/DVD Rental/Sales; and other typical small-scale Commercial establishments.)	A	A	A	
Health Care Clinic (Non-Hospital)	NP	A	A	
Hotel/Motel/Youth Hostel	NP	A	A	
Petroleum/Propane Sales	NP	C	C	Use shall be screened with an opaque buffer or screen meeting current Fire Code standards. Also see #124 Hazardous Chemical Manufacturing or Storage in **Sec. 36-3.B**.
Private Club or Lodge	NP	A	A	
Radio/TV Studio/Station	NP	A	A	
Seasonal Sales, Non-temporary (Fireworks, Agricultural Produce, Snowcone Stand, Firewood Sales, etc.)	C	C	C	All structure locations shall meet all applicable setback requirements. If sited on property where other uses exist, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking area. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.

e) OFFICE & COMMERCIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
				See also #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**.
Small Item Repair Shop	C	C	C	No outdoor storage of parts, materials, or equipment is permitted.
Telemarketing/Mail Order/Call Center	NP	C	C	No warehousing or distribution is permitted
Temporary (Non-Seasonal)	C	C	C	See #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**.
Theater, Movie	NP	A	A	
Theater, Performing Arts	NP	C	C	Uses shall be located on a collector or higher designated roadway.
Upholstery Shop	C	C	C	No outdoor storage of parts, materials, or equipment is permitted.
Vehicle Sales/Service/Rental/Repair (incl. body shop, parts stores, repair & service, wash/wax/detailing (self- or full-service), sales, rental, campers, tire sales/repair, etc.)	NP	C	C	No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment permitted.
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

f) INDUSTRIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Above Ground Storage Tanks for Flammable & Combustible Liquids and LP Gas	NP	NP	C	See #124 Hazardous Chemical Manufacturing or Storage in **Sec. 36-3.B**.
Cab Stand	NP	NP	A	
Cabinetry and Woodworking	NP	NP	A	
Communication/Vertical Structures	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**
Contractor's yard (general, plumbing, mechanical, and others of a similar nature)	NP	NP	C	All storage outside of buildings shall be enclosed with an opaque screen
Face Mount (attached to primary use)	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**
Jewelry, Silverware & Plated Ware	NP	NP	A	
Laboratories (Medical/Dental/R & D)	NP	NP	A	
Manufacturing, Low-Intensity	NP	NP	A	See **Sec. 36-2.D.2.d)** above
Ministorage Units	NP	NP	A	
Musical Instrument Fabrication/Manufacture	NP	NP	A	
Parking Facilities, Commercial (Garages & Public Parking Lots	NP	NP	A	
Printing and Publishing	NP	NP	A	
Railroad Terminal	NP	NP	A	
Signs & Advertising Fabrication/Manufacture	NP	NP	A	
Storage/Display of Merchandise for Sale (except Manufactured buildings, mobile homes & operable cars, trucks, motorcycles & RVs)	NP	NP	C	Outdoor display is permitted and is required to be enclosed behind a solid wall or solid fence no less than 6 feet in height.
Storage outside of buildings of materials, equipment, and supplies not for sale	NP	NP	C	All outdoor storage shall be enclosed with a Type A screen.
Storage, warehousing accessory to Office, Retail, Service, or Industry	NP	NP	C	All outdoor storage shall be enclosed with a Type A screen.
Utility Installation, Public/Private	C	C	C	See #53 Public Utilities (Major) and #54 Public Utilities (Minor) in **Sec. 36-3.B**
Water Purification, Commercial	NP	NP	A	

f) INDUSTRIAL LAND USES	ADO-1 ADO-2	ADO-4 ADO-5	ADO-6	CONDITIONS
Wholesale Trade, any product	NP	NP	A	
A = Allowed C = Conditional S = Special Use Permit NP = Not Permitted				

f) Development standards. There shall be no development or alteration of the lands, uses, or structures within the overlay zone district except as provided for by this section from the date of its enactment and other sections of the City Zoning Code and other City codes and ordinances where applicable. Development requirements and permitted uses shall be established for the entire overlay zoning district, as follows (unless otherwise indicated):

1. PLACEMENT OF PRIMARY STRUCTURES—RESIDENTIAL	
Lot Area/Size	Minimum: 3500 square feet Maximum: Not to exceed size of largest existing lot on both sides of the same block. Applications for replats that would result in a larger lot size will be considered on a case by case basis.
Minimum Lot Width/Frontage	40 feet
Minimum Lot Depth	70 feet
Front Setback	Within the range of primary building setbacks on both sides of the same block.
Secondary Front Setback	5 feet
Side Setback	Minimum: 5 feet • Setback may be zero only if there is an existing structure on the same property with a zero setback. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback	Minimum: 10 feet • Setback may be less than 10 feet only if there is an existing structure on the same property with a setback of less than 10 feet. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Maximum Building Height	35 feet • Proposed development adjacent to the DDC, Downtown Development Code or Picacho Avenue may obtain a 35% Flexible Development Standard approval from the Community Development Director for structures greater than 35 feet, and will be considered on a case-by-case basis. If adjacent use is single-family residential, this exception shall not apply. • For buildings greater than 2 stories, the upper stories shall be stepped back from the line of the front facade (see definitions).
Maximum # Attached Units	4
Maximum Density	20 Dwelling Units/Acre

2. PLACEMENT OF PRIMARY STRUCTURES—NONRESIDENTIAL	
Lot Area/Size	Minimum: 5,000 square feet Maximum: Not to exceed size of largest existing lot on both sides of the same block. Applications for replats that would result in a larger lot size will be considered on a case-by-case basis.
Minimum Lot Width/Frontage	60 feet
Minimum Lot Depth	70 feet
Front Setback (Incl. Secondary Front Setback)	5 feet • Setback may be less than 5 feet only if there is an existing structure on the same property with a setback of less than 5 feet. • Buildings that request a greater setback shall use that setback frontage for active or passive open space as defined herein. Under no circumstances shall outdoor sales or service activities

2. PLACEMENT OF PRIMARY STRUCTURES—NONRESIDENTIAL	
	encroach on the public right-of-way. • Awnings and entrance canopies may protrude into the setback. • Second story bay windows, porches, decorative elements, landscaping, etc. may protrude into the setback.
Side Setback	Minimum: 5 feet • Setback may be zero only if there is an existing structure on the same property with a zero setback. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback	Minimum: 10 feet • Setback may be less than 10 feet only if there is an existing structure on the same property with a setback of less than 10 feet. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Maximum Building Height	35 feet • Proposed development adjacent to the DDC, Downtown Development Code or Picacho Avenue may obtain a 35% Flexible Development Standard approval from the Community Development Director for structures greater than 35 feet, and will be considered on a case-by-case basis. If adjacent use is single-family residential, this exception shall not apply. • For buildings greater than 2 stories, the upper stories shall be stepped back from the line of the front facade (see definitions).

3. PLACEMENT OF GARAGES, SURFACE PARKING, SECONDARY RESIDENCES & ACCESSORY STRUCTURES	
Front Setback — Residential and Nonresidential	Garage (Single-Family Residential only): To maintain the historic context of buildings in the neighborhood, garages may be placed within the range of garage front setbacks on both sides of the same block. This ensures that the placement of newly constructed garages is compatible with the location of existing garages in the immediate area and is consistent with the existing integrity and character of the street frontage. If there are no garages on the block to provide a range, the garage setback will be 25 feet. Other: No closer than the rear facade of the primary building(s), 40 feet, or at least 50% of the lot depth, whichever is less.
Secondary Front Setback — Residential and Nonresidential	Surface Parking: 8 feet Other: 10 feet
Side Setback — Residential and Nonresidential	A setback is not required. • No encroachment into ROW permitted. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
Rear Setback — Residential and Nonresidential	A setback is not required. • No encroachment into ROW permitted. • Stormwater required to be contained on subject parcel. • Separation between all structures, on same and adjacent property, must comply with the International Building Code and other companion codes.
At the minimum, all setbacks shall meet clear sight triangle requirements, and where applicable, encroachment agreements must be entered into. Variances to clear sight triangle will be considered by the public works department.	

g) Property alteration, remodel, or renovation.

i) Purpose. Property alterations, remodels or renovation standards are established for this district to maintain consistent quality for all development and may be used for the purpose of adaptive re-use of the structure. For the purposes of this section, exterior remodel, renovation, or alteration shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in roof lines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically. Normal maintenance activities, as verified by the Building Official, are exempt from this provision.

ii) Minor modifications. In most cases, expansion and/or modifications to a property must comply with the development standards of the Alameda Depot Neighborhood Overlay. However, if, through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development, an exception may be made. In no case shall a minor modification/expansion:

a. Equal or exceed a cumulative total of 15 percent of the gross floor area; or

b. Equal or exceed a cumulative total of $25,000.00 in valuation; or

c. Impact parking or landscape requirements.

iii) Any proposal meeting one or more of the above criteria shall not be considered as a minor addition and/or modification, and shall, therefore, be subject to normal review and consideration afforded development in the overlay and may be subject to nonconforming provisions that follow. The applicant must provide estimates for the cost of labor as a means of ensuring compliance with the valuation criteria. Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted. All other nonconforming use requirements are subject to **Sec. 36-5.G. Nonconformities**.

h) Nonconforming uses, structures, and property. Nonconforming uses, structures and property that legally existed at the time of adoption of this overlay shall be considered legal nonconforming, and shall comply with the nonconforming use provisions found below.

i) Land uses that were legally in place at the time of adoption of this overlay and remain legal uses may continue to the extent the subject regulations allowed, but shall be required to come into compliance with current overlay standards when the following provisions take place:

a. The property remains vacant for a period of one continuous year or greater; or

b. Land use. A change in use occurs on the property that results in the alteration of the use intensity, e.g., low volume retail to high volume retail; use orientation, e.g., service to retail; or density, e.g., eight dwelling units to 15 dwelling units; or change in occupancy type from the building code perspective; or

c. Right-of-way or lighting. When nonconforming features regarding access from the right-of-way or lighting are involved, these features shall be brought into compliance with current standards when any one-time or cumulative increase of 15 percent or greater to the gross square footage of building area occurs; or

d. Signage, landscaping, walls or parking. When nonconforming features regarding signage, landscaping, walls or parking are involved, these features shall be brought into compliance with current standards when any one-time or cumulative increase of 25 percent or greater to the gross square footage of building area occurs; or

e. Development standards. Any noncompliant issues pertaining to setbacks, number of attached units and/or maximum density of existing development shall be brought into compliance with overlay standards to the extent possible. A nonconforming certificate may be issued based on appropriate documentation. Determination of the extent of compliance shall rest with the Community Development Director. Compliance with these matters shall not be triggered when a certificate has been issued as appropriate.

ii) Legal uses that existed prior to ordinance adoption (2010) that become a prohibited use with adoption may be allowed to continue to exist and may expand or enlarge (either one-time or cumulative increase) not more than 50 percent in gross square footage of lot or building area, provided that:

a. The property has not remained vacant for a period of one continuous year or greater; or

b. A change in use has not occurred on the property which results in the alteration of the use intensity (e.g., low volume retail to high volume retail); or use orientation (e.g., service to retail).

iii) Exceptions. Regarding any of the above, any one-time or cumulative increase of less than 15 percent to the gross square footage of building area may take place without requiring compliance to any nonconforming element associated with the property. Exceptions to this provision include those matters the city requires compliance on for purposes of meeting health, safety, and welfare concerns.

i) The Development Review Committee shall review applications for other Flexible Development Standards not specifically outlined herein based on requirements cited in **Sec. 34-3.E**.

j) Parking requirements.

Community Development Department staff shall review plans for adherence to parking requirements. Parking requirements shall follow **Sec. 38-2.N. Off-Street Parking**, with the exceptions stated below:		
1.	Parking Ranges	Parking requirements for automobiles and bicycles are set for land uses in each zone, as noted in **Sec. 36-3.A. Permitted Uses**. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Community Development Director.
2.	Off-street Parking Location	Parking areas for nonresidential and multifamily uses shall be located to the side or back of the subject property and screened or buffered when visible from the street. (See subsequent section below, "Landscape requirement, planting for parking lots.")
3.	Adjustments in Required On-Site Parking Spaces	The following provisions are methods to reduce the number of required on-site parking spaces. Any combination of the following options may be used, but in no event shall the reduction amount to more than 50% of the total requirement. The minimum number of parking stalls required is two. These provisions may not be utilized for required accessible parking spaces. a. **Flexible Development Standards.** Applicant may utilize "Tier 1" Flexible Development Standards (**Sec. 34-3.E**) to reduce the number of required on-site parking spaces by up to 25%. Requests to utilize this option shall be evaluated on a case-by-case basis by the Community Development Director. Applicant may utilize this option in combination with other parking reduction options. b. **On-street Parking.** In areas where the city has determined that on-street parking is permissible, this parking may be used for up to 25% of the required parking. On-street parking shall be permitted on all local roadways or as deemed appropriate through a traffic analysis conducted and/or approved by the Public Works Director. c. **Shared Off-street Parking Areas.** Multi-dwelling and nonresidential uses are encouraged to seek shared parking agreements with other multi-dwelling and nonresidential uses on nearby properties. In general, shared parking agreements shall follow criteria found in **Sec. 38-2.N.4.c)ii) Shared and Joint Use of Parking Areas**. Properties within one-fourth mile, as measured along the street network and pedestrian right-of-way, may be considered when determining how parking demand will be met. d. For properties in the Alameda Depot Neighborhood Overlay that are listed as "significant" or "contributing" on the state or National Register of Historic Places and are utilized for office or commercial purposes, it is possible to allow exceptions to the number of on-site parking spaces required in exchange for the improvement or maintenance of the subject property in terms of the building and/or landscaping. e. Other methods to reduce the total number of parking spaces will be considered on a case-by-case basis by the Community Development Director. These provisions follow **Sec. 38-2.N.4.c) Off-Street Parking Alternatives and Reductions**. They include: • Adding more bicycle parking • Adding more landscaping • Building a parking structure • Arranging tandem parking stalls • Providing bus stop or bus shelter at bus stops within one-fourth mile
4.	Walkways	In parking lots larger than one acre or equal to or greater than 200 feet wide, walkways within the lot shall link perimeter sidewalks to primary building entrances.
5.	Prohibited Parking	All vehicles are to be parked along designated streets, in designated driveway or parking areas only. Parking on front lawns and/or landscaped areas shall be prohibited.
6.	Dimensions and ADA Standards	All standards for parking dimensional and ADA requirements for all development within the district shall be consistent with **Sec. 38-2.N. Off-Street Parking**.
7.	Driveways	Driveways width shall comply with city design standards.

k) Landscape requirements. The abundance of mature shade trees in the Alameda Depot neighborhood contributes to the distinct character of the area. Landscape requirements are intended to protect this verdant landscape through the careful selection of plants and the implementation of water conservation principles. Community development department staff shall review landscape plans for adherence to the landscape requirements. Landscaping shall follow **Sec. 38-7. Landscaping** with the following exceptions and specifications:

i) Applicability*:* Landscaping standards apply to all new development and redevelopment in the ADO with the exception of properties that are occupied by single-family residences and duplexes. Where conflict in regulation exists, the provisions of this section shall supersede other landscaping requirements within the Municipal Code.

ii) Areas to be landscaped: The required area to be landscaped is equal to a minimum of 25 percent of the entire parcel area, excluding the main building area. Landscape consists of native or drought-tolerant species of both overstory (shade and coniferous trees) and understory plantings (ornamental trees, shrubs, cacti and perennial grasses, groundcovers and flowers).

iii) Landscape shall be defined as:

a. A minimum of one two-inch caliper tree, 15 five-gallon shrubs and either five one-gallon shrubs or 50 square feet of groundcover plants shall be installed per each 500 square feet of provided landscape area.

b. All plant materials shall be species native to the Chihuahuan Desert or adapted to our climate and to the location of the Alameda Depot neighborhood in the valley. This is not to say that the landscape plan needs to adhere to "zero-scaping." Rather, plants should be chosen that will survive and thrive in the local climate. Appropriate species include, but are not limited to, those in the following table. It is recommended that the applicant consult with a professional landscape architect or the Dona Ana County Master Gardeners regarding appropriate plant selection.

TREES	SHRUBS	GROUNDCOVER
Arizona Ash Arizona Cypress Arizona Mesquite Canyon Hackberry Chinese Pistache Desert Willow Italian Cypress Lacebark Elm Palo Verde Pecan Pines Southern Live Oak Texas Honey Mesquite Texas Red Oak Sycamore Western Hackberry	Euonymus Juniper Pyracantha Sages (Texas, Chihuahuan, Desert, Cherry, Russian) Silverberry Spanish Broom	Bermuda TIFF, various Vinca Horizontal Juniper Trailing Rosemary Iceplant Creeping Thyme Powis Castle Artemesia Dalea capitata Clover Fern

c. All landscape planting should serve to enhance the architectural value of the building, ground the building in the site, create a pleasant and attractive environment for pedestrians, and mitigate environmental conditions such as excess heat, strong winds, and air pollution.

d. Trees shall include shade-producing trees that achieve a mature size of at least 25 feet high and 25 feet spread and ornamental trees that have particular features such as spring blooms, fall foliage color, or bark characteristics.

e. Shrubs shall include a mix of deciduous and evergreen plants.

f. Groundcovers shall serve to prevent soil erosion, provide color, and create an oasis feeling.

iv) Installation. The irrigation system and landscaping shall be installed before the completion of building construction and prior to the issuance of a certificate of occupancy unless a written agreement has been made with the city. Such agreements extending the time of installation will be for a maximum period of nine months, and shall be subject to temporary certificate of occupancy provisions and fees.

v) Planting for parking lots. All new construction and adaptive reuse of properties shall require planted parking areas. Landscaping in parking areas shall follow **Sec. 38-7.D.5. Parking Lot Landscaping** with the following exceptions or specifications:

a. One tree shall be planted for every five parking spaces within parking lots as they pertain to the uses listed for each area.

b. Trees may be located between the parking lot and the building, or within the parking lot itself. In the event that the landscaped area is between the building and the lot, the area shall be no less than eight feet in width.

c. In the event that the parking area is compliant with development standards above and remains adjacent to public right-of-way, there shall be a landscape buffer no less than eight feet wide between the building and the sidewalk or street. The buffer strip shall consist of shade trees and low shrubs or perennial flowers, which may count toward the landscape requirement specified above.

d. Trees in parking lots shall be located in an island or planter in which the tree trunks, at mature size, shall be protected from motor vehicles. Islands and planters shall be a minimum of six feet wide, have a minimum area of 36 square feet and a raised border of at least four inches in height.

vi) Property owners wishing to install landscaping in City right-of-way (for example, parkways or medians) shall first complete a maintenance and liability agreement with the Public Works Department, with the understanding that liability and maintenance shall be property owner's responsibility.

vii) In the event that a tree in City right-of-way must be removed in order to maintain or replace sidewalks, the regulations found in the Municipal Code Chapter 26, Article II, Division 2. Repair and Replacement of Sidewalks, shall be followed.

l) Walls and fences.

i) Existing fences within the district shall remain in place so long as they conform to the standards stated herein. Increases in structure height, length, or configuration shall require full compliance with fencing/wall requirements.

ii) Historic structures. On properties with contributing structures listed on the state or National Historic Register, new walls or fencing should complement or be in keeping with the style of the structure to the greatest extent possible demolition, removal or alteration of existing historic fences, walls, retaining walls, and steps is discouraged.

iii) Fences, walls, and hedges facing the street shall adhere to clear sight triangle regulations (see **Sec. 38-2.H. Clear Sight Triangle**).

iv) Fences, walls, and hedges that are within the rear and side yards shall be limited to a height of eight feet.

v) Retaining walls shall be designed in a manner limiting their height to what is absolutely necessary for the retaining purpose intended.

vi) All other provisions regarding walls and fences not noted herein shall follow those found in **Sec. 38-8. Fencing, Screening, and Buffering**.

m) Signs. All signage shall be of suitable materials and design so as to be compatible with the architecture of the structure and the residential character of the neighborhood. Sign permit applications shall be submitted for approval to the community development department in accordance **Sec. 38-10. Signs**, unless specified below.

i) Freestanding signs.

a. Ground signs shall be the only freestanding sign allowed within the ADO, and shall be no greater than 24 square feet in size and four feet in height. One sign per lot shall be permitted.

b. Freestanding signs are not permitted on parcels used for residential purposes, except for a development identification sign.

c. Ground signs may be illuminated, and shall follow regulations stated in **Sec. 38-9. Outdoor Lighting**.

d. Properties developed as business centers shall conform to the following:

i. A property containing a business center sign may not have additional freestanding signs, except for temporary signage, which shall follow **Sec. 38-10. Signs**.

e. Ground signs shall be placed at least five feet from the outside edge of the right-of-way, and at least five feet from adjacent property lines and not within the clear sight triangle as defined by **Sec. 38-2.H. Clear Sight Triangle**.

f. Freestanding multi-use development directory signs are not permitted.

ii) Attached signs.

a. Wall signs:

i. One square foot of signage for each linear foot of exterior wall space, not to exceed 50 square feet per wall.

ii. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign.

iii. Window and projecting signage shall be considered types of wall signs.

b. Home-occupation or live-work uses in residential areas shall be allowed one non-illuminated attached sign no greater than four square feet in size. Freestanding signs shall not be permitted for home-occupation or live-work uses.

c. Projecting signage:

i. Projecting signs shall be considered double-faced signs with each sign face of equal size. Only one side shall be used to determine the square footage.

ii. Projecting signs shall not exceed six square feet in sign face area.

iii. Only one projecting sign shall be allowed per business per street frontage.

iv. Only ground floor commercial businesses shall be permitted to utilize projecting signs.

v. Projecting signs must clear walkable areas by at least eight feet as measured from the bottom of the sign to grade and may project no more than four feet from the building or closer than two feet to the sidewalk, whichever is less.

vi. Projecting signs shall be installed at right angles to a building front.

d. Window signs:

i. There shall be no more than one permanent window sign per window.

ii. Neon signs displayed indoors constitute permanent window signs. Only one neon sign shall be permitted per business facade.

iii. The total coverage of all permanent, neon, and temporary window signs shall not exceed 25 percent of the total glass area of the window.

iii) Prohibited signs*:* The following signs are prohibited in the Alameda Depot Neighborhood Overlay:

a. Variable electronic message display boards, whether temporary or permanent.

b. Portable and pole signs, whether temporary or permanent.

c. Permanent banners.

d. Pennants, streamers, and other fluttering devices, whether temporary or permanent.

e. Real estate, construction, contractor and "coming soon" signs over 12 square feet in area or over five feet tall.

f. Billboards.

g. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

iv) Temporary signs*:* Temporary signs shall follow provisions found in **Sec. 38-10. Signs**.

n) Demolition. To preserve any contributing structure listed on the historic register (state or national) in the Alameda Depot Neighborhood Overlay, this section creates a 60-day demolition permit review process that allows time for interested parties to explore alternatives to the demolition of historic structures. Demolition for all other structures shall follow section 30-491 of the LCMC.

i) Demolition permit. Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. Community Development Department staff will review the application for compliance with the LCMC. A proposal for redevelopment of the property must accompany the permit application.

ii) Posting. At the beginning of the 60-day demolition permit review process, the Community Development Department will issue a sign that is to be posted in a conspicuous place on the property. The applicant is responsible for posting the sign and ensuring that it is in place for the entire 60-day period.

iii) At the beginning of the 60-day demolition permit review process, the Community Development Department will inform the neighborhood associations, the New Mexico State Historic Preservation Office (SHPO) and the Dona Ana Historical Society that a demolition permit has been applied for.

iv) A demolition permit shall be issued upon the completion of the following items: 1) the completion of the 60-day period; and 2) the application meets all City Code requirements and has been approved by the Community Development Department staff. (The applicant may use the 60-day time period to resolve any necessary Code compliance comments.) The permit application may be withdrawn by the applicant at anytime without charge.

v) Prior to the demolition of a historic structure, the applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

a. Complete the Historic Cultural Property Inventory (HCPI) forms 1 and 2, available in the Community Development Department and online at:

b. Photograph the historic property: Take several exterior photos of the structure to be demolished (front, rear, sides, close-up views, details, setting, etc.). Photo processing, printing and labeling shall follow the protocol established on the National Register Photo Policy Fact Sheet, available in the Community Development Department and online at:
http://www.nps.gov/history/nr/publications/guidance/Photo_Policy_final.pdf

c. If measured drawings done by the Historic American Building Survey exist, the owner should annotate the drawings, showing changes to the property, interior and exterior, that have occurred up to the current date.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

e. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

vi) Compliance with the procedure set out in this section is not required if it is determined by the City of Las Cruces that the immediate demolition of a historic structure is in the best interest of public health, safety and welfare. The applicant shall be responsible for documenting the structure in accordance with the procedure above to fully demonstrate the need for demolition and to provide a historic record of the structure. In the event that entering the structure would pose a threat to the health, safety and welfare of the documenter, interior photos are not required. This documentation must accompany the memo of determination for demolition by the building official prior to the issuance of a demolition permit.

o) Land use/zone change requests. To request a land use that is not permitted in the current district~~, see **Sec. 34-3.I. Amendments to this Development Code** to request an amendment to the Permitted Use Chart, or~~ follow the process outlined in **Sec. 36-5.A. Zoning Map Amendments** to request a conditional zone change ~~in zoning district~~.

p) Submittal and review process. The following submittal and review procedures are established for all new development to protect persons and property in the Alameda Depot Neighborhood Overlay. The applicant shall submit at minimum, one copy of all application materials to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

i) Buildings/structures. Prior to the filing of an application for development and/or signs, a pre-application conference with Community Development Department staff to review the proposal is strongly encouraged.

ii) Subdivisions. For submittal and review of subdivisions, refer to **Sec. 37-2. Subdivision Procedures**.

iii) Signs. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with **Sec. 38-10. Signs** and **g)** above.

iv) Numerical deviations to the requirements of **Sec. 38-2.H. Clear Sight Triangle** shall be considered, reviewed, and denied or approved by the Public Works Director.

q) Appeals. Any aggrieved person who is affected by a decision of an administrative official, commission, committee, or board in the enforcement of the Alameda Depot Neighborhood Overlay may appeal such decision in accordance with **Sec. 34-3.F. Appeals**.

r) Enforcement of overlay zone district. Provisions to enforce this section shall be consistent with the enforcement provisions of **Sec. 34-1.H. Violations and Enforcement**.

3. LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

a) Purpose

The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

b) Applicability of Industrial Park Overlay Zone District boundaries

The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in **Figure 36-2-16. LCIIP Zoning Designations** below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in **Figure 36-2-16. LCIIP Zoning Designations**. The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

c) Land Use Districts

As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

d) Land Use Framework

i) The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities.

ii) The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in **Figure 36-2-15. LCIIP Overlay Zone & Districts**, breaks the Park down into four districts:

a. Value added agriculture;

b. Manufacturing/warehousing/distribution;

c. Aerospace/aviation/defense; and

d. Commercial.

iii) The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

iv) The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

v) The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

vi) The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

e) Development Process

All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

Figure 36-2-15. LCIIP Overlay Zone & Districts

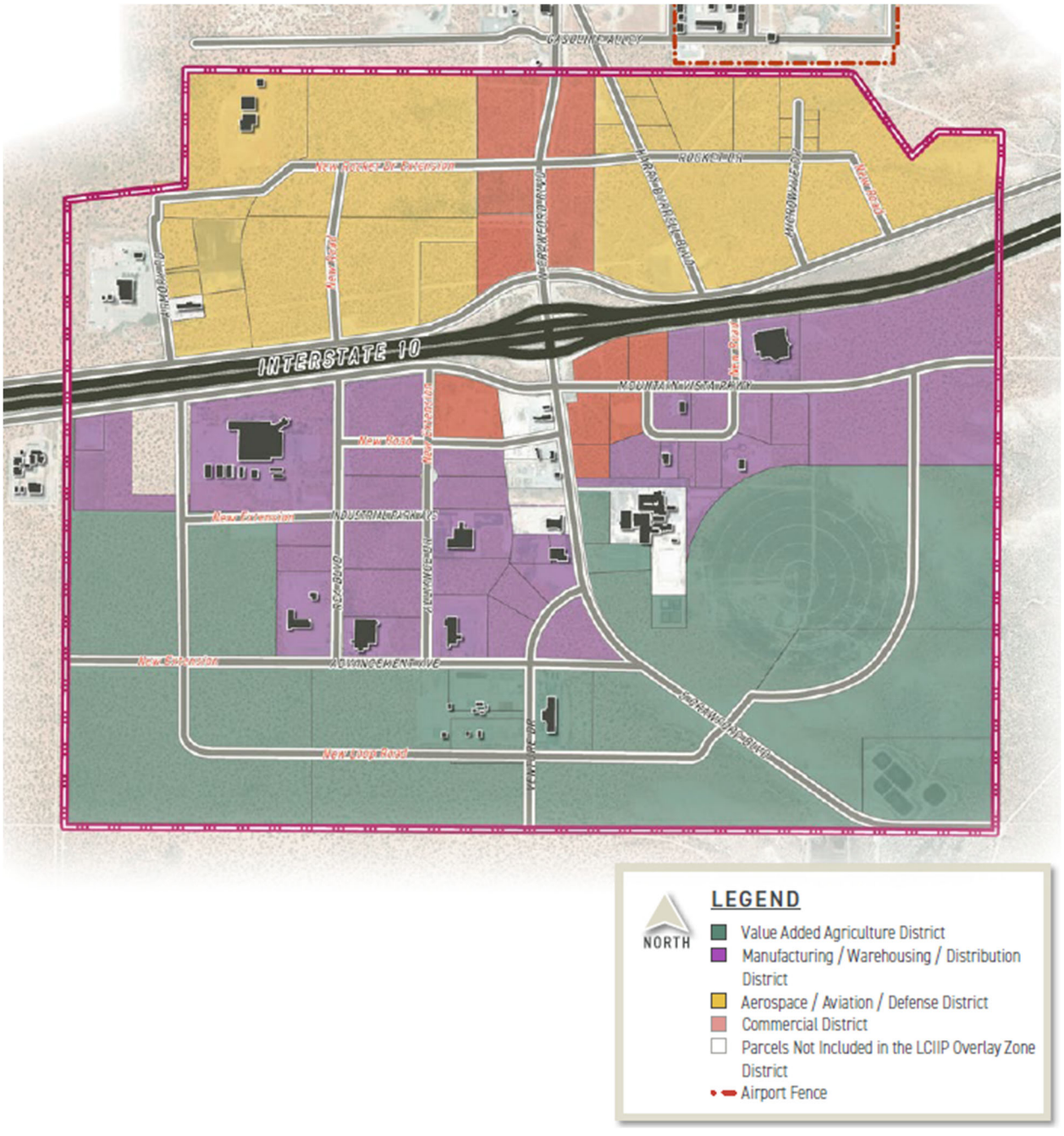


Figure 36-2-16. LCIIP Zoning Designations



f) Land Uses

Figure 36-2-17. LCIIP Use Table allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in **Figure 36-2-17. LCIIP Use Table** will be determined by the Community Development Director in consultation with the Economic Development Director.

Figure 36-2-17. LCIIP Use Table

— = Not permitted P = Permitted Use A = Accessory Use X = Existing Conditional Use Standard(s)	Commercia l	Manufacturing/ Warehousing	Aerospace/ Aviation/ Defense	Value Added Agriculture	Conditional Use
RESIDENTIAL USES					
All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category)	—	—	—	—	
CIVIC AND INSTITUTIONAL USES					
Higher Education, Vocational School	P	P	P	P	
Fire and Police Station	P	P	P	P	
Military and Law Enforcement Agency	—	P	P	P	
Parks and Open Space	P	P	P	P	
COMMERCIAL USES					
Agriculture & Animal Related					
General Agriculture	—	P	—	P	X
Small Animal Facilities	P	P	—	P	X
Food, Beverage, Entertainment & Lodging					
Brewery, Microbrewery Facilities, Tasting Rooms	P	P	—	P	X
Food, Beverage, Hotel or Motel	P	—	—	—	
Indoor Entertainment/Recreation Venues	P	—	—	—	
Nightclub and Bar	P	—	—	—	
Motor Vehicle-Related					
Freight House or Truck Terminal	—	P	P	P	
Vehicle Services	P	P	—	P	X
Offices and Commercial Services					
Offices and Research Facility	P	P	P	P	
Commercial Services and General Retail	P	—	—	—	
Construction Contractor Facility and Yard	—	P	P	P	X
Outdoor Entertainment					
Outdoor Entertainment	P	P	-	-	X
INDUSTRIAL USES					
Manufacturing, Fabrications & Assembly					
Cannabis Cultivation, Infused Products Manufacturing	—	P	—	P	X
Light Manufacturing	P	P	P	P	X
Heavy Manufacturing	—	P	P	P	X

— = Not permitted P = Permitted Use A = Accessory Use X = Existing Conditional Use Standard(s)	Commercia l	Manufacturing/ Warehousing	Aerospace/ Aviation/ Defense	Value Added Agriculture	Conditional Use
Special Manufacturing	—	P	—	P	X
Natural Resource Extraction	—	P	—	—	
Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling)	—	P	—	—	
Film and Media Production					
Film and Media Production	P	P	P	P	
Telecommunications, Towers, and Utilities					
Drainage & Major Utility, other	P	P	P	P	
Solar Energy Generation	—	—	P	P	X
Telecommunications, towers, and utilities	P	P	—	P	X
Wholesaling and Storage					
Outdoor Storage	—	P	P	P	X
Warehousing, Logistics, and Distribution	—	P	P	P	
TEMPORARY USES					
Construction Staging Area, Trailer, or Office	P	P	P	P	
Seasonal Outdoor Sales, Events	P	—	—	—	
ACCESSORY USES					
Commercial/Office Uses	A	A	A	A	X
Residential Use—Non-Primary	A	A	A	A	X
Parking Garage with/without Liner Building	A	A	A	A	
Recreational Vehicle Parking Stalls/Hook-Ups	P	—	—	—	X

i) Prohibited Uses

The following uses are prohibited:

a. All uses prohibited under FAA regulations;

b. All adult amusement establishments;

c. All residential uses, except as established under the accessory use category.

ii) Conditional Use Standards

a. Aerospace/Aviation/Defense District

i. All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.

b. Commercial Uses

i. Agriculture and Animal Related

(a) General Agriculture

(i) Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.

(ii) The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.

(b) Small Animal Facilities

(i) Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.

(ii) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

ii. Food, Beverage, Hotel or Motel

(a) Brewery and micro-brewery facilities, including tasting rooms.

(i) Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.

iii. Motor Vehicle-Related

(a) Vehicle Services

(i) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(ii) Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.

(iii) Recreational Vehicle/Parking Stalls/Hook-ups are ancillary to the primary use and cannot be a standalone land use.

iv. Offices and Commercial Services

(a) Construction Contractor Facility and Yard

(i) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

v. Outdoor Entertainment

(a) Outdoor Entertainment

(i) Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

(ii) All other outdoor entertainment uses shall include fencing or screening meeting the standards established in **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening** designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

iii) Industrial Uses

a. Manufacturing, Fabrications & Assembly

i. Cannabis cultivation, Infused Products Manufacturing

(a) This use shall comply with all New Mexico State law requirements.

ii. Light Manufacturing

(a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

(b) Incidental outdoor storage is permitted but must comply with **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(c) This use may include a sales/display room for items manufactured on the property.

iii. Heavy Manufacturing

(a) This use may be conducted outside of a building, provided the activities are screened from view according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

(b) Incidental outdoor storage is permitted but must comply with **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

iv. Special Manufacturing

(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

(b) This use may be conducted outside of a building, provided the activities are screened from view according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

b. Telecommunications, Towers, and Utilities

i. Solar Energy Generation

(a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

ii. Telecommunications, Towers, and Utilities

(a) This use shall comply with the City of Las Cruces Municipal Code.

c. Wholesaling and Storage

i. Outdoor Storage

(a) This use must be screened as required by **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

iv) Accessory Uses

a. Accessory Commercial Uses

i. In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. Accessory Residential Use—Non-Primary

i. Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

g) Administration and Enforcement

i) Applicability

The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on **Figure 36-2-15. LCIIP Overlay Zone & Districts**. City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

ii) Non-Conforming

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

i. There are two instances of non-conformance:

(a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

(b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

(c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

(d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

h) General Development Standards

i) Streets and Public Right-of-Way

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design and Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible for providing landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

ii) Dimensional Standards

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

Figure 36-2-18. LCIIP Dimensional Standards

Dimension	Minimum
Minimum Lot Width	60 feet
Minimum Lot Depth	70 feet
Front Setback, Minimum	25 feet
Secondary Front Setback, Minimum	25 feet
Side Yard Setback, Minimum	20 feet
Rear Setback, Minimum	25 feet
Building Height, Maximum	100 feet

iii) Site Layout

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

b. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

c. Outdoor lighting shall follow the regulations provided in **Sec. 38-9. Outdoor Lighting**.

d. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

e. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

iv) Parking

a. Accessible parking shall be provided according to Federal ADA parking standards.

b. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See **Sec. 36-2.D.3.h)vi) Landscaping** for requirements.

c. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

d. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

e. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

f. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure.

g. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

h. Bike parking shall be located at the primary entrance of the primary building.

v) Architecture

a. Building Materials

i. Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

ii. Permitted materials include:

(a) Exterior plaster or stucco.

(b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

(c) Precast concrete and tilt-up wall systems.

(d) Textured, patterned and/or integrally colored cast-in-place concrete.

(e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

(f) Brick.

(g) Natural stone.

(h) Glass curtain wall systems.

iii. Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

iv. The use of reflective or shiny metallic roofs shall be prohibited.

b. Massing

i. Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

ii. Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

iii. Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

iv. Temporary or portable buildings shall be limited in use for construction purposes only.

c. Screening

i. Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

ii. All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to **Sec. 36-2.D.3.h)vii) Walls, Fences, and Screening**.

vi) Landscaping

a. General Provisions

i. Landscaping Calculations and Definitions

For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

Figure 36-2-19. LCIIP Required Landscaping

Lot Size	Multiplier
1.00 to 4.00 acres	12%
4.01 to 8.00 acres	10%
8.01 to 12.00 acres	8%
>= 12.01 acres	6%

ii. One-fourth of the total area required to be landscaped shall be located within the front setback area of the property.

iii. Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the

area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

iv. Passive water harvesting drainage swales shall be considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in **Figure 36-2-20. Drainage Swales**.

v. Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

(a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

(b) Swales shall capture at minimum the first flush of a storm event.

(c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

(d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

vi. For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. Plant/Landscape Materials

i. The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

ii. Living plant material shall be provided according to the following:

(a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

(b) A minimum of twenty live shrubs shall be provided for every 1,000 square feet of required landscaped area.

(c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

iii. Plant substitution is permitted following the City of Las Cruces Design Standards.

iv. Minimum plant material sizes at the time of installation shall be:

(a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

(b) Evergreen Trees—Ten-foot Minimum height.

(c) Shrubs and groundcover—One gallon minimum.

v. Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

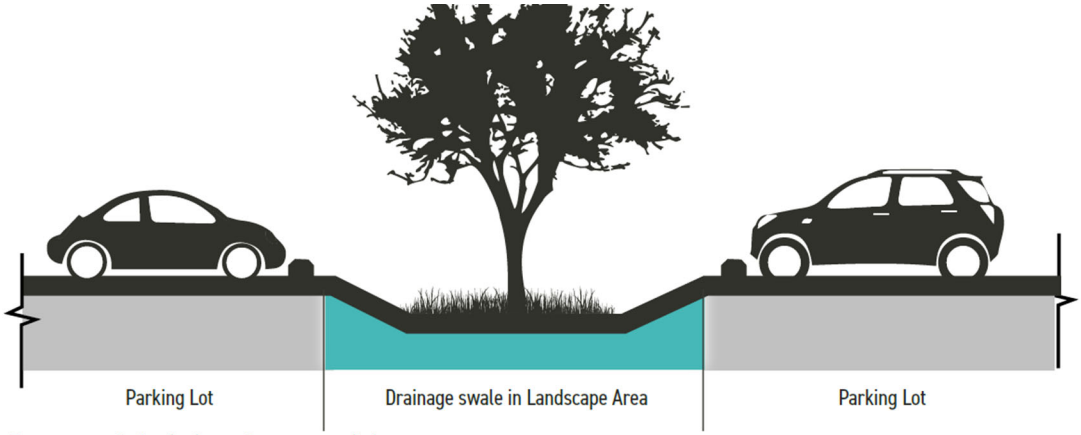
vi. Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

vii. Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

viii. All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

ix. If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

Figure 36-2-20. Drainage Swales



Conceptual depiction of one possible stormwater harvesting feature in parking lot.

c. Off-Street Parking Lots

i. Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

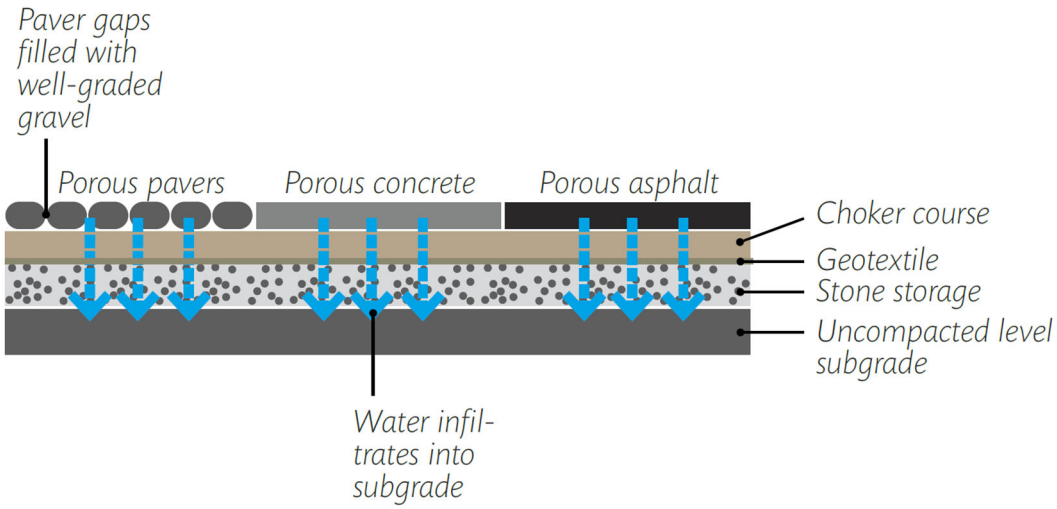
ii. The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

iii. In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

iv. Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

v. Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

Figure 36-2-21. Porous Surface with Typical Features



vii) Walls, Fences, and Screening

a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in **Figure 36-2-22. Maximum Wall Height** and illustrated in **Figure 36-2-23. Wall Height**.

Figure 36-2-22. Maximum Wall Height

Location	*Maximum Height*
Within required primary front yard setback	8'
Within secondary front yard setback	10'
Within tertiary front yard setback	10'
Within required side yard setback	10'
Within required rear yard setback	10'
Within the clear sight triangle at the intersections of streets and driveways	3'

Figure 36-2-23. Wall Height

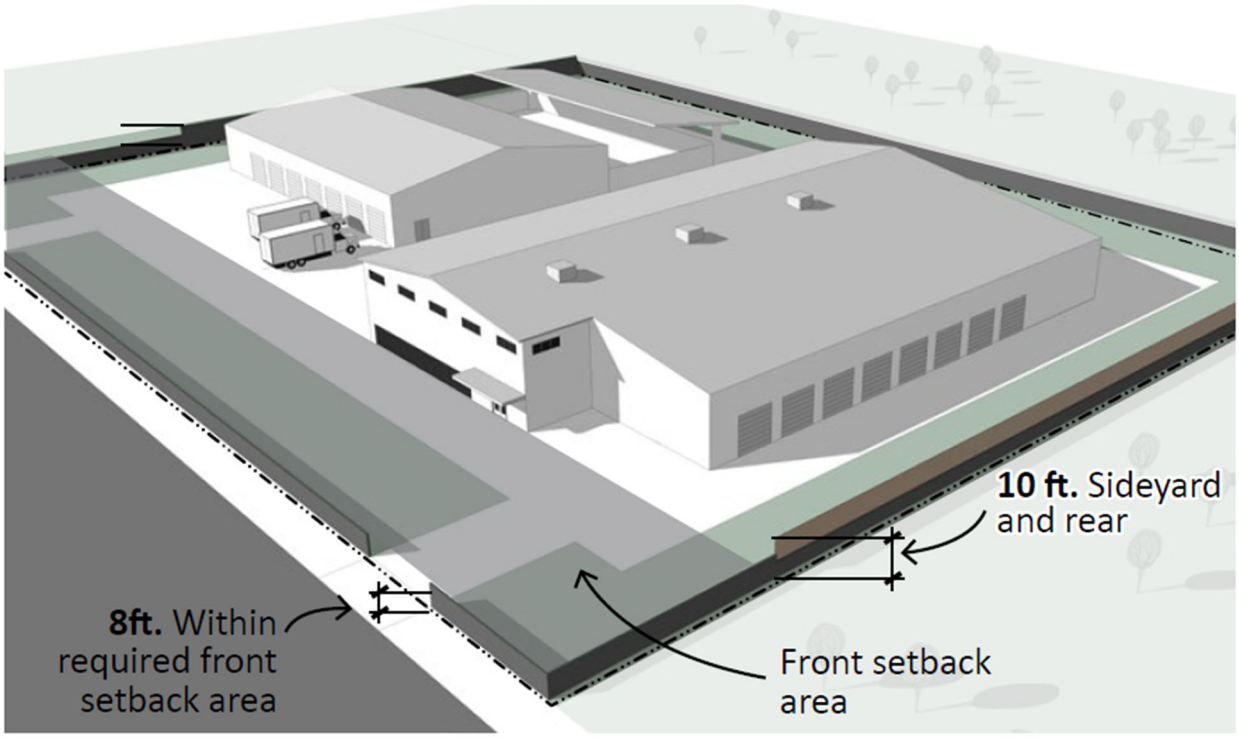
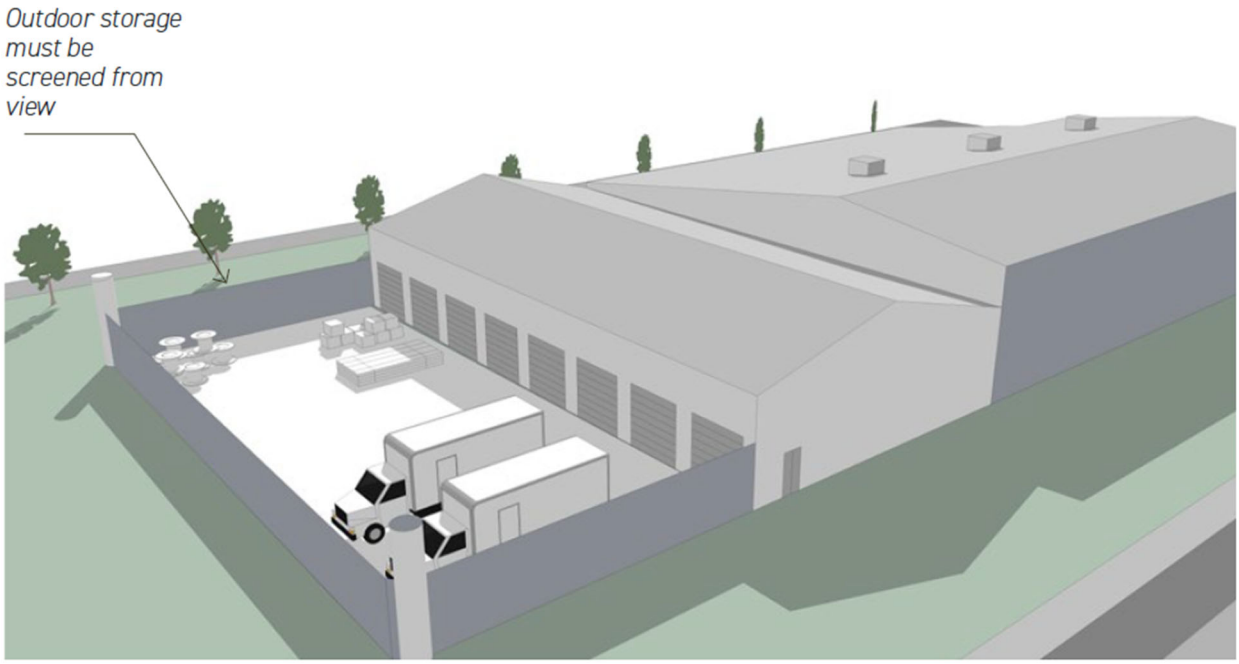


Figure 36-2-24. View Fencing in the Front Setback Area



Figure 36-2-25. Storage Screening



b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   i. Stucco over concrete masonry units (CMU).

   ii. Split face block.

   iii. Brick.

   iv. Stone.

   v. Curved interlock blocks.

   vi. Gabions.

   vii. Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   i. An architectural building element, such as a wing wall, that screens the equipment or area being screened;

   ii. A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

iii. A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

viii) Signage

a. All signs shall comply with **Sec. 38-10. Signs** except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

i. Freestanding monument signs will be limited to a maximum of one per street frontage.

ii. The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

iii. The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

iv. Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

v. For all lots with more than one monument sign, all signs shall be of uniform design and materials.

vi. Free standing monument signage is permissive at the primary park entrances.

vii. The maximum height for directional signage is 6 feet.

f. Building Mounted Signs

i. Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

ii. Building mounted signs may not project more than 15 inches from the wall.

iii. Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

iv. No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage

i. Temporary construction signs shall be permitted in accordance with the **Sec. 38-10. Signs**, with the following exceptions:

(a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

(b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage

i. The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

(a) Banners.

(b) Billboards.

(c) Portable or temporary signs, except for those permitted above.

(d) Window Signs.

i. Signage Illumination

i. Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

(a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

i) Definitions for the LCIIP, Las Cruces Industrial Innovation and Industrial Overlay Zone District

i) Accessory, Commercial/Office Uses

Any offices and commercial services and food, beverage uses listed in **Figure 36-2-17. LCIIP Use Table**. These uses must be incidental to the primary use.

ii) Accessory, Residential Use—Non-Primary

An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

iii) Cannabis Cultivation and Cannabis-Infused Products Manufacturing

A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

iv) Commercial Services and General Retail

An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

v) Construction Contractor Facility and Yard

A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

vi) Contemporary Style Architecture

The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

vii) Drainage and Major Utility, Other

A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

viii) Film and Media Production

Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

ix) Fire and Police Station

A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

x) Fleet Vehicle

Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

xi) Fleet Vehicle Parking

Parking of fleet vehicles.

xii) Freight House or Truck Terminal

Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

xiii) General Agriculture

Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

xiv) Heavy Manufacturing

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

xv) Higher Education, Vocational School

A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

xvi) Indoor Entertainment/Recreation Venues

A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

xvii) Light Manufacturing

Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

xviii) Military and Law Enforcement Agency

A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

xix) Natural Resource Extraction

On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

xx) Nightclub and Bar

An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

xxi) Offices and Research Facility

A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

xxii) Outdoor Entertainment

An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

xxiii) Outdoor Storage

The keeping of any goods, material, or merchandise outside of a building in the same place.

xxiv) Parking Garage with/without Liner Building

A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at- grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

xxv) Recycling Sort Facilities and Electronic Recycling

A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

xxvi) Small Animal Facilities

A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

xxvii) Solar Energy Generation

The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

xxviii) Special Manufacturing

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

xxix) Telecommunications, Towers, and Utilities

Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

xxx) Temporary, Construction Staging Area, Trailer, or Office

Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

xxxi) Temporary, Seasonal Outdoor Sales, Events

Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

xxxii) Vehicle Services

Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

xxxiii) Warehousing, Logistics and Distribution

Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

4. SMO, South Mesquite Overlay District

   a) Purpose

      The South Mesquite Overlay District is designed to positively address issues unique to Las Cruces' Original Townsite and surrounding area. This area is addressed in the 2005 adopted Mesquite Neighborhood Plan and the 2007 adopted Mesquite Historic District Neighborhood Design Plan. Specific provisions in this Ordinance deal with issues such as compatible design, parking, setbacks, and land use/zoning designations that are better suited to this older part of the city characterized by smaller lots with multiple dwellings and scarce off-street parking resources. Additionally, neighborhood design guidelines and standards have been created that will help enhance and preserve the unique character of Las Cruces' first neighborhood.

   b) Delineation of Overlay District Boundaries

      The South Mesquite Overlay (SMO) District shall include all properties located within the boundaries shown on **Figure 36-2-26**.

Figure 36-2-26. South Mesquite Overlay Boundaries

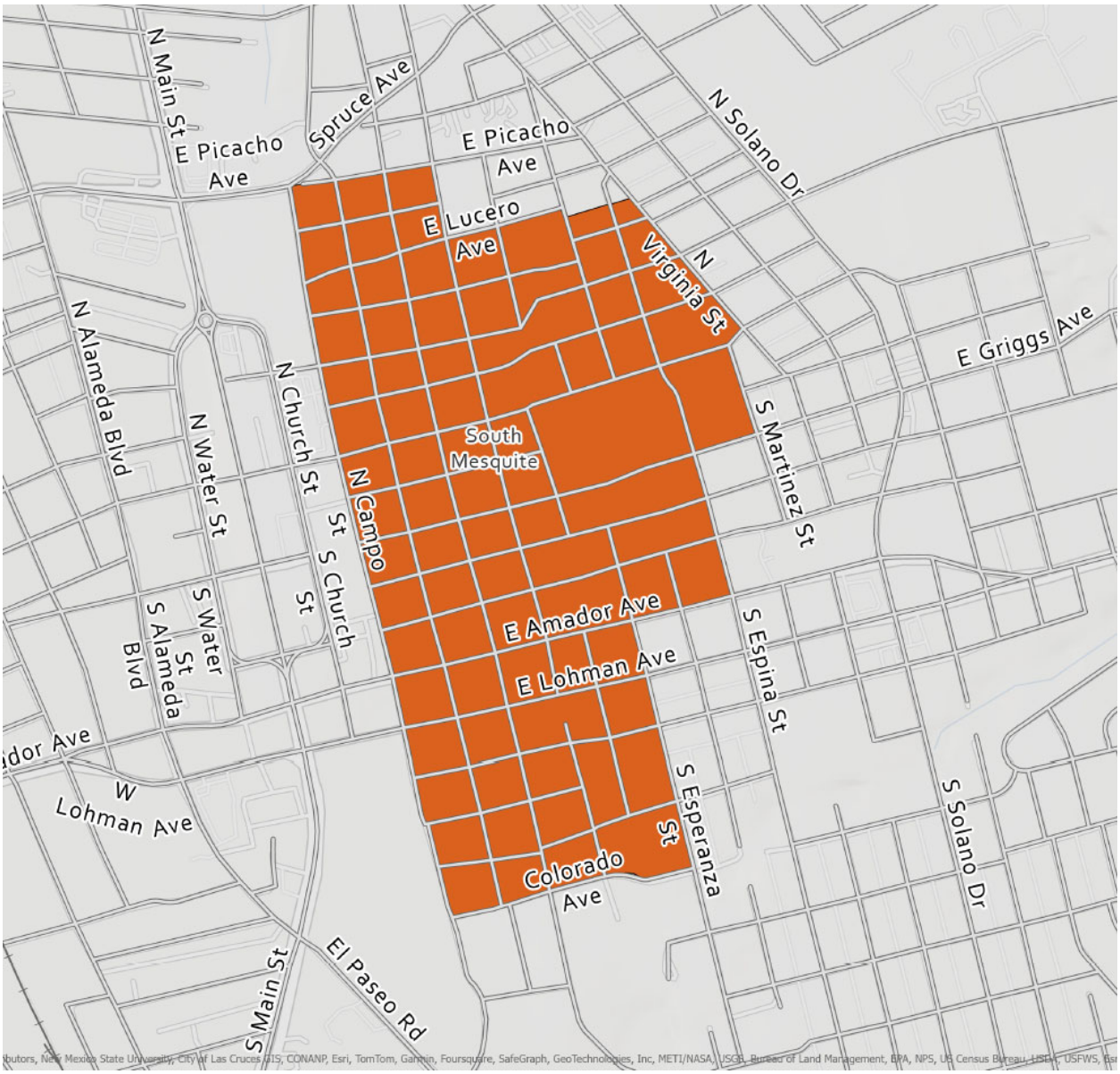


Figure 36-2-27. Boundary of the Mesquite Street—Original Townsite State & Federal Historic Districts



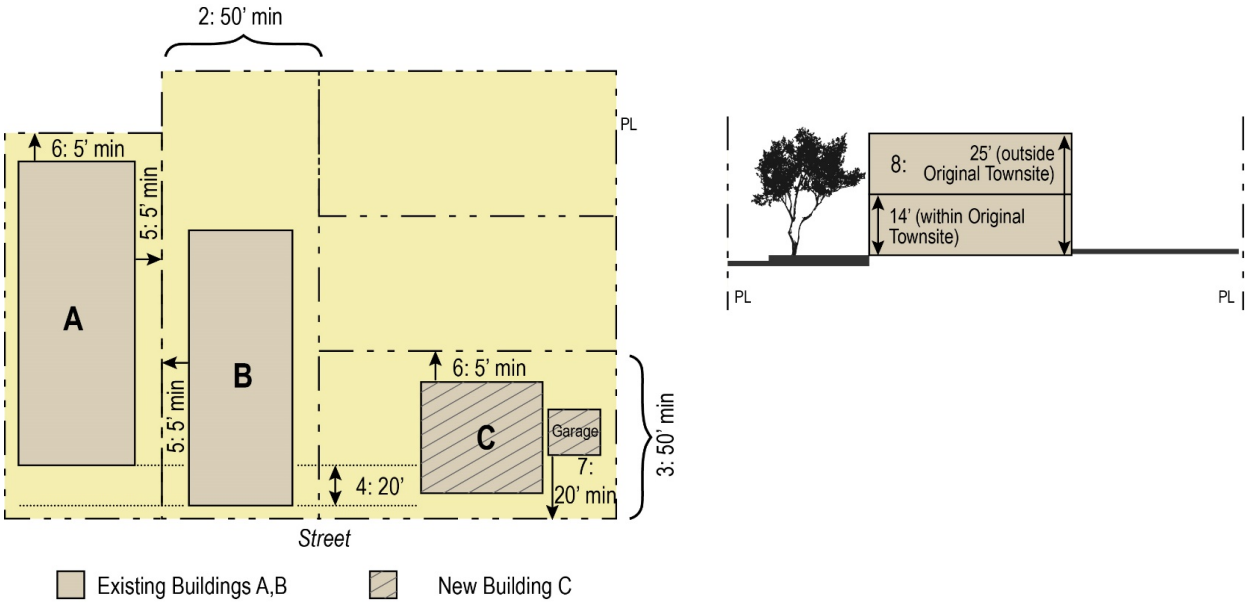
c) Development Standards

There shall be no development or alteration of the lands, uses, or structures within the SMO except as provided for by this Section, other sections of the Zoning Regulations, and other City Codes and Ordinances where applicable. Development requirements are established for the entire SMO, as follows (unless indicated in other sections of this Overlay):

Figure 36-2-28. SMO Development Standards

#1	Lot Area/Size	3,500 square feet minimum
#2	Lot Width/Frontage	50' minimum
#3	Lot Depth	50' minimum
#4	Front Setback	Within the range of existing setbacks and compatible with the surrounding area*
#5	Side Setback	5' minimum**
#6	Rear Setback	5' minimum**
#7	Garage Setback	20' minimum
#8	Building Height	14' in the Original Townsite and 25' elsewhere***
	Townhouses	Zero lot lines are permitted for townhouse development provided the structure meets the attachment requirements of **Sec. 36-4.B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development**.
	Accessory Structures	There shall be no limit to the number or square footage of accessory structures
	Residential Density	Lot size, setbacks, parking requirements and building heights shall determine residential density per property.

* Surrounding area generally mean all primary structures on the same side of the block. If there aren't at least two primary structures on the same side of the block, both sides of the block shall be used. The Applicant shall work with Community Development Department staff to determine a front setback distance with staff having the final determination.
** Overhangs are not permitted within required setbacks. Canales and viga ends are not deemed overhangs for the purpose of this limitation.
***Any requests for building heights greater than those stated above require an application for a height exception be reviewed and approved by the SMDRB; applications shall meet the design criteria noted in **Sec. 36-2.D.4.j). Design Guidelines**.
The regulations of this Overlay District shall supersede any regulations of the Zoning Regulations. However, when the regulations of this SMO do not address a particular design or development standard or regulation, the applicable local, state, or federal regulation shall apply. Numerical Flexible Development Standards may be granted by the Community Development Director or non-numerical Flexible Development Standards by the Development Review Committee within the SMO; however, such requests must also be approved by the SMDRB.



d) Landscape Requirements

Landscaping shall follow standards set forth in **Sec. 38-7. Landscaping** with the following modifications:

i) Applicability

Landscaping standards apply to all new development in the SMO with the exception of single family dwellings and duplexes, unless noted elsewhere in this section.

ii) A variety of landscaping materials shall be employed to create visual interest and complement other plantings in the neighborhood. Care should be taken when planting too close to adobe structures, which can be damaged by plant watering. Plant materials, including shade trees, shall be native and/or draught tolerant, as these are best suited to the Chihuahua Desert. This is not to say that the landscape plan needs to adhere to Xeriscaping. On the contrary, plants should be chosen that will survive and thrive in the local climate. Appropriate species include, but are not limited to, the following:

Figure 36-2-29. Permitted Plant Types

TREES	SHRUBS	GROUNDCOVER
Arizona Ash Arizona Cypress Arizona Mesquite Canyon Hackberry Chinese Pistache Desert Willow Italian Cypress Lacebark Elm Palo Verde Pecan Pines Southern Live Oak Texas Honey Mesquite Texas Red Oak Sycamore Western Hackberry	Euonymus Pyracantha Sages (Texas, Desert Chihuahuan, Cherry, Russian, etc.) Silverberry Spanish Broom	Bermuda TIFF, various Vinca Trailing Rosemary Iceplant Creeping Thyme Powis Castle Artemesia Dalea capitata Clover Fern

iii) All new development, except single-family dwellings and duplexes, and adaptive reuse of properties (such as a change of use) shall be required to plant trees within parking lots for shade and visual relief (see subsection 5 below).

iv) Landscaping gravel, decorative stone or other organic landscaping materials may be used for landscaping, provided such materials blend visually with other landscaping material and planting style standards and meet the City's wind erosion control ordinance).

v) Landscaping for Parking Lots: All new construction, except single-family dwellings and duplexes and adaptive reuse of properties, shall require landscaped parking areas. Landscaping in parking areas shall follow **Sec. 38-7. Landscaping**, **Sec. 38-7.D.5. Parking Lot Landscaping**, with the following modifications:

a. Trees in parking lots shall be located in an island or planter in which the tree trunks shall be protected from motor vehicles. Islands shall be a minimum of six feet wide, have a minimum area of thirty-six (36) square feet and a raised border of at least four (4) inches in height.

b. One tree shall be planted for every five (5) parking spaces within parking lots as they pertain to the uses listed for each area.

vi) The HPC shall have the authority to modify or waive landscaping requirements of **Sec. 38-7. Landscaping** or this Section if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses it design standards.

vii) Community Development Department staff shall review landscape plans.

e) Permitted Uses

There shall be no land uses within this Overlay District except as identified in **Figure 36-2-30. SMO Permitted Use Chart**. Zoning districts are as follows:

i) R-la: Single-family Low Density Residential District

ii) R-2: Medium Density Residential District

iii) R-3: High Density Residential District

iv) R-4: High Density Residential and Limited Office District

v) O-1: Neighborhood Office District

vi) O-2: Professional Office with Limited Retail Service

vii) C-1: Neighborhood Commercial District

viii) C-2: General Commercial District

ix) C-3: High Density Commercial. C-3 zoning and land uses are not permitted in the Overlay District with the exception of those uses which existed at the time of SMO adoption, Ordinance 2200, May 24, 2005. Uses that were pre-existing at the time of adoption and are no longer permitted by right shall be considered non-conforming and shall follow the provisions of **Sec. 36-2.D.4.f). Nonconforming Uses, Structures, and Property** below and **Sec. 36-5.G. Nonconformities**.

x) PUD: Planned Unit Developments are allowed as part of a specific rezoning.

Figure 36-2-30. SMO Permitted Use Chart

Legend:

A= Allowed-by-right;

C=Conditional Use with the conditions noted; and

S= Special Use Permit with public meeting required.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Accessory dwelling units	A	A	A	A	A	A	A	A	
Apartments		A	A	A	A	A	A	A	
Assisted Living, Retirement home		A	A	A	A	A	A	A	
Detached single-family dwelling	A	A	A	C	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Guest dwelling unit	C	C	C	C	C	C	C	C	C: see **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #19 Accessory Dwelling
Duplex		A	A	A	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Triplex		A	A	A	A	A	A	A	
Quadplex		A	A	A	A	A	A	A	
Home for the Elderly	A	A	A	A	A	A	A	A	
Home for the Disabled	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Hostel				C	C	C	C	C	C: limited to 10 persons per establishment and a maximum stay of 14 continuous days per guest.
Nursing Home	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Halfway house	S	S	S	S	S	S	S	S	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #18 Sober Living House

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Fraternity/sorority house			C	C	C	C	C	C	C: Limited to 10 persons per establishment;
Temporary/homeless shelter	S	S	S	S	S	S	S	S	
Manufactured home	A	A	A	C	C	C	C	C	All manufactured homes shall meet the design standards of the SMO and skirting and exterior wall materials shall be consistent with the architecture of adjacent structures. Residential densities in R-4 and commercial zones are limited to a maximum of 40 DU/acre.
Townhouse [one room attached to the neighboring single-family dwelling]		A	A	A	A	A	A	A	
Patio home [100% built to side property line]	C	C	C	C	C	C	C	C	C: see **Sec. 36-4.B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development**.
Accessory uses and structures	A	A	A	A	A	A	A	A	
Bed & Breakfast Establishment	C	C	C	C	C	C	C	C	C: Number of guest rooms is limited to 8.
Greenhouse, private (non-commercial)	A	A	A	A	A	A	A	A	
Community Gardens (neighborhood based)	A	A	A	A	A	A	A	A	
Home occupations	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #23 Home Occupation
Kennel/cattery, private residential	C	C	C	C	C	C	C	C	C: Permitted in accordance with Chapter 7 of the LCMC; noise from barking dogs and odors from this activity shall not be discerned off the premises.
Recreational court, tennis, etc., private	S	S	S	S	S	S	S	S	Must mitigate off-site noise and light glare.
Storage of RVs and motor vehicle appurtenances	C	C	C	C	C	C	C	C	C: Maximum 1 per parcel located within any open area between the front setback and the rear setback and shall otherwise meet the standards of **Sec. 38-2.N.6.g) Parking and Storage of Large Motor Vehicles**
Swimming pool, private	C	C	C	C	C	C	C	C	C: A swimming pool shall be at least 5 feet from property lines; also see **Sec. 38-8.F.1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures**.
Temporary uses	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use
Produce stands	C	C	C	C	C	C	C	C	C: Allowed per State law; may be accessory to community gardens.
Veterinary facility								C	C: Noise from barking dogs shall not be discerned off the premises.
Cemetery/columbarium	S	C	C	C	C	C	C	C	C/S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #43 Cemetery or Columbarium
Family child care home (up to 6 children)	A	A	A	A	A	A	A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #37 Child Care Home (≤6).
Group child care home (7 to 12 children)	S	A	A	A	A	A	A	A	S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #38 Group Child Care Home (7-12)
Child care center or preschool		S	S	S	S	S	S	S	S: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #36 Child Care Center.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Community buildings/uses	C	C	C	C	A	A	A	A	C: Shall be located on a major local or higher classification road.
Convention center/exhibition hall					C	C	C	C	C: Must be accessed from an arterial road (Lohman, Amador); size is limited to 5,000 GFA.
Library/museum		A	A	A	A	A	A	A	
Religious institutions	C	C	C	C	C	C	C	C	C: Shall be located on a major local or higher classification road; all sites shall have a minimum 1 acre; structures or parking located within 25 feet of a residential use shall provide an opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of a residential use.
School, college, trade school, private or public	S	S	S	S	S	S	S	S	S: On a case-by-case basis, application shall address safe access, off-street parking demand, screening and landscaping, noise and other relevant impacts of the development on adjacent residential uses. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Arcade, game room							A	A	
Batting cage, indoor							A	A	
Billiard, Pool Hall							A	A	
Bowling alley							A	A	
Miniature golf course								A	
Health/exercise club/gymnasium/sports instruction				C	C	C	C	C	C: Noise from this activity shall not be discerned off-premises.
Park	C	C	C	C	C	C	C	C	C: Limited to neighborhood park or private park. See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #52 Public Park. Public parks shall also comply with Chapter 20 of the LCMC.
Mini-race tracks (e.g., go carts)								C	C: Hours of operation limited to between 10 a.m. and 10 p.m.
Recreation courts, public			S	S	S	S	S	S	S: Must mitigate off-site noise and light glare.
Skating rink, Indoor				A	A	A	A	A	
Swimming pool, commercial or public; indoor only					S	S	S	S	
Botanical garden				A	A	A	A	A	
Personal or business service office uses		C	C	C	A	A	A	A	C: In R districts, non-residential uses are permitted only on the ground floor; no more than 35% of the GFA of the buildings on the parcel, combined, is permitted to be non-residential uses.
Art studio		C	C	C	C	C	C	C	C: Noise from activities shall not be discerned off the premises.
Barber/beauty/hair salon and related personal care services		A	A	A	A	A	A	A	
Medical/dental office; counselor/therapy services		A	A	A	A	A	A	A	
Bank, bonding, and financial						C	C	C	C: Each business establishment is limited to a sole practitioner and only one such business establishment per parcel.

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
institution/facility; no drive-through									
Business office: consulting; credit reporting & collection; desktop publishing, graphic design; institutional office, public or private; educational office; religious office; philanthropic office; mailing & stenographic services; motion picture production; noncommercial research organization					A	A	A	A	
Adult day care services/facility					A	A	A	A	
Funeral home; laboratory					A	A	A	A	
Pharmacy; no drive-through						C	C	C	C: Permitted only as accessory to a medical, dental or similar office use and strictly for the purpose of serving the patients of the medical office use.
Auto/truck parts store								A	
Auto/truck repair & service								C	C: No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment is permitted. All outdoor storage of non-operable vehicles must be screened with opaque fencing.
Auto/truck self-service/automated or full service wash/wax/detailing								C	C: Limited to a collector or higher classification road.
Bar/pub/tavern (no dancing)								A	
Sale of building material								A	
Café, cafeteria, coffee shop, restaurant, etc. No drive-thru				A	A	A	A	A	
Cannabis dispensary								A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #107 Cannabis Dispensary.
Cannabis indoor agriculture							A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #108 Cannabis Production.
Cannabis microbusiness							A	A	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #109 Integrated Cannabis Business.
Sale of carpet/window treatments							C	C	
Cleaning & maid services							A	A	
Clothing store								C	
Convenience store (no gas sales)			S	S	S	S	S	S	C: No drive-through facility.
Delicatessen, produce/meat market; No eating facilities				A	A	A	A	A	
Delicatessen, produce/meat market with eating facilities							C	C	C: No drive-through facility.
Firewood sales								C	C: If displayed outside a building, a semi-opaque screen around the perimeter of the use shall be

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
									provided; 20 cord maximum stored on site; see **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use.
Furniture store								A	
Sale of garden supplies								A	
Grocery store							A	A	
Hardware store							C	A	C: No outside storage of supplies or materials.
Home furnishings							A	A	
Kennel/cattery, commercial or non-profit								C	C: Use allowed in accordance with Chapter 7 of the LCMC; noise from barking dogs shall not be discerned at the nearest dwelling unit.
Laundry/dry cleaning services							A	A	
Newspaper distribution								A	
Pawn shop								A	
Petroleum/propane sales								C	C: Sale of portable propane tanks and similar gas only is allowed as an accessory use to a retail establishment; use of such equipment is allowed as an accessory use when meeting current Fire Code standards. Gas stations are not permitted.
Plant nursery								A	
Private club or lodge	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #90 Private Club or Lodge. A private club or lodge shall be located on a major local or higher designated street. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Radio/TV station								A	
Seasonal sales of fireworks, agricultural products (non-temporary), snowcone stand, etc.							C	C	C: All structure locations shall meet setback requirements; if sited on property with other uses, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking areas. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.
Small item repair shop							A	A	
Specialty foods store (bakeries, candies, etc.)							A	A	
Specialty store (books, music, toys, sports equip, stationary, etc.)							A	A	
Telephone communication business (call center)								A	
Temporary Use (non-seasonal)				C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #35 Seasonal/Temporary Sales or Use.
Theater (non-drive in)								A	
Tire sales/repair								A	
Upholstery shop							A	A	
Variety store							A	A	

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Video/DVD rental/sales (non-adult oriented)							A	A	
Cab stand								A	
Distribution centers								A	
Parking facilities, commercial (garages & parking lots)	S	S	S	S	S	S	S	S	
Storage outside of buildings of materials, equipment, and supplies not for sale								C	C: All outside storage shall be enclosed with an opaque, Type A screen.
Storage, warehousing accessory to office, retail trade, service, or industry businesses								C	C: Maximum of 95% of the total square footage may be used for this storage.
Storage/display of merchandise for sale (except manufactured buildings, manufactured homes, mobile homes & operable cars, trucks, motorcycles, and RVs)					C	C	C	C	C: Outdoor display of goods sold on the premises is limited to 25% of the gross floor area devoted to the business use.
Wholesale trade, any product								C	C: No outdoor storage allowed.
Construction yard or buildings, temporary	C	C	C	C	C	C	C	C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #31 Construction Building (Temporary) and 32 Construction Yard (Temporary): Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development Director shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.
Contractor's Yard								C	C: All outdoor storage shall be enclosed with an opaque Type A screen
Cottage Industry with retail sales or service (manufacture or processing of goods such as beer or food products for sale on the premises)							C	C	C: Allowed only when such use occurs within a totally enclosed building where the primary use (retail/service) is conducted. The processing of goods shall be clearly secondary to the primary use, shall be sold on-site only, and shall not pose any significant adverse impact on adjacent properties due to noise, odor, dust, or vibration. A maximum of 49% of the total business floor area, not to exceed 3,000 square feet, may be used in the conduct of the cottage industry manufacturing or processing.
Crematorium								C	C: See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #95 Crematorium.
Antennas, towers, communication structures, and other utility vertical structures							S	S	See **Sec. 38-11. Wireless Communication Facilities**.
Facial mounted antennae (attached to the primary use)							C	C	C: Facial mounts must be placed or erected to the primary use/structure in a manner that conceals, to the extent possible, the antenna or face mount. No more than ten (10) additional feet in height to the maximum building height shall be allowed as a result of application or erection of the antenna or

Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
									face mount. **Sec. 38-11. Wireless Communication Facilities**.
Private/public utility (e.g., substations, water wells, transformers, regulators, lift stations, telecommunications site)	S	S	S	S	S	S	S	S	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #53 Public Utilities (Major). A solid wall or fence shall surround the installation. Landscaping as per Sec. 36-2.D.4.d). Landscape Requirements shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.
Recycling collection centers (neighborhood scale only)				S	S	S	S	S	Hours of operation may be limited to mitigate noise to adjacent residences; equipment rooms and outdoor storage of materials shall be screened with opaque fencing; trash shall be contained and properly disposed of; the DRB and Planning and Zoning Commission may impose conditions to insure that noise, fumes, odors and congestion is avoided.
Private "Ham" radio telecommunication antennae	C	C	C	C	C	C	C	C	C: Antennae shall not exceed the building height limit.

f) Nonconforming Uses, Structures, and Property

i) Many people refer to nonconforming uses as the "Grandfather Clause." If a use, structure, etc., was established legally under the previous code, it is considered a legal nonconforming use or nonconforming or non-complying structure. Except for the following, requirements stated in **Sec. 36-5.G. Nonconformities** shall apply.

ii) If a legal non-conforming use becomes and remains vacant, a two (2) year time limit shall be placed on reestablishing the non-conforming use at that location.

g) Parking Requirements

The following exceptions to the parking requirements found in **Sec. 36-3.A.1. Permitted Use Chart** shall be used in the SMO:

i) Buildings within the SMO constructed prior to 1955 shall not be required to provide off-street parking.

ii) Buildings within the SMO constructed after 1955 shall be required to provide off-street parking pursuant to the requirements of **Sec. 36-3.A.1. Permitted Use Chart**. These buildings and properties shall be eligible to use:

a. The Urban Character Area parking exceptions found in **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements**; and/or

b. Surface materials for parking areas for residential or non-residential developments may be pervious materials such as stone or brick pavers or compacted crushed stone (gravel). If gravel is used, single-family and duplex parking areas may use compacted crusher fine or "pea" gravel, but multi-family and non-residential development parking areas shall be limited to using a minimum one-inch diameter size, compacted gravel. Concrete parking pads are not permitted to be installed abutting adobe walls to avoid damage due to "wicking" (transfer of moisture trapped beneath the concrete to the adobe wall).

iii) Parking areas for new development of non-residential and multi-family uses, including garages and carports, are not permitted in the required front setback of the subject property.

iv) The HPC shall have the authority to modify or waive off-street requirements, with the concurrence of the City's Traffic Engineer, if the HPC determines that such modification would result in a project that better advances the purposes of the SMO and positively addresses its design standards.

h) Signage

All signage shall be of materials and design that are compatible with the architecture of the structure and the residential character of the neighborhood. Electronic moving/digital signs are not permitted in the SMO. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with **Sec. 38-10. Signs** with the following modifications:

i) Freestanding Signs

a. Ground signs are allowed and shall be no greater than five feet in height. Only one ground sign per commercial property shall be permitted. Ground signs must be set back at least five feet from any property line and must be at least five feet away from the wall of the building.

b. Ground signs shall be no greater than two square feet in overall size.

c. Ground signs may be illuminated and shall follow regulations stated in **Sec. 38-10.I.3. Sign Lighting**.

d. Temporary Ground Signs are permitted in accordance with **Sec. 38-10.G.12**.

e. Pole signs are allowed only on Lohman and Amador Avenues and shall follow the standards of **Sec. 38-10. Signs**.

ii) Attached Signs

Attached signs shall follow size and placement regulations for attached signage in **Sec. 38-10. Signs**.

iii) Portable A-Frame Signs

An A-frame sign means a self-supporting, portable sign with one or two faces that are adjoined at the top and displayed at an angle, which is designed to be placed where pedestrians walk or gather and ADA accessibility is assured. The sign shall not be permanently anchored or secured and shall be removed at the end of the establishment's business hours.

a. All agents, employees, or representatives displaying an A-frame sign on public property in the DDC shall comply with the following provisions:

i. One A-frame sign per business may be displayed during regular business hours;

ii. A-frame signs shall be no greater than 6 square feet on one side, no more than 12 square feet total, and shall be no greater than 3 1/2 feet in height;

iii. An A-frame sign shall be installed and removed by the business or property owner;

iv. No A-frame sign shall be erected in such a manner so as to obstruct ADA access or vehicular traffic;

v. A-frame signs shall only be displayed immediately in front of the business;

vi. No A-frame sign may be located on public property such as sidewalks or parkways;

vii. The business or property owner shall be responsible for any damage caused to public property by the sign;

viii. The business or property owner assumes all risks with setting up an A-frame sign and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the sign.

iv) Inflatable Signs or Pennants

Temporary inflatable pennants, streamers and other fluttering devices shall be permitted for a special event lasting up to 14 days per event and only four such events shall be allowed per parcel per calendar year.

v) Prohibited Signs

The following signs are prohibited:

a. Variable electronic message display boards, whether temporary or permanent.

b. Permanent banners.

c. Pennants, streamers, and other fluttering devices exceeding the time limits of temporary uses noted above.

d. Temporary Ground Signs (e.g., real estate, political, construction, contractor and "coming soon" signs) over 12 square feet in area or over five feet tall.

e. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

vi) Existing legally permitted signs shall be considered legally non-conforming and shall be regulated in accordance with **Sec. 38-10.L. Nonconforming Signs**.

i) Duties of the Historic Preservation Committee (HPC)

To ensure quality property development and renovation and to protect the historic character of the neighborhood, the design review duties are assigned to the Historic Preservation Committee. In accordance with **Sec. 35-2.B. Duties and Responsibilities of the Historic Preservation Committee**, the HPC shall evaluate and determine the exterior design appropriateness of proposals for new construction, additions, exterior alterations, and rehabilitation of properties within the South Mesquite Overlay.

i) The Historic Preservation Committee is established in **Sec. 35-2. Historic Preservation Committee**.

ii) Duties of the HPC relevant to the South Mesquite Overlay (SMO).

a. The HPC shall review the following permit applications for properties lying within the SMO and shall have final authority on these permits relative to exterior design criteria for:

i. Any new primary structure(s);

ii. Manufactured homes for compliance with SMO design standards, with limitations pursuant to State statute;

iii. Any new accessory structure in excess of 120 square feet;

iv. The conversion of an accessory structure to a primary structure such as a garage or shed to a casita;

v. Additions to an existing primary structure that was constructed 50 years prior to the current building permit application, whether or not it is listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory. The Applicant shall provide evidence of the year built;

vi. Additions to accessory structures in excess of 120 square feet (one time or cumulative);

vii. Window or door replacement on street-facing facades;

viii. Any alterations to the street facade of the primary structure or any alternations to an accessory structure over 120 square feet in size; and

ix. Any alterations, replacement, or changes to the roof resulting in an alteration of the style of roof of a primary structure or accessory structure over 120 square feet in size.

b. The HPC shall establish criteria for issuance of Certificates of Appropriateness (CoA) which shall reflect the purposes of the design guidelines, standards, and criteria of this Section. These criteria shall be attached to the permit application for Applicants to review prior to submittal.

c. The HPC shall review and make recommendations to the Planning and Zoning Commission for the following:

i. Planned Unit Developments (PUDs) (**Sec. 36-5.D**)

ii. Zoning Variances (**Sec. 36-5.F**)

iii. Special Use Permits (SUPs) (**Sec. 36-5.C**)

iv. Zoning Map Amendments (**Sec. 36-5.A**)

~~iv.~~ Land Use: It is possible to request an additional land use for a specific parcel that is not already noted within the permitted use list within the SMO. Each request will be considered on a case-by-case basis and shall be deemed compatible with neighboring land uses and shall satisfy the purposes of the SMO. The HPC shall be a recommending body to the Planning and Zoning Commission. Final action on this additional land use request shall be made by the Planning and Zoning Commission unless appealed to the City Council.

d. Cases not listed above shall also go before the HPC if design issues related to the historic integrity of the neighborhood are involved or at the discretion of the Department Director.

e. State- or nationally-funded projects requiring review by the State Historic Preservation Officer (SHPO) are exempt from review by the HPC. In New Mexico, "State-funded" includes funding by municipalities.

iii) Decisions of the HPC

a. Members of the HPC shall state the factual basis and the findings of their vote. Findings shall be based on Design Standards found herein, information from staff reports and staff presentations, public comment, and one or more of the following:

i. References to the Zoning Regulations or other applicable codes;

ii. Design Guidelines for the South Mesquite District;

iii. The Secretary of Interior Standards for Rehabilitation;

iv. The New Mexico Historic Cultural Properties Inventory Manual; and

v. Projects other than those requiring approval by the HPC shall be reviewed for compliance with design standards by Community Development staff and are required to meet all other applicable City Codes.

b. Decision of Approval

If the HPC approves an application, it shall articulate the conditions (if any) to the approval and instruct staff to issue a Certificate of Appropriateness (i.e., action form). A copy of the Certificate shall be placed in the case file and a copy shall be provided to the Applicant and to the permitting and inspections sections.

c. Decision of Denial

If the HPC denies an application, the Notice of Decision shall identify the design standards or other requirements of this **Sec. 36-2.D.4. SMO, South Mesquite Overlay District** that the proposed work conflicts with and shall also explain the Applicant's right to appeal the denial to City Council (as per **Sec. 36-2.D.4.o) Appeals** below). A copy of the Notice of Decision shall be placed in the case file and a copy shall be provided to the Applicant.

iv) Issuance of Certificates of Occupancy or Completion

Staff having prepared the Certificate of Appropriateness (CoA) shall review the final completion of the project for consistency with CoA prior to the issuance of the Certificate of Occupancy or Completion for the project.

j) Design Guidelines

Specific design guidelines, standards, and criteria shall be used by staff and the HPC to determine the appropriateness of construction and rehabilitation projects, and to determine whether the request is consistent or inconsistent with existing development.

i) Applicable development must ultimately utilize architectural styles, methods, and materials that are visually compatible with the original structure, surrounding structures (especially where new construction is proposed), and the overall character of the historic district. This should not be interpreted as a

requirement to mimic existing styles or construction materials, but as a means for these types of projects to result in a visually compatible transition between old and new structures within the general neighborhood and/or on a single parcel of land.

ii) When evaluating proposals for new development, additions, or rehabilitation in the SMO, the structure's contribution to the neighborhood comes into play. Most of the SMO historic structures are located within the Original Townsite. These historic structures deserve the most protection and, therefore, the design standards for these are stricter than for newer buildings. There are also many structures listed as contributing on the historic register outside of the Original Townsite; these, too, follow the same design standards as those in the Original Townsite.

iii) In addition to the standards stated herein, staff and the HPC shall review projects based upon The Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings, and The New Mexico Historic Building Inventory Manual (1980). These resources are available for public review in the Community Development Department or on the City's website.

iv) Ordinary maintenance and repair of any exterior architectural feature in or on a contributing building may be undertaken without a Certificate of Appropriateness provided this work is in keeping with the architecture or character of the building and does not cause a loss of its historic integrity. If such work requires a permit, Community Development staff shall evaluate these permits for consistency with the Design Standards of this Section.

v) Criteria for Requesting and Granting Building Height Exceptions

Pursuant to **Sec. 36-2.D.4.c). Development Standards**, the building heights within the SMO are limited to 14 feet and one story. Through a variance procedure to the HPC, a property owner may request a variance from this maximum building height or number of stories limitation provided that the HPC finds that the proposed building satisfies the following criteria:

a. For new construction:

i. The building is similar in height to another building or buildings within the same block;

ii. The second story is set back from the first story by a minimum of 15 feet;

iii. Second-story windows facing the street shall be small or clerestory;

iv. Second-story windows facing adjacent residential properties shall be frosted to ensure neighbors' privacy; and

v. The design of the building shall satisfy the design standards and guidelines of the SMO.

b. For additions:

i. The addition is limited to 20 percent of the total footprint of the primary building;

ii. The addition must be setback or stepped back from the street-facing facade;

iii. For additions to buildings deemed Contributory to the Historic District, materials and colors of the addition shall distinguish the addition from the original structure;

iv. Second-story windows facing the street shall be small or clerestory;

v. Second-story windows facing adjacent residential properties shall be frosted to ensure neighbors' privacy; and

vi. The design of the building shall satisfy the design standards and guidelines of the SMO.

vii. The maximum building height allowed with a variance procedure shall be 25 feet. The maximum number of building stories allowed with a variance shall be two stories.

k) Design Standards

Additional components that must be given specific attention include the following criteria:

i) Design Standards for All Properties in the SMO:

a. New construction shall reflect a style consistent with those found in The New Mexico Historic Building Inventory Manual (1980) and shall be consistent with the styles of Design Guidelines or Manual established by the HPC for the SMO and with other historic structures found on the same street segment.

b. New construction shall maintain a visual balance and rhythm of the walls, doors and windows along any given street segment.

c. Manufactured homes shall meet design criteria for new construction to the greatest extent possible without altering the structural integrity of the home. This shall include the style and type of materials forming the exterior facade as well as the type and material of skirting that is used. Manufactured homes shall be is compatible in type and materials with adjacent and nearby historic structures.

d. Additions and remodeling projects shall utilize materials that are consistent with the character and architecture of the existing structure. The same materials must be used on all sides of a structure.

e. Changes in materials on a single structure, such as stucco to wood siding or vice-versa, may be made if the different material is also in keeping with the architecture or character of the structure and does not diminish the historic integrity of the structure to any great extent. Changes in materials must also be consistent with other materials used in the neighborhood.

f. Fences/walls shall be of a material that is compatible with the structure or compatible with other fences/walls in the neighborhood.

i. Chain link or square wire fencing is prohibited except if used in a small area within the interior of a lot, such as for a dog run or surrounding a private swimming pool, and cannot be viewed from a public street.

ii. Existing chain link or square wire fencing may be temporarily removed if necessary, but the same fencing must be replaced exactly as it was.

iii. An old chain link or square wire fence may not be replaced with new chain link or square wire fencing; if replaced, the new fence must come into compliance with this Section.

iv. If a chain link or square wire fence is damaged through no fault of the property owner, the fence may be replaced exactly as it was.

v. The HPC has the authority to modify or waive the above wire fence restrictions on a case-by-case basis with a Certificate of Appropriateness.

g. Construction fencing must be removed from the site within three (3) days of issuance of a Certificate of Occupancy or a Certificate of Completion.

h. Dumpsters for commercial or multi-family developments are required to be screened from any streetside facade.

i. Second story elements and single-story structures built to the side or rear property lines shall incorporate window types (e.g. clerestory, frosted) and placement in such a way as to protect the privacy of adjacent neighbors.

j. Outdoor lighting shall meet the requirements of **Sec. 38-9. Outdoor Lighting** and light fixtures shall be consistent with the architectural character of the structure and neighborhood. Fluorescent tube lighting fixtures are prohibited.

ii) Design Standards for Structures Listed as Contributing on the State or National Mesquite Street-Original Townsite Historic District Inventory

a. Additions are not permitted to primary facades, it must be set back from the front facade.

b. Additions and remodeling projects shall have architectural treatments and styles, features, and details as the existing structure, but shall not duplicate those of the existing structure in a manner that will make the addition indistinguishable from the existing structure. Distinguishing characteristics could include, but are not limited to:

   i. Setting back the addition from the original structure a distance to be determined by the proposed addition's relation to the scale and form of the original structure;

   ii. Varying trim, finish texture, facade height, color, etc., to some slight degree;

   iii. Separating the addition from the original structure by a connector;

   iv. Varying the window or brick pattern from the original.

c. If applicable, to the extent architecturally practicable, new additions should be attached to any existing noncontributing portion of the structure instead of attaching them to the contributing portion.

d. The owner shall make every attempt to repair or restore historic windows. Historic windows that cannot be repaired or restored shall be duplicated in size, style, and material of the original to the greatest extent possible. No opening shall be widened or narrowed except as required to comply with building code standards, unless historic documentation supports its prior existence. Vinyl-clad or aluminum windows may be used if they resemble the original windows in size and style. Thermal double pane glass may be used.

e. Original doors shall be retained, and repaired or restored to the greatest extent possible. If existing doors are beyond repair, new ones shall match the original material and should also be similar in design. Flat surfaced and contemporary doors with small decorative windows shall be avoided. No door opening shall be widened or narrowed except as required to comply with Building Code standards, unless historic documentation supports its prior existence.

f. Existing porches or portals shall not be enclosed, unless historic documentation supports its prior existence.

g. No new opening shall be made where one presently does not exist unless historical documentation supports its prior existence. An exception may be made to comply with Building Code standards for egress.

h. No existing opening shall be enclosed unless historical documentation shows that the existing opening is not original to the structure.

i. Existing roof styles and materials shall be maintained or replaced in kind. The addition of parapets, canales, or other roof features should only be considered if they are in keeping with the architectural style of the structure.

j. Specific colors of structure and trim shall not be criteria in evaluating the proposal.

l) Installation of Solar Panels or Other Alternative Energy Equipment

Enhancing the energy efficiency of a historic building is important. To that end, it is often possible to install features such as solar panels and photovoltaic cells, provided they are installed in a sensitive manner. However, for some historic buildings, it may not be possible to incorporate solar panels and meet the Secretary of the Interior's Standards for Rehabilitation. The following standards for installation of these systems shall apply:

i) Installation of panels must be reversible and not damage the historic integrity of the building and district.

ii) Solar panels should be installed on rear slopes or other locations not highly visible from the public right of way whenever possible. Panels should be installed flat and not alter the slope of the roof.

iii) Flat roof structures should have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right-of-way.

iv) Use solar panels and mounting systems that are compatible in color to established roof materials. Mechanical equipment associated with the solar panel system should be treated to be as unobtrusive as possible.

v) Use of solar systems in windows or on walls, siding, awnings, or shutters should be installed with limited visibility from the public right-of-way.

vi) In circumstances where solar collectors are not placed on rooftops, they should only be positioned in limited or no-visibility locations in secondary areas of the property. Use vegetation or a compatible screen if necessary to further reduce the visual impact of these features on a historic property.

m) Submittal and Review Process

The following submittal and review procedures are established to protect persons and property in the South Mesquite Overlay District. Applications shall be obtained from the Community Development Department, Building Permit Section.

i) Buildings/Structures

Prior to the filing of an application for development and/or signs, a pre-application conference to meet with Community Development Department Staff to review the proposal is required.

ii) Following the pre-application meeting, the Applicant shall submit one copy of all application materials for the development to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall deem the application complete and shall begin its review process.

iii) The minimum submittal requirements for development proposals shall include the following information that is relevant to the proposal:

a. A Development Application, with appropriate materials required for the SMO, as determined by Community Development staff at the pre-application meeting. The submittal shall include a scaled site plan that includes the following, as applicable:

i. Property boundaries.

ii. Location of all structures.

iii. Age of structures.

iv. Setbacks of all structures, existing and proposed.

v. Parking layout, if applicable.

vi. Ingress/egress access points.

vii. Areas proposed for landscaping.

viii. Surfacing material for impervious surfaces, if applicable.

ix. Stormwater ponding areas.

x. Dumpster location(s).

xi. Location of service and loading area(s).

xii. Freestanding and attached sign locations where applicable.

xiii. North arrow.

xiv. Any other information that conveys how the proposal will meet development requirements.

b. A statement of objectives to be achieved by the development, inclusive of a description of the character and anticipated use of the proposed development.

c. If the structure is listed as contributing on the State or National Mesquite Street—Original Townsite Historic District inventory, a description of the known history of the structure shall be included. Photos are encouraged to support the purpose of the application.

d. Scaled elevations or renderings that are detailed enough so that a realistic picture is given of the proposed project to a close approximation of the finished project. It should be apparent from the submission that the design criteria herein have been met to the greatest extent possible. Color architectural/artistic renderings shall:

   i. Reflect all aspects/views of the exterior of the structure.

   ii. Demonstrate the use of building materials through the drawings or with a legend or an attached list.

   iii. Detail the fenestrations, other building openings, rooflines, ornamentation, woodwork, and other features of the structure.

e. If required, the Applicants shall present their proposal to the HPC at a public meeting. At that time, a formal decision by the HPC regarding the proposed project will be made and a Certificate of Appropriateness or Letter of Denial will be issued by staff within five days. This record of the HPC shall be entered into the Case File for reference by building inspectors, plan examiners, and other relevant City staff. Public meeting procedures and notice requirements will follow that of the Planning and Zoning Commission found in **Sec. 34-3.G. Notice for a Public Meeting**.

f. Those projects not required to be reviewed by the HPC shall be reviewed by Community Development staff using the same criteria and procedures found herein.

g. A scaled landscaping plan shall include:

   i. Location, size, and common name of all landscaping

   ii. A complete irrigation plan shall be included, clearly identifying how the landscape will be sustained.

h. Community Development staff shall ensure that the Applicant satisfies any conditions of approval stated in the Certificate of Appropriateness (CoA); if the Applicant proposes any changes to the project involving architectural or structural elements, location, or materials that alters the CoA approval conditions, the Applicant shall submit revised plans for review by the HPC. If the Community Development staff, upon inspection prior to issuance of a Certificate of Occupancy or Completion, notices that the Applicant changed a design element that is inconsistent with the CoA, the Applicant shall submit a revised plan showing the changed element and the HPC shall review the change to see if it meets the SMO design guidelines, standards, and criteria. The HPC shall have the authority to recommend to the City's Building Official that the substituted element be removed and replaced with one that is approved by the HPC.

n) Demolition

To preserve the character of the State and National Mesquite Street-Original Townsite Historic Districts and surroundings, this ordinance creates a 60-day demolition permit application review process that will allow time for interested parties to explore alternatives to the demolition of historic structures.

i) Property owners intending to demolish any structure located within the SMO must adhere to the following 60-calendar day process. The Applicant may withdraw the permit application at any time with a written notice to the Director of the Community Development Department.

ii) Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. During the 60-day review, Community Development Department staff will review the application for compliance with the Las Cruces Building Code (Chapter 30 of the LCMC).

iii) A proposal for redevelopment of the property, with elevations, must accompany the permit application; this proposal shall describe a potential or proposed development proposal for the property, and whether it is proposed for the near or distant future.

iv) Prior to the demolition of a structure designated as Contributing within the State or National Historic District, the Applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff:

a. Completion of the New Mexico Historic Cultural Properties Inventory (HCPI)-Form, available in the Community Development office and online.

b. Photographing the property

c. Take several photos (front, rear, sides, close-up views, details, setting, etc.) of the historic structure proposed for demolition (primary structure and/or each historic accessory structure, such as a garage, sheds, etc.) Buildings that are not listed on the historic register need not be included. For more information on documentation, please refer to the National Register Photo Policy Fact Sheet available in the Community Development Department and online.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

v) Posting

At the beginning of the 60-day review process, the Community Development Department will prepare a public notice sign that is to be posted by the Applicant in a conspicuous place on the property. The Applicant is responsible for ensuring that it is in place for the entire 60-day period. The Department will publish a legal notice describing the proposed demolition and contact information for the Applicant. A fee shall be charged to the Applicant for the cost of the public notice.

vi) At the beginning of the 60-day review process, the Community Development Department will inform the HPC, neighborhood associations, the New Mexico State Historic Preservation Office (SHPO), and other pertinent organizations or interested parties that a demolition permit has been applied for.

vii) A demolition permit shall be issued upon the completion of the following items:

a. The completion of the 60-day period;

b. Documentation of the structure as described above; and

c. The application meets all City Code requirements and has been approved by the Community Development Department Staff. (Code compliance comments regarding the proposed demolition may be resolved within the 60-day time period).

viii) Compliance with the procedure set out in this Section may be waived by the City Manager if it is determined that immediate demolition of a historic structure is necessary to remove a hazard to the health, safety, and welfare of the public. In such a case, the Community Development Department shall immediately notify the HPC, neighborhood associations, SHPO, and other pertinent organizations and interested parties that demolition of the structure is imminent.

o) Appeals

In the South Mesquite Overlay District, any applications for development must be approved by the City in order for a use permit, building permit, or sign permit to be issued. If required by this Section, review and approval by the HPC must precede issuance of a permit.

i) A decision made by staff may be appealed by any aggrieved person to the HPC. Such appeal must be made in writing within 15 calendar days of the staff decision. The appeal will be presented to the HPC at their next regularly scheduled meeting.

ii) Appeals for a decision made by the HPC, Planning & Zoning Commission, or City Council shall be in accordance with **Sec. 34-3.F.1.c) Timing for Filing Appeal**.

iii) A request that is denied by the HPC and/or City Council shall not be resubmitted or reconsidered for a period of one year. However, after meeting with Community Development Department staff, a different request on the same property may be submitted no less than six months after such denial decision.

5. UD, University District Overlay District

   a) Intent and purpose. The University District Overlay intends to allow greater flexibility to developers and land owners while encouraging the development of a vibrant, mixed-use University District. The purpose of this document is to implement transportation, land use, and urban design policies as established in the University District plan. Specifically, the purpose of this overlay is to stipulate provisions which will:

      i) Promote a pedestrian-oriented urban form in the University District. The focus on form promotes buildings that conform to tested urban design principles and that adapt to changing conditions over time.

      ii) Establish an area with a rich mix of uses: Commercial, cultural resources, residential, and transportation choices.

      iii) Maximize connectivity and access in a multimodal circulation network in which residents, workers, and visitors may conveniently walk, drive, bike, or ride public transportation to destinations within and outside of the district.

      iv) Support existing University District businesses.

      v) Promote sustainable development that minimizes negative impacts on natural resources. A walkable, mixed-use, higher-density University District supports sustainable development by providing an alternative to low-density development in peripheral areas. University District's buildings, transportation systems, and public spaces should be designed to minimize negative impacts on air and water quality and promote innovation in environmental design.

      vi) Create a seamless destination where the City of Las Cruces and New Mexico State University meet.

   b) Applicability.

      i) Introduction. This overlay applies to all properties that have been rezoned within the University District overlay zone. It shall be used to regulate the design of new streets, new buildings, and new public spaces.

      ii) Terms. The provisions of this overlay are activated by "shall" when required; "should" when recommended; and "may" when optional. Technical terms used throughout this Code may be defined in **Sec. 34-5. Definitions**. Those terms not defined in **Sec. 34-5. Definitions** shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and the provisions herein stated, the Community Development Director shall have the authority pursuant to **Sec. 34-1.I. Interpretations** to determine which will be imposed.

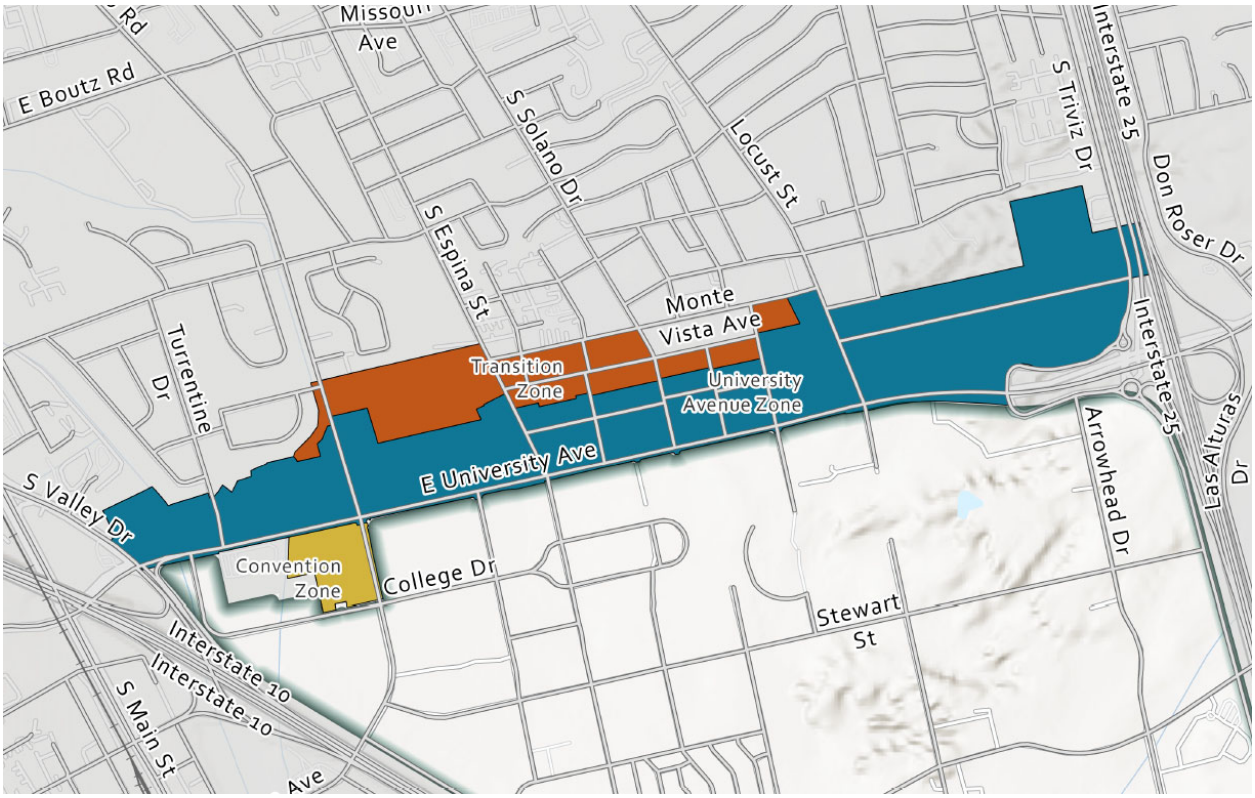
   c) Diagrams and Illustrations. Diagrams and illustrations are an integral part of this overlay and are used to help explain standards and guidelines. The diagrams and illustrations are for illustrative purposes only. When in conflict, written text shall take precedence over diagrams and illustrations.

   d) Delineation of Overlay District.

      i) The University District Overlay applies to all properties within the boundaries noted on the associated map. Please refer to **Figure 36-2-31. University District Overlay**.

      ii) Within the boundary of this overlay, three distinct zones shall be established: University Avenue Zone (UD-UAZ), Transition Zone (UD-TZ), and Convention Zone (UD-CZ). The locations of these zones are on the associated map.

Figure 36-2-31. University District Overlay



e) The vision for the zones.

i) University Avenue Zone (UD-UAZ): The UD-UAZ is assigned to land appropriate for an urban neighborhood center with a mix of building types and uses. These lands are generally occupied by attached residential houses, apartment buildings, and commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, squares, and plazas. Two- to five-story buildings are encouraged. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks. University Avenue shall be the primary frontage for properties on University Avenue.

ii) Transition Zone (UD-TZ): The UD-TZ is assigned to land appropriate for neighborhoods with a mix of building types and uses. These lands are generally occupied by detached and attached residential houses, small apartment buildings, and small commercial or mixed-use buildings. Civic and religious use buildings may also be present. Lands may also be used for playgrounds, passive and active neighborhood parks, and squares. The buildings may be one to three stories high with shallow front setbacks and small or no side and rear yards. Block sizes are limited to create a walkable and well-connected network of streets. Streets are designed to encourage pedestrian activity by generally including on-street parking, curbs and gutters, parkways with street trees, and wide sidewalks.

iii) Convention Zone (UD-CZ): The UD-CZ is assigned to land suitable for development that, by its intrinsic size, function, or configuration, may not conform to the descriptions and standards for one of the other zones. The development types include convention and exhibition hall, hotel, and ancillary uses such as restaurants and specialty retail.

f) Definitions. Definitions are in addition to those noted in **Sec. 34-5. Definitions** unless otherwise noted here:

Brew-pub: A brew-pub is a microbrewery that serves food or is combined with a pub. A microbrewery, or craft brewery, is a brewery that produces a limited amount of beer. The maximum amount of beer a brewery may produce and still be classed as a microbrewery in New Mexico is less than or equal to 200,000 barrels a year, according to the New Mexico Alcohol and Gaming Division.

Callecita or *lane:* Combines the space for a car with the space for the pedestrian. See also the Las Cruces Downtown Revitalization Final Schematic Design and Concept Report, adopted August 2005.

Dwelling, above ground floor: Dwelling unit(s) located above ground floor office or commercial uses.

Front facade: A term that is equivalent to "primary front" or “primary frontage” throughout this Development Code. It is the elevation with the main entrance to a building that faces a public street. In the UAZ, the primary or front facade faces University Avenue.

Green roof: As defined by the U.S. Environmental Protection Agency, green roofs, also known as rooftop gardens, are planted over existing roof structures, and consist of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants. Green roofs reduce rooftop and building temperatures, filter pollution, lessen pressure on sewer systems, and reduce the heat island effect.

Guest dwelling: A dwelling to be used for temporary occupancy only and is not to be rented or leased. A guest dwelling shall be no more than 50 percent of the main dwelling's heated/cooled square footage and shall not contain a kitchen. (See also **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #19 Accessory Dwelling.)

Live/work unit: A building that may be used flexibly for living and working in the same building. A variety of uses in the buildings is encouraged. Dwelling units may be located above the ground floor, attached to the rear of a shop front, or detached and located in the rear or side yard. Work is of a commercial nature subject to business registration requirements and not a home occupation.

Mixed-use: For the purposes of this overlay, the term refers to the practice of allowing more than one type of land use category (For example, residential, office or commercial, etc.) in a single building or set of buildings located on a single parcel.

Outdoor plaza or space: A generally open area that may be used for active or passive purposes by one or more businesses and the public visiting the location. An example may include an outdoor seating area for a cafe or restaurant serving as an extension of one or more business, a landscaped plaza serving as open space for patrons and visitors alike, etc.

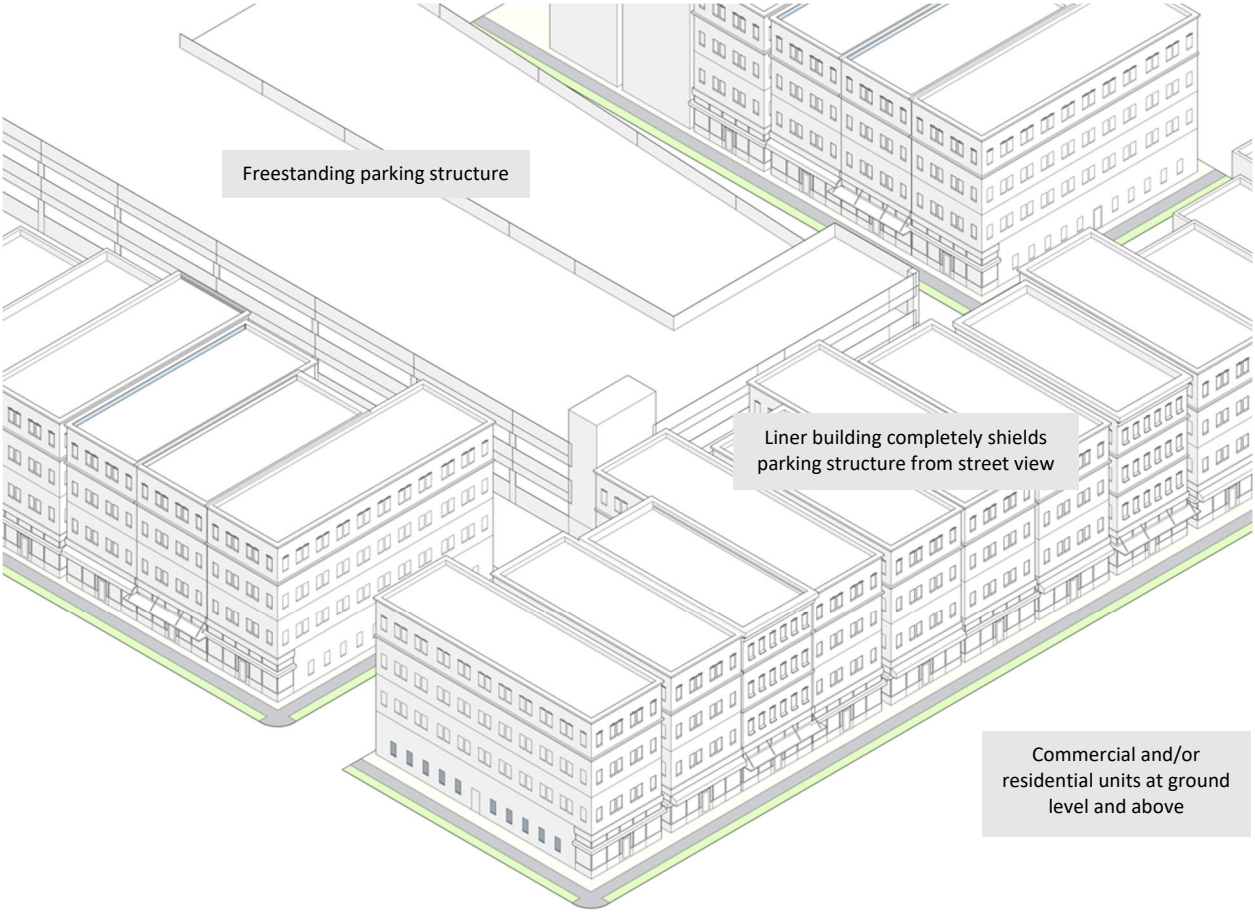
Parking garage with and without liner building: A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below-grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features, and articulated elements to mitigate blank walls and screen parking.

Pedestrian scale lighting: Lighting that shall be a maximum of 16 feet in height and shall contribute to the overall character of the surrounding community, site architecture, or other site features.

Performing arts center: A multi-use performance space that is intended for use by various types of performing arts, including dance, music, and theatre.

Secondary residence: A dwelling unit that is subordinate in size and location to the main dwelling on a single property, and may be rented or leased as an independent dwelling unit. A secondary residence is different from a guest dwelling or accessory structure in that it is a distinct dwelling unit containing a kitchen. Examples include an apartment or cottage.

Single use: For the purposes of this overlay, the term refers to either one or multiple component parts of a single land use category, such as residential, office, or commercial. Multiple office-related businesses on a single parcel or tract shall be considered a single use. For the purpose of this overlay, there shall be a limit to a concentration of single land uses in favor of a mix of uses.



g) Permitted Uses

i) General Provisions

a. Mixed-use development is permitted throughout the University District. Mixed-use is defined as the practice of allowing more than one type of use, including residential, in a building or set of buildings.

b. The City shall seek to streamline review, subdivision processing, and waiver of permit and application fees as appropriate within the University District Overlay. Use of these provisions shall be allowed regardless of a parcel's status (vacant, underutilized, etc.).

c. There shall be no development or alteration of the lands, uses, or structures within this overlay except as provided for by this section of the Development Code and other codes where applicable. For example, under no circumstances shall development violate the City's traffic standards for maintaining a clear sight triangle (**Sec. 38-2.H. Clear Sight Triangle**).

d. Commercial (retail and service) and office drive-thru windows/drive-up windows are discouraged in the University District. Drive-through uses do not support a pedestrian-oriented environment and are inconsistent with the goals for the University District. Although drive-through facilities are discouraged, the following standards shall apply to facilities approval by the UD-CDRC.

i. Windows and stacking lanes. Drive-through windows and stacking lanes shall not be located within the front yard setback or along facades that face a street. Drive-through windows shall be located at the rear of buildings.

ii. Circulation. The design and location of the facility shall not impede vehicular traffic flow and shall not impede pedestrian movement and safety. Shared driveways and/or driveways located off of non-arterial streets should be used, where possible.

iii. Screening. Architectural elements, landscaping, and/or other screening elements shall be used to minimize the visual impacts of the drive-through facility.

e. Developments with frontage on University Avenue greater than 400 linear feet shall be mixed-use.

f. Land uses that do not appear on this list shall be reviewed by the Community Development Director and a determination will be made as to whether said use is consistent and/or congruous with others listed or whether or not it requires a special use permit by its intended omission.

ii) University Avenue Zone (UD-UAZ), Transition Zone (UD-TZ) and Convention Zone (UD-CZ). Please refer to **Figure 36-2-32. UD Overlay Permitted Uses** for uses that are allowed (A), conditional (C) and not permitted (NP). Please refer to **Sec. 36-3.A.1. Permitted Use Chart** for the number of auto parking stalls required per land use.

Figure 36-2-32. UD Overlay Permitted Uses

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
AGRICULTURE & EQUESTRIAN USES					
Veterinary Facility	A	C	NP	Close 10 p.m.	1 BPS/20 employees on maximum shift
INDUSTRIAL LAND USES					
Light Manufacturing (Cabinetry and Woodworking; Cottage Industry Retail or Service, Jewelry, Silverware & Plated Ware; Musical Instrument Fabrication/Manufacture; Printing and Publishing; Signs & Advertising) Fabrication/Manufacture	C	C	NP	NEW: Light manufacturing uses permitted shall be an accessory use to a retail business in the UD. A maximum of 49 percent of the square footage of the buildings may be used for light manufacturing uses. The use shall meet all requirements for the district including the intent and purpose. CONDITIONS: 1. No activity producing noise, glare or heat observable or measurable outside the building is allowed. 2. No emission of objectionable dust, fumes, odors, vapors, gases, smoke or other forms of air pollution shall be permitted. 3. No vibration shall be permitted which is discernible beyond the property lines to the human sense of feeling for three minutes or more duration in any one hour of a day. 4. No outside storage.	1 BPS/20 employees on maximum shift
Communication/Vertical Structures	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**	
Face Mount (attached to primary use)	C	C	C	See **Sec. 38-11. Wireless Communication Facilities**	N/A
Laboratories (Medical/Dental/R & D)	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Manufacturing, General	NP	NP	NP		
Ministorage Units	NP	NP	NP		
Parking Lots (Private or Public)	NP	NP	NP		
Parking Garage with Liner Building, Commercial or Public	A	C	A	Not to exceed maximum height (45 feet).	
Storage/Display of Merchandise for Sale (exc. Manufactured buildings, mobile homes & operable cars, trucks, motorcycles & RVs)	NP	NP	NP		
Storage outside of buildings of materials, equipment and supplies not for sale	NP	NP	NP		
Storage, warehousing accessory to Office, Retail, Service, or Industry	NP	NP	NP		
Recycling Centers	NP	NP	NP		
Water Purification, Commercial	NP	NP	NP		
Wholesale Trade, any product	NP	NP	NP		
INSTITUTIONAL RELATED USES					
Child Care or Preschool (13 or more children)	C	C	NP	See #36 Child Care Center in **Sec. 36-3.B**	1 BPS/7000 GFA
Community Buildings - Uses (includes Community Recreation Facility, etc.)	A	C	C		1 BPS/5000 GFA
Convention Center/Exhibition Hall	NP	NP	A		1 BPS/75 Maximum occupancy
Family Child Care Home (5-6 children)	C	C	NP	See #37 Child Care Home (≤6) in **Sec. 36-3.B**	1 BPS/7000 GFA
Group Child Care Home (7-12 children)	C	C	NP	See #38 Group Child Care Home (7-12) in **Sec. 36-3.B**	1 BPS/7000 GFA
Institutional Office (i.e., Convention & Visitors Bureau, etc.)	A	A	C	Accessory to Convention Center/Exhibition Hall	1 BPS/8000 GFA
Religious Institution w/Columbarium	C	C	NP	See #43 Cemetery or Columbarium in **Sec. 36-3.B**	1 BPS/40 seats in primary assembly
Library/Museum	A	C	A	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building; d) Frontage Elements, Primary Building]	1 BPS/1000 GFA
Performing Arts Center	A	C	A	Close 10 p.m.	1 BPS/50 Maximum occupancy
School (K-8) Public, Private, Parochial	C	C	NP	See #39 School (K-8) in **Sec. 36-3.B**	6 BPS/classroom
School (9-12) Public, Private, Parochial	C	C	NP	See #40 School (9-12) in **Sec. 36-3.B**	4 BPS/classroom
School, College or University	C	C	C	See #41 School (College or University) in **Sec. 36-3.B**	1 BPS/20 Employees + 1 BPS/4 Students
School, Commercial, Trade or Technical	C	C	C	See #42 School (Commercial, Trade, or Technical) in **Sec. 36-3.B**	1 BPS/20 Employees + 1 BPS/4 Students
OFFICE & COMMERCIAL LAND USES					
Adult Amusement Establishment	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Adult Bookstore/Video Store	NP	NP	NP		
Art or Photography Studio	A	A	NP		1 BPS/8000 GFA
Auto/Truck/Trailer Rental	NP	NP	C	Auto rental only when accessory use to Hotel, Convention Center, Exhibition Hall. Not to exceed 10 parked cars.	1 BPS/6000 GFA
Cab Stand	NP	NP	NP		
Eating & Drinking Establishments (Bar, Pub, Tavern (Dancing & No Dancing); Cafe, Cafeteria, Coffee Shop, Convenience Store; Deli with eating facilities; Restaurant, etc.; Brew-Pub)	A	A	C	New use category that contains both uses in current zoning code and a new one for Brew-Pub.) CONDITIONS: Ancillary to primary Hotel use, Convention Center, & Exhibition Hall.	1 BPS/1000 GFA
Equipment (Large) Repair & Service (Non-Vehicular)	NP	NP	NP		
Equipment Rental	C	C	NP	Outside storage prohibited.	1 BPS/20 employees
Gas Station with Convenience Store	C	NP	NP	Prohibit mid-block locations and at intersections on University Avenue between Turrentine Drive and Locust Street. Repair facilities prohibited.	1 BPS/2000 GFA
General Commercial & Retail (Bicycle Sales, Service & Repair; Building Material (no outdoor sales or storage); Carpet/Window Treatments; Clothing Store; Department Store; Furniture Store; Garden Supply; Grocery Store; Hardware Store w/out outdoor sales or storage; Specialty Store such as books, music, toys, etc.; Pawn Shop; Plant Nursery; Small Item Repair Shop; Telephone & Communication Center; Upholstery Shop, no outdoor storage; Variety Store; Video Tape/DVD/Rental/Sales; and other typical small-scale Commercial establishments)	A	A	C	Ancillary to primary Hotel or Convention Center use.	1 BPS/2000 GFA
General Office & Service (Accounting, Auditing & Bookkeeping; Architectural, Engineering, Planning & Surveying; Bank, Bonding & Financial Institution (No Drive-Thru); Barber/Beauty/Hair Salon & Related Personal Care; Cleaning & Maid Services; Consulting Services; Counseling Services; Credit Reporting & Collection; Desktop Publishing & Graphic Design; Funeral Home; Health Care Clinic (non-hospital); Insurance; Laboratory; Legal Services; Lessons (Art, Dance, Music, etc.); Mailing & Records Management Services; Medical/Dental Office; Motion Picture Production; Pharmacy; Radio/TV Studio/Station; Real Estate; Research Organization, Noncommercial; Tax Preparation; Telemarketing/Mail Order/Call Center; and other similar Business Offices.)	A	C	C	TZ: Close 10 p.m. CZ: Ancillary to primary Hotel or Convention Center use.	1 BPS/8000 GFA. Medical Office add 1 BPS/2 Doctors
Health Care Clinic (Non-Hospital)	A	C	NP	Close 10 p.m., location on Collector or higher.	1 BPS/10000 GFA
Hospital	NP	NP	NP		

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Hotel/Motel	A	NP	A		1 BPS/20 employees on maximum shift. For additional onsite uses (offices, meeting rooms, ...) see individual req'ts.
Kennel/Cattery, Commercial	NP	NP	NP		
Newspaper Distribution	NP	NP	NP		
Petroleum/Propane Sales	C	C	NP	Ancillary to retail use.	N/A
Private Club or Lodge	A	C	NP	Close 10 p.m.	1 BPS/2000 GFA
Temporary (Non-seasonal)	C	C	C	See #35 Seasonal/Temporary Sales or Use in **Sec. 36-3.B**	1 BPS/2000 GFA
Theater, Movie (Commercial)	A	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building; d) Frontage Elements of the Primary Building].	1 BPS/60 seats
Mobile Home, Auto, Motorcycle & Manufactured Home Sales, Service & Repair (Auto Body Shop; Auto/Truck Parts Store; Auto/Truck Repair & Service; Auto/Truck Wash/Wax/Detailing; Self-Service/Automated or Full Service; Auto/Truck/Motorcycle Dealers; Truck/Trailer Rental (separated Auto Rental conditioned in CZ as an accessory to hotel use); Automobile, Truck and Camper Sales, Service and Repair); Tire Sales/Repair	NP	NP	NP		
RECREATIONAL USES					
Arcade/Game Room	A	C	NP	Hours of operation: Close 10 p.m.	1 BPS/1000 sqft GFA
Billiard/Pool hall	A	C	C	TZ: Hours of operation: Close 10 p.m.; CZ: Ancillary to primary hotel use and subject to NMSU lease agreement.	1 BPS/4000 sqft GFA
Golf Course, Miniature	A	C	NP	Hours of operation: Close 10 p.m.	1 BPS/6 tees + 1/1500 sqft GFA
Health/Exercise Club/Gymnasium/Sports Instruction	A	A	C	Ancillary to primary hotel use.	1 BPS/1500 sqft GFA
Park	A	A	NP		per Director
Recreational Court, Tennis, etc., Public/Private	A	A	NP*		1 BPS/5 courts
Swimming Pool, Commercial or Public/Private	C	C	C	UAZ + TZ: if the pool is part of a MU development & meets the conditions of the code for placement, utilities, walls & fences, stormwater retention. CZ: When ancillary to primary hotel use.	1 BPS/1250 sqft of pool surface
Botanical Park	C	C	NP	Building and site design requires pedestrian orientation and compliance	2 BPS/acre

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
				with Building and Site Standards in UD Overlay [b) Placement of Primary Building and d) Frontage Elements of Primary Building]	
Apartments (including Condominiums)	C	C	NP	Achieve minimum density: 10 DU/ac in TZ and 15 DU/ac in UAZ	1 BPS/4 DU
Assisted Living or Retirement Facility	C	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay (B: Placement of Primary Building; F: Frontage Elements (Primary Building)	1 BPS/20 Employees on maximum shift
Bed and Breakfast	C	C	NP	UAZ: Maximum 15 rooms; TZ: maximum 8 rooms. Consistent with design guidelines in this overlay.	1 BPS/4 rooms
Boarding House	A	A	A		1 BPS/4 rooms
Detached Site Built Single Family DU	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	N/A
Duplex (including Condominiums)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit
Dwelling, Live-Work	C	C	NP	Dwelling unit is attached to the rear of a shop front or detached and located in the rear or side yard or located above the ground floor and that work is of a commercial nature subject to business registration requirements and not a home occupation.	2 BPS/Unit
Dwelling, Located Above Ground Floor	C	C	NP	Achieve minimum density: 15 DU/ac UAZ and 10 DU/ac TZ.	1 BPS/Unit
Fraternity/Sorority House	A	A	NP		1 BPS/2 Bdrms
Guest Dwelling	C	C	NP	See #19 Accessory Dwelling in **Sec. 36-3.B**	1 BPS/Unit
Halfway House	A	A	NP		1 BPS/4 Bdrms
Home for Disabled	A	C	NP	Ten or fewer persons served allowed in TZ. More than 10 persons served, allowed in UAZ only.	1 BPS/20 Employees on maximum shift
Manufactured Dwelling Unit	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	N/A
Nursing Home	C	C	NP	Building and site design requires pedestrian orientation and compliance with Building and Site Standards in UD Overlay [b) Placement of Primary Building and d) Frontage Elements of Primary Building].	1 BPS/80 Beds
Patio Home	C	C	NP	See **Sec. 36-4.B.4 Dimensional Standards for Patio Homes and Townhouses**, Achieve minimum density: 15 DU/ac in UAZ, 10 DO/ac in TZ	1 BPS/Unit
Quadplex (including Condominiums)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/4 DU
Secondary Residences	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ.	1 BPS/Unit
Townhouse (Attached Single Family DU)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit

A = Approved by Right, C = Conditions apply to more than one zone unless otherwise noted, NP = Not Permitted

	UD-UAZ	UD-TZ	UD-CZ	CONDITIONS	BICYCLE PARKING SPACES (BPS)
Triplex (including Condos)	C	C	NP	Achieve minimum density: 15 DU/ac in UAZ, 10 DU/ac in TZ	1 BPS/Unit
Youth Hostel	A	A	NP		1 BPS/10 Beds
RESIDENTIAL RELATED USES					
Accessory Dwelling Unit	A	A	NP	See #19 Accessory Dwelling in **Sec. 36-3.B**	N/A
Accessory Uses & Structures	C	C	NP	**Sec. 36-4.B.2 Accessory Structures**	N/A
Greenhouse (Non-commercial), Garden Shed, Tool Shed	C	C	NP	See **Sec. 36-4.B.2 Accessory Structures**	N/A
Home Occupation	C	C	NP	See #23 in Home Occupation in **Sec. 36-3.B**	N/A
Kennel/Cattery (Private Residential)	C	C	NP	In accordance with Chapter 7 of the LCMC Code of Ordinances	N/A
Storage of recreational vehicles and motor vehicle appurtenances	C	C	NP	See #67 Recreational Vehicle Park in **Sec. 36-3.B** and **Sec. 38-2.N.6.g) Parking and Storage of Large Motor Vehicles**	N/A

h) Property alteration, remodel, or renovation.

i) Purpose. Property alterations, remodels, or renovation standards are established for this district to maintain consistent quality standards for all development and may be for the purpose of adaptive re-use of the structure. For the purposes of this section, exterior remodel, renovation, or alteration shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in rooflines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically. Normal maintenance activities as verified by the Building Official are exempt from this provision.

ii) Minor modifications. Changes to a property may be made without requiring compliance with the University District Overlay Urban Design Standards (architecture, landscaping, signage, and utilities). The expansion and/or modification must comply with the urban design standards of the University District Overlay unless through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development. In no case shall a minor modification/expansion equal or exceed a cumulative total of 15 percent of the gross floor area, nor shall an expansion or modification equal or exceed a cumulative total of $25,000.00 in valuation. A proposal equal to or exceeding these values or one that impacts parking and landscaping shall not be considered as a minor addition and/or modification. It shall, therefore, be subject to normal review and consideration afforded development in the overlay and may be subject to nonconforming provisions that follow. The applicant must provide estimates for the cost of labor as a means of ensuring compliance with the valuation criteria.

a. Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted.

b. Should an applicant or aggrieved party not agree with the interpretation by the Community Development Director, the interpretation may be appealed to the University District Citizens Design Review Committee for their recommendation to the Planning and Zoning Commission. All other nonconforming use requirements are subject to **Sec. 36-5.G. Nonconformities** and the City's design standards.

i) Nonconforming uses. Nonconforming uses within the University District Overlay shall be subject to the following provisions.

i) Permitted uses—Nonconforming.

a. When nonconforming site/urban design features regarding access from the right-of-way or lighting are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase of 15 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $25,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low volume retail to high volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

b. When nonconforming site/urban design features regarding signage, landscaping, walls, or parking are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase of 50 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $75,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

c. When nonconforming site/urban design features regarding architecture/building elements associated with Glazing requirements are involved, these features shall be brought into compliance with current standards when:

i. The property remains vacant for a period of one continuous year or greater; or

ii. Any one-time or cumulative increase greater than 75 percent or greater to the gross square footage of building area occurs; or

iii. Any interior/exterior remodel, renovation, or alteration occurs to the building in the amount of $200,000.00 or greater; or

iv. A change in use occurs on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), use orientation (for example, service to retail), or density (for example, eight dwelling units to 15 dwelling units) or change in occupancy type from the building code perspective.

ii) Prohibited uses—Nonconforming.

a. Uses that existed within the overlay prior to plan/ordinance adoption (2010) that are deemed a prohibited use may be allowed to continue to exist and expand or enlarge (either one-time or cumulative increase) provided that:

i. The property has not remained vacant for a period of one continuous year or greater; or

ii. A change in use has not occurred on the property that results in the alteration of the use intensity (for example, low-volume retail to high-volume retail), or use orientation (for example, service to retail).

b. If the above two criteria are confirmed not to have existed, the use may:

i. Increase or expand in area (lot or building) not more than 50 percent in gross square footage of lot or building area; and

ii. Any noncompliant site/urban design standards existing shall be brought into compliance with overlay standards to the extent possible. Determination of the extent of compliance shall rest with the Community Development Director.

j) Development and urban design standards.

i) Building and site development standards for the UD-UAZ: University District, University Avenue Zone.

a. UAZ: Block, lot, and density standards.

1	Maximum Block Size (For new subdivisions and/or resubdivided parcels or tracts)	All new subdivisions shall require the construction of new streets that create blocks with a maximum perimeter of 2,000 linear feet. When a full block cannot be constructed, street stubs-outs to adjacent properties shall be provided to allow for the future connection and completion of the block by subsequent development.
2	Density	Up to 36 units per acre by right and up to 54 units per acre provided that outdoor space is appropriately designed into the project as defined herein and deemed acceptable by the city. Accessory units and guest dwellings are excluded from this calculation.
3	Lot Width	No minimum except as needed to meet other requirements in this section.
4	Lot Depth	No minimum except as needed to meet other requirements in this section.
5	Impervious Surfaces	No more than 90 percent of the site shall consist of impervious surfaces.

b. UAZ: Setbacks—Primary building.

1	Front Setback—Arterials	A minimum five-foot setback is required. Within the setback, awnings, porches, window shades, bay windows among other architectural features shall be incorporated into facade design. Buildings that require a setback greater than five feet shall use that setback frontage for active or passive open space as defined herein.
2	Front Setback—Non-Arterials	A minimum five-foot setback is required. No specific architectural features are necessary in the facade design.
3	Secondary Front Setback	Five-foot minimum
4	Side Setback	Ten-foot minimum
5	Rear Setback	Ten-foot minimum

c. UAZ: Building design (primary building).

1	Number of Floors	3 floors maximum if single use plus an optional basement by right. BONUS: Up to four floors maximum with either open space as defined herein or mixed land use considerations incorporated into the development. Up to five floors maximum with open space and mixed land use considerations incorporated into the development.
2	Architectural Definition	Buildings over two stories shall have a well-defined base, middle, and top such that architectural details articulate the different uses at lower building levels.
3	Ground Floor Elevation	The elevation of the ground floor may be elevated a maximum of five feet above the average grade of the site along the front facade of the building. If it can be demonstrated that elevation above five feet is necessary due to floodplain or similar site issues, consideration of said elevation may be considered. If the ground floor is designed to accommodate nonresidential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps.
4	Ground Floor Height	If the ground floor is designed to accommodate nonresidential space, the height of the ceiling (as measured from floor plate to floor plate) shall be at least 12 feet for buildings less than three floors and at least 16 feet for buildings with three or more floors.

5	Maximum Height	75-foot maximum as measured from the average grade of the site along the front facade of the building. For buildings greater than 30 feet or two stories, the upper stories shall be stepped back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc.
6	Maximum GFA per single use	A single use shall not exceed 15,000 square feet of GFA per building.

d. UAZ: Frontage elements (primary building).

1	Entrance and Frontage	The primary entrance shall be located on the facade along the primary front setback. The entrance shall be located within a stoop, storefront, terrace/lightwell, gallery, or forecourt frontage.
2	Rear Access	The appearance of rear entrances should orient customers and provide safe and convenient access to the building without sacrificing the primary entrance purpose.
3	Windows, All Floors	At least 50 percent of the surface area of ground floor primary front and secondary front setback facades with storefronts shall be occupied by windows with Glazing of no less than 60 percent transparency. At least 20 percent of the surface area of all other facades shall be occupied by windows. Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent or opaque glass is prohibited.

e. UAZ: Placement of surface parking and accessory buildings.

1	Front Setback	No closer than the rear facade of the primary building(s), 40 feet, or at least 50 percent of the lot depth, whichever is less.
2	Secondary Front Setback	Eight-foot minimum—Parking lot Ten-foot minimum—Accessory building
3	Side Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel.
4	Rear Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel.

f. UAZ: Placement of parking structures.

1	Front Setback	A setback is not required if liner building is designed into and a component part of the parking structure (Please refer to definitions—Parking garage with liner building). If the design involves a separate parking structure from a liner building, the structure may be placed no closer than the depth of the liner building across the entire lot. Building code separation shall be required when applicable.
2	Secondary Front Setback	Five-foot minimum
3	Side Setback	Ten-foot minimum.
4	Rear Setback	Ten-foot minimum.

g. UAZ: Building design (accessory buildings).

1	Number of Floros	One to two floors, not to exceed number of floors of the primary building.
2	Maximum Height	24-foot maximum as measured from the average grade of the site along the rear facade of the building.

h. UAZ: Outdoor lighting.

1	Yard or Outdoor Lighting	Ensure that any outdoor lighting follows **Sec. 38-9. Outdoor Lighting**.
		For nonresidential uses, it is recommended that the UAZ should have a lighting curfew of 12:00 a.m. or close of business, whichever is later. Appropriate security lighting is hereby authorized.
2	Public Spaces	Pedestrian scale lighting shall be installed throughout the University District. Please refer to definitions in this overlay.

i. UAZ: Garbage, recycle, mechanical equipment, loading areas, and compost storage.

1	Allowed Locations	Garbage, recycle, and compost receptacles shall be stored within a garage, an outbuilding, or a rear or side yard that is enclosed by a wall or fence that meets **Sec. 38-8. Fencing, Screening, and Buffering**. Mechanical equipment and loading areas shall be located away from the street edge and screened from any right-of-way vantage point as applicable.

ii) Building and site development standards for the UD-TZ: University District Transition Zone.

a. TZ: Block, lot, and density standards.

1	Maximum Block Size (For new subdivisions and/or resubdivided parcels or tracts)	All new subdivisions shall require the construction of new streets that create blocks with a maximum perimeter of 2,000 linear feet. When a full block cannot be constructed, street stubs-outs to adjacent properties shall be provided to allow for the future connection and completion of the block by subsequent development.
2	Density	10 minimum to 24 maximum units per acre by right. Accessory units and guest dwellings are excluded from this calculation.
3	Maximum Lot Width	100-foot maximum (as measured along the front property line)
4	Lot Depth	No minimum except as needed to meet other requirements in this section.
5	Impervious Surfaces	No more than 80 percent of the site shall consist of impervious surfaces.

b. TZ: Setbacks—Primary building.

1	Front Setback—Arterials	A minimum five-foot setback is required. Within the setback, awnings, porches, window shades, bay windows among other architectural features shall be incorporated into facade design. Buildings that require a setback greater than five feet shall use that setback frontage for active or passive open space as defined herein.
2	Front Setback—Non-Arterials	A minimum five-foot setback is required. No specific architectural features are necessary in the facade design.
3	Secondary Front Setback	Five-foot minimum
4	Side Setback	Ten-foot minimum
5	Rear Setback	Ten foot minimum

c. TZ: Building design (primary building).

1	Number of Floors	Three floors maximum if single use plus an optional basement by right. BONUS: Up to four floors maximum with either open space as defined herein or mixed land use considerations incorporated into the development.
2	Architectural Definition	Buildings over two stories shall have a well-defined base, middle and top such that architectural details articulate the different uses at lower building levels.
3	Ground Floor Elevation	The elevation of the ground floor may be elevated a maximum of five feet above the average grade of the site along the front facade of the building. If it can be demonstrated that elevation above five feet is necessary due to floodplain or similar site issues, consideration of said elevation may be considered. If the ground floor is designed to accommodate nonresidential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps.
4	Ground Floor Height	If the ground floor is designed to accommodate nonresidential space, the height of the ceiling (as measured from floor plate to floor plate) shall be at least 12 feet for buildings less than three floors and at least 16 feet for buildings with three or more floors.
5	Maximum Height	35-foot maximum as measured from the average grade of the site along the front facade of the building. For buildings greater than 30 feet or two stories, the upper stories shall be stepped back from the line of the front facade to provide areas for outdoor terraces, rooftop patios, etc.
6	Maximum GFA per single use	A single use shall not exceed 10,000 square feet of GFA.

d. TZ: Frontage elements (primary building).

1	Entrance and Frontage	The primary entrance shall be located on the facade along the primary front setback. The entrance shall be located within a stoop, storefront, terrace/lightwell, gallery, or forecourt frontage. (Buildings on corner lots: Primary frontage is the facade that faces the street that corresponds to the property address.)
2	Windows, All Floors	At least 50 percent of the surface area of ground floor front and external side facades with storefronts shall be occupied by windows. At least 20 percent of the surface area of all other facades shall be occupied by windows. Numerous smaller openings rather than a few large ones shall be provided along these facades in the accomplishment of this provision. Reflective, translucent, or opaque glass is prohibited.

e. TZ: Placement of surface parking and accessory buildings.

1	Front Setback	No closer than the rear facade of the primary building(s), 40 feet, or at least 50 percent of the lot depth, whichever is less.
2	Secondary Front Setback	Eight-foot minimum—Parking lot Ten-foot minimum—Accessory building
3	Side Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel. One-hour fire-rated wall required pursuant to the building code.
4	Rear Setback	A setback is not required. No encroachment into ROW permitted. Stormwater required to be contained on subject parcel. One-hour fire-rated wall required pursuant to the building code.

f. TZ: Placement of parking structures.

1	Front Setback	A setback is not required if liner building is designed into and a component part of the parking structure (please refer to definitions - Parking garage with liner building). If the design involves a separate parking structure from a liner building, the structure may be placed no closer than the depth of the liner building across the entire lot. Building code separation shall be required when applicable.
2	Secondary Front Setback	Five-foot minimum
3	Side Setback	Ten-foot minimum.
4	Rear Setback	Ten-foot minimum.
5	Exceptions	Setbacks for podium and underground parking levels may have the same setbacks as the building. Screening requirements in **Sec. 38-8.E.4. Parking Structures** apply to structures proposed in the Transition Zone (TZ) adjacent to NH Districts located outside the UD Overlay. For purposes of buffer requirements, the use on parcels shall be the primary determining factor in buffer requirements.

g. TZ: Building design (accessory buildings).

1	Number of Floors	One to two floors, not to exceed number of floors of the primary building.
2	Maximum Height	Twenty-four foot maximum as measured from the average grade of the site along the rear facade of the building.

h. TZ: Outdoor lighting.

1	Yard or Outdoor Lighting	Ensure that any outdoor lighting follows **Sec. 38-9. Outdoor Lighting**.
		For nonresidential uses, it is recommended that the TZ should have a lighting curfew of 10:00 p.m. or close of business, whichever is later. Appropriate security lighting is hereby authorized.
2	Public Spaces	Pedestrian scale lighting shall be installed throughout the University District.

iii) TZ: Garbage, recycle, mechanical equipment, loading areas, and compost storage.

1	Allowed Locations	Garbage, recycle, and compost receptacles shall be stored within a garage, an outbuilding, or a rear or side yard that is enclosed by a wall or fence that meets **Sec. 38-8. Fencing, Screening, and Buffering**. Mechanical equipment and loading areas shall be located away from the street edge and screened from any right-of-way vantage point as applicable.

iv) Building and site design standards for the UD-CZ: University District Convention Zone.

a. Civic standards.

i. Introduction. Civic buildings are buildings operated by not-for-profit organizations (including governmental organizations) that are dedicated to arts, culture, education, recreation, government, transit, and or for use approved by the legislative body. The above uses with a religious foundation are not considered civic buildings.

b. Standards. The following standards apply to civic buildings:

i. Civic buildings should be architecturally distinctive, designed appropriately for their function, and designed with outdoor gathering spaces.

ii. Civic buildings may be located within civic spaces.

iii. Civic buildings shall not be subject to the standards of this article (Building Standards). The particulars of their design shall be determined by the University District Citizens Design Review Committee (UD-CDRC) and as required by the director.

c. Historic building standards.

i. Introduction. Historic buildings are structures that are listed on the National and/or New Mexico Registers of Historic Places.

ii. *Standards.* The following standards apply to historic buildings:

(a) Uses for historic buildings and properties shall comply with **Figure 36-2-32. UD Overlay Permitted Uses**.

(b) Alterations and additions to historic buildings shall comply with the Secretary of the Interior's Standards for Rehabilitation.

v) Landscaping—*All zones.* All landscape planting should serve to enhance the architectural value of the building, ground the building in the site, create a pleasant and attractive environment for pedestrians, and mitigate environmental conditions such as excess heat, strong winds, and air pollution.

a. Purpose. Landscaping standards are established for this district to create a more comfortable environment for pedestrians and transit users; to achieve the intended character of a walkable district that meets the desires of the community; and provide stormwater management by reducing runoff and improving water quality by filtering runoff before it enters the collection system. Where City uses of easement area or right-of-way requires displacement of landscaping or damage to drainage ponds, the City shall replace or repair those pond and landscaping elements to the extent possible as determined by the City.

b. Applicability. The provisions of this section shall supersede other landscaping requirements within the Municipal Code, where conflict in regulation exists, as it applies to the landscaping of the University District only.

c. Landscaping standards apply to all development in the University District with the exception of properties that are occupied by single-family residences. Landscape consists of native or drought-tolerant species of both overstory (shade and coniferous trees) and understory plantings of ornamental trees, shrubs, cacti and perennial grasses, groundcovers, and flowers, the standards for which apply to the entire site and parking lot area, excluding building area.

i. Landscaping for new development within the University District shall comply with principles of water conservation that address:

(a) Planning and design;

(b) Soil improvements;

(c) Efficient irrigation;

(d) Zoning of plants;

(e) Mulches;

(f) Turf alternatives; and

(g) Appropriate maintenance. (Please refer to Curtis Smith's article, Principles of Xeriscape.)

d. Area to be Landscaped. The required area to be landscaped is equal to a minimum of 20 percent of the total parking area. For the purposes of this article, the parking area shall be defined as the surface area of the entire tract of land excluding the building pad.

i. Parking bays in excess of ten spaces in length should be divided by intermittent landscape islands. Landscape islands shall be no less than six feet by six feet for each tree and accompanying groundcovers.

ii. One tree shall be planted in the parking lot area for every five parking spaces. Each tree shall be planted in an area that is no less than six feet by six feet.

iii. A landscape buffer no less than eight feet wide should be provided between all parking areas and the sidewalk or street, the purpose of which is to screen parked vehicles from view from the street. The buffer strip should contain a mix of shade trees, low shrubs or perennial flowers, boulders and may include a decorative fence that ensures visibility. (Please refer to fencing in section J. Development and urban design standards.) If a solid wall or dense hedge is used it should be no less than 18 inches and no more than four feet (48 inches) in height to allow views into and out of parking areas. If a berm is used, the slope should not exceed 20 percent (5:1).

iv. In parking lots larger than one acre or 200 feet or more wide, walkways are required that link perimeter sidewalks to primary building entrances.

v. Green roofs (please refer to **Sec. 36-2.D.5.f) Definitions**) may be used to meet minimum landscape requirements at a 1:1 ratio excluding the above listed requirements for landscaping parking lots.

e. Installation. The irrigation system and landscaping shall be installed before the completion of building construction and prior to the issuance of a certificate of occupancy unless a temporary certificate of occupancy or other written agreement has been arranged with the city. Such agreements extending the time of installation will be for a maximum period of nine months. (Ord. No. 978, § 4.6, 6-20-88)

f. The total required landscape area shall be evenly distributed throughout the site. Businesses offering outdoor seating within their front setbacks may reduce the required landscaping, subject to review by the city and the citizen's design review committee (to be discussed later in this Code).

g. Plants at the time of installation shall be sized and quantities shall be defined according to the following: Two 2¼-inch caliper tree, five 15-gallon shrubs, and a choice of either five one-gallon shrubs or 50 square feet of groundcover, for every 500 square feet of lot area excluding building area and parking lot area.

h. Trees shall include shade producing trees which achieve a mature size of at least 25 feet high and 25 feet spread and ornamental trees which have particular features such as spring blooms, fall foliage color or bark characteristics. Evergreen trees such as pines, junipers, and cypress are also allowed. Shrubs shall include a mix of deciduous and evergreen plants including plants native to the Chihuahuan Desert

and others adapted to our climate. Groundcovers shall serve to prevent soil erosion, provide color, and create an oasis feeling.

vi) Fencing, walls and retaining walls—General all zones.

a. Existing noncompliant fences and walls within the district may remain in place so long as they conform to existing City ordinances regarding permitting, height and placement. Increases in structure height or length shall require full compliance with fencing/wall requirements.

b. New fences/walls shall be of a generally "open" design to maintain visibility from the street. As an example, an open fence including gates has for each one-foot wide segment 60 percent of the surface area in open spaces which afford a direct view through the fence. Picket, post and rail, tubular steel and wrought iron are examples of acceptable open fencing. A base not greater than three feet in height may be used in combination with the "open" design. Chain link fencing is prohibited. All fences/walls in front yards must be "open" by design. A "closed" fence/wall is defined as a structure, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it. "Closed" fences/walls may only be constructed in side and rear yards. They are not allowed in front yards.

c. Fences, walls and hedges within the primary front yard (where primary front yard setback is determined) shall be limited to a height of four feet. The design of manmade structures shall conform to the provisions found in **b** above.

d. Fences, walls and hedges that are within five feet of the secondary front property line (side where secondary front yard setback is determined) shall be limited to a height of four feet. If the fence, wall or hedge is setback at least eight feet from the property line, the maximum height shall be limited to height of eight feet. The design of man-made structures shall conform to the provisions found in **b** above.

e. Fences, walls, and hedges that are within the rear and side yards shall be limited to a height of eight feet.

f. Retaining walls used within the various districts shall be designed in a manner limiting their height to what is absolutely necessary for the retaining purpose intended.

vii) Signage—All zones.

a. Purpose. The University District Overlay Sign Code shall be established for aesthetics, height, overall size, type, and lighting considerations for signage consistent with district urban design standards.

b. Attached signage. Only window, wall, awning signs and multi-use development directory signs are allowed. Awnings and the attached signs are subject to the design standards of all applicable codes.

i. Wall signs: Flush-mount:

(a) Commercial/nonresidential development.

- No wall sign shall project beyond the ends of the wall or beyond the top of the building to which it is affixed.
- Walls signs shall be affixed flat against the building wall. Any necessary frame mounting shall not extend more than six inches from the wall.
- Wall signs shall be placed on the ground floor of the structure in which the use takes place.
- No more than three wall signs shall be allowed per building facade in buildings with more than one business or use.
- No more than one wall sign shall be allowed per business or use per building facade. When there are more than three business occupants per building refer to the multi-use development directory sign standards of this section.

- One square foot of signage for each linear foot of exterior wall space, not to exceed 50 square feet per wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign. For buildings that are set back 100 or more feet from the sidewalk, signage may exceed the 50-foot maximum as determined by the Community Development Director.

(b) Multifamily residential development.

- Up to two wall signs, not to exceed 32 square feet each, with the name, logo, and associated graphics on a building containing eight or more residential units.
- Only one sign is allowed per wall. These attached signs are subject to the design standards of all applicable codes.

ii. Wall signs: Projecting:

(a) Projecting signs shall be considered double-faced signs with each sign face of equal size.

(b) Projecting signs shall not exceed 12 square feet in sign face area (six square feet per sign face).

(c) Only one projecting sign shall be allowed per business per street frontage.

(d) Only ground floor commercial businesses shall be permitted to utilize projecting signs.

(e) Projecting signs must maintain at least eight feet of clearance as measured from the bottom of the sign to grade and may project no more than four feet from the building or closer than two feet to the edge of the sidewalk, whichever is less.

(f) Projecting signs shall be installed at right angles to a building front.

iii. Window signs:

(a) There shall be no more than one permanent window sign per window.

(b) Neon signs displayed indoors constitute permanent window signs. Only one neon sign shall be permitted per business facade.

(c) The total coverage of all permanent, neon, and temporary window signs shall not exceed 25 percent of the total glass area of the window.

iv. Awnings and canopies:

(a) Awnings and canopies shall be supported solely by the building to which they are attached and no columns or posts shall be permitted as supports.

(b) No portion of an awning or canopy shall be less than eight feet above grade. However, if the awning and canopy extends beyond four feet between the building and curb, it must be 12 feet above grade.

(c) The roofs of all awnings and canopies shall be used for no other purpose than to form and constitute a roof. The roofs of all awnings and canopies shall not drain directly or into the public right-of-way. The roofs of all awnings and canopies shall be constructed in accordance with the building code.

(d) Awnings and canopies shall be designed to withstand a wind speed of not less than 90 miles per hour.

(e) Awnings and canopies shall not interfere with street trees or traffic signs.

(f) No advertising shall be placed on the awning or canopy except the name or logo of the owner, business or industry conducted within the premises, address of the building, or the building name.

(g) Lettering or logos shall be painted or otherwise permanently affixed in letters not exceeding 20 inches in height on the front and side portions thereof.

(h) Translucent awnings and canopies are not permitted.

(i) Any awning or canopy that encroaches into the public right-of-way shall obtain an approved encroachment agreement from the City's land management department prior to placement and use of the awning or canopy and comply with chapter 32 of the International Building Code, as adopted by the City.

v. Multi-use development directory sign. Exterior directory signs, with the name and location of all businesses within a multi-use development, shall be wall-mounted as specified above. One square foot of signage is allowed for each linear foot of exterior wall space, not to exceed 50 square feet per wall. The sign(s) shall be placed on the side of the building used to calculate the square footage of the sign.

c. Freestanding ground signage—All development.

i. Ground signs shall be the only freestanding signage permitted within the district.

ii. One ground sign is allowed per lot. The ground sign shall identify the primary tenant, the name of the business center or the name of the residential units.

iii. Individual ground signs shall be limited to properties which own direct, unobstructed (on-site) access to a public street.

iv. Ground signs shall not exceed 24 square feet in area, and shall not exceed three feet in height. Signs shall be placed at least five feet from the outside edge of the right-of-way, and at least five feet from adjacent property lines and not within the clear sight triangle as defined by **Sec. 38-2.H. Clear Sight Triangle**.

d. Design standards.

i. The silhouette, shape, and materials of signs in the University District Overlay shall be simple and compatible with the building or facade to which they relate.

ii. Freestanding signs shall not be placed so they obscure important architectural features such as entrances, display windows, or decorative cornices when viewed from the right-of-way.

iii. Attached signs shall not disrupt the architectural composition of the building facade. No part of any attached sign shall overlap or cover architectural features of the building such as cornices, eaves, window and door frames, columns, vigas, and other decorative elements.

iv. Signs within a business center shall be compatible with the architectural character of the center.

v. The number of different lettering styles or fonts on a sign shall be kept to a minimum, and shall relate to the architectural character of the property. Lettering and copy shall not be crowded onto a sign and shall leave ample space around the copy to preserve legibility.

vi. The visual appearance of signs shall reinforce the architectural character of the site.

vii. Illumination:

(a) Signs that are illuminated shall have concealed lighting fixtures with the exception of LED and neon.

(b) No reflectors, arms, fixtures or wires shall be visible from the street.

(c) Internally illuminated signs shall not be permitted.

(d) No sign shall be illuminated to create a nuisance, traffic hazard or excessive glare to adjacent property and shall comply with **Sec. 38-10.I.3. Sign Lighting** to prevent illumination of the night

sky so as to lessen light pollution. Please refer to **Sec. 38-2.I. Streetlighting** and **Sec. 38-9. Outdoor Lighting**.

(e) Freestanding signs shall be landscaped at their base in a manner that is compatible with the character of the site. Landscaping shall form an attractive cluster at the base of the sign.

(f) The top of any sign shall not exceed 20 feet above grade.

e. Temporary promotional banners and pole banners.

i. Building-mounted banner displays*:* In addition to permitted permanent signage, businesses and organizations in the University District Overlay are allowed temporary, promotional displays in the form of a banner for promotional purposes that are subject to the following conditions:

(a) Each business and organization, with the exception of those within the convention zone, shall be permitted one banner three times during each calendar year for a maximum of ten consecutive days each or for a maximum of 30 consecutive days. Due to the nature of the convention zone and the number of special events, banners are expected to change more frequently than three times during each calendar year.

(b) Only one banner per business or organization may be displayed at a time.

(c) Banners shall be made of a durable material that may include 12- to 16-ounce weight materials, such as, nylon or vinyl reinforced canvas. Banners must have hemmed and reinforced edges. Grommets should be located on the banner's edge to allow it to be securely fastened to its supporting structure. If grommets are not used, some other mechanism such as rope shall be placed within the hem to allow for its attachment.

(d) Banners may not exceed 25 square feet in area.

(e) Banners shall be securely attached to a permanent building.

(f) The applicant shall provide to the Community Development Director the name and address of the business/organization where the banner is to be placed, the first day the banner is to be displayed, the date it is to be removed, the size of the proposed banner, and its design.

(g) Banners may be erected only when a sign permit has been issued. All banners shall be removed not later than the permissible time limit stated above. Failure to do so may forfeit the ability to use these provisions in the future. A permit will be issued to the applicant and will remain in effect for the duration of that event.

ii. Pole banners*:* Banners may be placed on city-owned utility and light poles promoting city-sponsored events and/or messages with approval by the city manager or his/her designee. (For the purposes of pole banners, a City-sponsored event shall be defined as an event for which the City of Las Cruces donates money and/or services/personnel.) Examples of these types of messages include: "Las Cruces Sparkles on the 4th of July" and "Happy Holidays". Other governmental entities, such as New Mexico State University, may also place banners on City-owned utility and light poles that display a community-wide message and are approved by the city manager or his/her designee. Examples of these types of messages include: "Go Aggies!" and "Welcome Back to School!" Approval with New Mexico State Highway Department will also be required when appropriate. To place banners on City-owned utility and light poles, arrangements shall be made through the traffic engineering section of the public works department. Fees may be imposed to offset expenses.

f. Prohibited signs*:* The following signs are prohibited in the University District Overlay:

i. Portable and pole signs, whether temporary or permanent.

ii. Permanent banners.

iii. Pennants, streamers, and other fluttering devices, whether temporary or permanent.

iv. Temporary Ground Signs (e.g., real estate, political, construction, contractor, and "coming soon" signs) over 12 square feet in area or over five feet tall.

v. Billboards and all other off-premises signs.

vi. All other signs as prohibited in **Sec. 38-10.D. Prohibited Signs**.

g. *Applicability:* Where there are areas concerning signage not addressed by the University District Sign Code, **Sec. 38-10. Signs** shall apply.

k) Transportation (streets and public spaces).

i) Right-of-way improvements (traveled way, roadside and intersections) throughout the district shall be in accordance with the City's Active Transportation Plan and Complete Streets Ordinance. (Please refer to City Council Resolution No. 19-059 and Ordinance No. 2993.)

ii) Project initiation and preliminary engineering shall be initiated at the earliest opportunity for right-of-way improvements to the traveled way, roadside, and intersections of University Avenue between Interstate 25 and Interstate 10.

iii) Future amendments to this section are anticipated and shall convey design parameters for University Avenue as a walkable thoroughfare.

iv) Callecitas shall be considered and alleys shall be preserved, whenever possible, for improving pedestrian connectivity and providing vehicular access to properties. (Please refer to **Sec. 36-2.D.5.f) Definitions**.)

l) Parking, general—All zones.

i) Parking requirements.

a. Parking ranges are set for land uses in each zone, as noted in **Sec. 36-3.A.1. Permitted Use Chart**. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Community Development Director. Requests to exceed maximum parking requirements shall be granted for parking structures that meet the development and urban design standards set forth in this Code.

b. Shared parking and access agreements among neighboring properties are encouraged and will count toward off-street parking requirements. **Sec. 38-2.N.4.c)ii) Shared and Joint Use of Parking Areas** dictates the requirements for this application.

c. Off-street parking requirements can be met by entering into a shared parking agreement within one-fourth mile, as measured along the street network and pedestrian right-of-way, that shall be used to identify how parking demand will be met and which properties are involved.

d. All standards for parking dimensional and ADA requirements for all development within the district shall be consistent with **Sec. 38-2.N. Off-Street Parking**.

e. All vehicles are to be parked along designated streets, in designated driveway or parking areas only. Parking on front lawns and/or landscaped areas shall be prohibited.

ii) Parking options: (Please refer to **Sec. 36-2.D.5.g) Permitted Uses** for allowed parking locations.)

To reduce development costs, parking garages are not required. Parking may be provided within an attached garage, detached garage, parking structure with or without liner building, or surface parking lot. Parking for nonresidential uses may also be provided off-site in a public parking lot or structure if a parking management district is formed for the area. Dedicated surface parking areas shall meet the landscape requirements of **Sec. 36-2.D.5.j) Development and urban design standards.** of this overlay.

iii) Parking access:

Alleys. Alleys are required for projects that create new blocks to provide access to parking areas and to minimize driveway curb cuts along streets. Alleys are encouraged (but not required) for projects on existing

blocks to provide access to parking areas. Driveway access from the street is only allowed on lots where an alley cannot be provided.

Driveways. Driveway width shall comply with City design standards.

Pedestrian connectivity. In parking lots larger than one acre or equal to or greater than 200 feet wide, walkways shall link perimeter sidewalks to primary building entrances.

Parking prohibition. A parking management plan would improve mobility and access to shops and business centers as well as controlling the amount of land dedicated to surface parking lots and parking structures. Until a parking management plan is adopted, parking shall be prohibited from 8:00 a.m. to 5:00 p.m., Monday through Friday, on the following streets:

Chaparral St. between University Ave. and Plain St. (east side only);

Hagarty Ave. between University Ave. and Plain St. (west side only);

Mesa St. between Jordan St. and Espina St. (south side only).

m) Demolition. To preserve any contributing structure listed on the historic register (state or national) in the University District Overlay; this section creates a 60-day demolition permit review process that allows time for interested parties to explore alternatives to the demolition of historic structures. Demolition for all other structures shall follow Chapters 30-491.

i) Demolition permit. Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. Community Development Department staff will review the application for compliance with this Development Code, as amended. A proposal for redevelopment of the property must accompany the permit application.

ii) Posting. At the beginning of the 60-day demolition permit review process, the Community Development Department will issue a sign that is to be posted in a conspicuous place on the property. The applicant is responsible for posting the sign and ensuring that it is in place for the entire 60-day period.

iii) At the beginning of the 60-day demolition permit review process, the Community Development Department will inform the neighborhood associations, the New Mexico Historic Preservation Division, and the Dona Ana Historic Society that a demolition permit has been applied for.

iv) A demolition permit shall be issued upon the completion of the following items: 1) the completion of the 60-day period; and 2) the application meets all City Code requirements and has been approved by the Community Development Department staff. (The applicant may use the 60-day time period to resolve any necessary code compliance comments.) The permit application may be withdrawn by the applicant at anytime without charge.

v) Prior to the demolition of a historic structure, the applicant shall be responsible for fully documenting the structure, both interior and exterior, to provide a permanent record, in accordance with documentation procedures as follows. The demolition permit will not be approved without submittal and approval of this documentation by community development staff.

a. Complete the Historic Cultural Property Inventory (HCPI) forms 1 and 2;

b. Photograph the property:

i. Photo processing, printing and labeling shall follow the protocol established by the National Parks Service; please refer to the National Register Photo Policy Fact Sheet.

ii. Take several exterior photos of the primary structure (front, rear, sides, close-up views, details, setting, etc.) and exterior photos of each historic secondary structure, such as a garage, sheds, etc. (Accessory buildings that are not listed on the historic register should not be included.) For assistance in taking quality photographs, please refer to NPS Bulletin #23 at the link listed above.

iii. Include several interior photos of the primary structure, with attention to any distinctive architectural or historic features (vigas, carvings, coping, special flooring, bullet holes, etc.)

iv. Staff strongly suggests that wide-angle camera lenses not be used for exterior photographs since these lenses tend to distort vertical dimensions of buildings. A perspective-correction lens is highly recommended for best results.

v. The submitted photo packet must include one set of black and white (B&W) photographs and full-color digital images. Printed size may be 3½ × 5; 4 × 6; or 5 × 7.

vi. Include a continuation sheet that provides information common to all photographs, followed by a list providing information pertinent to each photograph.

vii. The file name for each electronic image must correspond with the photo log included on the continuation sheet and the information labeled on the back of each photograph, and reference the county and state in which the property is located.

viii. All photographs and media (e.g., USB drive) with electronic files must be put into a folder with the property name, location, and the date the photographs were taken.

c. If measured drawings done by the Historic American Building Survey exist, the owner should annotate the drawings, showing changes to the property, interior and exterior, that have occurred up to the current date.

d. If known, a short history of the property should be included, in order to document how that property fits within the historic district or community.

e. The demolition permit will not be approved without submittal and approval of this documentation by Community Development staff.

vi) Compliance with the procedure set out in this section is not required if it is determined by the City of Las Cruces that the immediate demolition of a historic structure is in the best interest of public health, safety, and welfare. The applicant shall be responsible for documenting the structure in accordance with the procedure above to fully demonstrate the need for demolition and to provide a record of the structure. In the event that entering the structure would pose a threat to the health, safety and welfare of the documenter, interior photos are not required. This documentation must accompany the memo of determination for demolition by the building official prior to the issuance of a demolition permit.

n) Administration. Submittal and review process.

i) Purpose. Submittal and review procedures are established for all new development to protect persons and property in the University District Overlay as directed in the University District Plan.

ii) Subject to review by the Citizens' Design Review Committee (UD-CDRC).

a. Subdivisions. For submittal and review of subdivisions within the district, refer to **Sec. 37-2. Subdivision Procedures**.

b. Buildings.

i. Pre-application conference: Prior to filing an application for development of new buildings in the district, the applicant is encouraged to meet with staff of the City Community Development Department to review the proposed project. At this conference, staff shall review the development proposal and advise the applicant concerning the compatibility of the proposal with the intent and standards of the University District Plan and all other applicable City codes.

ii. Application procedure*:* Upon completion of the pre-application conference, the applicant shall submit at minimum, one copy of all application materials for new development to the Community Development Department for review. Upon submittal, staff shall review the submittal for completeness. If all the required items have been submitted, the Community Development Department shall issue a receipt for submittal.

iii. University District Citizens' Design Review Committee (UD-CDRC): Applicants shall meet with the UD-CDRC and City staff at a public meeting for a formal recommendation by the UD-CDRC regarding the proposed project.

iv. Final approval*:* An application shall be effective for no more than one year from the date of approval. If development proposed by the application has not been initiated within the one year stipulated, the application must be resubmitted for approval as established in this section. The applicant may submit a request for extension of approval prior to the expiration date, if desired. The request will be reviewed by the Community Development Department.

c. Variances*.* Variances in the numerical requirements for development within the district will be considered in accordance to fulfilling the policies of the University District Plan and not contradictory to the policies therein. Variances may be granted by the Planning and Zoning Commission at a public meeting in accordance with **Sec. 36-5.F. Zoning Variances**.

i. An application for a numerical variance will be processed by applicable City departments and the Citizen's Design Review Committee.

ii. Applicants must present their request to the citizen's design review committee for their recommendation to the Planning and Zoning Commission. Recommendations from the UD-CDRC shall be delivered to the Planning and Zoning Commission prior to the public meeting.

iii. Decisions of the Planning and Zoning Commission may be appealed to City Council, in accordance with **Sec. 34-3.F. Appeals**.

d. Special use permit (SUP). The Community Development Director determines SUP needed for uses not listed in this overlay.

e. Zone change*.* Applicants must present requests for zone change to the citizen's design review committee for the committee's recommendation to the Planning and Zoning Commission. Recommendations from the design review committee shall be delivered to the Planning and Zoning Commission prior to the public meeting. Decisions of the Planning and Zoning Commission may be appealed to City Council in accordance with **Sec. 34-3.F. Appeals**.

f. Plan amendments, code amendments. Applicants must present requests for plan amendments and code amendments to the University District Citizen's Design Review Committee (UD-CDRC) for the committee's recommendation to the Planning and Zoning Commission. Such requests will be considered once a year at the January meeting of the UD-CDRC. An exception to the once-a-year rule and expedited review applies to cases deemed necessary by the city in order to ensure successful implementation of the goals and objectives of the plan and ordinance where there is direct conflict between the plan and overlay. The UD-CDRC will determine which amendments may be processed gratis; all others incur a fee established by Resolution No. 00-360, July 3, 2000. Recommendations from the UD-CDRC shall be delivered to the Planning and Zoning Commission prior to the public meeting. Recommendation of the Planning and Zoning Commission are made to City Council which makes the final decision.

g. Property alteration, remodel or renovation. Any related activities to existing buildings within the district shall require review by the Community Development Department and the citizen's design review committee to ensure that the building and the property of the site will be brought into conformance with all applicable urban design standards of the University District Plan and this section.

A portion of the submittal requirements may not be required in all renovation cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Department may waive any submittal requirement.

iii) Courtesy review of NMSU projects. Although NMSU is neither within the City limits, nor subject to its jurisdiction, the campus and City share a stake in development along University Avenue and in the region as a whole. As such, the UD-CDRC respectfully requests "courtesy design review" of the university's projects, particularly those planned for and close to University Avenue.

iv) Subject to administrative review by Community Development Department staff.

a. Request to vacate alley;

b. Signs;

c. Minor modifications. A modification or change to a property that is less than a cumulative total of 15 percent of gross floor area, nor exceeds a cumulative total of $25,000.00 in valuation.

v) Application materials and fees. Applications for development in the University District Overlay shall be obtained from the community development department. All applicants with submittals requiring public notice, such as new development and/or property renovation, shall be required to submit a development statement with their application. Development statement forms may be obtained from the community development department. Application and permitting fees are waived for development in the University District. Requirements for applications for all types of development shall include the following:

a. A letter of intent stating the following:

i. A statement of the purpose and use of the property.

ii. All property improvements to be made.

iii. A statement of the sustainable building practices to be employed.

iv. A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

b. A boundary survey as prepared by the appropriate licensed professional that is accurate and complete shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included when applicable.

c. Site plan. The site plan shall be at a scale that adequately represents the information. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

i. Title of site plan.

ii. Total acreage of site.

iii. Date of preparation, north arrow, written and graphic scale.

iv. Identification of district planning area.

v. Identification of site by lot, block, subdivision, if applicable.

vi. A statement of ownership, signed by the property owner.

vii. Name and address of property owner.

viii. Name and address of applicant, if applicable.

ix. Name and address of consulting firm or representative, if applicable.

x. Location and type of all land uses.

xi. All site improvements with all setbacks indicated.

xii. Dimensions of all buildings.

xiii. 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.

xiv. A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.

xv. Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.

xvi. Where applicable, location and arrangement of all open space, common recreational space, and private open space.

xvii. Architectural renderings or artistic drawings. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

(a) All new development illustrating all exterior building design, materials, and colors.

(b) All new development illustrating relationships to neighboring uses, including site lighting.

(c) Sign location, materials, color, size, shape and lighting.

(d) Quality of materials: Application materials that are illegible and/or otherwise of a low quality will not be accepted.

d. Three-dimensional model. For projects proposed in the convention zone (CZ), provide computer-generated or physical modeling to enhance public understanding and review of the buildings within the context of the district as a whole.

e. *Waivers.* A portion of the submittal requirements may not be required in all development cases. Upon receipt of a written request justifying the deletion of required information, the community development department may waive any submittal requirement.

o) Enforcement of overlay zone district. Provisions to enforce this section shall be consistent with the enforcement provisions of **Sec. 34-1.H. Violations and Enforcement**.

E. DDC, Downtown Development Code

1. Purpose

   The purpose of this section and the zoning districts defined herein is to accommodate government facilities, retail, office, residential, and other similar uses in the Downtown area of the City with appropriate height, yard, and intensity standards to allow for a higher density and intensity of development. Further, the properties described within the Main Street (MS) zoning district are identified as a special area within the Downtown to encourage revitalization through incentives and clearly defined development standards. See **Figure 36-2-33. Downtown Regulating Plan** for the district boundaries, See **11. MS Architectural Standards** for development standards that apply to the MS district only.

   a) The Downtown Development Code is designed to foster infill redevelopment in a mixed-use pattern as part of a vibrant, diverse downtown.

   b) This Section is intended to promote traditional urban form and a lively mix of uses, allowing for shopfronts, sidewalk cafes, and other commercial uses at the street level, with wide sidewalks and shade trees, overlooked by upper story residences and offices. It also provides a setting for major activities that benefit the community such as markets, festivals, and entertainment.

   c) A range of open spaces should be distributed within adjacent neighborhoods and throughout downtown.

   d) Buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

   e) The transect designations in **2. Zoning Districts** below shall describe the general character of downtown.

2. Zoning Districts

   Zoning districts are limited to the following transect designations:

   a) Downtown (DT): This district consists of higher-intensity mixed-use buildings that accommodate retail, offices, institutional, and residences. The thoroughfares have wide sidewalks with street trees, and buildings are set close to the sidewalks.

   b) Main Street (MS): This district is similar in use and character to DT, but the massing and proportions are in harmony with an urban core.

   c) General Urban (GU): This district includes a mix of uses, but is primarily in the form of medium-intensity mixed use structures. It may have a wide range of building types: residences, live-work units, commercial buildings, theaters, and mixed-use buildings. The thoroughfares have wide sidewalks and buildings are set close to the sidewalks.

3. Downtown Regulating Plan

   a) The regulating plan is the zoning map and principal tool for implementing the Downtown Master Plan, as amended. It identifies the transect district for the building site (See **Figure 36-2-33. Downtown Regulating Plan**) which regulates standards for each lot.

   b) New development in Downtown shall provide sidewalk improvements, civic spaces as needed, and contribute to a shared parking and access strategy to create a complementary pattern for growth and development. The rules below will enhance a compact, economically sustainable, mixed-use downtown that complements the adjacent neighborhoods and provides flexible opportunities for residential, employment, government, institutional, and commercial uses.

   c) Where present, alleys shall provide access to the rear of all lots. Alley dedication and construction within the rear setback is required as part of a redevelopment project if they do not exist. Alleys shall be constructed pursuant to **17. Streetscape** and **Sec. 38-2.E.7. Alleys**.

4. Instructions

   a) Find the transect zone for your parcel in **Figure 36-2-33. Downtown Regulating Plan**.

b) Site and building plans submitted under this Section shall include the following, in compliance with the standards described in this Section:

i) Site Plan/Building Placement (See **6** below)

ii) Building Specifications including floor plans (See **7** through **10** below)

iii) MS Architectural Standards, if applicable (See **11** below)

iv) Fencing (See **12** below)

v) Signs (See **13** below)

vi) Use (See **14** below)

vii) Parking (See **15** below)

viii) Landscaping (See **16** below)

ix) Streetscape, if applicable (See **17** below)

c) Site and building plans submitted under this Section require review by respective City departments for appropriate compliance with other applicable City codes and ordinances and final approval by the Community Development Department.

5. Existing Building and Property Alteration, Remodel, or Renovation

a) For the purpose of this section, alteration, remodel, or renovation shall be defined as: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in rooflines, or any enlargement to or diminution of a building or structure, whether horizontally or vertically.

b) Minor modifications. For the purpose of this section, a minor modification shall be one that does not result in an alteration, remodel, or renovation as described in **a)** above. The minor modification of an existing building or property is permitted by-right if such changes result in greater conformance with the purposes and specifications of this Section. The minor modification must comply with the design standards and codes unless, through the determination of the Community Development Director, said compliance would substantially create an undue burden to the property owner or create a condition whereby the expansion and compliance measure, partially applied, would be substantially out of character with the existing development.

c) Existing buildings and properties that do not conform to the provision of this Section may continue in use as they are. However, they shall be brought into compliance with current codes and standards (to the extent possible, as determined by the Community Development Director) when:

i) The building remains vacant for a period of one continuous year or greater; or

ii) Alteration, remodel, or renovation causes one-time or cumulative amendments to 30 percent or greater of the gross square footage of building area; or

iii) A change in use occurs on the property that results in the alteration of the use orientation (e.g., service to retail), density (e.g., eight dwelling units to 15 dwelling units), or occupancy type from the building code perspective.

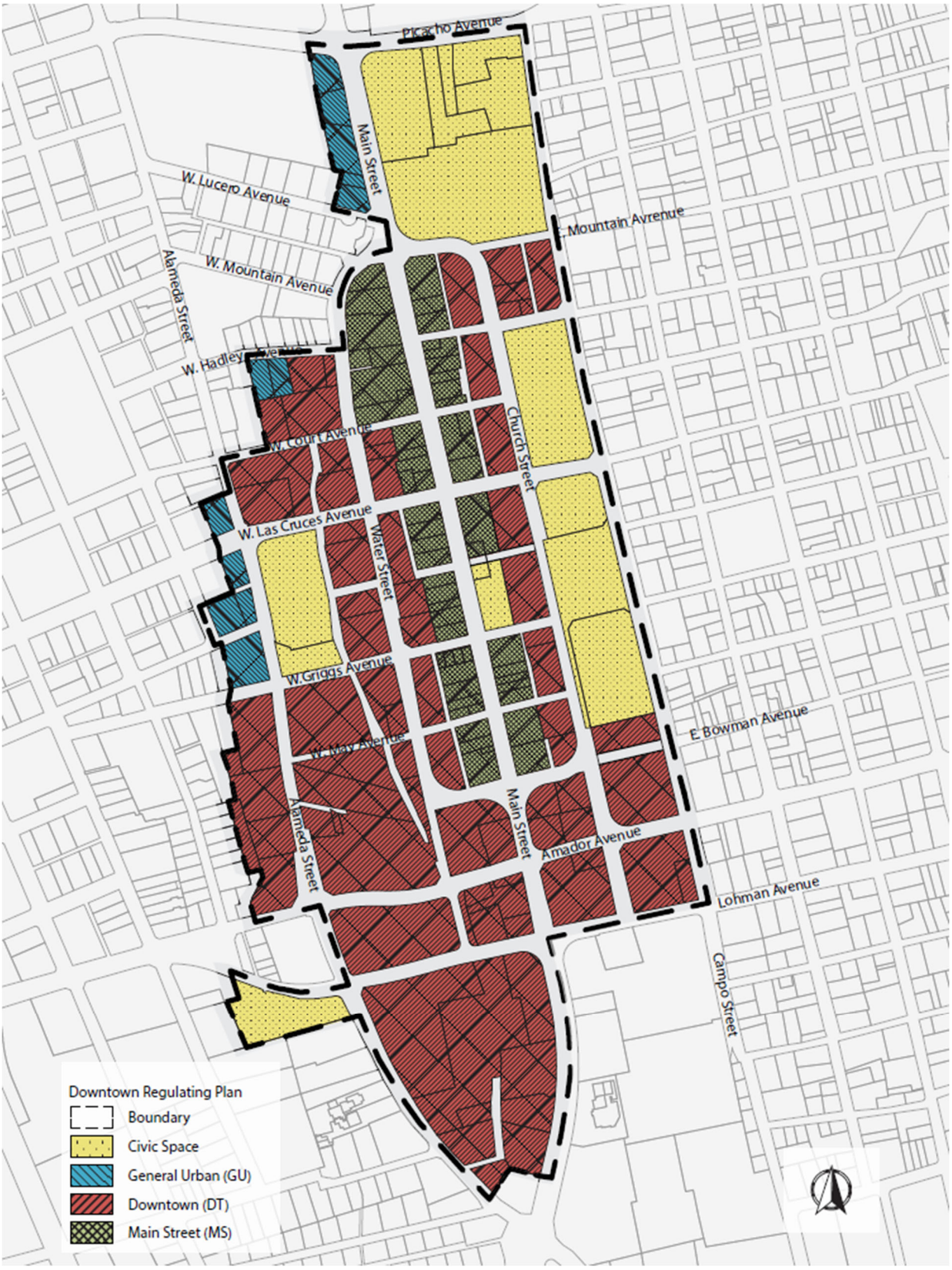
d) Once permission to proceed has been granted by the Community Development Director, the applicant may apply for the permit. Work shall not commence until permit approval is granted.

e) The restoration or rehabilitation of an existing building shall not require the provision of parking in addition to that existing, nor on-site stormwater retention/detention in addition to that existing, unless otherwise required by County or State code.

f) Normal maintenance activities, as verified by the Building Official, are exempt from this provision.

g) Should an applicant not agree with the interpretation by the Community Development Director, the interpretation may be appealed to the Planning & Zoning Commission.

Figure 36-2-33. Downtown Regulating Plan



6. Building Placement

   a) Lot coverage by building shall not exceed that recorded in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**.

   b) Facades shall be built parallel to the principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**.

   c) Setbacks for principal buildings and accessory buildings shall be as shown in **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**. Setbacks may be adjusted by up to 10 percent by administrative waiver to accommodate specific site conditions. The Director shall make the following written findings:

      i) The waiver is consistent with the provisions of **2. Zoning Districts**.

      ii) The waiver is consistent with the Downtown Master Plan.

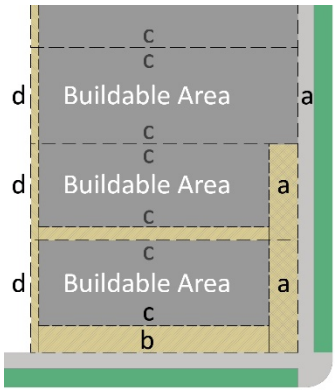
      iii) The building placement will not materially endanger the public health or safety.

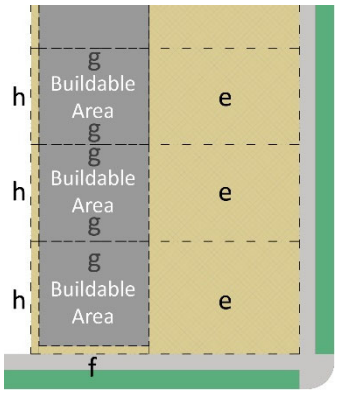
      iv) The location and character of the building placement, if developed according to the plans and information approved, will be in harmony with proximate land uses, and consistent with the purposes of the district.

      v) The building placement will not adversely affect Downtown by altering its character.

Figure 36-2-34. Building Form Standards – GU

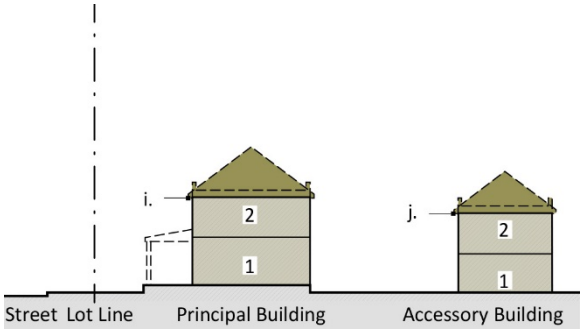
BUILDING SETBACKS



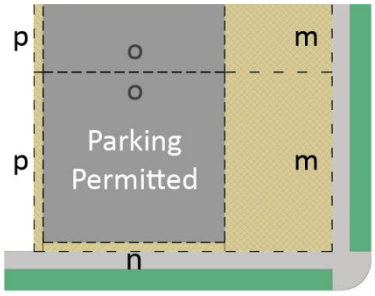


PRINCIPAL BUILDINGS			ACCESSORY BUILDING		
a	Primary Frontage	15’ max.	e	From Rear Lot Line	40’ max.
b	Secondary Frontage	10’ max.	f	Secondary Frontage	5’ min.
c	Side Lot Line	0’ or 5’ min.	g	Side Lot Line	0’ min.
d	Rear Lot Line	3’ min.	h	Rear Lot Line	3’ min.

BUILDING ENVELOPE



PARKING AND STORAGE SETBACKS



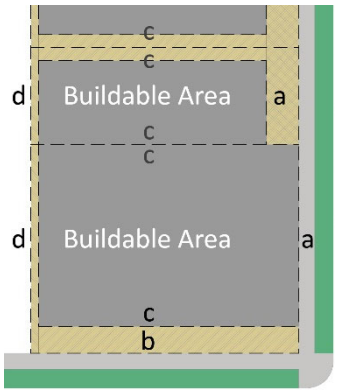
i	Building Height	2.5 stories max. (i.e., 2 stories plus an attic level)	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	2 stories max.	n	Secondary Frontage	5’ min.
k	Parking Height	n/a	o	Side Lot Line	0’ min.
l	Lot Coverage	70% max.	p	Rear Lot Line	3’ min.

BUILDING FRONTAGE

Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**	Yard Walled Yard Terrace No Yard	Yard Porch Stoop Shopfront
Frontage Buildout	60% min.	

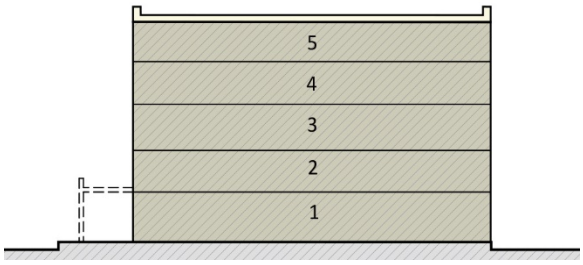
Figure 36-2-35. Building Form Standards – DT

BUILDING SETBACKS

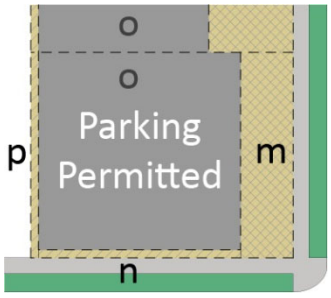


PRINCIPAL BUILDINGS			ACCESSORY BUILDING		
a	Primary Frontage	12’ max.	e	From Rear Lot Line	n/a
b	Secondary Frontage	8’ max.	f	Secondary Frontage	n/a
c	Side Lot Line	0’ or 5’ min.	g	Side Lot Line	n/a
d	Rear Lot Line	3’ min.	h	Rear Lot Line	n/a

BUILDING ENVELOPE



PARKING AND STORAGE SETBACKS



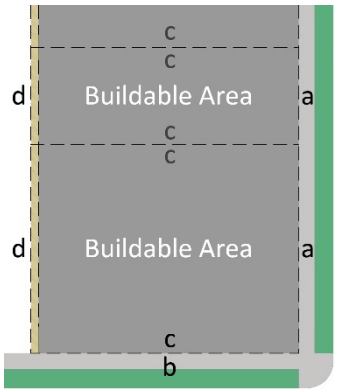
i	Building Height	5 stories max.	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	n/a	n	Secondary Frontage	5’ min.
k	Parking Height	5 stories max.	o	Side Lot Line	0’ min.
l	Lot Coverage	100% max.	p	Rear Lot Line	3’ min.

BUILDING FRONTAGE

Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**	Yard No Yard Terrace Forecourt	Configuration Stoop Common Entry Shopfront Gallery
Frontage Buildout	70% min.	

Figure 36-2-36. Building Form Standards – MS

BUILDING SETBACKS



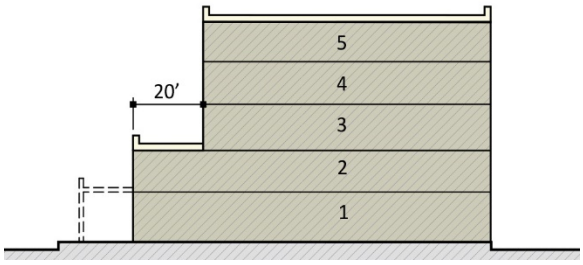
PRINCIPAL BUILDINGS

a	Primary Frontage	0’ max.
b	Secondary Frontage	0’ max.
c	Side Lot Line	6’ max.
d	Rear Lot Line	0’ min.

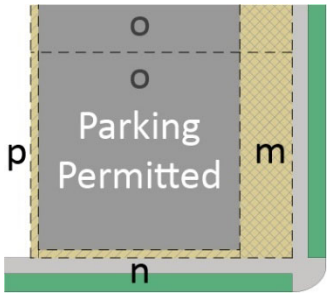
ACCESSORY BUILDING

e	From Rear Lot Line	n/a
f	Secondary Frontage	n/a
g	Side Lot Line	n/a
h	Rear Lot Line	n/a

BUILDING ENVELOPE



PARKING AND STORAGE SETBACKS



i	Building Height Main Street Stepback	5 stories max. 20’ after 2nd story	m	Primary Frontage	20’ + principal building setback
j	Accessory Building Height	n/a	n	Secondary Frontage	5’ min.
k	Parking Height	5 stories max.	o	Side Lot Line	0’ min.
l	Lot Coverage	100% max.	p	Rear Lot Line	0’ min.

BUILDING FRONTAGE

Permitted Frontages, see **Figure 36-2-37** and **Figure 36-2-38**	Yard No Yard Terrace	Configuration Common Entry Shopfront Gallery
Frontage Buildout	100% min.	

7. Building Specifications: Height
   a) Building height is regulated by **Figure 36-2-34**, **Figure 36-2-35**, and **Figure 36-2-36**, measured as follows:
      i) Building height is measured in above-ground stories.
      ii) Stories are measured from finished floor to finished ceiling.
      iii) Stories above the ground floor are limited to 14 feet after which height they are counted as two stories.
      iv) For residential uses, a ground floor story of 16 feet or less is counted as one story. Ground floors exceeding 16 feet in height are counted as two stories.
      v) For non-residential and mixed-uses a ground floor story shall be no less than 10 feet in height. A ground floor story of 25 feet or less is counted as one story. Ground floors exceeding 25 feet in height are counted as two stories. Mezzanines extending beyond 33% of the floor area shall be counted as an additional floor.
      vi) Height limits do not apply to unfinished attics, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
      vii) Building stepbacks shall be required in MS pursuant to **Figure 36-2-34** item i.
8. Building Specifications: Frontage Requirements
   a) Lot lines abutting a right-of-way are designated as a primary frontage or secondary frontage as follows:
      i) For lots abutting a right-of-way along a single lot line, the lot line abutting the right-of-way is designated the primary frontage.
      ii) For lots abutting a right-of-way along multiple lot lines, the lot line relating to the address of the principal building is designated the primary frontage. All remaining lot lines are designed secondary frontages.
      iii) Main Street is considered the primary frontage for all lots abutting the right-of-way.
   b) Regulations pertaining to primary frontages and secondary frontages, collectively frontage requirements, apply to the area of the lot within the front setback and secondary front setback, including the following:
      i) Building facades;
      ii) Structures that project from the façade, such as porches, terraces, stoops, awnings, canopies, and galleries;
      iii) Landscape elements and ground surfaces between the building facade and the lot line.
   c) Where building facades do not occupy the entire frontage length, a streetscreen is required as follows:
      i) Streetscreens must be between 4 and 8 feet in height.
      ii) Openings in the streetscreen for vehicular access may be no wider than 26 feet.
      iii) Streetscreens shall provide no less than 70% opacity.
   d) Frontages are regulated by frontage type according to **Figure 36-2-37**, **Figure 36-2-38**, and as follows:
      i) Landscaping, fencing, and general surface treatment are regulated according to frontage yard type pursuant to **Figure 36-2-37**.
      ii) Encroachments and configurations are regulated according to frontage configuration type pursuant to **Figure 36-2-38**.
      iii) Frontage types are a combination of frontage yard type and frontage configuration type.
      iv) Where frontage yard types permit multiple frontage configuration types, one or more frontage configuration type may be selected for each facade.
   e) Frontage types must be designated at all building frontages and must comply with the standards for that type.
   f) A shopfront frontage is required for all ground floor retail uses.

g) Building entries must be provided along frontages as follows:

   i) The principal entrance must be located at the primary frontage.

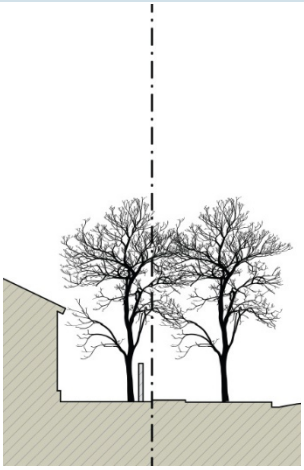
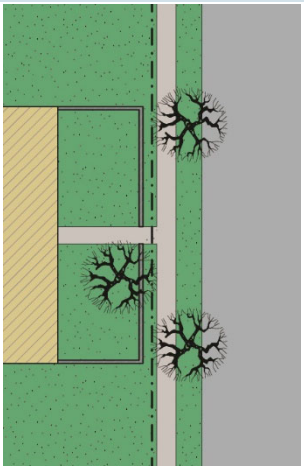
   ii) All habitable spaces within a building must be accessible from frontages.

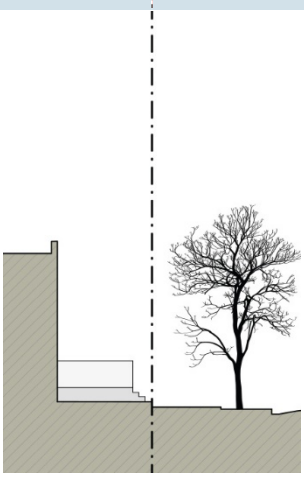
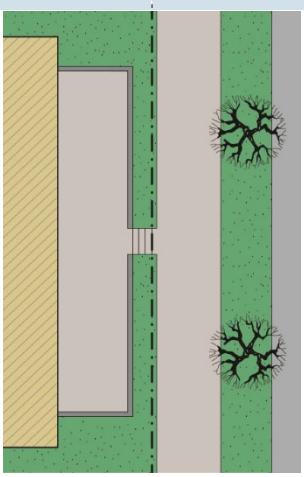
   iii) Building entries must be provided at primary frontages at a minimum of one entry for every 50 feet of frontage.

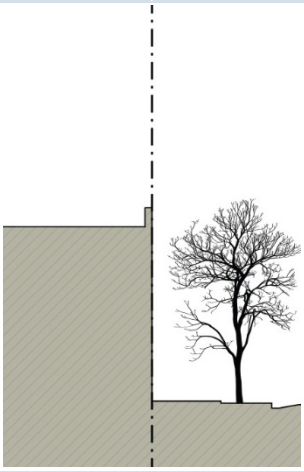
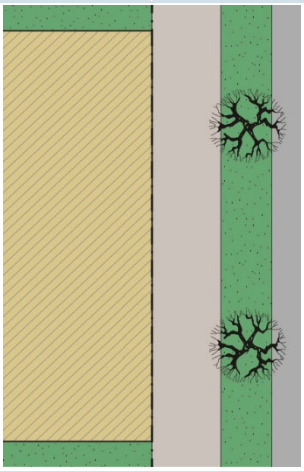
   iv) Building entries must be provided at secondary frontages at a minimum of one entry for every 150 feet of frontage.

h) Loading docks and service areas up to a combined width of 30 feet may be incorporated into secondary frontages no more than 50 feet from the rear lot line.

Figure 36-2-37. Frontage Types – Yard

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD A – WALLED		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU				
Setback Depth	0’ min, 1.5’ max.				
Combinations	Porch, Stoop				
Landscape and Fencing Requirements	(a) The front setback must be landscaped. (b) Walls are required within 18” of frontage lines. (c) 1 understory tree, or 10 shrubs, is required for every 500 sf of landscaped area, or fraction thereof.				
Additional Requirements	(a) Retaining walls are permitted for landscape level changes. (b) Paving is limited to permitted walkways and driveways. (c) 1 walkway per frontage providing access to the primary entrance is permitted up to 48” in width. (d) This yard type must be combined with either a porch or stoop frontage.				

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD B – TERRACE		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT, MS				
Setback Depth	12’ max.				
Combinations	Common Entry, Shopfront, Gallery				
Landscape and Fencing Requirements	(a) The front setback must be landscaped and may be paved in DT and MS. (b) Fencing is permitted at or behind the building setback line. (c) In GU, fencing is permitted at frontage lines.				
Additional Requirements	(a) The frontage setback must be raised between 12” and 36”. (b) Terraces may be no less than 8’ in depth. (c) Retaining walls are permitted for level changes. (d) If in MS, the Terrace must be embedded within to maintain the zero setback. (e) This yard type must be combined with a Shopfront or Common Entry frontage or a combination of both.				

FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD C – NO-YARD		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT, MS				
Setback Depth	8’ max.				
Combinations	Common Entry, Shopfront, Gallery				
Landscape and Fencing Requirements	(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted.				
Additional Requirements	(a) The frontage setback must match sidewalk grade. (b) The frontage setbacks may be used for outdoor seating and merchandise sales and display. The frontage setback may not be used for storage.				

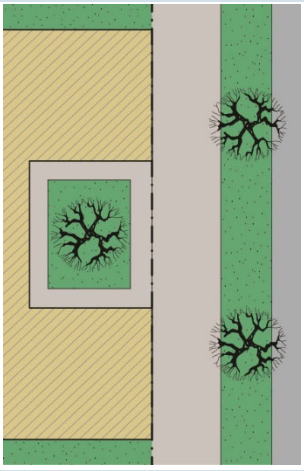
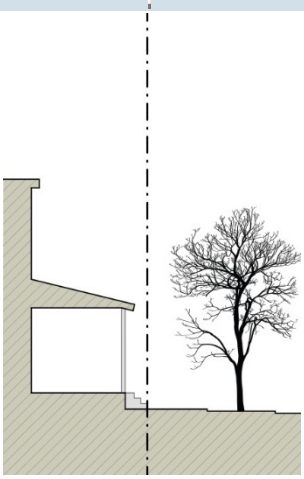
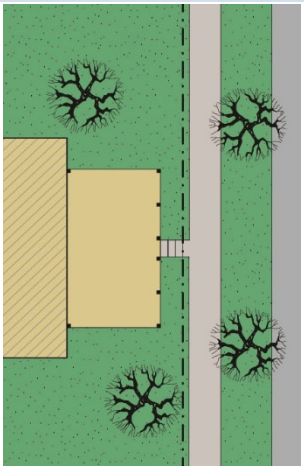
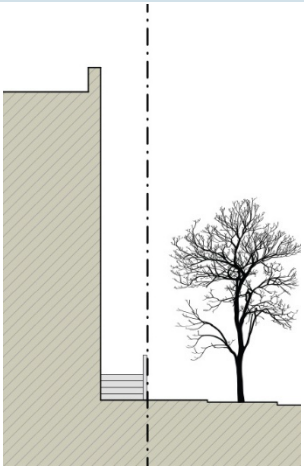
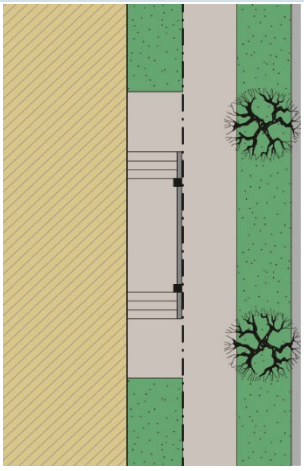
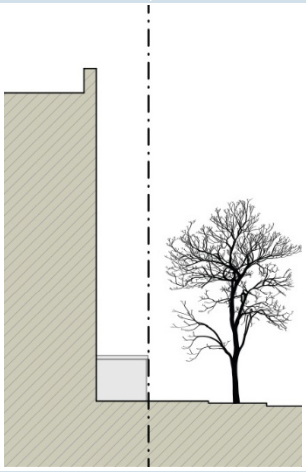
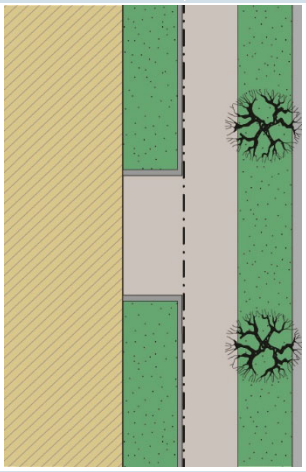
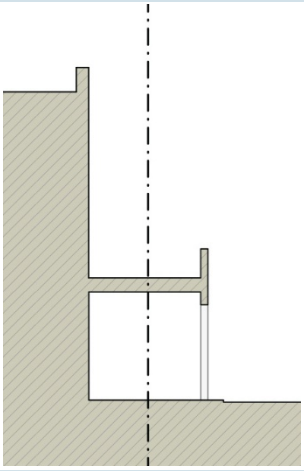
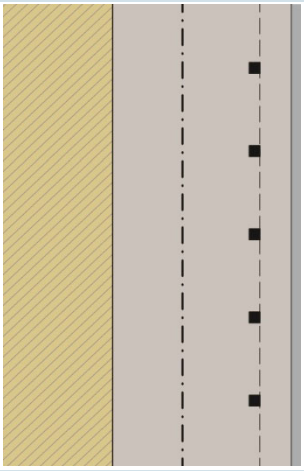
FRONTAGE TYPE REQUIREMENTS		SECTION		PLAN	
YARD D – FORECOURT		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT				
Setback Depth	8’ max., excluding Forecourt				
Combinations	Shopfront, Common Entry, Gallery				
Landscape and Fencing Requirements	(a) The frontage setback must be paved and integrated with the public sidewalk. (b) Raised planters and portable and non-permanent planters are permitted. (c) Forecourts may be paved or landscaped.				
Additional Requirements	(a) A Forecourt shall be located at the primary entrance, and shall be no greater than 600 sf in area. (b) The Forecourt must be bound by facades on a minimum of 2 sides. (c) Facades at the Forecourt may exceed maximum frontage setback. (d) The frontage setback must be configured according to Yard C – No-Yard.				

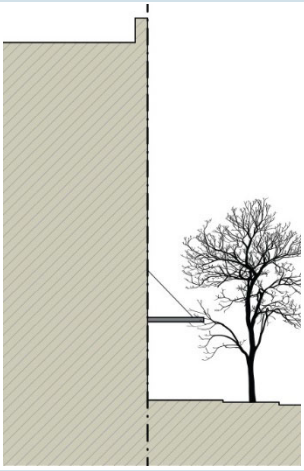
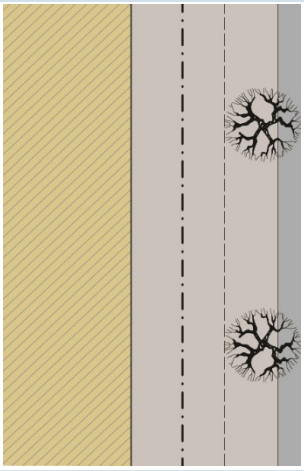
Figure 36-2-38. Frontage Types – Configuration

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION A – PORCH		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU				
Entry Grade	36” max.				
Combinations	n/a				
Setback and Encroachment	(a) Porches and related structure may encroach into frontage setbacks up to 100% of their depth in GU.				
Additional Requirements	(a) A Porch may only occur at the primary entrance. (b) Porches may be no less than 6’ in depth.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION B – STOOP		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	GU, DT				
Entry Grade	36” max.				
Combinations	Common Entry				
Setback and Encroachment	(a) Stoops and related structure may encroach into frontage setbacks up to 100%. (b) Stoops may be recessed into building facades.				
Additional Requirements	(a) A Stoop is required at the primary entrance. (b) Stoops may be masonry, stone, stucco, or concrete. (c) Wood is prohibited for Stoop railings. (d) Stoop landings may be covered.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION C – COMMON ENTRY		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	20” max.				
Combinations	Shopfront, Stoop				
Setback and Encroachment	(a) Canopies and awnings may encroach into frontage setbacks up to 100% of their depth. (b) Canopies and awnings may encroach into the public pedestrian way up to 10’.				
Additional Requirements	(a) A Stoop combination is permitted in DT. (b) Canopies are permitted at the primary entrance. (c) Awnings are permitted along facades.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION D – GALLERY		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	Sidewalk grade				
Combinations	Shopfront, Common Entry				
Setback and Encroachment	(a) Galleries may encroach into frontage setbacks up to 100% of their depth. (b) Galleries may encroach into the public pedestrian way to up 10’. (c) Awnings are not permitted in combination with Galleries.				
Additional Requirements	(a) Galleries may be no less than 8’ in depth. (b) Galleries must have a minimum clearance of 10’. (c) Galleries must be supported by columns. (d) Galleries must be covered by roofing, green roofing, upper terraces, trellises, solar collectors, or fabric.				

FRONTAGE CONFIGURATION REQUIREMENTS		SECTION		PLAN	
CONFIGURATION E – SHOPFRONT		PRIVATE	PUBLIC	PRIVATE	PUBLIC
District	DT, MS				
Entry Grade	Sidewalk grade				
Combinations	Shopfront, Common Entry				
Setback and Encroachment	(a) Display windows may encroach into frontage setbacks up to 5' in depth. (b) Awnings may encroach into frontage setbacks up to 100% of their depth. (c) Awnings may encroach into the public pedestrian way to up to 10'.				
Additional Requirements	(a) Entries may be recessed from the facade up to 5' in depth. (b) Tenant spaces must provide Shopfronts along no less than 70% of tenant space frontage. (c) Tenant spaces with frontage on both primary and secondary frontages must provide Shopfronts along no less than 30% of the secondary frontage.				

9. Building Specifications: Encroachments.
   a) Encroachments into frontages are permitted as follows:
      i) Encroachments in frontage setback are prohibited except where specifically permitted in this Section, **Figure 36-2-37**, and **Figure 36-2-38**.
      ii) Roof overhangs, cornices, window and door surrounds and other facade decorations may encroach into the front setback up to 2 feet but not beyond the lot line, and may not obscure views from windows to the street or from the street into windows.
      iii) Shading devices may encroach into frontage setbacks as follows:
      iv) In GU, shading devices attached to facades may encroach up to 6 feet, but not beyond the lot line.
      v) In DT and MS, shading devices may encroach into the front setback up to the lot line, and into the right-of-way up to 10 feet or within 2 feet of the curb.
      vi) Balconies may encroach into the frontage setback a maximum of 3 feet, but not beyond the lot line.
      vii) Bay and bow windows may encroach into the frontage setbacks up to 3 feet, but not beyond the lot line.
   b) Encroachments into pedestrian passages are permitted as follows:
      i) A minimum of 14 feet in height must be maintained along the entire length of pedestrian passage.
      ii) Buildings and structures may encroach over pedestrian passages.
      iii) An unobstructed pedestrian path must be maintained a minimum of 5 feet in width and 8 feet in height. The pedestrian path is required to be continuous, however, it is not required to follow a straight line.
      iv) Signage, bay and bow windows, balconies, lighting fixtures, and display windows may encroach into pedestrian passages.

v) Outdoor seating, outdoor dining, and other non-permanent fixtures may encroach into pedestrian passages.

10. Building Specifications: Glazing.

a) Facade Glazing of building frontages must meet the minimum area requirements, calculated by glass area for each facade separately, as specified in **Figure 36-2-39. Minimum Facade Glazing**.

b) Mirrored and reflective glass is prohibited.

c) Shopfront frontages must meet the following Glazing requirements:

Figure 36-2-39. Minimum Facade Glazing

MEASUREMENT	GU	DT
Ground Floor	20%	20%
Second Floor	20%	20%
Upper Floors	N/A	20%

i) Shopfronts must provide clear glazed areas for visibility into tenant spaces for no less than 60 percent of the shopfront area.

a. Facade area is calculated as the height from finished floor to finished ceiling times the width of the tenant space.

ii) Shopfront Glazing requirements are calculated separately for each tenant space.

d) Signs and posters shall cover no more than 30 percent of the total Glazing area.

11. MS Architectural Standards

This sub-section supersedes the zoning district standards for any subject addressed in the MS zoning district.

a) Building Width:

i) New buildings facing Main Street shall not exceed the average building width on their block except as follows:

a. Buildings may be a maximum of 150 feet wide if the facade is designed to simulate the average width of buildings on the block.

ii) Facade Standards:

a. Glazing at the second story shall not exceed 30% of the second story building facade wall area.

b. Mechanical equipment shall be screened from the street view.

iii) Sidewalk Coverings:

a. When awnings, canopies, or galleries are used, they shall be designed and installed in compliance with building codes.

b. Sidewalk coverings shall not obscure architectural details of designated historic building facades.

iv) Signs:

a. Signs shall not obscure other building elements such as windows, cornices, or architectural details.

b. Individual business signs in a single storefront shall relate to each other in design, size, and placement on the building and lettering style.

c. Externally illuminated signs shall contain light within the sign frame and shall not spill light over to other portions of the building.

12. Fencing

a) Hedges in frontage fences shall be evergreen.

b) Wood frontage fences shall be painted or stained.

c) Lot line fences shall be between 60 and 72 inches in height.

d) Frontage fences shall not exceed 48 inches in height nor violate the clear sight triangle.

e) Frontage fences may occur at the lot line, or up to 18 inches behind the lot line to permit landscaping.

f) When erected on a lot line, all of the fence and any of its supporting structures shall be contained within the lot.

g) The supporting members and posts shall be on the inside, and the smooth or flat faces on the outside. If two faces are used, each face shall be of the same type and finish. Board on board fences is considered equal treatment.

h) Chain link, barbed wire, razor wire, and electrically charged fences are not permitted.

13. Signs

The general intent of regulating signs that are visible from the public frontage is to ensure proper dimensioning and placement with respect to existing or planned architectural features, to maintain or improve public safety, to maintain or improve the aesthetic character of the context in which they are located (See **Figure 36-2-40. General Sign Restrictions**). Signage provides legible information for pedestrians as well as drivers.

Except with respect to the additional provisions in this section, **Sec. 38-10. Signs** shall be applicable and govern pursuant to the administration, processes and provisions for all signage within the City Limits of the City of Las Cruces. However, only the signage types permitted in this subsection and **Figure 36-2-40. General Sign Restrictions** hereof shall be permitted in the Downtown.

a) Prohibited Signs

i) Moving, flashing, or animated signs, including, but not limited to searchlights, streamers, and spinners;

ii) Inflatable signs, such as but not limited to balloons, gas-inflated signs, or similar inflated signs;

iii) Portable signs, except for sidewalk signs, as allowed in **Figure 36-2-40. General Sign Restrictions**;

iv) Flags, other than those specifically allowed in **Sec. 38-10. Signs**;

v) Outdoor image projections (signs projected from an external light source onto a building or structure) or any other similar devices.

b) Permitted Signs and Sign Restrictions.

i) Permitted sign types are limited by Transect district and the following restrictions according to **Figure 36-2-40. General Sign Restrictions**:

a. The number of signs per sign type;

b. The area of signs;

c. Height of sign copy.

ii) Additional sign restrictions apply per sign type, according to **Figure 36-2-41. Specific Sign Regulations**.

iii) A permit is required for the installation or modification of all signs as specified in **Figure 36-2-41** as Permit.

a. Signs projecting into rights-of-way require a permit.

b. Signs not requiring a permit must meet all of the requirements of this section.

c. Any freestanding sign over 20 feet in height above grade or any sign extending above the public right-of-way shall require the seal of a professional engineer, indicating that the sign meets all best engineering practices and standards.

iv) Signs may be installed and maintained for the period of time specified according to **Figure 36-2-40. General Sign Restrictions** as Period.

a. All signs must be removed within 14 days of the termination of the permitted period. Signs permitted for a permanent period are not regulated by this subsection.

b. Where the period of a sign is limited to during business hours, the sign must be removed during all hours the establishment is not in operation.

c. Any moveable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

v) All signs must provide the following clearance except where specified otherwise:

a. 8 feet at pedestrian ways;

b. 13.5 feet at vehicular ways.

vi) Illuminated signs are permitted as follows:

a. Signs may be illuminated by a light source external to the sign;

b. Internally illuminated signs are permitted at shopfront frontages.

vii) Changeable copy is permitted for display cases, suspended, kiosk, ground, and sidewalk signs, and at community and regional parks. Change of copy does not require a permit.

Figure 36-2-40. General Sign Restrictions

SIGN TYPE	MS	DT	PERMIT	PERIOD	NUMBER	MAX. SIZE
Awning	•	•	S	O	1 sloping plane, plus 1 valence per awning	75% of sloping plane; 75% area of awning valence
Banner	•		N/A	O	1 per frontage	48 sqft
Canopy	•		S	P	1 per canopy	2 sqft per linear foot of shopfront
Corner	•	•	S	P	1 per building	24 in. wide
Display Case	•		S	P	1 per business	6 sqft
Ground			S	P	1 per frontage	36 sqft
Kiosk	•		S	P	N/A	24 sqft
Marquee	•		S	P	1 per entry	N/A
Projecting	•	•	S	P	1 per tenant	9 sqft
Sidewalk	•	•	N/A	B	1 per tenant	8 sqft
Suspended	•	•	S	P	1 per entry	9 sqft
Wall Sign	•	•	S	O	1 per frontage	3 sqft per 1 linear ft. up to 90% of the width of tenant space
Wall Mural Sign	•	•	S	P	1 per frontage	3 sqft per 1 linear ft. up to 90% of the width of tenant space
Window	•	•	S	O	1 per window	25% of glazed area
Window: Neon	•		N/A	O	N/A	25% of glazed area

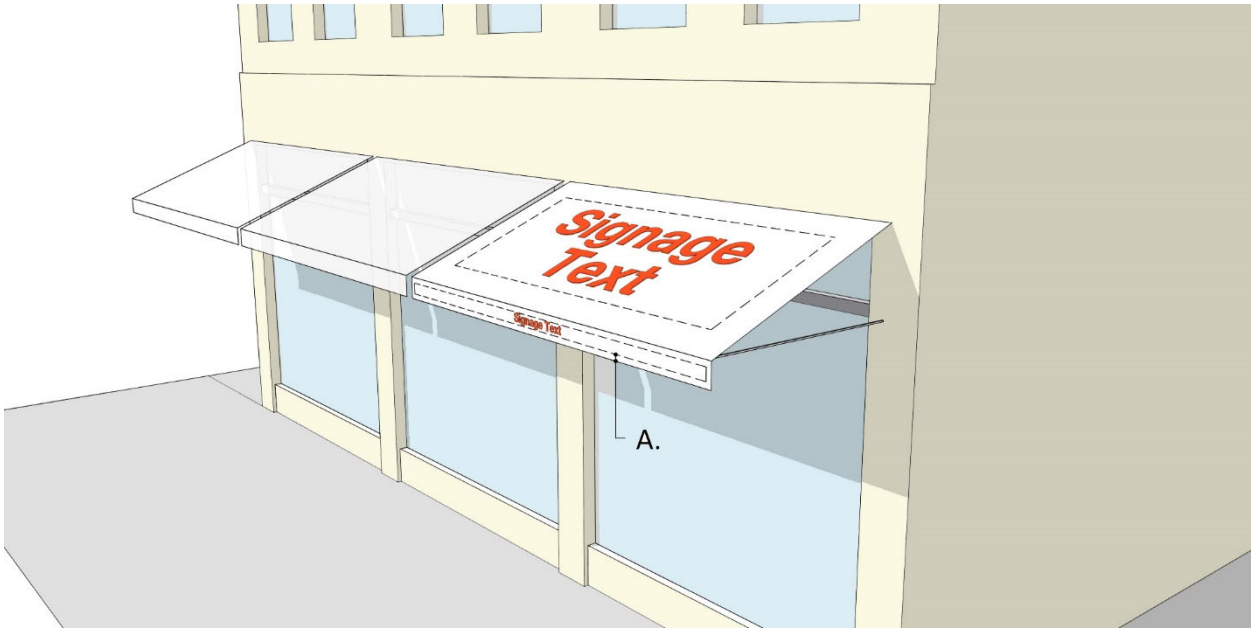
Symbol	Meaning
•	Permitted
<blank>	Not Permitted
n/a	Not Required
P	Permanent
O	Period of Occupation
B	During Business House
S	Standards

Figure 36-2-41. Specific Sign Regulations

Awning Sign

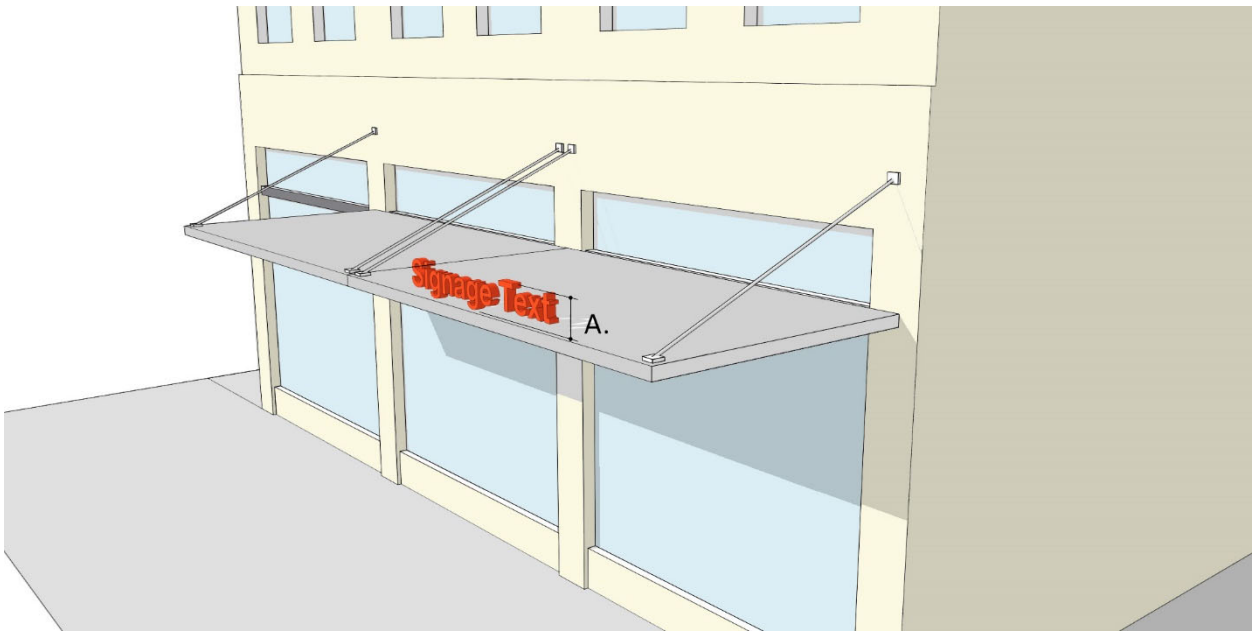
A. Signage area must have a 1" border.

B. Signage area may not exceed 75% of each portion of the sign area, which shall be calculated individually.



Canopy Sign

A. Canopy signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare. Conduit, raceways, and wiring may not be exposed to view from the sidewalk.



Corner Sign

A. Corner signs must provide 10’ of clearance.

B. Corner signs may extend up to 6’ above the parapets.

C. Corner signs may only be located at the corner of a building located on a corner (i.e., with both primary and secondary frontages).



Ground Sign

A. Ground signs must not exceed 6’ in height or width with a signable area of 12 sqft max.

B. One ground sign per frontage is permitted and may be double-sided.

C. Ground signs must be constructed of durable materials.

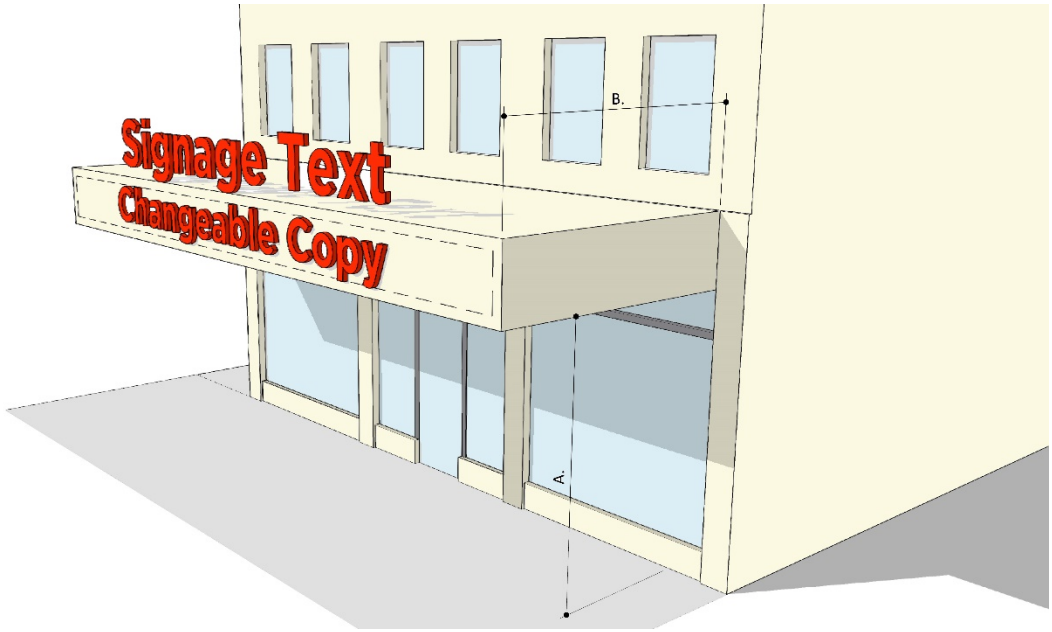


Marquee Sign

A. Marquee signs must provide 8’ of clearance.

B. Marquee signs project to within 2’ of the curb.

C. Marquee signs may be combined with a Canopy sign or a Projecting sign.

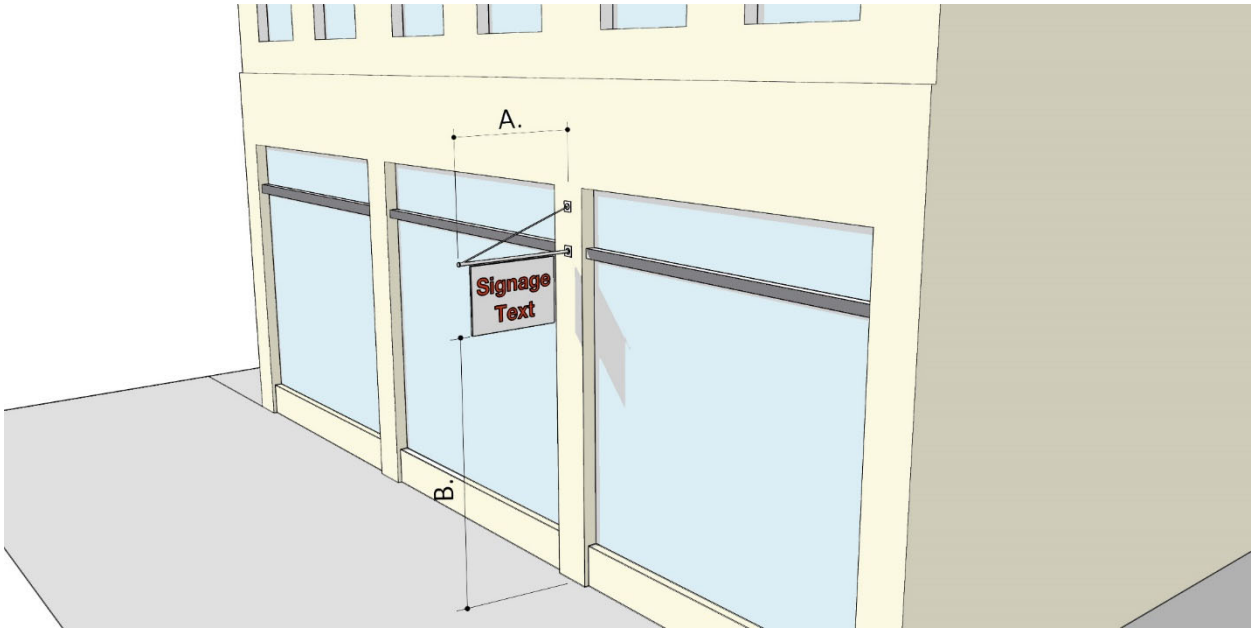


Projecting Sign

A. Projecting signs may encroach into the right-of-way up to 3’.

B. Projecting signs must provide 8’ of clearance.

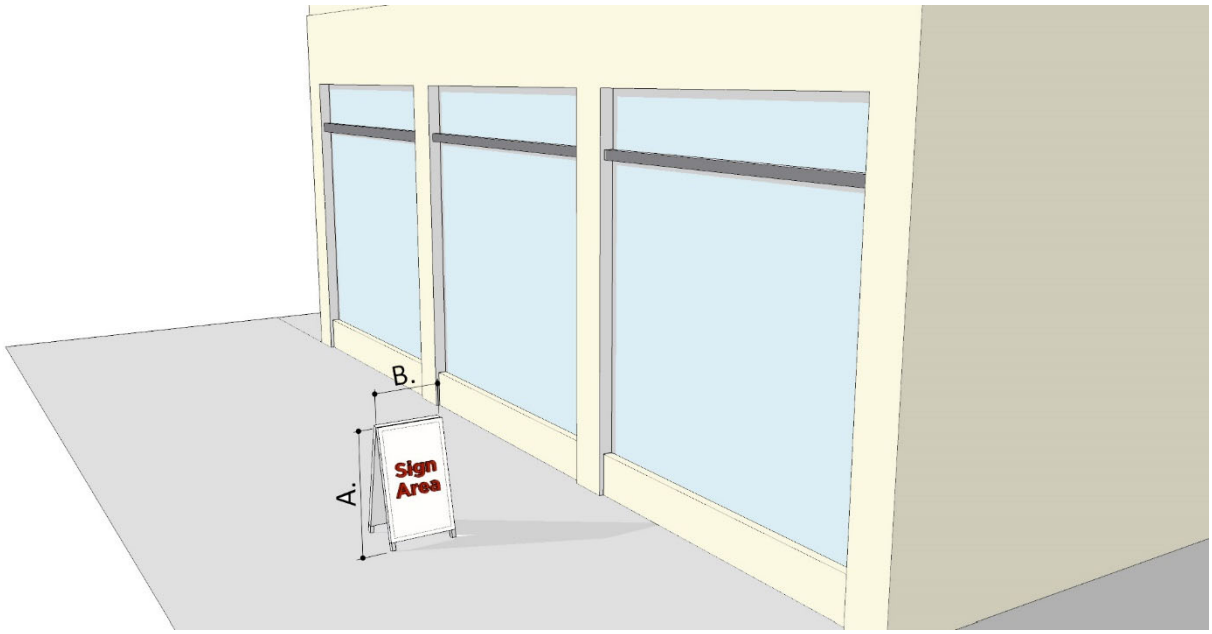
C. Projecting signs may be double-sided.



Sidewalk Sign

A. Sign height may not exceed 42”.

B. Sign width may not exceed 26” inches.

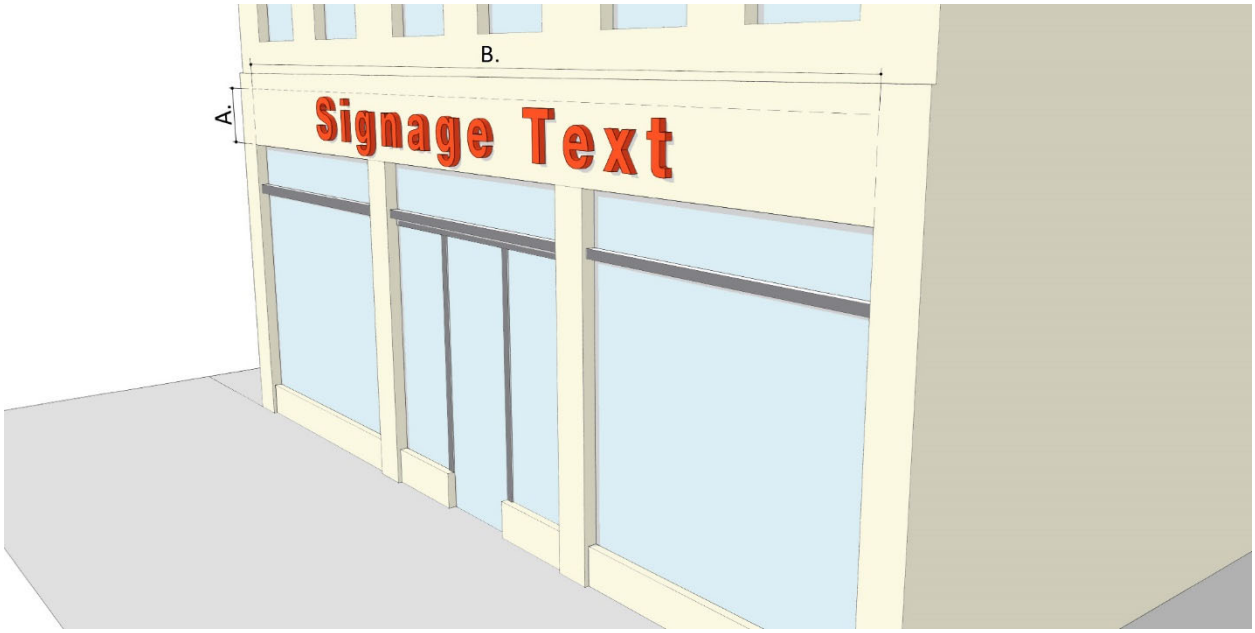


Wall Sign

A. Sign height may not exceed 36”.

B. Sign width may be 90% of storefront width.

C. Wall signs may be externally illuminated or neon. Fixtures must be shielded to prevent glare.



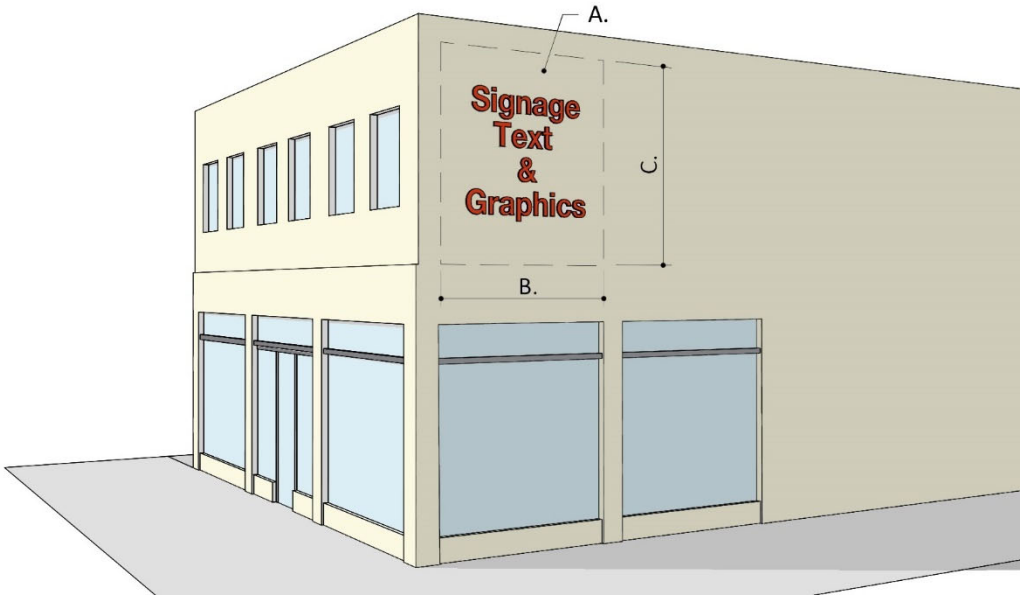
Wall Mural Sign

A. Signable area is 1,000 sqft max.

B. Sign width is 50’ max.

C. Sign height is 60’ max.

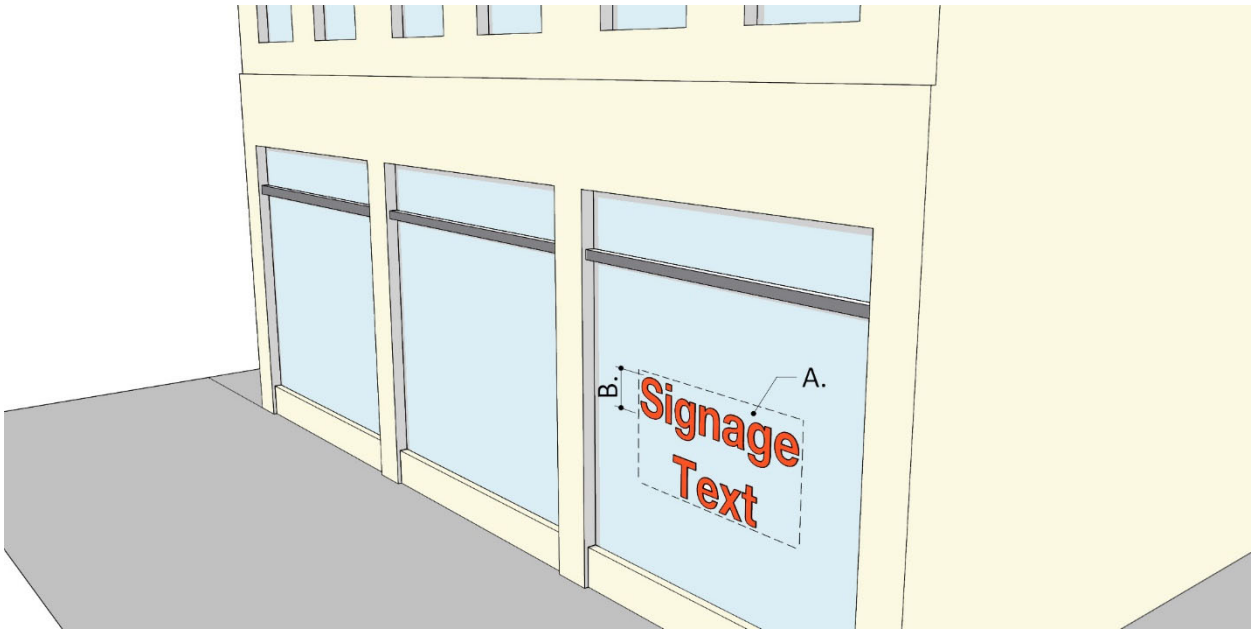
D. Only text or graphics painted directly on the wall or a graphic mural are permitted.



Window Sign

A. Signage area is 25% max. of shopfront window.

B. Copy height is 12” max.



14. Uses

a) Lot and building use is allowed according to **Figure 36-2-42. Downtown Development Code Allowed Uses** by use category and subcategory.

b) Multiple uses within a single lot or building are permitted in all districts.

c) Accessory uses are permitted as follows:

i) Accessory dwellings in GU are limited to housing related to the principal dwelling, rental housing, and home office uses, not exceeding 600 square feet per story.

ii) Home occupations are permitted in accordance with the provisions of **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #23. Home Occupation.

d) Manufacturing uses, other than cottage industries, are not permitted Downtown.

e) Conditional Uses are permitted pursuant to noted conditions.

Figure 36-2-42. Downtown Development Code Allowed Uses

USE CATEGORY	GU	DT	MS	CONDITIONS
RESIDENTIAL				
Single or Two-family Dwelling	A	NP	NP	
Family Child Care Home (1-6 occupants)	C	C	C	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #37 Child Care Home (≤6)
Accessory Dwelling Unit	A	A	A	
Multi-family Dwelling	A	A	A	
Group Home (up to 16 occupants)	C	C	C	See **Sec. 36-3.B. Use Classifications and Use-Based Standards**, #13 Community Residence (Licensed for Persons with Disabilities)
LODGING				
Lodging in Accessory Dwelling Unit	A	A	A	
Bed and Breakfast (up to 6 rooms)	A	NP	NP	
Inn (up to 12 rooms)	A	A	A	
Hotel	A	A	A	
OFFICE				
Accessory Office	A	A	A	
Live-work Unit	A	A	A	
Office	C	A	A	Building area available for office use is limited to the first story.
Outpatient Clinic	NP	A	A	
Laboratory	NP	C	C	Medical, dental, or similar uses. Permitted only when entirely contained within an office building and used strictly for the purpose of serving the occupants of the office complex. There shall be no advertising signs or other visible displays indicating the use from the exterior of the building.
RETAIL				
Open Market Space	A	A	A	

USE CATEGORY	GU	DT	MS	CONDITIONS
Retail	C	A	A	Building area available for retail use is limited to the first story.
Push Cart	A	A	A	
Kiosk	NP	A	A	
Gasoline Sales	C	C	NP	Permitted only when vehicle repair activities are not associated with the use.
Restaurant or Other Dining Establishment	C	A	A	Seating shall not exceed 40.
Outdoor Cooking	A	A	A	
Outdoor Dining	A	A	A	
Tavern or Bar	C	A	A	Seating shall not exceed 40.
Nightclub	NP	A	A	
INSTITUTIONAL				
Live Theater or Movie Theater	NP	A	A	
Broadcasting Studios	NP	A	NP	
Gallery	C	A	A	Building area available for gallery use is limited to the first story.
Museum	C	A	A	Building area available for museum use is limited to the first story.
Libraries	A	A	A	
Legislative and Court Chambers	NP	A	A	
Conference Center	NP	A	A	
Terminal Waiting Areas	NP	A	A	
Funeral Homes	NP	A	NP	
Participatory Assembly	A	A	A	
Nursing Home with Medical Care	C	C	C	Must be located on a collector or higher designated roadway.
Classroom for Participatory Assembly Uses	A	A	A	
Child Classrooms & Daycare	A	A	A	
Accessory Daycare (fewer than 6 children)	A	A	A	
School, K-12	A	A	A	
School, college or university	A	A	A	
School, commercial, trade or technical	C	A	A	Located on a minor arterial or higher designated roadway.
AGRICULTURAL				
Animal (Pet) Care Facility	NP	A	A	
Animal (Pet) Day Care Facility	NP	A	A	
Chickens	C	NP	NP	Roosters are not permitted.
Garden Supply or Greenhouse	A	NP	NP	

(A) Approved by Right (C) Conditional (NP) Not Permitted

15. Parking

a) Off-street Parking Location and Access.

i) Off-street parking shall be provided in accordance with achieving the Downtown Master Plan goals and policies and supporting the development proposal.

ii) Additional off-street parking is not required in the downtown transects. Unless otherwise specified, off-street parking design shall comply with **Sec. 38-2. Roads, Rights-of-Way, and Parking** as well as any state and federal regulations.

iii) When provided, parking may not be located within 30 feet of the primary frontage line and 20 feet of secondary frontage lines.

iv) Parking areas shall have well-delineated pedestrian access routes to the most direct entrance of the building they serve.

v) Parking may be fulfilled in the following locations:

a. Parking spaces provided within the lot.

b. Parking spaces provided along a parking lane (on-street) corresponding to lot frontages.

c. Parking spaces leased from a private or public parking facility within 500 feet of the lot.

d. Parking spaces managed by an established parking district.

b) Parking lots and structures visible from frontages require one of the following screening methods or a combination of methods:

i) Liner Buildings, optional at parking lots and required at parking structures. The ground floor frontages of parking structures shall be screened with Liner Buildings with the exception of ingress and egress points.

ii) A masonry wall no less than 4 feet in height.

iii) An evergreen hedge, or other landscape element to screen the view of parking, no less than 4 feet in height.

c) Driveways providing access to off-street parking are limited to 24 feet (2-way) in width in DT or MS and 10 feet (1-way) in width in GU.

d) Vehicular access to off-street parking is restricted as follows:

i) Lots with rear alley access must provide vehicular access from a rear alley.

ii) One curb-cut is permitted for each secondary frontage. Curb cuts shall comply with **Sec. 38-2. Roads, Rights-of-Way, and Parking**.

iii) Where secondary frontages are not available, one curb-cut is permitted at the primary frontage for lots with a minimum width of 80 feet.

e) Pedestrian access to off-street parking must be provided from frontages, according to the following:

i) A minimum of one ADA-compliant walkway must be provided between each lot frontage and off-street parking areas.

ii) Pedestrian access walkways must be a minimum of 6 feet in width in DT.

f) Shared Vehicular Parking Options.

i) The number of spaces provided may be reduced according to **Figure 36-2-43. Shared Parking**, completed as follows:

a. For each use, enter the minimum required spaces as specified in **Figure 36-2-43**, into the first column.

b. For each time of day, multiply the required spaces per use by the occupancy rate, and enter the sum of the resulting column in the bottom row.

c. The resulting reduced minimum required parking spaces is the highest value entered in the bottom row.

Figure 36-2-43. Shared Parking

USES	REQ#	M—F 8AM—6PM	M—F 6PM—12AM	M—F 12AM—8AM	SAT & SUN 8AM—6PM	SAT & SUN 6PM—12AM	SAT & SUN 12AM—8AM
Residential		60%	100%	100%	80%	100%	100%
Office		70%	100%	100%	70%	100%	100%
Lodging		100%	20%	5%	5%	5%	5%
Retail		90%	80%	5%	100%	70%	5%
Restaurant		70%	100%	100%	70%	100%	100%
Theater		40%	80%	10%	80%	100%	10%
Entertainment		40%	100%	10%	80%	100%	50%
Conference		100%	100%	5%	100%	100%	5%
Civic		100%	20%	5%	10%	10%	5%
Civic Religious		20%	20%	5%	100%	50%	5%
Total Required							

16. Landscaping

a) The spacing and placement of plants shall be adequate and appropriate for the typical size, shape and habit of the plant species at maturity.

b) Landscape quantities shall be determined by **Sec. 38-7. Landscaping**.

c) Proposed trees and understory trees shall be centered horizontally and minimally:

i) Three (3) feet from walkways, curbing, and other impervious pavements;

ii) Five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;

iii) Six (6) feet from porch eaves, awnings, and similar overhead obstructions associated with the ground level of buildings;

iv) Eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.

d) Ground vegetation with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited within two (2) feet of the sidewalk or street.

e) Bare and exposed ground shall be covered with live plant materials and/or mulch, including gravel mulch.

f) Artificial plants or artificial turf are prohibited.

g) Specific to DT and MS.

i) Landscape islands in interior parking lots shall only occur at the end of drive aisles. Islands should be the minimum size for healthy growth for the specific species of tree.

ii) Porous paving materials and other green infrastructure methods may be used in order to increase stormwater infiltration on site.

h) Any tree species and cultivar applicable for planting in the Downtown Las Cruces microclimate may be considered for planting within Downtown public squares, plazas, and private parcels, with the exception of those identified in **Figure 36-2-44. Prohibited Plants**.

Figure 36-2-44. Prohibited Plants

BOTANICAL NAME	COMMON NAME
Pennisetum setaceum	Crimson fountaingrass
Tamarix spp.	Saltcedar
x Chitalpa	Chitalpa
Elaeagnus angustifolia	Russian olive
Brassica tournefortii	Sahara mustard
Peganum harmala	African rue
Arundo donax	Giant cane
Saccharum ravennae	Ravennagrass
Ulmus pumila	Siberian elm
Ailanthus altissima	Tree of heaven

17. Streetscape

The primary use of thoroughfares is to provide access to private lots and public civic spaces. In accordance with the intent of this Section, streetscape improvements shall be designed to support several modes of transportation: public transportation, motor vehicles, and non-motorized vehicles such as bicycles and pedestrians.

a) Alley easements include one (1) bi-directional vehicular lane, within a total width alley of not less than 20 feet. The entire right-of-way should be paved and remain with clear access.

b) At the time of, and within, new or infill development trees shall be planted at an average spacing of no less than 40 feet on center within the front setback of the parcel being developed unless the front setback is less than 8 feet pursuant to **Figure 36-2-45. Public Frontage Type**.

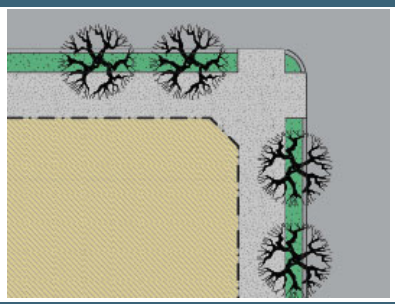
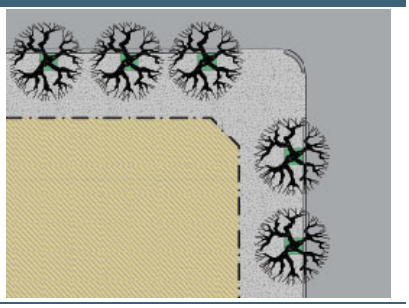
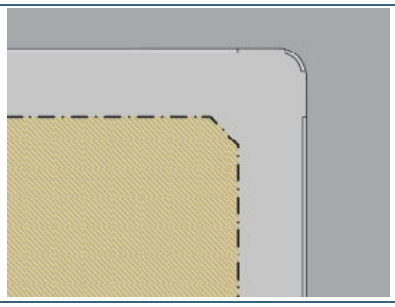
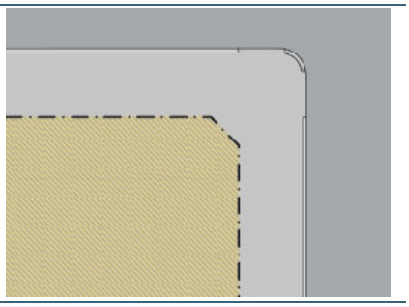
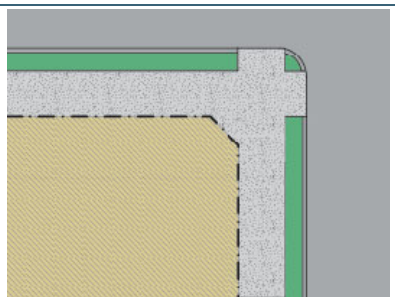
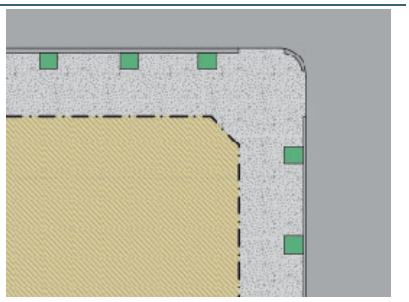
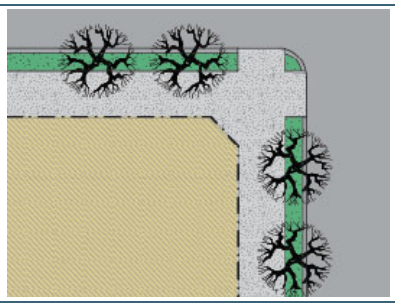
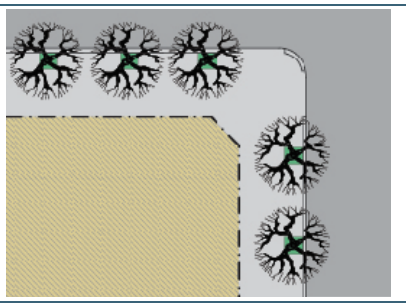
c) Streetscape improvements may be made pursuant to **Figure 36-2-45**.

i) At commercial frontages the spacing of trees may be irregular to avoid visually obscuring shopfronts.

ii) At gallery frontages, public planting is not required and public lighting may be provided within the gallery.

iii) Tree spacing may be adjusted up to 20 percent by administrative waiver to accommodate specific site conditions.

Figure 36-2-45. Public Frontage Type

PUBLIC FRONTAGE TYPE	A	B
Assembly: The principal variance are the type and dimension of curbs, walkways, planters, and landscape.		
Total Width	10-20’	16-20’
Curbing: The detailing of the edge of the vehicular way, incorporating drainage.		
Type Cuts	Raised Curb Ramp at 1:12 slope	Raised Curb Ramp at 1:12 slope
Walkway: The portion of the thoroughfare dedicated exclusively to pedestrian activity		
Type Width	Sidewalk 10-15’	Sidewalk 12-16’
Planter: The portion of the thoroughfare accommodating street trees and other landscape.		
Arrangement Planter Type Planter Width	Opportunistic Continuous 5’	Opportunistic Tree Well 4’x9’

18. Sidewalk Displays on Public Property.

a) *Sidewalk display* means the outdoor display of merchandise for sale to the public during regular business hours by any person, persons or organization when such merchandise is displayed on a portion of, or entirely on a public sidewalk or public place not designed for vehicular traffic.

i) All agents, employees, or representatives conducting a sidewalk display on Main Street between the roundabout and Bowman in downtown Las Cruces, shall comply with the following provisions:

a. All sidewalk displays shall only be conducted during regular business hours;

b. All displays shall be installed and removed by the business or property owner daily;

c. No booths, tables, or display merchandise shall obstruct ADA access, vehicular traffic, business entrances, or designated fire access points;

d. Sidewalk displays shall be limited to 100 square feet in total size;

e. Sidewalk displays shall only be conducted immediately in front of the permanent business located immediately adjacent to Main Street;

f. No person shall leave merchandise, booths, tables, or cases on the site of the display after the conclusion of regular business hours.

g. No person shall display merchandise of a type that is not originally sold by the permanent business located immediately adjacent to Main Street.

h. Sidewalk displays shall not include vending machines, food or beverage, outdoor lighting, or provide entertainment.

i. All debris and trash created by the sidewalk displays shall be immediately cleaned from the public property.

j. No sidewalk displays shall be allowed after the entity with which it is associated is not open to the public.

k. No permanent structure may be affixed to the sidewalk or any building. The business or property owner shall be responsible for any damage caused to the sidewalk or public property by the display;

l. The business or property owner assumes all risks with setting up a sidewalk display and shall not hold the City responsible for any accidents or loss in the installation, removal, or operation of the displays.

Sec. 36-3. Permitted Uses and Use-Based Standards

A. Permitted Uses

1. Permitted Use Chart

   a) The Permitted Use Chart is contained in the tables on the following pages.

   b) Land and buildings in each of the zoning districts may be used for any of the specified uses in the Permitted Use Chart. No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which the property is located.

   c) Use-Based Standards apply to uses as indicated in **Figure 36-3-2. Permitted Use Chart**. The associated standards are located in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

   d) The chart is organized by the following generalized land use groupings:

Residential Uses	Accessory or Temporary Uses	Public and Institutional Uses	Retail, Service, and Office Uses	Commercial, Auto, Industrial, and Agricultural Uses
Household Living Congregate Living Residential Care	Accessory Uses Temporary Uses	Child Care Schools Public/Semi-Public	Professional Office Medical Lodging Recreational and Entertainment Retail Shops and Services Food and Beverage	Commercial Cannabis-Related Automotive and Transportation Light Industrial Heavy Industrial Animals and Agriculture

2. Classification of New and Unlisted Uses

   It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

   a) The new or unlisted use will be referred to the Community Development Director who will make a determination as to the appropriate classification of the new or unlisted use based on findings of fact in relation to the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, amount of noise, odor, fumes, light, dust, toxic material and vibration likely to be generated and the general requirements for public utilities.

   b) The Community Development Director may seek input from other sources, such as professional urban planning publications, or economic development professionals or others familiar with the proposed use.

   c) The Community Development Director shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such uses shall be permitted.

   d) In such cases that any party may be aggrieved by the decision of the Community Development Director, the matter may be appealed in accordance with **Sec. 34-3.F. Appeals**.

3. Multiple Principal Uses within a Single Site

   When multiple principal uses are included on a single site, each individual use must be permitted on that site. For example, if a Retail Store includes a Restaurant, both uses must be allowed; or if a Funeral Home includes a Crematorium, both uses must be permitted.

a) Exception: Customarily incidental uses (as determined by the Community Development Director) are included in the primary use. For example, if a Hospital includes a gift shop, a Retail Store use is not required; or if a Warehouse or Distribution Center includes an office area, a Professional Office use is not required.

4. Parking Requirements

Minimum vehicle and bicycle parking requirements are included in **Figure 36-3-2. Permitted Use Chart**. Off-street parking is not required in the Urban Character Area; MXCO, Mixed Use Corridor Overlay District; TCO, Town Center Overlay District; NCO, Neighborhood Center Overlay District; or the DDC, Downtown Development Code area. See **Sec. 38-2.N. Off-Street Parking** (specifically **Sec. 38-2.N.4. Minimum Off-Street Vehicular Parking Requirements** and **Sec. 38-2.N.5. Bicycle Parking Standards**) for more information regarding parking requirements.

Figure 36-3-1. Legend for the Permitted Use Chart

Symbol	Meaning
●	Use is permitted in district indicated
○	Use is permitted in district upon approval of a Special Use Permit; see **Sec. 36-5.C. Special Use Permits (SUPs)**
	Use is prohibited in district indicated
*	Use-based standards apply; see **Sec. 36-3.B. Use Classifications and Use-Based Standards**

Figure 36-3-2. Permitted Use Chart

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
Residential Uses											
Household Living (Note: See **Sec. 36-2.B. Zoning DistrictsError! Reference source not found.** for maximum dwelling units per acre in each district)											
1	Duplex, Triplex, or Quadplex	●	●	●	○					1 : dwelling unit	N/A
2	Live/Work*	●	●	●	○					1 : dwelling unit + parking required for business	Only parking required for business
3	Manufactured Home	●	●	●						2 : dwelling unit	N/A
4	Manufactured / Mobile Home Park (MHP)*	○	○	○						2 : dwelling unit	N/A
5	Mixed-Use*	○	●	●	○					Per use multiplied by 0.5	Per use
6	Mobile Home*	●	●	●						2: dwelling unit	N/A

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
7	Multi-Family Dwelling*	●	●	●	○					1 : dwelling unit	1 : 4 dwelling units
8	Single-Family Home	●	●	●						2 : dwelling unit	N/A
9	Townhouse*	●	●	●	○					2 : dwelling unit	1 : 2 bedrooms
Congregate Living											
10	Boarding House or Hostel	○	●	●						1 : bedroom + 1 : employee	1 : 2 bedrooms
11	Fraternity or Sorority House	○	●	●						0.5 : bedroom	1 : 2 bedrooms
Residential Care											
12	Assisted Living	○	●	●						1 : 4 beds + 1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
13	Community Residence (Licensed for Persons with Disabilities)	●	●	●						1 : 4 beds + 1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
14	Community Residence (Other)	○	●	●						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
15	Halfway House	○	○	○						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
16	Independent Senior Living	○	●	●						1 : dwelling unit	1 : dwelling unit
17	Nursing Home	○	○	●	●					1 : 4 beds + 1 : 2 employees	1 : 20 beds + 1 : 5 employees on maximum shift
18	Sober Living House	●	●	●						1 : 2 employees on maximum shift	1 : 5 employees on maximum shift
Accessory or Temporary Uses											
Accessory Uses											
19	Accessory Dwelling*	●	●	●						N/A	N/A
20	Accessory Structures*	●	●	●						N/A	N/A
21	Animal Raising (Accessory)*	●	●	●	●	●	●	○		N/A	N/A

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
22	Drive-Thru*		○	●	●	●				N/A	N/A
23	Home Occupation*	●	●	●						N/A	N/A
24	Outdoor Display (Permanent)			●~~○~~	●	●	●			1 : 1,000 sqft of display area	N/A
25	Outdoor Storage*				○	●	●			1 : employee on maximum shift or 1 : 10,000 sqft of storage area	N/A
26	Pools and Recreational Courts	●	●	●	●					1 : 250 sqft of accompanying floor area where patrons circulate, sit, or congregate or 1 : 750 sqft of all gross surfaces	1 : 1,250 sqft of accompanying floor area where patrons circulate, sit, or congregate or 1 : 3,750 sqft of all gross surfaces
27	Solar Energy System (Accessory)*	●	●	●	●	●	●			N/A	N/A
28	Walk-Up Window*	●	●	●	●					N/A	N/A
29	Wind Energy System (Accessory)*	●	●	●	●	●	●			N/A	N/A
	Temporary Uses										
30	Concrete Batch Plant (Temporary)	○	○	○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
31	Construction Building (Temporary)	●	●	●	●	●	●			1 : 400 sqft	1 : 5 employees on maximum shift
32	Construction Yard* (Temporary)	●~~○~~	●~~○~~	●~~○~~	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
33	Outdoor Display (Temporary)*	●	●	●	●	●	●			1 : 1,000 sqft of display area	1 : 5 employees or 1 : 2,000 sqft
34	Real Estate Office (Temporary)*	●	●	●	●	●	●			1 : 400 sqft	1 : 5 employees
35	Seasonal/Temporary Sales or Use*	●	●	●	●	●	●			1 : 1,000 sqft of sales area + 1 : employee at maximum shift	1 : 5 employees or 1 : 2,000 sqft

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
Public and Institutional Uses											
Child Care											
36	Child Care Center*	○	○	●	●					2 spaces + 1: 10 children	1 : 30 children
37	Child Care Home (≤6)*	●	●	●						N/A	N/A
38	Group Child Care Home (7-12)*	○	●	●						1 additional space	1 additional space
Schools											
39	School (K-8)*	●	●	●	●					2 : classroom	10 : classroom
40	School (9-12)*	●	●	●	●					4: classroom + 1: 250 sqft in assembly areas	6 : classroom
41	School (College or University)*	○	●	●	●					1 : 600 sqft of indoor area	1: 1,500 sqft of indoor area
42	School (Commercial, Trade, or Technical)	~~○~~●	●	●	●	●				1 : 500 sqft	1 : 1,500 sqft
Public/Semi-Public											
43	Cemetery or Columbarium*				●					1: 500 sqft of assembly areas	1: 1,500 sqft of assembly area
44	City Facility or Building	●	●	●	●	●	●	●		As specified for use	As specified for use
45	Community Building or Banquet Center	○	●	●	●					1 : 250 sqft	1 : 1,000 sqft of assembly area
46	Community Garden	●	●	●	●	●	●	●		1 : 5,000 sqft	1 : 10,000 sqft
47	Convention Center or Exhibition Hall				●					1 : 5 maximum occupancy	1 : 75 maximum occupancy
48	Correctional Facility					●	●			1 : 1,000 sqft + 1 : employee on maximum shift	1 : 20 employees on maximum shift
49	Landfill						●			1 : 400 sqft of office	N/A
50	Library or Museum	●	●	●	●					1 : 600 sqft	1 : 1,000 sqft

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
51	Place of Worship	●	●	●	●					1 : 200 sqft of assembly area	1: 1,000 sqft of assembly area
52	Public Park*	●	●	●	●			●		Based on facilities provided	Based on facilities provided
53	Public Utilities (Major)*	●	●	●	●				●	N/A	N/A
54	Public Utilities (Minor)*	●	●	●	●				●	N/A	N/A
55	Recycling Drop-Off Point				●	●	●			1 : employee on maximum shift	1: 5 employees on maximum shift
56	Waste or Recycling Processing Facility					○	●			1 : 400 sqft of office or 1 : employee on maximum shift	1: 20 employees on maximum shift
Retail, Service, and Office Uses											
Professional Office											
57	Professional Office (Local)*	●	●⊖	●	●	●	○			1 : 450 sqft	1 : 8,000 sqft
58	Professional Office (Regional)			●	●	●	○			1 : 450 sqft	1 : 8,000 sqft
Medical											
59	Emergency Room (Standalone)*			●	●					1 : 3 beds	1 : 20 employees on maximum shift
60	Hospital*			○	●					1 : 3 beds or 3 : 1,000 sqft	1 : 20 employees on maximum shift
61	Medical Clinic or Office		○	●	●					1 : 450 sqft	1 : 2,000 sqft
62	Medical or Research Laboratory			○	●					1 : 1,000 sqft	1 : 20 employees on maximum shift
63	Urgent Care		○	●	●					1 : 400 sqft or 2 : exam room	1 : 2,500 sqft
Lodging											
64	Bed and Breakfast*	○	●	●	●					0.5 : bedroom	1 : 5 employees

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
65	Campground*				●	●		●		1 : camp site + 1: 400 sqft office space	1 : 5 employees
66	Hotel or Motel		○	●	●	○				0.75 : room + 1 : 800 sqft of other uses	1 : 5 employees on maximum shift + 1 : 20 rooms
67	Recreational Vehicle Park*				●	●				1 : RV space + 1 : 2 employees	1 : 5 employees
	Recreational and Entertainment										
68	Botanical Garden	●	●					●		Parking study required	1 : 20 auto spaces
69	Golf Course*	●	●	●	●	●		●		30 : 9 holes	1 : 9 holes
70	Indoor Entertainment		○	●	●	●	●			1 : 3 persons maximum capacity	1 : 20 persons maximum capacity
71	Outdoor Entertainment*		○	●	●	●	●			3 : 1,000 sqft	1 : 2,500 sqft
	Retail Shops and Services										
72	Adult Business*				○	○				1 : 350 sqft	1 : 6,000 sqft
73	Art Studio or Instruction	○	●	●	●					1 : 450 sqft or 1 : student	1 : 2,500 or 1 : 5 students
74	Bank or Financial Institution		●	●	●					1 : 450 sqft	1 : 8,000 sqft
75	Flea Market			●	●					1 : 400 sqft of vendor area + 1 : food vendor	1 : 20 auto spaces
76	Gas Station*	○	○	●	●	●	○			1 : 300 sqft	1 : 2,000 sqft
77	Grocery (Local)	●	●	●	●					1 : 350 sqft	1 : 6,000 sqft
78	Grocery (Regional)*			●	●	●				1 : 350 sqft	1 : 6,000 sqft
79	Liquor or Package Store*				●	●				1 : 400 sqft	1 : 800 sqft
80	Payday Loans, Check Cashing, or Bail Bonds		○	○	●					1 : 450 sqft	1 : 8,000 sqft
81	Pawn Shop			●	●	●				1 : 400 sqft	1 : 3,000 sqft
82	Personal Services		●	●	●					1 : 450 sqft	1 : 8,000 sqft

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
83	Retail Store (Local)*	○	●	●	●	○	○			1 : 400 sqft	1 : 3,000 sqft
84	Retail Store (Regional)*			●	●	○	○			1 : 450 sqft	1 : 4,000 sqft
85	Retail Store (Sundry)*	○	●	●	●					1 : 400 sqft	1 : 3,000 sqft
86	Shopping Center*		●	●	●	○				1 : 450 sqft	1 : 4,000 sqft
	Food and Beverage										
87	Bar*			●	●	●				1 : 500 sqft	1 : 1,000 sqft
88	Cafe*	●	●	●	●					1 : 300 sqft	1 : 1,000 sqft
89	Food Truck Park*		○	●	●	●				2 : 1,000 sqft of area where patrons eat, queue, or congregate	1 : 10 auto spaces
90	Private Club or Lodge			●	●	●				1 : 500 sqft	1 : 1,000 sqft
91	Restaurant		○	●	●	●	○			1 : 300 sqft	1 : 1,000 sqft
92	Tap Room or Tasting Room*			●	●	●				1 : 500 sqft (tasting room only)	1 : 2,000 sqft (tasting room only)
	Commercial, Auto, Industrial, and Agricultural Uses										
	Commercial										
93	Catering or Commercial Off-Site Kitchen			●	●	●				1 : 500 sqft	1 : 5 employees on maximum shift
94	Contractors Yard or Building Material Sales*				●	●	●			1 : 1,000 sqft office space	1 : 5 employees on maximum shift
95	Crematorium					●	●			1 : 800 sqft	1 : 5 employees on maximum shift
96	Dispatch Service			●	●	●				1 : 400 sqft	1 : 5 employees on maximum shift
97	Dry Cleaning Plant				●	●				1 : 1,000 sqft	1 : 5 employees on maximum shift
98	Equipment Rental, Sales, or Repairs			●	●	●	●			1 : 400 sqft office space	1 : 5 employees on maximum shift

# - See Sec. 36-3.B. Use Classifications and Use-Based Standards	● = Permitted ○ = SUP * = Use-Based Standards Uses	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Min. Vehicle Parking	Min. Bicycle Parking
99	Film Staging or Production Studios				●	●	●			1 : 500 sqft	1 : 20 employees on maximum shift
100	Funeral Home			●	●	●				1 : 500 sqft	1 : 2,000 sqft
101	Industrial Printing or Distribution				●	●				1 : 1,000 sqft	1 : 20 employees on maximum shift
102	Manufactured Housing or Building Sales				●	●	●			1 : 450 sqft office space	1 : 8,000 sqft
103	Postal or Printing Services		○	●	●	●	○			1 : 1,000 sqft.	1 : 5 employees on maximum shift
104	Repair Shop		●	●	●	●				1 : 500 sqft or 1 : employee on maximum shift	1 : 5 employees on maximum shift
105	Self-Storage Warehouse				●	●	●			None if units have direct vehicular access; if not, 1 : 4,000 sqft	1 : 5 employees on maximum shift
106	Wireless Communication Facilities*	○	●	●	●	●	●	●		1 space	N/A
Cannabis-Related											
107	Cannabis Dispensary*			○	●					1 : 400 sqft	1 : 3,000 sqft
108	Cannabis Production			○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
109	Integrated Cannabis Business*			○	●	●				1 : 1,000 sqft	1 : 20 employees on maximum shift
Automotive and Transportation											
110	Auto Sales or Rental*			●	●	●				1 : 500 sqft showroom + office	1 : 5 employees on maximum shift
111	Auto Repair and Services (Major)*				●	●				5 : service bay + 1 : employee on maximum shift	1 : 5 employees on maximum shift
112	Auto Repair and Services (Minor)*			●	●	●				3 : service bay + 1 : employee on maximum shift	1 : 5 employees on maximum shift

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113	Car Wash*		○	●	●	●				2 : service lane	1 : 5 employees on maximum shift
114	Commercial Parking Lot or Garage*		○	●	●	●				N/A	1 : 20 auto spaces
115	Heliport/Helistop*				○	○	○			N/A if accessory use; 2 spaces if primary use	N/A
116	Passenger Transportation Terminal*				●	●				1 : 300 sqft	1 : 500 sqft
117	Salvage or Wrecking Yard*					○	●			1 : 1,500 sqft of yard area + 1 : 400 sqft of office space	1 : 5 employees on maximum shift
118	Semi-Truck Wash					●	●			2 : service lane	N/A
119	Truck, Trailer, Boat, and RV Sales or Rental				●	●				1 : 500 sqft showroom + office	1 : 5 employees on maximum shift
Light Industrial											
120	Animal Processing (Slaughterhouse)					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
121	Animal Processing (Taxidermy)				●	●	●			1 : 1,000 sqft	1 : 5 employees on maximum shift
122	Artisan Manufacturing*	○	○	●	●	●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
123	Data Center*				○	●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
124	Hazardous Chemical Manufacturing or Storage					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
125	Manufacturing or Fabricating*					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
126	Warehouse or Distribution Center					●	●			1 : 1,000 sqft	1 : 20 employees on maximum shift
Heavy Industrial											
127	Above-Ground Storage Tanks for Hazardous Materials*						●			1 : installation	N/A

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128	Energy Production or Refinement						●			1 : 400 sqft office + 1 : employee on maximum shift	1 : 20 employees on maximum shift
129	~~Extraction of Raw Materials~~Excavation of Raw Materials*				○	●	●			1 employee on maximum shift	1 : 20 employees on maximum shift
	Animals and Agriculture										
130	Animal Raising (Commercial Feed Lots)*						○			1 : employee on maximum shift	1 : 5 employees on maximum shift
131	Animal Raising (General Agriculture)*	●	●				●			N/A	N/A
132	Animal Services (Indoor Only)*	○	●	●	●	●				1 : employee on maximum shift	1 : 5 employees on maximum shift
133	Animal Services (With Outdoor Pens)	○	○	○	●	●				1 : employee on maximum shift	1 : 5 employees on maximum shift
134	Commercial Crop Farming	○		●	●	●	○			1 : employee on maximum shift	1 : 5 employees on maximum shift
135	Indoor Agriculture	○	○	○	●	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
136	Plant Nursery		●	●	●	●				1 : 400 sqft of enclosed space	1 : 10,000 sqft enclosed space + 1 : 5 employees on maximum shift
137	Stables or Training	○			○	●	●			1 : employee on maximum shift	1 : 5 employees on maximum shift
138	Wind or Solar Farm	○			○	●	●			N/A	N/A

B. Use Classifications and Use-Based Standards

Residential Uses

Household Living

1. Duplex, Triplex, or Quadplex

CLASSIFICATION

A building or buildings designed for two, three, or four units situated on a single lot.

2. Live/Work

CLASSIFICATION

A single building developed with a nonresidential use including, but not limited to, office and retail uses, where the proprietor of the nonresidential use resides in an attached dwelling unit above or adjacent to the establishment.

STANDARDS

The nonresidential use must be permitted within the district and be accessible from the main street frontage. No portion of the complete unit may be separately leased or sold.

3. Manufactured Home

CLASSIFICATION

A manufactured home that is a multi-section (also known as a double-wide) single-family dwelling constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

STANDARDS

In accordance with NMSA 3-21A-3, multi-section (also known as double-wide) Manufactured Homes are permitted in any district that a site-built home is permitted, subject to the same requirements (e.g., parking, landscaping, lot dimensions). Manufactured Homes located in a Manufactured Home Park are subject to the requirements outlined in #4 Manufactured Home Park (MHP) below.

4. Manufactured / Mobile Home Park (MHP)

CLASSIFICATION

A privately owned tract of land, at least five acres in size, used for the continuous accommodation of 12 or more occupied Manufactured or Mobile Homes and operated for the pecuniary benefit of the owner of the parcel of land, the owner's agents, lessees, or assigns.

STANDARDS

1. Each Manufactured/ Mobile Home (MH) to be located in an MHP shall require a manufactured/ mobile home installation permit (MHIP). The owner of an MH unit shall receive an MHIP prior to locating the MH unit in the MHP. All site-built structures (e.g., carport) are required to have a building permit.

2. Permitted uses in an MHP.

a. ~~Manufactured~~ Homes (including double manufactured - or single-wide mobile homes) or site-built homes with complete hookup to utilities.

b. Accessory structures, swimming pools, home occupations, and recreation areas and buildings.

c. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barbershops, may be permitted in MHPs, subject to the following restrictions:

i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park;

ii) Shall be discontinued if the Manufactured Home Park is discontinued;

iii) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park only; and

iv) Shall present no visible evidence of their commercial character outside the park.

3. Individual Manufactured Home Spaces (MHS) within an MHP shall have a minimum area of 3,500 square feet, with a minimum width or depth dimension of 35 feet.

4. No structure within an MHP shall not exceed 35 feet in height.

5. Setbacks and spacing (minimum including awnings, canopies, decks, and any other structures attached to, adjacent to, or touching a manufactured home):

a. Dwelling unit front setback: 10′.

b. Dwelling unit side setback: 5′.

c. Dwelling unit rear setback: 10′.

d. MHP boundary to any dwelling unit within the MHP: 10′, except adjacent to public right-of-way.

e. MHP boundary to any dwelling unit within the MHP: 25′ adjacent to public right-of-way.

f. Carport requirements refer to Figure 36-4-4.

6. Development Standards

a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to landscaping, sidewalks, signs, streetlighting, and off-street parking. All federal, state, and local accessibility requirements shall be met.

b. Screening. All MHPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the MHP or each phase of the MHP. Each MHS shall have a wall and/or fence defining the MHS.

c. Utilities. Utility placement shall be approved by the Utilities Department Director.

d. Streets.

i) All MHPs shall have direct motor vehicle access from a collector or higher designated roadway. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

ii) No internal street intersections shall be less than 125 feet from MHP entrances/exits or other internal street intersections. Each intersection, internal and external, shall be designed as close to 90 degrees as possible.

iii) All streets within an MHP shall meet the following minimum widths:

Figure 36-3-3. Required Pavement Width by Roadway Type

Parking Permitted*	Local, one way (Serving fewer than 20 MHS)	Local, two way (Serving 20 to 50 MHS)	Collector (Serving more than 50 MHS)
No	14′	18′	20′
One side	18′	27′	29′
Both sides	27′	36′	38′

* Parallel parking lanes are to be striped at nine feet in width.

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting mobile home spaces with each other and with MHP facilities.

f. Drainage. All MHS and streets shall be designed to ensure proper drainage. A complete drainage plan including elevations and drainage calculations shall be approved by the Community Development Director. No on-lot retention ponds are to be incorporated within the drainage plan for MHPs.

g. Refuse. The management of a MHP 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.

h. Vehicle Storage Areas. MHP may have a storage yard for recreational and other vehicles. Such storage yards shall have a minimum of 60 square feet of storage area per MHS in the development and shall be located so as not to detract from surrounding properties. All recreational and other vehicles shall be parked in the storage yard while not in use.

i. Personal Storage Options. Each mobile home space may have a personal storage unit provided by the MHP owner or tenant. If provided by the MHP owner, such storage shall be at least six feet in height with a storage capacity of at least 300 cubic feet. Each storage unit shall be anchored permanently to the ground. The storage unit may be located on the mobile home space lot line. As an option to storage units being located on individual mobile home spaces by the MHP owner, storage units may be grouped into a mini-storage building arrangement. At least 300 cubic feet of storage space per MHS shall be provided.

5. Mixed-Use

CLASSIFICATION

A building developed with two or more different uses including, but not limited to, residential, office, retail, public, or entertainment uses connected above or adjacent to each other. Individual uses within the building are permitted in accordance with those allowed in the same district.

STANDARDS

1. Uses – At least 75% of the first story of the structure shall be used for nonresidential use. The remaining portion of the structure above the first story may be used for either residential or nonresidential uses, or a combination of both.

2. Amenities and Open Space – If 13 or more units are provided, the amenities and open space requirements in **Sec. 36-4.C.6. Additional Multi-Family Residential Amenities** shall also apply.

6. Mobile Home

CLASSIFICATION

A movable or portable housing structure 400 square feet or larger, designed for and occupied by no more than one family for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of the municipal building code.

STANDARDS

Mobile Homes are only allowed in certain cases (e.g., replacing an existing Mobile Home with a safer Mobile Home). See **Sec. 36-5.G. Nonconformities**.

7. Multi-Family Dwelling

CLASSIFICATION

A residential building designed for occupancy by tenants living independently of one another, excluding a hotel or motel.

STANDARDS

A courtyard, plaza, community garden, or other common greenspace is required (400 sqft minimum).

8. Single-Family Home

CLASSIFICATION

A detached dwelling unit designed and used exclusively for the residence by one family household or one group of lessees. This classification also includes multiple detached dwelling units located on a single property primarily occupied by a family unit.

9. Townhouse

CLASSIFICATION

A group of two (2) or more attached single-family units, each of which is on an individually platted lot, that share at least one common wall with another unit.

STANDARDS

No interior side yard is required and lot width/area is modified in accordance with **Sec. 36-4. Additional Dimensional and Building Design Standards**.

Congregate Living

10. Boarding House or Hostel

CLASSIFICATION

A dwelling with more than two rooms that are intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, where for compensation and by pre-arrangement for more than two weeks, food and lodging are provided.

11. Fraternity or Sorority House

CLASSIFICATION

A dwelling with sleeping rooms or a dormitory used for occupancy by individuals in a recognized organization, and in which kitchen facilities are for the common use of all occupants.

Residential Care

12. Assisted Living

CLASSIFICATION

A facility providing residence, supervision, and daily assistance for individuals with common dining and recreational areas designed for the needs of the elderly or disabled. Services in these establishments include personal services such as assistance with dressing, grooming, bathing, and social and recreational services, such as meal services, transportation, housekeeping, linen and organized social activities and administration of medication by a person licensed or otherwise authorized in this state to administer the medication.

13. Community Residence (Licensed for Persons with Disabilities)

CLASSIFICATION

A State-licensed residence for persons who are physically disabled, developmentally disabled, psychiatrically disabled, or mentally ill. Per NMSA 3-21-1C, "All state-licensed or state-operated community residences for persons with a mental or developmental disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings."

14. Community Residence (Other)

CLASSIFICATION

A community residence not elsewhere classified (e.g., homeless shelter or unlicensed group home).

15. Halfway House

CLASSIFICATION

The residents of halfway houses may be court mandated to live there, and a resident may be coming from a correctional facility rather than a substance use treatment program. As well as serving as a residence, halfway houses provide social, medical, psychiatric, educational, and other similar services. They are termed "halfway houses" due to their being halfway between completely independent living and in-patient or carceral facilities, where residents are highly restricted in their behavior and freedoms.

16. Independent Senior Living

CLASSIFICATION

An establishment providing dwelling units specifically designed for the needs of older people. In addition to housing, this type of facility provides convenience services, such as meals, housekeeping, and transportation, and community facilities, such as central dining rooms and activity rooms.

17. Nursing Home

CLASSIFICATION

A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged, or disabled and who need ongoing health supervision but not hospitalization. Also referred to as Long-Term Care Facility or Skilled Nursing Facility.

18. Sober Living House

CLASSIFICATION

A sober living house is a peer-managed home designed to help people maintain drug and alcohol sobriety. This is achieved through required sobriety, recovery group attendance, and household participation. Those who live in these houses rent rooms indefinitely and live a life in accordance with their responsibilities with a limit of 10 persons to a residence.

Accessory or Temporary Uses

Accessory Uses

19. Accessory Dwelling

CLASSIFICATION

A self-contained living quarter, including an independent kitchen facility, that is attached or detached to a single-family home located on the same lot.

STANDARDS

1. No more than one (1) Accessory Dwelling Unit shall be permitted on a lot.

2. No more than one (1) family unit shall occupy an Accessory Dwelling Unit at a time.

3. Accessory Dwelling Units must meet the setbacks established for Accessory Structures in **Sec. 36-4.B.2. Accessory Structures**.

4. An Accessory Dwelling Unit shall be limited in size to not more than 50% of the total floor area of the principal dwelling's living space.

5. Accessory Dwelling Units may be rented or occupied by a guest.

6. Accessory Dwelling Units may have a separate utility meter from the principal dwelling.

7. Accessory Dwelling Units shall have an assigned address.

20. Accessory Structures

CLASSIFICATION

A subordinate structure, the use of which is incidental to and customarily found in connection with a principal dwelling on the same property.

STANDARDS

See **Sec. 36-4.B.2. Accessory Structures**.

21. Animal Raising (Accessory)

CLASSIFICATION

The raising and breeding of animals or production of animal products, which is an accessory to a permitted principal use. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping in accordance with Chapter 7 of the Las Cruces Municipal Code. This use does not include slaughterhouses, feedlot operations, and any use included in #130 Animal Raising (Commercial Feed Lots).

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

22. Drive-Thru

CLASSIFICATION

A window or similar access point added to a business (including a restaurant, bank, or financial institution, pharmacy, etc.) in which patrons receive service while remaining in their vehicles.

STANDARDS

See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

23. Home Occupation

CLASSIFICATION

An occupation carried on in the home by a member of the household, without the use of a sign to advertise the occupation, without structural alterations to the building or any of its rooms, that does not involve open storage, and that does not create a nuisance to abutting residential property such as emission of odor, increased traffic or generation of light and smoke.

STANDARDS

1. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home Occupation. No sign, advertisement or display may be used to indicate the presence of a Home Occupation in the structure.

2. The Home Occupation shall be clearly incidental and subordinate to the home's use for residential purposes. Not more than 30 percent of the square footage of the dwelling area shall be used in the conduct of the Home Occupation(s).

3. No equipment shall be used that creates offensive noises, vibration, sound, smoke, dust, odors, heat, glare, environmental concerns, x-rays, or electrical disturbances to radio or television instruments.

4. Delivery of materials to and from the premises shall not involve the use of vehicles over two-ton capacity, except parcel post, United Parcel Service, or similar delivery trucks.

5. No traffic shall be generated by a Home Occupation in greater volume than normally expected in a residential neighborhood, and any need for parking must be accommodated within the required off-street parking for the residence or along the street frontage for the lot.

6. No Outside Storage is permitted in conjunction with a Home Occupation.

7. Auto and vehicle repair are not permitted for home occupations due to oil, grease, and material discharge.

8. There shall be no change in the outside appearance of the building or premises. There shall be no outside storage of business-related equipment or supplies except one company owned vehicle, that does not exceed (1) one ton. Only this vehicle shall be permitted to have signs and advertising in accordance with the vehicle sign provisions within the sign code.

24. Outdoor Display (Permanent)

CLASSIFICATION

The permanent display of merchandise offered for sale external to a retail building which can be viewed and/or accessed by the customer for purchase.

25. Outdoor Storage

CLASSIFICATION

The keeping of materials, equipment, supplies, and merchandise external to a building that are not for sale and are not intended to be viewed by customers for purchase.

STANDARDS

See **Sec. 38-8. Fencing, Screening, and Buffering** for applicable screening requirements.

26. Pools and Recreational Courts

CLASSIFICATION

An area for active play and recreation that includes but is not limited to, open space, sports courts, play equipment, trails, restrooms, indoor or outdoor pools, and maintenance structures. The use may be either publicly or privately maintained.

Standards

See **Sec. 38-8.F.1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures**.

27. Solar Energy System (Accessory)

CLASSIFICATION

A device accessory to a primary structure or use that relies upon the sun's rays as an energy source and is capable of collecting, distributing, and storing the sun's radiant energy.

STANDARDS

Solar energy system devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard, and must meet the following applicable requirements.

1. Ground-Mounted Solar Energy Systems

   a. Ground-mounted solar energy systems must meet applicable setbacks for the zoning district and shall be located in the rear yard.

   ~~b. The solar panels and supporting framework cannot extend more than six feet above the existing grade.~~

   b~~c~~. The surface area shall not exceed half the building footprint of the principal structure.

2. Roof-Mounted Solar Energy Systems

   a. Roof-mounted systems shall be mounted as flush as possible to the roof and not more than 12 inches above the existing roof surface.

   b. Roof-mounted systems must also be in compliance with the maximum building height for the applicable zoning district.

   c. Roof-mounted systems that are visible from the nearest edge of the street frontage Right-of-Way shall not have a highest finished pitch more than five percent steeper than the roof pitch on which the system is mounted, and shall be no higher than 16 inches above the roof.

28. Walk-Up Window

CLASSIFICATION

A window for service to patrons not in a vehicle (i.e., pedestrians or cyclists), typically in conjunction with a restaurant or other retail use.

STANDARDS

A walk-up window must face a sidewalk or other safe queuing area for pedestrians. A walk-up window queuing area shall not be located in a drive aisle.

29. Wind Energy System (Accessory)

CLASSIFICATION

A device accessory to a primary structure or use that relies upon wind as an energy source and is capable of collecting, distributing, and storing wind energy.

STANDARDS

1. General Standards

   a. Wind Energy Systems are permitted only in the rear yard.

b. The minimum distance between the ground and any part of a rotor blade must be at least twenty (20) feet.

c. Wind Energy Systems shall not be illuminated, nor may they bear any signs or advertising.

d. Wind Energy Systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

e. All wiring serving Wind Energy Systems must be underground.

f. Noise produced by Wind Energy Systems may not exceed 55 dBA measured at the property line.

h. Wind Energy Systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, and ambulance) radio transmissions, or with any microwave communications link. The owner shall bear the cost to conduct a study to determine interference, and of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

i. A finish (paint/surface) must be provided for the Wind Energy System that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

j. The diameter of the area swept by the rotors may not exceed 12 feet.

2. Freestanding Systems – Additional Standards

a. Wind Energy Systems may be mounted on a tower detached from other structures on the lot.

b. The minimum setback from any property line, overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zoning district.

c. Freestanding systems measured from the top blade may not exceed 45 feet in height.

d. Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet.

e. A maximum of one freestanding Wind Energy System shall be allowed per lot.

3. Roof-Mounted Systems – Additional Standards

a. Wind Energy Systems may be mounted on the roof of a structure as an appurtenance.

b. Roof-mounted systems measured from the top blade may not be more than five feet over the maximum allowed height for the structure.

c. A maximum of one roof-mounted Wind Energy System shall be allowed per lot.

d. Before any roof-mounted system is mounted, the property owner must submit a report prepared by a licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Engineer prior to the mounting of the system.

Temporary Uses

30. Concrete Batch Plant (Temporary)

CLASSIFICATION

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

31. Construction Building (Temporary)

CLASSIFICATION

A temporary building or structure used by a land developer to facilitate on-site operations and coordination of active construction.

STANDARDS

Such building(s), facilities, or other arrangement approved by the Community Development Director shall be removed upon completion of construction. Construction buildings or any other facilities shall be maintained in a neat and orderly fashion.

32. Construction Yard (Temporary)

CLASSIFICATION

A temporary outdoor storage facility used by a land developer or homebuilder to house materials and equipment for active on-site construction, including all necessary fencing, lighting, and surveillance measures.

STANDARDS

Such yard shall be removed upon completion of construction. Construction yards or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five feet in height~~.~~ and require written approval by the Community Development Director.

33. Outdoor Display (Temporary)

CLASSIFICATION

The temporary display of merchandise offered for sale external to a retail building in conjunction with seasonal or short-term events, which can be viewed and/or accessed by the customer for purchase. Display is considered "temporary" when brought inside nightly (e.g., sidewalk sale).

STANDARDS

These types of sales and displays shall be permitted for no more than 21 calendar days at a single location one time in a calendar year.

34. Real Estate Office (Temporary)

CLASSIFICATION

A model home or temporary structure used by a home builder to facilitate on-site sales and display within a subdivision where there are new homes available for purchase already built or to be built on lots located therein.

STANDARDS

A Real Estate Office (Temporary) is allowed in conjunction with a developing subdivision for a period of up to three years or when 85 percent of lots are sold, whichever occurs first. The Community Development Director may approve extensions up to two years. For model homes, a temporary Certificate of Occupancy will be issued until the above period ends, at which time a permanent Certificate of Occupancy is required.

35. Seasonal/Temporary Sales or Use

CLASSIFICATION

A business, sale, display, or event which is conducted for a limited time or on a cyclical annual or monthly basis. Uses may be conducted in tents, temporary or permanent buildings, vehicles, outside, or combination thereof.

STANDARDS

1. A temporary use permit from the City is required. The application submittal shall include the applicant's contact information, a description of the temporary use, a Site Plan (see **Sec. 36-5.B. Site Plans**), the date(s) of operation, and the property owners' written consent.

2. The temporary use may occupy up to 25 percent of the parking area if there are 20 spaces or less; 15 percent between 21 and 50 spaces; or 10 percent if there are more than 50 spaces. The temporary use shall not obstruct accessible parking spaces. There must still be adequate room for traffic circulation around the temporary use.

3. All uses proposed to be located in City parks shall comply with Chapter 20 Parks and Recreation of the Municipal Code.

4. Additional Restrictions:

a. Christmas Trees: Sales shall not occur before November 15 or after December 31.

b. Fireworks: Sales shall not occur before June 20 or after July 6. Sale of fireworks is also permitted three calendar days preceding and including New Year's Day, Chinese New Year and Cinco de Mayo of each year.

c. Other Temporary Stands: These uses are permitted for no more than three months for the sale of seasonal merchandise and for no more than 30 calendar days for nonseasonal merchandise.

d. Carnival or amusement park: Permitted for no more than 14 calendar days at a single location one time in a calendar year (not including the time required to set up and take down the structures associated with the use). Additional time requires a Special Use Permit.

e. Yard, garage or rummage sales, fund raising or celebration activities for nonprofit organization: These types of uses shall be conducted for no more than four calendar days, three times at one location in a calendar year. No permits are required for these uses when conducted from an individual's dwelling or an institution. If conducted from a business or other property not used mainly for residential or institutional purposes, all requirements for temporary uses must be met.

Public and Institutional Uses

Child Care

36. Child Care Center

CLASSIFICATION

A facility licensed by the State that provides care, services, and supervision for less than 24 hours a day to children, and is located in a nonresidential setting. (N.M. Code R. § 8.16.2.7(I))

37. Child Care Home (≤6)

CLASSIFICATION

A private dwelling licensed by the State that provides care, services and supervision for a period of less than 24 hours of any day for no more than 6 children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(AA))

STANDARDS

Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #23), except maximum number of patrons.

38. Group Child Care Home (7-12)

CLASSIFICATION

A private residence licensed by the State that provides care, services, and supervision for 7 but not more than 12 children, where the licensee resides in the home and serves as the primary educator. (N.M. Code R. § 8.16.2.7(CC))

STANDARDS

Licensee must reside in the home and serve as the primary educator. Subject to Home Occupation standards (see #23), except maximum number of patrons.

Schools

39. School (K-8)

CLASSIFICATION

A public or private institution approved by the State for the teaching of children between the grades of kindergarten and 8th grade, often referred to as primary, elementary, and/or middle school.

STANDARDS

All sites shall have a minimum of one acre. See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

40. School (9-12)

CLASSIFICATION

A public or private institution approved by the State for the teaching of children between the grades of 9th and 12th grade, often referred to as secondary and/or high school.

STANDARDS

This use shall be located on a collector or higher designated roadway. All sites shall have a minimum of one acre. See **Sec. 38-2.N.7. Loading and Stacking** for applicable requirements.

41. School (College or University)

CLASSIFICATION

An institution recognized by the State, other than a technical or trade school, that provides full-time or part-time secondary education beyond grades 9-12, and awards associate, baccalaureate or higher degrees of education.

STANDARDS

This use shall be located on a Collector or higher designated roadway. All sites shall have a minimum of one half-acre.

42. School (Commercial, Trade, or Technical)

CLASSIFICATION

An institution for the teaching and on-site instruction of industrial, clerical, managerial, or artistic skills.

Trade or Technical School requires an SUP in NH-1 zoning district.

Public/Semi-Public

43. Cemetery or Columbarium

CLASSIFICATION

A site, building, or structure used for the burial of the human dead, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such site, building, or structure.

STANDARDS

Any cemetery site shall contain at least five acres and shall be located on a major local or higher designated roadway. A columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

44. City Facility or Building

CLASSIFICATION

A building or structure owned by the municipality and used for the administration and operation of a City Department.

45. Community Building or Banquet Center

CLASSIFICATION

A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

46. Community Garden

CLASSIFICATION

A facility operated by a public or semi-public entity for the cultivation of fruits, flowers, vegetables, or other plants for consumption or enjoyment by more than one person or family.

47. Convention Center or Exhibition Hall

CLASSIFICATION

A building or complex of buildings that are designed for the gathering of individuals and display of topic-specific goods, services, or information.

48. Correctional Facility

CLASSIFICATION

Publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

49. Landfill

CLASSIFICATION

A lot or part thereof used for the disposal of garbage, sewage, trash, refuse, junk, discarded machinery, or nontoxic waste material by abandonment, dumping, burial, burning, or other means.

50. Library or Museum

CLASSIFICATION

A building or public facility serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge. Uses may include the sale of goods and novelties, and the ability to check out materials including books, videos, and other literature.

51. Place of Worship

CLASSIFICATION

A building, structure, or site used for nonprofit purposes by a recognized and legally established group primarily for religious worship and related religious services, including an area for assembly, housing of clergy, and related incidental activities.

52. Public Park

CLASSIFICATION

An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, trails, restrooms, and maintenance structures. The park may be either publicly or privately maintained.

STANDARDS

All uses proposed to be located in City parks shall comply with Chapter 20 of the Municipal Code. Recreational events and activities may be permitted subject to Community Development Director approval.

Neighborhood Parks: Generally, these parks will be up to ten acres in size.

Community Parks: Generally, these parks will be up to 100 acres, but not less than ten acres in size, and should be located on a minor arterial or higher designated roadway.

Regional Parks: Generally, these parks will be more than 100 acres in size and should be located on a Principal Arterial.

53. Public Utilities (Major)

CLASSIFICATION

A building, complex of buildings, or facility owned by public or private entity used for the supply and distribution of utilities to the public including water, sanitary sewer, storm drainage, electricity, and gas services.

STANDARDS

The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten feet high.

Wastewater treatment plants or transfer stations: Use shall be located at least 300 feet from any residential zoning district boundary.

54. Public Utilities (Minor)

CLASSIFICATION

The installation, alteration, or maintenance by a service provider or government agency of above- or below-ground utility structures, including gas, electrical, steam, or water transmission lines, or their distribution systems, including all necessary poles, wires, mains, drains, sewers, pipes, conduits, hydrants, and other similar equipment associated, but not including buildings. Such use is reasonably necessary for the provision of adequate service by such entity for the public.

STANDARDS

The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten feet high.

55. Recycling Drop-Off Point

CLASSIFICATION

A facility for the collection of materials for recycling, excluding vehicles or vehicle parts.

56. Waste or Recycling Processing Facility

CLASSIFICATION

A building or structure used for the collection and processing of waste material, both recyclable or non-recyclable, including the preparation of materials for efficient shipment, compacting, flattening, grinding, crushing, or similar process.

Retail, Service, and Office Uses

Professional Office

57. Professional Office (Local)

CLASSIFICATION

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure less than or equal to 20,000 square feet in area.

NH-1 zoning district is limited to structures less than 3000 square feet.

58. Professional Office (Regional)

CLASSIFICATION

An establishment for the conduct of a variety of businesses in an office setting completely enclosed within a structure greater than 20,000 square feet in area.

Medical

59. Emergency Room (Standalone)

CLASSIFICATION

A standalone facility that provides immediate or emergent medical treatment as part of a hospital setting. Patients are treated on a walk-in basis and via emergency transport.

STANDARDS

This use shall be located on a Collector or higher designated roadway.

60. Hospital

CLASSIFICATION

An institution used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health, and that is licensed by the State. Includes customarily incidental uses, such as a gift shop or cafeteria.

STANDARDS

This use shall be located on a Minor Arterial or higher designated roadway.

61. Medical Clinic or Office

CLASSIFICATION

An institution for the examination and treatment of in-patients and out-patients by an individual or group of doctors, including dentists, or other licensed members of a human healthcare profession.

62. Medical or Research Laboratory

CLASSIFICATION

An establishment engaged in research concerning biology, microbiology, biochemistry, other life sciences, and general healthcare such as agricultural research, food research, pharmaceutical research, oceanographers, biotechnical research, and other related life science and healthcare research.

63. Urgent Care

CLASSIFICATION

A stand-alone facility, outside of a hospital setting, that provides immediate or emergent medical treatment on a strictly outpatient basis. Patients are generally treated on a walk-in basis and services are not intended for long-term or overnight care.

Lodging

64. Bed and Breakfast

CLASSIFICATION

A commercial establishment within a detached dwelling unit containing dining and bathroom facilities with sleeping rooms for short-term guest lodging. The owner/operator shall live in the dwelling, in another dwelling on the property, or on property adjacent to the establishment.

STANDARDS

In the Rural Character Area, the number of rooms is limited to eight; in all other areas, the number of rooms is limited to 15. Overall design of buildings and/or site design shall be consistent with the residential neighborhood, architecturally compatible with existing buildings or be architecturally compatible with building types normally found in the zoning district in which it is located.

65. Campground

CLASSIFICATION

A lot or parcel used for transient occupancy by lodging in tents, camp trailers, travel trailers, motor homes, or similar movable and temporary sleeping quarters, excluding mobile homes.

66. Hotel or Motel

CLASSIFICATION

A commercial establishment providing sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and linens, and telephone and desk service, in which rooms are accessed by a hallway internal to the building or externally via an exposed hallway, balcony, parking lot or sidewalk.

67. Recreational Vehicle Park

CLASSIFICATION

A lot or parcel used for the accommodation of recreational vehicles for recreational use or transient lodging, including associated uses such as laundry, restroom, and shower facilities.

STANDARDS

1. Recreational vehicle (RVs), when used for temporary or permanent living purposes, shall be located solely in a recreational vehicle park (RVP) except as approved by the Community Development Director as follows:

a. Arrangements for temporary construction yards,

b. One RV temporarily located on a single-family lot, or

c. Other temporary arrangement (e.g., emergency shelter).

2. Permitted uses in an RVP.

a. Recreational vehicle parking.

b. One manufactured or site-built home for the RVP caretaker.

c. Accessory structures, swimming pools, home occupations, and recreation areas and buildings.

d. There shall be a community building or buildings that provide for the recreational and service needs of occupants of the RVP. It may include management offices, dumping stations, restrooms, showers, laundry/dry cleaning facilities and other uses and structures customarily incidental to operation of an RVP. The area of the community building or buildings may not be calculated as part of the required recreational area.

e. Convenience establishments of a commercial nature, including laundries, stores, beauty shops, and barber shops, may be permitted in RVP subject to the following restrictions:

i) Such establishments and their parking area shall not occupy more than seven percent of the area of the park;

ii) Shall be discontinued if the RVP is discontinued.

iii) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park only; and

iv) Shall present no visible evidence of their commercial character outside the park.

2. The minimum RVP size is two acres and each RV space shall be a minimum of 1,200 square feet not including sidewalks or streets. The density of spaces in any RVP shall not exceed 20 spaces per acre.

3. No structure within an RVP shall exceed 35 feet in height.

4. Development Standards

a. Other Applicable Regulations. All City requirements must be met unless specifically noted herein, including but not limited to Landscaping, Sidewalks, Signs, Streetlighting, and Off-Street Parking. All federal, state, and local accessibility requirements shall be met.

b. Screening. All RVPs shall have opaque perimeter walls and/or fences at least five feet in height installed prior to the issuance of a certificate of occupancy for the RVP or each phase of the RVP. Each RV space shall have a wall and/or fence defining the RVS.

c. Utilities. Utility placement shall be approved by the Utilities Department Director. Water, sewer, electricity, telephone, and other necessary utilities shall be available at the RVP. A means for emptying sewage holding tanks shall be provided and approved by City and the State Environment Department.

d. Streets.

i) RVPs shall have direct motor vehicle access to or be located on a collector or higher designated roadway. No entrance to or exit from an RVP shall be permitted through a residential zoning district.

ii) Private access ways and individual space arrangements shall be designed to accommodate the frequent movement of recreational vehicles.

There shall be at least three parking spaces designated in the RVP for each two RV spaces. Parking may be provided in common parking areas, on individual RV spaces, and/or on RVP streets. All parking (including RV spaces) must be paved to meet City standards.

iv) All streets within an RVP shall meet the following minimum widths:

Figure 36-3-4. Required Pavement Width by Roadway Type

Parking Permitted*	Local, one way (Serving fewer than 20 RVs)	Local, two way (Serving 20 to 50 RVs)	Collector (Serving more than 50 RVs)
No	14’	18’	20’
One side	18’	27’	29’
Both sides	27’	36’	38’

* Parallel parking lanes are to be striped at nine feet in width.

e. Sidewalks. There shall be a network of sidewalks at least five feet in width connecting RV spaces with each other and with RVP facilities.

f. Recreation. There shall be an active, usable recreational area(s) for tenants, comprising at least five percent of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.

g. Refuse. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened from view and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

Recreational and Entertainment

68. Botanical Garden

CLASSIFICATION

A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

69. Golf Course

CLASSIFICATION

A public or private amusement enterprise including nine or more holes of golfing, which may include an associated clubhouse. This use does not include mini-golf courses and driving ranges.

70. Indoor Entertainment

CLASSIFICATION

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool hall, firing /archery range, skating rink, racquetball/handball club, batting cages, indoor tennis courts/club, indoor swimming pool, video game arcade, and indoor trampoline park.

71. Outdoor Entertainment

CLASSIFICATION

An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors including, but not limited to, golf driving range, miniature golf course, temporary or permanent amusement park, firing/archery range, batting cages, automobile racetrack, go-cart tracks, swimming pool, sport arena/complex or track, or zoo.

STANDARDS

Parking and structures shall be located a minimum of 300 feet from any NH-1 zoning district boundary. Swimming pools must meet requirements outlined in Chapter 30 Building Code and in **Sec. 38-8. Fencing, Screening, and Buffering**.

Retail Shops and Services

72. Adult Business

CLASSIFICATION

A sexually oriented business, including, but not limited to, an adult arcade; adult book or video store; adult cabaret; adult dancing establishment; adult novelty store; and adult theater.

STANDARDS

1. Such uses shall be located at a minimum of 1,000 feet from a property line of a:

   a. School;

   b. Church;

   c. Nursery/day care; or

   d. Public park or recreational facility.

2. These uses shall be permitted, provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and

3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. This sign does not count toward the requirements included in **Sec. 38-10. Signs**. Such signs shall be 36” × 18”, shall have red lettering (letters shall be 2” in width and 3” in height) on a white background and it shall state as follows:

   WARNING: ADULT BOOKSTORE/VIDEO STORE

THE BUSINESS WITHIN IS SEXUALLY ORIENTED

or

WARNING: ADULT AMUSEMENT ESTABLISHMENT

THE BUSINESS WITHIN IS SEXUALLY ORIENTED.

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

73. Art Studio or Instruction

CLASSIFICATION

An establishment that engages in the creation of artistic effects, or the instruction, for a fee, of artistic skills and lessons including, but not limited to, painting, floral design, dance, photography, glass blowing, illustration, and woodworking.

74. Bank or Financial Institution

CLASSIFICATION

An establishment for the deposit, custody, loan, exchange or issue of money, the extension of credit, and facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses, car title loan businesses and bail bonds. A drive-thru may be permitted only as an accessory use (see #22 Drive-Thru).

75. Flea Market

CLASSIFICATION

An open-air market in which spaces are rented or leased for the purpose of selling second-hand articles and home crafts.

76. Gas Station

CLASSIFICATION

Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels primarily to passenger vehicles.

STANDARDS

Where permitted within the NH districts, this use shall be located on a Collector or higher designated roadway.

See **Sec. 38-2.N.6.a)ii) Gas Pump Islands** for additional applicable requirements.

77. Grocery (Local)

CLASSIFICATION

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is 30,000 square feet or less.

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

78. Grocery (Regional)

CLASSIFICATION

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods that is greater than 30,000 square feet.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

79. Liquor or Package Store

CLASSIFICATION

A retail establishment primarily selling liquor, beer, wine, and/or other alcoholic beverages for off-site consumption.

STANDARDS

Alcohol sales for off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

80. Payday Loans, Check Cashing, or Bail Bonds

CLASSIFICATION

An establishment engaged in providing short-term loans, payouts of checks, or lump sums of money exclusive of a bank or financial institution.

81. Pawn Shop

CLASSIFICATION

An establishment that engages in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property, or the purchase or sale of personal property.

82. Personal Services

CLASSIFICATION

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Uses include but are not limited to, beauty and barber shops, laundry and drycleaning pick-up/drop-off establishments, permanent cosmetics, and incidental retail sales of products related to the provided services.

83. Retail Store (Local)

CLASSIFICATION

A commercial establishment no greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, specialty shops, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, and clothing sales.

STANDARDS

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

84. Retail Store (Regional)

CLASSIFICATION

A commercial establishment greater than 25,000 square feet that provides goods and/or services directly to a consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Common uses and stores include but are not limited to, pharmacies, new and packaged automobile parts, convenience stores, hardware supply, upholstery shops, sports equipment sales, and clothing sales.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

85. Retail Store (Sundry)

CLASSIFICATION

A commercial establishment that engages in the sale of various miscellaneous items that are usually of small value and insignificant enough to be mentioned individually including, but not limited to dry goods, toiletries, household supplies, and perishable and nonperishable foods.

STANDARDS

A minimum of 10 percent of the floor area of the Retail Store (Sundry) must be dedicated to fresh produce and designated as such within the Certificate of Occupancy.

Stores shall not exceed 3,000 sq ft in the NH-1 District to ensure compatibility with residential development.

86. Shopping Center

CLASSIFICATION

One or more connected buildings or structures used for commercial entities which are planned, constructed, developed, owned or managed independently or as a total entity and share access, parking, drainage, landscaping, and signage.

STANDARDS

Maximum Vehicular Parking Requirements:

1. For development that requires up to 20 spaces or less, new development shall not provide more than 50% more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

2. For development that requires more than 20 spaces, new development shall not provide more than 20% percent more than the minimum number of off-street vehicular parking spaces in **Figure 36-3-2. Permitted Use Chart** based on the proposed uses(s).

Food and Beverage

87. Bar

CLASSIFICATION

An establishment that is primarily engaged in the sale of alcoholic beverages to be consumed on the premises including, but not limited to, taverns, night clubs, private clubs, and similar facilities.

STANDARDS

Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

88. Cafe

CLASSIFICATION

A small-scale food and beverage establishment that provides a casual dining experience. The primary focus of a Cafe is to serve a variety of hot and cold beverages along with light meals and snacks such as pastries, sandwiches, and salads. Cafes often include limited retail sales.

STANDARDS

In the NH-1 district, Cafes shall not exceed 3,000 square feet in area and Drive-Thrus are not permitted.

89. Food Truck Park

CLASSIFICATION

A lot or parcel used for the temporary parking of vehicle mounted food service establishments designed to be readily movable, in which food and beverages are sold for on- or off-site consumption, and may also include other mobile vendors offering retail goods and services.

STANDARDS

1. Food truck parks are subject to all regulations and required certifications from the New Mexico Health Department.

2. Hours of operation shall be limited to 8 a.m. to 9 p.m.;

3. Signage for the park is allowed in accordance with **Sec. 38-10. Signs**. Within the park, signs are allowed on the vehicle itself and each truck is permitted one Sidewalk Sign;

4. A drive-thru is not permitted in conjunction with the food truck park;

5. Food truck vendors shall not operate in required parking spaces, driveways, or fire lanes; and

6. A waste receptacle is required for every food truck vending unit and waste shall be removed daily.

90. Private Club or Lodge

CLASSIFICATION

An organization operated solely for recreational, fraternal, social, patriotic, political, benevolent or athletic purposes, but not for pecuniary gain, and that only sells alcoholic beverages incidental to its operation.

91. Restaurant

CLASSIFICATION

An establishment that prepares and sells food and beverages for immediate or off-site consumption, in which customers order at a counter or in similar fashion prior to sitting within the building or on the premises.

92. Tap Room or Tasting Room

CLASSIFICATION

An establishment associated with a local brewery, winery, or distillery operating under an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for consumption on-site.

Any production of alcohol as regulated by State law under one of these licenses is considered Artisan Manufacturing (see #122).

Such use may or may not include food sales.

STANDARDS

Alcohol sales for on- or off-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

Commercial, Auto, and Industrial Uses

Commercial

93. Catering or Commercial Off-Site Kitchen

CLASSIFICATION

An establishment engaged in cooking, preparing, and delivering food or beverages for off-site consumption.

94. Contractors Yard or Building Material Sales

CLASSIFICATION

An establishment or structure used for the repair, maintenance, or storage of a contractor's vehicles and equipment, or sales of materials used in construction including, but not limited to, lumber, hardwood, stone, or brick.

STANDARDS

Gas tanks shall be permitted only when meeting Fire Code requirements as adopted by the City, when receiving approval from the Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau. Landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery is required to screen the tank from view from a public right-of-way.

95. Crematorium

CLASSIFICATION

A place used for the preparation and incineration of the human or animal deceased.

96. Dispatch Service

CLASSIFICATION

A business engaged in providing off-site services, where the business' primary offices, vehicles, and equipment are located on-site with little to no walk-in traffic. Services include, but are not limited to, cleaning and maid, plumbing, pest control, and locksmithing.

97. Dry Cleaning Plant

CLASSIFICATION

An establishment used for the cleaning of clothing, linen, and other textiles through a process involving the use of solvents. For drycleaning pick-up/drop-off service, see #82 Personal Services.

98. Equipment Rental, Sales, or Repairs

CLASSIFICATION

An establishment engaged in the repair, rental, and leasing of heavy construction equipment for off-site use.

Allowed in NH-3 when located on or adjacent to a collector or higher roadway.

99. Film Staging or Production Studios

CLASSIFICATION

An establishment engaged in the staging and/or recording of live, video, or audio productions including, but not limited to, music, commercials, motion pictures, and theatre performances.

100. Funeral Home

CLASSIFICATION

An establishment used for the storage of human bodies prior to their burial or cremation, which may also be used for the preparation of the deceased for burial and the display of the deceased and ceremonies and services connected with.

101. Industrial Printing or Distribution

CLASSIFICATION

An establishment engaged in the manufacturing and distribution of media to the public including, but not limited to, newspapers, books, and/or similar media.

102. Manufactured Housing or Building Sales

CLASSIFICATION

A building, structure, or lot used for the marketing, sales, and distribution of Manufactured Homes.

103. Postal or Printing Services

CLASSIFICATION

An establishment engaged in the retail sale of stationery products, and services related to packaging, mail, and printing media for walk-in consumers.

104. Repair Shop

CLASSIFICATION

An establishment engaged in the repair and service of small products including, but not limited to, watches, clocks, jewelry, small appliances and electronics, instruments, and cameras.

105. Self-Storage Warehouse

CLASSIFICATION

A structure or building with enclosed storage space, divided into separate compartments, that is provided for use by individuals or businesses in exchange for payment or rent.

106. Wireless Communication Facilities

CLASSIFICATION

Includes antenna, towers, communication structures, and other similar vertical structures.

STANDARDS

See **Sec. 38-11. Wireless Communication Facilities**.

Cannabis-Related

107. Cannabis Dispensary

CLASSIFICATION

A specialized retail store that sells cannabis and cannabis-related products for medicinal or recreational use.

STANDARDS

Cannabis dispensaries shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall not be located within 300 feet from a school or daycare center that was in existence at the time the cannabis establishment was licensed, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within 300 feet of another cannabis retailer without an approved Special Use Permit. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law and access to the cannabis consumption area is restricted to persons 21 years of age and older.

108. Cannabis Production

CLASSIFICATION

The growing and harvesting of cannabis for commercial purposes that occurs entirely or primarily within an enclosed structure and/or any type of processing or manufacturing of cannabis-based products, which operation is licensed by the State.

109. Integrated Cannabis Business

CLASSIFICATION

A licensed Integrated Cannabis Business or Vertically Integrated Cannabis Establishment (VICE) as permitted and regulated by the State. Operations exceeding 10 percent of total floorspace in an Integrated Cannabis Business must be individually allowed by the Use Chart (for example, Cannabis Dispensary and Cannabis Production) and any standards for any individual uses must be followed.

STANDARDS

Integrated cannabis businesses shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall not be located within 300 feet from a school or daycare center that was in existence at the time the cannabis microbusiness was licensed, excepting commercial schools and schools of higher learning serving those 18 years and older. No cannabis retailer shall be located within

300 feet of another cannabis retailer without an approved Special Use Permit. On-site consumption of cannabis is limited to indoors where licensed and in compliance with State law.

Automotive and Transportation

110. Auto Sales or Rental

CLASSIFICATION

An establishment engaged in the sale, lease, or rental of new or used automobiles such as cars, motorcycles, and light-duty trucks, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.

STANDARDS

See **Sec. 38-8.E.5. Auto Storage and Salvage Yards** for screening requirements.

111. Auto Repair and Services (Major)

CLASSIFICATION

An establishment engaged in the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers including, but not limited to, body work, framework, welding, overall painting, and tire replacement and disposal.

STANDARDS

See **Sec. 38-8.E.5. Auto Storage and Salvage Yards** for screening requirements.

112. Auto Repair and Services (Minor)

CLASSIFICATION

An establishment engaged in minor repairs of engines, motor vehicles, or trailers that does not require the removal of the engine head or pan, engine, transmission, or differential of a vehicle, including, but not limited to, minor repair or maintenance, oil changing, and minor interior upholstery work.

STANDARDS

See **Sec. 38-8.E.5. Auto Storage and Salvage Yards** for screening requirements.

113. Car Wash

CLASSIFICATION

An establishment engaged in the washing, waxing or cleaning of a standard passenger automobile, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle ~~the vehicle~~ for a fee.

STANDARDS

Where permitted within the NH districts, this use shall be located on a Collector or higher designated roadway

114. Commercial Parking Lot or Garage

CLASSIFICATION

A lot or structure used for the parking of passenger vehicles with or without an assessed fee.

STANDARDS

Parking lots or garages must be within 500 feet of any office, commercial, or industrial use or zoning district. The parking area shall be suitably landscaped, paved and drained, lighted, and maintained free of debris.

See **Sec. 38-8.E. Required Screening** for screening requirements for all parking structures.

115. Heliport/Helistop

CLASSIFICATION

A designated space for the takeoff and landing of aerial vehicles, including helicopters and drones. This can range from simple, temporary setups with minimal facilities (helistops and drone launchpads) to more complex, permanent installations with extensive support services such as fueling, maintenance, and passenger terminals (heliports).

STANDARDS

Uses shall be in accordance with ~~federal~~the federal Airspace Protection Regulations, including 14 CFR, Part 77.

116. Passenger Transportation Terminal

CLASSIFICATION

A building or complex of buildings, parking garages or lots, and associated structures which provide access, activities, and facilities of for the use, support, and convenience of the public traveling by, but not limited to, airplane, bus, cab, and rail.

STANDARDS

Airports:

1. Land uses at the Las Cruces International Airport (LCIA) property will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

2. Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

3. All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

117. Salvage or Wrecking Yard

CLASSIFICATION

A lot or portion thereof used for the dismantling, wrecking, storage, sale, or dumping of junk motor vehicles or trailers for their parts.

STANDARDS

See **Sec. 38-8.E.5. Auto Storage and Salvage Yards** for screening requirements.

118. Semi-Truck Wash

CLASSIFICATION

An establishment engaged in the washing, waxing, or cleaning of a heavy-duty truck or semi-truck, in which the owner of the vehicle washes the vehicle or waits while the facility washes the vehicle ~~the vehicle~~ for a fee.

119. Truck, Trailer, Boat, and RV Sales or Rental

CLASSIFICATION

An establishment engaged in the sale, lease, or rental of new or used semi-trucks, trailers, boats, or RVs, including ancillary uses such as minor vehicle repair and service, sales offices, and outdoor storage of vehicles.

Light Industrial

120. Animal Processing (Slaughterhouse)

CLASSIFICATION

A facility engaged in the slaughtering and processing of animals and the refining of their byproducts for sale or distribution.

121. Animal Processing (Taxidermy)

CLASSIFICATION

An establishment engaged in the preparing, stuffing, and mounting of the skins of animals.

122. Artisan Manufacturing

CLASSIFICATION

Small-scale manufacturing and related processes or activities conducted indoors – including but not limited to application, assembling, compounding, design, fabrication, growing, making, packaging, processing, sculpting, teaching, treating of crafts or products, or welding – often by an artist, artisan, or craftsperson working with ceramic, clay, electronics, metal, paper, plastic, stone, textiles, wood, or similar materials either by hand or with minimal automation or technology, including but not limited to 3D printing. This use includes incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers.

This use includes the production of beer, wine, or spirits associated with an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978. Annual production shall be limited by State statute. This use does not include alcohol sales. Alcohol sales associated with brewing on-site is regulated pursuant to the tap room or tasting room use. See #92 Tap Room or Tasting Room.

123. Data Center

CLASSIFICATION

A facility used to house and manage computer systems, servers, networking equipment, and other related components for the purpose of collecting, processing, storing, and disseminating large amounts of data.

STANDARDS

Noise attenuation measures are required to ensure noise levels do not exceed 55 dBA when measured at the property boundary adjacent to land zoned for an NH District.

124. Hazardous Chemical Manufacturing or Storage

CLASSIFICATION

A facility not elsewhere classified engaged in the manufacturing and development of chemical products by conducting a chemical process on organic or inorganic raw material whereby hazardous or toxic waste or byproducts are created and disposed of. This definition also includes the on-site storage of such products.

125. Manufacturing or Fabricating

CLASSIFICATION

An indoor facility, not elsewhere classified, engaged in the assembly, fabrication, production, packaging, or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce limited smoke, noise, dust, glare, odors or vibration off-site. Such uses commonly include an office component. A warehouse or distribution center is not typically open to the public.

STANDARDS

In the LI District, Manufacturing or Fabricating uses shall not exceed 60,000 sq. ft. of enclosed building area.

All operations must take place inside a building; however, outside storage is permitted as described in **Sec. 38-8.E.3. Outside Storage**.

126. Warehouse or Distribution Center

CLASSIFICATION

A building or structure used for the storage of goods or products for wholesale, distribution, or transfer to another location via freight, truck, or other similar transit method. Such uses commonly include an office component. A warehouse or distribution center is not typically open to the public.

Heavy Industrial

127. Above-Ground Storage Tanks for Hazardous Materials

CLASSIFICATION

A facility used for the above ground storage of flammable and combustible liquids, including compressed gases or liquified petroleum gas, for use, sale or wholesale, or distribution.

STANDARDS

Tanks shall be permitted only when meeting Uniform Fire Code requirements as adopted by the City of Las Cruces, when receiving approval from the Las Cruces Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau.

128. Energy Production or Refinement

CLASSIFICATION

A facility engaged in converting one or more energy sources, including, but not limited to water, fossil fuel, nuclear, or solar, into electrical energy for distribution and utilization.

129. Excavation~~traction~~ of Raw Materials

CLASSIFICATION

A facility engaged in the excavation, storage, and distribution of raw resources from the Earth, such as sand, gravel, minerals, lumber, or similar resources above ground.

STANDARDS

Such uses shall be a minimum of 400 feet from a residential district boundary or from an existing residential property.

Animals and Agriculture

130. Animal Raising (Commercial Feed Lots)

CLASSIFICATION

A lot or parcel used for feeding livestock, poultry, or small animals for commercial purposes usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means. These operations meet the U.S. Environmental

Protection Agency's latest regulatory definition of a Concentrated Animal Feeding Operation (CAFO). The current definitions can be found at https://www3.epa.gov/npdes/pubs/sector_table.pdf.

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

131. Animal Raising (General Agriculture)

CLASSIFICATION

The raising and breeding of animals or production of animal products as the principal use of the lot. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping in accordance with Chapter 7 of the Las Cruces Municipal Code. This use does not include slaughterhouses, feedlot operations, and any use included in #130 Animal Raising (Commercial Feed Lots).

STANDARDS

See Chapter 7 of the Las Cruces Municipal Code for additional requirements.

Minimum lot size for livestock is half (½) acre.

132. Animal Services (Indoor Only)

CLASSIFICATION

A facility engaged in the medical or surgical treatment, grooming, or overnight boarding or day care of animals within an enclosed building.

133. Animal Services (With Outdoor Pens)

CLASSIFICATION

A facility engaged in the medical or surgical treatment, grooming, or overnight boarding or day care of animals within enclosed indoor and outdoor spaces.

134. Commercial Crop Farming

CLASSIFICATION

An area used for the growing of farm products, vegetables, fruits, flowers, trees, and/or grain and including the necessary accessory structures or uses for raising, treating and storing products raised on the premises.

135. Indoor Agriculture

CLASSIFICATION

The commercial breeding, planting, nourishing, caring for, gathering, or processing of animals or plants, such as fruits, flowers, vegetables, or other similar plants, completely within an enclosed building or structure.

136. Plant Nursery

CLASSIFICATION

A facility for the growing, display, or sale of plant stock, seeds or other horticulture items, including the raising of plants outdoors or in greenhouses for sale either as food or for use in landscaping.

137. Stables or Training

CLASSIFICATION

A lot or portion thereof used for the commercial boarding and training of livestock, such as horses, mules, dogs, ponies, and donkeys, for hire by the public.

138. Wind or Solar Farm

CLASSIFICATION

A lot or parcel housing all necessary equipment, such as wind turbines and solar panels, to harness and convert solar and wind energies into electricity for sale or distribution.

Sec. 36-4. Additional Dimensional and Building Design Standards

A. All Development

1. Structures, Items, or Building Projections in Required Setbacks

   a) No structure, item, or building projection, whether a building permit is required or not, shall be permitted within the required setbacks except flagpoles, walls and fences, or decorative structures such as a bird bath.

      i) Flagpoles and similar freestanding vertical items exceeding 6 feet in height must be set back from the property line a distance at least equal to its height to ensure an adequate fall-zone.

   b) A maximum encroachment of six inches into the required side yard setback shall be permitted for the following items:

      i) Security lighting;

      ii) Decorative lighting fixtures;

      iii) Security bars around windows and doors;

      iv) Door hardware and required molding around doors;

      v) Canales and downspouts when canales are capped at the end, open along the top and drainage is directed through the downspouts to appropriate on-lot pond locations in either the front or rear of the property.

   c) The ordinary projection of, for example, porches, stoops, sills, scuppers, cornices, ornamental features, roof overhangs, fireplace chimneys, buttresses and wing walls shall not extend into the required setback area more than two feet.

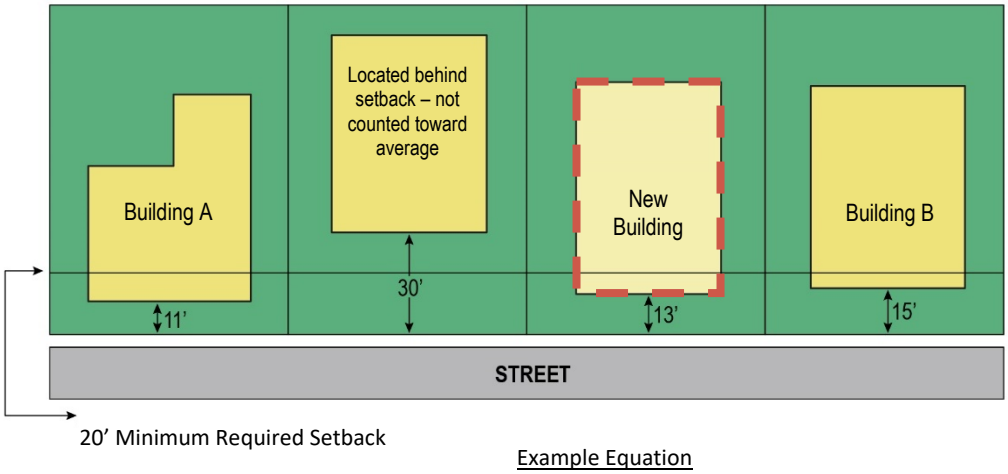
2. Right-of-Way/Easement Encroachments

   There shall be no permanent structures located on right-of-way or public ~~or private~~ easements without written approval of the governing agency.

3. Average Setbacks for Infill Areas

   When at least 40 percent of the lots on the same block face are developed, new buildings or additions to existing buildings may use the required front yard setback, or may extend into the front yard setback up to the average distance established by the existing buildings that are within the required setback.

Figure 36-4-1. Average Setbacks for Infill Development



Example Equation

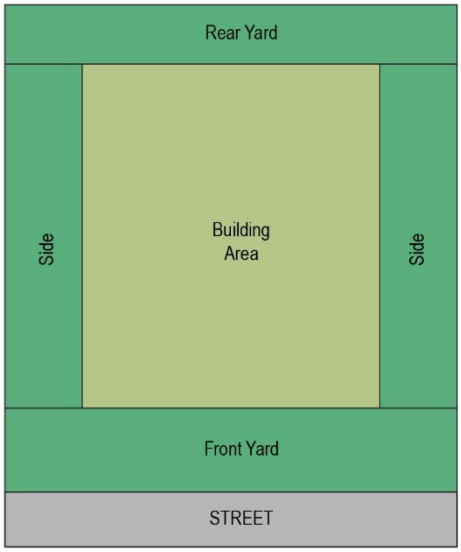
Building A 11' setback + Building B 15' setback = 26'

26' ÷ 2 = 13' setback is permitted for the New Building

4. Lot Requirements
    a) All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines.
        i) The Development Review Committee may determine that a variation will provide a better street and lot layout (e.g., improved connectivity within a development, improved access to open space, lessened impact on adjacent properties).
    b) Every lot shall have direct access and at least 20 feet of frontage along a public street or other approved public access easement.
    c) As shown in **Figure 36-4-2. Yard Requirements** "B) Corner Lot", both frontages of a corner lot shall be considered a front yard.
5. Shipping Container Structures
    a) A shipping container structure is a large metal container originally designed for cargo transport and other intermodal freight containers that are reused for residential, retail, or other non-transportation purposes.
    b) Metal shipping containers are not allowed to be used as accessory structures in Zoning Districts, except in the case when the primary structure/dwelling is constructed using shipping containers.
    c) Said shipping containers used for storage purposes are permitted within the CR, Commercial/Retail District (Rural, Suburban, Urban), LI, Light Industrial District (Rural, Suburban, Urban), and HI, Heavy Industrial District (Rural, Suburban, Urban) provided they comply with all requirements of this **Sec. 36-4. Additional Dimensional and Building Design Standards**.
    d) Shipping containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property or within a centralized location within a construction area. Said container(s) shall be removed upon completion of the project and/or issuance of a certificate of occupancy or completion.
    e) Shipping containers, PODS or similar "you pack" type moving containers are allowed within the front yard (driveway only) of residential uses for the purposes of packing/unpacking in preparation of or after a move to or from the subject property. Use of such containers shall be limited to 21 days (three weeks) after which the unit shall be removed from the property.

Figure 36-4-2. Yard Requirements

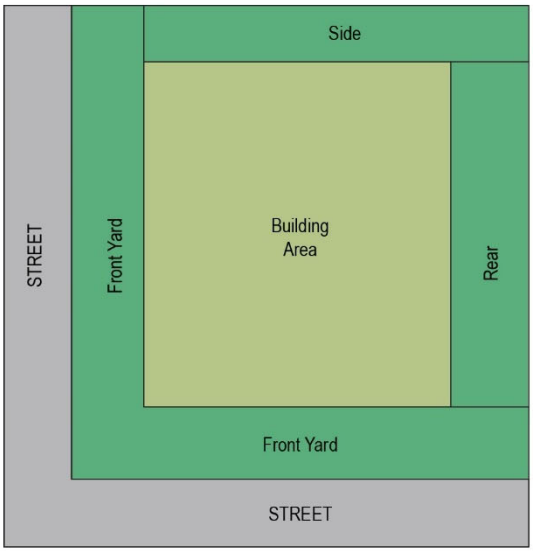
A) INTERIOR LOT



A) INTERIOR LOT

Interior lots require one (1) front yard, one (1) rear yard, and two (2) side yards.

B) CORNER LOT

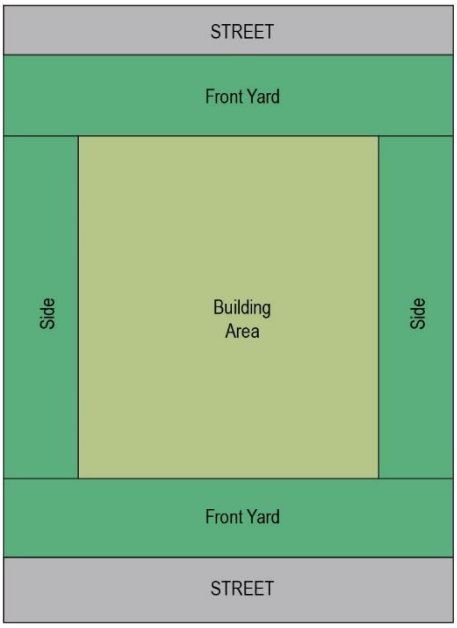


B) CORNER LOT

Corner lots require two (2) front yards, one (1) rear yard, and one (1) side yard.

*Homeowner has option of location of rear and side yard.

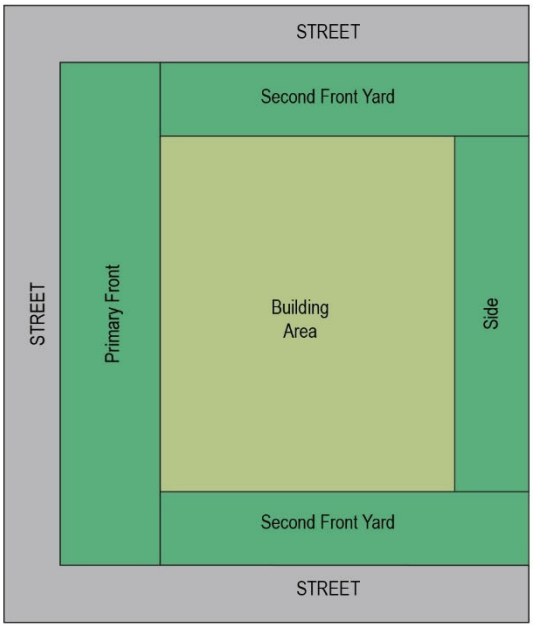
C) DOUBLE FRONTAGE LOT



C) DOUBLE FRONTAGE LOT

Double frontage lots require two (2) front yards, and two (2) side yards.

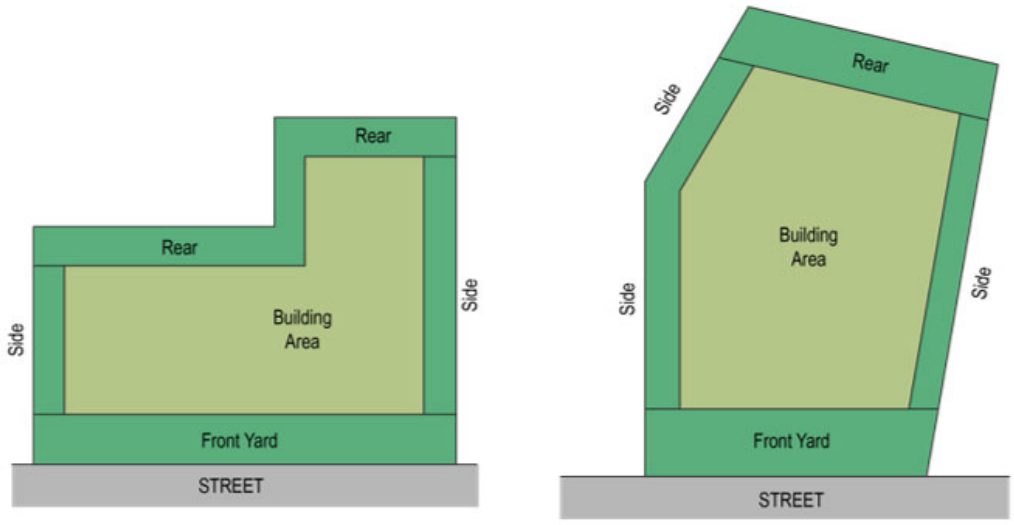
D) TRIPLE FRONTAGE LOT



D) TRIPLE FRONTAGE LOT

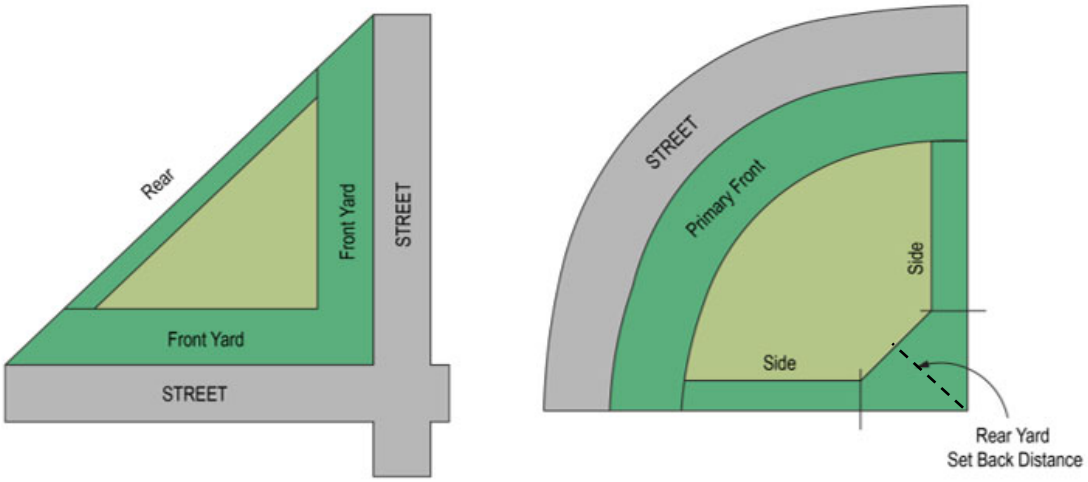
Triple lots require three (3) front yards, and one (1) side yard.

Figure 36-4-3. Yard Requirements for Odd Shaped Lots



A) ODD SHAPED LOTS

On odd shaped lots, the rear yard is determined by the rear line that is most parallel to the front. This pentagonal-shaped lot would require one (1) front yard, (1) rear yard, and three (3) side yards.



B) TRIANGULAR LOT

This triangular lot would require two (2) front yards, one (1) rear yard.

C) PIE SHAPED LOT

This pie shaped lot requires calculation of the rear yard at a line measured from the corner, a distance of the required rear yard, mid-point between the two side property lines.

B. Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse Residential Development

1. Applicability

   The following requirements apply to all new Single-Family Home, Duplex, Triplex, or Quadplex, and Townhouse residential developments.

2. Accessory Structures

   a) The dimensional regulations in **Figure 36-4-4. Accessory Structure Requirements** shall apply to all Accessory Structures, with the exception of Accessory Structures associated with agricultural, farm, or equestrian uses on residential lots.

Figure 36-4-4. Accessory Structure Requirements

Standard	Lots up to 19,999 sqft	Lots 20,000 sqft and greater
Maximum Floor Area of All Accessory Structures Combined	1,100 sqft	5% of the lot area
Maximum Height of Accessory Structures	Not to exceed the height of the Main Building	
Maximum Number of Accessory Structures	3	4 (excluding agricultural barns)
Maximum Building Area Coverage	Main Buildings and Accessory Structures shall not exceed the allowable coverage percentage of the zoning district in which they are located.	
Minimum Front Setback	Carports shall be set back at least 5 feet from the front property line and shall not encroach into a utility easement unless ~~written approval from all affected utility companies is provided by property owner.~~a written affidavit and county clerk filing is completed.	
	Carports for RVs shall be set back at least 20 feet from the front building facade	
Minimum Side Setback	3~~5~~'	3~~5~~'
Minimum Rear Setback	3~~5~~'	3~~5~~'

   b) An Accessory Structure shall not be utilized for human habitation except in the case of an Accessory Dwelling.

   c) No Accessory Structures may be permitted on a property without an associated primary residential use, except in the case of property used for agricultural, farm, or equestrian uses.

   d) No permit is required for Accessory Structures less than 120 square feet in floor area and less than 13 feet in height, unless it will be used as an Accessory Dwelling.

   e) Accessory Structures are prohibited within easements.

   f) Accessory Structures 120 square feet or larger shall be finished on the exterior with similar construction materials and similar coloring as the principal dwelling. Metal building material may be used, provided the accessory structure is of a same or compatible architectural style and colors as the principal dwelling.

   g) Any accessory structure in the front yard shall be outside of the front yard setback.

3. Carports

   a) For a carport visible from a public right-of-way, the carport design should be consistent with the main building.

   b) Carports in the front yard must be attached to the main building.

   c) A building permit is required for an attached carport, as it is an addition to the residence. If detached, then it is considered an accessory structure.

4. Dimensional Standards for Patio Homes and Townhouses

   No side yard setback is required for one side of Patio Homes or the interior side(s) of Townhouses, subject to the following:

   a) Lot widths for Patio Homes or Townhouses may be reduced to 20 feet. A zero-setback side shall not directly abut any other development or land use type.

   b) Exterior side yard setbacks (i.e., the side that is not the zero-setback side) must comply with the applicable zoning district requirements.

   c) Zero lot line development shall meet all adopted building and fire codes.

5. Cluster Development

   a) The purpose of cluster development is to provide open space in residential developments by allowing reductions in minimum lot areas or increases in densities. This approach allows the preservation of natural features, decreases impervious cover, supports housing variety, and creates unique neighborhoods.

   b) Cluster developments are allowed in any Suburban Character Area or Rural Character Area.

   c) The minimum size of a cluster development shall be five acres.

   d) Only uses permitted in the district may be used in the development.

   e) A minimum of 30 percent of the land must be preserved as either natural or Usable Open Space. This land must be in addition to any required park dedication. The preserved land must be accessible to all residents. The preserved area must be designated on the plat and remain open space indefinitely.

   f) There is no minimum lot area, width, or depth, but a minimum 20-foot street frontage is required for every lot.

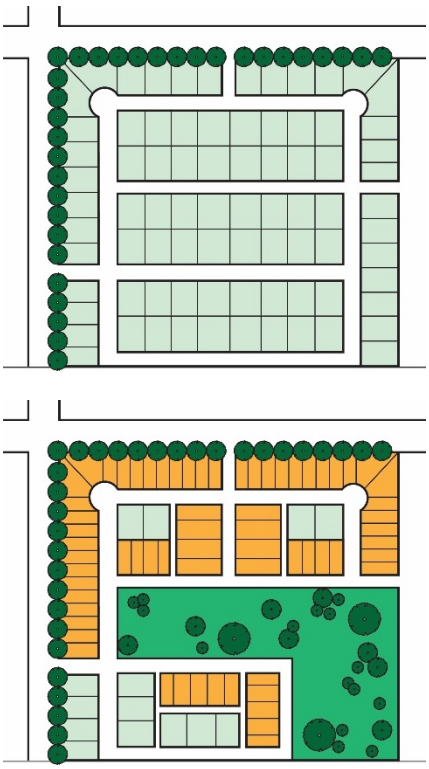
   g) Method of Calculation

      i) Calculate the number of dwelling units permitted on the site based on the zoning district under typical development practices.

      ii) If at least 30 percent of the site is conserved, then the number of dwelling units may be up to 50 percent more than the number of units that would have been permitted with traditional development.

      iii) If at least 50 percent of the site is conserved, then an increase of 100 percent in the number of units is permitted.

   Figure 36-4-5. Conventional (Top) and Cluster (Bottom) Development



   h) The City may agree to accept ownership and maintenance responsibilities of the conserved land if the area is at least 2 acres in contiguous area.

6. Residential Anti-Monotony Standards

   Adjacent single-family, duplex, or townhome housing facade designs must differ from one another by at least four of the following design options (exception: residential units that are attached by at least one common wall are not be considered adjacent units for purposes herein stated).

   a) Surface material;

   b) Color of house;

c) Reversed floor plans;

d) Roofing styles;

e) Variation in building heights;

f) Ornamental fixtures (e.g., vigas, portales, latias);

g) Location and shape of windows and doors;

h) Variation in front yard patios, walls, garages, etc.;

i) Variation in front yard setbacks. A minimum five-foot variation must be used to qualify for this item. All setback requirements as determined by zoning district still apply in this instance.

Figure 36-4-6. Residential Anti-Monotony Examples



Development on a Block

- Varying front yard setbacks
- Location of doors
- Reversed floor plans
- Variation in front yard patios, walls, garages



Elevations

- Roofing styles
- Ornamental fixtures
- Color of house
- Varying building heights

C. Nonresidential, Mixed-Use, and Multi-Family Development

1. Applicability

   The following requirements apply to all new nonresidential, mixed-use, and multi-family development.

   a) Exception: The requirements herein do not apply within the HI, Heavy Industrial District (Rural, Suburban, Urban).

2. Building Materials

   a) At least 80 percent of the collective walls of a building shall be finished in one or more of the following building materials:

      i) Stucco or plaster;

      ii) Brick, stone, cast stone, rock, marble, granite, glass block, or tile;

      iii) Glazing;

      iv) Split-face concrete block, poured-in-place concrete, and tilt-wall concrete.

         a. Any use of concrete products shall have an integrated color and be textured or patterned.

         b. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics to enhance the wall on at least 10 percent of each wall;

      v) Exterior insulation and finish system (EIFS); and/or

      vi) Fiber cement siding (e.g., HardiePlank).

   b) Side and rear walls shall be finished in a similar color as the front of the building.

3. Front Facade Entry Requirements

   a) A front facade shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the facade.

   b) Each building shall provide a sheltered or recessed entry.

   c) The primary entrance shall front a public street with a walkway connecting to a front sidewalk.

4. Building Articulation

   a) Facade Articulation

      i) Buildings with facades over one hundred feet in length shall incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every seventy-five feet.

      ii) The offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Community Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

   b) Height Articulation

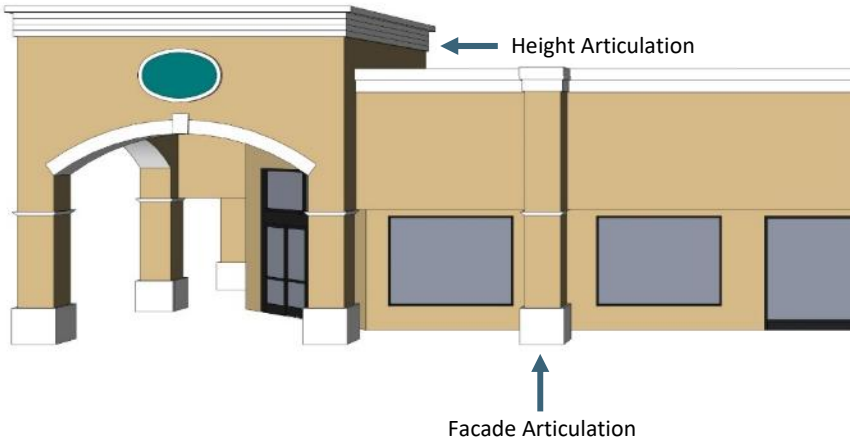
      i) Buildings with roofline adjacent to or visible from a public right-of-way shall not extend in a continuous plane for more than one hundred feet without offset of the roof plane. Rooflines must be visually broken up by providing articulations in the facade of buildings, change in the height of portions of roofs, or change in color, material, or forms.

      ii) The offset(s) may be divided and distributed throughout the length of the wall if the applicant demonstrates, to the satisfaction of the Community Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

      iii) Alternatively, vertical articulation requirements may be met with an enhanced decorative cornice along the entire length of the facade if the applicant demonstrates, to the satisfaction of the Community

Development Director, that the intent of this section has been met by providing an equal or better aesthetic result from the public right-of-way.

Figure 36-4-7. Example of Horizontal and Vertical Articulation



5. Architectural Features

   All building walls shall incorporate at least three of the architectural features listed in **a)** and/or **b**) below. Building walls greater than 100 feet in length or buildings greater than 30 feet in height shall incorporate an additional item from Subsection **b**) below.

   a) Awnings, canopies, canales, vigas, portales, latias, ornamental cornices, pillar posts, decorative light features, integrated planters or water features, or other similar building element features as approved by the Community Development Director.

   b) Arcades, covered porches, alcoves, porticos, varied wall surfaces, enhanced building wall materials, or other similar building elements as approved by the Community Development Director.

6. Additional Multi-Family Residential Amenities

   The following requirements also apply to all new multi-family and mixed-use development with 13 or more units. These requirements are in addition to recreational amenities included in **Sec. 38-5. Parks, Trails, and Open Space**.

   a) Amenities and open space must be provided in accordance with the following:

      i) 13-49 units: One balcony, patio, or roof terrace for at least 20 percent of all units; one courtyard or community garden; and one amenity from the list below.

      ii) 50-99 units: One balcony, patio, or roof terrace for at least 35 percent of all units; two courtyards and/or community gardens; and two amenities from the list below.

      iii) 100-199 units: One balcony, patio, or roof terrace for at least 50 percent of all units; three courtyards and/or community gardens; and three amenities from the list below.

      iv) 200+ units: One balcony, patio, or roof terrace for at least 65 percent of all units; four courtyards and/or community gardens; and four amenities from the list below.

   b) Potential Amenities

      i) Swimming pools (1,000 sqft minimum) with a cooling deck;

      ii) At least four grills with shaded seating areas;

iii) Shade structure covering at least 1,000 sqft of recreation space;

iv) Bike storage area (1,000 sqft minimum) and repair station;

v) Child play area (minimum 3,000 sqft with play structure or other similar facility);

vi) Splash pad (1,000 sqft minimum);

vii) Dog park (5,000 sqft minimum) with a vinyl-coated chain link fence at least 5 feet in height; grass, wood chips, or a combination of the two for groundcover; and at least one bag dispenser and waste bin along the perimeter for every 2,500 sqft of park;

viii) Regulation size volleyball, basketball, tennis, or other similarly related playing court;

ix) Golf putting green (1,000 sqft minimum);

x) Fitness center/weight room (500 sqft minimum);

xi) Business center (500 sqft minimum);

xii) Media room (500 sqft minimum); and/or

xiii) Other similar amenities determined to the comparable in providing quality of life benefits to residents, as determined by the Community Development Director.

Sec. 36-5. Zoning Procedures

A. Zoning Map Amendments

1. The Zoning Map may be amended (i.e., rezonings, boundary changes, or district changes) in accordance with NMSA 3-21-6, as amended.
2. Application Procedures

   Application submittal requirements for a zoning map amendment include, but are not limited to, the following:

   a) Official zoning application that meets the following conditions:

      i) The application shall be signed by all property owners of record (including all trustees of an estate or all persons that have a specific "power of attorney" for the subject property as recorded in the County Clerk's Office). Persons who have an equitable interest in the subject property, but no legal title, shall not be deemed the "owners of record" of said property for purposes of this Code. The Community Development Director may reject any application if the ownership of the subject property is not clearly established.

      ii) Any pending litigation or any Final Order entered by any Court of Law regarding the ownership of the subject property shall be disclosed by the applicant at the time the application is submitted.

      iii) The application shall include a copy of notification letter to the noticed area and copy of minutes (summary or verbatim) from meeting pursuant to **Sec. 34-3.H. Early Notification and Meeting Requirements** (if applicable).

      iv) The application shall include a development statement that describes the intended use and characteristics of the proposed development.

      v) The applicant may opt to provide a Site Plan for consideration.

   b) Submittal fee,

   c) Notarized affidavit,

   d) Copy of property's survey and legal description:

      i) An accurate and complete boundary survey shall be made of the land to be rezoned. Property lines shall be shown, giving the bearings in degrees, minutes, and seconds.

      ii) Distances shall be shown in feet and hundredths.

      iii) Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property.

      iv) The location and description of all monuments set or found shall be included where applicable.

      v) The survey must indicate the area of the requested zoning district(s), including survey descriptions of the various district boundaries.

   e) Copy of site plan (if applicable),

   f) A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, the Planning & Zoning Commission, or the City Council.

   g) Description and justification of requested variances (if applicable),

   h) Request and justification to waive submittal requirements (if applicable), and

Figure 36-4-1. Zoning Map Amendment Process Summary



i) For rezoning requests of areas 40 acres or larger, a Master Development Plan in accordance with **Sec. 37-3.A. Master Development Plan** shall be submitted in conjunction with the rezoning application.

j) Verification that the Future Development Map (FDM) is consistent with the proposed Zoning Map Amendment. If the FDM is not consistent with the proposed Zoning Map Amendment, then documentation showing the FDM changes with justification shall be provided.

3. Criteria for Review and Decisions

a) In considering all Zoning Map amendment requests, the decision-maker shall determine if the request is consistent with the goals of the Comprehensive Plan to enhance livability, prosperity, and environment for the shared benefit of current and future generations and the zoning code which allows flexibility and context sensitive design.

b) The decision-maker shall consider present and future needs and promote the health, safety, order, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.

c) The decision-maker shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic setting, and protect and preserve the quality of the water, air, and other environmental, natural, historical and cultural resources for the City.

4. Review and Recommendation – Community Development Director

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission and City Council along with the Zoning Map Amendment. The report shall recommend that the amendment be approved, conditionally approved, disapproved, or postponed.

5. Public Meeting and Notice Required

a) No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public meeting at which all parties in interest and citizens shall have an opportunity to be heard.

b) Notice shall be provided in accordance with **Sec. 34-3.G. Notice for a Public Meeting**.

6. Public Meeting and Recommendation – Planning & Zoning Commission

a) Following a recommendation by the Community Development Director, the Planning & Zoning Commission shall hold a public meeting on the proposed amendment, then provide a report and recommendation to the City Council to approve or deny the proposed amendment.

b) The recommendation may be made by a simple majority vote of the Planning & Zoning Commission.

7. Public Meeting and Final Action – City Council

a) Following receipt of the report and recommendation from the Planning & Zoning Commission, the City Council shall hold a public meeting to approve or deny the proposed amendment.

b) Zoning Map Amendments may be approved by a simple majority vote of the City Council.

i) Exception: In accordance with NMSA 3-21-6.C, if the owners of 20 percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation or within 100 feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the City Council (as opposed to a majority of those in attendance with a quorum).

ii) Special Use Permits shall not be considered a zoning district change.

iii) A Zoning Variance may be approved as part of a zoning district change request.

iv) The City Council is also authorized to remand the request back to the Planning & Zoning Commission for further study and consideration.

8. Recordation of Zoning Map Amendment

When approved by the City Council and the 30-calendar day appeal period has expired, the zoning district change shall be recorded and shown on the Zoning Map.

B. Site Plans

1. Purpose

   The purpose of the Site Plan is to facilitate the review of proposed improvements to property. Through Site Plan review, the City and other jurisdictional agencies can effectively apply the standards of this Development Code and other applicable development standards to multi-family, mixed-use, and nonresidential development.

2. Applicable Regulations

   All Site Plans must conform to applicable requirements and regulations found in the following documents:

   a) This Development Code;

   b) Fire Code;

   c) Building Code; and

   d) The Technical Manual and resources outlined in **Sec. 34-1.F. Technical Manual and Other Technical Resources**.

3. Site Plan Applicability

   The following applications require Site Plan approval:

   a) A request for approval to construct or expand any building.

      i) Exception: A Site Plan is not required if a Building Permit is not required.

   b) A request for approval of a Planned Unit Development district (see **D. Planned Unit Developments (PUDs)**, unless otherwise exempted in this Development Code or in the ordinance adopting the Planned Unit Development district; or

   c) A request for approval of a Special Use Permit (see **C. Special Use Permits (SUPs)**).

4. Approval Process

   a) Administrative Site Plan

      i) The Community Development Director is responsible for approving a Site Plan with no associated Special Use Permit if it meets all the requirements of this Development Code.

      ii) The Community Development Director may authorize review and approval of a Site Plan simultaneously with review and approval of a Building Permit, Landscape Plan, Lighting Plan, or other plans required by this Development Code.

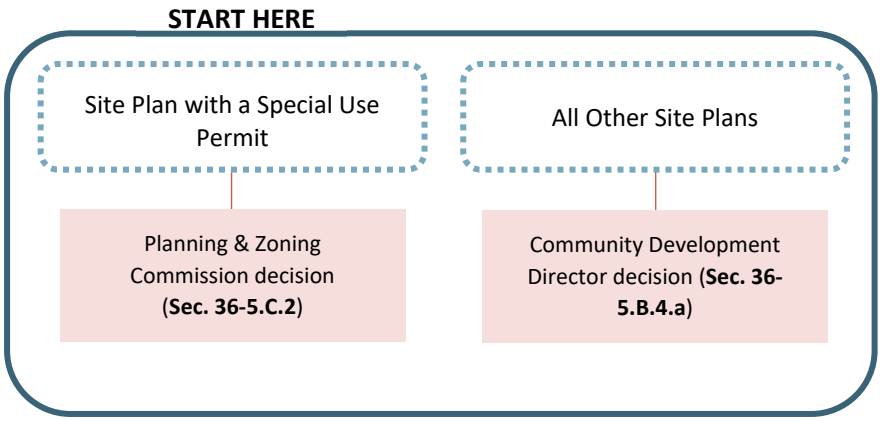
      iii) Community Development Director Action

      The Community Development Director will inform the applicant of their decision, identify any deficiencies, and provide instructions for the resubmittal of corrected plans, if applicable.

   b) Site Plan with a Special Use Permit (SUP)

      A Site Plan submitted as part of an SUP shall require a public meeting and decision by the Planning & Zoning Commission.

Figure 36-5-2. Site Plan Types and Processes Summary



5. Use of Existing Building

   a) If the Site Plan request involves the use or expansion of existing buildings or structures, the Building Official may conduct an inspection of buildings or structures to be utilized or expanded to determine the adequacy of the buildings or structures to support the proposed use and to make recommendations for improvements to the buildings or structures.

   b) The decision-maker may conditionally approve of the Site Plan subject to compliance with the Building Official's recommendations, and the Building Official may withhold a Certificate of Occupancy if the buildings or structures do not comply with the conditions.

6. Site Plan Effect of Approval

   a) By approving a Site Plan, the City authorizes the applicant to submit Construction Plans for approval of a Building Permit.

   b) During the time the Site Plan remains valid, the City will not apply additional requirements concerning development features shown on the Site Plan (e.g., building placement, streets, drives, parking, landscaping, or screening).

7. Amendments to Administratively Approved Site Plans

   The Community Development Director may approve changes requested by the applicant to a Site Plan that was originally approved administratively without requiring the applicant to submit a new Site Plan if the Director determines that the modified Site Plan substantially conforms to the previously applied Site Plan; otherwise, a new Site Plan submittal is required.

8. Amendments to SUP Site Plans

   For amendments to Site Plans approved as part of an SUP, see **Sec. 36-5.C.2.f) Revisions to an Approved SUP**.

9. Dormant Site Plans and Site Plan Expiration

   a) A Site Plan approval expires two years from the approval date unless an applicant or property owner demonstrates Progress Toward Completion within the same phase (if applicable) or a new Site Plan is approved for the property.

      i) A Site Plan associated with an SUP expires in conjunction with the SUP. See **Sec. 36-5.C.3. SUP Expiration**.

   b) If a Site Plan expires, all vesting claims shall also expire on the property, and the applicant must submit a new Site Plan subject to the regulations in place at the time.

10. Revocation of Site Plan Approval

    The City may revoke approval of a Site Plan if the City determines that the applicant has not met the conditions of approval or if the Site Plan contains, or is based upon, incorrect information or if approval was obtained using fraud or deceit.

11. Additional Development, Site Modifications, or Redevelopment

    Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal and approval of a revised Site Plan.

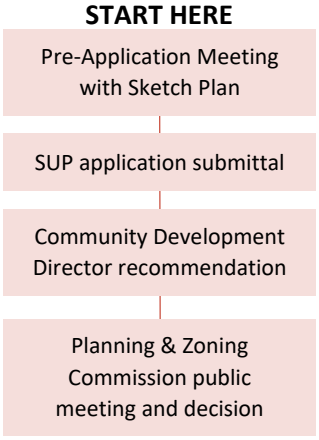
12. Site Plan Submittal Requirements

    The Site Plans shall be at a scale that adequately represents the information as determined by the Community Development Director. The plans shall be prepared electronically in PDF format or other approved format. Plans shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:

    a) Title of Site Plan.
    b) Total acreage of site.
    c) Date of preparation, north arrow, written and graphic standard engineering scale.
    d) Identification of site by lot, block, subdivision, if applicable.
    e) A statement of ownership, signed by the property owner.
    f) Name and address of property owner.
    g) Name and address of applicant, if applicable.
    h) Name and address of consulting firm or representative, if applicable.
    i) Location and type of all land uses.
    j) All site improvements with all setbacks indicated.
    k) All easements of record.
    l) Dimensions of all buildings.
    m) 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.
    n) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.
    o) Pedestrian and bicycle circulation system and its relation to surrounding circulation.
    p) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

C. Special Use Permits (SUPs)

Figure 36-5-3. SUP Process Summary



1. General Provisions

   a) A Special Use Permit (SUP) is required to allow a use that is not permitted by right in a zoning district and requires review and approval by the Planning & Zoning Commission to determine impacts on the surrounding area. Uses eligible for SUP approval are designated in **Figure 36-3-2. Permitted Use Chart**.

   b) Approval of an SUP is not a zoning district change.

2. Review Procedures

   The procedures for such approval are as follows:

   a) Pre-Application Meeting

      Any proposed SUP shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. The submittal of a Sketch Plan is required for the pre-application meeting for an SUP. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

   b) Application Procedures

      i) An official application for an SUP shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:

         a. A letter of intent stating the following:

            i. A statement of the purpose and use of the property,

            ii. All property improvements to be made, and

            iii. A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.

         b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown, giving the bearings in degrees, minutes, and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.

         c. A Site Plan in accordance with **B.12. Site Plan Submittal Requirements**.

         d. Architectural renderings or artistic drawings. The drawings shall be provided electronically in PDF format. Drawings shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

            i. All new development illustrating all exterior building materials and colors.

            ii. All new development illustrating relationships to neighboring uses, including site lighting.

            iii. Sign location, materials, color, size, shape, and lighting.

         e. A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director, or the Planning & Zoning Commission.

         f. Copy of early notification letter to the defined noticed area and copy of minutes (summary or verbatim) from any required meeting pursuant to **Sec. 34-3.H. Early Notification and Meeting Requirements** (if applicable).

      ii) Application materials that are illegible and/or otherwise of a low quality will not be accepted.

iii) A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director may waive any submittal requirement. The Planning & Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but are not limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing. The City Council may require additional information before acting on an appeal.

c) Community Development Director Recommendation

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the SUP. The report shall recommend that the SUP be approved, conditionally approved, disapproved, or postponed.

d) Public Meeting and Notice

A public meeting shall be held by the Planning & Zoning Commission for all Special Use Permits with notice in accordance with the provisions of **Sec. 34-3.G. Notice for a Public Meeting**.

e) Review and Approval Procedures

The Planning & Zoning Commission may deny an SUP request or may grant final approval including the minimum conditions listed in **Sec. 36-3.B. Use Classifications and Use-Based Standards**. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan, to ensure compatibility with surrounding development, and to ensure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Any applicable development conditions in addition to those required by this Development Code shall be noted on the Certificate of Occupancy. Appeal of a Planning & Zoning Commission decision may be made in accordance with **Sec. 34-3.F. Appeals**.

f) Revisions to an Approved SUP

Any major revision proposed to the SUP and Site Plan shall require resubmittal of the SUP and Site Plan in their entirety. Minor revisions that do not affect the overall intent of the SUP and Site Plan may be approved by the Community Development Director. Major revisions to the Special Use Permit and Site Plan shall include, but are not limited to:

i) Any change in land use,

ii) A 15 percent cumulative increase in land use or building square footage,

iii) A 15 percent cumulative increase in vehicular traffic on any roadway segment or intersection,

iv) Any increase in size of the SUP area,

v) Any reduction in screening, screening buffer yards, and setbacks at the Special Use boundary line, and

vi) A 15 percent cumulative increase in the buildable area for structures including signs.

g) Recording of the SUP

After approval, the SUP shall be issued by the Community Development Director and shall include all information, conditions, reference to site plans, and other provisions of the SUP. The SUP shall be filed in the City Clerk's Office. The SUP shall not become effective until adequate evidence of filing in City records has been provided to the Community Development Director.

3. SUP Expiration

Unless otherwise specified by the Planning & Zoning Commission's approval, an SUP will expire if the applicant does not obtain a Certificate of Occupancy within 36 months of the Planning & Zoning Commission's approval.

D. Planned Unit Developments (PUDs)

1. General Provisions

   a) Planned Unit Developments (PUDs) are intended to promote development that is consistent with the comprehensive plan and that otherwise cannot be accommodated by the Development Code using existing mechanisms (e.g., Flexible Development Standards or Zoning Variances). The PUD process is not intended as a method to avoid the Code's standards.

   b) An applicant shall not be granted a deviation to the standards without providing a public benefit to the community that exceeds the standard of typical development and requirements. Examples of such benefits may include but are not limited to sustainable development, housing affordability/variety, enhanced open space and recreational amenities, public art, historic preservation, enhanced accessibility, public facilities (e.g., school site) or other development features that implement the vision of the Comprehensive Plan.

   c) All contiguous property owned or legally controlled by the applicant shall be included within the PUD.

2. Review Procedures

   a) Authorization

      A PUD is a zoning district change and is not permitted by-right in any zoning district. The procedures and requirements in this section shall govern the development of a PUD.

   b) Process

      Each PUD shall require the following steps:

      i) Step 1: Pre-Application Meeting with a Sketch Plan;

      ii) Step 2: Concept Plan with zoning action;

      iii) Step 3: Platting, if required; and

      iv) Step 4: Site Plan(s)

   c) Step 1: Pre-Application Meeting

      Any proposed PUD shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The submittal of a Sketch Plan is required for the pre-application meeting for a PUD. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

   d) Step 2: Concept Plan

      i) Concept Plan Purpose

         The Concept Plan is intended to serve as a tool that can assist in identifying the appropriateness of a proposed development within the context of its surroundings. The Concept Plan forms the basis for approval of the PUD.

Figure 36-5-4. PUD Process Summary



ii) Concept Plan Application Submittal

The Concept Plan and supplemental application material shall be submitted to the Community Development Department no later than 60 calendar days prior to the date of the regular meeting of the Planning & Zoning Commission. The application is subject to a determination of completeness by City Staff (see **Sec. 34-3.C.4. Complete Application** for more information).

iii) Approval Criteria

The Concept Plan may be approved only if it includes the following findings:

a. The proposed construction and use of the PUD will not be detrimental to the health, safety, or welfare of the community or adjacent neighborhood;

b. There is or will be adequate sewage capacity, roadway capacity, bicycle and pedestrian connectivity and accommodations, energy supply, and potable water supply to serve the PUD at the time a certificate of occupancy or letter of acceptance, as applicable, is to be issued;

c. The PUD conforms to the intent, goals, objectives, policies, and standards of all City plans and codes (unless deviations are specifically noted);

d. The uses proposed, including their density and intensity, are appropriate to the character of the neighborhood and will have a positive aesthetic effect on the neighborhood in which the PUD will be located; and

e. The proposed uses will not subject surrounding properties and pedestrians to hazardous traffic conditions.

iv) Community Development Director Recommendation

The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the Concept Plan. The report shall recommend that the Concept Plan be approved, conditionally approved, disapproved, or postponed.

v) Concept Plan Public Meetings and Approval

The Planning & Zoning Commission and City Council shall act upon the Concept Plan application in accordance with **A. Zoning Map Amendments**. The applicant or applicant's representative shall be present at the public meetings for the proposal to be considered. If the applicant or representative is not at the public meetings, the Concept Plan shall be postponed until the next regular meeting. The decision-makers may impose additional conditions as part of the terms of approval.

vi) PUD Shown on Zoning Map at Concept Plan Approval

If the Concept Plan is approved or conditionally approved by the City Council, the PUD shall be shown on the Zoning Map as a PUD replacing the existing zoning districts.

vii) Concept Plan Effective Period

The approved Concept Plan shall be effective for a period of five years. If a Site Plan for all or part of the area has not been approved by the expiration of the five-year period, the Concept Plan shall expire and a new Concept Plan will be required. If the property owner desires to revert the property to its previous zoning (or any other zoning designation besides the approved PUD), a rezoning in accordance with **A. Zoning Map Amendments** is required.

viii) Concept Plan Submittal Requirements

A request for review of a Concept Plan shall include the following information:

a. Official Application and Development Statement, including the identification of the district upon which the PUD regulations are based unless otherwise stated in the PUD;

b. Submittal fee;

c. Waiver request and justification to delete submittal information, if applicable;

d. Descriptions of deviations to planning-related development standards and the public benefits to be provided;

e. Association by-laws (may be submitted with each Site Plan);

f. Concept Plan. The following information shall be provided on the Concept Plan and supporting maps and drawings:

i. Name of Concept Plan.

ii. Name, address, and telephone number(s) of property owner(s), developer(s), and consultant(s) preparing the Concept Plan.

iii. Detailed area map showing the surrounding area within one-half mile and the PUD in relationship to adjacent parcels, existing roadways, and natural or constructed features that may impact or be impacted by the PUD.

iv. North arrow, date of preparation, and written and graphic standard engineering scale.

v. Legal description.

vi. Boundary lines of Concept Plan area with approximate length of lines and boundary lines of phases.

vii. For each lot, parcel, or tract, list proposed land uses and acreage and show the building envelope within which each structure will be located:

(a) Maximum number of dwelling units and maximum density.

(b) Maximum square footage of nonresidential uses.

viii. Proposed screening, screening buffer yard, and setback distances along the PUD property line.

ix. Existing land uses and zoning on adjacent lots, parcels, or tracts.

x. Name of adjacent subdivisions (including the filing date, book, and page numbers), property owners, and zoning. If not subdivided, name of property owner.

xi. Twenty-foot contour intervals minimum or as appropriate.

xii. Proposed alignment of roadways and how they relate to the Comprehensive Plan and the Active Transportation Plan and the impacts created on the area road network, neighborhood, and other land uses. Impact data shall include the anticipated traffic volume generated by the proposed development, identification of the affected road network, and the additional traffic volumes associated for each road. If required, provide a Traffic Impact Study, including a roadway improvement schedule, consistent with the requirements of **Sec. 38-2.G. Traffic Impact Analysis**) and based on the latest recommendations from the Institute of Traffic Engineers.

xiii. Thoroughfare System: Identification of adjacent roadways and other transportation lines by functional classification; proposed location, length, width of all roadways, bikeways, trails, walkways, and any other transportation lines. Identify existing and proposed classification of roadways as per City of Las Cruces Design Standards, the Comprehensive Plan, and the Active Transportation Plan.

xiv. Proposed parks, trails, open spaces, and other amenities.

xv. Proposed public improvements.

xvi. Location and sizes of existing and proposed utilities.

xvii. Significant natural features, such as arroyos and 100-year floodplains.

xviii. All easements.

xix. Tabular Information:

(a) Land uses of each parcel and phase (if applicable).

(b) Total acreage of the PUD and acreage for each land use for the development and by phase (if applicable).

(c) Number of dwelling units and density for the development and by phase (if applicable).

(d) Total square footage of nonresidential uses for the development and by phase (if applicable).

(e) Total acreage for open space, private and public facilities, and right-of-way for the development and by phase (if applicable).

(f) Maximum height of proposed structures for each parcel and phase (if applicable).

xx. Phasing plan. If developing in phases, a phasing plan shall identify the phase in which (or date by which) public facilities (e.g., trails, amenity centers, recreational facilities, other improvements) will be provided.

xxi. Approval block signifying the final approved Concept Plan to be signed by the Community Development Director upon approval by the City Council and resolution of all outstanding staff comments.

g. Other Impact Studies, if determined by the Planning & Zoning Commission as necessary to present clear and compelling evidence regarding development impacts, are to be submitted prior to City Council consideration:

i. Impacts on any public facilities outside the PUD area. Impact data shall include expected population generated by the proposed development, identification of public facilities (e.g., utilities, parks, that are anticipated for use by said population and level of capacity of said utilized public facilities).

ii. Impacts on air quality, specifically solid particulates known as PM10. Impact data shall include identification of proposed uses that generate air pollution substances into the environment and the projected impact.

iii. Impacts on views and noise to adjacent property. Impact data shall include identification of proposed uses that generate excessive noise, anticipated maximum height for proposed structures, identification of existing physical features that are viewed from the PUD and adjacent properties, and how these views will be altered by the PUD. Proposals to mitigate impacts shall be provided.

iv. Geological and Soils Hazards. Report on the Geologic and Soils Hazards in relation to slope conditions, drainage problems and suitability for septic system use, if applicable, as identified by the Soil Survey of Doña Ana County Area, New Mexico. This report shall also include either an aerial photograph or a map with existing contours at an appropriate interval to establish accurate ground contour of the PUD area.

e) Step 3: Platting

If platting is required, all plats and plans must be submitted and approved in accordance with **Sec. 37-2. Subdivision Procedures**.

f) Step 4: Site Plan

i) Site Plan Purpose

The purpose of a Site Plan is to identify the detailed site layout and features for a PUD development or phase of PUD development.

ii) Site Plan Application Submittal and Review

a. Upon approval of the Concept Plan and completion of any required platting process, the applicant may submit a Site Plan in accordance with **B. Site Plans** for part or all of the land area covered by a Concept

Plan for Community Development Director consideration. The Director may defer the Site Plan to the Planning & Zoning Commission and City Council for any reason.

b. Alternatively, an applicant may choose to submit a Site Plan along with the Concept Plan, which may be approved by the Planning & Zoning Commission and City Council.

iii) Site Plan Deviations from an Approved Concept Plan

Any substantial change proposed on a Site Plan that would affect the approved Concept Plan shall require re-submittal of the Concept Plan in its entirety. Minor changes are those changes that are not substantial and do not affect the overall intent of the Concept Plan, which may be approved by the Community Development Director; however, the Director may determine that any proposed change should be heard at a public meeting before the Planning & Zoning Commission and City Council. Substantial changes to the Concept Plan are subject to the same requirements as the original application. Substantial changes shall include but are not limited to:

a. Any change that would increase the intensity of the land uses;

b. A 15 percent cumulative increase or decrease in residential density;

c. A 15 percent cumulative increase or decrease in nonresidential square footage;

d. Any change in private incentives and public benefits;

e. Increase in size of property;

f. Any reduction in screening, screening buffers, and setbacks at the PUD property line;

g. A 15 percent cumulative increase in the buildable area for structures, including signs; and

h. A 15 percent cumulative reduction in open space.

iv) Approval Criteria

No findings are required except that the Site Plan conforms to the Concept Plan and all standards established by this Development Code and the identified base zoning district unless specifically indicated otherwise within the PUD.

E. Building Permits and Certificates of Occupancy

1. No permit for the construction of a new building, fence, wall, sign, or any other structure that requires a Building Permit shall be issued until the lot is part of a plat of record, approved by the City and filed with the County. This requirement does not apply to additions or repairs.
2. No building or premises hereafter erected or structurally altered shall be used, occupied, or changed in use or occupant until a Certificate of Occupancy has been issued by the Building Official, stating that the building or proposed use of the building/premises complies with the City's adopted construction and safety codes and the provisions of this Development Code.

F. Zoning Variances

Figure 36-5-5. Zoning Variance Process Summary



1. General Provisions

   a) In accordance with NMSA 3-21-8 and this section, the Planning & Zoning Commission may authorize a Zoning Variance from this **Chapter 36. Zoning Regulations** as outlined herein.

   b) Zoning Variances may only be used to waive or modify dimensional requirements, such as setbacks, building heights, or lot coverage. Zoning Variances shall not modify permitted uses or use-based standards.

   c) The applicant bears the burden of proof in establishing the facts that may justify a Zoning Variance.

   d) The granting of a Zoning Variance does not establish precedence for future determinations.

2. Review Procedures

   The procedures for such approval are as follows:

   a) Any proposed Zoning Variance request shall first be reviewed at a pre-application meeting scheduled and held by the Community Development Department. See **Sec. 34-3.B. Pre-Application Meeting** for more information.

   b) Applications shall be submitted to the Community Development Director. The application is subject to a determination of completeness by City Staff (see **Sec. 34-3.C.4. Complete Application** for more information).

   c) The Community Development Director shall review the submittal and prepare a written staff report with recommendations, which shall be provided to the Planning & Zoning Commission along with the application. The report shall recommend that the application be approved, conditionally approved, disapproved, or postponed based on the criteria outlined below.

   d) A public meeting before the Planning & Zoning Commission is required. The Planning & Zoning Commission shall approve, conditionally approve, disapprove, or postpone the request.

   e) Approval Criteria

      i) The Planning & Zoning Commission shall consider the following criteria:

         a. The proposed Zoning Variance is not contrary to the public interest;

         b. Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship;

         c. That the spirit of the zoning regulations is observed and substantial justice done; and

         d. That the goals and policies of the Comprehensive Plan are implemented.

      ii) No Zoning Variance may be granted that results in undue hardship upon another parcel of land.

      iii) A Zoning Variance shall not be granted to relieve a self-created hardship.

      iv) The relief granted shall be to the minimum degree required to alleviate such hardship.

      v) The Planning & Zoning Commission shall not grant a Zoning Variance unless it finds, based upon evidence, that each of the conditions and standards in this section have been met.

   f) The Planning & Zoning Commission may impose such conditions, limitations, and safeguards as it deems appropriate upon the granting of any Zoning Variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Development Code.

G. Nonconformities

1. Purpose

   The purpose of this section is to regulate land uses, lots, structures, and site features that were legally established at the time of their creation but that have been made nonconforming due to a change in the City's regulatory environment (i.e., legal nonconforming). The regulations herein are intended to reduce or eliminate these nonconformities over time.

2. Applicability

   These regulations apply to any land use, lot, structure, and/or site feature that was legally established but has since become nonconforming to the regulations in place.

3. Illegal Nonconformities

   Any land use, lot, structure, and/or site feature that was established in violation of the regulations at the time is prohibited and shall be considered a violation of this Development Code. The provisions included in this section do not apply to illegal nonconformities.

4. General Provisions

   a) Authority to Continue

      Any nonconformity that legally existed on or before the Effective Date of this Development Code that becomes nonconforming upon the adoption of this Development Code or past or future amendments may be continued, subject to the regulations of this section.

   b) Repairs and Maintenance

      Nothing in this Development Code shall prohibit the routine operation and maintenance of legal nonconformities in such a manner as to not exacerbate any existing nonconformity.

   c) Change in Ownership or Tenancy

      Nonconforming status runs with the land and is not affected by changes in tenancy, ownership, or management.

   d) Determination of Legal Nonconforming Status

      The burden of proving that a nonconformity legally exists is the responsibility of the subject owner. The Community Development Director is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject owner. Resources for such evidence include but are not limited to recorded plats, aerial photography, or utility billing records.

   e) Nonconformity Legalization

      The Planning & Zoning Commission may use the Zoning Variance process to bring any nonconformity into compliance, subject to the requirements of **F. Zoning Variances**.

5. Nonconforming Lots

   A nonconforming lot is a lot that does not meet the current dimensional requirements established in **Sec. 36-2. Zoning Districts**. Any platted lot is deemed a conforming lot. Any variations to the dimensional requirements may be modified through the Flexible Development Standards.

6. Nonconforming Uses

   a) A nonconforming use is a land use that is not permitted in the zoning district in which it is located, or that does not meet the use-based standards outlined in **Sec. 36-3.B. Use Classifications and Use-Based Standards**.

   b) If a nonconforming use is discontinued for a period of at least 24 months, the use shall not resume except in full conformance with this Development Code. For the purpose of this paragraph, to "discontinue" shall mean to intentionally terminate operations of the nonconforming use.

c) Any nonconforming use that does not involve a permanent type of structure or operation that is moved from the premises shall be considered to have been discontinued, regardless of intent.

d) A nonconforming use shall not be expanded, except that the Community Development Director may authorize the expansion of a nonconforming use within an existing structure.

7. Nonconforming Structures

a) A nonconforming structure is a building or other construction that does not meet the building height, setbacks, design, or other structural requirements.

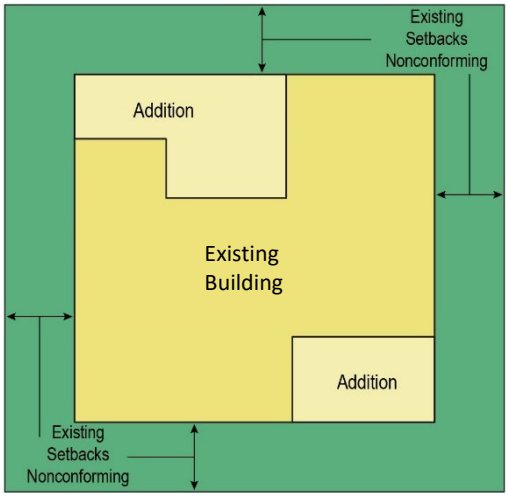
b) A structure or portion thereof may be altered to decrease its nonconformity as determined by the Community Development Director.

i) A mobile home or recreational vehicle (RV) used as a residence may be replaced if the unit is being replaced by a manufactured house, site-built house, or safer mobile home. If the replacement residence is a mobile home, for safety reasons, the replacement mobile home shall have accessible bedroom windows, the appropriate number of properly located and working smoke detectors, and an effective residential fire extinguisher. Furthermore, the replacement dwelling unit shall not be located on the property to create a nonconformity that did not previously exist.

c) A nonconforming structure may be expanded; however, the expansion must conform to the Development Code standards in place at that time and shall not result in increased or additional nonconformities.

i) A building with nonconforming setbacks shall be permitted additions within the extension of existing building lines. Such additions may not be larger than 50 percent of the building. See **Figure 36-5-6. Nonconforming Setbacks and Additions**.

Figure 36-5-6. Nonconforming Setbacks and Additions



d) Reconstruction of nonconforming structures or portions amounting to less than 50 percent of the existing square footage is permitted if the nonconformity is not enlarged in volume, area, or footprint.

e) Voluntary removal or destruction of a nonconforming structure or portion amounting to 50 percent or more of the existing square footage shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.

f) Involuntary damage to or destruction of a nonconforming structure (e.g., fire, winds, or other calamity) may be rebuilt, reconstructed, or restored on the same footprint of the original structure plus any addition or expansion that is allowed by and conforming to the applicable zoning district. Such reconstruction is permitted as long as it begins within 24 months of the loss and complies with all other applicable zoning, development, and building codes.

g) A nonconforming structure may be moved to another location on the lot, provided that the moving will make it nonconforming to an equal or a lesser extent. A nonconforming structure shall not be moved to an off-site location unless the nonconformity is eliminated through the relocation.

8. Nonconforming ~~Site Features~~Change in Land Use

a) ~~A nonconforming~~ Change in land use is defined as an increase or decrease in the intensity of land use. Intensity is determined by the number of car parking stalls required for a particular use as found in section 36-3. A nonconforming use may be changed to a less restrictive conforming use, i.e., a use that is allowed in the zoning district and that requires fewer parking stalls. A nonconforming use may be changed to a more restrictive

conforming use, i.e., a use that is allowed in the zoning district and that requires more parking stalls, only if the additional parking stalls are provided along with the necessary drainage and landscaping.~~site feature is an improvement to a site, such as landscaping, screening, or parking, that no longer meets the current requirements.~~

~~b)Each section within this Development Code includes applicability provisions to indicate when compliance is required, typically upon an expansion or change in use.~~

Chapter 37. Subdivision Regulations

Sec. 37-1. General Provisions

A. Title

This chapter shall be known and shall be cited as the "Subdivision Regulations" of the City of Las Cruces, New Mexico.

B. Purpose

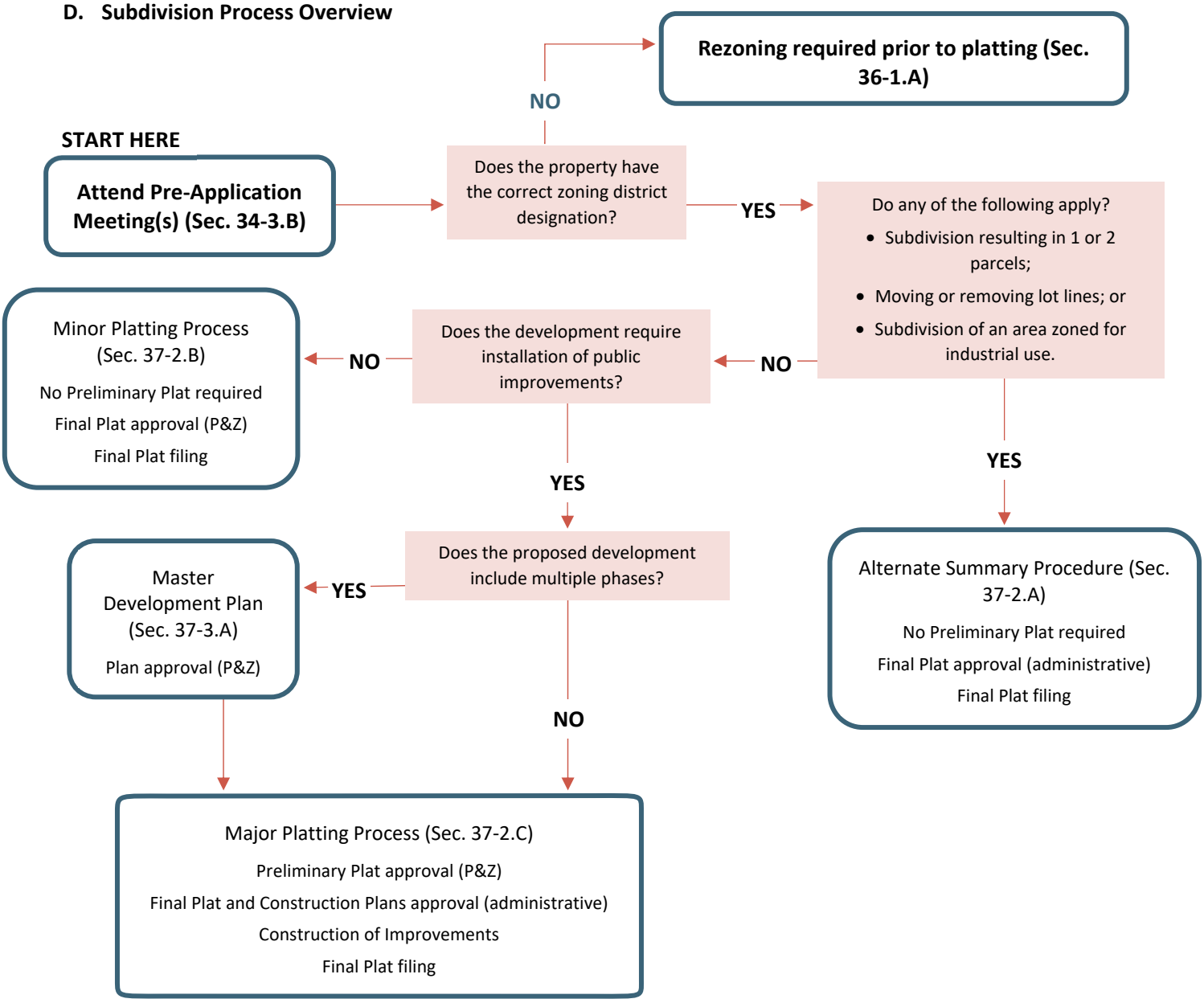
The purpose of this section is to promote the health, safety, convenience, and general welfare of the residents of the City through the implementation of a readable and understandable set of subdivision regulations outlining the processing of subdivision applications. More specifically, provisions of this section are designed to achieve the following objectives in newly subdivided areas:

1. Ensure orderly, efficient, and integrated growth and development within the City pursuant to guidelines established by the elements of the Comprehensive Plan and all other applicable City policies, rules, and regulations;
2. Promote proper street location, width, and design to facilitate multi-modal circulation and to minimize adverse growth impacts in accordance with the Comprehensive Plan, Active Transportation Plan, and City design standards;
3. Provide for proper right-of-way dedication and vacation practices;
4. Provide for the protection and preservation of natural resources and the promotion of natural beauty within the City;
5. Uphold the interests of public safety and quality of life;
6. Ensure that the proposed development is suitable for a given parcel of land, based on its location and environmental characteristics; and
7. Strive for a customer service approach to subdivision application processing.

C. Applicability

1. This chapter applies to anyone wishing to:
   a) Divide a parcel of land into two or more parts; or
   b) Eliminate or adjust lot lines between two or more existing parcels; or
   c) Dedicate or vacate right-of-way; or
   d) Annex an unplatted parcel into the City limits.
2. Failure to comply with these regulations, including the transfer or sale of such land prior to approval and recording of a necessary plat with the County Clerk's Office, or the improper recording of a plat in violation of this chapter, shall be subject to the penalties outlined in **Sec. 34-1.H. Violations and Enforcement**.

D. Subdivision Process Overview



Sec. 37-2. Subdivision Procedures

A. Alternate Summary Procedure

1. Purpose

   The purpose of the Alternate Summary Procedure is to allow an expedited administrative review of certain applications in accordance with NMSA 3-20-8.

2. Applicability

   a) The Community Development Director is hereby authorized to consider approval of the following:

      i) Subdivisions of not more than two parcels of land;

      ii) Resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots; or

      iii) Subdivisions of two or more parcels of land in areas zoned for industrial use (i.e., the LI, Light Industrial District (Rural, Suburban, Urban) or the HI, Heavy Industrial District (Rural, Suburban, Urban)).

   b) Such submittals may include the dedication of public right-of-way but shall not include the vacation of dedicated rights-of-way.

   c) Submittals must be in substantial conformity with these Subdivision Regulations, demonstrating compliance with the Code and any approved Flexible Development Standards and Zoning Variances.

3. Submittal and Consideration

   a) If the Alternate Summary Process will be used more than once during the platting process, applicants must first submit a Master Development Plan for Planning & Zoning Commission approval (see **Sec. 37-3.A. Master Development Plan**).

   b) Applicants shall submit a Final Plat (see **Sec. 37-3.D. Final Plat**) for consideration and approval.

   c) Where two or more contiguous ASPs are located, public improvements must be installed prior to the filing of the Final Plat.

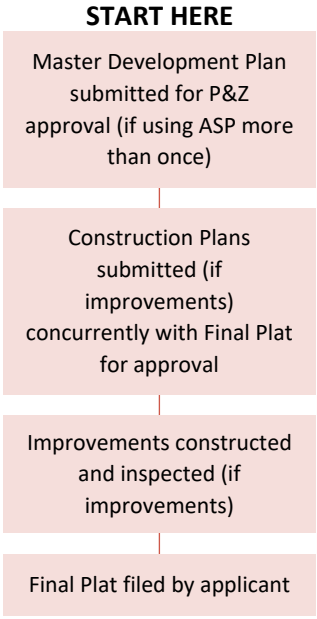
   d) If public improvements will be installed, the applicant shall submit Construction Plans concurrent with the submittal of a Final Plat. Upon approval of Construction Plans and the Final Plat, improvements shall be constructed and inspected.

      i) All improvements must be installed throughout the area included in the Master Development Plan prior to the filing of the Final Plat (unless Performance Security is provided for all remaining improvements in accordance with **Sec. 37-4.C.1.a**) or Substantial Completion of the development in accordance with **Sec. 37-4.D**).

   e) Approval by this Alternate Summary Procedure shall be endorsed on the plat or the instrument of conveyance.

   f) Any application without any formal submission within one year of the last submission will automatically expire.

Figure 37-2-1. Alternate Summary Procedure Summary



B. Minor Platting Process

1. Purpose

   The purpose of the Minor Platting Process is to allow an expedited review of plats that do not require the installation of any public improvements.

2. Applicability

   The Minor Platting Process may be utilized for any plat that meets all of the following requirements:

   a) Does not meet the requirements for the Alternate Summary Procedure, and

   ~~b)~~ Does not require the installation of public improvements.

3. Submittal and Consideration

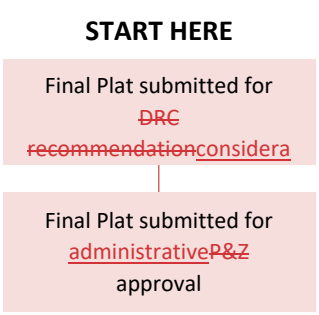
   a) Applicants shall submit a Final Plat (see **Sec. 37-3.D. Final Plat**) for consideration and approval.

   ~~b) The Planning & Zoning Commission shall conduct a public meeting (unless the public meeting is waived by the applicant in accordance with NMSA 3-20-7) and provide notice in accordance with **Sec. 34-3.G. Notice for a Public Meeting**. The Commission shall approve or disapprove the plat within 35 calendar days of the Official Submittal Date.~~

   ~~c)~~b) Following approval of the Final Plat, the plat shall be filed and recorded with the County Clerk's Office.

   ~~d)~~c) Any application without any formal submission within one year of the last submission will automatically expire.

Figure 37-2-2. Minor Platting Process Summary



C. Major Platting Process

1. Purpose

   The purpose of the Major Platting Process is to accommodate more substantial subdivisions that include the installation of public improvements.

2. Applicability

   The Major Platting Process shall be used for any plat that does not meet the requirements for the Alternate Summary Procedure or the Minor Platting Process.

3. Submittal and Consideration

   a) The applicant shall submit a Preliminary Plat for consideration in accordance with **Sec. 37-3.B. Preliminary Plat**.

   b) Following Preliminary Plat approval, the applicant shall submit a Final Plat for consideration in accordance with **Sec. 37-3.D. Final Plat** and Construction Plans for consideration in accordance with **Sec. 37-3.C. Construction Plans**.

   c) Following approval of the Construction Plans, the applicant may begin site grading and installation of public improvements. Improvements shall be inspected in accordance with **Sec. 37-4.C. Installation and Acceptance of Public Improvements**.

   d) Following completion and inspection of the public improvements (or the provision of Performance Security and other requirements outlined in **Sec. 37-4.C.1.a)**), applicants may file the Final Plat and Building Permits may be issued.

Figure 37-2-3. Major Platting Process Summary



i) Final Plats may be filed and Building Permits may be issued prior to completion of all required improvements upon determination of substantial completion (see **Sec. 37-4.D. Substantial Completion**).

e) Any application without any formal submission within one year of the last submission will automatically expire.

D. Plat Vacations

1. City ~~The Planning & Zoning Commission may~~Council may vote to vacate or partially vacate any filed plat upon the owners' request, in accordance with NMSA 3-20-12.
2. City Council~~The Planning & Zoning Commission~~ may require that streets dedicated to the City in the original plat shall continue to be dedicated to the City; alternatively, the rights-of-way may be vacated as outlined in **E. Right-of-Way Abandonment**.

E. Right-of-Way Abandonment

1. Initiation

   Right-of-way abandonments may be initiated by the adjacent property owner(s) or by the City Council ~~Planning & Zoning Commission~~ if the Council~~Commission~~ determines that the right-of-way abandonment will not interfere with the interest of public health, safety, and welfare.

2. Submittal

   Right-of-way abandonments shall be prepared as a Final Plat for the right-of-way to be vacated and the affected adjacent lots in accordance with **Sec. 37-3.D. Final Plat**.

3. Division of the Land to be Abandoned

   Generally, the abandoned land will be divided in equal proportions and joined via plat with the adjacent properties. The Community Development Director shall review the plat that originally dedicated the right-of-way, access considerations, and adjacent property owners' requests to determine the final division.

4. Utility Easements

   If there are utility lines in rights-of-way that are to be abandoned, a utility easement will be required in lieu of right-of-way or relocation. In accordance with NMSA 3-20-13, the rights of any utility already existing shall not be affected by any full or partial abandonment.

5. Right-of-Way Abandonment Approval Process

   a) Administrative Review and Recommendation

      Right-of-way abandonment requests shall be reviewed and recommended by City Staff in accordance with **Sec. 37-3.D. Final Plat**.

   b) ~~Dual Planning & Zoning Commission and~~ City Council Decision

      i) The ~~Planning & Zoni~~City Council~~ng Commission~~ shall conduct a public meeting to review the abandonment request, recommendations from City Staff, the presentation from the petitioner or the petitioner's representative, and from any interested citizens. Action shall be in the form of approval, denial, or modification.

      ~~ii) The same public meeting process shall be followed by the City Council. Approval by both entities is required for right-of-way abandonment.~~

   c) Any necessary zoning map amendments (i.e., rezonings to align with new lot lines) shall be processed in conjunction with the abandonment.

6. Right-of-Way Dedications

   For standalone right-of-way dedications, see **Sec. 38-2.D. Private Streets**.

Sec. 37-3. Plat and Plan Types

A. Master Development Plan

1. Master Development Plan Purpose

   a) The purpose of the Master Development Plan process is to advance the goals and objectives of the City's Comprehensive Plan and to address a variety of environmental and social issues in an area being proposed for future development.

   b) A Master Development Plan is considered part of the planning process in which the proposal is viewed as a conceptual tool reflecting the ideas and thoughts for future development. Approved Master Development Plans shall be used as a general guide to land development with successive steps established for specific plans that shall be consistent with the adopted Master Development Plan.

   c) The Master Development Plan process is designed to guide future land development and transportation patterns.

2. Master Development Plan Required

   a) A Master Development Plan shall be required when any of the following criteria apply:

      i) A development is to be divided into various phases.

      ii) A request for annexation is made (see **Sec. 34-4. Annexation Process**).

      iii) When an applicant proposes to utilize the Alternate Summary Procedure more than once.

   b) A Master Development Plan may be omitted at the discretion of the Community Development Director for residential developments consisting of no more than two phases or~~n~~ forty~~ten~~ or fewer acres~~, with 30 or fewer lots.~~

   c) A Preliminary Plat may be submitted simultaneously with the Master Development Plan. A Final Plat shall not be submitted at the same time as the Master Development Plan or the Preliminary Plat.

   d) Said Master Development Plan shall be prepared by, and have the seal of, a Professional Engineer, Surveyor, or Registered Landscape Architect licensed in the State of New Mexico. The survey shall be prepared using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.

   e) The Master Development Plan must include the entire planned development. Future phases for adjacent properties may be identified on the Master Development Plan.

3. Submittal of a Master Development Plan Application

   a) Following a pre-application meeting (**Sec. 34-3.B**) and any required early notification (**Sec. 34-3.H**), an applicant may submit the Master Development Plan application.

   b) The Master Development Plan and supplemental material shall be submitted to the Community Development Department no later than 45 calendar days prior to the day of the next regular meeting of the Planning & Zoning Commission for approval consideration.

   c) Applications shall be subject to a Determination of Completeness (**Sec. 34-3.C.4**).

   d) Any application without any formal submission within one year of the last submission will automatically expire.

4. Consideration of a Master Development Plan Application

   a) Administrative Review and Recommendation

      The DRC shall review and recommend the application in accordance with **Sec. 34-3.C. Application Processing**.

   b) Planning & Zoning Commission Action

i) Agendas shall be posted and public notice provided prior to a public meeting before the Planning & Zoning Commission in accordance with **Sec. 34-3.G. Notice for a Public Meeting.**

ii) The Planning & Zoning Commission shall review the Master Development Plan, comments received from the DRC, and presentations from the applicant or the applicant's representative and from any interested citizens.

iii) Action from the Planning & Zoning Commission shall be in the form of approval, conditional approval, postponement, or disapproval. Action from the Planning & Zoning Commission shall be recorded and published in accordance with **Sec. 34-3.D. Notice of Decision**.

iv) It is the requirement of the Planning & Zoning Commission that no Master Development Plan shall be reviewed unless either the applicant or the applicant's representative is present at the Planning & Zoning Commission public meeting. If neither party is present at the public meeting, the Master Development Plan will be postponed until the next regular Planning & Zoning Commission meeting.

c) Effect of Master Development Plan Approval

Upon approval of the Master Development Plan, the developer may submit to the Community Development Department any zoning applications, Preliminary Plats, Construction Plans, or Final Plats as necessary and applicable, that reflect the objectives of the approved Master Development Plan.

d) Effective Term and Expiration

i) The approval of the Master Development Plan shall be effective for a period of five years. The Master Development Plan shall expire five years from the date of approval unless one of the following applications has been approved, in accordance with the Master Development Plan for all or part of the master-planned area:

a. Preliminary Plat or Final Plat

b. Building Permit

c. Other development application

ii) Prior to the expiration date, the applicant may submit a request for extension of approval for up to one year, if desired. The request will require review by the Community Development Director based on current requirements and approval by the Planning & Zoning Commission. The Community Development Director or Planning & Zoning Commission may revise requirements based on projected needs or growth around the master-planned area, including infrastructure improvements related to signals, road network, streetlighting, etc.

iii) If no subdivision is approved and constructed within 10 years, then the subdivision will follow current standards for development.

e) Revisions to an Approved Master Development Plan

Any substantial change to the Master Development Plan will require resubmittal of the plan in its entirety and may trigger the need for a noticed area meeting at the discretion of the Community Development Director. Minor modifications shall be reviewed and considered by the Community Development Director. Substantial changes to the Master Development Plan shall require a new application in accordance with the standards at the time of application. Substantial changes shall include, but are not limited to:

i) Any major change in land use or use intensity (e.g., shifting or increasing drainage areas, adding a trail easement);

ii) Modifications of vehicular traffic circulation on public streets or roadway network changes;

iii) Increase in residential density; or

iv) Any change in the Master Development Plan that is determined by the Community Development Director to be substantial.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Master Development Plan Submittal Requirements

The Master Development Plan shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Master Development Plan Submittal Requirements
Application, signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the County Clerk's Office.
Application submittal fee.
Name of Master Development Plan.
Detailed area/vicinity map clearly showing the surrounding area and the proposal's relationship to existing road networks, and existing natural and/or constructed features that may impact the development or may be impacted by the development. Detail must be sufficient so that the subject property can be located in the field using the map.
A separate sheet identifying the limits of any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
North arrow, date of preparation, written and graphic standard engineering scale.
A general legal description that shall include approximate survey ties and approximate acreage
Name and address of the consultant preparing the Master Development Plan.
Name and address of the developer.
Boundary lines of the Master Development Plan, with approximate lengths of lines.
Proposed land use, by parcel or phase. Residential parcels shall provide gross density range.
Present zoning and proposed zoning (if applicable).
Contours—20-foot intervals. In instances whereby 20-foot intervals are not appropriate or applicable, contours may be provided at an appropriate interval that adequately presents the elevation differences of the land as determined by the Community Development Director.
Adjacent land use and zoning district identification.
Thoroughfare system: • Proposed approximate location, length, width and point of intersection of all major transportation systems, which may include: o Bikeways, trails, and any other transportation lines; o Existing and proposed points of ingress and egress;

Master Development Plan Submittal Requirements
○ Existing and proposed transit stops and transit service as per the RoadRUNNER Transit Plans; and ○ Location and phasing of signalized intersections. • Identify existing and proposed classification of roads as per City design standards and based on the Comprehensive Plan and Active Transportation Plan.
Significant natural features, such as arroyos and approximate 100-year floodplains.
Easements, with all public easements labeled as “easement for public use.”
Tabular information. • Land use of each parcel and phase (if applicable). • Approximate acreage for each parcel and phase (if applicable). • Number of residential dwelling units, minimum and maximum range, for the development and by phase (if applicable). • Number of dwelling units by type. • Dwelling Units Per Acre (DUA) for each parcel and phase (if applicable). • Approximate square footage of nonresidential uses for the development and by phase (if applicable) • Approximate acreage proposed for open space, private and public facilities, and right-of-way for the development and by phase (if applicable). • Approximate additional population to be generated by development, based on U.S. Census data. • Approximate additional traffic estimated to be generated by development, utilizing ITE trip generation, latest edition, information, as amended.
Approval block signifying the final approved Master Development Plan to be signed by the Community Development Director upon approval by the Planning & Zoning Commission and compliance with all conditions.
Phasing plan. If developing in phases, a phasing plan shall identify the phase (or date by which) public facilities (e.g., trails, amenity centers, recreational facilities, other improvements) will be provided.
Conceptual utilities plan. The conceptual utilities plan shall contain enough information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development to meet Las Cruces Utilities standards.
A CLOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA prior to master plan approval. A LOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA before acceptance by the City and before the issuance of any Certificate of Occupancy. (if applicable)
Conceptual drainage plan. The conceptual drainage plan shall contain enough information to provide a general understanding of how drainage issues will be addressed by the development.
Conceptual traffic-related improvements plan. The conceptual traffic related improvement plan shall contain enough information to provide a general understanding of how any increase in traffic on adjacent and internal public streets will be addressed by the development.
Copy of early notification letter (**Sec. 34-3.H. Early Notification and Meeting Requirements**) to noticed area and copy of minutes (summary or verbatim) from any subsequent noticed area meeting as may have been required.

B. Preliminary Plat

1. Preliminary Plat Purpose

   The purpose of the Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of all adopted City plans, rules and regulations, and the development Master Development Plan, if applicable.

2. Preliminary Plat Required

   a) A Preliminary Plat conforming to this section shall be required for all subdivisions that follow the Major Platting Process (**Sec. 37-2.C**).

   b) A Preliminary Plat may be submitted simultaneously with a Master Development Plan.

   c) Requests for zoning variances or exceptions may be considered in conjunction with the plat request.

3. Submittal of a Preliminary Plat Application

   a) Following a pre-application meeting (**Sec. 34-3.B**) and any required early notification (**Sec. 34-3.H**), an applicant may submit the Preliminary Plat application.

   b) Applications shall be subject to a Determination of Completeness (**Sec. 34-3.C.4**).

   c) Any application without any formal submission within one year of the last submission will automatically expire.

4. Consideration of a Preliminary Plat Application

   a) Administrative Review and Recommendation

      The DRC shall review and recommend the application in accordance with **Sec. 34-3.C. Application Processing**.

   b) Planning & Zoning Commission Action

      i) In accordance with NMSA 3-20-7, the Planning & Zoning Commission shall take action to either approve or disapprove the Preliminary Plat within 35 days of the plat's Official Submittal Date. Upon agreement that a delay is appropriate, the applicant may be required to submit a statement waiving the right to action within this timeframe.

      ii) Agendas shall be posted and public notice provided prior to a public meeting before the Planning & Zoning Commission in accordance with **Sec. 34-3.G. Notice for a Public Meeting**. In accordance with NMSA 3-20-7, an applicant may waive the requirement for a public meeting.

      iii) The Planning & Zoning Commission shall review the Preliminary Plat application, comments from the DRC, the presentation from the subdivider or the subdivider's representative and from any interested citizens at a public meeting (if applicable).

      iv) Action from the Planning & Zoning Commission shall be recorded in the minutes of the meeting.

   c) Effect of Preliminary Plat Approval

      Approval of a Preliminary Plat shall not constitute approval of the Final Plat, but shall signify the general acceptability of the proposed subdivision. Preliminary Plat approval shall constitute permission to prepare and submit the Construction Plans for all improvements for the proposed subdivision. Construction Plans shall not be considered until Preliminary Plat approval is complete.

   d) Effective Term and Expiration

      i) Preliminary Plat approval shall be effective for no more than three years from the date of approval. If Construction Plans or a Final Plat application has not been submitted, the Preliminary Plat shall expire, and a new Preliminary Plat application must be submitted for approval.

ii) If the approved Preliminary Plat contains more than one phase, a Final Plat must be submitted within every three years thereafter (for a Preliminary Plat with more than one phase) until all phases are complete; otherwise, the Preliminary Plat shall expire.

iii) If an approved Final Plat is allowed to expire, the Preliminary Plat shall also expire.

iv) The applicant may submit a request for a one-year extension of approval, prior to the expiration date, if desired. The request will be reviewed by the Community Development Director. All plat extensions shall be automatically conditioned to require compliance with all City codes, regulations, and specifications in place at the time of development of the plat in question.

e) Deviations from an Approved Preliminary Plat

i) Any Final Plat submittal that results in a substantial change to an approved Preliminary Plat will require resubmittal of the Preliminary Plat in its entirety and may trigger the need for a noticed area meeting at the discretion of the Community Development Director. Minor modifications shall be considered by the Community Development Director.

ii) Substantial changes will be subject to a Planning & Zoning Commission public meeting, with the same requirements as an original application. Substantial changes shall include but are not limited to:

a. Any major change in land use or use intensity (e.g., shifting or increasing drainage areas, adding a trail easement);

b. Modifications of vehicular traffic circulation on arterials, collectors and/or major local designated streets;

c. Roadway network changes;

d. An anticipated increase in residential density;

e. Any change in the Preliminary Plat that is determined by the Community Development Director to be substantial.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Preliminary Plat Submittal Requirements

The Preliminary Plat shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Preliminary Plat Submittal Requirements
Application.
Application submittal fee.
Name of proposed subdivision.
Total acreage of subdivision, to nearest one-hundredth of an acre.
Date of preparation, north arrow, written and graphic standard engineering scale.

Preliminary Plat Submittal Requirements
Detailed area/vicinity map showing existing road networks to include a minimum of two major thoroughfares, outline of surrounding parcels, and existing natural and/or constructed features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map.
Name and address of subdivider.
Name and address of the person, corporation or organization preparing the Preliminary Plat.
An accurate and complete boundary survey of the land to be subdivided that meets or exceeds the Minimum Standards for Surveying NMAC 12.8.2. • The name of the surveyor who performed and is responsible for the survey shall be provided. • Boundary survey will include all monuments found accepted/rejected and monuments to be set. • Boundary lines shall be given in bearings (degrees, minutes, and seconds). • Distances will be shown in feet to the nearest hundredth. • Curved boundary lines will provide sufficient data to be reestablished on the ground and will include central angle, radius, arc length, chord bearing and distance.
A statement of ownership, signed by the legal owner, and the equitable owner if applicable, on the final approved Preliminary Plat.
A separate sheet identifying the limits of any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
A separate sheet with the Intersection Site Design (ISD) study. ISD are not required on the final plat.
Zoning or proposed zoning shall be shown with boundaries given as streets, highways, or property lines. Special Use Permit or Planned Unit Development information and any Zoning Variance requests shall be included if applicable.
Uniquely identify each lot-by-lot number and block when applicable, tracts to be identified by alphabetically. Acreage for each lot and tract will be included.
Proposed lot lines and public rights-of-way lines; rights-of-way and street widths; rights-of-way for public services or utilities with identification of any limitations thereof.
When using a private water provider, provide a current engineered water system analysis, in accordance with LCFD guidelines.
Proof that all lots in any subdivision meet the requirements of **Chapter 36. Zoning Regulations** and that each lot shall be dimensioned in such a manner that setbacks, as required by the code, shall be met for any structure or building that may be on or will be constructed on the lot. No platted lot within a subdivision shall contain less square footage than that required by **Chapter 36. Zoning Regulations**.
Additional setbacks and any restrictions needed to accommodate required clear sight triangles at intersections;
Approximate locations, dimensions, areas, and purposes of tracts proposed to be reserved for the public;
Sites and approximate area(s) for any multi-family dwellings or nonresidential uses;
Existing conditions: • Present site designation or subdivision name; • Easements on-site: Location, width, and purpose of each, with all public easements labeled as “easement for public use”, and existing filed information of said easement; • Public rights-of-way on and within 150 feet of the site: name, width, and classification of each, and filed information of public right-of-way, to include right-of-way document establishing width, owner, maintenance, etc.;

Preliminary Plat Submittal Requirements

• Utilities on and adjacent to the site: Locations and size of each water line, sanitary and storm drain; locations of all irrigation channels and drains; locations of sewer mains, gas mains, gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the directions, distances, and sizes of the nearest lines;
• Existing topography.
  o For land with average slopes of less than five percent, show contour lines at intervals of not more than two feet;
  o For land with average slopes exceeding five percent, show contour lines at intervals of not more than five feet;
• Floodplain shall be clearly graphically delineated and noted;
• Existing storm drainage facilities on and adjacent to the site;
• Walkshed analysis of existing and proposed parks within a ¼-mile radius;
• Conditions on adjacent land significantly affecting design of the subdivision: approximate directions and gradients of ground slopes, character and location of development, and access points from adjacent points.

Approval block signifying the final approved Preliminary Plat, to be signed by the Community Development Director upon approval by the Planning & Zoning Commission and resolution of all outstanding staff comments;
Conceptual utilities plan. The conceptual utilities plan shall contain enough information to provide a general outline of the proposed utility-routing plans for the development, including locations and sizes of existing and proposed utilities to be provided to the development to meet Las Cruces Utilities standards.
A CLOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA prior to preliminary plat approval. If master planned provide approval documentation from the master plan. A LOMR shall be submitted for review by the City and submitted to the Federal Emergency Management Agency and shall be approved by FEMA before acceptance by the City and before the issuance of any Certificate of Occupancy. (if applicable)
ITE Trip Generation, pending TIA requirement~~Master Traffic Impact Analysis~~. Refer to **Sec. 38-2.G. Traffic Impact Analysis**, ITE Traffic Impact Analysis guidelines, and other requirements as approved in consultation with the Public Works Director. For Preliminary Plats that are submitted without a preceding Master Development Plan, the applicant may opt to delay the Master TIA until after Preliminary Plat approval and before or with Construction Plan submittal; however, applicants should be aware that Preliminary Plat resubmittal may be required based on outcomes of the Master TIA.

Master Drainage Study. The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The digital format of the report contents must be provided (e.g., AutoCAD, HEC-RAS, etc.).
 	
For Preliminary Plats that are submitted without a preceding Master Development Plan, conditional approval with submission of the master drainage study can be given. ~~the applicant may opt to delay the Master Drainage Study until after Preliminary Plat approval and before or with Construction Plan submittal; however, applicants should be aware that Preliminary Plat resubmittal may be required based on outcomes of the Master Drainage Study.~~
 	
• The report shall include, but not be limited to, the following information and calculations:
  o Calculation for peak flow from all offsite tributary drainage areas.
  o Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
  o Preliminary analysis of 100-year floodplain and major drainage ways.
  o Closed sub-basin analysis of 100-year floodplain and major drainage ways.
  o Discussion and analysis of downstream drainage facilities.
  o Discussion of anticipated drainage problems within the proposed development and possible solutions.
  o Report shall be typed on 8½-inch x 11-inch pages.
• Drawings for the master drainage study shall include, but not be limited to, the following:
  o Any and all floodplains and flood ways must be identified. A copy of applicable FEMA floodplain map is required indicating limits of current study.
  o Existing topography.
  – For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet.
  – For land that slopes more than five percent, show contour lines at intervals of not more than five feet.

Preliminary Plat Submittal Requirements
– Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures. – Identification of all drainage basins in the development. – Location of all streets in/adjacent to the proposed development. – Identification of all drainage basins tributary to the proposed development. – Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at a scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available) • Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

C. Construction Plans

1. Construction Plans Purpose

   Construction Plans ensure that public improvements are installed to serve a development in accordance with all applicable regulations.

2. Construction Plans Required

   Construction Plans shall be required prior to the installation of public improvements (e.g., those improvements that are intended for dedication to the City) or private improvements as determined by the reviewing department.

3. Submittal of Construction Plans

   Construction Plans shall be submitted simultaneously with the Final Plat.

4. Consideration of Construction Plans

   a) The Community Development Department shall review the submittal for completeness in accordance with **Sec. 34-3.C.4. Complete Application**.

   b) Construction Plans and supplemental material will be processed by the applicable City departments and other governmental agencies for review, comments, and recommendations and forwarded to the Community Development Director.

   c) The Community Development Director shall forward any comments to the applicant for completion. Construction Plans and supplemental material that receive comments shall be resubmitted and reviewed until the provisions set forth in this section are met. At that time, the Construction Plans shall be approved, the construction approval block signed by the appropriate authorities and a construction permit issued (if the Final Plat has received approval from the appropriate authority).

   d) Whenever comments received by the City departments are in conflict, the Community Development Director will determine the appropriate procedure to be followed, utilizing the DRC where appropriate, in order to resolve said conflict or disagreement.

   e) Appeals

      Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

5. Engineer of Record Responsibility

   Review and approval of the construction plans does not preclude the Engineer of Record from responsibility for adherence to all applicable local, state and federal codes, regulations and requirements. Errors and omissions when discovered are the responsibility of the developer to resolve prior to final acceptance.

6. Construction Plans Submittal Requirements

The Construction Plans shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following information shall be shown, unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**:

Construction Plans Submittal Requirements
Application.
Application submittal fee.
A Final Plat conforming to **Sec. 37-3.D. Final Plat** (unless the installation of public improvements is delayed in accordance with **Sec. 37-4.C.1.a)**.
Updated clear sight triangle based on actual horizontal and vertical geometry of roadway design conforming to **Sec. 38-2.H. Clear Sight Triangle**.

Geotechnical soils investigation report. A complete geotechnical soils investigation and corresponding report may be required if the soil conditions are unknown, unreliable, or otherwise unusual. This requirement must be met when working in soils that are graded “expansive” or “very fine.”
 	
Any geotechnical soils investigation must include, at a minimum, representative sampling and testing for:
 	
• Soil classification (NRCS);
• Sieve analysis;
• Structural design factors (R value and/or CBR value); and
• Other parameters may be required, including but not limited to:
  ○ Soil percolation tests (permeability);
  ○ Soil boring logs; and
  ○ Water table elevations.

Pavement design. A complete pavement design shall be based on a TIA where applicable and may be required for collectors, arterials, industrial parks/developments, or other areas subject to unusual traffic loadings. This requirement must be met whenever the soil to be worked in has been graded as “expansive” or “very fine.” Pavement designs must include, at a minimum: • Depth and type of subgrade preparation; • Depth and type of base course needed; and • Depth and type of asphalt pavement needed (Note: Asphalt mix formula to be required from contractors).
Final drainage study. The final drainage study shall be a detailed report and analysis of the drainage in the proposed development. It shall include detailed calculations for all potential runoff within the proposed development, and detailed calculations supporting the design of all drainage structures within the development. Construction plans for all drainage structures, and grading plans for all street grades where applicable, shall also be considered as part of the final drainage study. All drawings shall be formatted for 24-inch x 36-inch sheets. Drawings and calculations comprising the final drainage study shall include, but not be limited to, the following information: • Existing and proposed contours for proposed development. (Contour interval based on City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico – two-foot contour interval minimum). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall contain spot elevations or one-foot contour intervals. • Location(s) and elevation(s) of City or U.S.G.S benchmark(s). All elevations shall be based on City of Las Cruces Low Distortion Projection or a datum approved by the City Surveyor. • Property lines. • Streets, R.O.W. limits, names and grades. • Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts. All pertinent information such as size, slope, elevations and locations of existing drainage ways shall be included in order to facilitate review and approval of drainage plans.

Construction Plans Submittal Requirements

• Overall drainage area boundaries and drainage sub-area boundaries.
• Proposed types of curbs and gutters and gutter flow directions, including crosspans (intersections).
• Proposed storm drains, open drainage ways and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other appurtenances necessary for drainage control.
• Proposed inflow and outfall point(s) for runoff from the study area.
• Routing and accumulative flows at various critical points for the initial (10-year) and major (100-year) storm runoff.
• Minimum finished-floor elevation and ground-site elevations at all critical building locations for protection from major storm runoff.
• A 1-inch = 100-foot (preferable) scale map of the proposed development that shows the following information:
  ○ Locations and sizes of all drainage structures;
  ○ General flow patterns within the development;
  ○ Minimum finished-floor or building-pad elevation of each building site;
  ○ 100-year flood level in all streets in which the curb would be overtopped during the 100-year storm;
  ○ All drainage basins within the development (Note: The number of basins should be limited to the smallest practical number.)
• All floodplains and arroyos within the proposed development. A copy of the current FEMA Floodplain Map is required showing project limits.
• Plan details. The following details shall be indicated on the drainage plans.
  ○ Title block (lower right-hand corner preferred);
  ○ Scale;
  ○ Date and revisions;
  ○ Name and address of professional engineer (and firm);
  ○ Professional engineer's seal;
  ○ Drawing number (sheet n/n);
  ○ Legend;
  ○ Approval block for appropriate reviewing departments and agencies.

Construction drawings. Construction drawings shall be prepared by a registered professional engineer licensed in the state. All drawings shall be formatted for 24-inch x 36-inch sheets and shall show the following information:
 	
• Plan.
• North arrow;
• Property lines;
• Street names and easements (with locations and width dimensions);
• Existing utility lines, locations, and depths (or heights):
  ○ Water;
  ○ Gas;
  ○ Storm drains;
  ○ Irrigation canals;
  ○ Sanitary sewers;
  ○ All existing and proposed public and private utilities.
• Profile.
  ○ Vertical and horizontal grids with scales identified;
  ○ Ground surface grade (dashed line) and proposed grade (solid line);
  ○ Existing utility lines where crossed;
  ○ Benchmarks (N.G.S. Datum).
• Proposed construction.
  ○ Pipes and culverts.
  – Plan showing stationing;
  – Profile showing elevations at even stationing (at 50-foot intervals)
  – Size and length pipe, pipe composition (if applicable), and distances between manholes;
  – Slope of pipe;
  – Size and type of valves and fittings
  – Radius of curved utility line
  – Inlet and outlet details of all manholes and inlets, and connections to existing drainage systems (if applicable);
  – Manhole details, including station numbers, and invert and top elevations;

Construction Plans Submittal Requirements
– Typical bedding details for pipe for all bedding situations encountered on project; o Open channels: – Plan showing stationing; – Profile indicating elevations of invert of channel, top of lining (if any), and adjacent ground grade; – Profile showing elevations at even stationing (at 50-foot intervals); – Typical cross sections; – Construction notes; – Lining details; – Rip-rap and bedding details, with graduation requirements for same; – Details of all inflow and outflow structures and drop structures (includes subgrade and foundation design details); o Technical specifications shall be included on any drainage project permitted for construction within the City. Specifications shall meet the minimum guidelines for construction as outlined in the City standard specifications for roadway construction and design standards as amended. o Parks, trails, other recreation improvements; streetscape and irrigation improvements; details and technical specifications related to these improvements.
A separate TIA permit is required and must be referenced. Final approved TIA report ~~and required infrastructure improvements~~ must be submitted prior to construction drawing submittal. Once approved the TIA shall be included as part of the construction drawing submittal with requirements as noted in **Sec. 38-2.G. Traffic Impact Analysis**, ITE guidelines, and approved in consultation with the Public Works Director.
Street plan and profiles. The plan and profiles shall be formatted for 24-inch x 36-inch sheets by a registered professional engineer, licensed in the state. The scale of all plans and profiles shall be 1:5 vertical, 1:50 horizontal unless a grid break would result. In such cases, the scale may be 1:10 vertical, 1:100 horizontal. A grid shall be required in all cases. • Plan: o Title block (lower right-hand corner preferred); o Horizontal/vertical scale; o Date and revisions; o Name of professional engineer (and firm); o Professional engineer's seal; o Drawing number (sheet n/n); o Legend; o Construction approval block for appropriate reviewing departments and agencies; o Street name; o North arrow; o Match lines with stationing and "see sheets" called out; o Limits of construction; o Centerline stationing; o Stations at street intersections, curb returns, and property lines; o Sizes and locations of all utilities (existing and proposed) (stub-outs not required); o Rights-of-way widths; o Adjacent block and lot numbers; o Fire hydrant locations; o Water and gas lines and valve locations, sizes, materials, and radius for curved lines, with all fittings (e.g., elbows, caps) called out; o Sidewalk and wheelchair ramp locations; o Curve centerline data; o Proposed street lighting system, signage, and markings; o Stationing and locations or crown transition; o Back-of-curb radius (P.C., P.T., and midpoint stations), or sidewalk if no curbing is required, if applicable; o Curb/gutter locations, if applicable; o Top-of-curb elevations, or of sidewalk if no curbing is required, and stations at each front lot corner; o Drainage flow arrows at crosspans and nontypical intersections; o Driveway locations and stations (if applicable); o Proposed top-of-pavement spot elevations at and across from all intersections (at flowline extensions); o A local benchmark based on N.G.S. datum, with description, location and elevation;

Construction Plans Submittal Requirements
○ Sewer lines with flow directions and manhole locations, sewer line size, materials, manhole numbers, and radius for curved lines; ○ "No parking" sign locations (if applicable); and ○ Bike lane stripes, bike lane symbols, buffered bike lanes, protected bike lanes, bike lane or share the road signs, and bike sharrow lane symbols (if applicable). • Profiles: ○ Proposed and existing grades 100 feet beyond limits of construction; ○ Even stationing (at 50-foot intervals) and elevations on all profiles of top-of-curb, right and left, street centerline required if in a nontypical section; ○ Stationing and elevation of the vertical point of intersection on all vertical curves, including PVT, PVI, PVC, and K value; ○ Top-of-curb elevations (or top-of-sidewalk elevations if no curbing is required at each lot corner); ○ Sanitary and storm sewer pipe invert elevations; ○ Slopes and lengths of sewer lines; ○ Stationing, size, and material of manholes; elevation for manhole rim, invert in and invert out; ○ Water and gas lines shown on profile with depths per Las Cruces Utilities standards and any necessary line lowering; ○ Limits of construction; and ○ Grid at scale of 1:5 Vertical and 1:50 horizontal; scale can be 1:10 vertical and 1:100 horizontal if size will require a page break.
Grading plans. The plans shall be prepared by a registered professional engineer licensed in the state. All grading, including lot grading, shall be done at time of roadway construction and to be maintained by subdivider. The grading plans shall be provided separately from the utility master plan. The following information shall be required: • Street names; • Block and lot numbers; • North arrow; • Written and graphic standard engineering scales; • Existing contours based on project "as-builts," not plans, at 2-foot intervals (100 feet beyond project boundary if adjacent land is undeveloped and the property line of the adjacent land is developed). Proposed development with relatively flat surfaces (e.g., river valley subdivisions) shall provide spot elevations, or one-foot contour intervals; • Retaining wall locations (and note if walls will be built at time of roadway construction); • Top-of-curb elevations, or sidewalk if no curbing is required at each lot corner • Pad elevations or finished floor elevations (for each lot); • Spot elevations showing high points and low points or a typical lot detail if the proposed development has a relatively flat surface (e.g., River Valley subdivision); • Pond elevations: Top, bottom and dimension from property lines (if applicable); • Barrow ditch elevations (if applicable); • Drainage channel elevations (if applicable); • Drainage flow arrows (and note if roof area will drain to ponding area); • Retention/detention, basin, location and elevation; • A project benchmark based on N.G.S. datum with description, location, and elevation; • General notes for grading and construction, etc.; • Off-site grading or slope grading limits (if applicable); • All grading must comply with Chapter 70 Grading, Excavations, and Fills of the International Building Code. Alternative design may only be approved by the Public Works Director. ○ If grading will be performed on the land of an adjacent property owner(s), or construction vehicles may need to access the property, a copy of a letter must be provided to the City, signed by the adjacent property owner(s), stating that they understand the nature of the work and do not oppose the modification to their property and/or that they will allow temporary access to their property by the contractor; • Existing utilities.
Utility master plan. The Utility master plan shall include all phases of development and be prepared by a registered professional engineer, licensed in the state. If utilities are not in the standard location, i.e., street right-of-way, then preapproval is required by the utilities department. The utility master plan shall be provided separately from the grading plans. The following information shall be required: • Lot and block numbers;

Construction Plans Submittal Requirements
• Street names; • North arrow, written and graphic standard engineering scale; • Utility stub-outs; • Street light pad and conduit locations; • Wire utility boxes; • Fire hydrant locations; • Water and gas valve locations and fittings; • A local benchmark based on N.G.S. datum, with description, location, and elevation; and • Sewer lines with flow directions and manhole locations.
Detail sheet, to be prepared by a registered professional engineer licensed in the state. The following information shall be required, if applicable: • Roadway construction notes and general notes; • Utility construction notes; • Manhole details; • Radius of curved utility line; • Typical utility stub-out to lot detail; • Street intersection detail (if applicable); • Typical street cross-section(s) (including paving composition); • Curb and gutter detail; • Wheelchair ramp detail; • Retaining wall detail, cut-off wall detail, and all fencing details (a separate permit will be required if applicable); • Drainage structure details; • Light base details; • Typical lot layout; • Foundation detail for signage; • Signage face detail; • Street lighting system details following the Approved Product List; • Any other construction detail that may be needed for clarification purposes; and • Water and gas valve and line detail.

D. Final Plat

1. Final Plat Purpose

   The Final Plat is the subdivision instrument that is prepared for recording in the County Clerk's Office. The Final Plat process ensures that the recordable plat is in complete compliance with plans approved earlier in the Preliminary Plat process.

2. Replats

   A replat (i.e., resubdivision) that makes changes to a previously approved Final Plat requires the filing of a new Final Plat. A replat follows the same procedures outlined in this **D. Final Plat**.

3. Final Plat Required

   a) A Final Plat shall not be submitted until Preliminary Plat approval, if applicable, is complete.

   b) Said Final Plat shall be prepared by, and have the seal of, a professional surveyor. The survey shall be prepared using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.

4. Submittal of a Final Plat Application

   a) Following a pre-application meeting (**Sec. 34-3.B**), any required early notification (**Sec. 34-3.H**), and any required Preliminary Plat approval, an applicant may submit the Final Plat application in conjunction with Construction Plans (if applicable).

   b) Applications shall be subject to a Determination of Completeness as outlined in **Sec. 34-3.C.4. Complete Application**.

5. Consideration of a Final Plat Application

   a) In accordance with NMSA 3-20-7, the City shall take action to either approve or disapprove the Final Plat within 35 days of the plat's Official Submittal Date. Upon agreement that a delay is appropriate, the applicant may be required to submit a statement waiving the right to action within this timeframe.

   b) Administrative Approval of Final Plats

      i) For Final Plats following an approved Preliminary Plat, the Community Development Director shall review and approve the application in accordance with **Sec. 34-3.C. Application Processing**.

      ii) For Final Plats that do not follow an approved Preliminary Plat, the DRC shall provide a recommendation and the Planning & Zoning Commission shall approve the application in accordance with **Sec. 34-3.C. Application Processing**.

   c) Effect of Final Plat Approval

      The Final Plat shall not be filed until all improvements have been constructed, inspected, and ready for approval and maintenance acceptance by the City. Upon approval and filing of the Final Plat, the applicant may sell lots and apply for Building Permits.

      i) If the construction of public improvements will be delayed in accordance with **Sec. 37-4.C.1.a)**, Performance Security shall be submitted with the Final Plat and Construction Plans.

      ii) If the construction of public improvements is substantially complete, the City shall authorize the applicant to file the Final Plat and may issue building permits. See **Sec. 37-4.D. Substantial Completion** for more information.

   d) Revisions to an Approved Final Plat

      i) No changes, revisions, erasures, or modifications shall be made on the Final Plat.

      ii) No Final Plat shall be filed and recorded prior to the satisfaction of all requirements and conditions.

e) Expiration

If the applicant has not filed a Final Plat within three years of the date of approval, the Final Plat shall expire.

f) Appeals

Any appeals shall be processed in accordance with **Sec. 34-3.F. Appeals**.

6. Final Plat Submittal Requirements

The Final Plat shall be provided electronically in PDF format on 18-inch x 24-inch sized pages at a scale that legibly and adequately represents the information. Once approved, the Final Plat shall be prepared for filing on 18-inch x 24-inch Mylar sheets at a scale that adequately represents the information. Copies provided shall be legible. If more than one sheet is used, all sheets must be indexed and contain an index map showing the relationship of the sheet to the whole. The following materials shall be submitted for a Final Plat unless specifically added or waived in accordance with **Sec. 34-3.C.3. Modification, Addition, or Waiver of Required Submittal Materials**.

Final Plat Submittal Requirements
Application.
Application submittal fee.
Name of subdivision.
Total acreage of subdivision to nearest one-hundredth of an acre.
Date of preparation, north arrow, written and graphic standard engineering scale.
Detailed area/vicinity map showing existing road networks to include a minimum of two major thoroughfares, outline of surrounding parcels and existing natural and/or constructed features that may impact the development. Detail must be sufficient for the subject property to be located in the field using the map.
A separate sheet identifying any adjacent property owned, legally controlled by, or of any development and/or financial interest to said subdivider.
Signed statements by the subdivider dedicating public rights-of-way and granting all required easements for public use. Also include a statement that the subdivision is planned with the free consent of and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgment of deeds. For consistency on all plats, the dedication statement shall read as follows: DEDICATION THE TRACT HEREON IS TO BE KNOWN AS _____ SUBDIVISION. ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED. THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON.
Name and address of subdivider.
Name and address of the person, corporation or organization preparing the Final Plat.

Final Plat Submittal Requirements
Certification block for Planning & Zoning Commission chair and secretary.
Certification block(s) by authorized representatives from respective utility companies (cable, telephone company and electric company, etc.).
Certification and seal by a Professional Surveyor in accordance with the laws of the state, certifying the accuracy of the survey and the plat, and that the surveyor prepared or supervised preparation of the plat.
An accurate and complete boundary survey of the land to be subdivided that meets or exceeds the Minimum Standards for Surveying NMAC 12.8.2. • The name of the surveyor who performed the survey shall be provided. • Boundary survey will include all monuments found accepted/rejected and set. • Boundary lines shall be given in bearings (degrees, minutes, and seconds). • Distances will be shown in feet to the nearest hundredth. • Curved boundary lines will provide sufficient data to be reestablished on the ground and will include central angle, radius, arc length, chord bearing and distance.
Subdivision shall be tied to an existing established monument. Subdivision will use the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico.
Bearings and lengths for all lot lines and rights-of-way lines existing or proposed. Lines to be eliminated shall be designated and identified by dashed lines.
Names of streets, rights-of-way widths of all streets, commercial alleys, green ways, bikeways, trails, and other transportation links shall be so designated.
Provide record information (book and page or plat) dedicating existing rights-of-way.
Number to identify each lot; Acreage of each lot; Letter to identify each block.
Location, dimensions, and purpose of all easements, existing or proposed, and any limitations thereof. For existing easements, provide recording information book and page. All easements shall indicate its purpose and intended user. Any easement dedicated to the City shall state “the easement is intended for public use and shall be dedicated to the City of Las Cruces upon the filing of this plat”.
Adjacent land ownership within 100 feet as of the date drafted for submittal. Note subdivision and/or owner’s names and filing information: book, page and date.
Outlots or tracts designated by letter, with disposition indicated in the Note section. Location of land intended to be converted or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision shall be so identified. The purpose of each outlot and the responsibility for maintenance of all tracts shall be noted. All outlot or tracts shall indicate its purpose and intended user. Any outlot or tract dedicated to the City shall state “the outlot or tract is intended for public use and shall be dedicated to the City of Las Cruces upon the filing of this plat”.
Floodplain shall be clearly graphically delineated and noted.
Necessary easements for EBID or community ditches in relation to irrigation.
Ponding icon. For lots utilizing on-lot ponding, an icon shall be placed on the lot in the approximate location of the proposed ponding area. A note referencing the ponding icon shall also be present on the plat and reflect the purpose and the lot owner’s responsibility for maintaining the ponding area.

Final Plat Submittal Requirements
A note placed on the plat stating: "Subdivider responsible for utility stub-outs and for providing any and all easements necessary to provide utility service to lots contained herein."
Appropriate documentation shall be submitted to show proof of water service and approval of sewage disposal. (Applicable if the subdivision will not be utilizing City services.)
Address plat. The address plat shall be submitted as a PDF sized for 18-inch x 24-inch sheets at a scale that adequately represents the information. The following information shall be required: • Title of subdivision; • Approved lot layout; • Lot and block numbers; • Street name; • Street address for each lot (Community Development Department will provide the addresses); and • Neighborhood delivery and collection box unit location (NDCBU), if applicable.
A traverse closure sheet (computer printout) for the exterior boundaries of the entire tract and for each parcel within the tract, except any parcels that are true rectangles.
Approved Master Traffic Impact Analysis ~~(unless already provided with a Preliminary Plat)~~. Refer to **Sec. 38-2.G. Traffic Impact Analysis**, ITE Traffic Impact Analysis guidelines, and other requirements as approved in consultation with the Public Works Director.

Master Drainage Study (unless already provided with a Preliminary Plat). The purpose of the master drainage study is to identify major drainage ways, ponding areas, locations of culverts, bridges, open channels and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The digital format of the report contents must be provided (e.g., AutoCAD, HEC-RAS, etc.).
• The report shall include, but not be limited to, the following information and calculations:
  ○ Calculation for peak flow from all offsite tributary drainage areas.
  ○ Calculations for peak flow within the proposed development for all drainage basins larger than 20 acres.
  ○ Preliminary analysis of 100-year floodplain and major drainage ways.
  ○ Closed sub-basin analysis of 100-year floodplain and major drainage ways.
  ○ Discussion and analysis of downstream drainage facilities.
  ○ Discussion of anticipated drainage problems within the proposed development and possible solutions.
  ○ Report shall be typed on 8½-inch x 11-inch pages.
• Drawings for the master drainage study shall include, but not be limited to, the following:
  ○ Any and all floodplains and flood ways must be identified. A copy of applicable FEMA floodplain map is required indicating limits of current study.
  ○ Existing topography.
  – For land that slopes less than approximately five percent, show contour lines at intervals of not more than two feet.
  – For land that slopes more than five percent, show contour lines at intervals of not more than five feet.
  – Location and size of existing and proposed open channels, storm drains, retention/detention areas, and other drainage structures.
  – Identification of all drainage basins in the development.
  – Location of all streets in/adjacent to the proposed development.
  – Identification of all drainage basins tributary to the proposed development.
  – Basin maps may be scaled as small as 1 inch = 2,000 feet. Orthophoto maps at a scale of 1 inch = 200 feet are preferred. (Use the most appropriate scale available)
Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of sub-basins analyzed in the report shall be held to the smallest practical amount.

Sec. 37-4. Adequate Public Facilities

A. Subdivider Responsibility

1. The subdivider of any approved subdivision shall be responsible for all on- and off-site infrastructure and utility improvements necessary for filing the Final Plat.
2. The subdivider shall be responsible for any necessary off-site utility extensions required to provide service, unless such extensions are already part of the utility capital improvement program.

B. Adequate Public Improvements~~Facilities~~ Required

1. Land proposed for development must be adequately served by essential public improvements~~facilities~~ and services, including but not limited to water, wastewater, roadway facilities (e.g., street lighting, traffic signals, parking, and traffic control devices), bicycle, pedestrian, drainage, and park facilities. Requirements for such facilities are outlined in **Chapter 38. Development Standards** and Volume I of the Code of Ordinances.
2. Land shall not be approved for platting or site development until adequate public ~~facilities~~ improvements necessary to serve the development exist or provision has been made for the facilities.
3. A public ~~facility~~ improvement is considered sufficient when it is demonstrated to have available capacity to meet the demand generated by the proposed development, other adopted master plans for public facilities, and applicable capital improvement plans.

C. Installation and Acceptance of Public Improvements

1. Public Improvements Required for Final Plat

   Public improvements shall be constructed, installed, inspected, and ready for approval and maintenance acceptance by the Public Works Department prior to the filing of an approved Final Plat.

   a) Exception: The Public Works Director may authorize a delay in the installation of public improvements for up to 24 months following Final Plat approval.

      i) A form of Performance Security and a bid from the contractor shall be filed with the City, along with a development agreement outlining the improvements to be completed, any cost sharing agreements (e.g., oversizing), and other terms as required by the Public Works Director.

         a. The amount of such Performance Security must cover 125 percent of the projected cost of all required improvements agreed to by the Public Works Director. The amount shall be based on the projected costs that the City – not a private developer – would incur at the time improvements are scheduled for completion.

      ii) Any of the following types of security shall be filed with the Community Development Director:

         a. Performance bond. A surety bond acceptable to the City to cover estimated costs of improvements.

         b. Escrow account. An account established with a financial institution in the amount of the projected costs of improvements.

         c. Irrevocable stand-by letter of credit. Irrevocable authority to draw a draft for the projected cost of improvements.

         d. Cashiers' check. An amount of security acceptable to the City to cover estimated costs of improvements.

         e. Any other form of security approved by the Community Development Director, Finance Director, and legal staff.

      iii) The City shall not issue any building permits within the subdivision until all improvements have been installed and inspected or are otherwise in compliance with **D. Substantial Completion**, unless Performance Security is provided.

iv) If the City determines that the subdivider will not construct any or all of the improvements in accordance with the specifications, the City may withdraw and employ from the deposit of collateral such funds as necessary to construct the improvements in accordance with the specifications.

2. Acceptance of Improvements

a) Following completion (or Substantial Completion in accordance with **Sec. 37-4.D** below) of all public improvements, the subdivider may request the City to conduct an inspection and consider acceptance of the improvements.

i) For acceptance of utility improvements, and prior to connection to the City's utility system, the subdivider shall submit utility Record Drawings for review and approval in accordance with the Public Works Department's and Utility Department's established record drawing submittal requirements.

ii) For acceptance of park improvements, the subdivider shall submit park construction document plans for review and approval by Parks & Recreation Department Director. Such plans shall be submitted to the Parks & Recreation Department through the Community Development Department.

b) The subdivider shall make a written request to the Community Development Director for final acceptance of all subdivision improvements. Along with the written request, the City shall require the submission of Record Drawings in accordance with **3. Record Drawings Submittal Requirements** and a detailed material listing. The City shall inspect said improvements to determine whether the infrastructure is acceptable and whether it conforms to the approved Final Plat and construction drawings.

c) The Community Development Director may formally accept said public improvements for City maintenance upon receipt of a written report of recommendation for acceptance and from the Public Works Director, Utilities Director, and Parks & Recreation Director that all applicable facilities have been fully installed in accordance with the plans, as approved, and that they are in conformance with the requirements of this Code.

d) The Community Development Director will notify the subdivider via letter (mailed or electronically mailed) as to whether the improvements will be accepted for City maintenance. The improvements will be accepted only with the concurrence of the Community Development Director, Public Works Director, Utilities Director, and Parks & Recreation Director.

3. Record Drawings Submittal Requirements

a) Record Drawings shall be submitted to the Public Works Director and Utilities Director for review and approval.

b) The computer-aided drawing file to be submitted shall be labeled with the contractor's name, the engineer's name, the subdivision name, the subdivision location, and the final inspection date. The computer-aided drawing file shall be the file used to generate the final Record Drawings (hard copy). The computer-aided drawing file shall depict the final as-builts with the rights-of-way and the subdivision tied to an existing established monument and using the City Coordinate System or approved coordinate system as outlined in the Minimum Standards for Surveying in New Mexico. The computer file drawing shall be in one of the latest two versions of AutoCAD, or in a similar 100 percent compatible and transferable file. Prior to submittal of the digital Record Drawings, the project engineer shall enter into a digital file agreement with the City. The purpose of the digital file agreement is to protect the project engineer from liability in the event that the drawings become altered in any manner not approved by the City and the project engineer.

c) Said drawings shall be signed and sealed by a registered engineer of the state. The drawings made from the design drawings based on the contractors' as-builts and the computer-aided drawing file shall provide the following information for City review:

i) Grade changes. Reflect all changes in grading from the approved plan and profile sheets, including but not limited to curb elevations, property line elevations, drop inlets, curb return elevations, tops of manholes, and inverts.

ii) Street alignment changes. Designate any alignment change within a street right-of-way that deviates from that shown on the approved plan and the profile sheets.

iii) Detail sheet changes. Reflect any change in street cross sections, retaining walls or other general details that have been altered from the approved construction drawings.

iv) Utility changes. Designate all utility changes that deviate from the approved plan and profile sheets.

v) Park changes. Reflect any changes in park features that deviate from the approved plan.

d) Additionally, a detailed material listing shall be required. The materials listing must be a tabular listing that includes, wherever appropriate, mains (sewer mains must include depth), valves, manholes, fire hydrants, number of service lines, and number of drainage inlets. These materials must be represented in the listing by the standard measure or by the unit installed (e.g., linear foot, number of each). The listing must be separated by utility function for potable water, wastewater, storm drainage, and energy/gas. The listing must include:

i) Developer's name;

ii) Subdivision name and location;

iii) Date of final inspection;

iv) Quantity and unit of materials installed (e.g., 250 linear feet, eight each);

v) Cost of improvements; and

vi) Material description, including size or dimensions (e.g., 4-inch PVC main).

D. Substantial Completion

In order to ensure the health, safety, and welfare of City residents and the ability of City departments to deliver required services, Final Plat will not be filed and Building Permits will not be issued until a subdivision has reached substantial completion as defined herein.

1. Infrastructure Required

a) Installation of the following systems, in their entirety, shall be completed prior to issuance of a building permit(s) (if applicable to the development):

i) Complete roadway sections (subgrade, base course, asphalt paving, curb and gutter, sidewalks/multi-use paths for Arterial and Collector Streets);

ii) Complete and electrified streetlighting system (or proof is provided that electrical work is in progress);

iii) Complete water, wastewater, energy/gas, and drainage systems as shown and authorized on the permitted construction drawings;

iv) Electrical and gas utility connections (or proof is provided that electrical and gas utility connection work is in progress);

v) Dedicated parks and trails (unless an agreement with the Parks Department has been established for improvements to be installed at a later date);

vi) Retaining structures and retaining walls;

vii) Any off-site infrastructure improvements; and

viii) Installation of mailbox clusters or other USPS-approved mail delivery systems.

b) Minor punch list items may remain, as determined by the City's project manager. Examples of such items may include signage (excluding traffic control), park equipment, landscaping, and screening walls.

2. Administrative Approval

The Community Development Director shall confer with the Public Works Director, Utilities Director, and Parks & Recreation Directors, along with any other reviewing agency affected by the delayed public improvements, for

their approval. When Substantial Completion has been confirmed, the Community Development Director shall approve the filing of a Final Plat and issuance of Building Permits.

3. Effect of Approval

   a) Upon Community Development Director approval, a Final Plat may be filed and a Building Permit may be issued.

   b) All other proposed construction or activities that require the Building Permit must be determined to comply with applicable standards and regulations.

   c) No final inspection of buildings or structures may occur, no Certificate of Occupancy may be issued, no public potable water service may be provided, and no building may be occupied until all items are completed.

4. Completion of Other Required Improvements

   a) Any delayed improvements shall be guaranteed in accordance with **Sec. 37-4.C.1** above.

   b) If required improvements have not been installed within the 2-year period, the Community Development Director may approve one extension of no longer than 6 months.

   c) Any further extension of time for completion of required improvements shall require approval of the Planning & Zoning Commission.

   d) Updated improvement cost estimates and additional performance security may be considered as a condition of any approved extension.

5. Plat Note

   The following note shall be included on all Final Plats filed using the Substantial Completion provisions contained herein: “Substantial completion of the subdivision’s public improvements must be obtained prior to City issuance of building permits for lots contained within this subdivision.”

Chapter 38. Development Standards

Sec. 38-1. Development Standards General Provisions

A. Title

This chapter shall be known and shall be cited as the “Development Standards” of the City of Las Cruces, New Mexico.

B. Purpose

Each section contained herein specifies the purpose of the regulations.

C. Applicability

Each section contained herein specifies the applicability of the regulations.

D. Adequate Public Facilities Required

Adequate public facilities are required in accordance with **Sec. 37-4. Adequate Public Facilities**. A public facility is considered sufficient when it is demonstrated to have available capacity to meet the demand generated by the proposed development, the Comprehensive Plan, other adopted master plans for public facilities, and applicable capital improvement plans.

E. Lot Type and Dimensional Standards

Lot design shall meet the lot type and configuration requirements and provide adequate width, depth, and shape in accordance with the standards outlined in **Chapter 36. Zoning Regulations**.

Sec. 38-2. Roads, Rights-of-Way, and Parking

A. Purpose

The purpose of this section is to regulate various transportation-related issues associated with public and private development, such as street design criteria, street layout, access management, installation of streetlighting, and preparation of traffic impact studies. In all transportation decisions, safety shall be prioritized to ensure the well-being and protection of every individual traveling within the City. These regulations are intended to provide a transportation network that accommodates pedestrian, bicycle, mass transit, vehicular traffic, and emergency services. Development shall be supported by a connected street network having adequate capacity, ingress/egress, traffic circulation, low traffic speeds, safe pedestrian and bicycle facilities, and mitigation of urban heat impacts.

The applicant shall ensure that the subdivision plat is served by an adequate roadway network, including local streets, collectors, and arterials, and shall be responsible for the costs of rights-of-way and street improvements in accordance with the following requirements and standards. The location and design of the transportation network shall be guided by the Active Transportation Plan, the Comprehensive Plan, and requirements of this section.

B. Applicability

1. All new and reconstructed roadways shall meet the requirements contained herein. Other best practices resources that may be referenced and enforced by the City include, but are not limited to, publications developed by organizations such as NMDOT, AASHTO, FHWA, ITE, and NACTO, and federal requirements such as ADA and PROWAG. The most current version of these publications may be used along with engineering judgement to justify waivers from the criteria outlined in this document, if needed, in support of the vision and goals of the City of Las Cruces.
2. Designation of a particular street shall be determined by the following classification in accordance with the Comprehensive Plan Future Thoroughfare Map, Mesilla Valley MPO Future Thoroughfare Map, Active Transportation Plan, and Long-Range Transit Plan, any location- or corridor-specific plans, and other City Council adopted plans.
3. These regulations are intended to promote a hierarchy of connected streets where arterials connect to collectors and collectors connect to local streets to provide a multimodal connectivity that is conducive to pedestrians and bicyclists.

C. Street Design Criteria

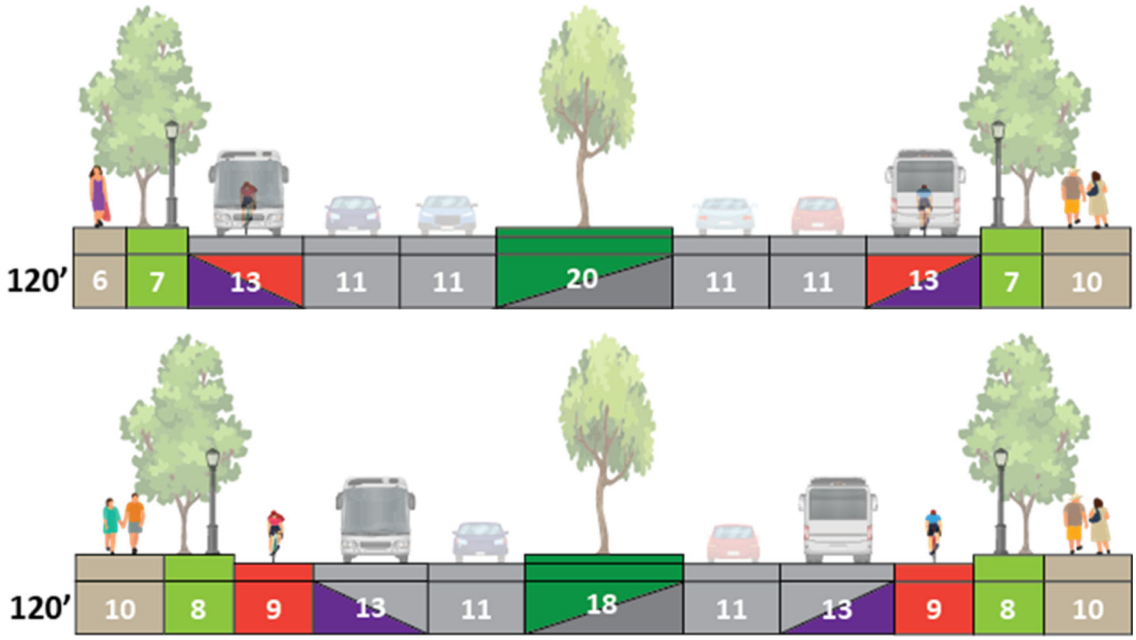
1. This section provides requirements for new construction of a roadway network that provides safe transportation for all modes, along with possible infill alternatives to accommodate reconstruction within limited rights-of-way.
   a) If more than one cross-section configuration is shown below, in Figure 38-2-1- Roadway Cross-Sections, the applicant shall have the option to select the configuration appropriate for the proposed development with consideration of the surrounding neighborhood or area. If there are proposed modifications to the cross-sections outlined within this Code, then the Development Review Committee may approve alternative cross-sections.
   b) The ~~following~~ cross-sections shown in Figure 38-2-1- Roadway Cross-Sections are illustrative ~~are~~ minimums and the Development Review Committee reserves the right to require additional or reduced improvements and/or right-of-way as necessary to meet City goals and plans.
2. The subdivider shall dedicate all rights-of-way in accordance with this section.
   a) Requirements for dedication of rights-of-way and improvement of approach roads, signalization, median breaks, additional lanes, and other traffic mitigation or safety improvements may be increased depending upon the size or density of the proposed development, if the need is demonstrated by a Traffic Impact Analysis, or to accommodate drainage and/or sustainable practices.

3. The roadway network for new subdivisions shall also meet the requirements of any required traffic impact analysis (see **Sec. 38-2.G. Traffic Impact Analysis**).
4. All arterial, collector, and local streets shall include curb and gutter drainage systems. Modifications to the curb and gutter drainage systems are permitted for stormwater harvesting if approved by the Development Review Committee. In the roadway cross-sections contained herein, the curb is included in the parkway or multi-use path/sidewalk and median widths shown herein, while the gutter width is included in the travel lanes. Traffic instruments shall be located within the utilities and street furniture easements.
5. Where required by the City or proposed by the subdivider, any alleys shall be constructed based on the requirements of this section.
6. Facilities for pedestrians and bicyclists must consider urban heat mitigation measures, including but not limited to shade and cooling surfaces, in accordance with the City's Urban Heat Study.
7. Green infrastructure and low-impact development is encouraged whenever possible. See **Sec. 38-4. Low-Impact Development and Green Infrastructure** for more information. The recommendations provided by the National Association of City Transportation Officials (NACTO) in the Urban Street Design Guide Stormwater Management section may be utilized as a reference for the development of green infrastructure along roadways within the City limits.
8. For intersection design, no fire apparatus shall encroach into oncoming traffic without specific approval of the Fire Marshal. An auto turn truck radius diagram shall be required to show a fire apparatus can meet intersection design requirements.
9. The capacity of on-site intersections and facilities shall be sufficient to prevent traffic entering the site from backing up on to the adjacent street.
10. The roadway network shall incorporate any required ADA paratransit (Dial-a-Ride) improvements (e.g., signage, accessible station design) required by the City.
11. All streets, including curb and gutter improvements, sidewalks, multi-purpose paths, streetlighting and all associated costs (subject to the City's adopted cost-sharing policy described in **Sec. 38-2.I.9.b) Developer Responsibility**), and other required infrastructure shall be provided by and at the expense of the subdivider. The subdivider shall dedicate all rights-of-way in accordance with this section and install all improvements in accordance with the standards required by this section. See **Sec. 37-4.D. Substantial Completion** for more information regarding the timing of infrastructure installation.
12. If an arterial or collector is bordering subdivision boundaries with another property owner, the subdivider shall dedicate half the required rights-of-way in accordance with this section and install all required improvements within this area in accordance with the standards required by this section. The limits of the required improvements are not limited to the frontage of the subdivision boundary and may extend beyond the limits of the subdivision to meet the City's safety and street network connectivity goals (e.g., when required by a Traffic Impact Analysis, tapering to align with connecting roadways, etc.).

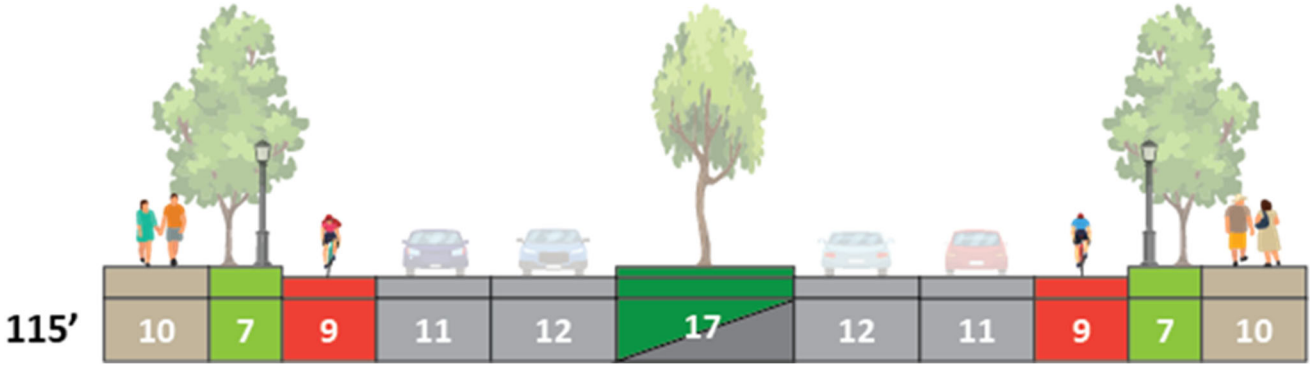
Figure 38-2-1. Roadway Cross-Sections

Element	Description
	Travel lanes shall meet the roadway cross-sections widths of this section. The DRC may modify lane widths based on Character Areas, neighborhood characteristics, adjacent land uses, and other factors. For roadways with low travel speeds, the roadway design should include elements that provide for a safe and comfortable roadway for cyclists sharing the road.
	A parking lane may be required for new development in Urban Character Areas and Suburban Character Areas. When parking is placed adjacent to a bikeway, the bikeway shall be placed on the street side of the parking lane unless an alternative design is approved by the DRC.
	Bikeways shall meet the roadway cross-sections of this section. A bikeway facility shall be a buffered or protected bike lane with at least a three-foot buffer and six-foot lane for principal and minor arterials unless modified by the DRC. The DRC may also require physical barriers within the buffer, such as delineators or curbing to provide further protection to bicyclists.
	For Urban Character Areas and Suburban Character Area, the DRC may determine that a dedicated transit lane is required for new development to provide continuous use for transit vehicles. Since bus usage is typically infrequent, the lane can also provide access to bicyclists. Appropriate markings and signage shall be utilized for shared lanes and transit lanes as required by the DRC.
	For Local Streets, the DRC may determine that sharrow marking and appropriate signage be installed for these lanes.
	For Urban Character Areas and Suburban Character Area, the DRC may determine that a dedicated transit lane is required for new development to provide continuous use for transit vehicles. Appropriate markings and signage shall be utilized for transit lanes as required by the DRC.
	A multi-use path is a shared path that serves both pedestrians and bicyclists and is the default bicycle facility for new development. Multi-use paths shall have a minimum width of 10 feet, unless modified by the DRC to accommodate infill constraints. Paths narrower than 10 feet are considered sidewalks. At the DRC's discretion, a multi-use path and parkway may be modified in Urban Character Areas to create a wide sidewalk with tree wells exclusively for pedestrian use where the mixing of pedestrian and bicycle traffic may not be appropriate.
	Parkways are an important street design element that provides a buffer between pedestrians/bicyclists and vehicles and supports a zone for street tree installation. At the DRC's discretion, parkway widths may be reduced to accommodate infill constraints. In Urban Character Areas, the DRC may also require tree wells within the parkway to increase the width of the sidewalk zone.
	A median shall be installed based on the cross-sections in this section to serve as a vertical barrier between directions of vehicular travel. The median can also accommodate a left turn lane in certain locations while maintaining an area for a pedestrian refuge. A continuous median is required with no median openings at the time of development unless median opening criteria is met. At the DRC's discretion, a two-way left turn lane may be installed in place of the median for Collectors with four travel lanes or less that have lower traffic speeds and volumes.
	A two-way left turn lane may be installed in place of the median for Collectors with four travel lanes or less that have lower traffic speeds and volumes. A two-way left turn lane must be approved by the DRC.

Principal Arterial

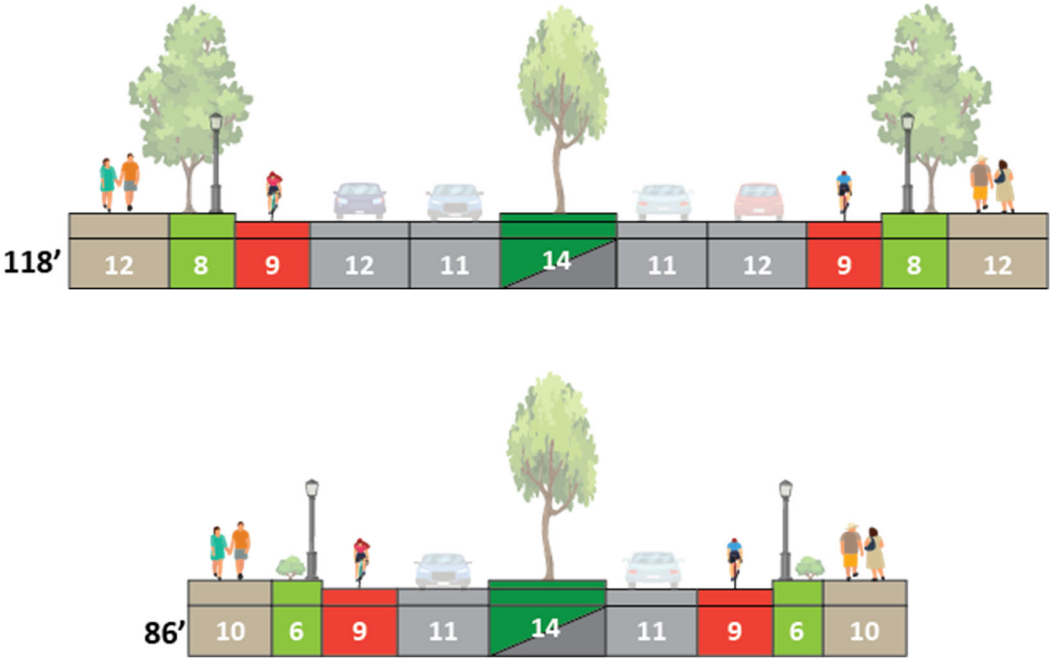


Minor Arterial



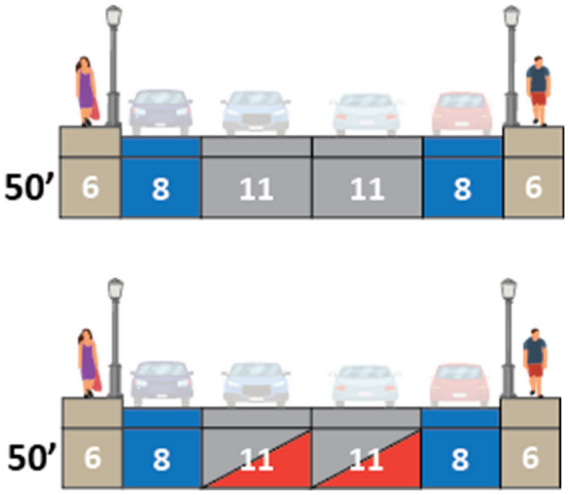
Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

Collector

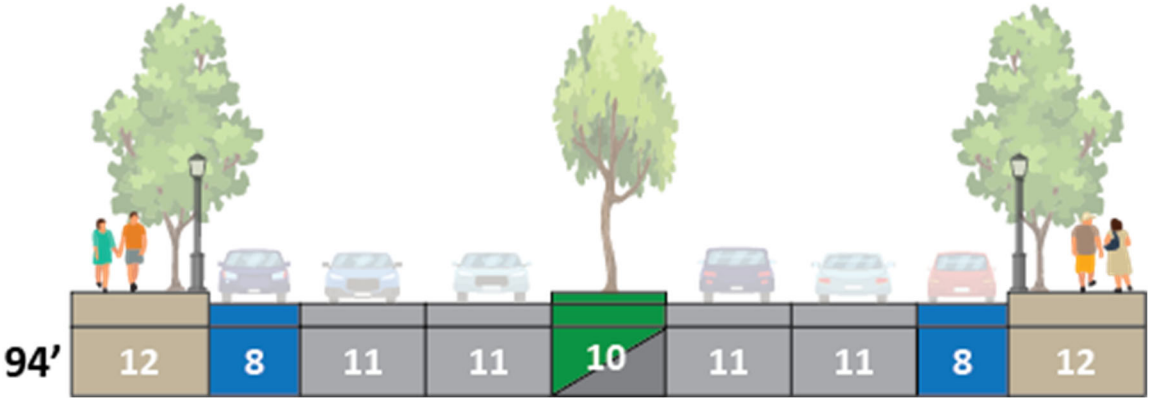


Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

Local Street

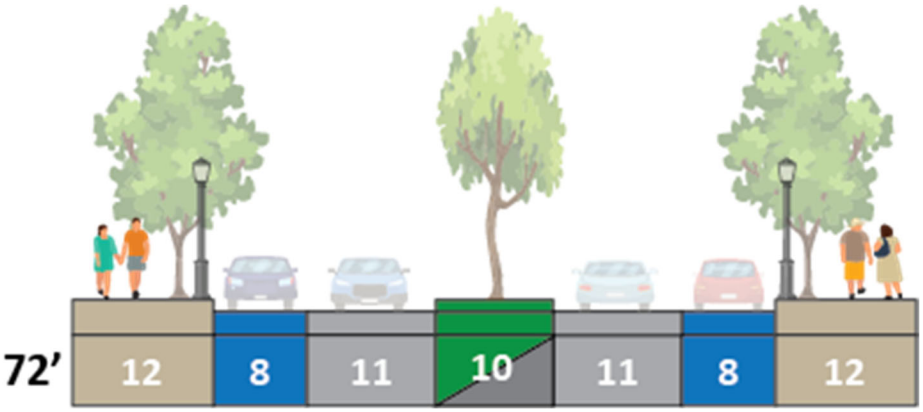


Boulevard

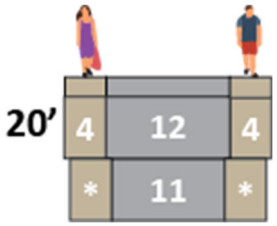


Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

Avenue



Alley



*Asterisk indicates variable right-of-way width based on fire safety or utility needs, as determined by the Fire Marshal or Public Works Director.

Any structures that have alley-only access shall have a 20’ clear paved width alley. The Fire Marshal may require that any structures with alley-only access be fire sprinklered.

Travel Lane | Parking | Bikeway | Bike + Transit | Bike + Travel | Travel Lane + Transit | Median/ Turn Lane | Multi-Use Path/Sidewalk | Parkway

D. Private Streets

1. Standards

   a) No collectors or arterials as designated by the Comprehensive Plan Future Thoroughfare Map may be a private street.

   b) Construction and development of private streets shall meet the standards for right-of-way width and improvement as applied to public streets. All private streets shall be designed, constructed, and maintained to meet City standards. Property owners are responsible for ensuring ongoing maintenance for private streets, including streetlighting, traffic controls, and other related features.

   c) All traffic control devices and regulatory signs on private streets shall conform to those required on public streets.

   d) Streetlighting shall meet the requirements for public streets and shall be entirely at the expense of the subdivider and subsequent property owners.

2. Waiver of City Services

   The subdivider shall note any waiver of services on the subdivision plat. Certain City services may not be provided for private street subdivisions, including emergency services, street maintenance, law enforcement patrols, enforcement of traffic and parking regulations, preparation of accident reports, and payment of costs for street lighting.

3. Homeowners' Association (HOA) Requirements

   a) The subdivider shall provide for the establishment of a homeowners' association (HOA) to assume the obligation of perpetual maintenance of private streets and other improvements held privately, including a mandatory assessment for such private streets, drainage structures, and any other improvements to be placed on all property owners within the subdivision, allowance for City staff to inspect the streets to ensure they are being maintained to City standards, hold harmless provisions as required in this section, and providing for notice to the City of any amendments to these relevant sections.

   b) The HOA shall clearly mark entrances to all private streets with a sign placed in a prominent and visible location indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the City.

   c) All restricted access entrances shall be staffed 24 hours every day, or they shall provide a reliable, alternative means of ensuring access into the subdivision by the City, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification.

   d) Gates on fire apparatus access roads shall open not less than 20 feet of clear-width for two-way gates and 15 feet of clear-width for one-way gates. The method used to ensure City and emergency access into the subdivision shall be approved by the Fire Department and by any other applicable emergency service providers during the Final Platting process. Gates on private streets shall provide a traffic queue analysis and provide adequate on-street storage in advance of the gate.

      i) If the HOA fails to maintain reliable access, the City may enter the private street subdivision and remove any gate or device that is a barrier to access and bill the expense to the association. If the bill is not paid, the City may file a lien for the expense against any property owned by the association.

   e) The HOA, as owner of the private streets and appurtenances, shall release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury or death arising from the condition of the private streets, out of any use of access gates or cross arms, damages arising from emergency response, or out of any use of the subdivision by the City or governmental or utility entity.

4. Consideration of City Acceptance of Private Streets

a) Requirements and Conditions

i) The City shall not be required to accept any private streets for public dedication and maintenance.

ii) Such streets must meet the City's current standards or be brought up to the current standards prior to acceptance.

iii) As a condition of accepting the dedication and maintenance of private streets, the City may impose a requirement for repairs and improvements at private expense prior to acceptance, enter into an agreement for an assessment or pro-rata sharing of costs for repairs or improvements prior to acceptance, or other legal or equitable options to ensure that the streets being accepted are not a liability to the City. The City shall be the sole judge of the nature and extent of repairs or improvements needed.

iv) The City may also require, at the sole expense of the association's or property owner's expense, the removal of any guard houses, access control devices, landscaping, or other amenities located within the streets or common areas prior to City acceptance.

b) Consideration Process

i) The HOA may petition the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members, and the favorable vote of a majority of the membership.

ii) The HOA shall supply documentation that the roadways were originally built to the City's Construction Standards or have been brought into compliance in accordance with **a)ii)** above.

iii) A Final Plat shall be submitted to the DRC for review and recommendation, then submitted to the City Attorney for review and approval prior to submission of this request to the Planning & Zoning Commission and City Council. City Attorney approval is required prior to review by the Planning & Zoning Commission and City Council.

iv) The Planning & Zoning Commission shall consider the request and forward a recommendation to City Council. The City Council shall make their decision based on the public health, safety, and welfare considerations of the community.

E. Street Layout

1. Applicability

New subdivisions shall be supported by a connected street layout that provides for enhanced traffic circulation, interconnectivity, and low traffic speeds. The roadway network for new subdivisions shall meet the International Fire Code and the following requirements in this section.

2. Street Hierarchy

Higher classification roadways will connect to lower classification roadways to promote safer traffic speeds and multimodal connectivity.

a) Arterials may connect to Arterials and Collectors.

b) Collectors may connect to Arterials, Collectors, and Local Streets.

c) Local Streets may intersect/connect as necessary to improve neighborhood/activity center access, connectivity, and public safety.

3. Roundabouts and Traffic Circles

a) Roundabouts or traffic circles shall be the standard form of traffic control provided at all new and reconstructed intersections that meet MUTCD warrants for the installation of all-way stop control or a traffic signal.

i) Exception: The Public Works Director may determine that another configuration is preferable in certain situations.

b) The design of all roundabouts and traffic circles shall be reviewed and approved by the Public Works Director and Fire Marshal.

4. Cul-de-Sacs and Dead-End Streets

a) Cul-de-sac streets are discouraged unless necessary to preserve natural and/or environmentally sensitive features (e.g., drainageways, protected trees) as determined by the Community Development Director.

b) No cul-de-sac shall exceed the length as in **Figure 38-2-3**.

c) No cul-de-sac in any unsprinklered single-family subdivision shall serve more than 25 single-family dwelling units.

i) For purposes of this paragraph, cul-de-sac length shall be measured along the centerline of the cul-de-sac from a point beginning at the intersection of the cul-de-sac street with the centerline of the street from which it extends to the center of the turnaround at the end of such cul-de-sac. For the purposes of measurement, either a full four-way intersection or a three-way intersection shall be considered an intersection.

Figure 38-2-2. Cul-de-Sac Length Measurement

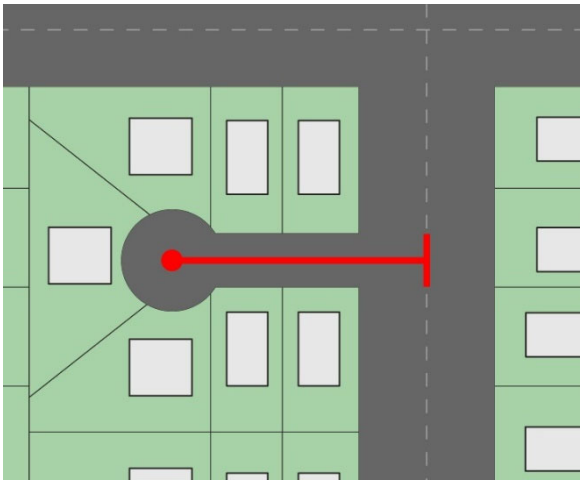


Figure 38-2-3. Width for Cul-de-sac Streets for Certain Activities

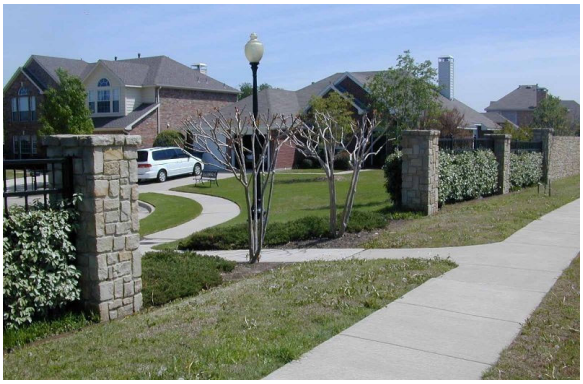
Activity Served	Cul-de-Sac Paving Width*	Cul-de-Sac Right-of-Way Width	Cul-de-Sac Maximum Length	Turnaround Paving Width*	Turnaround Right-of-Way Width
1—25 residential dwellings	38’	56’	600’	960’ diameter	110’ diameter or 100’ with 12’ sidewalk and utility easement**
All Other Development	38’	54’	600’	960’ diameter	110’ diameter or 100’ with 12’ sidewalk and utility easement**
LI, Light Industrial District (Rural, Suburban, Urban) or HI, Heavy Industrial District (Rural, Suburban, Urban)	40’	62’	600’	100’ diameter	120’ diameter

*Measured to lip of curb

**Shall be a minimum of 12’ of right-of-way or right-of-way/easement combination behind curb

d) A cul-de-sac is only permitted if pedestrian and bicycle access is provided to an adjacent or nearby park, roadway, trail, or City-dedicated open space (see example in **Figure 38-2-4**). A minimum ten-foot paved path shall be dedicated and improved to provide pedestrian and bicycle access between the cul-de-sac and adjacent or nearby park, roadway, trail, or City-dedicated open space.

Figure 38-2-4. Cul-de-Sac with Pedestrian Connection



e) No dead-end streets will be approved unless the streets are provided to connect with existing streets or future platted streets on adjacent land. In the case of dead-end streets that will eventually be extended into the adjacent property, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb is provided. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed based on the standards of a cul-de-sac. Signage shall be provided at the street stub identifying the stub as a future connection.

5. Block Length and Perimeter

a) Measurements shall be calculated along the centerline of the street from the centerline or center point of one intersection to the centerline or center point of the next intersection to include knuckles and/or turns and curves, including a three- or four-way intersection or a curve that exceeds 75 degrees, as shown in **Figure 38-2-5**.

b) The maximum length of any block or street segment shall be as shown in **Figure 38-2-6**, based on the location's Character Area. These requirements do not apply to frontages along arterial streets.

Figure 38-2-5. Measurement of Block Lengths and Perimeters

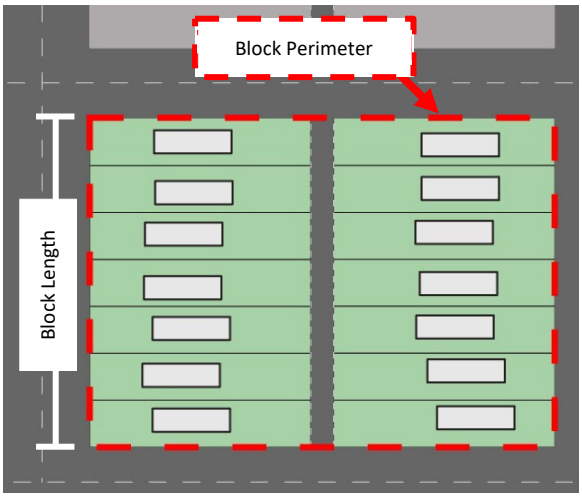


Figure 38-2-6. Maximum Block Lengths and Perimeters

Character Area	Max. Block Length	Max. Block Length with Traffic Calming Measures approved by the DRC*	Max. Block Perimeter
Urban Character Area	400'	600'	2,200'
Suburban Character Area	660'	800'	3,000'
Rural Character Area	900'	900'	N/A

*The Development Review Committee may require additional traffic calming measures based on the design of the blocks and roadway network of the subdivision. Continuous streets with no traffic control may require traffic calming.

6. Traffic Calming

   a) New development shall implement traffic calming measures as required in the Traffic Calming section of the Technical Manual and the Speed Management Policy for Arterials and Non-Residential Collectors.

   b) Arterial, collector, and local street traffic calming implementation, such as roundabouts, shall be installed at the time of roadway development and as approved by the Public Works Director and Fire Marshal based on FHWA guidelines and City requirements.

7. Alleys

   a) Alleys are permitted in all new development and redevelopment projects.

      i) If alley access is provided, then the Development Review Committee may modify the required street cross-section to reduce the right-of-way and/or pavement width accordingly.

   b) Where the average lot width along a block face averages 20 feet or less, the lots shall be rear-loaded with alley access.

      i) Exception: Townhouse lots may be narrower than 20 feet and front-loaded.

   c) The following general requirements apply to alleys:

      i) Alleys shall be as nearly parallel to the street frontage as reasonably possible.

      ii) Alley intersections with streets shall be at right angles.

      iii) Alleys shall not be platted to intersect with arterial or collector streets.

      iv) Dead-end alleys shall not be permitted unless a permanent or temporary turnaround is provided.

      v) Alleys forming the boundary of a subdivision, and adjacent to unplatted property, shall be dedicated and improved the same as if situated in the interior of a subdivision.

8. Alignment, Offsets, and Spacing

   a) Arterials and collectors shall be spaced and aligned in a continuous network that is in a rectilinear pattern. Intersections shall be square, both vertically and horizontally. Street approaches shall be at a 90-degree angle for a length = Intersection Sight Distance (see **H. Clear Sight Triangle**) * 1.5 measured from the center of the intersection.

   b) Offsets for local streets shall be limited to a minimum spacing of 200 feet from centerline to centerline. Offsets between streets may be addressed by roundabouts if approved by the Public Works Director.

   c) Principal arterials shall be spaced at least two miles apart, minor arterials at least one mile apart, and collectors at least one-quarter mile apart.

F. Access Management

1. Applicability

   a) All new development shall comply with the access management provisions of this section, including roadway network connectivity and driveways. All driveways shall be installed on public and private streets in accordance with this section, which defines access widths, spacing and offsets. No person shall construct a driveway without first obtaining a permit from the City.

   b) Where multi-use paths are utilized, driveway access will be limited to minimize conflicts between vehicles and pedestrians/bicyclists.

2. Purpose

   This section provides controls for access management and driveways for residential and nonresidential areas. The purpose of access management controls is to ensure safe ingress/egress, promote convenient access between adjacent sites, and lessen congestion on roadways.

3. Generally

   a) Access point design should be compatible with the function of the roadway since the number, spacing, type and location of access points has a significant effect on capacity, speed, and safety.

   b) Consolidated access points, including the requirement of a dedicated access point via roadway (public or private) or alley to serve all subdivided lots, shall be required for large parcels (e.g., shopping centers or other multi-tenant developments) to reduce conflict points between pedestrians, cyclists, and vehicles.

   c) Construction of all access points, regardless of existing curbs or curb cuts, requires a site plan, which shall be provided to the Community Development Department and Public Works Department if applicable for approval prior to building permit issuance.

   d) The approval of access permits may be granted if both the design and the construction of driveways and median openings are compatible with the intended function of the roadway facility, as defined in this section.

   e) Access management shall meet the following requirements:

      i) Appropriate Throat Lengths

      Appropriate throat lengths (both unobstructed and with cross traffic permitted) for ingress and egress points, stacking and queuing lanes, pedestrian accommodations, bicycles facilities, and any facilities or accommodations which could impact traffic operations along the adjacent roadways or overall traffic safety. The internal circulation system should be designed to preclude stacking or queuing in the travel lanes of adjacent roadways.

      ii) Internal Vehicle Circulation (Internal Roadway Network)

      Internal circulation is the means by which vehicular traffic is delivered between entry points and parking areas, pick-up/drop-off points, and service areas. Internal circulation roadways should permit access between all areas. These roads should be designed to safely and efficiently deliver vehicles and pedestrians to their respective destinations.

      iii) Service and Delivery Vehicles and Access to Waste Containers

      Service and delivery vehicles require separate criteria for movement to and from the site and loading docks – location, size, number, turning movement exhibits, ease of access from street/alley/internal road/parking lot, loading areas. Of particular interest is that adequate turning paths are provided for large service vehicles to allow entry and exit without encroaching upon opposing lanes or curbed areas.

      There should be sufficient separation between external and internal circulation roads so large vehicles can be queued on entry or exit without blocking access to parking spaces or internal roadway circulation systems and include swept path analysis for designated driveway from the public roadways (both ingress and egress and both directions) and loading docks and/or dumpster(s). The number of loading berths provided should be sufficient to accommodate anticipated service and delivery activity.

      iv) Emergency Vehicles Access

      Emergency vehicle access shall comply with the requirements for the most recently adopted International Fire Code Section 503. Fire Apparatus Access Roads.

      v) Queuing Analysis

      Adequate internal and external vehicle queuing storage is crucial for safe and efficient access and circulation.

      For any development, appropriate vehicular queuing should be provided at all access drives. In small developments, parking areas and access points should be designed to allow vehicles waiting to exit to align perpendicular to the off-site roadway system. In large developments, queuing areas should be spacious enough to prevent stored vehicles from obstructing internal circulation and to enable drivers to enter a signalized intersection with minimum headways for maximum flow rates. Queue storage within parking

facilities or parking areas should allow vehicles to enter and come to a stop without blocking internal circulation or causing traffic backups on the off-site roadway. Drive-through establishments like banks, car washes, and fast-food restaurants should have sufficient capacity to accommodate normal peak queues. Since many of these businesses have major daily or seasonal variations in activity, peaking characteristics should be carefully evaluated.

vi) Parking Requirements

The parking provided by the project must be adequate to meet the anticipated use of the site. Off-street parking shall be provided in accordance with **Sec. 38-2.N. Off-Street Parking**. In some cases, special parking demand studies may be provided to assess the adequacy of the parking per ITE guidelines or data from at least three similar sites. Proper parking layout shall not affect traffic flow and operations on the external street systems and internal circulation.

vii) Pedestrian, Transit, Bicycles, and Handicapped Facilities

The overall site plan should also consider public transportation, pedestrians, bicyclists and those with disabilities. Adequate facilities for parking bicycles should be included. Transit facilities, carpool parking, and shuttle bus staging areas should be provided as appropriate for the development. Where provided, these facilities should be located adjacent to service drive and entrance locations, at key locations along circulation drives, or at major pedestrian focal points along the external roadway system. Pedestrian connections between these facilities and the site's buildings must be integrated into the overall project design, and provide maximum accessibility through the use of sidewalk ramps, etc. These connections must also be provided to the public sidewalk, path, or trail systems surrounding the site.

4. Residential Lot Access and Frontage

a) Within the Urban Character Area, where a subdivision abuts or contains an existing or proposed Arterial Street or Collector Street, lots, including residential lots, shall front onto the Arterial Street or Collector Street with the following requirements:

i) Lots shall be accessed from an alley at the rear of the property.

ii) Lots shall not have driveway access to the arterial or collector street.

iii) There shall be a multi-use path along the entire face of the block with lots facing the arterial or collector street.

The Development Review Committee may waive the requirement for frontage onto existing arterial or collector streets where it is determined that, due to existing development or other unique situation, frontage onto an arterial would be overly burdensome to the landowner, result in double frontage lots, or jeopardize the public's health, welfare, and safety.

b) In all areas, residential driveways serving four or fewer units shall not have direct roadway access to an Arterial Street or Collector Street.

5. Subdivision Access Points

   a) All subdivisions shall provide vehicular access to principal arterials, minor arterials, collectors, and/or local streets to provide safe and efficient operations for pedestrians and bicyclists.

   b) The minimum number of access points shall be determined by a Traffic Impact Analysis and/or the Fire Code from the residential subdivision to the arterial or collector streets. The minimum number of access points shall be as identified in **Figure 38-2-7** or as required by the Fire Code, whichever is greater.

   c) Street stubs shall be credited as access points when ingress or egress to a development is available only from a single road on which the subdivision has less than 250 feet of frontage.

Figure 38-2-7. Minimum Access Points

Development Type and Size	Min. Number of Access Points
Primarily Residential Uses	
Less than 30 units	1
Between 30 and 80 units	2
More than 80 units	3
All Other Uses	
Less than 5 acres	1
Between 5 and 20 acres	2
More than 20 acres	3

   i) The provision of additional access points is not possible due to existing lot configurations, the absence of connecting streets, or environmental or topographic constraints;

   ii) The New Mexico Department of Transportation will not authorize additional access points;

   iii) Alternative access can be provided in a manner acceptable to the City that is supported by a Traffic Impact Analysis; or

   iv) All structures are equipped with fire sprinkler systems.

6. Connection to Adjoining Platted Right-of-Way

   The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are developed and have right-of-way platted for such connections.

7. Connection to Adjoining Undeveloped Lands

   The arrangement of streets in a development shall provide for the alignment and continuation of existing and proposed streets into adjoining lands where the adjoining lands are undeveloped and/or deemed appropriate for future development. Streets providing connection into such adjoining lands shall comply with the following:

   a) The arrangement of streets and blocks on the periphery of the development shall reasonably accommodate future development on the adjoining lands that complies with the standards in **E.5. Block Length**,

   b) Dead-end streets shall provide a temporary turnaround constructed to City standards (see **Sec. 38-2.E.4.e)**),

   c) The platting of partial width rights-of-way is prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means, and

   d) The Final Plat shall identify all such streets (street stubs) and include a notation that all street stubs are intended for connection with future streets on adjoining lands.

8. Cross-Access Between Adjoining Multifamily, Nonresidential, and Mixed-Use Developments

   a) General

      i) New development shall be served by a system of sidewalks, paths, greenways, roadways, accessways, and other facilities designed to provide for multiple travel modes (motor vehicle, transit, bicycle, and pedestrian), based on the development's size and character, zoning district, and relationship to

development and development patterns in surrounding areas, and existing and planned community transportation systems.

a. The Development Review Committee may waive certain facilities for smaller developments.

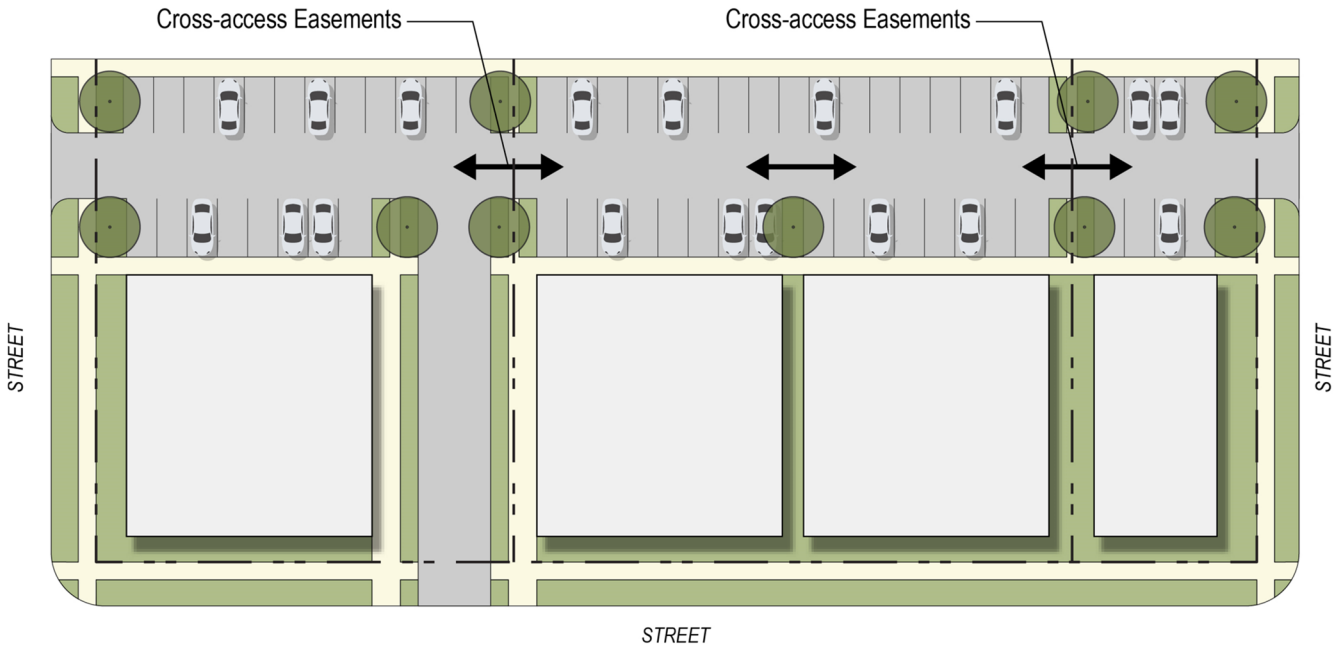
ii) Motor vehicle, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated to provide the development's occupants and visitors transportation options and to enhance safe and efficient mobility throughout the development and the community.

b) Pedestrian and Bicycle Cross-Access

i) Each internal pedestrian and bicycle circulation system in new multifamily, mixed-use, or nonresidential development, shall be designed and maintained to allow for pedestrian and bicycle walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development and to vacant lands.

a. The Development Review Committee may modify the pedestrian and bicycle cross-access requirements upon determining that such cross-access is impractical or infeasible due to the presence of topographic conditions or built or natural features.

Figure 38-2-8. Example of Cross-Access



c) Parking Lots Cross-Access

i) Each internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land. The cross-access shall consist of a driveway or drive aisle(s) at least 27 feet wide or otherwise designed to accommodate a fire apparatus.

ii) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded by the landowner with the Doña Ana County Clerk's Office.

iii) The Development Review Committee may modify the parking lots cross-access requirements upon determining that such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

9. Driveways

a) Driveway Design Elements

Required design criteria are presented in this section to define access widths, spacing, and offsets.

i) All Driveways

a. Driveway design shall comply with the NCHRP Report 659 – Guide for the Geometric Design of Driveways.

b. Driveways shall align with opposing streets and driveways if no raised center median exists on the cross street. However, if it is not technically feasible to align with existing driveways and intersections, proposed driveways shall meet the minimum distance requirements from adjacent street intersections and driveways as specified in **Figure 38-2-11. Minimum Commercial Driveway Spacing by Intersection Type**. The distance from adjacent driveways and intersection shall be sufficient to minimize driveway blockage from queue over-flow from adjacent intersections.

c. Driveways shall intersect at 90-degree approach angles to the primary direction of the abutting roadway, where applicable.

d. The number of driveways should be sufficient to provide adequate driveway capacity for the site yet kept to a minimum to reduce traffic conflicts. Access driveways shall intercept traffic approaching the site as efficiently as possible while providing adequate inbound and outbound access capacity.

e. Abutting properties shall share driveways and driving aisles. A written agreement shall establish the conditions of joint use, of maintenance requirements and of ingress/egress requirements. These agreements shall be approved as to form and content by the City Attorney and Community Development Director and must be referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy. The agreement shall be properly executed by the owners of all affected properties, filed by the owners, and provided to the City once completed.

f. The design of driveways shall ensure that the minimum recommended horizontal and vertical intersection sight distance is adequately provided as defined in the latest edition of AASHTO's A Policy on Geometric Design of Highways and Streets. Adequate sight distances at driveways may include the addition of safety-related improvements including but not limited to right turn lanes, pork chop islands on the side street, slotted left turn lanes on the mainline or other traffic control devices.

g. Acceleration and deceleration lanes may be required on the City street for the access driveway as determined by the New Mexico State Access Management Manual.

h. If a driveway is proposed to be signalized, it should be located to facilitate traffic progression past the site. A signal progression analysis may be required for signalized driveways. Curb re-turn type access is allowed for signalized driveways. The Public Works Director may require additional analysis or improvements for signalized driveways.

i. Minimum throat length based on the type of control and number of lanes in the NCHRP Report 659 Exhibit 5-55 shall be met.

j. All access or driveway locations are subject to Public Works Director approval.

k. The Development Review Committee may modify any provision within this section upon determination that an alternative configuration would produce a more desirable outcome based on topographic conditions or other site-specific features.

ii) Residential Driveways

a. A residential driveway is an entrance to and/or exit from a residential dwelling or dwelling adjacent to a dedicated street, for the exclusive use and benefit of the residents. For driveways serving more than one dwelling on a lot (e.g., duplexes), a shared driveway is encouraged to minimize curb cuts.

b. Driveway widths shall be measured on the property line and no apron shall be closer than six feet from side property lines, except when serving adjacent properties. Driveways shall not be permitted in the taper area of any right-turn lane or any part of a right-turn lane.

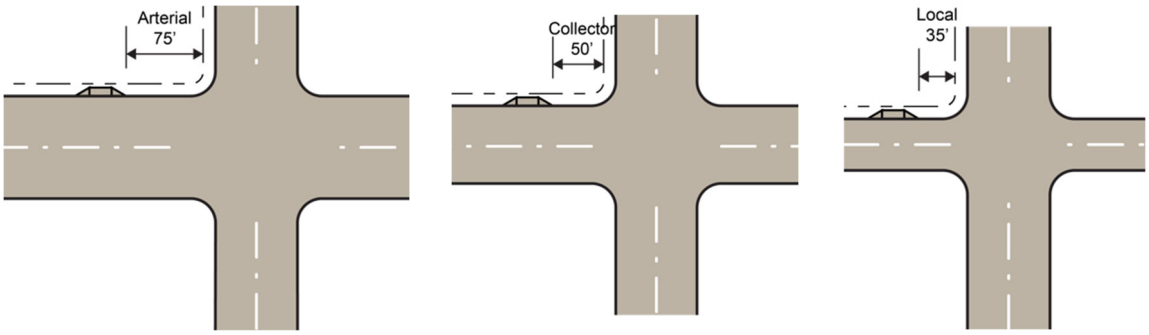
c. The minimum width of a driveway apron shall be 12 feet and the maximum width shall be 27 feet.

d. A minimum of 22 feet of standing curb must remain between any two driveways located on the same lot or single parcel of land.

e. No double or circle driveways shall be installed for lots that are 58 feet or less in width.

f. A corner property driveway apron shall be no closer than 35 feet from the property line at the intersecting local street, 50 feet to the property line along collector streets, and 75 feet to the property line along arterial streets (see **Figure 38-2-9. Minimum Residential Driveway Spacing by Street Type**). Under no condition shall driveways encroach on corner curb returns of intersections or within five feet from handicap access ramps.

Figure 38-2-9. Minimum Residential Driveway Spacing by Street Type



g. All driveways shall extend from any street, alley, or curbline to any garage, carport, or parking space. The slope of a driveway should start from the property line towards~~face of the curb at the gutter to~~ any garage, carport or parking space and not include the sidewalk. ~~shall be no greater than 10 percent for the first 12 feet, and not greater than fourteen percent for any distance thereafter~~. The vertical transition of the driveway shall be designed to prevent contact of any vehicle undercarriage or bumper with the surface. No vehicle may overhang into or block any portion of a sidewalk.

iii) Commercial Driveways

a. A commercial driveway is an entrance to and/or exit from any commercial/industrial/institutional/office business, or similar type of establishment providing access by employees and/or the public adjacent to a dedicated street. For the purposes of this section, commercial driveways also apply to multifamily buildings with five or more units.

b. Driveway widths shall be measured on the property line.

Figure 38-2-10. Driveway Apron Width

Street Accessed	Minimum	Maximum
Arterials	30 feet	40 feet
Collectors	30 feet	40 feet
Local Streets	25 feet	35 feet

c. The width of two-way driveway aprons shall be based on the classification of the roadway that is being accessed (see **Figure 38-2-10**).

d. The width of one-way driveway aprons shall be a minimum of 15 feet per access lane. Gates on fire apparatus access roads shall open not less than 20 feet of clear-width for two-way gates and 15 feet of clear-width for one-way gates.

e. A minimum of five feet of standing curb must remain between one-way curb cuts.

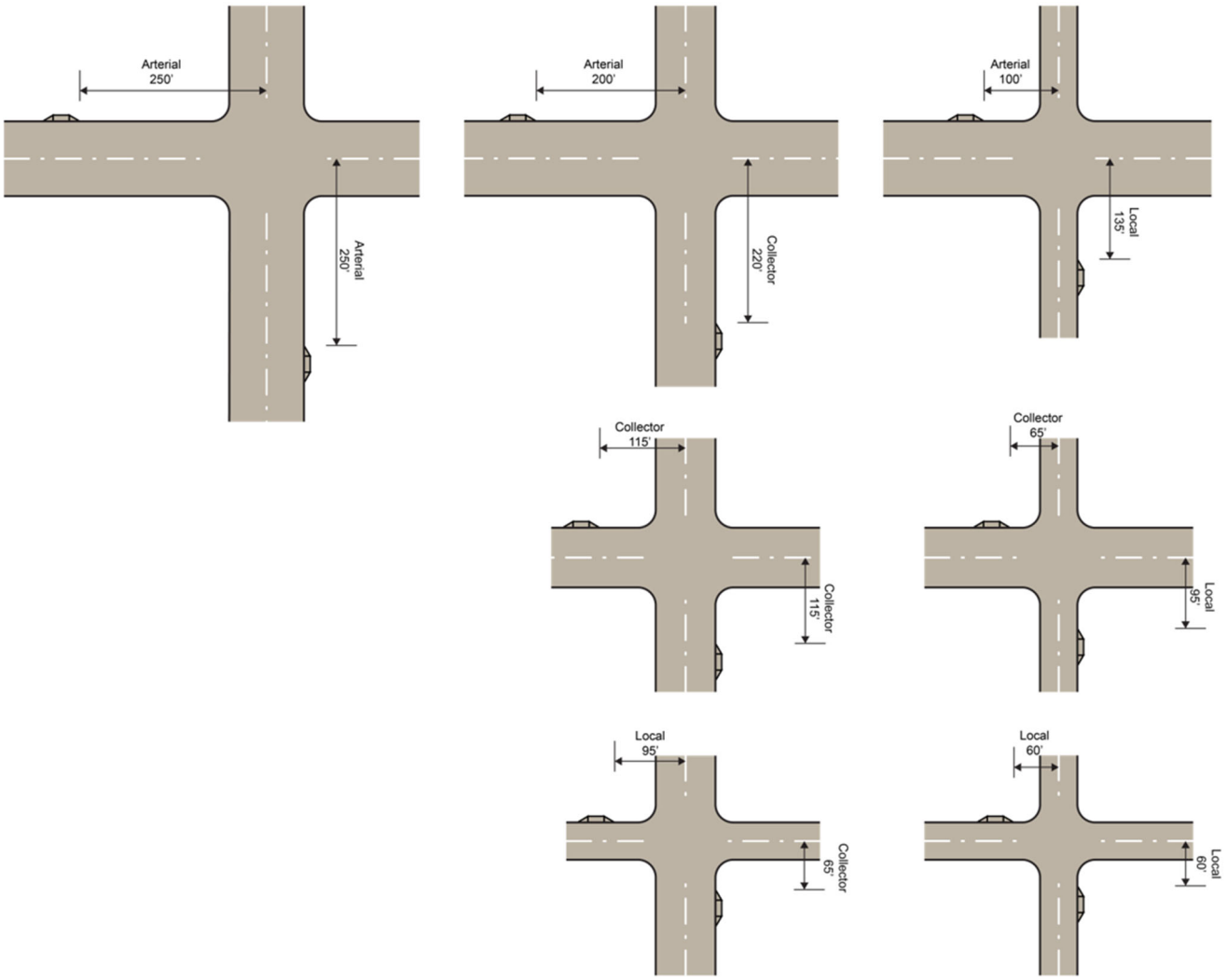
f. Driveway distances to adjacent intersections shall meet the minimum requirements, measured in feet, as shown in **Figure 38-2-11** based on classification of both intersecting streets. The distance is measured from the center of the intersection to the edge of the driveway apron closest to that intersection. These should be considered minimum values whereby longer distances may be required if justified by an engineering study and queuing analysis. Note that if access is along a highway under the authority of the New Mexico State Transportation Department, criteria in accordance with the State Access Management Manual, shall apply. In addition, minimum driveway spacing shall meet corner clearances and Intersection Sight Distance (see **Sec. 38-2.H. Clear Sight Triangle**).

g. Distances shall be measured from the inside edge of the pavement of each driveway or the edge of the intersecting street travel lanes.

h. No driveway shall be closer than ten feet from side property lines, except when serving adjacent properties.

i. When a property is at the corner of two streets, access shall be provided along the intersecting street with the lower classification. For example, if the property is at the intersection of a principle arterial and local street, access shall be from the local street unless access is approved by the Public Works Director on the street with the higher classification.

Figure 38-2-11. Minimum Commercial Driveway Spacing by Intersection Type



j. The location of driveways serving adjacent properties will be reviewed to ensure that they do not create conflicting traffic movements or pose sight distance problems for turning traffic. Where feasible, driveways that serve adjacent properties should be combined into one driveway. Developer must show, in plans, all existing or planned driveways on adjacent properties.

k. The access turning radii shall accommodate the turning radius of the largest design vehicle to routinely use the access. Pedestrian safety across the curb cut also needs to be considered for significantly wide access points. Coordination shall occur with Dial-a-Ride vehicles and other transit related functions to ensure that there is sufficient turning radii to support transit vehicles.

l. A 50-foot minimum turning radius shall be used for an access when combination trucks or single unit vehicles exceeding 30 feet in length are intended to use the access on a daily basis.

m. Construction of all driveways shall comply with the Design Standards and Standard Specifications for Road Construction within the Technical Manual as well as accessibility standards in place at time of building permit issuance.

n. The permittee is responsible for all costs associated with placement and/or removal of driveways accessing public right-of-way. This is to include restoration of existing landscaping, road surfacing, and sidewalk area.

o. Warrants for deceleration and acceleration lanes along with the associated design dimensions at driveway locations shall be in conformance with criteria from the New Mexico Department of Transportation's State Access Management Manual, current edition. The location and dimensions of such shared driveways shall be determined by the Public Works Director. The Public Works Director may require a study to demonstrate that a shared mutual access easement is required for the driveway based on the location and dimension of the proposed shared driveway.

b) Abandonment, Removal, and Restoration Requirements

i) Abandoned Driveways and Median Openings

If any vehicular crossing, other sidewalk crossing, or median opening is clearly abandoned as a crossing, or is no longer used for its intended purpose, any permit previously or hereafter granted for said crossing or median opening as such shall be subject to revocation by the Public Works Director with written justification, only after 60 calendar days written notice of such proposed revocation has been given to the owner of the property to which the crossing or median opening is appurtenant. The owner's name and address will be determined from the Assessor's Office of Doña Ana County. Written notice also will be given to the occupant of said premises, if any, if such occupant is other than the owner. It shall be sufficient notice under the provisions of this and the following section to mail said notices by certified mail with return receipt requested. In the event the name and address of the owner cannot be reasonably ascertained from the assessor's office, and the premises are unoccupied, it shall be sufficient notice to publish said notice in a newspaper of general circulation in the City of Las Cruces, once a week for four consecutive weeks.

a. For the purpose of this paragraph, a crossing or median opening is "clearly abandoned" if there has been no vehicular use of the driveway, crossing, or median opening for a period of at least 24 months.

ii) Removal and Restoration Requirements

In the event the Public Works Director has revoked any permit for a driveway, use of a sidewalk crossing or median opening under the provisions of **i)** above, due to changes taking place within said property, crossing or median opening shall be removed at the expense of the owner of the property. The written notice of revocation shall also set forth requirements for the removal and proper restoration of the curb, sidewalk or median opening. The time allowed for removal and restoration by the owner or occupant shall be 60 days after notice in the cases provided for in **i)** above; provided, however, that upon resolution duly passed by the City Council, that a traffic hazard exists at a nonconforming driveway or median opening which causes imminent danger to life and safety of property, then conformance may be required within a lesser period of time as set by the City Council, but in no event less than 30 days. Each day's delay of the owner in complying with such notice, after the expiration of the time specified, shall constitute a separate violation of this article. If conformance is not attained within the time allotted, the City may make the necessary removal and restoration and the cost thereof shall constitute a lien on said property in the amount of the cost of the required improvements.

10. Median Openings

The location of openings in a median, to allow left-turn ingress and egress movements at a driveway or local street, will be based on the type and operating speed of the roadway, the volume of traffic expected to make the left-turn movements, and the location relative to other intersecting streets, driveways, and median openings. All requests for median cuts or alterations shall be made at the time of request for a building permit, and shall be included on the construction plans.

a) Median Opening Priority

All median openings for City street intersections shall take priority over commercial access in determining location of median openings.

b) Analysis of Median Opening

i) To justify a new median opening, a traffic impact study that defines the ability of the roadway and the driveway to accommodate the opening shall be prepared by a professional engineer in the State of New Mexico, retained by the firm or individual requesting the median opening. The analysis shall include, but not be limited to, the following information:

a. The impact(s) to the operation of adjacent signalized and un-signalized intersections within 500 feet of the proposed opening shall be considered in the analysis.

b. Adequate sight distance requirements for intersections, based on AASHTO criteria.

c. Analysis of potential conflicting vehicular, pedestrian, and bicycle movements with recommendations for eliminating those conflicts.

ii) Shared access points for two or more adjacent individual parcels are required. Future development of adjacent parcels must be considered in determining the opening location.

c) Minimum Median Opening Design Standards

i) Minimum Spacing

A minimum median spacing of 300 feet from adjacent openings shall be required on all collector streets. On arterial streets, spacing shall be as shown in **Figure 38-2-12** if approved by the Public Works Director based on the Traffic Impact Analysis (TIA) Guidelines within the Technical Manual. The Public Works Director may require a study or Traffic Impact Analysis justifying the need. This distance shall be measured from face of curb to face to curb.

Figure 38-2-12. Median Opening Spacing

Street Type	Min. Spacing
From Intersection with Arterial or Collector	500 feet
All Other Openings	300 feet

a. The Public Works Director may reduce the 500-foot required spacing to allow openings as close as 300 feet to arterial or collectors, if justified.

ii) Taper Length

A minimum deceleration taper of 100 feet shall be required on all median openings.

iii) Storage Length

A minimum storage length of 60 feet shall be required on all median openings on City streets, unless the Public Works Director or findings from a prepared Traffic Impact Analysis require additional storage length.

iv) Commercial Access Requirements

For median openings to be considered for commercial access, the median opening must generate traffic, as demonstrated by a projected trip generation, of not less than 25 left-turn ingress or 25 egress vehicles during the peak hour.

d) Median Opening Approval

i) New median openings and associated left-turn storage may be approved by the Public Works Director upon receipt of a traffic impact study justifying the need for the median opening.

ii) Widening, relocating, or other alterations proposed to change or modify an existing median opening, for any reason, must be approved by the Public Works Director, and must meet the requirements outlined in

this section. All future median installations shall conform to this policy and shall be approved by the Public Works Director.

e) Construction Costs for Median Openings

i) The cost of constructing any of the following, for any reason, shall be paid by the party requesting the opening.

a. Constructing a new median opening for private access.

b. Widening, relocating or otherwise changing or altering an existing opening.

c. Constructing a new median opening for access to dedicated public right-of-way.

d. Constructing a new median opening for access to a new subdivision.

ii) All design, demolition, and construction costs are the responsibility of the party requesting the median opening.

f) Landscaping Consideration for Medians

Medians shall be landscaped in accordance with in **Sec. 38-7.D.2. Median and Public Area Landscaping**.

g) Construction Specifications

All construction of driveways or median openings permitted under this article shall be done in a manner as defined herein, and as per the Standard Specifications for Road Construction in the Technical Manual, as amended. All construction of driveways shall be at the expense of the owner of the abutting property, unless such construction is a part of a major City-funded capital improvement project and/or ADA/sidewalk maintenance program.

h) Abandonment, Removal, or Restoration

For abandonment, removal, or restoration, see **Sec. 38-2.F.9.b)** above.

G. Traffic Impact Analysis

1. Purpose

   The purpose of a Traffic Impact Analysis (TIA) is to assess the effects of specific development activity on the existing and planned thoroughfare system of the City. The following addresses the requirements of the TIA relative to the proposed site.

2. Responsibility of TIA Preparation

   When required, the applicant shall submit at the applicant's expense a traffic study that assesses the traffic impacts associated with a proposed development. The TIA must be prepared under the direction of a Professional Engineer (P.E.) licensed in the State of New Mexico with experience in traffic engineering sufficient to assess traffic impacts. The TIA report shall be signed and sealed by the Professional Engineer.

3. Applicability/Determination of Need

   A TIA (or a Specific Traffic Study) shall be required for any development that meets the specific thresholds/ triggers or special situations identified in the table below. The table also lists specific scope requirements such as the minimum study area, issue(s) to be addressed and analysis years based on the type of study/TIA. Generally, a traffic study shall be required for any development expected to generate traffic volumes that will significantly impact the capacity or safety of the street system.

Figure 38-2-13. Required TIA Type

		Specific Traffic Study	Tier I TIA	Tier II TIA
Thresholds/Triggers and Special Situations[1]	Peak hour trips[2]	N/A	50 – 99 Trips	100 or more Trips
	Daily trips[2]	N/A	500 -749 Trips	750 or more Trips
	Special Situations	Refer to **Sec. 38-2.G.3.d) Special Circumstances**	Refer to **Sec. 38-2.G.3.d) Special Circumstances**	Refer to **Sec. 38-2.G.3.d) Special Circumstances**
Minimum Study Area/Issue(s)		Specific issue(s)/concern(s) Identified during a TIA scoping meeting or required by the Public Works Director	Site access driveways	Site access driveways
			All Major intersections and/or roadways within affected areas (signalized or unsignalized)	All Major intersections and/or roadways within affected areas (signalized or unsignalized)
			All driveways/intersections where traffic movements could be affected by new driveway traffic movements	All driveways/intersections where traffic movements could be affected by new driveway traffic movements
			All signalized intersections and major unsignalized intersections within 1/4 mile	All signalized intersections and major unsignalized intersections within 1/2 mile
Analysis Years		As determined during a TIA scoping meeting or required by the Public Works Director	Existing Year	Existing Year
			Opening Year, +5 yrs, +20 yrs[3]	Opening Year, +10 yrs, +20 yrs[3,4]
			Intermediate Year (Multi-phased development)	Intermediate Year (Multi-phased development)

[1.] TIA is required if a development/project meets any of the thresholds or triggers.

[2.] Unadjusted total trip generation anticipated by the development/project per the latest editions of the ITE Trip Generation Manual. Phased projects must be evaluated as a whole assuming full build-out conditions for the purpose of determining the need for a TIA.

[3.] In case of fair share needed

[4.] Regional development

The following provides specific situations where a TIA shall be required:

a) Platting

   A TIA shall be required prior to approval of a Final Plat for a platting proposal when the expected vehicle trip generation exceeds the trip thresholds.

b) Annexation

A TIA shall be required when an annexation is requested by a private entity, and the trip generation of the fully developed land use scenario of the annexed land exceeds the peak hour trip thresholds. This requirement will be waived if the Thoroughfare Development Plan has adequately considered this traffic generation or if the City has initiated the annexation.

c) Building Permit, Driveway Permit, or Development Plan

A TIA shall be required for any building permit, driveway permit, or development plan if the project meets the requirements of **Figure 38-2-13. Required TIA Type**. This requirement includes permits for sites with existing driveways.

d) Special Circumstances

A TIA may be required for a development if the Public Works Director determines that one or more of the following conditions exist:

i) Any project that is located in the vicinity (within a 1/2-mile radius from the project site/limit) of any intersections that operates at a level of service (LOS) D or worse OR located on the congested corridors (LOS D or worse) OR the next major intersection after the adjacent roads and intersections operates at a LOS D or worse.

ii) Traffic generated from a non-residential development has a clear and obvious ingress or egress path-through adjacent residential neighborhoods.

iii) Traffic operational impacts are anticipated by the Public Works Director with a clear connection to the proposed development and identified in writing, such as problems with driveways, left or right turns, signal timing, median openings, or sight distance.

iv) Development requires a new median opening (refer to **Sec. 38-2.F.10.b) Analysis of Median Opening**).

v) The traffic generated by a new development will impact existing traffic problems on adjacent streets that have been documented by the Public Works Director.

vi) The internal street or access system is not anticipated to accommodate the expected traffic generation. This also applies to inadequate internal circulation for developments that create queuing of vehicles such as drive thru or long vehicles such as semi-tractor trailers.

vii) The Public Works Director may require an applicant to conduct a TIA if there is a reasonable expectation that the project may adversely affect pedestrian and/or cyclist safety within the study area.

e) Waiver

A request for waiver of the traffic study may be submitted to the City. The waiver letter must include sufficient information documenting the justification for the waiver. The Public Works Director will review the request and decide whether a waiver can be granted. If a waiver is granted, the applicant may still be required to mitigate impacts as determined by the Public Works Director.

f) TIA Update

Any previous TIA relating to a development shall be updated if the TIA was approved more than three years ago, changes to the development proposal have been made that affect trip generation or traffic patterns, and/or changes in background traffic conditions as determined by the Public Works Director. If an updated TIA is necessary, additional information will be required to:

i) Update changes in the proposed development,

ii) Update or refine assumptions made in a prior submittal,

iii) Provide specific information not available at the time of the previous submittal, and

iv) Provide any new mitigation measures needed and any previously identified mitigation measures that will need to be changed.

If an updated TIA is requested, the applicant may demonstrate the currency of the existing TIA using these four criteria.

4. TIA Mandatory Scoping Requirements

   a) Prior to beginning any study, the applicant and/or their transportation consultant shall contact the Public Works Director and/or other appropriate representatives from the affected agencies when interjurisdictional impacts are anticipated. This meeting is a mandatory pre-scoping meeting. The purpose of the mandatory pre-scoping meeting is to establish assumptions and the process of preparing the study.

   b) The Pre-Scoping Meeting Information Sheet in the Technical Manual for TIA shall be prepared and submitted to the Public Works Director at least ten (10) business working days prior to the pre-scoping meeting.

   c) Based on the agreements reached at the pre-scoping meeting, a scope of work shall be prepared by the applicant's transportation consultant and approved by the Public Works Director prior to commencement of the study.

5. Coordination With Other Public Agencies

   In situations where several agencies must approve a development/project or are responsible for affected roadways, the applicant must contact all agencies to determine issues to be addressed, scope of the study, etc.

6. TIA Requirements

   All TIAs and related studies shall be prepared as per the technical criteria set forth in the Technical Manual. The guidelines in the Technical Manual may be modified by the Public Works Director when unusual conditions indicate that such modification will provide an adequate and safe street network.

H. Clear Sight Triangle

1. Applicability

   Roadways, including intersections, site entrances, and driveways shall comply with the latest AASHTO and NACTO standards and have sufficient visibility to allow motorists to easily travel and enter or exit safely, as well as protect pedestrians and bicyclists.

2. Clear Sight Triangle Required

   At any intersection of two roadways, a Clear Sight Triangle shall be provided for an unobstructed path of sight.

3. Prohibited and Permitted Objects

   a) This area shall be kept clear of any development, landscaping, signage, storage, fencing, or any other object that could impair a driver's view based on the latest AASHTO standards. Certain objects low enough to avoid impairing a driver's view may be permitted if in accordance with the latest AASHTO standards.

   b) An intersecting street or driveway may not be appropriate along a vertical curve when required sight distance from a side street or driveway is not attainable. If the Public Works Director determines that it is essential that a side street or driveway intersect an Arterial or Collector along a vertical curve, then it may be necessary to reduce the vertical curve so that the necessary sight distance is available.

   c) Objects that may be located in the Clear Sight Triangle include, but are not limited to, hydrants, utility poles, utility junction boxes, and traffic control devices, provided that these objects are located to minimize visual obstruction. Objects not exceeding 12 inches wide may be permitted by the Public Works Director.

   d) Any existing trees located within the Clear Sight Triangle will be allowed to remain if all branches are trimmed to a height of ten feet above the point where the pavement meets the edge of the gutter pan on the street immediately adjacent to the tree(s) in question.

   e) No single post or column or combination of obstructions to view within the designated triangle shall exceed 12 inches in thickness at its greatest cross-section dimension.

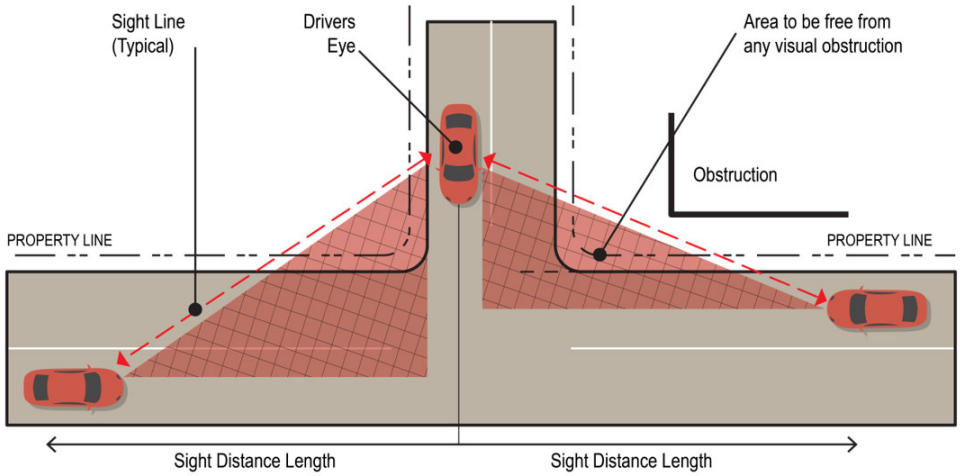
4. Required Dimensions

   a) The Clear Sight Triangle shall be in accordance with the most current AASHTO Green Book guidelines.

   b) The Public Works Director may require larger Clear Sight Triangles than those based on AASHTO Standards in certain cases (e.g., unique intersections, steep grades) by documenting in writing the specific problems being mitigated.

   c) The Development Review Committee may allow an alternative configuration that remains compliant with AASHTO Green Book requirements for Clear Sight Triangle or other safety concern.

~~**Figure 38-2-14. Example of Clear Sight Triangle Application**~~



5. Required Site Plan Note

   The following note is required on all site plans~~/plats~~: "Landscaping, signage, walls, fences, trees, and shrubbery between two feet and ten feet tall (as measured from the gutter pan) are not allowed within the clear sight triangle. Unique street and lot grades may require additional limitations within the clear sight triangle."

I. Streetlighting

1. Applicability

   All subdivisions and developments that significantly alter the street cross-section shall comply with the streetlighting provisions of this section. Streetlighting is necessary to provide illumination and other safety benefits for roadway users during nighttime hours. The City shall designate priority corridors and infill development areas to install streetlights in conformance with this section.

2. Purpose

   The purpose of streetlights is to provide drivers with quick, accurate, and comfortable visibility at night. Residents should realize that the streetlights are provided for traffic safety, not property or personal security. It is true that streetlights do provide some amount of security. This, however, is not their primary intent and streetlights shall not be installed for security reason alone. The following standards apply to all streetlighting to provide adequate illumination for development, minimize light pollution, and promote energy conservation.

3. General

   a) The subdivider/developer shall install streetlighting on all public and private streets.

b) All new streetlighting or any modification to existing street lighting shall meet the most current version of IES RP-8 requirements, as amended, or other prior approved standard. The following statement shall be added to all street lighting plans "This is to certify that the proposed street lighting system for (enter Project Name) complies with the street lighting standards and requirements set forth in the most current version of the Roadway Lighting ANSI/IES RP-8 standards as recommended by the Illuminating Engineering Society (IES)."

c) Streetlighting shall be installed at the locations listed below. Meters shall also be installed to accommodate the streetlighting and to accommodate for any proposed future phases or development.

d) The City will not maintain streetlighting within a ~~for~~ private development(s).

e) All streetlighting fixtures, pole types, and hardware shall be selected from the City's Traffic Signal and Street Lightings Approved Product List.

f) All development should include an IES or other prior approved standard submittal to include digital submission of calculations including in the software format used.

4. Required Placement

a) Spacing for streetlights shall be determined by the requirements of IES. Mounting heights shall typically be 25 feet on residential streets and 35 feet arterials and nonresidential streets; however, additional lighting infrastructure may be required based on IES study.

b) The subdivider/developer shall install streetlights at all intersections, including three- and four-way intersections. The streetlight shall be as close to the corner as possible. The location of streetlights shall be based on the geometry of the roadways to include pedestrian crosswalks and sidewalk locations. For roundabouts, lighting is required and shall be approved by the Public Works Director.

c) A streetlight shall also be required at the beginning of turnarounds of cul-de-sacs based on IES RP-8 or other prior approved standard requirements.

d) The Public Works Director may waive or modify streetlight installation, placement, and spacing upon determination that an alternative configuration would be more desirable given the surrounding context (e.g., preservation areas, open spaces) or other site-specific features.

5. Installation and Maintenance Responsibility

a) The subdivider/developer shall install all service connections and streetlight poles for a subdivision/development. All wiring for streetlights shall be underground unless overhead wiring is approved by the City.

b) The subdivider/developer shall be responsible for the maintenance and cost of electricity to power the streetlights until such lights are accepted by the City.

c) Easements shall be shown on the subdivision plat for all electrical service.

d) Limited Access Facilities

i) The City shall be responsible for lighting major streets going over or under a freeway that has been approved by the City. The City shall pay the monthly power bill for these lights.

ii) The City is not responsible for the necessary lighting of structures or interchanges intersecting with local streets.

iii) The City may install streetlights at the intersection of local streets with frontage roads. The freeway frontage road is deemed to terminate at its approach to an off-ramp and begin at its connection to an on-ramp.

6. Streetlighting Requests

a) All streetlighting shall comply with IES RP-8 or other prior approved standard requirements.

b) Any request to relocate an existing City-owned streetlight must be pre-approved by the Public Works Director prior to construction and will be relocated at the requesters' expense. All electrical work shall be performed by an electrician licensed in the State of New Mexico working under a New Mexico licensed electrical contractor. All work shall comply with the City standards, NEC and MUTCD, and shall be coordinated with the City of Las Cruces Traffic Engineering section.

c) Subdivisions that were approved/planned to be exempted from lighting installation shall be reviewed at time of full street reconstruction only, or at the cost of the requestors/area being affected.

d) All lighting designs, pole designs, luminaire designs, and location of poles for all street lighting shall be approved by the Public Works Director.

e) When considering streetlighting requests, the Public Works Director will consider the following factors and thresholds:

i) Adjacent Land Uses

a. Proximity to schools, parks, large community centers, places of worship, and other civic facilities;

b. Upon petition of local residents and/or property owners; and

c. Other locations where a study demonstrates a need.

ii) Coordination of Activities

a. Coordination of street lighting installation with full reconstruction activities.

iii) Arterial Streets

a. Street lighting may be installed along arterial streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

b. Minimum warrant considerations for arterial streets would be an average daily traffic in excess of 10,000 vehicles, and an 85th percentile speed of 40 miles per hour, or greater based on an engineering study.

iv) Collector Streets

a. Street lighting may be installed along collector streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

b. Minimum warrant considerations for collector streets would be an average daily traffic in excess of 5,000 vehicles, and an 85th percentile speed of 35 miles per hour or greater, based on an engineering study.

v) Local Streets

a. Street lighting may be installed along local streets when traffic volumes, nighttime crashes, nighttime pedestrian use, and/or roadway hazards show a need for improved lighting.

7. Underground Light Circuits for Subdivisions and Other Developments

a) In existing subdivisions/developments where all utilities are presently placed underground and no streetlights exist, the City is responsible for the installation of underground streetlight circuits.

b) In new subdivisions/developments, all street lighting shall be installed by the subdivider concurrently with other associated infrastructure improvements.

c) In subdivisions/developments where utilities exist overhead and the property owners choose to place these overhead utilities underground, the property owners will be responsible for underground streetlight circuit installation.

d) In new subdivisions/developments, all streetlight circuits are to be placed underground.

e) All new streetlights and associated components shall meet City lighting specifications.

f) Any existing street lighting systems annexed into the City shall be subject to review for compliance with applicable electrical standards. Failure to meet the requirements of those standards could result in possible condemnation; and lighting that does not meet the standards may be scheduled to be replaced with City standard streetlights as funds become available.

8. Street Lighting Location

a) Improved Streets

i) Consideration must be given to the effect pole placements have on abutting properties. In view of this, the City will make a reasonable concession in a lighting pattern to avoid placing a pole at a point where it would have a detrimental effect on the abutting property. The City's intent is to focus such concessions primarily on residential properties. In most cases, the pole should be located within the right of way adjacent to the property line, but more importantly lateral placement should conform to the specifications of both streetlight pole and light head design without hindering the safety impacts of lighting based on IES requirements.

ii) Once the permit to use the right-of-way is issued, adherence to approved pole locations is expected.

iii) Street lighting shall be installed on a cul-de-sac street/local street intersection based on IES RP-8 requirements.

iv) Streetlight placement shall not obstruct the visibility of new or existing street signs and shall not interfere with pedestrian use of the ADA ramps, sidewalks, driveways, multi-use paths, or utility infrastructure. Sidewalks shall remain free of obstructions in compliance with the Americans with Disabilities Act.

b) New Street Construction

i) A set of drawings of proposed street construction shall be submitted to the Community Development Department for the purpose of locating streetlights. One set of drawings, showing streetlight locations and power sources, shall be submitted to El Paso Electric Company by subdivision developer, along with installation information and instructions, if the City is permitting a connection to an existing flat-rate circuit. All efforts will be made to avoid conflicts and duplications, and to coordinate construction efforts.

ii) Preliminary plans for local and collector streets will show an accurate survey tie to all poles (i.e., stationing and offsets) and plans for new construction should show utility easements.

iii) All plans will be reviewed by the City for proposed paving width and alignment, prior to submittal to the individual utility companies.

9. Streetlight Procedures for New Subdivisions

a) Preliminary Review

The developer, or a representative, shall submit to the Community Development ~~Public Works~~ Department section a master utility plan of a proposed subdivision, showing the electrical utility location runs and service points, either underground or above ground. The master utility plan shall contain location of all utility lines (gas, water, sewer, fire hydrants, street lighting, etc.), and location, botanical and common name, and mature size of trees and shrubs in the parkways and medians to be retained as part of the final parkway and median landscape plan. The Community Development ~~Public Works~~ Department shall review the plan for streetlight locations, and connecting conduit runs to electrical service points. The plan shall be returned to the developer with any comments, for review by the developer's registered New Mexico professional engineer. Upon satisfactory acceptance of the changes by City staff, said changes then shall be incorporated into the construction plans.

b) Developer Responsibility

The developer shall be required to construct the entire streetlight system within the Arterial, Collector, and Local street system at the time of roadway construction. This includes, but is not limited to, all underground

connecting conduits, wires, concrete foundations, poles, luminaries, fuses, fuse holders, ground rods, pull boxes, electrical service and controls, and lighting control systems. Costs associated with installing light standards/luminaires, wiring, and service meters associated with lighting on designated collectors or arterials as part of the new development will be shared equally between developer and the City of Las Cruces. All streetlights and associated components shall comply with the City traffic standards and applicable electrical codes. All electrical work shall be performed by a journeyman electrician licensed in the State of New Mexico working under a New Mexico licensed electrical contractor. All lighting shall be metered and planned to serve a large area of land to be developed to the extent possible.

c) City Responsibility

Upon request from the developer, the Public Works Director shall provide the bolt circle template for streetlight foundations, as shown on the approved construction drawings.

d) Contractor/Developer Information Contact

For information concerning the below items, the contractor is to contact the designated Public Works project manager, who will consult with Transportation Department/Streets/Traffic Operations personnel, as needed:

i) Information concerning design specifications.

ii) Any conflict of streetlight locations, requiring relocation as a solution.

iii) Any changes or rerouting of conduit runs.

iv) Request for additional streetlights, within the scope of **6. Streetlighting Requests** above.

v) Request to omit a streetlight, as shown on the plans.

vi) All other items concerning streetlights that are not shown above.

J. Traffic Signals, Traffic Control Signs, Street Lights, and/or Roadways

1. All new or modified traffic control devices within City right-of-way or any off-street parking areas shall meet MUTCD requirements and receive approval by the Public Works Director.
2. Relocation of City Streetlight, Signal, or Sign

a) Any request to relocate an existing City-owned streetlight, traffic signal, or traffic control sign must be approved by the Public Works Director prior to construction, and will be relocated, upon receipt of permission, at the requesters' expense. At the City's option, the City may move the streetlight, traffic signal, or traffic control sign and be reimbursed by the requestor.

b) All sign work shall be performed by a qualified signs and markings technician holding an International Municipal Signal Association (IMSA) level one or better certification or a pre-approved certification equivalent to IMSA.

c) All signal work shall be performed by a qualified traffic signal technician holding an IMSA level two or better certification or a pre-approved certification equivalent to IMSA.

d) All electrical work shall be performed by a journeyman electrician, licensed in the State of New Mexico, working under a New Mexico licensed electrical contractor.

e) All work shall comply with the City standards and specifications, National Electrical Code and Manual on Uniform Traffic Control Devices and shall be coordinated with the Public Works Department.

3. When new development increases the traffic volumes on an existing signalized or non-signalized intersection, the following actions may be required:

a) A non-signalized intersection may have to be signalized.

b) An existing signalized intersection may have to be modified.

c) A signalized or non-signalized intersection's geometry may have to be modified.

d) The intersection may have to be reconstructed.

4. The signal maintenance shall be the responsibility of the City.
5. When new development or increased land use density increases the traffic volumes on an existing roadway, the following actions may be required:

   a) The roadway may need to be reconstructed.

   b) The roadway may need to be widened.

   c) Additional turn lanes may need to be constructed.

   d) Additional roadways for ingress/egress may need to be constructed.

6. If a modification to an intersection or roadway is required, the permittee will be required to provide all or a portion of the funding for the improvements. The funding requirements shall be determined by the Public Works Director and will generally be a pro-rata share based on additional traffic loading being proposed.
7. Acceptable construction of all roadway or intersection modifications must be constructed before the development's acceptance by the City.
8. A traffic signal warrant study per the Manual of Uniform on Traffic Control Devices (MUTCD) performed by a New Mexico registered professional engineer shall be required when the traffic impact analysis shows a drop in level of service below "B" on an intersection and/or intersections.
9. The City shall review the traffic impact analysis and the traffic signal warrant study to determine if a signal and/or modification to the roadway system is required.

K. Audible Pedestrian Traffic Signals

Audible pedestrian signals shall be installed based on MUTCD requirements, ADAAG, and FHWA as part of the traffic signal equipment.

L. Placement of Traffic Control Devices

1. The most current edition of the MUTCD shall govern the use and placement of traffic control devices, whether temporary or permanent, within the right-of-way.
2. All traffic control devices shall be installed complete and in place before any street or road is opened to public access. All traffic control devices shall be installed by a qualified signs and markings technician holding an IMSA Sign Level I or better certification (or a pre-approved certification equivalent to IMSA).
3. An approved traffic control plan for establishing temporary traffic control is required for any agency or qualified persons working within or next to any driving lane, sidewalk, multi-use path or at any other place that would impede the movement of other pedestrians or vehicles within the right-of-way. This includes but not limited to, any work that requires the use of any kind of traffic control devices such as cones, barrels, channeling devices, barricades, etc., being placed within the right-of-way.
4. All temporary traffic control devices shall be furnished, erected, and maintained by the contractor or qualified responsible party. All traffic control devices shall only be erected and maintained by a qualified person certified in work zone safety (or a pre-approved certification equivalent to IMSA).
5. A traffic control plan shall be submitted to the Public Works Department through the formal plan review process prior to placement on any street under City jurisdiction. All plans shall comply with the most current edition of the MUTCD indicating dates, times and duration of work, traffic devices to be used, placement of devices, and the order that devices are to be placed and removed. Traffic control devices shall maintain ADA accessibility and ensure that pedestrian and bicycle safety and access is maintained per MUTCD and federal guidelines. An approved traffic control plan is required before any part of the public right-of-way is blocked or any traffic control

device is placed within the right-of-way (this includes all traffic, vehicular, pedestrian, bikes, etc.) The approved traffic control plan must remain on-site or be immediately available and presented to Public Works staff for review to ensure the work zone is set up per plan. An emergency contact number for the contractor must also be provided. Failure to comply with this requirement may result in work stoppage, removal of traffic devices at the violators' expense, and citations per **Sec. 34-1.H. Violations and Enforcement** and applicable Las Cruces Municipal Code.

6. Any request to install or relocate an existing City traffic control device must be pre-approved by the Public Works Director prior to construction and will be at the requesters' expense. All sign work shall be performed by a qualified signs and markings technician holding an IMSA Level I certification or better (or a pre-approved certification equivalent to IMSA).

   a) Temporary Traffic Control Devices: All traffic control plans for placement of temporary traffic control devices within City right-of-way are required to be submitted to the Public Works Department for approval. Traffic control plans shall include, but not be limited to, the following information:

      i) Spacing of appropriate signage shown in feet.

      ii) Calculation of taper lengths per the MUTCD.

      iii) Sign code references per the MUTCD.

      iv) Phasing of traffic control placement, as necessary.

      v) Dates and times of day for short-duration lane closures of ten working days or less.

      Contractors are required to adhere to the approved traffic control plan regarding setup and duration of lane closure(s).

   b) Permanent Traffic Control Devices: In private developments, placement of all new signage and/or markings shall be the responsibility of the developer or owner. Placement shall be in accordance with the submitted sign plan as approved by the Public Works Director. Maintenance of signage in private developments open to the public shall be maintained by the property owner. Property owners are responsible for ensuring ongoing maintenance of private streets, including streetlighting, traffic controls, and other related features.

M. Sidewalks and Multi-Use Paths

1. Applicability

   Sidewalks or multi-use paths shall be installed on all designated access easements, public and private streets for new development and shall include curb and gutter infrastructure. Sidewalks or multi-use paths shall also be installed on property on which a Building Permit is being issued that requires a Certificate of Occupancy.

2. Purpose

   The purpose of this section is to improve the safety of residents by providing a separation between vehicles and sidewalk users, such as pedestrians or people with disabilities. In addition, sidewalks and multi-use paths promote physical activity for residents, especially when constructed with a parkway that includes street trees. Sidewalks and multi-use paths are an important mode of transportation for commuting and for recreational use.

3. General

   The following standards and requirements shall apply to sidewalks and multi-use paths in the City.

   a) Sidewalks or multi-use paths shall be provided along all new roadways in accordance with **Figure 38-2-1. Roadway Cross-Sections** and shall comply with the Construction Standards within the Technical Manual and the latest ~~ADAAG~~ addition of the United States Access Board's Public Right-of-Way Accessibility Guidelines (PROWAG) standards.

   b) Site development shall provide for multimodal access between the right-of-way and the development.

   c) All sidewalks and multi-use paths shall provide a minimum clear path width in accordance with the following:

i) ~~Sidewalks shall have a minimum clear path width of a minimum of~~The minimum width of all sidewalks shall be 5 feet. ~~on all streets~~.

ii) For multi-use paths, there shall be a minimum clear path of 8 feet for all streets. For any transit or bus stops, there shall be a minimum clear path of 8 feet that is perpendicular to the curb to allow for ADA accessibility.

iii) If a bus shelter is located at a stop, there should be a minimum of 20 feet along the length of the sidewalk that is a minimum of 8 feet wide.

d) Multi-use paths shall be concrete for the portion where any driveways are located.

e) Curb ramps shall be provided within a street right-of-way wherever an accessible route for pedestrians (sidewalk or pedestrian way) is required. The design and construction of curb ramps shall be in accordance with federal and state accessibility standards.

4. The Development Review Committee may require sidewalks or multi-use paths to be wider than required by **Figure 38-2-1. Roadway Cross-Sections** for developments with higher densities, pedestrian-oriented developments, or other areas with high pedestrian traffic.

5. The Development Review Committee may modify the requirements for sidewalks on individual streets or within subdivisions based on the following criteria.

a) Limited, confined infill in existing, developed single-family residential neighborhoods where sidewalks or multi-use paths are not present and have not historically been provided.

b) On local streets within an approved subdivision where all the lots provide a minimum one-half acre lot area, and the adjoining properties have no sidewalks.

c) On local streets where pedestrian access is provided within the approved subdivision through an alternative sidewalk design not installed within the street right-of-way; provided, however, that an easement may be required to provide for the installation of traffic signage and signalization, utility services, or other similar facilities.

6. Timing for Sidewalk and Multi-Use Path Construction

The timing of sidewalk and multi-use path construction shall be as required by this section unless a development agreement between the property owner and the City provides for alternative timing for construction and security has been provided in accordance with this section and **Sec. 37-4.C.1.a)**.

a) New Subdivisions

i) For new arterials or collectors, sidewalks, multi-use paths, hike and bike trails, and curb ramps shall be installed by the subdivider at the time of road construction.

a. In no case will a Building Permit be issued until sidewalks and multi-use paths are completed along arterial and collector streets, in accordance with **Sec. 37-4.D. Substantial Completion**.

ii) For new Local streets, sidewalks, multi-use paths, hike and bike trails, and curb ramps must be installed by the builder at the time of Building Permit construction. Sidewalks must be installed prior to issuance of a Certificate of Occupancy. If the lot is not developed within three years, then the current property owner is required to install the sidewalk on the property to eliminate sidewalk gaps. Sidewalk behind rollover curb to be installed by developer at the time of subdivision.

b) Existing Developments

i) For existing developments, sidewalks or multi-use paths must be installed prior to issuance of a Certificate of Occupancy.

a. Existing sidewalks may be utilized if they are at least four feet in width, ADA-compliant, in good condition, and connect to other existing sidewalks of the same width.

b. New sidewalks must be installed if existing sidewalks are in disrepair and no longer safe for usage by pedestrians or people with disabilities.

ii) When a new sidewalk is installed crossing a driveway that is no longer in use, the unused driveway shall also be removed. See **Sec. 38-2.F.9.b) Abandonment, Removal, and Restoration Requirements**.

N. Off-Street Parking

1. Applicability

a) New Development

All new development shall provide off-street vehicular parking, bicycle parking, and loading areas in accordance with the standards of this section unless exempted by **N.4.a)i)** below.

b) Addition or Expansion

i) If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street vehicular parking and loading spaces that may be required for the expanded or enlarged part of the structure or use shall be provided in accordance with the requirements of this section.

ii) If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any required bicycle parking for the entire structure or use shall be provided in accordance with the requirements of this section.

c) Change in Use

Any change in use of an existing structure or land shall be accompanied by the provision of any additional off-street vehicular parking, bicycle parking, and loading spaces required for the new use unless accommodated by **4.c) Off-Street Parking Alternatives and Reductions** below or another mechanism within this Development Code.

2. Purpose

The purpose of this section is to:

a) Ensure that off-street vehicle parking, bicycle parking, loading, and access demands associated with new development are met within the context of surrounding land uses and neighborhoods;

b) Allow flexibility in addressing vehicle parking, loading, and access issues by presenting a menu of strategies to address parking issues rather than only parking space requirements;

c) Ensure that off-street parking, loading, and access demands associated with new development are met without adversely impacting surrounding land uses and neighborhoods;

d) Accommodate safe and convenient movement of vehicles, bicycles, pedestrians, and transit.

3. Parking Plan Required

a) Applications for development shall include a parking plan, which shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the vehicular off-street parking facilities and bicycle parking facilities (if applicable) to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, and bicycle circulation systems for the development.

i) The Community Development Director may waive this submittal requirement if the Director determines that a parking plan is not necessary to demonstrate the proposed development's compliance with the standards in this section based on the size and configuration of existing parking and loading areas on the site. Multimodal circulation and impacts and infrastructure improvements will need to be addressed via a TIA at the discretion of the Public Works Director.

b) Site plans shall specify the proposed land uses before a building permit will be issued. A revised site plan will be required if revised land uses require additional parking that cannot be accommodated through **4.c) Off-Street Parking Alternatives and Reductions** below.

4. Minimum Off-Street Vehicular Parking Requirements

a) Required Off-Street Parking Spaces

Development shall provide at least the number of off-street vehicular parking spaces required by **Figure 36-3-2. Permitted Use Chart**, based on the proposed use(s), subject to **c) Off-Street Parking Alternatives and Reductions**.

i) Exception: No off-street vehicle parking is required in the following areas due to the reduced automobile use associated with pedestrian-oriented, mixed-use developments:

a. DDC, Downtown Development Code

b. MXCO, Mixed Use Corridor Overlay District

c. TCO, Town Center Overlay District

d. NCO, Neighborhood Center Overlay District

e. Urban Character Area

b) Calculation of Requirements

i) Fractions

When calculation of the number of required spaces results in a fractional number, any fraction of 0.5 or greater shall be rounded up to the next higher whole number and any fraction of less than 0.5 shall be rounded down to the lower whole number.

ii) Area Measurements

All square-footage-based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the gross floor area of the building.

iii) Parking and Loading for Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses unless reduced through a shared parking agreement or other provision within this Code.

a. Note that some combined uses (e.g., Shopping Center or Mixed-Use) are defined uses in **Figure 36-3-2. Permitted Use Chart** and include established parking ratios or other methods of calculation.

iv) Parking and Loading for Unlisted Uses

For uses not expressly listed in **Figure 36-3-2. Permitted Use Chart**, the Community Development Director is authorized to:

a. Apply the off-street parking space requirement specified for the listed use that is deemed most similar to the proposed use (based on operating characteristics, the most similar related occupancy classification, or other factors determined by the Director);

b. Establish the off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or another acceptable source of parking demand data; or

c. Establish the off-street parking space and loading requirements based on a parking and loading demand study prepared by the applicant according to **v)** below.

v) Discretionary Requirement Based on Demand Study

Uses that reference this subsection in **Figure 36-3-2. Permitted Use Chart** have widely varying parking and loading demand characteristics, making it difficult to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this subsection, the Community Development Director shall apply the off-street parking and loading standards on the basis of a parking and loading demand study prepared by the applicant. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the International Council of Shopping Centers, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

c) Off-Street Parking Alternatives and Reductions

i) Approval of Parking Alternatives

The following provisions are methods to reduce the number, size, and/or square footage of area required for on-site vehicle parking. Bicycle parking must be provided as required by **Figure 36-3-2. Permitted Use Chart**. These methods cannot be applied to any provision regarding parking for persons with disabilities, unless no off-street parking is provided.

The Community Development Director may approve parking alternatives to the off-street parking spaces required by **Figure 36-3-2. Permitted Use Chart** in accordance with one or more of the standards in this section.

ii) Shared and Joint Use of Parking Areas

When a mix of uses are located on one site or adjacent properties, applicants shall seek shared parking agreements to reduce the amount of required parking.

a. These agreements shall be approved as to form and content by the City Attorney and Community Development Director and must be referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy.

b. Agreements may be made with adjoining property owners regardless of the hours of operation of the adjoining uses.

c. In combining parking requirements, a minimum of 75 percent of the required off-street parking for all uses shall be met.

d. Adequate and safe pedestrian access by a walkway protected by a landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the shared parking.

e. Signage shall be provided to direct the public to the shared parking spaces.

f. An agreement for shared and joint use of parking areas shall become null and void if there is a change in the land uses that are covered by the agreement, platting, or re-platting of the land. In these instances, a new agreement shall be required.

iii) Off-Site Parking

a. Up to 40 percent of the required parking spaces may be provided on property separate from the property served, provided all of the separate parking is within 500 feet from the property served, as measured along the pedestrian path.

i. Required accessible spaces must be provided off-street and on-site.

b. Adequate, safe, and well-lit pedestrian access shall be provided between the off-site vehicular parking area and the primary pedestrian entrances to the use served by the off-site parking.

c. A parking agreement ensuring that the allowed off-street parking is required for the life of the land use shall be properly executed by all the separate property owners, approved as to content and form by the

City Attorney and the Community Development Director, referenced on the Final Plat, Site Plan, and/or Certificate of Occupancy, and submitted to the Community Development Director.

iv) On-Street Parking

In areas where on-street parking is permissible and verified by the Public Works Director, this parking can be used for up to 25 percent of the required parking of a use provided that the on-street parking is within the area of the property on which the use is located. Required accessible spaces must be provided off-street and on-site.

v) Parking Structure

A 20 percent reduction in the total number of required parking spaces will be granted if the required parking is provided in a parking structure that is two stories or more.

vi) Bicycle Parking Spaces

a. Bicycle parking facilities shall meet the design standards found in the Technical Manual and **Sec. 38-2.N.5** below.

b. Bicycle Racks: One motor vehicle parking space can be replaced with four bicycle rack spaces or other approved bicycle parking facilities. This option can be used for not more than 50 percent of the vehicular parking spaces.

c. Bicycle Lockers: One motor vehicle parking space can be replaced with two bicycle locker spaces. This option can be used for up to seven vehicle spaces or not more than 15 percent of the vehicular parking spaces, whichever is less.

5. Bicycle Parking Standards

a) Minimum Required Bicycle Parking

i) Bicycle parking spaces are required in all zoning and overlay districts for the following:

a. New development; and

b. Any individual expansion or alteration of a building existing prior to the effective date of this ordinance if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area (including interior alterations).

ii) The amount of parking shall be provided in accordance with **Figure 36-3-2. Permitted Use Chart**, based on the development's principal use(s).

b) General Bicycle Parking Standards

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

i) Located on the property in a way that provides the optimum security for the bicycles;

ii) Located on a paved or similar hard, all-weather surface, having a slope not greater than three percent;

iii) Well-lit and accessible to the public or bicyclists after dark;

iv) Does not interfere with pedestrian or bicycle traffic;

v) Identified with adequate signs and striping;

vi) Protected from conflicts with vehicular traffic;

vii) Located as near as practicable to the main entrance of the building they are intended to serve; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required; and

viii) Designed in accordance with the Technical Manual.

6. General Standards for Off-Street Vehicular Parking and Loading Areas

a) Size of Parking Spaces and Driving Aisles

The minimum dimensional requirements for parking stalls and driving aisles are shown in **Figure 38-2-15. Minimum Dimensional Requirements for Parking Stalls and Driving Aisles**. Twenty-seven feet is the minimum two-way driving aisle width, including non-dedicated streets or private drives, when there is no parking on both sides of the driving aisle. Twelve feet is the minimum width for a one-way driving aisle. The City Fire Department may require wider driving aisles whenever necessary to address fire and safety concerns as addressed in the International Fire Code, as amended.

Figure 38-2-14. Minimum Dimensional Requirements for Parking Stalls and Driving Aisles

Parking Angle	Stall Width	Stall Length	Stall Base	Stall Depth	Width of One-Way Aisle	Width of Two-Way Aisle
30 degrees	9′	19′	18′	17.3′	12′	27′
45 degrees	9′	19′	12.7′	19.8′	13′	27′
60 degrees	9′	19′	10.4′	21′	18′	27′
90 degrees	9′	19′	9′	19′	27′	27′
0 degrees (parallel)	9′	22′	22′	9′	12′	27′

NOTES:

Driving/back-up aisles are not required for one single-family dwelling per lot or one duplex per lot. All other land uses shall provide driving aisles when parking stalls are required.

All angle parking, except 90 degree and parallel parking shall have aisles designed for one-way traffic flow only, except that two-way traffic is permitted in designs approved by the Community Development Director.

All parking lot designs shall have primary ingress and egress to a public street or access easement. Secondary access only may be to an alley. However, access to or from an alley and parking lot is permitted if 1 to 4 dwelling units are located on property that abuts the alley. Primary ingress/egress to an alley is permitted for properties with 1 to 4 dwelling units.

Except for single-family or two-family dwelling units, parking and loading areas shall be arranged so that vehicles will not be required to back out of parking or loading spaces directly into a public way. Circulation within a parking lot shall be designed to minimize aisles with one inlet/outlet. Aisles with only one inlet/outlet shall provide “back outs” for end spaces.

Land uses that involve the servicing of motor vehicles shall not service vehicles in the required parking stalls.

i) Compact Vehicle Parking

a. Up to 10 percent of the total number of required parking spaces may be used for compact vehicle parking; provided, that the total number of required off-street parking spaces is provided on site.

b. Compact parking spaces shall be 8 feet wide by 18 feet long for 90-degree parking or the equivalent dimensions required for an angle space to maintain the 8-foot by 18-foot rectangle.

c. Compact spaces shall be clearly signed and marked “Compact Only.”

ii) Gas Pump Islands

a. Gas pump islands designed to accommodate two or more vehicles on each side: A minimum of 24 feet (perpendicular) shall be provided between gas pump islands, islands and buildings, curbs, other types of driving aisle obstructions, and between the back of parking spaces and the end of the gas pump vehicle space. (Distance may be reduced to 18 feet between parking spaces and pump vehicle spaces if one-way and angle parking.)

b. Gas pump islands designed for one vehicle on each side: A minimum of 18 feet (perpendicular) shall be provided. (24 feet required between parking spaces and pump vehicle spaces unless one-way and angle parking.)

c. Diesel pump islands for tractor-trailer trucks only; no automobiles or recreational vehicles will use these pumps. A site plan shall show diesel pumps spaced at least 17 feet, center-to-center distance, with a minimum of 14 feet of one-way driving clearance between pump islands.

iii) Electric Vehicle Charging Stations

Electric Vehicle (EV) charging stations may be located beyond the wheelstop, in landscape areas, or in another location that does not block a pedestrian, bicycle, or vehicular accessway.

b) Parking Spaces for Persons with Disabilities

Parking spaces for persons with physical disabilities shall comply with federal and state requirements, and the Technical Manual. Such a place shall be designated by a conspicuously posted sign bearing the international sign of accessibility.

c) Landscaping

For parking lot landscaping requirements, see **Sec. 38-7.D.5. Parking Lot Landscaping**.

d) Construction and Maintenance of Parking Areas

i) Single-Family Homes, Townhouses, and Duplex, Triplex, or Quadplex Developments

Crushed stone or crusher fines is the minimum surface that may be used for driveways or parking areas for single-structure Single-Family Homes, Townhouses, and Duplex, Triplex, or Quadplex developments on one lot.

ii) All Other Developments

a. Surfacing Requirements

All vehicular use areas must be surfaced with one of the following materials:

i. Pervious and impervious asphaltic concrete;

ii. Pervious and impervious cement concrete;

iii. A penetration treatment of bituminous material and seal coat of bituminous binder and mineral aggregate; or,

iv. Alternative surfacing as determined appropriate by the Fire Marshal and Public Works Director.

The surface must be maintained in a smooth, durable, and well-drained condition and be kept clear of debris or other accumulated refuse.

b. Striping

Parking spaces, back-up aisle, loading areas, entrances, exits, and clear sight triangles shall be appropriately marked to indicate their location.

c. Landscaping and Irrigation

Landscaping and an irrigation system in compliance with **Sec. 38-7. Landscaping** will be required with the installation of a parking area.

d. Drainage

Drainage shall comply with **Sec. 38-3. Drainage and Flood Control** and all other City regulations. Excess flow and volume shall be detained or retained on site. The installation of a parking area may require a drainage facility.

e) Requirements for Lots with More than 50 Parking Spaces

i) Parking Location

No more than 50 percent of off-street parking may be located between the front facade and a public street unless outlots are present.

ii) Sub-Lots and Pedestrianways

a. Large surface parking lots shall be visually and functionally segmented into several smaller sub-lots by landscaped areas. Each sub-lot shall contain a maximum of 50 parking spaces. An additional 50 parking spaces are allowed per sub-lot if the landscaped area and associated plantings exceeds the minimum established in **Sec. 38-7.D.5. Parking Lot Landscaping** by at least 20 percent.

b. For every parking sub-lot, a landscaped median/divider at least 15 feet wide shall be installed to break up the sub-lots. These medians shall contain pedestrian accessways to offer safe, marked routes between parking spaces and building entries.

iii) Pedestrian Circulation

An internal pedestrian accessway, at least six feet in width and ADA accessible, must be provided from the perimeter sidewalk to the primary public entrance. Internal pedestrian walkways must be distinguished from driving surfaces by textured, painted, and/or raised surface.

iv) Additional Landscaping

Up to a 10 percent reduction in the required number of parking spaces will be allowed if additional shade trees are provided beyond the requirements of **Sec. 38-7.D.5. Parking Lot Landscaping**. Each parking space eliminated through this option shall be replaced with a minimum of two trees.

f) Tandem Parking Spaces

Tandem parking provides for two or more parking spaces, one behind the other, where access to one parked vehicle can only be gained through the abutting space. Tandem parking can be utilized for no more than 50 percent of all required parking spaces. Tandem parking shall only be utilized for specific, property owner-/manager-controlled cases such as:

i) Residential parking, when both spaces are designated for a single dwelling unit;

ii) Employee parking;

iii) Company-owned vehicles; or

iv) Controlled parking situations (funeral homes, sporting events, car rental or truck agencies).

g) Parking and Storage of Large Motor Vehicles

Subsections **g)i)** through **g)vi)** below apply to all areas other than the Rural Character Area.

i) Parking and storage areas for any motor vehicle or its appurtenances, including the necessary driveways to get to and from the parking and storage areas, shall not cover more than one-half of any open area between the front, including the secondary front, of the main dwelling and the front property line in a single-family or duplex property,

a. Exception: In the case of a lot on a cul-de-sac, up to two-thirds of any open area between the front of the main dwelling and the front property line may be used.

ii) Townhouse lots may use up to three-fourths of any open area between the front, including the secondary front, of a building or structure and the front property line.

iii) No motor vehicle or its appurtenances shall be parked or stored on any sidewalk within any public right-of-way or protrude onto any public right-of-way.

iv) Recreational vehicles and motor vehicle appurtenances (e.g., RVs, camper shells, boats, trailers, boat on trailer, camper shell on truck) shall be limited to a maximum of one per main dwelling unit within any open area between the front and side of the main dwelling and the front and side property lines with no limit in the rear open areas.

v) The land area in front of or to the side of the main dwelling on which the recreational vehicle or motor vehicle appurtenance is parked or stored shall be graveled or paved. No parking or storage of recreational vehicles and motor vehicle appurtenances shall be permitted on graveled areas considered to be part of the property's landscaping.

vi) No parking or storage of recreational vehicles and motor vehicle appurtenances shall be located within the clear sight triangle (**H. Clear Sight Triangle**) on corner lots.

h) Wheelstop Provisions

i) Wheelstops are required for all parking spaces except those serving residential developments of four or fewer units.

ii) Size Requirements: Six feet in length, six inches in height.

iii) Horizontal in Placement: Two feet from the base of the parking space, securely anchored to the parking surface.

iv) Materials: Wheel stop material shall be compatible and appropriate to the site. Materials such as concrete, railroad ties, landscape timbers, or molded steel may be used.

v) Alternative Wheelstop Methods:

a. Adjacent to sidewalk: When the parking space base is adjacent to a six-foot required sidewalk, the sidewalk may be widened to eight feet, essentially making two feet of the sidewalk the wheelstop.

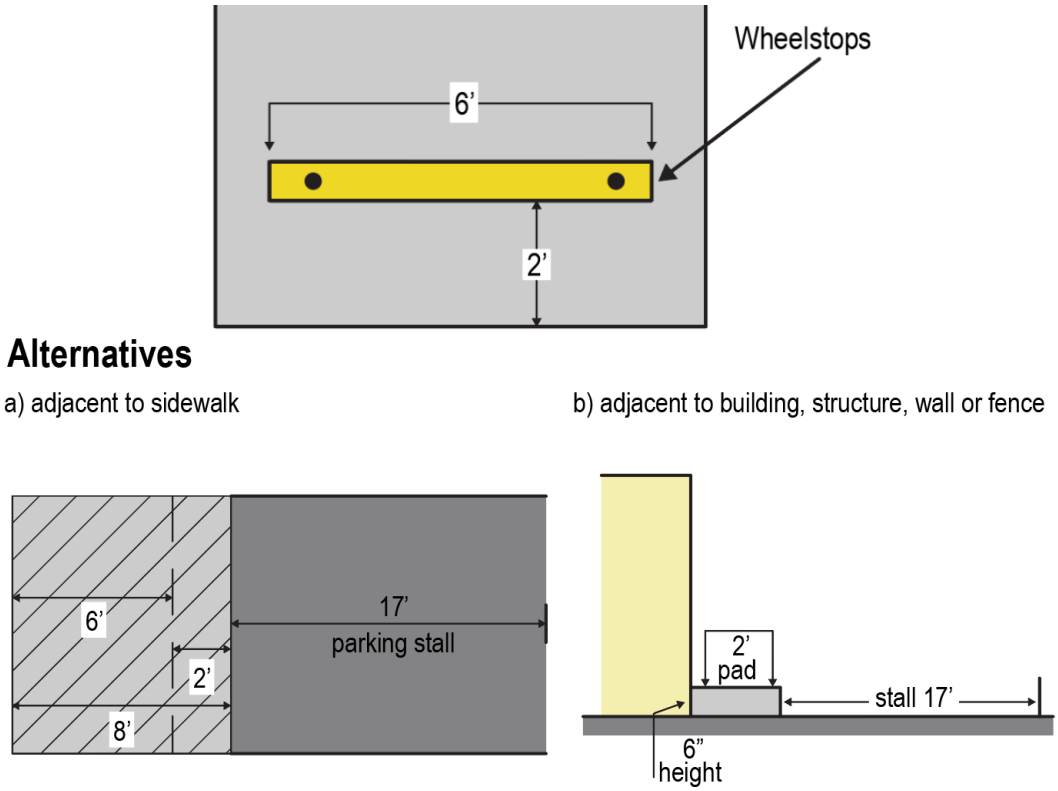
b. Adjacent to building, structure, wall or fence: When a parking space base is adjacent to a building structure or wall, a two-foot pad or landing may be constructed adjacent to the structure or wall. The pad or landing's construction must be of a minimum asphalt standard. The pad or landing cannot take the place of a required sidewalk.

c. Adjacent to landscaping/aggregate: Low lying (no taller than three inches and below the top of the curbing) landscape may be placed within the two-foot area where the pad or landing would be present. The landscaping shall be enclosed by a six-inch curb and be properly irrigated.

vi) Parking Space Measurement: When utilizing one of the alternative wheelstop methods, the parking space length will be measured two feet less or 17 feet.

vii) Exceptions: One and two-family dwellings are not required to provide wheel stops.

Figure 38-2-15. Wheelstop Placement and Design



7. Loading and Stacking

   a) New development involving routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development’s uses in a safe and convenient manner.

   b) Loading and stacking areas must not conflict with emergency, vehicular, bicycle, or pedestrian access. All loading and stacking areas shall be shown on a site plan.

   c) Number and Size of Loading Berths Required

      i) Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area, at the discretion of the Community Development Director.

ii) A minimum stacking distance of 40 feet shall be provided at all ingress/egress access drives intersecting with a street. Other distances may be approved by the Director if warranted by lot size and configuration.

iii) **Figure 38-2-17** sets forth the minimum number of loading berths.

a. The Public Works Director may reduce the required loading space by up to 100 percent if warranted by the building's use.

Figure 38-2-16. Required Off-Street Loading Berths

Gross Floor Area (sqft)	Number of Loading Berths	Size of Each Loading Berth
Less than 10,000	None	N/A
10,000 to 29,999	1	10 feet x 25 feet
30,000 to 100,000	2	12 feet x 50 feet
More than 100,000	2, plus 1 additional loading berth for every 100,000 square feet beyond the first 100,000 square feet	14 feet wide x 50 feet long x 14 feet high

d) Location, Screening, and Arrangement of Loading Areas

i) Off-street loading berths shall be located and arranged so that vehicles can maneuver for loading and unloading entirely within the property lines of the site and are not required to back onto or from a public street.

ii) Required off-street loading spaces shall not be permitted in any front setback area or in any required street side setback area.

iii) Off-street loading spaces may occupy all or any part of a required rear setback area where visibility from public streets and windows of neighboring buildings will be minimized.

iv) Loading areas shall not interfere with parking lot maneuvering areas.

v) State and City streets or rights-of-way shall not be used for loading and unloading purposes.

vi) Off-street loading berths shall be located and/or screened so they are not visible from any thoroughfare or collector street right-of-way or from adjacent lands that are classified in a residential zoning district or developed with a residential use.

e) Vehicle Stacking Areas

The minimum stacking lane requirements are as follows:

i) Length required: The minimum length for a drive-thru is 85-100~~60~~ feet ~~for non-drive-thru situations. The minimum length for drive-thru shall be determined by a Traffic Impact Analysis or other type of analysis approved by the Public Works Director.~~

ii) Width required: Ten feet, except nine feet of drivable area at the point of service.

iii) The measurement of the length of the stacking lane begins at the middle of the last point of service and ends at the point of entry of the lane.

iv) A stacking lane shall be designed in a manner that permits appropriate traffic circulation and avoids congestion in the parking area.

v) The minimum radius of a stacking lane shall be 25 feet.

vi) Vehicles shall not overflow into the access easements or driving aisles.

f) Where traffic flow is controlled by an entry gate, guard house, or drive-through service facility, an adequate stacking lane, approved by the Public Works Director, shall be provided in a manner that does not interfere with maneuvering into parking spaces or traffic flow of aisles, streets, bike paths, or sidewalks.

Sec. 38-3. Drainage and Flood Control

A. Purpose

1. This section contains guidelines for drainage system design and establishes a standard practice for recognized and established engineering design of storm drain facilities to protect the health, safety, welfare, and property of the general public. This section also includes requirements for the submittal of drainage plans and associated documents related to development. Specific design criteria for drainage systems are included in the City of Las Cruces Drainage Technical Manual.
2. Methods and processes included in this section are the minimum standards. Recognized and established engineering practices and principles shall be followed in all engineering projects within the City limits. The Public Works Director shall determine the required parameters of any particular project or technical analysis and may require additional criteria should such be deemed to be in the best interest of the general public. If any of these requirements conflict with existing standards or guidelines, the more stringent shall apply.
3. Authority to Issue Administrative Warnings

   The Public Works Director, Community Development Director, and personnel under their supervision, as well as the City building and project inspectors shall be authorized to issue verbal or written administrative warnings to any person, operator or owner who allegedly violates any provision of this Section.

B. Applicability

This Section applies to all new development, expansions that increase impervious surface, and or development that otherwise changes pervious surfaces (e.g., adds vegetation, changes slopes, etc.) as determined by the Public Works Director.

C. Drainage Reports and Construction Plans for Drainage Facilities

1. Requirements for Drainage Reports and Construction Plans

   All drainage reports and construction plans shall be prepared by a professional engineer registered in the State of New Mexico and shall comply with the minimum requirements and specifications set forth in this section.

   Review schedules will be as outlined in the subdivision and building codes. However, reports involving large developments and complex structures will require more review time. If the development is phased, the final drainage report must also address how the intermediate runoff of each phase will be mitigated.

   The engineer should be aware that whenever unusual or serious drainage problems are anticipated in conjunction with a proposed development, additional analysis and information beyond the minimum requirements outlined in this section may be required by the Public Works Director.

   The following specifications and criteria shall be used for Drainage Reports:

   a) Master Drainage Study

      i) A master drainage study shall be required prior to approval for any annexation, Planned Unit Development, or Preliminary Plat. The purpose of the master drainage study is to identify major drainage facilities, ponding areas, locations of culverts, bridges, open channels, and drainage basins that are contributory to the proposed study area. In addition, the ability of downstream drainage facilities to pass the developed runoff from the proposed development must be analyzed in the master drainage study. The master drainage study shall contain a general outline of the proposed drainage routing plans for the development. The report shall include but not be limited to the following information and calculations:

         a. Calculations for peak flow for the 1-percent probability storm event from all upstream off-site tributary drainage areas.

b. Calculations for peak flow for the 1-percent probability storm event within the proposed development for all drainage basins larger than 20 acres.

c. Preliminary analysis of the floodplain and major drainage ways for the 1-percent and 10-percent probability storm event.

d. Closed subbasin analysis including identification of water into or out of subbasin.

e. Discussion and analysis of adverse impact anticipated to downstream drainage facilities.

f. Discussion of drainage problems and solutions that are anticipated within the proposed development.

g. The report shall be submitted electronically and formatted to an 8½-inch by 11-inch paper.

h. All drainage studies/reports must include a table of pertinent values in the body of the report. The values shall include, at a minimum, flow depth for all flow paths, peak velocity, Tc, freeboard for channels (not including streets), flow (Q), CN numbers, and volumes of runoff for basins. Drainage studies shall include maps showing both flow and volume into and out of basin(s) and proposed development.

i. Flows may need to be routed to a historic point of convergence for both the pre- and post-development/construction condition.

j. If a hydrologic model is required, the model should be included as an Appendix or Exhibit to the Drainage Report.

ii) Drawings for the master drainage study shall include but not be limited to the following:

a. Any and all floodplains and floodways must be identified. A copy of the applicable FEMA floodplain map is required indicating limits of current study.

b. Existing topography, one- or two-foot contour intervals.

c. Location and size of existing and proposed open channels, storm drains, and all other drainage structures.

d. NRCS soils map with area of interest indicated.

e. Identification of all contributing existing and affected drainage basins upstream and within the development.

f. Location of all streets larger than local classification.

g. Basin maps may be scaled as small as 1" = 600' (1:7200). Orthophoto maps at a scale of 1" = 200' are preferred. Basin maps shall have each basin name, area (acres), 10-percent and 1-percent peak flows (CFS) into and out of the basin (shown at the location of concentration) and, clearly indicated flow paths. Maps of a scale 1" = 2,000' may be used for undeveloped, offsite basins greater than one square mile.

h. All drainage maps shall be formatted to a minimum of 24" × 36" and shall be included in the electronic submittal. Pre-printed maps, such as USGS maps, are acceptable. Maps of a smaller size may be accepted at the reviewer's discretion.

iii) Inlet and storm drain size calculations are not required with the master drainage study; therefore, the number of subbasins analyzed in the report shall be held to the smallest practical number.

iv) Required Outline

The following is a sample outline for a typical master drainage report. Each of these headings should be addressed in the report body with supporting information and calculations in the appendices. Information provided at this stage of the review process is reviewed for only the phase submitted for and only for the requirements above. Post-development items are considered conceptual during this review phase.

a. Introduction and purpose
b. Methodology
c. Scope of investigation
d. Meteorological and geological
    i. Climate
    ii. Rainfall
    iii. Soil investigation
        (a) Hydrologic soil classification
        (b) Runoff curve number
        (c) Soil description
e. Basins
    i. Basin parameters – Existing and Proposed
        (a) Offsite
        (b) Onsite
f. Hydrology
    i. Pre-development
        (a) Direct runoff
        (b) Runoff volume computation
        (c) Peak flow computations
    ii. Post-development
        (a) Direct runoff
        (b) Runoff volume computation
        (c) Peak flow computations
    iii. Comparison of ponding volumes pre- and post-development
g. Hydraulics
    i. Natural and constructed channels
    ii. Streets
h. Conclusion section
    i. Discussion of final drainage management strategy, including upstream and downstream impact
    ii. Detailed description of hydraulic and hydrologic interaction
    iii. Formal statement by the developer certifying that the development will not have an adverse impact on properties and structures adjacent to or downstream of the new development. The statement must identify how standards are satisfied.
i. Appendices
    i. All required maps and drawings in electronic format
    ii. All calculations in electronic format

iii. Input and output from any modeling and routing software in electronic format

b) Final Drainage Study and Construction Plans for Drainage Facilities and Structures:

The final drainage study shall be a detailed study and analysis of the drainage in the proposed development for both predevelopment and post-development conditions. Developments include but are not limited to subdivisions, commercial developments, or planned unit developments. It shall include detailed calculations for all runoff within the proposed development, and detailed calculations for all runoff exterior to the site, with detailed calculations supporting the design of all drainage structures within the development. Final drainage studies shall use the approved methods as outlined in the Runoff Analysis Methods and shall incorporate green infrastructure as per the City of Las Cruces Standards. Construction plans for all drainage structures, grading plans, and street grades, where applicable, shall also be considered part of the final drainage study. Drawings and calculations comprising the final drainage study shall include but not be limited to the following information:

i) Clearly labeled existing and proposed contours for proposed development. (Contour interval based on USGS datum, one-foot contour interval minimum.)

ii) Location and elevations of City or USGS benchmarks. All elevations shall be based on USGS datum.

iii) Property lines.

iv) Streets, right-of-way limits, names and grades.

v) Existing drainage facilities and structures, including existing irrigation ditches, roadside ditches, drainage ways, gutter flow directions, and culverts. All pertinent information such as size, slope, and location of existing drainage ways shall be included to facilitate review and approval of drainage plans.

vi) Overall drainage area boundaries and drainage sub area boundaries.

vii) Proposed type of curb and gutter (vertical, combination, rollover, or flat) and gutter flow directions including cross-spans (intersections).

viii) Proposed storm drains, open drainage ways, and right-of-way requirements, including proposed inlets, manholes, culverts, erosion control and energy dissipation devices, and any other required appurtenances necessary for drainage control.

ix) Proposed inflow and outfall points for runoff from the study area.

x) Routing and combining all flows at various critical points for the initial 10-percent probability (10-year) and major (1-percent probability, 100-year) storm runoff.

xi) Minimum finished floor elevation and ground site elevations at all critical building locations for protection from major storm runoff.

xii) Predevelopment and post-development basin maps, with a scale of 1” = 100’ (1:100) of the proposed development, which shall show the following information:

a. Location and size of all drainage structures.

b. General flow patterns and flow paths within the development also to include offsite basins affecting the development.

c. Finished floor and ground site elevations of all buildings and adjacent sites and structures.

d. The 1-percent probability storm event flood level in all streets in which the curb is overtopped.

e. All drainage basins within, and affecting, the development shown in a table listing basin names, basin area (acre), 10-percent and 1-percent flood event peak flows into and out of each basin shown at the flow path location. The number of basins should be limited to the smallest practical number.

xiii) All floodplains and floodways within the proposed development. A copy of the current FEMA floodplain map is required, showing project limits.

xiv) All electronic or printed drawings shall be on 24” by 36” sheets. Maps of a smaller size may be accepted at the reviewer’s discretion.

xv) NRCS soils map showing project location.

xvi) Final drainage study shall incorporate master drainage study.

xvii) Recommended outline. The following is a sample outline for a typical final drainage report. Each of these headings should be addressed in the report body with supporting information and calculations in the appendices. Information provided at this stage of the review process is reviewed for only the phase submitted for and only for the requirements above.

a. Introduction and purpose

b. Methodology

c. Scope of investigation

d. Meteorological and geological

   i. Climate

   ii. Rainfall

   iii. Investigation

      (a) Hydrologic soil classification

      (b) Runoff curve number

      (c) Soil description

e. Basins

   i. Basin parameters

f. Hydrology

   i. Pre-development

      (a) Direct runoff

      (b) Runoff volume computation

      (c) Peak flow computations

   ii. Post-development

      (a) Direct runoff

      (b) Runoff volume computation

      (c) Peak flow computations

   iii. Comparison and ponding of pre- and post-development

g. Hydraulics

   i. Natural and constructed channels

   ii. Streets

   iii. Culverts and storm drains

h. Conclusion section

   i. Discussion of the final drainage approach

   ii. Detailed description of hydraulic and hydrologic interaction.

i. Appendices
    i. All required maps and drawings
    ii. All calculations
    iii. Input and output from any modeling and routing software

c) Plan Details

The following details shall be indicated on the drainage plans:

i) Title block (lower right-hand corner preferred)
ii) Scale
iii) Date and revisions
iv) Name of professional engineer and firm
v) Professional engineer's seal
vi) Drawing number (sheet n/n)
vii) Legend
viii) Approval blocks for various City departments

d) Construction Plans

Construction plans shall show the following information:

i) Plan
    a. North arrow
    b. Property lines, adjacent properties, ownership thereof, and subdivision information
    c. Street names and easements with width dimensions and location
    d. Existing utility lines, location and depth, or height, as follows:
        i. Water
        ii. Gas
        iii. Telephone
        iv. Storm drains
        v. Irrigation canals
        vi. Sanitary sewers
        vii. Other utilities
ii) Profile
    a. Vertical and horizontal grids with scales
    b. Ground surface grade (dashed) and proposed grade (solid)
    c. Existing utility lines where crossed
    d. Benchmarks (USGS datum)
iii) Proposed construction
    a. Pipes and culverts

i. Plan showing stationing

ii. Profile

iii. Size, length between manholes, and pipe composition

iv. Grades of pipe

v. Inlet and outlet details of all manholes and inlets and connections to existing drainage systems

vi. Manhole details, including station numbers and invert and top elevations

vii. Typical bedding details for pipe for all bedding situations encountered on the project

b. Open channels

i. Plan showing stationing

ii. Profile indicating the grade of invert of channel, top of lining if any, and adjacent ground grade

iii. Typical cross-sections

iv. Construction notes

v. Lining details

vi. Riprap and bedding details and gradation requirements for same

vii. Structure details of all inflow, outflow, and drop structures. Including sub grade and foundation design details

2. Construction Approval

Record drawings of improvements shall be provided for all subdivision or public right-of-way construction projects. The design engineer and the City must review and approve any changes to the original design of a project. Record drawings will be made by the design engineer from information provided by job-site contractors or field surveys. Upon obtaining the record drawings, final inspection, Letter of Map Revision (when applicable), and approval by the Public Works Director, the project can be issued a letter of acceptance, or the improvement can be accepted by the City in the case of a subdivision or planned development.

D. Flood Hazard Prevention and Flood Control

1. In General

a) Statutory Authorization

The Legislature of the State of New Mexico has in New Mexico Statutes Annotated 1978, § 3-18-7 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses, and it is determined to be in the public interest for the City to establish the flood control damage prevention regulations in this section.

b) Findings of Fact

i) The flood hazard areas of the City are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

ii) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

c) Statement of Purpose

It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

i) Protect human life and health;

ii) Minimize expenditure of public money for costly flood control projects;

iii) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

iv) Minimize prolonged business interruptions associated with flooding;

v) Minimize damage to public facilities and utilities such as water, sewer, and gas mains; electric, telephone, and communication lines; and streets and bridges located in flood-prone areas;

vi) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

vii) Ensure that potential buyers are notified that the property is in a flood zone or a flood-prone area.

d) Methods of Reducing Flood Losses

In order to accomplish its purposes, this section is intended to introduce methods designed to reduce flood losses, including the following:

i) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or that cause excessive increases in flood heights or velocities.

ii) Require that land and buildings vulnerable to floods, including facilities which serve such development, be protected against flood damage at the time of initial construction. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

iii) Control filling, grading, dredging and other development which may increase flood damage.

iv) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

e) Applicability of Section

This section shall apply to all areas of special flood hazard within the jurisdiction of the City.

f) Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for the City of Las Cruces, Doña Ana County, NM, dated July 6, 2016, with accompanying Flood Insurance Rate Maps (FIRM) dated July 6, 2016, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

g) Establishment of Development Permit

A development permit shall be required to ensure conformance with the provisions of this Code prior to the commencement of any development activities.

h) Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Code and other applicable regulations.

i) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing regulations, ordinances, easements, covenants, or deed restrictions. However, where this Code and the provisions of other regulations or ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

j) Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

i) Considered as minimum requirements;

ii) Liberally construed in favor of the City of Las Cruces; and

iii) Deemed neither to limit nor repeal any other powers granted under State Statutes.

k) Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations applicable at the time of authorship. On rare occasions, greater floods can and will occur, and flood levels may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section, or any administrative decision lawfully made thereunder.

l) Lands to which this Section Applies

The section shall apply to all areas of special flood hazard within the jurisdiction of the City of Las Cruces, New Mexico.

m) Determination of Substantially Improved or Substantially Damaged Existing Buildings and Structures in Flood Hazard Areas

For applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the Floodplain Administrator shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Floodplain Administrator determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this Code, the Building Official shall require the building to meet the requirements. The cost used in the substantial improvement determination shall be the cumulative costs of all previous improvements for a specific building or structure occurring during the immediate past five-year period.

2. Administration

a) Designation of the Floodplain Administrator

The Community Development Director hereby appoints a Floodplain Administrator who is certified to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Regulations) pertaining to floodplain management.

b) Duties and Responsibilities of the Certified Floodplain Administrator

Duties and responsibilities of the certified Floodplain Administrator under this section shall include but not be limited to:

i) Maintaining and holding open for public inspection all records pertaining to this section;

ii) Reviewing permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

iii) Reviewing and then approving or denying all applications for development permits required under the Code;

iv) Reviewing permits for proposed development to ensure that all necessary permits have been obtained from those Federal, State or Local governmental agencies, (including section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1334) from which prior approval is required);;

v) Making the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions);

vi) In riverine conditions, notifying adjacent communities and the New Mexico Department of Homeland Security and Emergency Management (NMDHSEM), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

vii) Assuring that the stormwater capacity within the altered or relocated portion of any watercourse is maintained;

viii) Obtaining, reviewing, and reasonably utilizing any base flood elevation data and floodways data available from a federal, state, local, or other source in order to administer the provisions of **Sec. 38-3.D.3.a)** through **Sec. 38-3.D.3.e)** below When base flood elevation data has not been provided, in accordance with **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**;

ix) Requiring that, when a regulatory floodway has not been designated, that no new construction, substantial improvements or other development, including fill, shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community;

~~ix)~~x) When a hydraulic or hydrologic study terminates near or within a development area, the limits of study shall be extended as necessary by the community and/or Floodplain Administrator to ensure hydraulic continuity and stable boundary conditions. The study shall extend upstream and downstream until computed water-surface elevations and flow characteristics are fully representative of existing conditions and no longer influenced by project effects. Extensions shall conform to FEMA MT-2 technical guidance and 44 CFR § 65.6(a)(8) to maintain proper tie-ins to effective data; and

~~x)~~xi) Assuring that, under the provisions of 44 CFR Chapter 1, Section 65-12, of the National Flood Insurance Program regulations, the City of Las Cruces may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevations of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

c) Permit Procedures

i) Application for a development permit required under this Code shall be presented to the floodplain administrator on forms furnished by the property owner or the property owner's representative and may include, but is not limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the development in relation to areas of special flood hazard. Additionally, the following information is required:

a. Where base flood elevations have not been provided by the Federal Emergency Management Agency, a drainage study prepared and certified by a professional engineer registered in the state. The drainage study shall include:

i. An aerial photo of the area to be developed and contributing watershed;

ii. An up-to-date contour map of the site to be developed at a scale of 1" = 100' and contour lines at intervals of no more than one foot and spot elevations at all breaks in grade along all drainage channels or swales and at selected points not more than 100 feet apart in all directions;

iii. A contour map identifying the site to be developed and the entire watershed that contributes storm runoff to the development site;

iv. Calculations showing the peak discharge and volume of runoff that will pond or pass through the development site from a 1-percent probability storm; and

v. Calculations showing the 1-percent probability storm base flood elevation in relation to mean sea level on the site to be developed.

b. Elevation in relation to mean sea level of the lowest floor, including any basement, of all new and substantially improved structures;

c. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

d. A certificate from a professional engineer or architect registered in the state of New Mexico that the nonresidential floodproofed structure shall meet the floodproofing criteria of **Sec. 38-3.D.3.b)ii)** below;

e. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and

f. Maintenance of a record of all such information in accordance with **Sec. 38-3.D.2.b)i)** above.

ii) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the sections of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

g. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable; and

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

d) Variance Procedures

i) The City Council shall hear and render judgment on request for variances from the requirements of this ordinance.

ii) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this article.

iii) Any person aggrieved by the decision of the City Council may appeal such decision to the District Court within 30 days of the rendering of the decision.

iv) Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

v) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic places without regard to the procedures set forth in the remainder of this ordinance.

vi) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below, the base flood level, providing the relevant factors in **Sec. 38-3.D.2.c)ii)** have been fully considered.

As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

vii) Upon consideration of the factors noted in this ordinance and the intent of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article stated in **Sec. 38-3.D.1.c)** and **Sec. 38-3.D.1.d)**.

viii) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

ix) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

x) Prerequisites for granting variances shall be as follows:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon:

i. Showing a good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, and extraordinary public expense, and create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant, to whom a variance is granted, shall be given written notice of the permitted elevation of the lowest floor of the structure to be built, which shall not be more than two feet below the base flood elevation. The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

xi) Variances may be issued by the City of Las Cruces for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

a. The criteria outlined in i) through x) are met; and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

e) Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

i) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

ii) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

iv) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

3. Flood Hazard Reduction

a) General Standards

In all areas of special flood hazards, the following are required for all new construction and substantial improvements:

i) All new construction or substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

ii) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

iii) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

iv) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

v) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

vi) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

vii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

viii) Floodplain development shall follow the Federal Emergency Management Agency's Letter of Map Change (LOMC) process (e.g., LOMA, LOMR, LOMR-F, CLOMR, CLOMR-F) as specified in 44 CFR. Upon the submittal of any preliminary and final drainage drawings for review, floodplain information shall be required along with a Conditional Letter of Map Revision (CLOMR and CLOMR-F) and a Letter of Map Revision (LOMR and LOMR-F) for 1-percent probability storm event for storm flows of greater than 250 cubic feet per second, developments of five acres and larger, developments with 50 or more lots, and/or developments with any changes to the existing flow path in flood hazard zones AE, A, AH, AO, and D. Information shall include peak discharges for the 10-percent, 2-percent, 1-percent, and 0.2-percent probability storms for the floodplain inundation area and anticipated depth of floodwaters one foot and deeper. Standard step backwater models shall be used for flood depth determination. The Hydrologic Engineering Centers HEC-2 analysis method may be required. Improvements and subdivisions will not be accepted by the City until the flood study has been approved by the Federal Emergency Management Agency.

a. A CLOMR will be submitted for review by the City and submitted to the Federal Emergency Management Agency prior to plan and/or Final Plat approval.

b. A LOMR will be submitted for review by the City and submitted to the Federal Emergency Management Agency before acceptance by the City and before the issuance of any Certificate of Occupancy. Costs incurred for the preparation of materials and fees paid to the Federal Emergency Management Agency will be borne by the developer.

b) Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**, **Sec. 38-3.D.2.b)viii)**, or **Sec. 38-3.D.3.c)iii)** below), the following are required:

i) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including any basement, elevated to at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in **Sec. 38-3.D.2.c)i)a** above is satisfied. When Base Flood elevation data has not been established, the City shall obtain, review, and reasonably utilize any Base Flood elevation data and regulatory data available from federal, state, or other source, in order to administer the provisions of this Section.

ii) Nonresidential Construction

New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level plus one foot of freeboard, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be issued by the certifying professional to the Floodplain Administrator and be maintained by the Floodplain Administrator.

iii) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are useable solely for the parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

iv) Manufactured Homes

Manufactured homes are subject to the following regulations.

a. All manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purpose of this subsection, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes in the following categories that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and shall be

securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movements in accordance with paragraph **d** below:

i. Outside of a manufactured home park or subdivision,

ii. In a new manufactured home park or subdivision,

iii. In an expansion to an existing manufactured home park or subdivision, or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zone A1-30, AH, and AE on the community's FIRM that are not subject to the provision of paragraph **b** above must be elevated so that it meets the greater of either:

i. The lowest floor of the manufactured home is elevated at least one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, whichever is higher.

d. Ground anchoring systems shall meet the requirements outlined in the City manufactured housing installation code. Anchors and anchoring systems that do not meet these requirements shall be designed by a professional engineer registered in the state of New Mexico and approved by the Floodplain Administrator.

v) Recreational Vehicles

Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of **Sec. 38-3.D.2.c)i)b** above, and the elevation and anchoring requirements for "manufactured homes" in **Sec. 38-3.D.3.b)iv)** above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

c) Standards for Subdivision Proposals

i) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be consistent with **Sec. 38-3.D.1.b). Findings of Fact** through **Sec. 38-3.D.1.d). Methods of Reducing Flood Losses**.

ii) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet the development permit requirements of **Sec. 38-3.D.1.g). Establishment of Development Permit** and **Sec. 38-3.D.2.b)ix)**.

iii) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which is greater than 50 lots or five acres, whichever is less, if not otherwise provided pursuant to **Sec. 38-3.D.1.f). Basis for Establishing the Areas of Special Flood Hazard** or **Sec. 38-3.D.2.b)viii)** above.

iv) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

v) All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to

minimize or eliminate flood damage. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during a flood event.

vi) All proposals for the development of subdivisions shall meet development permit requirements of **Sec. 38-3.D.1.g) Establishment of Development Permit** and **Sec. 38-3.D.2.b)ix)**, this section, as well as the requirements of **Chapter 37. Subdivision Regulations**.

vii) All preliminary and final plats submitted for approval must have any floodplain clearly graphically delineated and noted.

~~viii) \When developing property that extends into the City's regulatory floodplain, the floodplain shall be dedicated to the City in fee, as a flood water conservation easement, or as open space, as appropriate under the circumstances as determined by the Community Development Director. This area shall be shown on the subdivision map.~~

d) Standards for Areas of Shallow Flooding (AO/AH Zones)

Areas designated as shallow flooding are located within the area of special flood hazard as established in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard**. These areas have flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where higher velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following apply to AO and AH zones:

i) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot of freeboard (at least three feet if no depth number is specified).

ii) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including any basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot of freeboard (at least three feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be designed so that below the base flood level plus one foot of freeboard, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

iii) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in **Sec. 38-3.D.2.c)i)a** above, are satisfied.

iv) Adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.

e) Floodways

Floodways located within areas of special flood hazard established in **Sec. 38-3.D.1.f) Basis for Establishing the Areas of Special Flood Hazard** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply to the floodway:

i) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

ii) If subsection **i)** above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Sec. 38-3.D.3.a) General Standards** through **Sec. 38-3.D.3.d) Standards for Areas of Shallow Flooding (AO/AH Zones)**.

iii) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the City of Las Cruces may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through the Federal Emergency Management Agency.

f) Severability

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

g) Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $10,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Las Cruces City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Development In or Adjacent to Areas Prone to Erosion

1. Scope of Division

Construction of slope protection within the City shall require an approved building permit and shall conform to the minimum design standards as specified within this Code and in accordance with the latest City-adopted edition of the International Building Code (IBC), City construction specifications, and design standards for all drainage facilities that will be dedicated to the City. All development in the special flood hazard area (SFHA) – also known as the flood zone – must comply with the Code of Federal Regulations (44 CFR 60.3).

2. Slope Protection for Drainage Ponds and Embankments

The following shall be applied to slope protection design and construction of slopes greater than 3:1:

a) Construction permit applications, if applicable, shall include all structural calculations, investigative reports, and design documentation.

b) All slope protection within the City shall be designed and constructed per City Design Standards and in accordance with the latest City-adopted edition of the International Building Code for both private and public construction, as applicable.

c) For any facilities dedicated to the City, a site-specific geotechnical investigation will be required.

d) City of Las Cruces Pond requirements, revised June 20, 2023, or latest version are included in the Drainage Technical Manual.

3. Erosion Control and Mitigation

The following shall apply to development:

a) A draft Stormwater Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) must be included as part of the initial project design plan submissions for a construction permit.

b) All Best Management Practices (BMPs) shall be listed in the SWPPP.

c) All grading shall limit and control surface soil disturbance and removal of vegetation. All grading shall have controls in place to prevent surface runoff and sediment transport off-site.

d) A draft wind erosion plan (WECP) shall also be submitted, per WECP standards and requirements.

e) Storm runoff discharging to floodways adjacent to residential properties must be designed to prevent erosion of adjacent private property.

f) Requirements for erosion and wind control are located within the Technical Manual.

4. Geotechnical Soils Investigation

a) A geotechnical soils report is required for any facilities that will be dedicated to the City. A geotechnical soils investigation may be required if the soil conditions are unknown or otherwise unusual as determined by the Public Works Department. This requirement must also be met for soils that are classified as expansive, very fine, loose structure, have a history of instability, have a potential for future instability, or will have a designed or natural slope steeper than 3:1. Any soils report, or addendum, for a project/development shall be part of the building permit application and shall be presented as part of the construction permit drawing submittal.

b) Geotechnical investigations shall meet the requirements of ASTM D-420 “Investigation and Sampling Soils and Rocks for Engineering Purposes”.

c) Each boring log shall note the ground surface elevation at the location of each boring.

d) Ponds: Subsurface exploration depth below the designed bottom-of-pond (BOP) elevation to define the infiltration zone shall be:

i) Private ponds. Exploration of ten feet (minimum) below the designed bottom-of-pond (BOP) elevation for at least 20 percent of ponds in a development. Exploration points shall be equally spaced across proposed pond locations.

ii) City drainage ponds, ponds dedicated to the City, and dual-use facilities. One exploratory hole of 20 feet below BOP (minimum) for each pond.

5. General Slope Protection

The following applies to all slope protection related to drainage structures, including pond embankments and slope stabilization to prevent erosion and sediment transport due to storm events:

a) All slope protection designs 3:1 or steeper shall be designed by a Professional Engineer licensed in the State of New Mexico and reviewed by the City prior to issuance of a construction permit.

b) All slopes that do not have natural vegetation or ground cover shall be stabilized.

c) Slope stabilization methods shall follow guidelines and standards included in the Technical Design Manual and the latest edition of the New Mexico Department of Transportation (NMDOT) Standard Specifications for Highway and Bridge Construction.

d) Slope protection using planted vegetation is required for slopes 4:1 or less. Design shall be in accordance with **Sec. 38-7. Landscaping** and the following specifications:

i) Planted slope protection shall not be used for slopes steeper than 4:1.

ii) United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) practice standards shall be met for slope protection planting.

F. Stormwater Quality/Pollution Reduction Development

1. Purpose

In order to meet the requirements included in federal and state regulations, including the Municipal Separate Storm System (MS4) permit and National Pollution Discharge System (NPDES), this section outlines the City

guidelines for improving the quality of stormwater runoff by controlling pollutants and sediment, and improving the air quality by controlling dust from unstable soil.

Industrial, commercial, and residential construction shall conform to the latest applicable permit requirements and will submit a Stormwater Pollution Prevention Plan (SWPPP) and Wind Erosion Control Plan (WECP) for any site that may release dust, sediment, or contaminated runoff to natural waters, including floodways and the Rio Grande.

National Pollutant Discharge Elimination System (NPDES) applies to persons obtaining construction permits clearing one (1) acre or more ~~than one acre of more~~ under the federal Environmental Protection Agency (EPA) Construction General Permit. This section shall apply to any stormwater discharge associated with commercial, industrial, residential, roadway, and other activities, including construction, in strict accordance with the current MS4 permit for the City of Las Cruces.

It shall also be the purpose of this section to:

a) Maintain and improve the quality of surface water and groundwater within the City limits;

b) Promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, pet waste, and other contaminants into the City's storm drains, natural waters, and water courses;

c) Encourage recycling of used motor oil and safe disposal of other hazardous consumer products;

d) Respect, protect, maintain, and restore arroyos, wetlands, bosques, floodplains, steep slopes, riparian vegetation, and wildlife habitat areas that are within the City's jurisdiction;

e) Treat stormwater runoff as a valuable natural resource of the City of Las Cruces, which is prone to drought, by encouraging water collection and infiltration on site;

f) Control the adverse impacts associated with increased and high-velocity stormwater runoff on natural drainage ways and stormwater structures due to increased development and its creation of new impervious surfaces;

g) Integrate stormwater management measures into the landscape and site planning process;

h) Provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating permanent measures into the overall landscape and site design;

i) Facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the City; and

j) Assist the City in compliance with all federal and state laws, regulations, and permits applicable to stormwater discharge.

2. Administration

The Public Works Director shall administer and coordinate the implementation and enforcement of the provisions of this section.

3. Duties and Responsibilities of Public Works Director

Duties and responsibilities of the Public Works Director shall include, but are not limited to, the following:

a) Be the guardian of the MS4, including all dams, detention and retention basins, storm drains, outlet working channels, and pumping stations;

b) Maintain and hold open for public inspection all records pertaining to the provisions of this section;

c) Review permit applications to determine whether proposed developments will eliminate or reduce the pollutants entering the MS4;

d) Review, approve, or deny all applications for development permits required by the adoption of this section;

e) Maintain supervision over the operation and maintenance condition of the MS4 to ensure its safe and effective functioning and notify the streets systems administrator of any required maintenance and/or repair work;

f) Conduct an annual inspection of the MS4 and provide a written inspection report, including an assessment of the operational condition, safety, effectiveness, and maintenance condition of the system, and a line item list of required special maintenance or repairs to the streets systems administrator;

g) Establish and implement a program to locate and eliminate illicit discharges and improper disposals to the MS4;

h) Establish and implement a program to prevent, contain, and respond to spills that may discharge into MS4. This program shall be in conjunction with the fire department's hazardous materials division;

i) Establish and implement a program to identify and control pollutants in stormwater discharges from any construction or commercial facility that the Public Works Director determines is contributing a substantial pollutant loading to the MS4.

4. General Prohibitions

a) No person shall introduce or cause to be introduced into the MS4 or waters within the jurisdiction of the City any discharge that is not composed entirely of stormwater other than those that are identified in the following section.

b) It is an affirmative defense to any enforcement action for violation of subsection **a)** above that the discharge was composed entirely of one or more of the following categories of discharges:

i) A discharge authorized by and in full compliance with an NPDES permit (other than the NPDES permit for discharges from the MS4);

ii) A discharge resulting from firefighting;

iii) Agricultural stormwater runoff;

iv) A discharge from water line flushing, but not including discharge from water line disinfected by super chlorination or other means unless it contains no harmful quantity of chlorine or any other chemical used in line disinfection;

v) A discharge from residential lawn watering, residential landscape irrigation, or crop irrigation, water;

vi) A discharge from a diverted stream flow or natural spring;

vii) A discharge from uncontaminated pumped groundwater or rising groundwater;

viii) Uncontaminated groundwater infiltration to the MS4;

ix) Uncontaminated discharge from a foundation drain, crawl space pump, footing drain, or sump pump;

x) A discharge from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

xi) A discharge from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;

xii) A discharge from individual residential vehicle washing;

xiii) Uncontaminated discharge from riparian habitat or wetland; and/or

xiv) Discharge from water used in street washing provided that the water is not contaminated with any harmful cleaning substance.

c) No affirmative defense shall be available under subsection **b)** above if the discharge or flow in question has been determined by the City to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, and written notice of such determination has been provided to the discharger.

5. Specific Prohibitions and Requirements

a) The specific prohibitions and requirements in this section are within but do not limit the general prohibition of all the discharges prohibited by **Sec. 38-3.F.4. General Prohibitions**.

b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's NPDES permit, or any state- or federal-issued discharge permit for discharges from its MS4.

c) Additional Requirements

Additional requirements which may be requested from operator could include:

i) Location of all easements and rights-of-way;

ii) The delineation, if applicable, of the 100-year floodplain, floodway, if applicable, and any on-site or adjacent wetlands;

iii) Percolation test results for all areas with retention ponds or other facilities designed for infiltration and a description of techniques to be used to prevent the clogging of soil pores by fine sediment;

iv) A description of the approximate area of the watershed above the site, including the vegetative coverage and impervious surfaces;

v) SWPPP;

vi) The NOI.

d) Denial and Review

The Community Development Director may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans, or observed upon a site inspection by City personnel, are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. Together with written notification to the applicant that the approval sought is denied, the Public Works Director shall provide the applicant a written explanation of the reasons for the denial. The applicant may request review of the decision made by the Community Development Director or by the Development Review Committee. Any such request for review shall be made within ten days of the date the applicant receives notification of the decision by the Community Development Director. The decision whether or not to review the decision shall be within the sole discretion of the Committee and may be limited to written materials considered by the Committee to be relevant.

e) Inspections and Corrective Action by the City

The City of Las Cruces, through its designated agent(s), shall inspect sites throughout construction activities and either shall approve that portion of the work completed or shall notify the permittee that the work fails to comply with the provisions of this Code, State Administrative Code and/or federal NPDES regulations. Corrective action for non-compliance issues shall begin immediately. Completion of corrections shall not exceed seven days. Failure to comply will result in an immediate stop work order of construction on the site.

f) Increase in Minimum Standards

The Public Works Director and/or the Community Development Director may require implementation of more than the minimum stormwater standards if arroyos on site, or immediately downstream of a site, show evidence of increased flooding, accelerated erosion (erosion caused by development activities that exceeds

the natural processes by which the surface of the land is worn away), channel erosion or sedimentation. Increased requirements shall be limited to the following on-site measures:

i) Erosion control measures extended to a broader area of the site than the development area;

ii) Revegetation of highly eroded areas;

iii) Arroyo restoration or other erosion control measures within highly eroded channels; or

iv) A combination of the above measures.

g) Variance from Stormwater Quality Management On Site

i) The Public Works Director may authorize alternative methods if the following conditions are met:

a. Stormwater quality can effectively be controlled through private off-site mitigation or through an arrangement to use an existing regional stormwater management facility.

b. Any of the following conditions apply:

i. The soil is not stable as demonstrated by a geotechnical report certified by a professional engineer licensed in the State of New Mexico.

ii. A licensed professional can clearly demonstrate and provide technical basis to support that the site use is not consistent with the capture and reuse of stormwater.

iii. Other physical conditions exist that do not leave sufficient area for on-site stormwater quality control.

iv. The developer constructs a project in accordance with drainage design standards to replenish regional groundwater supplies at an off-site location that is located in the same drainage basin within the boundaries of the development site.

v. Acquisition of surface water rights may be required in order to implement management off site.

ii) The basis for requesting private off-site mitigation or a variance request is clearly demonstrated in the Drainage Plan or negotiated during the PUD process (see **Sec. 36-5.D. Planned Unit Developments (PUDs)**).

h) Notification or Permitting by Other Agencies

Activities permitted by this section may also require notification or permitting by other agencies, including but not limited to written approval from the Elephant Butte Irrigation District or other official watercourse related organization, the federal Environmental Protection Agency, the United States Army Corps of Engineers, the Federal Emergency Management Agency (FEMA) and the New Mexico Environment Department (NMED).

G. Low-Impact Development and Green Infrastructure

1. LID strategies shall be considered and developed as part of the development drainage plan in order to minimize required stormwater detention or retention volumes. LID strategies shall be considered for both commercial and residential development and should demonstrate consideration of the local climate and soil types and availability of water for maintenance of trees and vegetation. The City's Landscape Architect shall maintain a list of approved plant materials.
2. The Technical Manual and **Sec. 38-4. Low-Impact Development and Green Infrastructure** include approved LID methods to improve stormwater quality. Such LID methods must be shown on the final Drainage Report.

H. Drainage System Operation and Maintenance

1. The actual effectiveness of any storm drainage system compared to that determined through modeling and other engineering computation procedures may differ greatly. The intake capacity of a storm drain inlet can be reduced by more than 75 percent due to debris accumulation. Trash collecting on a pier of a bridge over a flood control channel may actually direct water out of the channel although the discharge is well below the channel design

capacity. Sand and silt accumulations within a storm sewer may completely block the line. Pump stations that have not been regularly exercised may not operate when called upon.

2. In order to increase system efficiency and improve the City drainage systems, the following maintenance guidelines shall apply to operators of private drainage systems:

Figure 38-3-1. Private Drainage System Maintenance Guidelines

Facility	Maintenance	Inspection
Channels	Monthly June-October	Semiannual
Pump stations	Monthly June-October	Semiannual
Detention/Retention facilities	As necessary, monthly June-October	After any major storm (one inch or greater)
Storm sewer systems	Annual	Biannual
Storm sewer inlets	After rainfall events or biweekly during rainy periods	Semiannual

3. Proper operations and maintenance of storm drainage and flood control facilities includes both cleaning and minor repair to the facilities as well as completely rebuilding some facilities which have, through weathering or lack of maintenance, been rendered useless or present a threat to public safety. The purpose of the operation and maintenance is to maintain the design capacity and the use of the facility.

4. Community Ditches and Parkways

   The maintenance, cleaning, weed and grass removal, upkeep and repair of community ditches and parkways within the City shall be the responsibility of the owners of the abutting property, whether or not such persons are users of water in the community ditch.

5. Maintenance Responsibilities for Stormwater Systems

   a) Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

   b) The stormwater management system shall be maintained in good condition and promptly repaired. Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation, and any other stormwater measure constructed on site. Such maintenance shall be in accordance with the National Pollutant Discharge Elimination System Manual "Storm Water Management Guidelines for Construction and Industrial Activities", latest version.

   c) All stormwater management measures and facilities shall be maintained by the fee simple owner of the property, a homeowners association that can demonstrate that it not be disbanded during the life of the facility or a regional entity specifically dedicated to the maintenance of a regional pond, unless a dedication of the stormwater management system has been required or accepted by the City, in which case, the City shall be responsible for maintenance. Maintenance agreements shall be recorded at the County Clerk's Office and the rights and responsibilities for the maintenance of the drainage structures will be associated with the property in the event of a transfer of ownership, unless and until the drainage structures are modified or removed. Any and all changes to the maintenance agreement will be required to be recorded at the County.

   d) Owner(s) of drainage structures, including ponds, that discharge or connect to the City of Las Cruces stormwater utility (MS4) or discharge into the Waters of the United States within the City of Las Cruces city limits must conduct, at a minimum, an inspection of each drainage structure every three years following a

passing inspection beginning when the property owner assumes ownership of the property and files the maintenance agreement.

i) Privately maintained infrastructure shall be inspected by City personnel on a routine basis. Inspection shall include, but not be limited to:

a. Inspection and maintenance records; review of design and technical specifications of infrastructure; physical inspection of the facility; and review of the required maintenance agreement.

b. Erosion will be noted in physical inspection with corrective actions required.

c. Sediment accumulation will be noted by required engineered controls including sediment gauges, staffs, or designed elevation of pond depth, to determine if sediment removal is required.

ii) The City may choose to provide a pre-formatted inspection report to be used for each inspection. Any maintenance and repair deficiency identified in the inspection report must be adequately addressed to ensure compliance with the requirements of the City. Upon completion of all necessary maintenance, repair or deficiency identified in the inspection report, the drainage structure shall be re-inspected at the Owner's expense. The re-inspection report shall be filed and approved by the City confirming that all corrective measures have been completed.

iii) If the Owner(s) responsible for maintaining the drainage structure(s) fails to properly maintain the structures or submit certified inspection reports, the City will send a written notice to the owner(s) to correct the problem within 30 days from the Owner(s) receipt of the notice. If the owner(s) fail to comply with the notice, the City may initiate action as outlined in the subsequent section, Maintenance Agreement.

e) Prior to project construction plan approval by the City, applicants must ensure implementation and maintenance of the Best Management Practices (BMPs). Applicants shall be required to submit a maintenance agreement and operation and maintenance plan prior to issuance assuring that all permanent BMPs will be maintained throughout the use of the project site.

6. Maintenance Agreement

The maintenance agreement shall include the following:

a) Operation and Maintenance (O&M) Plan

The applicant shall include an operation and maintenance (O&M) plan, prepared satisfactory to the City, with the approved maintenance agreement, which describes the designated responsible party to manage the stormwater BMP(s), including maintenance frequency specific maintenance activities (including maintenance of storm drain inlet markers), copies of agency permits and any other necessary activities. At a minimum, maintenance agreements shall require the applicant to provide inspection and servicing of all permanent BMPs on an annual basis. The project proponent shall complete and maintain O&M forms to document all maintenance requirements. Parties responsible for the O&M plan shall retain records for at least five years following the date that the maintenance occurred. These documents shall be made available to the City for inspection upon request at any time. O&M plan shall require engineered controls, including staffs or gauges, to facilitate inspection of sediment accumulation in retention and detention facilities.

b) Access Easement/Agreement

Unless the applicant accepts permanent maintenance responsibilities, the applicant shall execute an access easement, if needed, to the official maintenance entity that shall be binding on the land throughout the life of the project.

c) Maintenance Violations

If, after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or responsible party within 30 days, the City may perform or contract all necessary work to place the facility in proper working condition. The owner(s) or responsible party of the facility shall be assessed the associated costs of the work and shall reimburse the costs for said work. In the event of non-

payment of work, a lien will be placed on the property associated with the repair, maintenance or corrections of deficiencies identified by the City.

7. Citizen Participation

   a) All citizens are encouraged to report to the City any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this section of which they become aware.

   b) The Public Works Director or City Codes Enforcement Department shall receive all such citizen reports by email or web reporting (Ask 311), telephone, in writing, and in person. A written record of each citizen report will be prepared and kept on file for a period of three years, and a copy of the City's record of the report will be furnished to the reporting citizen upon request. Also upon request, the City will inform the reporting citizen of any action undertaken by the City in response to the citizen's report.

Sec. 38-4. Low-Impact Development and Green Infrastructure

A. Purpose

1. Beneficial alternative and innovative solutions to stormwater management should be included in projects during the design process, with the primary intent of reducing the volume of stormwater runoff from a site and increasing water quality. This is accomplished by using a combination of strategic site design, stormwater control measures, and landscape elements to capture and treat water closer to the source (the site upon which the water initially falls). This approach can help prevent localized flooding, provide an array of multi-benefits for the community, and reduce the need for or impact on traditional stormwater infrastructure and facilities.
2. Low Impact Development (LID) is an approach to site planning that seeks to protect natural water processes on a site by avoiding impacts of development to the extent possible via protecting undisturbed open space and existing vegetation, minimizing land disturbance, and minimizing impervious cover. LID may also include strategies that restore predevelopment hydrological conditions on a site.
3. Green Infrastructure (GI) includes techniques that utilize plants, soils and other natural elements and processes to store, slow, and/or filter water on-site through functional landscape elements. GI is appropriate for use in both greenfield and urban developments.

B. Applicability

1. LID and GI techniques should be utilized on all new developments or redevelopments.
2. A menu of elements outlined in the Technical Manual allows for the application of LID and GI elements in a variety of contexts, from low-density single-family neighborhoods to urban mixed-use developments.
3. Projects that are not otherwise required to meet the GI/LID requirements may participate in an incentive program, as outlined in the Technical Manual.

C. General Requirements

1. All LID and GI elements shall be regionally and contextually appropriate.
2. LID and GI elements shall seek to maximize the provision of multi-benefits as applicable and appropriate.
3. With approval of the Public Works Director, the City may accept maintenance duties of GI elements constructed in the right-of-way.
4. See the Technical Manual for a menu of approved LID and GI elements.

D. LID and GI Incentive Program

In addition to achieving the minimum requirements, the Technical Manual outlines a series of credits that projects may achieve, with higher levels of credit given based on the quality or quantity of the LID/GI elements used and more credits offered to sites with higher allowable levels of impervious cover (IC) where installation of elements is more demanding (e.g., high-density urban projects get higher levels of credits than low-density suburban projects).

1. Other City Requirements

   Projects must comply with all City code requirements, including landscape provisions and maintenance requirements. Elements shall not be double counted with other City requirements (e.g., landscape elements) already required by code. LID/GI elements used towards this incentive program must be beyond minimum code requirements, except as outlined in the Technical Manual. Enhancement of landscape elements required by code may count for partial incentive credit, for example, using low-maintenance, drought-resistant native plant species in landscape areas otherwise required by code.

2. MS4 and Other Requirements

Projects must comply with the requirements of the latest active MS4 permit and any other applicable U.S. Environmental Protection Agency or state-level requirements regarding water quality and stormwater. GI and LID elements used to meet these requirements may count towards the LID/GI elements credits required per this Code.

3. Alternative Compliance

   Credit may be granted if the project obtains certification under a third-party sustainability certification, as noted in the Technical Manual. If credits are provided under the expectation of a third-party certification but the project ends up not achieving those credentials, the project must achieve equivalent credit via provision of LID/GI elements outlined in the Technical Manual or pay a fee-in-lieu.

4. Fee in Lieu

   Credit may be granted for the payment of a fee in lieu of providing on-site LID/GI elements, as approved by the Community Development Director and Public Works Director, and in consultation with the City's Landscape Architect and Forester/Arborist. Fees paid through this program shall go into the Green Infrastructure Fund which allows the City to install or maintain GI elements elsewhere in the City, at their discretion. Fee calculation amounts are provided in the Technical Manual.

5. The City reserves the right to inspect GI elements installed under the incentive program on private property for proper installation, maintenance, and ongoing performance. If the City deems the element to be not installed, maintained, or performing properly the owner must rectify the issue in a reasonable timeframe or be subject to penalty as applicable for not delivering on approved development agreements.

6. Credit may be granted to GI elements constructed within the right-of-way, per **C. General Requirements**.

7. Additional requirements can be found in the Technical Manual.

Sec. 38-5. Parks, Trails, and Open Space

A. Purpose

The purpose of this section is to ensure that new master plan or subdivision development allocates resources for accessible and useable parks and trails in accordance with the adopted Parks and Recreation Master Plan, the Comprehensive Plan, the Active Transportation Plan and any applicable adopted City plan.

B. Applicability

1. Single-family Residential Development. The requirements of this section for park land and trail dedication shall apply to all developments resulting in the creation of new residential dwelling units.
   a) Exceptions:
      i) Replats of property if no increase in dwelling units will occur.
      ii) Property in the Rural Character Area or zoned OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban) or OS-2, Open Space-Drainage District (Rural, Suburban, Urban).
2. Multi-family Residential Development. The requirements of this section for park land and trail dedication shall apply to all developments resulting in the creation of new multi-family residential units.
3. Non-Residential Development. The requirements of this section for open space and trail dedications shall apply to non-residential developments.
   a) Mixed-use developments may propose park land, trails, or open space dedication or a combination to satisfy the requirements of this section.
   b) Exceptions:
      i) Single-lot commercial developments containing less than 5 acres; and
      ii) Property zoned Industrial is not required to dedicate open space, however shall provide connections and dedicate trail easements if adjacent to an existing or proposed trail corridor in accordance with **Sec. 38-5.D. Trails**.
      iii) Projects with approved ~~Master Development Plans or Development Agreements that provide parks and trails in accordance with the Active Transportation Plan~~applicable adopted plans.
      iv) Approved Planned Unit Developments (PUDs) that provide parks and trails in accordance with applicable adopted plans.
4. Park Impact Fees will be assessed at the time of building permit for other park facilities as outlined in Section 33-32 of the LCMC.

C. Park Land

1. Park Land Dedication

   Dedication of park land and installation of park improvements within new developments and redevelopments is required to provide shared space and amenities for the health and enjoyment of neighborhood residents.

2. The amount of park land required to be dedicated (or fee in lieu of dedication) is as follows:

   (3 acres x number of dwellings *x* people per unit*) / 1,000 people = Acres to be dedicated

   *Multi-family and single-family persons per unit shall be based on adopted land use assumptions.

3. Density shall be determined by the units specified on a master development plan or site plan or, in cases where not specified the maximum density per applicable zoning district should be used.
4. Parkland Standards

   Land may be dedicated for neighborhood parks to serve new development. Dedicated acreage may also be combined with existing parkland to accommodate larger community park facilities. At a minimum, parkland shall comply with the following area and location standards:

   a) Land dedicated for a neighborhood park shall be a minimum of three contiguous acres in size. Land may be considered contiguous if it abuts both sides of a street with a Local classification and the separate areas are joined by a marked pedestrian crossing; and

   b) The land must provide a minimum of 200 feet of continuous street frontage; and

   c) Walkshed. Dedicated parkland shall accommodate neighborhood walksheds of ¼ mile by providing a safe, accessible sidewalk or trail connections from the outside edge of the park property to the adjacent neighborhoods; and

   d) The land must be situated to allow convenient pedestrian and bicycle access; and

   e) Park area must be visible from adjacent homes or buildings and public streets; and

   f) Drainage areas or areas with undulating topography or slopes exceeding five percent are acceptable if the areas are to remain in their natural state and will preserve one or more significant features such as creeks, watersheds, viewsheds, native clusters of trees, or habitat for native or migratory species; and

   g) At the discretion of Parks and Recreation and in cases of specialized facilities, no more than half the area of the park land dedication may be located as follows:

      i) On a slope of 20 percent or greater; or

      ii) Within an arroyo; or

      iii) Within the 100-year floodplain.

   h) The location of dedicated park land shall also address the following, with specific consideration where service gaps are identified within the Parks and Recreation Master Plan:

      i) Proximity to existing or planned transit routes; and

      ii) Concentrations of multi-family housing and affordable developments; and

      iii) Population density; and

      iv) Areas of low household income.

5. Parkland Improvements

   Improvement shall be designed and built in accordance with ~~Installation of required improvements shall defer to~~ the Parks and Recreation Facility Standards Manual and shall be coordinated with and approved by the Parks Director or their designee.

6. Fee in Lieu of Required Parkland Dedication and Improvements

   When a fee is paid in lieu of parkland dedication and improvements in accordance with **Sec. 38-5.I**, the applicant shall provide an estimate of the cost of required park improvements. The applicant shall pay the amount of the approved estimate to the City in lieu of construction of required improvements to comply with this Section.

D. Trails

1. Trail Dedication and Construction

When a trail or trail extension is proposed on the subject property, the decision-making body is authorized to require that a~~n~~ dedicated tract or easement be provided for the trail. Sufficient land shall be dedicated and improved to provide trails in conformance with ~~the Active Transportation Plan and the Parks and Recreation Master Plan.~~applicable adopted City plans.

a) Extensions of the public trail network shall be included in the calculation of the amount of dedicated park land when the trail and amenities, including street trees and landscaping, street furnishings, or other improvements outlined by the Parks and Recreation Facility Standards Manual or applicable adopted plans are installed.

b) Connections to existing and proposed trail corridors shall be~~are~~ dedicated and built when the trail corridor is adjacent to or connects to a proposed development that meets **Sec. 38-5.B. Applicability**.

c) ~~Minor alignment adjustments may be appropriate to accommodate site-specific characteristics to achieve the ideal trail alignment~~. Trails shall be located and constructed as illustrated in applicable adopted plans.

~~c)~~

~~d)Trails shall be located and constructed as set out in applicable adopted plans.~~ d. Minor alignment adjustments may be appropriate to accommodate site-specific characteristics to achieve the ideal trail alignment.

~~e)~~d)Trail Connections to adjacent land shall be provided when:

i) The adjacent land is publicly owned or otherwise open to the public, or

ii) The adjacent land is under common ownership with the parcel proposed for development.

2. Trail Standards

Unless otherwise specified, all trails shall be constructed to adopted City standards and criteria from the Parks and Recreation Master Plan or any other applicable adopted City plan, and the Parks and Recreation Facility Standards Manual and shall conform to the requirements of the Americans with Disabilities Act, where applicable and as may be amended. Universal design should be incorporated whenever practical.

Extensions of the public trail network or portions thereof may be included in the calculation of the amount of dedicated park land upon the approval of the Parks and Recreation Director or designee and when the trail and amenities are installed.

Connections to existing and proposed trail corridors are dedicated and built when the trail corridor is adjacent to or connects to a proposed development that meet **Sec. 38-5.B. Applicability**.

E. Open Space

1. Open Space Dedication

Open space dedication may be considered to preserve natural or environmentally sensitive areas, protect historically or culturally significant sites, or provide public gathering places such as plazas within a development or when outlined in any applicable adopted City plan.

2. Public open space may be dedicated in lieu of or in combination with park land to meet the minimum requirements of this section with review and approval by the Parks and Recreation Director or designee.

a) Amenities and improvements for a dedicated public open space shall comply with the Parks and Recreation Facility Standards Manual. Open Space improvements shall be determined during the development review process and shown on the Preliminary Plat or Site Plan for the proposed development.

3. Private open space may be included to address part of the required dedication in accordance with **Sec. 38-5.I.3**.

F. Dedication Procedures

1. Proposed Development

a) The developer shall provide an area or areas for public parks, trails, or open space, or a combination, in accordance with the Las Cruces Parks and Recreation Master Plan and any other applicable adopted City plan.

b) The developer shall dedicate easements or deed property for trails and trail connections in accordance with applicable adopted plans.

2. Planning & Zoning Commission. The developer and the DRC, in consultation with the Parks and Recreation Advisory Board, as appropriate, shall make a joint recommendation to the Planning & Zoning Commission as to the land dedication or fee in lieu of dedication. If they are unable to agree, the developer and the DRC shall make separate recommendations to the Planning & Zoning Commission who shall determine the issue.

G. Criteria for Dedication

1. Land shown as dedicated on a Final Plat shall be free from any of the following:

a) Human inhabitants;

b) Hazards, including scrap material, junk, vehicles or equipment, above-ground or below-ground environmental contaminants or holding tanks;

c) Encumbrances of any kind, including deed restrictions, liens, or easements, unless they confer to the benefit of the City or will not interfere with the use of the property as a park;

d) Other undesirable objects or features that may accrue to the liability of the City based upon an inspection the City conducts at its discretion prior to accepting the land for dedication.

2. Land dedicated for open space or for unimproved parkland or trails must be preserved in its pre-developed state and may not be used for construction activities or storage of materials or equipment during construction of the subdivision or development, unless otherwise specified in a development agreement.

H. Zoning Requirements

1. Lots created for the purpose of park land or trail dedication shall not be required to meet the standards for lot size or area within any zoning district.

2. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.

I. Alternatives to Park Land Dedication and / or Improvements

If suitable land for park land dedication is not available, the subdivider or developer may propose one or more of the following in lieu of dedication and upon the approval of the Parks Director or designee:

1. Fee in Lieu

A fee set by the City Council based on the market value of the required acreage and improvements.

a) The City shall determine the amount of the fee at the time of Preliminary Plat or Site Plan approval and the developer or subdivider must pay all fees before recording a Final Plat or obtaining a Building Permit.

b) The City will reserve the contributed fees for the purpose of purchasing and/or improving public park and recreational land in the City in a manner that is consistent with the service level and proximity criteria in the Las Cruces Parks and Recreation Master Plan.

c) If the City fails to expend all the contributed funds on parks or improvements to parks in accordance with NMSA 5-8-11, the original property owner, subdivider, or developer or their successors and assigns in chain of title, may request in writing that the City refund any remaining funds in accordance with NMSA 5-8-17.

d) Park Fund Established

i) Establishment

A separate fund to be deposited at the highest interest rate permitted by law to be entitled "Park Fund" shall be and is hereby created. The money paid into the fund shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or improving public park and recreational land within the City.

ii) Purchases and Use of Funds

The principal and interest deposited and kept in the Park Fund shall be used solely for the purpose of purchasing and/or improving land for public park and recreation uses.

2. Improvements to Existing Parks

Improvements the developer or subdivider pledges to perform or provide in existing City parks in accordance with a recommendation from the City and consistent with adopted City standards.

3. Private Park or Open Space Development

Providing private parkland or open space shall account for up to 50 percent of the required public park land dedication, provided that the private park conforms to the following:

a) The property is deed-restricted for use as a park or reserved open space;

b) The property is shown on the Final Plat as park land or common area;

c) Parks are built to the standards of a public park and conform to the intent of the Parks and Recreation Master Plan and the Comprehensive Plan; and

d) The park or open space is owned and maintained by a homeowners' or property owner's association.

4. Other Substitutions

a) Specialty parks less than 3 contiguous acres;

b) Combination of improved parkland, trails, and open space that result in 3-acres;

c) Improved parkland located adjacent to developable vacant property that can be expanded with future development; and

~~d)~~d) Improved parkland installed by the developer whereby improved acreage in excess of the development's minimum requirement is reimbursed by the City as outlined in a reimbursement agreement approved by City Council.

J. Dedication Prior to Development Application

If a developer wishes to dedicate land that exceeds the requirement of this section reimbursed by the City as outlined in a reimbursement agreement approved by City Council.~~, the developer shall make a written request to the Planning & Zoning Commission who may grant the developer a credit equivalent to said excess.~~

~~The proposed dedication shall be included in the review and recommendation by the DRC prior to consideration by the Planning & Zoning Commission.~~

1. The approved credit shall be applied toward the developer's obligation under this section for any subsequent development by the same developer/owner within a one-half (½) mile walkshed of the original development site or as recommended by the DRC and approved by the Planning & Zoning Commission.

K. Timing of Dedication or Fee in Lieu

1. Timing of Land Dedications

a) Dedication of park land shall occur through the filing of a Final Plat that has been approved by the City. Completion of construction of park improvements to the satisfaction of the City shall be a precondition of the filing of a Final Plat unless either a Performance Security acceptable to the City has been submitted or the Director of the Parks & Recreation Department agrees to waive this precondition. When not dedicating with a Final Plat, a separate instrument addressing the items in **K.1.a)ii)** below is required.

i) The proposed dedication shall be shown on the Preliminary and Final Plat or Site Plan and shall be reviewed as an element for final approval of an application for development.

ii) Submission of dedication documents is required for final approval. Dedication documents include, but are not limited to:

a. A metes and bounds description of the land to be dedicated,

b. A survey of the property,

c. A copy of the fee simple deed and title policy for the property,

d. An environmental statement (ESA Phase 1) that indicates the site is free of environmental contamination or hazards, and identifies critical environmental features, and

e. Documents conveying ownership to the City by warranty deed, transferring the property in fee simple to the City, and ensuring that the property is free and clear of any mortgages or liens at the time of such conveyance.

iii) The park land shall be labeled on the Final Plat or Site Plan as "Public Park, Trail or Open Space (as applicable)land dedicated to the City of Las Cruces" with the acreage of land labeled on the Plat or Site Plan.

iv) Any disturbed land shall be restored, and the soil stabilized by vegetative cover by the developer.

b) Deeded land is dedicated public property and not subject to any right of reversion or refund.

2. Timing of Fees in Lieu

a) A cash contribution in lieu of required land development shall be payable before the City signing the Final Plat, or issuance of building permits for a Site Plan.

b) With the approval of the Planning & Zoning Commission, a developer may pay such contribution in three equal installments to be paid in full within one year of Final Plat approval.

3. Multi-phase developments shall dedicate sufficient park land and trail easements to meet or exceed the proportionate total requirement for the phase being recorded on the Final Plat.

4. Timing of Improvements

a) Subject to Adequate Facilities and Substantial Completion.

b) Improvements must be completed no later than 50% build-out or 2 years after the subdivision plat is recorded, whichever comes first.

c) If required park improvements are not installed at the time of subdivision construction a form of Performance Security and a bid from the contractor shall be filed with the City, along with a development agreement outlining the improvements to be completed, any cost sharing agreements (e.g., oversizing), and other terms as required by the Parks and Recreation Director.

i) The amount of such Performance Security must cover 125 percent of the projected cost of all required improvements agreed to by the Parks and Recreation Director. The amount shall be based on the projected costs that the City – not a private developer – would incur at the time improvements are scheduled for completion.

ii) Any of the following types of security shall be filed with the Community Development Director:

a. Performance bond. A surety bond acceptable to the City.

b. Escrow account. An account established with a financial institution.

c. Irrevocable stand-by letter of credit. The City shall have irrevocable authority to draw a draft for the projected cost of improvements.

d. Cashiers' check. An amount of security acceptable to the City.

e. Any other form of security approved by the Community Development Director, Finance Director, and legal staff.

d) The City shall not issue any building permits within the subdivision until all improvements have been installed and inspected, unless Performance Security is provided.

e) Any further extension of time for completion of required improvements shall require approval of the Planning & Zoning Commission.

f) Updated improvement cost estimates and additional performance security may be considered as a condition of any approved extension.

Sec. 38-6. Tree Preservation

A. Purpose

The purpose of this section is to support the following objectives from the Comprehensive Plan:

1. Maximize tree cover;
2. Improve air quality;
3. Manage stormwater runoff;
4. Reduce the community's overall carbon footprint;
5. Preserve natural amenities; and
6. Enhancement of social and economic benefits.

B. Applicability

The regulations herein apply to all new development and any redevelopment or modifications that affect a Protected Tree.

C. Exempted Trees

The regulations herein do not apply to the following trees:

1. Trees smaller than 6 inches DBH;
2. A dead or diseased tree, which is deemed beyond the point of recovery and at risk of spreading disease;
3. Trees that cause a safety hazard (e.g., blocking the clear sight triangle as required by **Sec. 38-2.H**);
4. Trees planted and growing on the premises for sale at a nursery or tree farm; or
5. Plants classified as a noxious species by the New Mexico Department of Agriculture.

D. Protected Trees

1. Trees that are not exempt from preservation are considered Protected Trees and shall require a Tree Removal Permit from the Community Development Director, upon a determination that there are no feasible alternatives for site development. A Tree Removal Permit may be requested in conjunction with the Site Plan.
2. Protected Trees may be credited toward the landscaping requirements in **Sec. 38-7.D. Required Landscaping**, with each counting as three trees.
3. Protected Trees must be protected during construction activities in accordance with **Sec. 38-7.E. Critical Root Zone Protection**.
4. Any Protected Tree that is damaged resulting in death of the tree or removed without a Tree Removal Permit, including those damaged during construction or within two years following issuance of a Certificate of Occupancy, shall be subject to a fine in accordance with **Sec. 34-1.H. Violations and Enforcement**, which shall be assessed until the removed tree is mitigated in accordance with **Sec. 38-6.E** below.

E. Replacement of Existing Trees and Tree Mitigation Plans

1. Any Protected Tree that is removed from a site must be replaced with a new or transplanted tree meeting the minimum size requirements in **Sec. 38-7.C.3.c)**.
2. Any applicant proposing to remove a Protected Tree must submit a Tree Mitigation Plan. The Tree Mitigation Plan shall be submitted to the Community Development Director for approval and may be prepared as part of a Landscape Plan, if applicable (see **Sec. 38-7.F. Landscape Plan**). The Tree Mitigation Plan shall show the following:
   a) Existing/proposed topography
   b) Location of property lines, easement, rights of ways, setbacks, parking areas, and sidewalks
   c) Location, species, size (in DBH inches), and Critical Root Zone (see **Sec. 38-7.E**) of each Protected Tree.
   d) A tree inventory that summarizes the following:
      i) Total number of DBH inches on the site (for trees two inches DBH and larger);
      ii) Total number of inches DBH to be removed;
      iii) Total number of inches DBH to be preserved;
      iv) Location of proposed new or transplanted trees to mitigate any removed Protected Tree;
      v) Any proposed landscaping credits for preserved Protected Trees; and
      vi) A summary of the tree protection methods to be utilized.

Sec. 38-7. Landscaping

A. Purpose

The City wishes to promote and preserve visually attractive and pleasing surroundings, reduce erosion and runoff, and improve the quality of the environment. The City desires to have development in an attractive and high-quality manner. Therefore, landscaping shall be provided and maintained as set forth in this section and in accordance with the Comprehensive Plan and the Parks and Recreation Master Plan.

B. Applicability

The requirements herein apply to all new construction, additions, or structural modifications unless otherwise noted herein.

C. General Requirements

1. Clear Sight Triangle

   Any landscaping in the Clear Sight Triangle must comply with **Sec. 38-2.H. Clear Sight Triangle**.

2. Irrigation System

   The irrigation system and the landscaping shall be installed before the issuance of a Certificate of Occupancy unless a written agreement has been made with the City to extend the time of installation (e.g., in the event of a drought). Such agreements will be for a maximum period of nine months. Irrigation systems must comply with the Technical Manual.

   a) Exemptions: In particular situations, the Community Development Director, following consultation with the City's Landscape Architect, may allow an irrigation system to be omitted or a temporary irrigation system installed to establish the plantings and then removed once plant material is established.

3. Approved Plant Materials

   a) It is the City's expressed desire to promote drought-tolerant species.

   b) The City shall maintain a list of approved plant materials, which is included within the Technical Manual. All required landscaping materials must be selected from this list.

      i) An applicant may request approval of a plant type not included on the approved list for consideration by the Community Development Director.

      ii) Turf, other than those identified on the recommended plant list, is not permitted.

         a. Exemptions: In particular situations (e.g., golf courses), the Community Development Director, following consultation with the City's Landscape Architect, may allow the use of other turf grasses.

      iii) Artificial trees, shrubs, and plants are not permitted.

   c) At the time of planting, all vegetation must meet the following minimum size requirements:

      i) Evergreen trees: 8 feet tall

      ii) Deciduous trees: 1.5-inch DBH single-trunk trees; 1.25-inch DBH for multi-trunk trees

      iii) Shrubs and ornamental grasses: 5-gallon container

   d) Plantings must have good structure and a good root system, including no girdling roots, with no flaws as defined by the American Nursery and Landscape Association American Standard for Nursery Stock, ANSI Z60.1 – 2004 or latest version.

   e) No single plant species shall be used for more than 50 percent of the required landscape materials.

f) The Community Development Director is authorized to limit species and placement to protect aboveground and underground infrastructure.

4. Installation Timing

   All required landscaping must be installed prior to issuance of a Certificate of Occupancy.

5. Maintenance

   a) The owner of the landscaped property shall be responsible for maintaining the area in a healthy, clean, trimmed, weed-free and litter-free condition. Proper irrigation, pruning, fertilizing and pest management are also included as maintenance.

   b) Landscape in parkways shall be maintained by the property owner of the contiguous property.

      i) Exemptions: Parkways that abut the rear property line of residential development and abut a Collector or Arterial Street shall be maintained by the City.

   c) Landscape in medians may be maintained by the City, adjacent property owner(s), homeowners' association, and/or other arrangement approved by the City.

   d) All approved landscape material must be maintained in a healthy, thriving condition, or must be replaced with the same or a substitution approved by the Community Development Director within 60 days. Maintenance shall be in accordance with ANSI A300.

   e) All plant growth shall be controlled so that it will not interfere with the installation, maintenance, or repair of any public utility, nor shall it restrict pedestrian or vehicular traffic or constitute a traffic hazard. This includes preventing plant growth from blocking the Clear Sight Triangle, as required by **Sec. 38-2.H. Clear Sight Triangle**.

   f) If a resident landscapes any property that is dedicated to the City, such resident is responsible for maintenance of that area until a written agreement is made to the contrary with the City.

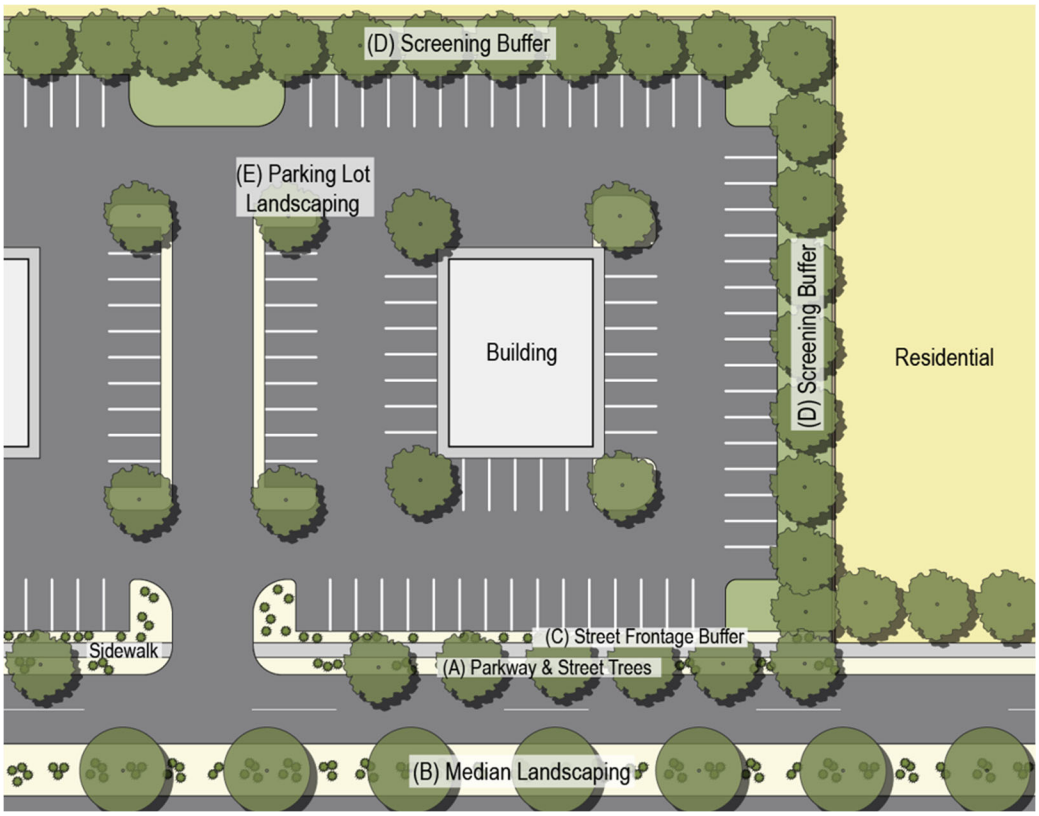
6. Payment in Lieu of Landscaping Parkways and Medians

   The Community Development Director, following consultation with the City's Landscape Architect, may determine that a payment in lieu of landscaping is acceptable in situations where meeting the above requirements is not feasible. Payment in lieu of landscaping may be approved by the Community Development Director, equal to the current costs of design, plantings and materials, construction, taxes, and contingencies that would otherwise be required to meet the standards herein.

D. Required Landscaping

The following figure and table summarize the required landscaping types unless expressly exempt within each subsection:

Figure 38-7-1. Required Landscaping Types



Landscaping Type	Requirement Summary	Applicability
(A) Parkway & Street Trees	Minimum 6' parkway width[1] with one tree per 30' of frontage along Streets in Urban Character Areas or 40' along Streets in Suburban Character Areas; plus one shrub per 25' feet of frontage.	Required on Arterials and Collectors for all new development or expansions of 20% or more.
(B) Median Landscaping	One tree per 250 square feet; plus one shrub per 250 square feet.	Required when the applicant constructs a street with a median or adjacent to an existing un-landscaped median.
(C) Street Frontage Buffer	Minimum 4' buffer extending the length of the parking or drive area with one shrub per 50 square feet of buffer.	Required for all new development (excluding 1-4 unit residential) or expansions of 20% or more when a parking lot or drive area is adjacent to the right-of-way.
(D) Screening Buffer	Varies; see **Sec. 38-8. Fencing, Screening, and Buffering**.	May be required depending on adjacent zoning; see **Sec. 38-8. Fencing, Screening, and Buffering**.
(E) Parking Lot Landscaping	Minimum 15% of the total parking area[2] shall be landscaped. A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area. A minimum of 20 live shrubs shall be provided for every 1,000 square feet of required landscaped area. One tree per 10 parking spaces.	Required for all development with more than 10 spaces in a surface parking lot.
(F) Lot Area Landscaping	Any unused area shall be retained in (or restored to) its natural state or landscaped in accordance with these standards. Residential lots (1-4 units) must have at least one tree in the front yard per 60' of frontage, in addition to any required street trees.	Required for all development.

[1] Parkway width less than 6' requires approval from the Public Works Director and the Parks and Recreation Department.

[2] For the purposes of this section, the parking area includes the entire tract of land except for the building pad and fenced-in storage area.

1. Parkway & Street Trees

   a) Street trees and shrubs are required on all Arterial and Collector Streets within Suburban Character Areas or Urban Character Areas.

   b) Street trees and shrubs shall be placed in the parkway of the street, unless the Community Development Director requires different locations of trees based on a lack of adequate parkway, utility conflicts, topography, or a uniquely shaped lot.

      i) Exception: Residential lots with between one and four units may plant the required trees in the front yard.

   c) The spacing for all street trees shall be at 30 feet or less for streets in Urban Character Areas or 40 feet or less for streets in Suburban Character Areas. Street trees may be clustered, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly spaced.

   d) Shrubs shall be provided at a rate of one shrub per 25 linear feet of parkway frontage in Suburban Character Areas or Urban Character Areas.

      i) Exception: Residential lots with between one and four units do not require shrubs.

   e) Median and parkway areas must be graded to initially retain stormwater within the median or parkway. Swales and small retention areas must be incorporated into the design such that stormwater runoff may be available to the trees and shrubs in addition to the irrigation water.

   f) The finished grade of the groundcover will be one-half inch to one inch below the back of curb or back of sidewalk.

2. Median and Public Area Landscaping

   a) These requirements apply to medians and other areas (e.g., subdivision entrances, drainageways, and rights-of-way) that are dedicated to the City or development adjacent to an un-landscaped median.

   b) Applicants shall submit plans for planting and irrigation for the approval of the Community Development and Parks & Recreation Departments, affected utilities and the State Highway Department, if appropriate, prior to construction. Any such dedication of land shall be in addition to the requirements for dedication of park land or fees in lieu thereof as stated in **Sec. 38-5. Parks, Trails, and Open Space**.

   c) The City has adopted landscape themes for medians that shall act as a guide for development of medians, which are included in the Technical Manual.

   d) Design guidelines for properties that are to be dedicated to the City shall be as follows:

      i) Grassed areas shall have a maximum design slope of 5:1, that is, five feet horizontal distance for every one foot vertical. Mounded groundcover areas shall have a maximum design slope of 3:1, that is, three feet horizontal distance for every one foot vertical.

      ii) Median and parkway areas must be graded to initially retain stormwater within the median or parkway. Swales and small retention areas must be incorporated into the design such that stormwater runoff may be available to the trees and shrubs in addition to the irrigation water.

      iii) The finished grade of the groundcover will be one-half inch to one inch below the back of curb or back of sidewalk.

      iv) Pedestrian crossing areas shall be surfaced with a hard paving suitable for foot and wheelchair traffic, consistent with the latest ADA and similar accessibility standards.

      v) All medians shall contain a minimum two-inch water stubout. Those medians in a series under one development shall contain one two-inch stubout and one two-inch conduit between medians which is suitable for electricity and water. The conduit shall be a minimum of four-inch class 200 PVC ~~two-inch schedule 40 PVC~~ and shall be placed a minimum of 24 inches underground.

vi) All drainage, retention and detention areas shall be buffered in accordance with **Figure 38-8-4. Required Compatibility Screen Type**.

vii) All planting and irrigation installation must be generally located within the center of the median to avoid future potential widening of the roadways, additional or expanded turning lanes or other modifications to the median.

viii) Median noses that are five feet to ten feet wide (back of curb to back of curb) must not be planted. Only groundcover or patterned and colored concrete may be installed in these areas. Median noses that are less than five feet wide (back of curb to back of curb) must be covered with patterned, colored concrete. Patterns may be score joint, broomed finish, or stamped, or a combination thereof. Colors must be appropriate to a public streetscape and must not be red.

3. Street Frontage Buffers

   a) Street Frontage Buffers are required when a parking lot or other vehicular area is adjacent to a street or right-of-way, intended to help block light trespass from headlights onto adjacent properties or right-of-way.

   b) Street Frontage Buffers shall be at least four feet in width and shall extend the width of the property line abutting the street with an exception for defined vehicular or pedestrian access points.

   c) Street Frontage Buffers shall be planted at a rate of one shrub per 50 square feet of buffer.

4. Screening Buffers

   Screening Buffers may be required along side and/or rear lot lines depending on the adjacent zoning. See **Sec. 38-8. Fencing, Screening, and Buffering** for requirements.

5. Parking Lot Landscaping

   The following regulations apply to any new development or redevelopment.

   a) A minimum area equal to 15 percent of the total parking area shall be landscaped.

      i) For the purposes of this article, the parking area includes the entire tract of land except for the building pad and fenced-in storage area.

   b) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

   c) A minimum of 20 live shrubs shall be provided for every 1,000 square feet of required landscaped area.

   d) A minimum of 1 tree per 10 parking spaces.

   e) Landscape areas must be defined by a curb unless designed as a stormwater retention facility. See **Sec. 38-4. Low-Impact Development and Green Infrastructure** and the Technical Manual for more information regarding incentives for incorporating sustainable design.

6. Lot Area

   a) Any portion of the site not used for buildings, parking, driveways, plantings, plazas or designated gathering areas, walkways, utilities, or approved storage shall be retained in (or restored to) its natural state or landscaped in accordance with the following standards:

      i) Living groundcover (as permitted by the approved plant list),

      ii) Organic materials such as mulch or wood chips, or

      iii) Inorganic materials such as decorative gravel or rocks.

   b) Materials must be permeable, with any weed barrier allowing the percolation of standing water within 72 hours.

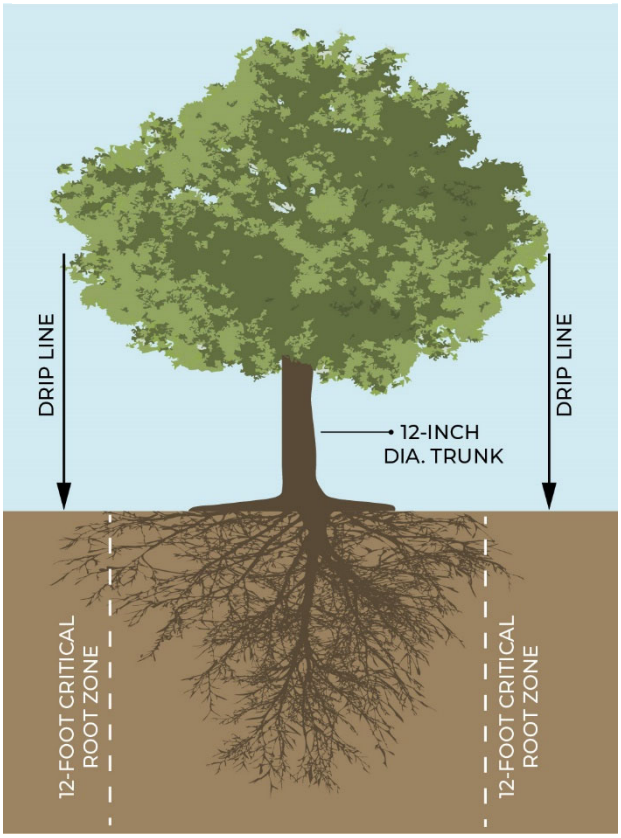
   c) Loose materials shall be contained by a curb or other suitable alternative to contain the materials within the landscaped area.

d) Residential lots (1-4 units) must have at least one tree in the front yard per 60 feet of street frontage, in addition to any required street trees.

E. Critical Root Zone Protection

1. Every required tree shall have a Critical Root Zone (CRZ) surrounding the tree to protect the tree from damage or other harm.
2. The CRZ is measured as a radius outward from the trunk of the tree. The radius shall be determined based on ANSI A300 for the individual species. See **Figure 38-7-2** for an example.
3. The following activities are prohibited in the CRZ:
   a) Storage or parking vehicles, building materials, refuse, excavated soils, or dumping of poisonous or hazardous materials on or around the tree and roots. Poisonous or hazardous materials include, but are not limited to, paint, petroleum products, concrete or stucco mix, dirty water, or any other material that may be harmful to tree health;
   b) The use of tree trunks as a winch support, anchorage, temporary power pole, signposts, or other similar functions;
   c) Cutting of tree roots by utility trenching, foundation digging, placement of curbs and trenches, and other miscellaneous excavation without prior approval of the City;
   d) Soil disturbance or grade change;
   e) Vehicular traffic;
   f) Drainage changes that reduce the amount of drainage entering the CRZ; and
   g) Maintain adequate irrigation during construction.
4. The following restrictions apply during construction near the CRZ:
   a) All trees shall be protected by a fence, frame, or box constructed around the drip line of the preserved tree.
   b) A minimum of three inches of mulch or compost shall be spread beneath the drip line of the tree but must be kept four inches from the trunk.
   c) No person shall excavate any ditches, tunnels or trenches, place any paving material or place any drive or parking area within the drip line of any required tree without prior written approval of the Community Development Director at the time of Site Plan approval.
   d) No person shall attach any rope, wire, nails, advertising posters, or other contrivance to any required tree.

Figure 38-7-2. Example Illustration of Critical Root Zone and Drip Line



F. Landscape Plan

1. A Landscape Plan indicating the following shall be submitted in conjunction with the application for the building permit for Community Development Director approval:
   a) Type, size, and location of landscaping;

b) A summary of the tree protection methods to be utilized for any Protected Tree or other tree required by this section;

c) Existing and planned driveways and streets with associated clear sight lines;

d) Topography; and

e) An irrigation plan showing the type and size of pipes and heads;

2. All plans shall be at a scale of one inch equals 10 feet or one inch equals 20 feet.
3. The Landscape Plan shall include the following statements:
   a) "The owner is responsible for all landscaping maintenance, including the repair or replacement of any required landscaping."
   b) "An irrigation system will be designed, installed, and functional prior to the approval of the Certificate of Occupancy" (unless the requirement for an irrigation system is specifically waived by the City).
4. The Landscape Plan may include a Tree Mitigation Plan, if applicable (see **Sec. 38-6.E.2**).

Sec. 38-8. Fencing, Screening, and Buffering

A. Purpose

The purpose of this section is to establish when fencing, screening, or buffering is required to promote land use compatibility and a positive aesthetic appearance. Additionally, this section provides regulations related to the height, placement, and other considerations for both required and non-required fencing, screening, and buffering.

B. Applicability

1. The regulations included herein apply to all changes in occupancy or new development or expansions greater than 10 percent of the building footprint.
2. Screening must be installed prior to the issuance of a Certificate of Occupancy. All required fencing, screening, or buffering devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The Certificate of Occupancy may be revoked for failure to adequately maintain such device.

C. General Regulations

1. Placement
   a) No fence, screen, buffer, or any other object may be placed within the Clear Sight Triangle. See **Sec. 38-2.H. Clear Sight Triangle** for more information.
   b) No wall or fence shall be permitted in a public right-of-way or easement, unless an encroachment agreement is obtained and approved by the City's right-of-way coordinator.
      i) If written approval of the governing agency, affected utility or individuals is obtained, a wall or fence may be placed on an easement.
2. Materials and Appearance
   a) Materials shall consist of one or more of the following materials (see **Figure 38-8-1**), unless otherwise stated:
      i) Brick masonry, stone masonry, concrete block, or other architectural masonry finish; or
      ii) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every 10 feet, and with sufficient evergreen landscaping to create a solid screening effect; or
      iii) Living plant screens (Evergreen shrubs with a minimum of three feet in height at the time of planting) that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project; or

Figure 38-8-1. Examples of Acceptable Screening Materials







iv) Alternate equivalent screening that provides an exceptional screening aesthetic, meets sound structural practices and engineering design criteria, meeting the intent and function of this Section at the discretion of the Community Development Director.

b) All required screening devices must be equally finished on both sides.

c) All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified below, but need not be of the same material as the main fence or wall.

d) Where a screening device is constructed, placed or planted on uneven terrain, there shall be no gap under the device, and the device must be composed of the same material throughout.

3. Common Walls or Fences

a) A Common Wall or Common Fence shall not be constructed or structurally altered in any manner without the written consent of adjacent property owners who share or will share ownership of the wall or fence.

b) Written consent must be submitted at the time of request for a building permit.

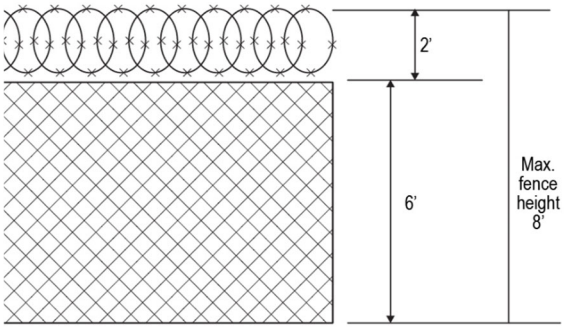
4. Retaining Walls

Retaining wall requirements are found in the Technical Manual. The proposed retaining wall design shall be submitted by the property owner/applicant to the Community Development Director and Public Works Director for approval consideration.

5. Barbed Wire and Other Similar Types of Containment Wire

a) Barbed wire and other similar types of containment wire (e.g., horse wire, “no climb” wire, and access-prohibiting wire) is permitted only when located at least six feet above the highest adjacent ground surface and will be included in the overall measurement of the fence or wall (see **Figure 38-8-2**). Such fences shall not exceed a maximum of eight feet in height.

Figure 38-8-2. Barbed Wire



b) Barbed wire and other similar types of containment wire are permitted only in the following locations:

i) In any district in conjunction with a commercial agricultural use, equestrian use, utility substation, detention facility use, or use located on airport property;

ii) CR, Commercial/Retail District (Rural, Suburban, Urban);

iii) LI, Light Industrial District (Rural, Suburban, Urban); or

iv) HI, Heavy Industrial District (Rural, Suburban, Urban).

c) Barbed wire and other similar types of containment wire shall not be permitted in the required front yard of any property, except those listed in **i) above**.

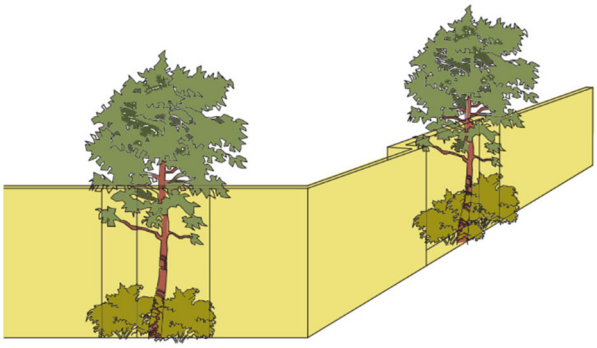
6. Chain-Link Fencing

Chain-link fencing shall be prohibited in front of the building face or on property lines adjacent to roadways with a Collector Street designation or higher.

7. Street-Facing Screening Wall Design

   Walls or fences 50 feet in length or longer along public streets must include features to avoid the appearance of blank walls facing the street. These features may include, but are not limited to, changes in depth, changes in texture or masonry patterns, columns, artwork, and/or landscaping shall be employed along the periphery to avoid the monotony of a large, blank surface.

Figure 38-8-3. Screening Wall Design Example



D. Required Buffer Yards

1. Buffer Yards are required between differing district types as indicated in **Figure 38-8-4**.

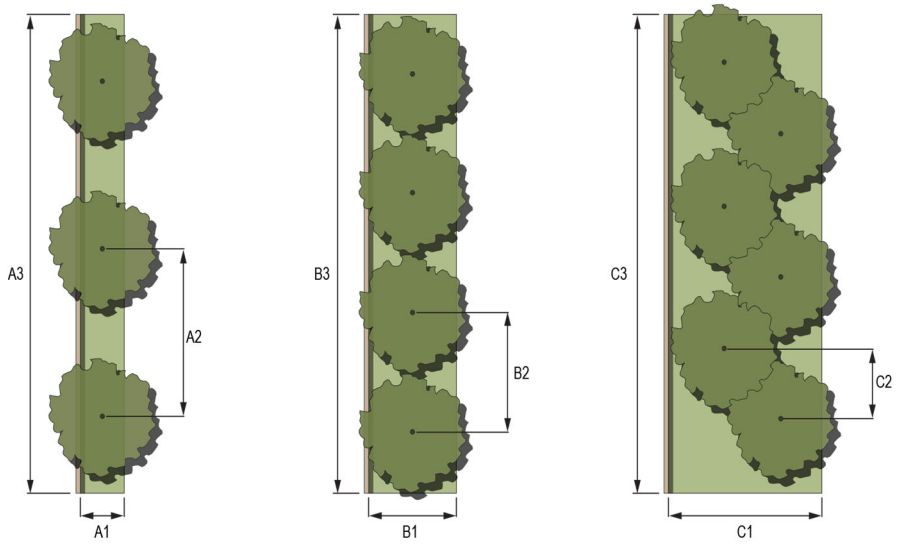
   a) Buffer Yards are not required when the sites are separated by a public roadway.

2. Buffer Yards shall be placed along the shared lot line on the property of the subject property district (according to **Figure 38-8-4**), with the wall along the property line. The property owner in the more intensive district is responsible for installing and maintaining the screening.

3. Buffer Yards may include screening walls, landscaping, drainage facilities, green infrastructure and low-impact development elements, walls and fences, but not parking or any permanent structures taller than the screening wall height.

4. The Community Development Director may modify or reduce the requirements within this **Sec. 38-8.D. Required Buffer Yards** to authorize an alternative configuration of buffering and/or other techniques that would result in an equivalent or improved appearance and compatibility with adjacent existing and future development.

Figure 38-8-4. Required Compatibility Screen Type



Type A
A1 = 10 ft deep buffer
A2 = 35 ft on center tree spacing
A3 = 6 ft tall masonry wall along property line

Type B
B1 = 20 ft deep buffer
B2 = 25 ft on center tree spacing
B3 = 6 ft tall masonry wall along property line

Type C
C1 = 35 ft deep buffer
C2 = 15 ft on center tree spacing
C3 = 6 ft tall masonry wall along property line

	Adjacent Zoning District							
Subject Property District (District below required to install buffer)	**NH-1 District**	**NH-2 District**	**NH-3 District**	**CR District**	**LI District**	**HI District**	**OS-1 District**	**OS-2 District**
NH-1 District	-	-	-	-	-	-	-	-
NH-2 District	-	-	-	-	-	-	-	-
NH-3 District	Type A	-	-	-	-	-	-	-
CR District	Type B	Type A	-	-	-	-	Type B	-
LI District	Type C	Type B	Type A	Type A	-	-	Type B	-
HI District	Type C	Type C	Type B	Type A	Type A	-	Type C	-
OS-1 District	-	-	-	-	-	-	-	-
OS-2 District	Type C	Type C	Type B	Type A	Type A	-	Type C	-

E. Required Screening

All development (excluding residential development with four or fewer units) shall comply with the following screening standards.

1. Dumpster/Waste Container Areas

   Dumpster enclosures shall be constructed of non-combustible screening material and shall be compatible in terms of color, texture, and scale that are used in the main building with which the dumpster enclosure is associated. Acceptable screening materials include rock, brick, and minimum twenty (20) gauge steel with a maximum one-quarter (1/4) inch gap between panels and one-quarter (1/4) inch in diameter holes. Dumpsters shall be screened with opaque to semi-opaque material on three sides and a gate (for easy access) on the fourth side. The screening and gate must be a minimum of twelve inches higher than the lid of the open container/dumpster. The dumpster enclosure shall be permitted a maximum two (2) inch gap from the bottom of the screening to grade to allow for the cleaning.

Figure 38-8-5. Example of a Screened Dumpster



2. Dumpsters are required for all commercial development.

   a. Exceptions:

      i. An existing developed lot that does not meet the City of Las Cruces Utility Standards to include dumpster and enclosure.

      ii. Alternatives for a dumpster may be approved by the City of Las Cruces Utility Department.

~~2.~~3. Mechanical/Utility Equipment

a) Mechanical/utility equipment must be screened from view from all angles using landscaping or walls in a manner that conceals the equipment. Such screening must remain consistent with the landscaping and architectural character (especially in terms of color, physical style, and scale). A screening wall shall be at least six feet in height and no more than one foot taller than needed to screen the equipment, as determined by the Community Development Director.

b) When located on a rooftop or otherwise attached to the building, mechanical/utility equipment shall be screened from view through the use of building design elements such as varied roof height, parapets, etc. In instances where adjacent rights-of-way are significantly higher in elevation to adjacent properties, rooftop equipment should be screened to the best extent possible. When the chosen architectural style selected does not lend itself to using these techniques, such equipment must be shielded from view by an opaque screen that is treated in a manner that most accurately matches the look, design, and texture of the building to which it is attached.

Figure 38-8-6. Example of Screened Ground-Mounted Equipment



c) Exterior mechanical/utility equipment mounted on building facades shall be prohibited unless used as an integrated architectural design feature and painted in a color that blends in with their visual

background and/or building to which they are attached.

~~3.~~4. Outside Storage

Any outside areas containing storage materials, whether directly for sale or otherwise, shall, at minimum, be fully enclosed on four sides with a masonry wall between 6 and 8 feet in height, (or taller if needed to be fully sight-obscuring), and must be set back at least as far as the main building's front facade. Outside storage screening walls must be compatible with the architectural character of the development, especially in terms of color, texture, physical style, and scale.

a) Screening of outside storage is not required in the HI, Heavy Industrial District (Rural, Suburban, Urban), unless the property is adjacent to another zoning district

b) The Community Development Director may modify these requirements based on intensity and amount of storage materials and the surrounding development/zoning (e.g., a plant nursery).

~~4.~~5. Parking Structures

Structured parking visible from a public right-of-way or from any NH District shall be screened by one of the following methods (or a combination thereof) with the exception of ingress and egress points:

a) Liner Buildings that surround the parking structure;

b) Solid walls meeting the material and articulation requirements of **Sec. 36-4.C. Nonresidential, Mixed-Use, and Multi-Family Development** that are aesthetically consistent with any associated buildings; or

c) Alternative screening methods approved by the Community Development Director, such as:

i) Landscaping that screens at least 50% of pedestrian-level parking garage facades immediately upon installation, with species selected to eventually provide a full 100% screening;

ii) Incorporation of Glazing techniques that mimic a typical building; or

iii) An artistic covering that fully screens the view of vehicles, which may include murals, sculptures, lighting, and other materials that create an interesting appearance consistent with the remainder of the development.

~~5.~~6. Auto Storage and Salvage Yards

a) Automotive storage and salvage yards shall be fully enclosed on four sides and fully sight-obscuring from public right-of-way and from view of any NH District.

b) Exceptions:

i) Automobiles currently for-sale or parked for less than a 24-hour period do not require screening.

ii) Screening of automotive storage and salvage yards is not required in the LI, Light Industrial District (Rural, Suburban, Urban) or the HI, Heavy Industrial District (Rural, Suburban, Urban), unless the property is adjacent to another zoning district.

~~6.~~7. Loading Docks/Bays and Service Areas

Loading and unloading zones must be screened from the street via landscaping, walls, fencing, etc. Screening shall be sight obscuring (semi-opaque at minimum) and a minimum of 6 feet in height.

F. Other Required Fences

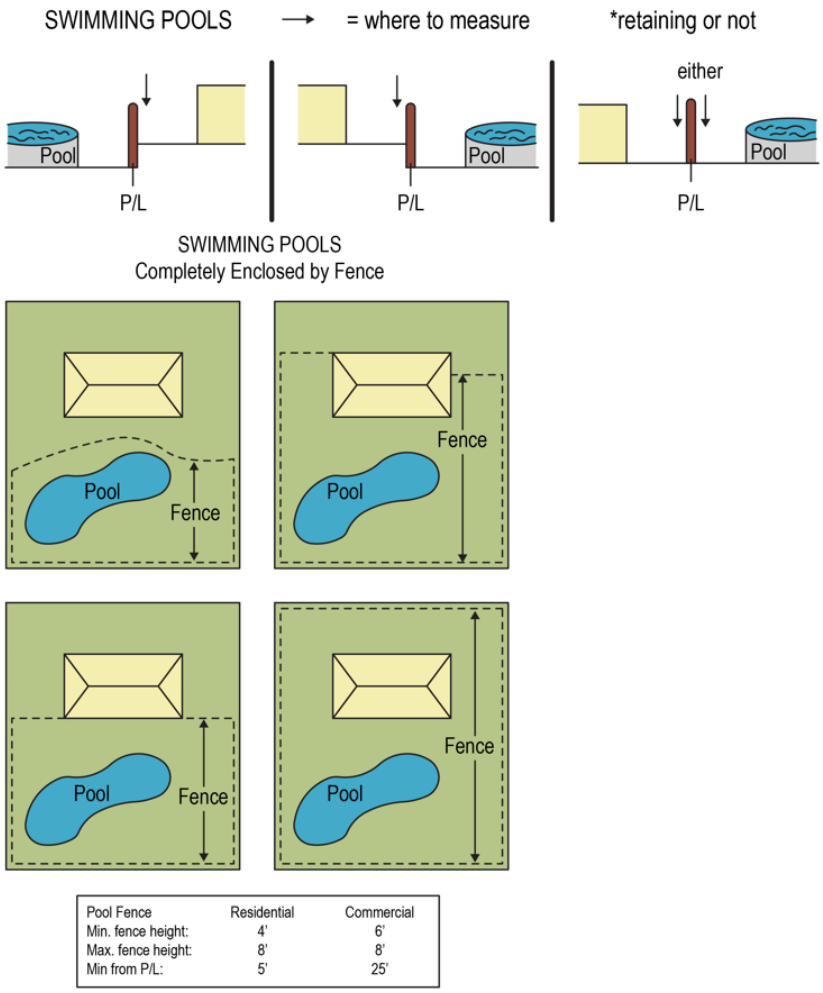
1. Swimming Pools, Whirlpools, Hot Tubs, and Other Similar Structures

   a) All water recreational structures, except commercial or public swimming pools, shall be completely enclosed by a wall or fence at least 4 feet in height. A minimum 4-foot fence or wall completely enclosing the entire yard or portion thereof where the structure is located will satisfy this requirement. All gates in fences shall be self-closing and equipped with self-latching devices.

   b) For commercial or public swimming pools, a protective fence or wall no less than 6 feet in height shall be provided which completely encloses the pool area, and the pool shall be no closer than 25 feet from any property line. All gates in fences shall be self-closing and equipped with self-latching devices.

   c) All other Building Code requirements for the construction of swimming pools and other similar structures shall be met.

Figure 38-8-7. Swimming Pool Enclosures



Pool Fence	Residential	Commercial
Min. fence height:	4'	6'
Max. fence height:	8'	8'
Min from P/L:	5'	25'

G. Maximum Fence or Wall Height

The following requirements apply to all fences and walls, unless alternative screening is required by this **Sec. 38-8. Fencing, Screening, and Buffering**.

1. Method of Measurement

   The height measurement of a wall or fence shall be made on the side of the wall or fence at the lowest non-artificially raised grade level.

2. Maximum Fence or Wall Height for Residential Land Uses

   a) Fences or walls within the required front yard setback: 4-foot maximum height.

      i) Exception: Arches or entryways are permitted in required front yard setbacks in accordance with the following (see **Figure 38-8-9**):

         a. Maximum height of 8 feet permitted.

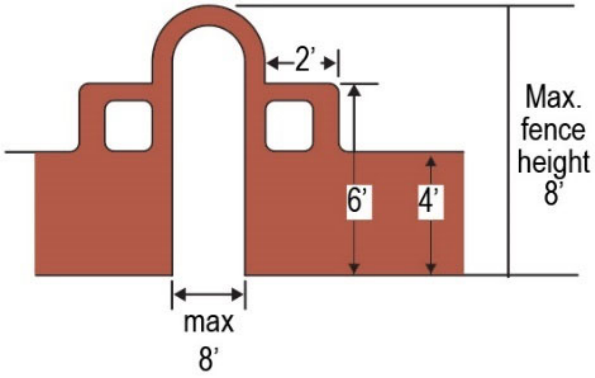
         b. Arch width shall not exceed 8 feet.

         c. A "step-down" design is permitted in conjunction with the arch. A 2-foot length on both sides of the arch is permitted at a height not to exceed 6 feet.

         d. Maximum of one arch or entryway is permitted in the required front yard.

         e. Arches or entryways are permitted behind the required front yard setback at any width, with a maximum height of 8 feet.

Figure 38-8-8. Arches or Entryways in the Front Yard Setback



   b) Fences or walls within the required rear and side yard setback: 8-foot maximum height.

   c) Fences or walls on corner lots: A maximum height of 8 feet shall be permitted on the secondary front yard, behind the primary required front yard setback. However, Clear Sight Triangle requirements shall be met (see **Sec. 38-2.H. Clear Sight Triangle**).

3. Maximum Height for Nonresidential Land Uses

   a) Fences or walls within the required front yard setback: 6-foot maximum height.

   b) Fences or walls within the rear and side yard setback: 8-foot maximum height.

   c) Fences or walls on corner lots: A maximum height of 8 feet shall be permitted on the secondary front yard, behind the primary required front yard setback. However, Clear Sight Triangle requirements shall be met (see **Sec. 38-2.H. Clear Sight Triangle**).

Sec. 38-9. Outdoor Lighting

A. Purpose

The purpose of this section is to provide regulations for outdoor lighting that will:

1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce.
2. Be useful, targeted, low-level, and controlled, minimizing adverse offsite impacts including light trespass, and obtrusive light.
3. Curtail light pollution and improve the nighttime environment.
4. Help protect the natural environment and wildlife from the adverse effects of night lighting through the use of warm-colored lighting.
5. Conserve energy and resources to the greatest extent possible.

~~6. To promote safe lighting for pedestrian and vehicular traffic.~~

B. Applicability

1. Except as described below, all outdoor lighting shall comply with these requirements and the City's Traffic Signal and Street Lightings Approved Products List. This applies to any lighting device located exterior to a structure or that illuminates areas exterior to a structure, whether permanently or temporarily installed, or any other lighting, whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party. This includes, but is not limited to:
   a) New lighting
   b) Replacement lighting
   c) Search light(s)
   d) Spotlight(s)
   e) Flood light(s)
   f) Security lighting
   g) Architectural lighting
   h) Lighting for parks, parking lots, roadways
   i) Commercial/ Public Athletic facility lighting
   j) Building overhang and open canopy lighting
   k) Product display area lighting
   l) Landscape lighting
   m) Mobile vendor lighting
   n) Other lighting not in direct conflict with this section.
2. The following are not regulated by this section:
   a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right-of-way or easement when the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement.
   b) Repairs to existing luminaires. This does not include retrofitting old lighting devices for new ones.

c) Temporary lighting for theatrical, television, performance areas and construction sites.

d) Underwater lighting in swimming pools and water features.

e) Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and 70 lumens.

f) Sign lighting (regulated by **Sec. 38-10. Signs**).

g) Open gas flames.

h) Emergency outdoor lighting.

i) The residential use of individual solar landscaping luminaires not exceeding property boundaries.

j) Construction lighting that does not exceed construction site boundaries.

k) ~~-~~Private residential recreational facilities (e.g. basketball court, batting cage, tennis court, etc.)

~~j~~l) Any recognized historical structure/property.

3. The provisions of this section shall be considered to be the minimum requirements to meet the purpose expressed in **Sec. 38-9.A** of this section; however, nothing herein shall prohibit the Building Official from imposing greater requirements to ensure the promotion of health, safety, and welfare of the citizens of the City.
4. All outdoor lighting shall be installed in conformance with the provisions of this section, applicable electrical, building, and energy codes, applicable sections of the Las Cruces Municipal Code and manufacturer's instructions.

C. Conflict

When the requirements herein conflict with specific lighting provisions of any of the following, only those specific provisions shall take precedence and all other requirements herein shall remain in force:

~~1. Lighting specified or identified in a special lighting permit.~~

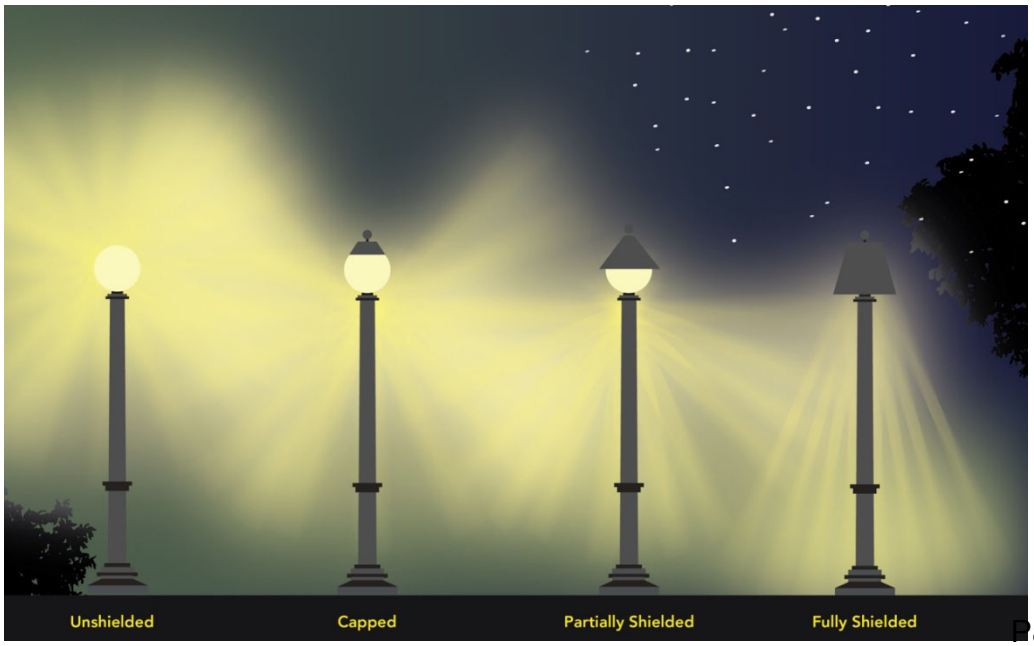
~~2.~~1. Lighting required by federal or state laws or regulations.

~~3.~~2. When proposed, the conflicting regulation shall be submitted at the time of permit submittal.

D. General Requirements

All outdoor luminaries not specifically exempted above shall be fully shielded. Fully shielded fixtures encase the light source to prevent any light from escaping upwards or sideways. Only light directed downwards is allowed, ensuring that the illumination is limited to the target area.

Figure 38-9-1. Illustration of Fully Shielded Lighting



E. Lighting Zones

1. Lighting zones are established to align with adopted zoning districts~~, as shown in **Figure 38-9-2**~~. The lighting zone shall determine the limitations for commercial lighting as specified in this section. ~~The lighting zones shall be as follows:~~

2. When two or more zoning districts are shown on a property, the more restrictive shall apply unless approved by the Community Development Director.

~~a) Lighting zone 0 (LZ-0). Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the total darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.~~

~~b) Lighting zone 1 (LZ-1). Rural residential and other developed areas containing national parks, state parks, and city parks.~~

~~c) Lighting zone 2 (LZ-2). Areas predominately consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed-use areas.~~

~~d) Lighting zone 3 (LZ-3). All areas not included in zones 0, 1, 2, or 4.~~

~~e) Lighting zone 4 (LZ-4). High-activity commercial districts in major metropolitan areas as designated by the Community Development Director.~~

~~2. All lighting in Lighting Zone 0 (LZ-0) and Lighting Zone 1 (LZ-1) shall use warm-colored lights that are 3000 Kelvin degrees or less to reduce the impact of outdoor lighting on wildlife and humans.~~

~~**Figure 38-9-2. Lighting Zones**~~

~~Zoning District~~	~~Lighting Zone~~
~~Zoning Districts~~	
~~NH-1, Neighborhood 1 District (Rural, Suburban, Urban)~~	~~LZ-1~~
~~NH-2, Neighborhood 2 District (Rural, Suburban, Urban)~~	~~LZ-2~~
~~NH-3, Neighborhood 3 District (Rural, Suburban, Urban)~~	~~LZ-2~~
~~CR, Commercial/Retail District (Rural, Suburban, Urban)~~	~~LZ-3~~
~~LI, Light Industrial District (Rural, Suburban, Urban)~~	~~LZ-3~~
~~HI, Heavy Industrial District (Rural, Suburban, Urban)~~	~~LZ-3~~
~~OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)~~	~~LZ-0~~
~~OS-2, Open Space-Drainage District (Rural, Suburban, Urban)~~	~~LZ-1~~
~~Overlay Zoning Districts~~	
~~TCO, Town Center Overlay District~~	~~LZ-3~~
~~MXCO, Mixed Use Corridor Overlay District~~	~~LZ-3~~
~~AOD, Las Cruces International Airport Operations Overlay District~~	~~LZ-4~~
~~Special Zoning Districts~~	
~~UD, University District Overlay District~~	~~LZ-3~~

~~DDC, Downtown Development Code~~	~~LZ-3~~
~~HP, Historic Preservation~~	~~LZ-2~~
~~Planned Unit Developments (PUDs)~~	~~Determined by PUD~~

F. Residential Lighting

1. Applicability

   The requirements herein apply to residential properties with one to four units per lot.

   a) Lighting fixtures shall be installed in a manner that restricts light from glaring into adjacent properties.

~~2. Exceptions~~

~~a) Shielded directional luminaires not exceeding 1,800 luminaire lumens; provided such luminaires shall be shielded to prevent glare and light trespass beyond the property boundary, aimed away from adjacent properties, and the center beam of each lamp shall be aimed at least 65 degrees below horizontal.~~

~~b) Any other unshielded luminaire not exceeding 450 luminaire lumens.~~

~~c) Security lights if they comply with all of the following:~~

~~i) One or two flood lamps or spot lamps of less than 1,800 lumens each per luminaire.~~

~~ii) The center of the beam of each lamp aimed at least 65 degrees below horizontal and away from adjacent properties when the source is visible from any adjacent property.~~

~~iii) Are controlled by a motion-sensor switch.~~

~~iv) Do not remain on longer than 15 minutes after activation.~~

G. All Other Lighting

1. Applicability

   The requirements herein apply to all properties except residential properties with one to four units per lot.

2. Total Initial Lumens Per Property

   a) The total installed initial lamp lumens of all outdoor lighting systems on the property shall not exceed the total site lumen limit. The total property lumen limit shall be determined using ~~either the parking space method (**Figure 38-9-3**) or~~ the ~~hardscape~~ impervious area method (**Figure 38-9-2**4). ~~Only one method shall be used per permit application, and for properties with existing lighting, existing lighting shall be included in the calculation of total installed lumens.~~

   ~~b) The total installed initial lamp lumens is calculated as the sum of the initial lamp lumens for all luminaires tested with relative photometry and 140 percent of initial lamp lumens for all luminaires tested with absolute photometry.~~

~~**Figure 38-9-3. Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, per Parking Space Method**~~

~~Note: May only be applied to properties up to ten parking spaces (including handicapped accessible spaces).~~

~~LZ-0~~	~~LZ-1~~	~~LZ-2~~	~~LZ-3~~	~~LZ-4~~
~~500 lms/space~~	~~700 lms/space~~	~~900 lms/space~~	~~1,200 lms/space~~	~~1,500 lms/space~~

3. Limits to Off-Site Impacts

   All luminaires, unless noted otherwise, shall be rated and installed according to **Figure 38-9-~~5~~3**.

~~4.~~ Adjustable ~~M~~mounting ~~D~~devices ~~P~~prohibited

~~4. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted,~~ except as needed to conform with **Sec. 38-9.G.8** and **Sec. 38-9.H**.

5. Automatic Daylight Switching Requirements

   a) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system. ~~All time switches, programmable lighting controller, building automation system or lighting energy management system shall be capable of retaining programming and the time setting during loss of power for a period of at least ten hours.~~

   b) Automatic lighting controls are not required for the following:

      i) Lighting under parking canopies.

      ii) Lighting for tunnels, parking garages, garage entrances, and similar conditions.

      iii) Approved emergency outdoor lighting.

Figure 38-9-~~4~~2. Allowed Total Initial Lumens per Property for Commercial Outdoor Lighting, ~~Hardscape~~Impervious Area Method

Note: ~~May be used for any project.~~ When lighting intersections of property drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual property ~~hardscape~~ impervious area to provide for intersection lighting.

~~LZ 0~~	~~LZ 1~~	~~LZ 2~~	~~LZ 3~~	~~LZ 4~~
~~1.5 lumens per sqft of hardscape~~	~~2.5 lumens per sqft of hardscape~~	~~4.0 lumens per sqft of hardscape~~	~~8.0 lumens per sqft of hardscape~~	~~12.0 lumens per sqft of hardscape~~

OS-1, OS-2, H	NH-1	NH-2, NH-3, HP, SMO, ADO	CR, LI, HI, TCO, MXCO, UD, DDC	AOD, LCIIP	PUD
1.5 lms/sq.ft.	2.5 lms/sq.ft	4.0 lms/sq.ft.	8.0 lms/sq.ft.	12 lms.sq.ft.	DESIGNATION

Figure 38-9-~~5~~3. Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings

Note: A luminaire may be used if it is rated for the lighting zone of the property or lower in number for all ratings B, U and G. Luminaires must be installed according to its manufacturer's specifications. A luminaire certified as a full cutoff luminaire shall be deemed as meeting the uplight requirement.

	~~Zones~~				
~~Allowed Backlight Rating~~	~~LZ 0~~	~~LZ 1~~	~~LZ 2~~	~~LZ 3~~	~~LZ 4~~
~~Greater than 2 mounting heights from property line~~	~~B1~~	~~B3~~	~~B4~~	~~B5~~	~~B5~~
~~1 to 2 mounting heights from property line and properly oriented [1]~~	~~B1~~	~~B2~~	~~B3~~	~~B4~~	~~B4~~
~~0.5 to 1 mounting heights from property line and properly oriented [1]~~	~~B0~~	~~B1~~	~~B2~~	~~B3~~	~~B3~~
~~Less than 0.5 mounting height to property line adjacent to a street and properly oriented [3]~~	~~B0~~	~~B0~~	~~B1~~	~~B2~~	~~B3~~
~~Less than 0.5 mounting height to property line and properly oriented [1]~~	~~B0~~	~~B0~~	~~B0~~	~~B1~~	~~B2~~
~~Allowed Uplight Rating~~	~~U0~~	~~U0~~	~~U1~~	~~U2~~	~~U3~~
~~Allowed % light emission above 90° for street or area lighting.~~	~~0%~~	~~0%~~	~~0%~~	~~0%~~	~~0%~~
~~Allowed Glare Rating [2]~~	~~G0~~	~~G1~~	~~G2~~	~~G3~~	~~G4~~

~~Building Mounted Luminaires only [3] Greater than 2 mounting heights to any property line~~	~~G0~~	~~G1~~	~~G2~~	~~G3~~	~~G4~~
~~Building Mounted Luminaires only [3] 1 to 2 mounting heights to any property line~~	~~G0~~	~~G0~~	~~G1~~	~~G1~~	~~G2~~
~~Building Mounted Luminaires only [3] 0.5 to 1 mounting heights of any property line~~	~~G0~~	~~G0~~	~~G0~~	~~G1~~	~~G1~~
~~Building Mounted Luminaires only [3] Less than 0.5 mounting heights of any property line~~	~~G0~~	~~G0~~	~~G0~~	~~G0~~	~~G1~~

MAXIMUM BUG RATING	FEET FROM PROPERTY LINE		
ZONING DISTRICT	0 TO 30 FEET	30+ TO 60 FEET	60+ FEET
NH-1	B0-U0-G1	B2-U0-G1	B3-U0-G1
NH-2, NH-3, ADO, SMO	B0-U1-G0	B3-U1-G1	B4-U1-G2
CR, LI, HI, TCO, MXCO, UD, DDC	B1-U2-G0	B4-U2-G1	B5-U2-G3
OS-1, OS-2, H	B0-U0-G0	B0-U0-G0	B0-U0-G0
AOD, LCIIP	B2-U3-G1	B4-U3-G2	B5-U3-G4
NOTES	NOTES 1 & 2 FOR THIS COLUMN	NOTES 1 & 3 FOR THIS COLUMN	NOTES 1 & 3 FOR THIS COLUMN

[1] The luminaire must be mounted with backlight (without shields) towards the property line.

[2] For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be five feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to this figure only and shall not be used to increase the lighting area of the site.

[3] Building-mounted luminaires that cannot be mounted with their backlight (without shields) to the property line shall meet the allowed glare rating for all luminaires. Light from a building-mounted luminaire must not exceed the B rating in the direction of the property line.

6. Automatic Lighting Reduction Requirements
   a) Total outdoor lighting lumens shall be reduced (by at least 30 percent) or extinguished at 11:00 p.m. or 30 minutes after the close of business, whichever is later.
   b) Lighting reductions are not required for any of the following:
      i) Approved emergency outdoor lighting;
      ii) Code required lighting for steps, stairs, walkways, and building entrances;
      iii) When, in the opinion of the Building Official, lighting levels must be maintained;
      iv) Motion-activated lighting; or
      ~~v) Lighting governed by a Special Use Permit in which times of operation are specifically identified; or~~
   ~~vi)~~v) Businesses that operate on a 24-hour basis.
7. Emergency Outdoor Lighting
   a) The lumens allowed for approved emergency outdoor lighting shall be allowed in addition to the total property lumen limit for that property.
   b) Approved emergency outdoor lighting shall not be subject to the limits to off-site impacts for that property.
   c) Approved emergency outdoor lighting shall not be subject to the automatic lighting reduction requirements. Approved emergency outdoor lighting shall not be subject to the automatic switching requirements.

8. Architectural Illumination

   a) A separate allowance of lumens for architectural lighting will be allowed in the amount of ten percent of the calculated installed property lumens.

   ~~b) Luminaires that are not mounted on the building shall be within 12 inches of the ground and 10 feet of the building.~~

   ~~c)~~b) The luminaires used for architectural lighting shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the building.

H. Flag Lighting

1. Flag lighting sources shall not exceed 7,000 lumens per flagpole.
2. The light source ~~shall have a beam spread no greater than necessary to illuminate the flag~~ and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.

I. Alternate Materials and Methods of Construction, Installation, and Operation

The provisions of this code are not intended to prevent the use of any design, materials, or method of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The Community Development Director may approve any proposed alternative provided they find that it has been designed by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the Code. This section shall not have the effect to waive any requirements of this Code.

~~The provisions of this code are not intended to prevent the use of any design, materials, or method of installation or operation not specifically prescribed by this section, provided any such alternate has been approved. The Community Development Director may approve any such proposed alternate provided they find that it:~~

~~1. Provides at least approximate equivalence to the applicable specific requirements of this Code; and~~

~~2. Is otherwise satisfactory or complies with the intent of this Code; and~~

~~3. Has been designed or approved by a registered design professional and is supported by calculations showing that the design submitted meets the intent of the Code. This section shall not have the effect of waiving any requirements of this Code.~~

J. ~~Special Lighting Permit~~ Complex and Non-conforming Use (For Commercial and Residential Lighting)

1. High intensity and special purpose lighting. The following lighting systems are prohibited unless approved by the Community Development Director. ~~from being installed or used except by special lighting permit:~~

   a) Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens.

   b) Aerial lasers.

   c) Searchlights.

   d) Other very intense lighting defined as having a light source exceeding 20,000 lumens or an intensity in any direction of more than 2,000,000 candelas.

2. Complex and nonconforming uses. ~~Upon special lighting permit issued by the Building Official, l~~Lighting not complying with the technical requirements of this section but consistent with its intent may be installed for complex sites or uses or special uses including but not limited to the following applications:

   a) Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums;

   b) Construction lighting greater than 20,000 lumens or exceeds project boundaries;

c) Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.;

d) Parking structures;

e) Urban parks;

f) (Decorative and architectural lighting of bridges, public monuments, and public buildings;

g) Theme and amusement parks; or

~~h)Historic buildings; or~~

~~i)~~h)Projected images and movies, including drive-in theaters.

3. These~~o obtain such a permit, applicants shall demonstrate that the~~ proposed lighting installations shall demonstrate that they have sustained:

a) ~~Has sustained e~~Every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the information required for a commercial plan submittal.

~~b) Employs lighting controls to reduce lighting at a project specific curfew ("curfew") time that will be established in the permit.~~

4. The Community Development Director shall review each such application. A special lighting permit may be granted if, upon review, the Community Development Director believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

K. Plan Submittals

1. Plan submittals for projects involving outdoor lighting shall contain all the information required by the City of Las Cruces Building Code (Chapter 30, Las Cruces Municipal Code).

2. In addition, evidence of compliance with the requirements of this section shall be provided by including an outdoor lighting site plan (labeled as sheet OLP in the submitted plan set) consisting of the following:

a) ~~A note indicating which method for determining total site lumens is being used and show the C~~calculations showing total site lumens.

b) Locations of all proposed outdoor luminaires (including site, parking lot, parking canopies, walkways/sidewalks, building-mounted, under-canopies, architectural, landscape, flagpole, external signage lighting, etc.). This includes all normal and emergency outdoor lighting. Lumens shall be listed for all ~~new~~ luminaires; BUG ratings shall be provided for all ~~existing~~ luminaires.

c) A fixture schedule that includes all luminaires shown on the plan(s). The schedule shall include, at a minimum:

i) Fixture type/mark;

ii) manufacturer; catalog/part number;

iii) lamp quantity per luminaire;

iv) lamp type;

v) lamp initial lumens for all new luminaires and BUG rating for each existing luminaire;

vi) mounting height of the luminaire above finished grade, description/comments; and

~~c)~~vii) maximum BUG rating for the location.

d) City ordinance requires most sites to reduce the outdoor illumination by a minimum of at least 30 percent or extinguished at 11:00 p.m. or 30 minutes after the close of business. The lighting plans shall therefore be prepared in a fashion that clearly identifies which fixtures are to remain on all night for security lighting

purposes. This identification can be accomplished via fixture shading, keynotes, or the creation of a separate after-hours lighting/photometric plan designated OLS in the plan set.

e) A note shall be placed on the lighting plan which identifies the time(s) at which the site will enter security-lighting-only mode, and a general description of the device(s) that will automatically be controlling the lighting.

f) A pole detail for each type of pole light shall be included in the submittal. This detail shall include, at a minimum: Mounting height of the luminaire(s) as measured from the fixture lens to the finished grade of the parking lot, the fixture type of the luminaires mounted on the pole.

g) A complete date for the current plan, and complete dates for all prior versions of the plans that were submitted to the City.

h) A contact name and phone number for the preparer of the lighting submittal.

i) All components shall be on one sheet. Failure to comply will result in plans being returned and not reviewed.

3. Additional information may be required by the Building Official or the Community Development Department in order to determine compliance with this section.

4. A description of luminaires, sufficient to demonstrate compliance with this section, including lamps, poles or other supports and shielding devices, provided as catalogue illustrations from the manufacturer, and photometric data, such as that furnished by the manufacturer, showing the downward angle of light emission shall be available on the jobsite with the approved set of plans.

L. Legal Nonconforming Lighting

1. Lighting installed prior to the effective date of this section shall comply with the following:

a) Any new luminaire or new outdoor lighting shall meet the requirements of this section for new outdoor lighting.

b) A legally installed luminaire existing as of the date of this section is exempt from the provisions of this section except that any replacement lighting must comply with the provisions of this section for new outdoor lighting.

c) For the purposes of this section, a legally installed luminaire means a fixture that was permitted and installed in accordance with the adopted codes and regulations applicable at the time of installation but must be included in plan submittal for new lighting proposed to be installed.

2. Resumption of use after abandonment. If a property with nonconforming lighting is abandoned or remains vacant for a period of 12 months or more, then all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before any further use of the property occurs or before a certificate of completion, certificate of occupancy, or business registration is issued.

3. Repairs, Alterations, Change of Occupancy, Additions, Historic Buildings, and Relocated Buildings

a) Repairs

Relamping or replacement of components of a legally installed luminaire existing as of the date of this section (including capacitor, ballast or photocell) shall be exempt from the provisions of this section. ~~Any other reconstruction or renewal of any part of a legally installed luminaire existing as of the date of this section for the purpose of its ongoing operation is not considered a repair and for the purposes of this section the luminaire shall be treated as if new outdoor lighting. Note that retrofitting a luminaire with new lamp technology or ballast technology is not considered a repair and for the purposes of this section the luminaire shall be treated as if new outdoor lighting.~~

b) Minor Modifications, Additions, or New Lighting Fixtures for Nonresidential and Multi-Family Dwellings

For non-residential and multi-family dwellings, all additions, modifications, or replacement of ~~one fixture within a six-month period or~~ more than 25 percent of outdoor lighting fixtures existing as of the effective date

of this Code shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

c) Change of Occupancy

Where the use in a space intensifies ~~changes from one group of occupancies to another group of occupancies or changes from one division to another division in the same occupancy group (as defined in the International Building Code as adopted by the City of Las Cruces),~~ all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before the change in use commences or before a certificate of completion, certificate of occupancy, or business registration is issued.

d) Additions

Where there is an extension or increase in floor area of 25~~%~~ percent or greater, additional dwelling units, number of stories, ~~height of a building or structure,~~ or parking spaces all outdoor lighting on the property shall be brought into compliance with the provisions of this section for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.

~~e) Historic Buildings~~

~~Where a historic building (as defined in this section) is unable to comply with the provisions of this section a special use permit shall be obtained before a certificate of completion, certificate of occupancy, or business registration is issued.~~

~~f) Relocated Buildings~~

~~Where a building is relocated all outdoor lighting on the property where the building is relocated to shall be brought into compliance with the provisions of this section for new outdoor lighting before a certificate of completion, certificate of occupancy, or business registration is issued.~~

4. Nuisance Lighting

If a light is deemed to be a hazard to vehicular or pedestrian traffic, an immediate remediation shall be required.

5. Multiple-Tenant Commercial Properties

a) Outdoor lighting associated directly with a specific tenant shall be treated as single-tenant commercial property.

~~b) All outdoor lighting not specifically and directly associated with a single tenant shall be brought into compliance with the provisions of this section for new outdoor lighting within two years of the effective date of this section.~~

Sec. 38-10.Signs

A. Purpose

1. The purpose of this section is to permit signs that will not, by their size, location, or construction, endanger the public health and safety of individuals.
2. Furthermore, it is the purpose of this section to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty and environment of the City.
3. This section regulates the time, place, and manner of display of signs. It is not the purpose of this section to regulate the specific content of any sign.

B. Applicability

1. This section shall apply to all new or expanded signs within the City limits.
2. The following are not included within the scope of these regulations:
   a) Signs posted by the City or other governmental entity;
   b) Banners legally attached to City or other public utility poles;
   c) Signs four square feet or smaller for display in an NH zoning district for less than one week;
   d) Signs placed on the lot of a for-sale model home;
   e) Signs placed inside of vehicles that are currently available for sale;
   f) Signs placed inside the field fence of an athletic field or stadium;
   g) Seasonal decorations; and
   h) Signs ancillary to business operations smaller than 6 square feet. Examples of such types typically include hours of operation, open/closed signs, service entrance signs, or menu displays.
3. Signage for Planned Unit Developments (PUDs)
   a) PUDs shall follow the regulations of this **Sec. 38-10. Signs** as applicable to the PUD base district (or primary use as determined by the Community Development Director).
   b) Applicants who wish to propose alternative signage shall submit a sign plan detailing the proposed signage location, dimensions, materials, lighting, and other features. Such a plan shall be reviewed and approved in conjunction with the PUD application.
4. All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.

C. Sign Permit Required

1. A sign permit is required for all new or expanded signs, unless otherwise stated.
   a) Exceptions. A sign permit is not required for the following:
      i) Normal maintenance, painting, repainting, or cleaning of a sign with no structural changes; or
      ii) Replacement of a sign face that does not increase the area of the sign face or add any additional illumination.
2. Each application for a sign permit shall be accompanied by plans and other pertinent information as necessary to clearly depict the site location, height, weight, size, material, method of erection, and construction of said sign.

D. Prohibited Signs

1. Any sign not expressly permitted within this **Sec. 38-10. Signs** is prohibited.
2. The following sign types are specifically prohibited:
   a) Billboards
   b) Inflatable or balloon signs
   c) Portable signs (other than a Sidewalk Sign)
   d) Signs with parts that move or spin to attract attention (other than an Electronic Reader Board)
   e) Snipe or bandit signs
   f) Streamers and pennants
   g) Vehicular signs
3. Any sign erected on, attached to, or painted on retaining walls, fences, rocks, or natural features is prohibited. This prohibition shall not include signs located at the entryway to a subdivision or signs located at athletic fields.
4. Any sign illegally placed, constructed, or maintained is prohibited.

Figure 38-10-1. Examples of Prohibited Signs

Billboard



Portable Sign



Snipe or Bandit Signs



Inflatable or Balloon Sign



Vehicular Sign



Moving Sign



Streamer or Pennant



E. Method of Sign Measurements

1. Setbacks

   Setbacks shall be measured in linear feet from property lines to the leading edge of the sign.

2. Sign Area

   a) Sign Area shall be calculated in square feet, and by means of the smallest square, circle, rectangle, or combination thereof that will encompass the sign face and any framing, trim, or molding, and the supporting structure (see **Figure 38-10-2**).

   b) All attachments to signs or sign structures (whether temporary or permanent) shall be included as part of the total sign area for the sign to which they are attached.

   c) The area of signs with more than one face is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.

   d) For three-dimensional objects, the sign area is the sum of the two adjacent faces of a cube encompassing the object (see **Figure 38-10-3**).

Figure 38-10-2. Sign Area Calculation



3. Sign Height

   Sign height shall be measured in linear feet. The overall height of a sign structure is measured from the lowest elevation of the ground abutting the base of the sign to the highest point of the sign structure (see **Figure 38-10-4**).

Figure 38-10-3. 3D Object Area Calculation

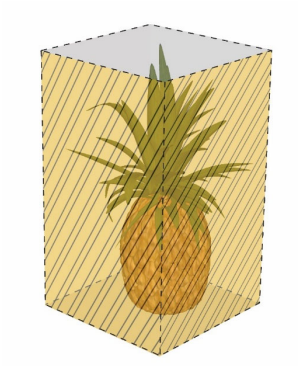


Figure 38-10-4. Sign Height Calculation



F. Placement

1. No sign shall be permitted to violate the clear sight triangle as referenced in **Sec. 5-3.G. Clear Sight Triangle**.
2. No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.
3. Signs shall not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal, or device. A sign shall not be placed at any location where it obstructs or interferes with the clear view of any traveler on any street.
4. Signs may only be placed in (e.g., bench signs, waste receptacle signs) or extend onto or over a public right-of-way or sidewalk when a specific exception is provided by the City Manager.
5. Any sign extending over an area intended for pedestrian use shall not be less than eight feet above the finished grade below it.
6. Any freestanding sign over 20 feet in height above grade or any sign extending above the public right-of-way shall require the seal of a Professional Engineer, indicating that the sign meets all best engineering practices and standards.
7. No permit for a sign that extends beyond private property onto a public street, public sidewalk, or public alley will constitute a permanent easement. Every such permit shall be revocable by the Community Development Director. The City shall not be liable for any damages to the owner because of such revocation.
8. No sign shall be placed or constructed on a property without permission from the property owner.

G. Sign Types and Supplemental Standards

Attached Signs

1. Awning or Canopy Sign

Description

A sign that is fastened to or painted on an awning or canopy.



Supplemental Standards

No Awning or Canopy Sign shall project into the right-of-way except when a building has a setback of less than five feet.

2. Projecting Sign

Description

A sign attached to a wall that projects from the building face for view from either side.



Supplemental Standards

A Projecting Sign may exceed the building height by up to 36 inches; however, no sign shall exceed the maximum building height of the zoning district.

Any sign projecting over the right-of-way shall not project more than eight feet into the right-of-way and shall meet the minimum clearance established in **Sec. 38-10.F.5** above. As noted in **Sec. 38-10.F.6**, signs projecting over the right-of-way require the seal of a professional engineer.

3. Roof-Mounted Sign

Description

Any sign that is attached to the roof of a building or structure.

Supplemental Standards

Signs shall be more than 24 inches in height; however, no sign shall exceed the maximum height of the zoning district.



4. Wall Sign

Description

Any sign affixed flush with or painted onto the wall of any building. This description does not include other instances of painted applications, such as murals, that have been recommended by the City Art Board.

Supplemental Standards

No Wall Sign may extend more than 12 inches in depth out from the wall to which it is attached. No Wall Sign may be extended above the roofline.



5. Window Sign

Description

Any sign displayed in or painted onto a window. This description does not include Ancillary Signs as described in **B.2.h)**.

Supplemental Standards

Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.

A window sign does not include merchandise or models of products or services incorporated in a window display.



Freestanding Signs

6. Menu Board Sign

Description

A sign located in the drive-through of a restaurant leading up to the drive-up window.



Supplemental Standards

The volume of the speaker shall not exceed ambient noise conditions as measured at the property line.

Any illumination must be discontinued at the close of business.

The design, materials, and finish of the sign shall match those of the building(s) on the same lot.

7. Monument Sign

Description

A Monument Sign is a freestanding sign constructed of masonry, metal, or similar weather-resistant materials with a concrete base that extends along the entire width of the sign.



Supplemental Standards

N/A

8. Pole Sign

Description

Any sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level.

Supplemental Standards

N/A



9. Sidewalk Sign

Description

A Sidewalk Sign is a moveable, self-supporting sign with a lightweight frame and base and an erasable or changeable surface. Sidewalk Signs are pedestrian-oriented and not intended to be read from passing vehicles.

Supplemental Standards

Sidewalk Signs may be placed on a public sidewalk if it does not reduce the clear area of the sidewalk to less than five feet.

One Sidewalk Sign is permitted per business. The sign shall only be placed outside during business hours.



Temporary Signs

10. Feather Sign

Description

A Feather Sign is a tall, narrow flag that flutters in the wind, commonly used to attract attention to events or businesses. Feather Signs are considered temporary signs.



Supplemental Standards

Feather Signs must be set back at least 15 feet from a front property line.

Feather Signs shall not be placed in an easement or Clear Sight Triangle.

Feather Signs must be removed daily.

11. Political Sign

Description

A Political Sign is a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.



Supplemental Standards

No individual political sign shall exceed 32 square feet in sign area.

All political signs may be erected no sooner than 90 days before the election and/or caucus to which they pertain and shall be removed within ten days following the same election and/or caucus.

It is unlawful for any person, organization or political committee to publish or print or circulate any campaign advertising or communication which does not specify the name of the sponsor or the name of a responsible officer who authorized the printing or publication or circulation of such material in any municipal election or special election. Written, printed or posted materials shall also show a telephone contact number. If the advertisement is transmitted by audio or audiovisual media, the statement shall be both written legibly and spoken clearly. Disclaimers do not need to be printed on bumper stickers, pins, buttons, pens and similar small items.

Advertising on a duly permitted billboard shall be exempt from the size and time limits stated in this section.

Political signs are permitted to be placed on fences/walls (e.g., chain link fences, retaining walls, rock walls), but are not permitted

to be placed in clear sight triangles or in a manner that would prevent clear sight of vehicles (see **Sec. 38-2.H. Clear Sight Triangle**).

12. Development ID Sign

Description

A development identification sign means a permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

Supplemental Standards

Development identification sign (permanent)

a.The maximum sign area shall not exceed 32 square feet.

b.The maximum height shall not exceed ten feet.

c.The sign may be placed in the public right-of-way, provided prior approval has been granted by city manager or official designee.

d.This sign may be used in addition to any other freestanding sign allowed pursuant to this chapter.

~~12.~~13.Temporary Ground Sign

Description

A Temporary Ground Sign is a small sign intended for short-term display. Examples of temporary ground signs typically include but are not limited to real estate signs, political signs, or construction signs.



Supplemental Standards

Each property is allowed one temporary ground sign per road frontage for up to six months per every 12-month period. The Community Development Director may allow an additional six-month extension if the property is actively listed for sale or at least one building on the site is actively listed for lease.

No permit is required for temporary ground signs.

All temporary ground signs must have a solid, durable backing that resists folding or twisting, and be anchored or fastened to the ground. The property or sign owner must replace any sign that becomes damaged or faded, or reflects more than three degrees off-center.

Temporary Ground Signs are allowed within the required setbacks; however, they are prohibited in the right-of-way.

Temporary Ground Signs shall not exceed 8 square feet for property zoned NH-1 or NH-2, or 24 square feet for all other districts.

In addition, up to four temporary ground signs may be displayed on an indefinite basis if placed within 10 feet of the primary structure within the NH-1, NH-2, or NH-3 districts.

~~13.~~14. Temporary Special Event Banner

Description

Temporary Special Event Banners are temporary banners displayed across a public roadway in support of a special event.



Supplemental Standards

A Sign Permit shall be obtained, indicating the dates of display, number of banners to be displayed, location(s) of display, etc., and must be approved by the Community Development Director. All Temporary Special Event Banners shall be installed and removed either by the City or the entity requesting the display.

If installed and removed by the City, permit fees shall be based on the number of banners to be installed/removed at a rate approved by the City Council (Resolution No. 23-074). Permit fees shall be paid by the applicant upon permit approval and in advance of sign installation.

If installed and removed by the entity requesting the display the City requires a minimum of $1,000,000 insurance, with the City being named as an additional insured party and the entity must provide a hold harmless indemnity agreement, not holding the City responsible for any accidents or loss in the installation/removal of the banners.

Temporary Special Event Banners shall be restricted to placement on City-owned utility/light poles only.

Temporary Special Event Banners shall only be displayed along City-approved roadways.

Temporary Special Event Banners shall be permitted to be displayed 1.5 times the length of the event being advertised, with a maximum of 21 days.

~~14.~~15. Temporary Wall Banner Sign

Description

A Temporary Wall Banner Sign is a lightweight, flexible banner affixed to the side of a building intended for short-term display. Examples of Temporary Wall Banner Signs typically include but are not limited to grand opening or special sale signs.



Supplemental Standards

Each nonresidential building or tenant with a valid Certificate of Occupancy is allowed to display a Temporary Wall Banner Sign for a period of no more than 30 days within a 12-month period.

Banners must be securely affixed to the wall and shall be immediately replaced or removed if the banner becomes damaged or worn.

Temporary Wall Banner Signs shall not exceed 24 square feet or 15 percent of the building/tenant facade, whichever is greater.

H. Permitted Locations and Dimensional Standards

1. Permitted Locations

   Signs types are permitted by zoning district, as indicated in **Figure 38-10-5**.

2. Combined Maximum Area

   The maximum size is determined by the combined area of all attached signs and all freestanding signs. The maximum size for each grouping is indicated in **Figure 38-10-5**.

   a) For attached signs, the building on which the sign shall be placed is used to calculate the square footage of the sign. The exterior is considered the entire perimeter of the building.

   b) For freestanding signs, ~~frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation. Where a lot is accessed by an internal drive (e.g., outlots),~~ frontage is calculated based on the largest single frontage along the drive.

   ~~c)~~ For buildings with frontage on more than one street, the sign area is calculated by the longest frontage. ~~on each street. Each frontage side is calculated separately; the signs must be displayed on the same frontage that is measured.~~

   c) Figure 38-10-5. Permitted Sign Locations and Standards

Zoning Districts											
	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	MXCO, Mixed Use Corridor Overlay District	TCO, Town Center Overlay District	NCO, Neighborhood Center Overlay District
Attached Signs	Max. Combined Area of Attached Signs										
	1 linear foot of exterior wall = 1 sqft			1 linear foot of exterior wall = 1.5 sqft					1 linear foot of exterior wall = 1.25 sqft		1 linear foot of exterior wall = 1 sqft
Awning or Canopy Sign		X	X	X	X	X			X	X	X
Projecting Sign		X	X	X	X	X			X	X	X
Roof-Mounted Sign				X	X	X					
Wall Sign	X	X	X	X	X	X	X		X	X	X
Window Sign	X	X	X	X	X	X	X		X	X	X
Freestanding Signs	Max. Combined Area of Freestanding Signs										
	0-100' frontage = 50 sqft 101-300' frontage = 75 sqft 301'+ frontage = 100 sqft			0-100' frontage = 100 sqft 101-300' frontage = 150 sqft 301'+ frontage = 200 sqft					0-100' frontage = 75 sqft 101-300' frontage = 125 sqft 301'+ frontage = 150 sqft		0-100' frontage = 50 sqft 101-300' frontage = 75 sqft 301'+ frontage = 100 sqft
Menu Board Sign				X	X	X			X	X	
Monument Sign	X	X	X	X	X	X	X	X	X	X	X
Pole Sign			X	X	X	X					
Sidewalk Sign	X	X	X	X			X		X	X	X
Temporary Signs	See individual sign types for dimensions										
Feather Sign	X	X	X	X	X	X	X	X	X	X	X

Political Sign	X	X	X	X	X	X	X	X	X	X	X
Temporary Ground Sign	X	X	X	X	X	X	X	X	X	X	X
Temporary Special Event Banner	X	X	X	X	X	X	X	X	X	X	
Temporary Wall Banner Sign	X	X	X	X	X	X	X		X	X	

3. Maximum Number of Freestanding Signs

   Each lot or parcel shall be limited to one freestanding sign~~.~~ unless there is more than 600' of frontage (can be combined by adding both street frontages except in NH-1 zoning districts) than two freestanding signs are permitted.

4. Maximum Height

   The maximum height for freestanding signs is determined by zoning district and street class, as indicated in **Figure 38-10-6**.

5. Minimum Setback

   The minimum setback for the placement of freestanding signs is determined by street class, indicated in **Figure 38-10-6**. Setbacks are measured from the property line.

Figure 38-10-6. Maximum Height and Minimum Setback for Freestanding Signs

Street Class	Maximum Height by Zone								Minimum Setback	
	NH-1, Neighborhood 1 District (Rural, Suburban, Urban)	NH-2, Neighborhood 2 District (Rural, Suburban, Urban)	NH-3, Neighborhood 3 District (Rural, Suburban, Urban)	CR, Commercial/Retail District (Rural, Suburban, Urban)	LI, Light Industrial District (Rural, Suburban, Urban)	HI, Heavy Industrial District (Rural, Suburban, Urban)	OS-1, Open Space-Preserve and Recreational District (Rural, Suburban, Urban)	OS-2, Open Space-Drainage District (Rural, Suburban, Urban)	Front Yard	Side Yard
Local Street	3'	3'	6'	6'	18'	30'	6'	6'	10'	5'
Collector Street	6'	6'	18'~~12'~~	30'~~18'~~	~~18'~~30'	30'	12'	12'	12'	5'
Minor Arterial	6'	6'	30'~~12'~~	30'~~18'~~	~~18'~~30'	30'	12'	12'	15'	5'
Principal Arterial	6'	12'	30'~~18'~~	30'	30'	30'	18'	18'	15'	5'

I. Sign Features and Lighting

1. Electronic Display Boards

   a) Electronic Display Boards are allowed in conjunction only with the following sign types, and must not exceed 75 percent of the sign face:

      i) Menu Board Sign

      ii) Monument Sign

      iii) Pole Sign

      iv) Wall Sign

   b) No scrolling, flashing, rotating, or animated displays are allowed.

   c) Displays shall remain static for at least 30-second periods. Transitions must occur within a one-second period.

   d) The display shall be configured to turn off or return to a static, default design if a malfunction occurs.

2. Changeable Copy Signs

   Changeable Copy Signs are allowed in conjunction only with the following sign types, and must not exceed 75 percent of the sign face:

   a) Awning or Canopy Sign

   b) Menu Board Sign

   c) Monument Sign

   d) Pole Sign

   e) Projecting Sign

   f) Wall Sign







Figure 38-10-7. Examples of Electronic Display Boards





Figure 38-10-8. Examples of Changeable Copy Signs

3. Sign Lighting

   a) Maximum Brightness

      i) Maximum brightness levels for internally illuminated signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours and 250 nits when measured from the sign's face at its maximum brightness at night.

      ii) Each internally illuminated sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

      iii) The luminance on the face of an externally illuminated sign shall not exceed 150 nits. Photometric evidence of the installed luminaires showing compliance with this section shall be provided to the city within ten business days of installation.

      iv) A sign's nighttime lighting shall count toward the maximum allowable lighting for the property (See **Sec. 38-9.G.1**).

   b) Shading and Shielding

      i) Internally illuminated signs must be constructed so that the top of the sign is constructed of metal or of suitable material that does not allow light penetration vertically, so as to ensure that light is not emitted directly towards the sky.

      ii) Externally illuminated signs shall have luminaires mounted at the top of the sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign.

   c) Signs In and Near a NH-1 District or Rural Character Area

      i) Signs in a NH-1 District or Rural Character Area shall not be illuminated.

      ii) Signs that face a NH-1 District or Rural Character Area having a linear distance of 75 feet or less from that zone shall not be illuminated.

J. Common Signage Plan

1. Applicability

   A Common Signage Plan applies to two development scenarios:

   a) A multi-tenant center or one lot with multiple buildings, excluding accessory structures (required), and

   b) Multiple adjacent lots (optional).

2. Bonus Area

   Developments utilizing the Common Signage Plan shall receive a 15 percent increase in the maximum size area indicated in **Figure 38-10-5. Permitted Sign Locations and Standards** for freestanding signs.

3. Submittal Requirements

   A Common Signage Plan shall include the following information:

   a) The location of all buildings, parking areas, driveways, landscaped areas, and any other information as required by the City;

   b) Calculation of the maximum total sign area, the maximum height of signs, and the number of signs by type on each lot;

   c) An accurate indication on the plan of the proposed location of each present and future sign of any type; and

d) An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions.

4. Review and Approval Procedure

a) The Common Signage Plan shall be submitted in conjunction with any site plan or other development plan required by the City.

b) The Community Development Director shall be responsible for the review and approval of a Common Signage Plan.

c) After approval of a Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in compliance with such plan, and such plan may be enforced in the same way as any provision of the subsection.

K. Maintenance, Abandonment, and Removal

1. Maintenance and Safety

a) All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and the supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot, or other deterioration.

b) If the Code Enforcement Officer determines that any sign becomes unsecured, unsafe or subject to fall, the Code Enforcement Officer shall give written notice of the sign's condition in accordance with **3. Repair or Removal of Noncompliant Signs**.

2. Abandoned Signs

a) All signs shall be fully removed when the business/operation on site is no longer conducted.

i) For signs with a changeable face (e.g., multi-tenant signs), a new blank face shall be inserted. Alternatively, the entire sign face may be painted and the original message must not show through the paint.

ii) For signs where a message is placed on a structure or object (e.g., an awning), only the message is required to be removed. The message must not be visible following removal.

3. Repair or Removal of Noncompliant Signs

a) Any written notice to repair or remove a sign in violation of this code will be sent via certified mail by the Code Enforcement Officer to the land owner and to the sign owner lessee, or person(s) responsible for the sign.

b) If such order is not acted on within seven days, the Code Enforcement Officer may initiate proceedings to remove the sign at the expense of the land owner, sign owner, lessee, or person(s) responsible for the sign.

c) Additional time may be granted by the Code Enforcement Officer if compliance is proceeding.

d) Only one written notice per violation will be issued. The notice shall remain in effect for the duration of the business's present ownership.

e) Upon final determination that the sign is unlawful (following any appeals as outlined in **Sec. 34-3.F. Appeals**), the City reserves the right to remove and dispose of the sign at the sign owner's expense.

f) No notice is required for the removal and disposal of signs illegally placed in the right-of-way or clear sight triangle (see **Sec. 38-2.H. Clear Sight Triangle**).

L. Nonconforming Signs

1. Nonconforming signs that were lawful at the time of their construction may be continued.

2. No person may increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. When any sign is substantially damaged (i.e., the cost of restoring the sign is at least 50 percent of the market value of the sign before it was damaged), destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed, or rebuilt except in full compliance with this section.
4. Any change in the use of any building or property on which a nonconforming sign is located will require that all nonconforming signs on that property be brought into compliance with all applicable sections of this section.
    a) Exception: The message of a nonconforming sign may be changed so long as this does not create any new nonconforming issues.
5. A nonconforming sign shall not be moved or replaced except to bring the sign into conformity with this section.
    a) For the purpose of this subsection, the term "replaced" means the replacing of any or all parts of a sign that would extend the normal life span of the sign. An example is replacing wood pole supports with metal I-beam supports.
6. Any nonconforming sign shall be considered abandoned if the sign is blank for 90 days, and the land and sign owner(s) are responsible for its removal. For the purposes of this subsection, a sign is blank if:
    a) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
    b) The advertising message it displays becomes illegible in whole or substantial part; or
    c) The advertising copy has been removed.

Sec. 38-11.Wireless Communication Facilities

A. Purpose

The purpose of this section is to establish supplementary regulations governing wireless communication facilities, including towers, co-located facilities, and antennas. These regulations promote the following goals:

1. Encourage the location of facilities to preserve the character of Las Cruces' neighborhoods and support viewshed protection;
2. Protect residential uses and land uses from potential adverse impacts of wireless communication facilities;
3. Prioritize co-location of wireless communication facilities over additional single-use towers;
4. Minimize the number of new towers;
5. Encourage the use of minimally visually intrusive technology to the maximum extent technically feasible;
6. Promote regulatory certainty; and
7. Allow telecommunications providers to provide services to the community quickly, effectively, and efficiently.

B. Applicability

1. This section applies to all towers and antennas located within the City's jurisdiction, except as expressly exempted below.
2. Exemptions
   a) Amateur (Ham) radio antennas, limited to the number and height necessary to engage in amateur communications;
   b) Microwave reflectors and parabolic antennas;
   c) Antennas and equipment located completely inside of buildings; and
   d) Minor modifications of existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance.
      i) Minor modifications include the addition of antennas to conforming wireless towers and attached wireless communications facilities that comply with all applicable regulations of this section.
      ii) A building permit is required to authorize minor modifications as stated in **i)** above.

C. General Requirements

1. Federal Law

   The wireless communication facility regulations of this section must be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012.
2. All structures shall be sited, designed, constructed, operated, inspected, maintained, repaired, modified, removed and replaced in compliance with the City's adopted Uniform Building Code, as amended.
3. Communication facilities may be considered a principal or accessory use. Another principal or accessory use on the same lot does not preclude installation of a tower on that lot.
4. Required Approvals

   Except in the LI, Light Industrial District (Rural, Suburban, Urban) and HI, Heavy Industrial District (Rural, Suburban, Urban), communication towers must be of a monopole design unless a Special Use Permit is approved (see **Sec. 36-5.C. Special Use Permits (SUPs)**) allowing an alternative design that is determined to better blend into the surrounding environment or that the required antennas cannot be supported by a monopole.

a) Applicable permits are required to authorize alteration of existing, or co-location of new communication facilities on existing structures that comply with the requirements of this Code.

5. Communication structures, towers, and antennas shall comply with the following requirements:

a) Business Registration

Business registrations are required for each communication structure for commercial purposes.

b) Setbacks and Separation

i) Communication structures shall be placed within the primary buildable area for the parcel's specific zoning district and must be to the side and/or rear of all residential dwellings (e.g., house, apartment, duplex, triplex, quadplex, townhouse, etc.).

ii) Freestanding facilities are prohibited in the following locations:

a. Within 50 feet of an existing right-of-way.

b. Within any setback established by the applicable zoning district.

iii) Communication structures must be set back a distance equal to at least 110 percent of the height of the structure from any adjacent lot containing or zoned to permit residential uses.

iv) This use is prohibited within 1,000 feet in any direction of any other freestanding wireless communication facility or structure, as measured from the wall or fence of each facility. This requirement does not apply to small wireless facilities within the public right-of-way.

v) Towers shall be set back one foot for each one foot in height plus 10 percent of the total height from any residential use or structure on any adjacent or the same parcel.

vi) Any increase in height or reduction of minimum spacing or setback requirements shall require approval of a Zoning Variance.

c) Lighting

Towers may not be illuminated by artificial means and may not display strobe lights unless such lighting is expressly required by the Federal Aviation Administration or other federal or state authorities. When incorporated into the approved design of the tower, light fixtures used to illuminate ballfields, parking lots, or similar areas may be attached to the tower.

d) Signage

The use of any portion of a tower for advertising or signs other than warning or equipment information signs is expressly prohibited.

e) Maximum Height

i) Single-carrier wireless communication facilities: 65 feet, or the maximum height permitted in the applicable zoning district.

ii) Co-locations on any existing unconcealed tower or existing structure: 75 feet, or the maximum height permitted within the applicable zoning district plus 10 feet.

f) Viewshed Protection

Only co-locations and stealth towers are permitted in the following locations:

i) Within 660 feet of an easement or public right-of-way identified as part of an existing or future trail system as established by the City’s adopted Active Transportation Plan.

ii) Within 660 feet of the centerline of a public street designated as a protected view corridor.

D. Co-Location

1. All commercial use communication structures shall be co-located or integrated within an existing structure unless evidence is presented demonstrating that such co-location or integration cannot and should not occur. Evidence may include, but is not limited to, that no other structure suitable for co-location exists:
   a) Within a one-mile radius to meet the applicant's engineering requirements or structural strength or space availability needs for all improvements;
   b) In which unavoidable electromagnetic interference would occur between the new and any existing communication structures;
   c) In which other factors render the use of existing structures unsuitable;
   d) In which urban design features and aesthetic views would be hampered, beyond the objectives desired with the creation of this requirement, of existing natural and man-made structures; and
   e) Whose owners of existing structures would not allow the placement of the applicant's structure or such owners are requiring payments thereof that substantially exceed commercially reasonable rates.
2. Such evidence shall be presented to the Community Development Department for review and approval by the Community Development Director. Such proof may be required as part of the Special Use Permit and/or building permit approval processes, and only then shall an independent, freestanding communication structure be allowed in accordance with other requirements of this Code. Where co-location is proposed on a City-owned facility, such evidence shall also be presented to the Director responsible for City facilities.
3. Co-location of structures shall be in accordance with the following provisions:
   a) If the receiving structure was previously granted a Special Use Permit for its use and placement, including necessary variances for height and setbacks, the original special use permit does not need to be amended provided all requirements of the original Special Use Permit and this section have been met.
   b) Additional buildings and additions to existing equipment and accessory structures for towers must comply with applicable architectural and urban design criteria for the subject property.
   c) An unlimited number of communication antennas may be placed on an existing tower and/or other communication structure, provided all other requirements are met, including building codes and urban design criteria.
   d) If not governed specifically by this section, the building or structure receiving a co-located communication facility must comply with all applicable zoning and building code provisions, if applicable, or other city ordinances and/or state laws related to their placement, use, and construction.
   e) All co-located communication facilities must be an integrated architectural design feature and painted or textured such a color as to blend in with their visual background.
   f) When roof mounts are used, at a minimum, the first five feet of the communication structure shall be screened from view on all sides using building design elements, such as varied roof heights and/or parapets.
   g) Wall mounts cannot project more than three feet from the surface of the building and the projection cannot violate any of the normally required building setbacks and/or screening buffer yards. Structures that are attached parallel to a pitched roof surface cannot project more than three feet above the surface of such roof.
      i) Exception*:* This does not apply to roof top mounted structures that vertically ascend upward from a flat roof or structures placed at the apex of pitched roofs.
   h) All wall-mounted communication structures must maintain a minimum clearance of eight feet above the nearest adjacent ground and/or walking surface.

i) There shall be no limit on the number of wall and roof mount structures, in any zoning district, provided the structure is compatible with and integrated to the architecture of the receiving structure and can be demonstrated in plans to be submitted to the Community Development Director for review and approval.

E. Stealth Towers

The use of stealth towers or design techniques is encouraged and intended to provide more options for the placement and use of communication structures while integrating or concealing the communication structure into an improvement.

1. Examples of communication structures integrated and/or concealed into public or private facilities using stealth towers include but are not limited to:
   a) Flagpoles,
   b) Spires, bell towers, and other architectural features added to buildings,
   c) Integrated communication structures on utility substations, buildings, and water tanks,
   d) Extensions of communication antennas to existing lighting poles at sports facilities, and
   e) Any other proposed communication structure that is integrated and/or concealed within a building or structure and is approved in accordance with the provisions of this section.

F. Urban Design Criteria

1. General Provisions
   a) Building architecture, not including the tower, shall be consistent with surrounding structures in both style and construction material.
   b) Access to all communication structures and associated buildings on the property shall be shown on the Site Plans as part of special use or building permit approval processes.
   c) No chain link fencing around any communication structures is allowed along arterial or collector streets.
   d) All utility buildings and structures accessory to a tower must comply with all applicable requirements of the underlying zoning district. Exterior ground mounted equipment occupying more than 50 square feet, if visible from ground level, must be screened from view of abutting property used or zoned for residential purposes by a screening wall or fence in accordance with the screening standards for mechanical and utility equipment in **Sec. 38-8.E.2**.
   e) Equipment buildings associated with communication structures shall follow an architectural style, construction materials, and colors similar to existing buildings within the neighborhood; building facades for tower accessory structures and the first 20 feet of towers shall be painted earth-tones or similar colors to existing structures within the neighborhood and constructed of similar building materials.
   f) Antennas or other radiating/receiving devices are not required to have architectural treatments or other design features, such as painting and texturing, applied as required within this Code, if such treatments would interfere with the operation of the device. Such treatments are required of the supporting structure, including towers, and not the radiating/receiving device.
2. Towers and Other Communication Structures in Residential Districts

   In addition to **1. General Provisions** above, communication structures located within residential districts are also subject to the following:

   a) All private communication structures on residentially zoned property shall either be painted or treated the same color as the primary structure or the surface to which the structure is attached. This includes painting or screening roof-mounted communication structures.

i) Screening and/or painting of roof-mounted structures is required on all sides the residential property in which a communication structure is to be or is placed.

3. Towers and Other Communication Structures in Commercial and Industrial Zoning Districts.

a) Additional Setbacks for Antennas, Communication Structures, and Satellite Service Devices:

i) Structures shall be set back at least one foot for each one foot in height from any residential dwelling structure on any adjacent parcel.

ii) Equipment and accessory structures shall conform to building and accessory structure maximum heights and minimum setbacks for the parcel's specific zoning district.

b) Additional Setbacks and Placement Restrictions for Towers:

i) Structures shall be placed within the primary buildable area for the parcel's specific zoning district and must be to the rear of the primary building structure. If there is no primary building, then the tower must be within the primary buildable area.

ii) A Special Use Permit may be granted to permit tower height greater than what is allowed. The Special Use Permit process shall also be used for any deviations related to setbacks and/or screening buffer yards.

G. Special Use Permit Review Criteria

1. The regulations within this subsection apply for all commercial communication structures that require the approval of a Special Use Permit.

2. Factors to be Considered

In addition to any other applicable requirements, the following factors must be considered in a decision to approve or deny a special use permit for a wireless communications tower:

a) Height of the proposed tower;

b) Proximity of the tower to residential structures, residential district boundaries, and existing towers;

c) Nature of uses on adjacent and nearby properties;

d) Surrounding topography;

e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

f) The total number and size of antennas proposed and the ability of the proposed tower to accommodate co-location;

g) Architectural design of utility buildings and accessory structures to blend with the surrounding environment;

h) Proposed ingress and egress;

i) The need for a tower within the immediate geographic area to provide an acceptable level of communications service to the area;

j) The size of the tract and the most likely future development as indicated by the Comprehensive Plan, planned infrastructure, topography and other physical considerations.

H. Removal of Abandoned Antenna and Towers

Abandonment or cessation of use of the communication structure shall require the removal of all facilities associated with the communication structure from the subject property within six months after the abandonment or cessation of use. Foundations for such structures should be altered or removed to be visually appealing and safe.

City Council Action and Executive Summary

3103; Council Bill 26-011

Type of Action:
☐ **Resolution**
☒ **Ordinance**
☐ **TIDD Resolution**

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:	December 1, 2025	**Adopted:**	December 15, 2025
Drafter:	Chris Faivre	**Department:**	Community Development

Title:	**AN ORDINANCE ADDING CHAPTER 16, ARTICLE XII - SHORT TERM RENTALS TO THE LAS CRUCES MUNICIPAL CODE.**

TYPE OF ACTION: ☐ **Administrative** ☒ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:

To establish standards for short-term rental properties to ensure safety, security, and neighborhood integrity.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Short-term rentals (STRs), typically advertised through third-party platforms such as Airbnb and Vrbo, have grown significantly within the City of Las Cruces in recent years. These properties differ from traditional residential uses in that they operate as lodging businesses within residential neighborhoods, generating lodging revenue and visitor impacts without the land use protections or operational standards required of hotels, motels, or bed-and-breakfast establishments.

As of October 2025, approximately 460 short-term rentals were actively listed in Las Cruces, while only 28 units were registered through Visit Las Cruces. The existing municipal ordinance governing STRs applies only to the collection of lodgers tax and does not provide enforceable standards related to neighborhood impacts, safety, property owner accountability, or business licensing requirements. As a result, the City does not currently have the necessary authority to ensure compliance with building and fire safety codes, regulate occupancy, or respond to nuisance complaints related to STR operations.

The growth in STR activity has raised concerns related to Neighborhood livability and noise disturbances; Parking and roadway congestion; lack of clear contact information for responsible parties during emergencies; impacts on long-term housing availability; and unequal treatment between regulated commercial lodging establishments and unregulated short-term rentals.

Many municipalities across New Mexico, including Doña Ana County (adopted 2020), have implemented local STR ordinances to address these issues. The proposed ordinance establishes a clear regulatory framework to balance private property rights with neighborhood integrity and public safety.

The ordinance introduces enforceable standards requiring business registration through the Community Development Department, posting of registration on site, minimum insurance coverage, 24-hour contact information, compliance with building and fire codes, occupancy limits, off-street parking requirements, and notification to neighboring property owners. It also establishes an enforcement process to ensure accountability for repeated violations and provides clear mechanisms for citation, remediation, and revocation when necessary.

This regulatory update ensures that STR operators are subject to the same level of oversight as other business uses within the City, protects residential neighborhoods, and provides the City with the tools necessary to promote compliance, enhance safety, and protect quality of life for residents.

SUPPORT INFORMATION:

EXHIBIT "A" SHORT-TERM RENTALS

PLAN(S):

Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will adopt a short-term rental Ordinance.
2. Vote "No"; this will not adopt a short-term rental Ordinance.
3. Vote to "Amend"; this would require City Council to provide direction to staff.
4. Vote to "Table"; this will delay the Ordinance and would require City Council to provide direction to staff.

ORDINANCE 3103; COUNCIL BILL 26-011

AN ORDINANCE ADDING CHAPTER 16, ARTICLE XII - SHORT TERM RENTALS TO THE LAS CRUCES MUNICIPAL CODE.

The City Council is informed that:

WHEREAS, the City of Las Cruces has experienced a significant increase in the number of residential properties being used as short-term rental lodging units advertised on third-party platforms; and

WHEREAS, the existing City ordinance only addresses lodgers tax collection and does not provide enforceable standards for the operation, safety, or neighborhood impacts of short-term rentals; and

WHEREAS, the lack of enforceable regulations has resulted in unregistered short-term rental units operating without adequate insurance, safety inspections, or local contact information for emergency response; and

WHEREAS, the City Council finds it necessary to establish standards to protect the health, safety, and welfare of residents and visitors, preserve neighborhood quality of life, and ensure fairness among all lodging providers; and

WHEREAS, many municipalities in New Mexico, including Doña Ana County, have adopted local ordinances regulating short-term rentals to ensure proper licensing, taxation, and accountability; and

WHEREAS, the proposed ordinance requires short-term rental operators to obtain a business registration, comply with building and fire safety codes, provide 24-hour contact information, maintain adequate insurance, and notify nearby property owners; and

WHEREAS, the ordinance establishes reasonable occupancy limits, off-street parking requirements, and enforcement mechanisms to address nuisance issues and ensure compliance; and

WHEREAS, the City Council finds that adopting these regulations balances private property rights with the preservation of neighborhood integrity and promotes responsible short-term rental operation within the City of Las Cruces.

NOW, THEREFORE, Be it Ordained by the Governing Body of the City of Las Cruces:

(I)

THAT Chapter 16, Article XII - Short Term Rentals of the Las Cruces Municipal Code will be added as noted in Exhibit "A", attached hereto and made part of this ordinance.

(II)

THAT the requirements of this ordinance shall become effective on January 1, 2026, and enforcement shall begin on July 1, 2026, allowing time for operators to come into compliance.

(III)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

EXHIBIT A

ARTICLE XII. SHORT TERM RENTALS

Sec. 16-506. Short title.

Section 16-506 and its subsection shall be referred to as the "Short Term Rental Ordinance" and may sometimes be referred to as "this article." Due to the recent influx and popularity of short-term rental properties in the City of Las Cruces (also called the “City” herein), it is necessary to regulate these businesses and promulgate rules for the safety and security of property owners, short-term renters, and the communities in which the rentals are located. This ordinance is adopted to implement procedures, processes, and standards for the regulation and operation of short-term rental properties in the City of Las Cruces’ jurisdiction.

Sec. 16-507. Definitions.

(a) For the purposes of this article, the following words shall have the following meanings:

Adequate Insurance means property and liability insurance to cover damage or loss to the short-term rental unit and contents within the dwelling with a minimum of $500,000.00 liability insurance. Adequate insurance shall be in the form of a traditional homeowner's policy with a specific rider for the short-term rental property, a dwelling policy with proper endorsements for short-term rental, or a landlord’s policy. A policy provided by a short-term rental property marketing company may be acceptable if adequate insurance limits are met.

Business registration means the authority granted by the City of Las Cruces to a person, authorizing the person to engage in a business activity or engage in business in a listed licensed activity.

Offense means a violation of this article by a short-term rental operator engaging in a short-term rental in the City and includes:

(1) Failure to pay all business registration license fees or late fees;

(2) Failure to file City forms or provide information required by City staff for licensing;

(3) Failure to perform the terms, conditions, or requirements set forth on the license;

(4) Actions or inactions that violate the requirements of this article; or

(5) Actions or inactions that violate the requirements of other City ordinances that may, pursuant to the express terms of this article, form an offense under this article.

Person means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity.

Short-term rental operator means any person who is or acts as or on behalf of an owner, property manager, or party otherwise responsible for a short-term rental unit. To the extent that any short-term rental property is owned or managed by multiple persons, each such person shall be a short-term rental operator equally subject to the requirements of this article.

Short-term rental unit means any real property that is rented to a member of the public by a short-term rental operator where the rental unit is either advertised or regularly rented on a short-term basis, with a short-term basis meaning an agreement for a rental period lasting for no longer than three continuous months. However, a short-

term rental property does not include an owner- or management-occupied property where meals are regularly prepared and provided for guests, also known as a bed-and-breakfast, and does not include hotels and motels.

Sec. 16-508. General Provisions.

(a) All persons owning real property within the City of Las Cruces with the intent of using that property for a short-term rental unit must obtain a certificate of business registration from the City of Las Cruces Community Development Department pursuant to Chapter 16 of this Code prior to establishing that service. To the extent that the owner(s) of the property intend to register a short-term rental unit managed by other persons qualifying as short-term rental operators, the registering owner(s) shall provide business and contact information for such additional persons. A change in ownership or management shall require an updated registration before the short-term rental unit may be made available for rent.

(b) The Community Development Department shall periodically monitor all relevant short-term rental related websites or advertising media for the purpose of identifying any short-term rental property not registered by the City of Las Cruces and take appropriate action to bring any of such properties into compliance or to stop the unauthorized activity.

(c) Any person operating such short-term rental property prior to the effective date of this ordinance must submit an application for the required business registration permit within 30 days of the effective date of this ordinance.

(d) The business registration obtained from the Community Development Department must be posted inside the unit in a clearly visible area accessible to anyone renting or occupying the unit.

(e) The short-term rental operator must maintain adequate insurance for the short-term rental. Proof of insurance shall be required at the time of registration of the property with the Community Development Department, when there is a material change in the scope or amount of coverage, and at any other time upon request by the City of Las Cruces.

(f) For any short-term rental unit, the short-term rental operator must provide off-street parking onsite via garages, parking shelters, or driveway space. If off-street parking is not possible, the short-term rental operator shall advise the renters of appropriate parking locations that do not affect traffic, roadways, or the peaceful enjoyment of the area by adjacent residents. The short-term rental operator has the right to restrict the number of vehicles allowed at the rental premises. On-street parking must conform to other parking regulations and provide priority for adjacent residents when there is a conflict.

(g) All applicable building, fire, and other municipal and state codes for the construction and maintenance of residential properties including fire, health, and safety codes shall be met. In addition, and without limitation, smoke detector installations and appropriate entrance/egress identification (via a map on the wall or the back of the door at each egress) must be installed. Smoke detectors must be maintained and batteries replaced at least once per year. One currently serviced fire extinguisher must be placed within 10 feet of any kitchen or indoor cooking area. The City of Las Cruces Fire Chief or designee shall have access to inspect compliance with fire codes upon a 24-hours' notice. To the extent that a violation of any of these requirements is in the context of a short-term rental, it shall be considered an offense under this article additional and alternative to other available enforcement mechanisms.

(i) The maximum overnight occupancy of a short-term rental unit is limited to two people per bed plus an additional two people per unit. For the purpose of calculating occupancy, children under the age of two are excluded.

(j) Noise or other disturbance in or outside the short-term rental is prohibited according to Chapter 19 of this Code. To the extent that a violation of Chapter 19 is in the context of a short-term rental, it shall be considered an offense under this article additional and alternative to other available enforcement mechanisms.

(m) Short-term rental properties shall not be used for gatherings of more than 15 additional persons above the allowed number of renters or more than twice the limit of the number of renters allowed, whichever is greater.

(n) The short-term rental operator is expected to pay all applicable local, state, and federal taxes, including but not limited to lodger's tax, gross receipts tax, and income tax. Upon obtaining a business registration from the Community Development Department, the owner must provide the New Mexico State Tax ID number associated with the short-term rental business.

Sec. 16-509. Enforcement.

(a) The City Manager shall designate officials responsible for enforcing this article, including the authority to investigate, cite, and prosecute all alleged offenses.

(b) The City may cite a short-term rental operator for an offense under this article and seek enforcement in the municipal court or another court of competent jurisdiction.

(i) For a first offense, a short-term rental operator shall be subject to a civil fine of $50 to $300. For a second or subsequent offense, a short-term rental operator shall be subject to a civil fine of $300 to $500.

(ii) In addition to fines, the City may request a finding that a short-term rental operator's offense reflects continuing noncompliance with the terms of this article. In the event of such a finding, the court shall set terms for the remedy of the noncompliance and a deadline for the remedy. The court shall select a deadline for the remedy that reflects both the severity of the noncompliance and the burden on the short-term rental operator of completing the remedy. The court shall set a hearing for the date by which the short-term rental operator shall provide proof of completion of the remedy. If the short-term rental operator fails to provide proof of remedy within the time set by the court, the court shall have discretion to order revocation of the business registration for the short-term rental unit(s) in noncompliance or to set further proceedings as appropriate.

(iii) Findings and conclusions under this subsection are civil in nature and may be established by a preponderance of the evidence.

(iv) The New Mexico Rules of Evidence shall apply in proceedings brought pursuant to this subsection.

(c) In addition to prosecution under this section, staff designated by the City Manager may use their administrative authority to revoke the business registration for all short-rental properties managed or owned by a short-term rental operator for one of the grounds provided by this subsection. A finding shall be in the form of a written determination including a review of evidence for the finding.

(i) For a first or subsequent offense, a finding that a short-term rental operator is responsible for creating or perpetuating a significant risk of substantial harm to health or safety at or near a short-term rental unit.

(ii) For a third or subsequent offense, a finding that the short-term rental operator has engaged in a pattern of conduct demonstrating negligence or indifference in relation to the requirements of this article or the health or safety of short-term renters or adjacent property owners.

(iii) For a fifth offense within a three-year period, revocation shall be mandatory.

(d) A person adversely affected by a final order of the municipal court may appeal the order to the district court within 15 days pursuant to NMSA 1978, § 35-15-1. A decision by staff for the revocation of a business license may be appealed to the district court within 15 days pursuant to Rule 1-074 NMRA.

(e) All fines collected pursuant to this section shall be reserved to fund the enforcement of this article.

(f) This ordinance does not affect any other law enforcement or codes enforcement officer's ability and duty to enforce any state laws or other City ordinances that are alleged to have occurred in connection with, inside, or on the premises of a short-term rental property.

Sec. 16-510. Operative Date and Enforcement Date.

All of the requirements set forth in this article shall become effective January 1, 2026, except that enforcement of these requirements under Sec. 16-509 shall commence on July 1, 2026.

Sec. 16-511. Fees.

The fee to obtain a registration for any short-term rental unit from the Community Development Department shall be an annual fee of $35.00. Short-term rental operators will also need to register each short-term rental unit with Visit Las Cruces, and are required to pay a one-time $50.00 registration fee and a subsequent annual renewal fee of $35.00.

Sec. 16-512. Community Notification.

(a) Within 10 days of the short-term rental business registration submission, the short-term rental operator shall, for informational purposes only, mail or hand-deliver to all other property owners within 500 feet of the property notice of the issuance of a short-term rental property registration. The Community Development Department shall provide the short-term rental operator(s) a list of all property owners within 500 feet of the property to facilitate this notice. The short-term rental operator submitting a request for registration shall provide the Community Development Department contact information for the short-term rental operator and any other qualifying operator, and any contractor, employee, or agent of the said operator(s) for contacting such persons during business hours and upon emergency at other times to respond to any complaints regarding the operation or occupancy of the short-term rental. No registration shall be issued if the application for registration fails to provide a qualifying person or company responsible for responding to complaint, including by providing names of individuals and all available contact information including physical addresses, email addresses, and phone numbers. If there is a change in the contact information, the property owner will send an updated notice per this section within 30 days.

(b) Within 10 days of the mailing, the short-term rental operator shall provide the Community Development Department with a copy of the notice and a statement that includes a list of addresses for the neighboring property owners to whom the notice was mailed or hand delivered. The short-term rental operator shall notify the Community Development Department and neighboring property owners of any changes in the status or contact information for the short-term rental within 30 days.

(c) Failure of the property owner to comply with these provisions shall result in non-issuance of the short-term rental business registration until such requirements are met.

Sec. 16-511. Interpretation and Severability.

(a) The terms of this article shall be interpreted to be supplemental to other laws or regulations governing the business of a short-term rental or providing for the general peace, safety, and health of communities.

(b) The provisions of this article do not abrogate the right of a short-term rental operator to impose otherwise lawful conditions on the enjoyment of a short-term unit, on gatherings at a short-term rental unit, or that limit disturbance to the neighborhood and the community.

(c) The provisions of this article do not abrogate the terms and conditions of any covenants or restrictions on the use of private property.

(d) If any part or provision of this article is for any reason held to be invalid, void, or unenforceable by a decision of a court of competent jurisdiction, such part or provision shall be given an interpretation that preserves

its original intent with maximum permissible force, and in all cases the decision of the court shall not affect the remainder of the article.

3104; Council Bill 26-012

City Council Action and Executive Summary

Type of Action:
☐ **Resolution**
☒ **Ordinance**
☐ **TIDD Resolution**

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	December 1, 2025	**Adopted:**	December 15, 2025
Drafter:	Jenny Hernandez	**Department:**	City Manager's Office

Title:	**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE XI OF THE LAS CRUCES MUNICIPAL CODE-LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS IN CERTAIN RETAIL OPERATIONS.**

TYPE OF ACTION: ☐ **Administrative** ☒ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:

To amend Ordinance 2984, limiting the use of single-use carryout plastic bags in certain retail operations.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces is committed to implementing its Climate Action Plan. The current code constrains the use of the environmental service fee. Expanded authorization is needed to allow use of fee proceeds for any initiative that advances Climate Action Plan objectives, including mitigation, adaptation, resilience, energy efficiency, beneficial electrification, waste reduction, public education, community engagement, compliance activities, data and evaluation, and interdepartmental coordination.

Revising permitted uses will enable the City to deploy revenues in direct support of these goals. Clarifying enforcement roles, procedures, and penalties, and streamlining collection and remittance will provide clear notice, reduce administrative burden, and strengthen implementation.

Authorizing eligible reimbursements for the current fiscal year will prevent funding gaps and accelerate program delivery.

Collectively, these amendments tie fee revenues to measurable climate outcomes and improve program administration.

SUPPORT INFORMATION:

Exhibit “A" Amended Ordinance 2984
Attachment “A” Redline Amendment To Ordinance 2984

PLAN(S):

Department Strategic Business Plan

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will amend the ordinance to limit the use of single-use carryout plastic bags.
2. Vote "No"; this will not amend the ordinance to limit the use of single-use carryout plastic bags.
3. Vote to "Amend"; this will change the ordinance to limit the use of single-use carryout plastic bags.
4. Vote to "Table"; to amend the ordinance to limit the use of single-use carryout plastic bags.

ORDINANCE 3104; COUNCIL BILL 26-012

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE XI OF THE LAS CRUCES MUNICIPAL CODE-LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS IN CERTAIN RETAIL OPERATIONS.

The City Council is informed that:

WHEREAS, the current code limits the flexibility of the environmental service fee. Expanded authorization is needed so the city may use fee proceeds for any initiative that advances Climate Action Plan objectives, including mitigation, adaptation, resilience, energy efficiency, beneficial electrification, waste reduction, public education, community engagement, compliance activities, data and evaluation, and interdepartmental coordination; and

WHEREAS, the city of Las Cruces remains committed to implementing its adopted Climate Action Plan and the revised use of fees will allow the city to deploy revenues in service of those goals; and

WHEREAS, clarifying enforcement roles, procedures, penalties, and streamlining collection and remittance will create clear notice and strengthen implementation; and

WHEREAS, authorizing eligible reimbursements for the current fiscal year will prevent funding gaps and accelerate program delivery; and

WHEREAS, the above amendments will better connect fee revenues to measurable climate outcomes, improve program administration.

NOW, THEREFORE, Be it Ordained by the governing body of the City of Las Cruces:

(I)

THAT the Las Cruces Municipal Code, 1977, Chapter 16, Licenses, Taxation and Miscellaneous Business Regulations is hereby amended by adding Article XI. Limiting the Use of Plastic Single-use Carryout Bags, as shown in "Exhibit A" attached hereto and made part of this ordinance.

(II)

THAT this ordinance will take effect January 1, 2026, and eligible reimbursements include costs accrued from fiscal year 26 July 1st 2025 through June 30th 2026.

(III)

THAT city staff is authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

Exhibit “A" AMENDED ORDINANCE 2984

Article XI.- LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS

Sec. 16-500. Short title.

Section 16-500 and its subsection shall be referred to as the “Single-Use Bag Ordinance” and may sometimes be referred to as “this article”. The purpose of the Single Use Bag Ordinance is to abate the nuisance caused by the proliferation of single-use plastic bags by eliminating the use of single-use plastic carryout bags by all retail establishments within the jurisdiction of the City of Las Cruces.

Sec. 16-501 Definitions: For the purposes of this Ordinance, the following words shall have the following meanings:

(a) *Single-Use Plastic Carryout bag* means a carryout bag made of plastic that is provided by a retail establishment to a customer at the point of sale or checkout, that is neither intended nor suitable or durable for continuous reuse as a carryout bag.

(b) *Reusable bag* means a bag with stitched handles that is specifically designed and manufactured for multiple reuse and is either made of cloth or other machine-washable fabric or other durable material suitable for reuse with stitched handles.

(c) *Paper Grocery bag* means a paper bag that contains a minimum of 40 percent post-consumer recycled content and is 100 percent recyclable.

(d) *Retail establishment* means any retail business in a

commercial setting including, without limitation, clothing, household goods, or personal items of any kind that sells directly to a customer. Examples include, but are not limited to, department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, and farmers markets. For purposes of this Ordinance, food banks, public eating establishments defined as restaurants, take-out food establishments, to be eaten on or off its premises, are not defined as retail establishments.

(e) The following bags are excluded from this ordinance:

1. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;

2. Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;

3. Bags used by restaurants to take away prepared food; and

4. Bags used by a consumer inside a retail establishment to:

   a. Contain bulk items, such as produce, nuts, grains, candy, or small hardware
   b. Contain or wrap frozen foods, meat, or fish

c. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases, or

d. Contain unwrapped prepared foods or bakery goods; and

5. Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.

Sec. 16-502. MANDATORY USE OF REUSABLE BAGS AND PAPER GROCERY BAGS.

(a) A retail establishment shall not provide a single-use plastic carryout bag to any customer. All covered retail establishments shall provide only the following bag types at checkout to customers: reusable bags, paper grocery bags and/or cardboard boxes. For every paper grocery bag provided by a retail establishment, an environmental service fee of (10 cents) shall be charged to the customer for each paper grocery bag provided. The use of paper grocery bags and the environmental service fee shall be reviewed one year after the adoption of this ordinance and reevaluated every three years after. Retail establishments shall not collect the environmental service fee from any person with a voucher or electronic benefits card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP),

Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food Stamps).

(b) Retail establishments shall indicate on the customer transaction receipt the number of paper grocery bags provided, and the total amount of the environmental service fees charged.

(c) Fifty percent (50%) of the environmental service fee collected by a retail establishment shall be retained for administrative costs incurred by the collection and reporting of the environmental service fee to the city. The remainder of the environmental service fee collected shall be transmitted to the city of Las Cruces. The city shall use the environmental service fees to support a wide range of initiatives that advance the goals of the City's Climate Action Plan, including but not limited to climate mitigation and adaptation, energy conservation, public education, and community engagement.

(d) It shall be a violation of this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion of the environmental service fee. To further promote the use of reusable bags and reduce the quantity of single-use carryout bags entering the city's waste stream, retail establishments are encouraged to make reusable bags free or for sale at checkout counters and/or provide boxes for use at checkout counters free of

charge. The sustainability office is authorized to provide reusable bags for the public at low cost or free of charge, with specific emphasis on reaching out to low-income households to the greatest degree possible.

(e) Nothing in this section shall be read to preclude retail establishments from making reusable bags available for sale to customers.

Sec.16-503. ENFORCEMENT, ADMINISTRATIVE REMEDIES. PENALTIES, AND ADMINISTRATIVE REMEDIES.

1. The city manager shall designate officials responsible for the enforcement of this article.
2. The City may cite an offender for violation of this article and seek enforcement in the municipal court or another court of competent jurisdiction. For a first violation, a civil fine of $50 to $300 shall be imposed. For a second or subsequent violation, a civil fine of $300 to $500 shall be imposed.
3. Additional and alternative to citation, staff designated by the city manager may exercise the administrative authority to revoke the business registration for an offender upon a finding that the offender has engaged in a pattern of conduct demonstrating negligence or indifference in relation to the requirements of this article. A finding under this paragraph shall be in the form of a written determination including a review of evidence for the finding. Such findings require the revocation of the

offender's business license, except that a decision of revocation may defer the revocation subject to the satisfaction of conditions to assure future compliance.

4. A decision by the municipal court or staff under this Section may be appealed to the district court within 15 days pursuant to NMSA 1978, § 35-15-1. A decision by staff for the revocation of a business license, or to set conditions for deferment of revocation, may be appealed to the district court within 15 days pursuant to Rule 1-074 NMRA.
5. All fines collected pursuant to this article shall be deposited in the environmental remittance fee fund to assist the department/division with its costs of implementing and enforcing the requirements of this Section.

Sec. 16-505. SEVERABILITY.

If any part or provision of this article is for any reason held to be invalid, void, or unenforceable by a decision of a court of competent jurisdiction, such part or provision shall be given an interpretation that preserves its original intent with maximum permissible force, and in all cases the decision of the court shall not affect the remainder of the article.

Attachment "A" REDLINE AMENDMENT TO ORDINANCE 2984

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE XI OF THE LAS CRUCES MUNICIPAL CODE -LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS IN CERTAIN RETAIL OPERATIONS.

The City Council is informed that:

WHEREAS, the current code limits the flexibility of the environmental service fee. Expanded authorization is needed so the city may use fee proceeds for any initiative that advances Climate Action Plan objectives, including mitigation, adaptation, resilience, energy efficiency, beneficial electrification, waste reduction, public education, community engagement, compliance activities, data and evaluation, and interdepartmental coordination; and

WHEREAS, the city of Las Cruces remains committed to implementing its adopted Climate Action Plan and the revised use of fees will allow the city to deploy revenues in service of those goals; and

WHEREAS, clarifying enforcement roles, procedures, penalties, and streamlining collection and remittance will create clear notice and strengthen implementation; and

WHEREAS, authorizing eligible reimbursements for the current fiscal year will prevent funding gaps and accelerate program delivery; and

WHEREAS, the above amendments will better connect fee revenues to measurable climate outcomes, improve program administration.

NOW, THEREFORE, Be it Ordained, by the governing body of the city of Las Cruces:

(I)

THAT the ~~-~~amendment to the Las Cruces Municipal Code, 1977, Chapter 16, Licenses, Taxation and Miscellaneous Business Regulations is hereby amended by adding~~:~~ Article XI. Limiting the Use of Plastic Single-use Carryout Bags, as shown in "Exhibit A" attached hereto and made part of this ordinance.

(II)

THAT this ordinance will take effect January 1, 2026~~2~~, and eligible reimbursements include costs accrued from fiscal year 26 July 1st 2025 through June 30th 2026.~~.~~

(III)

THAT city staff is ~~hereby~~ authorized to do all deeds as necessary in the accomplishment of the herein above.

"Exhibit A"

Article XI.- LIMITING THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS

Sec. 16-500. Short title.

Section 16-500 and its subsection shall be referred to as the “Single-Use Bag Ordinance” and may sometimes be referred to as “this article”. The purpose of the Single Use Bag Ordinance is to abate the nuisance caused by the proliferation of single-use plastic bags by eliminating the use of single-use plastic carryout bags by all retail establishments within the jurisdiction of the City of Las Cruces.

Sec. 16-501 Definitions: For the purposes of this Ordinance, the following words shall have the following meanings:

(a) Single-Use Plastic Carryout bag means a carryout bag made of plastic that is provided by a retail establishment to a customer at the point of sale or checkout, that is neither intended nor suitable or durable for continuous reuse as a carryout bag.

(b) Reusable bag means a bag with stitched handles that is specifically designed and manufactured for multiple reuse and is either made of cloth or other machine-washable fabric or other durable material suitable for reuse with stitched handles. ~~:~~

~~a. Made of cloth or other machine washable fabric;~~

~~b. Other durable material suitable for reuse with stitched handles~~

(c) Paper Grocery bag means a paper bag that contains a minimum of 40 percent post-consumer recycled content and is 100 percent recyclable.

(d) Retail establishment means any retail business in a commercial setting including, without limitation, clothing, household goods, or personal items of any kind that sells directly to a customer. Examples include, but are not limited to, department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, and farmers markets. For purposes of this Ordinance, food banks, public eating establishments defined as restaurants, take-out food establishments, to be eaten on or off its premises, are not defined as retail establishments.

(e) The following bags are excluded from this ordinance:

1. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;

2. Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;

3. Bags used by restaurants to take away prepared food; and

4. Bags used by a consumer inside a retail establishment to:

a. Contain bulk items, such as produce, nuts, grains, candy, or small hardware

b. Contain or wrap frozen foods, meat, or fish

c. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases, or

d. Contain unwrapped prepared foods or bakery goods; and

5. Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.

Sec. 16-502. MANDATORY USE OF REUSABLE BAGS AND PAPER GROCERY BAGS.

(a) A retail establishment shall not provide a single-use plastic carryout bag to any customer. All covered retail establishments shall provide only the following bag types at checkout to customers: reusable bags, paper grocery bags and/or cardboard boxes. For every paper grocery bag provided by a retail establishment, an environmental service fee of (10 cents) shall be charged to the customer for each paper grocery bag provided. The use of paper grocery bags and the environmental service fee shall be reviewed one ~~two~~ year~~s~~ after the adoption of this ordinance~~.~~ Then and reevaluated every three years after. Retail establishments shall not collect the environmental service fee from any person with a voucher or electronic benefits card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food Stamps).

(b) Retail establishments shall indicate on the customer transaction receipt the number of paper grocery bags provided and the total amount of the environmental service fees charged.

(c) Fifty percent (50%) of the environmental service fee collected by a retail establishment shall be retained for administrative costs incurred by the collection and reporting of the environmental service fee to the city. The remainder of the environmental service fee collected shall be transmitted to the city of Las Cruces. The city shall use the environmental service fees to support a wide range of initiatives that advance the goals of the City's Climate Action Plan, including but not limited to climate mitigation and adaptation, energy conservation, public education, and community engagement. ~~The city shall dedicate the environmental service fees towards promoting the ordinance, purchasing reusable bags for the public, and public education regarding sustainability.~~

(d) It shall be a violation of this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion of the environmental service fee. To further promote the use of reusable bags and reduce the quantity of single-use carryout bags entering the city's waste stream, retail establishments are encouraged to make reusable bags free or for sale at checkout counters and/or provide boxes for use at checkout counters free of charge. The sustainability office is authorized to provide reusable bags for the public at low-cost or free of charge, with specific emphasis on reaching out to low-income households to the greatest degree possible.

(e) Nothing in this section shall be read to preclude retail establishments from making reusable bags available for sale to customers.

Sec.16-503. ENFORCEMENT, ADMINISTRATIVE REMEDIES. PENALTIES, AND ADMINISTRATIVE REMEDIES.

1. ~~The~~ official(s) designated by the C~~ity M~~~~manager shall assign primary responsibility for department/division enforcement~~ this Ordinance. The city manager shall designate officials responsible for the enforcement of this article.

2. ~~The City has the right to execute the following actions to remedy violations of this Ordinance or noncompliance with approved plans in accordance with NMSA 3-17-1.and that assigned shall be authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Ordinance, including, but not limited to: investigating violations, issuing fines and entering the premises of any store during business hours.~~ The City may cite an offender for violation of this article and seek enforcement in the municipal court or another court of competent jurisdiction. For a first violation, a civil fine of $50 to $300 shall be imposed. For a second or subsequent violation, a civil fine of $300 to $500 shall be imposed.

3. Additional and alternative to citation, staff designated by the city manager may exercise the administrative authority to revoke the business registration for an offender upon a finding that the offender has engaged in a pattern of conduct demonstrating negligence or indifference in relation to the requirements of this article. A finding under this paragraph shall be in the form of a written determination including a review of evidence for the finding. Such finding shall require the revocation of the offender's business license, except that a decision of revocation may defer the revocation subject to the satisfaction of conditions to assure future compliance.

4. A decision by the municipal court or staff under this Section may be appealed to the district court within 15 days pursuant to NMSA 1978, § 35-15-1. A decision by staff for the revocation of a business license, or to set conditions for deferment of revocation, may be appealed to the district court within 15 days pursuant to Rule 1-074 NMRA.

~~32. If the assigned department/division director determines that a violation has occurred, a written~~ or email warning ~~notice shall be issued to the operator of a store~~ by the Sustainability Office ~~that a violation has occurred and the potential penalties that will apply for future violations.~~

~~3. Any store that violates or fails to comply with any of the requirements, after a written warning notice is issued for that violation shall be guilty of an infraction.~~

~~34. If a store has subsequent violations that are similar in kind to the violation addressed in a~~ the ~~written warning notice, the following fe~~ine ~~shall be imposed and shall be payable by the operator of the store: a~~ violation ~~fee~~ine of $200 ~~not to exceed~~ two ~~one hundred dollars ($2100.00) for~~ each quarter that a~~the first violation~~ is made~~, after the written warning notice is given. The fine is a remedy to abate a nuisance and it purely civil in nature and not criminal in nature.~~

~~5. A fine shall be imposed for each day a violation occurs or is allowed to continue.~~

~~6~~5. All fines collected pursuant to this ~~chapter~~ article shall be deposited in the environmental remittance fee ~~enforcement department/divisions' services~~ fund to assist the department/division with its costs of implementing and enforcing the requirements of this Section.

~~67. Any person who is issued a fine under this article may request a~~n informal review with the Sustainability Office. The Sustainability Office will discuss the violation and

acceptable corrective actions that can include a short compliance extension or reduce/ waive the initial fee. The outcome shall be provided in a short written outcome within 10 business days of the informal review. ~~hearing to contest the fine by filing a timely hearing request within fifteen days of receiving the fine to the City Attorney's Office in the City of Las Cruces and paying a $50 hearing fee. The hearing shall be conducted by an independent hearing officer. The hearing shall be held within 20 working days, excluding weekends and holidays, of receipt of the hearing request unless the hearing is continued by the agreement of the parties. The hearing shall be informal and not bound by the technical rules of evidence. The independent hearing officer shall determine whether a violation of this article has occurred. The independent hearing officer shall mail a written notice of decision to the person who requested the hearing within five-working days of the hearing, excluding holidays. If the independent hearing officer finds that there is no violation of the article, then the independent hearing officer shall order the City to refund the hearing fee and issue an order indicating compliance with this article on the date in question during the hearing. If the independent hearing officer determines that a violation of this article did occur, then the independent hearing officer shall impose a fine as above prescribed.~~

~~Sec. 16-504. OPERATIVE DATE. All of the requirements set forth in this Ordinance shall become effective January 1, 2026~~2 and eligible reimbursements include cost accrued from fiscal year 26 July 1st 2025 through June 30th 2026.~~.~~

Sec. 16-505. SEVERABILITY.

If any part or provision of this article is for any reason held to be invalid, void, or unenforceable by a decision of a court of competent jurisdiction, such part or provision shall be given an interpretation that preserves its original intent with maximum permissible force, and in all cases the decision of the court shall not affect the remainder of the article. ~~If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional. Stating: "attached hereto and made part of this Resolution."~~

3105; Council Bill 26-013

City Council Action and Executive Summary

Type of Action:
☐ **Resolution**
☒ **Ordinance**
☐ **TIDD Resolution**

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:	December 1, 2025	**Adopted:**	December 15, 2025
Drafter:	Natalie Green	**Department:**	City Manager's Office

Title: **AN ORDINANCE APPROVING A FIVE-YEAR LEASE AGREEMENT (WITH OPTIONS TO RENEW FOR UP TO FOUR ADDITIONAL FIVE-YEAR TERMS) BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE OPERATION AND MANAGEMENT OF THE CITY-OWNED COMMUNITY OF HOPE CAMPUS LOCATED AT 999 WEST AMADOR AVENUE.**

TYPE OF ACTION: ☐ **Administrative** ☒ **Legislative** ☐ **Quasi-Judicial**

PURPOSE(S) OF ACTION:

Approve Lease Agreement

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces has leased the Community of Hope Campus to the Mesilla Valley Community of Hope (MVCH) since 1994. MVCH serves as the manager and operator of the campus and subleases portions of the site to local nonprofit alliance agencies, including Amador Health Center, El Caldito Soup Kitchen,Casa de Peregrinos, and Jardin de los Niños. These organizations provide coordinated services to individuals and families who are experiencing homelessness or housing insecurity, are sick and/or indigent, or are low-income or otherwise in need.

The City established the Community of Hope Campus in 1994 with the acquisition of land and construction of the first building at 999 West Amador Avenue. Since then, the City has continued to invest in additional facilities and site improvements to expand service capacity and better support the campus's nonprofit partners. Today, the campus occupies approximately 17 total acres of City-owned land, of which 12.35 acres are covered by this agreement, and serves as the region's central hub for programs addressing homelessness, food insecurity, health, and early childhood education.

The new lease agreement reaffirms the City's long-standing partnership with the allied agencies and updates key provisions to reflect current operations and needs. New provisions strengthen accountability and collaboration between the City and allied agencies.

Lease Agreement Highlights

- Updated market rental value based on new appraisal (Attachment A).
- Clearer maintenance responsibilities: MVCH handles day-to-day operations, utilities, and minor maintenance; the City is responsible for major capital improvements and any structural/major systems repairs.
- City will use reasonable efforts to budget annually for maintenance.

- City is required to maintain at least one full-time equivalent (FTE) staff position dedicated to facilities oversight and maintenance.
- Added provisions for the Art in Public Places program.
- Formalized security provisions with standards comparable to other City facilities and subject to budget availability.
- Continued quarterly reporting on both program services and maintenance activities.
- The City, MVCH, and allied agencies are required to meet regularly to review compliance, maintenance, and service delivery.

This agreement continues a proven and effective partnership that maximizes public benefit through coordinated nonprofit service delivery, preserves City assets, and supports the long-term sustainability of one of Las Cruces' most critical social service campuses.

SUPPORT INFORMATION:

EXHIBIT 'A' MVCH Lease Agreement
ATTACHMENT "A" - Appraisal Report - MVCH - 11.3.25
ATTACHMENT "B" - 2015 to 2025 LEASE

PLAN(S):

Elevate Las Cruces

DOES THIS AMEND THE BUDGET?:

☐ Yes
☒ No

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes
☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Ordinance, authorizing a five-year lease agreement between the City and the MVCH
2. Vote "No"; this will not approve the Ordinance.
3. Vote to "Amend"; this will delay the lease agreement and would require direction and specific amendments from the City Council.
4. Vote to "Table"; this will delay the lease agreement. City staff will require direction from
5. City Council on how to proceed.

REFERENCE INFORMATION:

1. Ordinance No. 2763
2. Ordinance No. 2676
3. Resolution No. 23-021
4. Resolution No. 00-132
5. Resolution No. 95-182

ORDINANCE 3105; COUNCIL BILL 26-013

AN ORDINANCE APPROVING A FIVE-YEAR LEASE AGREEMENT (WITH OPTIONS TO RENEW FOR UP TO FOUR ADDITIONAL FIVE-YEAR TERMS) BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE OPERATION AND MANAGEMENT OF THE CITY-OWNED COMMUNITY OF HOPE CAMPUS LOCATED AT 999 WEST AMADOR AVENUE.

The City Council is informed that:

WHEREAS, the City of Las Cruces is the owner of the Community of Hope Campus located at 999 West Amador Avenue, Las Cruces, Doña Ana County, New Mexico, consisting of approximately 12.35 acres comprised of two parcels described as Lot 1, Las Cruces Community of Hope Subdivision (11.35 acres) and Lot 5B-1, Amador Tracts Replat No. 6 (1 acre); and

WHEREAS, the Mesilla Valley Community of Hope, Inc. (MVCH), a New Mexico non-profit corporation, has served as the Manager and Operator of the Community of Hope Campus since 1994; and

WHEREAS, MVCH, as Lessee, subleases portions of the campus to its allied non-profit agencies: Amador Health Center, El Caldito Soup Kitchen, Casa de Peregrinos, and Jardin de los Niños, collectively known as the Community of Hope Alliance; and

WHEREAS, these agencies deliver coordinated services to individuals and families who are experiencing homelessness or housing insecurity, are sick and/or indigent, or are low-income or otherwise in need; and

WHEREAS, the new lease agreement will be for a five (5) year term commencing upon approval by the City Council and execution by both parties, with options to renew for up to four (4) additional five-year terms under the same terms and conditions, subject to updates to the market rate rent; and

WHEREAS, the market rate rent has been established at $690,000 per year based on an appraisal, payable in services of equal or greater value to be provided by MVCH and its allied agencies to the public; and

WHEREAS, the City of Las Cruces and MVCH desire to continue their long-standing partnership to provide essential human services through the operation of the Community of Hope Campus.

NOW, THEREFORE, Be it Ordained by the Governing Body of the City of Las Cruces:

(I)

THAT the lease agreement between the City of Las Cruces and the Mesilla Valley Community of Hope, Inc., for the use and operation of the Community of Hope Campus located at 999 West Amador Avenue is hereby approved for a five (5) year term, with the option to renew for up to four (4) additional five-year terms under the same terms and conditions, subject to City Council approval of each renewal.

(II)

THAT the estimated market rate annual rental value of $690,000 shall be provided in services of equal or greater value to the residents of Las Cruces and Doña Ana County in lieu of monetary rent, as documented in quarterly reports submitted to the City.

(III)

THAT the City Manager is hereby authorized to execute the lease agreement and all related documents on behalf of the City.

(IV)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

_____

ATTEST:

_____

Moved by:

Seconded by:

AYES

NAYS

LEASE AGREEMENT

THIS LEASE AGREEMENT (this "Lease") is made by and between the CITY OF LAS CRUCES, a municipal corporation of the State of New Mexico, having offices at 700 North Main Street, Las Cruces, New Mexico 88001 (the "Lessor"), and the MESILLA VALLEY COMMUNITY OF HOPE, INC., a New Mexico tax exempt and non-profit corporation, having offices at 999 West Amador Avenue, Building 5, Las Cruces, New Mexico 88005 (the "Lessee").

RECITALS:

WHEREAS, the City of Las Cruces, as Lessor, is the owner of certain real property located at 999 West Amador Avenue, Las Cruces, Doña Ana County, New Mexico, more specifically described as follows:

Parcel 1 - 11.35 acre tract:

Lot 1, LAS CRUCES COMMUNITY OF HOPE SUBDIVISION situated in the City of Las Cruces, Doña Ana County, New Mexico, as the same is shown and designated on the plat thereof, filed for record in the Office of the County Clerk of said County on April 6, 2023, and recorded under Reception No. 2306979, Plat Records, Doña Ana County, New Mexico.

Parcel 2 - 1 acre tract:

Lot 5B-1, AMADOR TRACTS REPLAT NO. 6, situate in the City of Las Cruces, Doña Ana County, New Mexico, as the same is shown and designated on Plat No. 5603 thereof, filed for record in the Office of the County Clerk of said County on April 20, 2018, and recorded in Book 24, Page 299, Plat Records, Doña Ana County, New Mexico.

The real property and its improvements are collectively referred to as the "Leased Premises" herein. The Leased Premises is comprised of the above-described two (2) parcels totaling 12.35 acres, more or less. A depiction of the two (2) parcels is attached hereto as Exhibit A and incorporated herein by reference. Each building on the Leased Premises may be singularly referred to as an "Improvement" herein and collectively as the "Improvements" herein and this Lease may reference the Improvement and Improvements when referring to the building(s) specifically, but the term Leased Premises as used herein shall include both the real property and the Improvements thereon at any given time. The buildings on the Leased Premises each have their own building number for purposes of identification. A map of the Leased Premises as of the Commencement Date (as is hereinafter defined) showing the buildings is attached hereto as Exhibit B and incorporated herein by reference.

WHEREAS, the City of Las Cruces is authorized under relevant and applicable New Mexico statutes, opinions and case law, to enter into a transaction with a non-profit corporation where services are provided in lieu of monetary rent payments, provided that there is no violation of the Procurement Code adopted by the City of Las Cruces (Chapter 24

of the City Municipal Code) and the Anti-Donation Clause of the New Mexico Constitution (Article IX, §14).

WHEREAS, the Mesilla Valley Community of Hope, Inc., a New Mexico non-profit corporation, as Lessee, is part of an alliance of five (5) non-profit agencies: (1) the Mesilla Valley Community of Hope, Inc.; (2) Amador Health Center, Inc.; (3) El Caldito; (4) Casa de Peregrinos; and (5) Jardin de los Niños, collectively known as the "Community of Hope", with a common mission to provide services for basic human needs for impoverished persons, homeless persons, near-homeless persons, low-income persons, and abused and/or neglected children who are residents of Las Cruces and the surrounding areas within Doña Ana County.

WHEREAS, the Lessor and the Lessee are parties to that certain lease of the Leased Premises which is commonly known as the Community of Hope Campus Located at 999 West Amador Avenue, which lease is dated effective July 1, 2015, with an initial term of five (5) years, commencing on or about December 1, 2015, and ending on or about November 30, 2020, which term was extended by that certain Lease Extension Agreement dated February 8, 2021, extending the term from December 1, 2020 through December 30, 2025.

WHEREAS, the Lessee desires to continue to lease the Leased Premises from the Lessor.

WHEREAS, the Lessor desires to continue to lease the Leased Premises to the Lessee.

WHEREAS, Lessor and Lessee desire to enter into this new Lease Agreement to better express the terms upon which they intend to continue the lease arrangement into the future.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Lease Agreement and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, Lessor and Lessee, intending to be legally bound hereby, agree as follows:

ARTICLE 1.
Recitals

The foregoing recitals are a material part of this Lease and said recitals and the terms defined therein are incorporated herein by reference.

ARTICLE 2.
Leased Premises; Permitted Use

2.1 Lease of Leased Premises and Improvements. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the Leased Premises, together with all improvements located thereon, now existing or hereafter erected (the "Improvements"). Lessee accepts the Leased Premises and Improvements "AS IS, WHERE IS" without relying on any representation,

covenant or warranty by Lessor.

2.2 Use of Leased Premises. Lessee shall use the Leased Premises for the purpose of providing services for the care of impoverished persons, homeless persons, near-homeless persons, low-income persons, and abused and/or neglected children who are residents of Las Cruces and the surrounding areas within Doña Ana County, New Mexico (the "Service Recipients"). Services to the Service Recipients shall include meals, groceries, treatment, shelter, counseling, education and advocacy. Lessee shall also be permitted to use the Leased Premises for the operation of social service programs as they relate to the services described herein.

In relation to its use, Lessor and Lessee acknowledge that Lessee will sublease parts of the Leased Premises to its allied non-profit agencies, being: (1) Amador Health Center, Inc.; (2) El Caldito; (3) Casa de Peregrinos; and (4) Jardin de los Niños; the "Allied Agencies" herein, who will use the Leased Premises for the following purposes:

Lessee, Mesilla Valley Community of Hope, occupies Building 5 of the Leased Premises and provides services to shelter and support the homeless and near-homeless by providing access to housing assistance, case management, assistance with Social Security disability benefits applications, education and training in an effort to address and end homelessness. Lessee also provides showers, laundry, and donated goods to its Service Recipients and provides temporary shelter through its overnight tent city (a/k/a Camp Hope).

Amador Health Center, Inc. occupies Building 3 of the Leased Premises and provides integrated health and wellness support and education to the Service Recipients, including medical, dental and behavioral health services.

El Caldito occupies Building 3 of the Leased Premises and is a soup kitchen that prepares and serves meals to the Service Recipients. El Caldito will be eventually moving to Building 2 which is soon to be constructed.

Casa de Peregrinos occupies Building 1 of the Leased Premises and is a food program that warehouses and distributes surplus and salvaged donated groceries to the Service Recipients and provides education concerning nutrition to the Service Recipients and also provides hunger awareness education to the greater Las Cruces community.

Jardin de los Niños occupies Building 4 of the Leased Premises and is a daycare center and preschool providing comprehensive early childhood education, after-school programs, and therapeutic intervention services to Service Recipients ages six (6) weeks to ten (10) years and their families.

The services described herein to the Service Recipients, and any other services described herein to be provided by Lessee and its Allied Agencies hereunder are collectively referred to as the "Services" herein. All Services are provided to Service Recipients regardless of race, color, religion, sex, national origin, age, disability, or sexual preference. All services shall be provided in a manner consistent with the nondiscrimination obligations set forth in Article 24 of this

Lease.

2.3 Events. It is acknowledged that the Lessee and its Allied Agencies use the Leased Premises for public events and activities promoting education and advocacy for the Service Recipients. Lessee shall be responsible for the safe operation of all activities and events held or occurring at the Leased Premises. Lessee shall ensure that all activities are conducted in a safe and secure manner, consistent with all applicable city code requirements and city approvals.

2.4 No Other Use. No other use shall be permitted on the Leased Premises without Lessor's express written consent which shall not be unreasonably withheld.

2.5 Permits and Licenses Related to Lessee's Use. Lessee, at Lessee's expense, shall obtain and maintain at all times during the Term (as is hereinafter defined) all licenses and permits which may be required by any government agency or authority in relation to Lessee's operation and use of the Leased Premises under this Lease.

2.6 Quiet Enjoyment. Lessee will not use, occupy, or knowingly permit or allow the use or occupancy of the Leased Premises for any purpose which is directly or indirectly forbidden by law, ordinance, or governmental or municipal regulation or order, or which may be dangerous to life, limb, or property, or permit any public or private nuisance, or do or permit any act which may disturb the quiet enjoyment of adjacent property owners.

ARTICLE 3.
Term

3.1 Initial Term; Commencement Date. The initial term of this Lease shall be for five (5) years commencing on the last of: (1) the date that this Lease is approved by Las Cruces City Council; (2) the date this Lease is executed by an authorized representative of Lessor; and (3) the date this Lease is executed by an authorized representative of Lessee; all as indicated on the date next to their signatures hereinbelow (the "Commencement Date"), and ending on the date that is the day prior to the fifth anniversary of the Commencement Date (the "Initial Term").

3.2 Renewal Term. Lessee shall have the option to extend this Lease for four (4) additional five-year terms each commencing in immediate succession to the end of the then-expiring term, upon the same terms and conditions of this Lease; provided, however, the Lessor may update the Market Rate Rent, as that term is hereinafter defined, to reflect the then-current market value for the extended term. To exercise an option to extend this Lease, the Lessee must provide written notice to the Lessor no later than one hundred eighty (180) days prior to the expiration of the then-effective term. If no such notice is provided by Lessee, then the then-effective term shall be the final Lease term and the Lease shall thereafter end. The option to extend the Lease term as set forth herein shall be exercised in the sole discretion of the Lessee.

The Initial Term and any extended term exercised by Lessee hereunder are collectively referred to as the "Term" herein.

3.3 Holdover. If Lessee should remain in possession of the Leased Premises after the

expiration or termination of this Lease without the execution by Lessor and Lessee of a new Lease, the Lessee shall be deemed to be occupying the Leased Premises as a tenant-at-sufferance subject to all the covenants and obligations of this Lease, and shall pay as rent an amount equal to the then-current Market Rate Rent to be determined at that time by the Land and Real Estate Services Manager of the City of Las Cruces, or such other similarly positioned and qualified representative of the City of Las Cruces. Services in lieu of rent (as described herein) shall be included in this determination.

ARTICLE 4.
Rent

4.1 Rent. The market rate rent for the Initial Term is SIX HUNDRED NINETY THOUSAND and 00/100 DOLLARS ($690,000.00) per lease year (the "Market Rate Rent"), for a total Initial Term rent of THREE MILLION FOUR HUNDRED FIFTY THOUSAND and 00/100 DOLLARS ($3,450,000.00). The Market Rate Rent shall be adjusted in writing signed by Lessor and Lessee at the commencement of any extended term to conform to a market rent analysis performed by an independent, third-party, licensed and MAI certified, general real property appraiser to perform such analysis and experienced in Doña Ana County, New Mexico.

The Market Rate Rent shall not be payable in cash but rather shall be payable in the Services to be provided to the Service Recipients by Lessee and its Allied Agencies hereunder which shall, annually, be equal or greater in value to the Market Rate Rent.

4.2 Quarterly Reports; Quantification and Valuation of Services. Lessee shall provide reports to Lessor within thirty (30) days of the end of each calendar quarter, with the first such report due within thirty (30) days of the end of the first calendar quarter that includes the month that is the month of the Commencement Date. Each such report shall summarize and document the Services provided during the just-ended calendar quarter with both quantity and quality measures which describe the entirety of Services and the approximate value of same being offered to the Service Recipients (the "Quarterly Report"). The overall value of the Services must be equal or greater than the annual Market Rate Rent. If the value of the Services is less than the Market Rate Rent, the difference is due and payable to Lessor within thirty (30) days of the last calendar quarter Quarterly Report.

ARTICLE 5.
Maintenance and Repairs of Premises and Improvements

5.1 Lessor's Obligations. Lessor will keep the foundations and roof of the buildings that are part of the Leased Premises in good condition and repair and will make all repairs necessary to maintain the structural soundness of the floors and walls during the term hereof.

Lessor will make all building changes, renovations or installations required to conform the Leased Premises with applicable codes, laws, regulations and ordinances.

Lessor will be responsible for repair, replacement and maintenance as necessary of all HVAC, electric and plumbing systems and equipment to the buildings that are part of the Leased

Premises.

Lessor will provide regular cleaning and maintenance of the vents and ducts that are part of the Leased Premises.

Lessor will provide initial fire extinguishers and will provide, install and maintain all fire alarm systems to the buildings that are part of the Leased Premises.

Lessor will repair and repave and otherwise maintain the parking areas that are part of the Leased Premises. Lessor will provide, repair, replace and maintain adequate lighting for the parking areas that are part of the Leased Premises.

Lessor will provide, maintain, and repair as needed light systems for the interior buildings that are part of the Leased Premises. Lessor will provide, install and maintain all exit signs and egress lighting in the buildings that are part of the Leased Premises.

Lessor will maintain, repair and replace as needed all built-in refrigeration and freezer systems that are part of the Casa de Peregrinos building on the Leased Premises. Lessor will repair and replace as needed the grease traps and range hoods that are part of any operating commercial kitchen in any building on the Leased Premises.

Lessor will provide all landscaping to the Leased Premises and will maintain and replace same as necessary and will repair, maintain and replace any related irrigation systems. Lessor will also provide tree removal and/or replacement as needed.

Lessor will repair, maintain and replace all exterior doors, including glass exterior doors, and windows, and all interior plate glass walls and doors as needed.

Any damages to the interior or exterior of the buildings that are part of the Leased Premises due to equipment failure for equipment to be maintained by Lessor hereunder shall be corrected and resolved by Lessor.

All items listed under this Section 5.1 as the responsibility of Lessor shall be conducted or performed by Lessor, or Lessor's contractees and/or agents, at Lessor's own sole cost and expense.

Notwithstanding any provision in this Lease to the contrary, Lessor shall be responsible for any expenses required to repair or replace any damage or injury done to any of the Improvements or any other part of the Leased Premises caused by Lessor or Lessor's agents, employees, licensees, invitees or visitors.

5.2 Lessee's Displacement. Should any of Lessor's repairs required hereunder result in Lessee's displacement and impact Lessee's usual operating hours for a period exceeding seven (7) days and which period is expected to continue for at least thirty (30) days, Lessor shall use its best efforts to find a temporary operating location for Lessee during the duration of the repair and displacement on another vacant or otherwise available property owned by Lessor, if any, that is reasonably appropriate for Lessee's use. Such temporary arrangement shall be subject to Lessor's

reasonable accommodation and subject to such other terms and conditions as may be appropriate at the time including requirements and arrangements for security, insurance, and any other reasonably applicable matter which shall be set forth and agreed to in a separate writing between Lessor and Lessee. Notwithstanding the foregoing, Lessee may, at Lessee's option, find its own temporary operating location under such terms and conditions as may be acceptable to Lessee and at Lessee's own sole cost and expense.

5.3 Lessor's Budget for Lease Obligations. Lessor shall use reasonable efforts to include and project in its annual budget reasonable estimates for costs to enable Lessor to meet its obligations hereunder. Lessor shall also hire a dedicated full-time, fully-vetted employee to oversee the maintenance and repairs to the Leased Premises in accordance with the terms of this Lease Agreement.

5.4 Lessor's Right of Entry. Lessor shall, subject to any security regulations imposed by any governmental authority or reasonably imposed by Lessee, have the right to enter all parts of the Leased Premises, subject to twenty-four (24) hour notice to Lessee and its Allied Agencies, as applicable, at a reasonable hour, to inspect, clean, make repairs, conduct safety inspections on the Leased Premises which are reasonably required and as it may deem necessary or desirable, or to provide any service which Lessor is obligated to provide hereunder. Lessor shall be mindful of Lessee's and its Allied Agencies' operations so as not to negatively impact same or create a hardship on Lessee and its Allied Agencies during any such right of entry and shall, when feasible, provide ideally seventy-two (72) hours' notice of same to Lessee and its Allied Agencies, as applicable. Notwithstanding the foregoing, Lessor shall have the right to enter all parts of the Leased Premises without notice in the event of an accident or urgent situation such as a fire, medical or police emergency being declared on the Leased Premises.

5.5 Lessor's Failure to Meet Lessor's Obligations. In the event Lessor shall fail or neglect to make any repairs, maintenance or replacements or fail or neglect to complete any work which it is responsible for under this Article 5, Section 5.1, and of which notice has been given to Lessor by Lessee, or having started such repairs, maintenance, replacements or work shall fail to complete same at the earliest possible date, Lessee may give written notice of noncompliance to Lessor and should Lessor continue to fail or neglect to make or complete said repairs, maintenance, replacements or work, for one hundred twenty (120) days after receipt of such notice, Lessee may cause such repairs, maintenance, replacements or work to be made or completed at Lessee's reasonable expense and Lessee may submit invoices for reimbursement for same to the Lessor for payment within thirty (30) days after receipt thereof. Lessee acknowledges and agrees that any reimbursement pursuant to this Section 5.5 is contingent on sufficient funds being appropriated for such purposes.

5.6 Lessee's Obligations. Lessee shall be responsible for resolving plumbing clogs.

Lessee will service and provide routine maintenance and replacement of fire extinguishers in the buildings that are part of the Leased Premises and ensure that all such equipment is maintained as required by any applicable codes, laws, regulations and ordinances.

Lessee shall be responsible for all repair, maintenance and replacement of all kitchen

refrigeration and other equipment not expressly reserved to Lessor under Section 5.1, that is part of any Improvements on the Leased Premises, including, without limitation, pumping and regular maintenance of grease traps.

Lessee shall be responsible for all repair, maintenance and replacement of all laundry appliances on the Leased Premises.

Lessee shall be responsible for all repair, maintenance and replacement of all equipment on the Leased Premises which is not otherwise reserved to Lessor under Section 5.1.

Lessee shall maintain and keep the interiors of the Leased Premises in good repair and condition and shall provide interior cleaning, painting, custodial services as necessary.

Lessee shall be responsible for all repair, maintenance and replacement of interior doors, interior flooring and carpet.

Lessee shall be responsible for pest control for the Leased Premises.

Notwithstanding any provision in this Lease to the contrary, Lessee shall be responsible for any expenses required to repair or replace any damage or injury done to any of the Improvements or any other part of the Leased Premises caused by Lessee or Lessee's agents, employees, licensees, invitees or visitors.

5.7 Lessee Responsible for Lessee's Obligations. All items listed under this Section 5.6 as the responsibility of Lessee shall be conducted or performed at Lessee's own sole cost and expense and all work related thereto shall comply with all applicable building codes. Lessee may contract with Lessor for any of the work that is Lessee's responsibility hereunder and, if so, Lessor will invoice Lessee for same at Lessor's normal hourly rate with payment to be made in accordance with Lessor's normal billing practices.

5.8 Lessee's Work and Maintenance Logs; Quarterly Reports. Lessee shall provide written logs to the Lessor within thirty (30) days of the end of each calendar quarter during the Term showing all services, repairs, maintenance, and work performed by Lessee, Lessor, or a third-party service provider. All servicing maintenance and replacement parts must meet and be maintained as per manufacturer recommendations and specifications.

5.9 Lessee's Failure to Meet Lessee's Obligations. In the event Lessee shall fail or neglect to make any repairs, maintenance or replacements or fail or neglect to complete any work which it is responsible for under this Article 5, Section 5.6, and of which notice has been given to Lessee by Lessor, or having started such repairs, maintenance, replacements or work shall fail to complete same at the earliest reasonable date, Lessor may give written notice of noncompliance to Lessee and should Lessee continue to fail or neglect to make or complete said repairs, maintenance, replacements or work, for one hundred twenty (120) days after such notice, Lessor may cause such repairs, maintenance, replacements or work to be made or completed at Lessor's expense and Lessor may submit invoices for reimbursement for same to the Lessee for payment within thirty (30) days after receipt thereof.

ARTICLE 6.
New Improvements, Expansion and Construction

6.1 Title to Improvements/New Improvements; Notice. Title to the Improvements is vested in the Lessor. During the Term, if Lessee constructs any new improvements or increases the square footage of the existing Improvements, then such new improvements and increased existing Improvements shall all collectively become what is referred to herein as the Improvements and the title to same shall inure to the benefit of the Lessor. Lessee shall not construct any new improvements or increase the size of any existing Improvements without Lessor's prior written consent, which shall not be unreasonably withheld, and without first furnishing Lessor thirty (30) days' advance written notice outlining in detail the proposed additions, changes or alterations, including, as applicable, a set of building plans and specifications. If such proposed additions, changes or alterations are approved by Lessor, then Lessee may commence same provided that Lessee obtain all necessary governmental approvals and permits and satisfy all legal requirements for the erection, construction or installation of same. The footprint of all new improvements shall be wholly within the boundary lines of the Leased Premises as designated in the adopted master plan and shall be aligned with any applicable Capital Improvement Plan. Lessor may exercise its discretion to require Lessee to remove any unapproved improvements made by Lessee at Lessee's sole cost.

6.2 Funding for New Improvements. The parties acknowledge that it is the customary practice of Lessee and its Allied Agencies to seek and apply for funding for new improvements and changes to existing improvements from capital outlay, congressionally directed spending, and grant programs. Given the ownership of the Leased Premises by the Lessor, the parties agree that all such funding applications shall be a coordinated effort between Lessor and Lessee and Lessor shall be notified in advance by Lessee of Lessee's intent to seek or apply for funding and Lessor shall be part of the funding process from the onset.

6.3 Lessee's Responsibility; Cooperation. Lessor and Lessee shall work cooperatively in all construction projects and both parties shall participate in the selection and supervision of all architectural and building construction firms to be engaged by Lessor for Lessee's approved construction projects. Lessor and Lessee will both approve all construction drawings and specifications before any project shall be set to bid or any firm is engaged for said work.

6.4 Prompt Payment by Contractors. Every contract for the construction, installation, alteration, repair, replacement of or addition to the Leased Premises shall contain a provision obligating the contractor to make prompt payment for all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities, in or in connection with such work, whether or not the said material, labor, equipment or services enter into and become component parts of the Improvements.

6.5 Discharge of Liens. Lessee will not create and will not permit to remain, and will, at Lessee's sole cost and expense, within thirty (30) days after notice of the filing thereof, pay or cause to be paid, in full, or cause to be removed from record by bonding over the same,

discharge, or by order of a court of competent jurisdiction, all liens, encumbrances and charges upon the Leased Premises or any part thereof or the income therefrom, by reason of any labor or materials furnished, or claimed to have been furnished, or by reason of any construction, alteration, addition, improvement (including, without limitation, any Improvements), repair or demolition of any part of the Leased Premises made at the request or direction of Lessee. Lessee shall further indemnify and hold Lessor harmless from and against any such claims, liens, encumbrances and charges and any suits or actions related thereto.

6.6 No Consent or Request by Lessor. Nothing contained in this Lease shall be construed in any way as constituting the consent or request of Lessor, express or implied, to any contractor, subcontractor, laborer or materialman for the performance of any labor or the furnishing of any materials for any specific alteration, improvement (including, without limitation, the Improvements), repair or other work to the Leased Premises.

6.7 Lessee's Trade Fixtures and Personal Property; Removal. All trade fixtures, equipment and other personal property brought, installed, erected or placed by Lessee in, on or about the Leased Premises shall be deemed to be personal and shall remain the property of the Lessee and Lessee shall have the right at any time during the Term, so long as Lessee is not in default and when not prohibited by any mortgages or other contractual arrangements of Lessee, to remove same subject to Lessee's obligation to repair all damage, if any, to the Leased Premises resulting from such removal. Trade fixtures remaining on the Leased Premises after the termination of the leasehold for over thirty (30) days may, at the sole discretion of Lessor, become Lessor's exclusive property or be removed at Lessee's sole cost.

6.8 Temporary Structures. All temporary structures on the Leased Premises erected by Lessee which include, without limitation, structures not intended for long-term use and designed for easy assembly, disassembly and relocation, such as tents, sheds, portable buildings, pop-ups, and storage units shall meet all applicable City codes and shall be deemed to be personal and shall remain the property of the Lessee and Lessee shall have the right at any time during the Term, so long as Lessee is not in default and when not prohibited by any mortgages or other contractual arrangements of Lessee, to remove same subject to Lessee's obligation to repair all damage, if any, to the Leased Premises resulting from such removal, and all such temporary structures shall be removed by Lessee from the Leased Premises at the end of the Term.

6.9 Obligations for Repair and Maintenance of New Improvements. The parties' obligations for repair and maintenance as set forth in Article 5 hereof shall apply to all new and expanded improvements that become part of the Improvements, if such improvements are approved by Lessor in conformity with Section 6.1, to the Leased Premises beginning at such time of the completion thereof.

ARTICLE 7.
Utilities, Services and Assessments

7.1 Utilities. Lessee shall pay all costs and charges for gas, electricity, water, sewer, phone, internet, and any other utility used, consumed in, or serving the Leased Premises during the Term as same shall become due. Lessee shall further be responsible for paying or posting any bonds or deposits required by all applicable service providers for the utility services

hereunder. As such, and to the extent same will not violate any otherwise pending contractual obligations of Lessor or Lessee, Lessee shall control all lights, thermostats, and other arrangements setting hours of operation and conditions of lighting, air conditioning and heating for each building and Improvement on the Leased Premises. All remote controls, or other controls for all such programming and settings shall be in the possession and control of the Lessee at all times during the Term.

7.2 Security. Lessor shall pay and arrange for security guards for the Leased Premises to provide security and patrol the Leased Premises which services shall be comparable to those security services provided at other Lessor-facilities, subject to budget availability.

7.3 Assessments. Lessee shall pay when same become due all valid taxes, special assessments, excises, backflow fees, license fees, and permit fees of whatever nature applicable to its operation use of the Leased Premises or levied or assessed against the Leased Premises and shall apply for, receive and keep current all licenses (City, County, State and Federal) required for conducting its business. Notwithstanding the foregoing, the Lessor shall pay the annual alarm fees. Lessee further agrees not to permit any of said taxes, excise or license fees to knowingly become delinquent. Lessee shall furnish to Lessor, upon request, satisfactory evidence showing prompt payment of Social Security, Unemployment Compensation and Workmen's Compensation Insurance, all required licenses, all taxes, all undisputed bills, debts and obligations incurred by it in connection with its operation on the Leased Premises, and to protect Lessor from any lien, judgment or execution filed against the Leased Premises which could in any way impair the rights of Lessor.

ARTICLE 8.
Keys and Signage

8.1 Keys. Lessor and Lessee shall each have keys to all buildings on the Leased Premises for access for operations, repairs, maintenance, security and other requirements and rights of the parties as set forth in this Lease.

8.2 Lessor's Signage; Campus Map. Lessor shall arrange for proper, clear and consistent signage for easy reference and access to each building on the Leased Premises that is consistent with Lessee's and its Allied Agencies' occupation and shall use its best efforts to insure that all such signage and related addressing is consistently applied for Lessee's general operations, emergency access and purposes, mail and deliveries, funding applications, marketing, and all other official purposes. Lessor shall create a map showing building numbers and signage consistent with Exhibit B and shall update same for circulation as the Campus Improvements and/or building occupants change or shuffle during the Term.

8.3 Lessee's Signage. Lessee shall have the right to install necessary and usual trade signs, including electrical signs, said signs to be erected, installed and maintained in a first-class manner, in accordance with all applicable governmental ordinances and codes.

ARTICLE 9.
Parking

The parking areas on the Leased Premises shall be for the exclusive use of Lessee and its employees, customers, clients, patrons, visitors and invitees. Lessee shall be solely responsible for addressing any parking needs or requirements that result for any expanded or new improvements Lessee makes to the Leased Premises.

ARTICLE 10.
"Art in Public Places" Artwork

10.1 Ownership and Maintenance. Lessor has acquired works of art in consultation with New Mexico Arts (a state art agency and a division of the Department of Cultural Affairs providing financial support to arts services programs to non-profit organizations in New Mexico) that are installed within the Leased Premises (the "Artwork"). Lessor will oversee all matters pertaining to the Artwork and its maintenance, including but not limited to the Articles in the Artist Contract held by Lessor, and the provisions of the New Mexico Art in Public Places Act (§13-4A-1 et. seq. NMSA 1978), and the provisions of the federal Visual Artists' Rights Act of 1990 (VARA) as applied in the Artist Contract.

10.2 Insurance. Lessor shall put in place insurance against loss or damage to the Artwork in an amount equal to or greater than the purchase price of the Artwork.

10.3 Maintenance. Lessor shall reasonably assure that the Artwork is properly maintained and protected in accordance with the Artist's maintenance schedule, instructions, and the requirements of the Artist Contract.

10.4 Notice. Lessee is required to give notices, requests, and other communications related to the Artwork to Lessor immediately upon circumstances or incidents materializing or occurring requiring notice, such as in the event of damage to the Artwork or its display system. Notice shall be addressed to: Public Arts Coordinator, City of Las Cruces, P.O. Box 20000, Las Cruces, New Mexico 88004, with other communication provided to same at (575) 541-2780.

ARTICLE 11.
Insurance

11.1 Lessee's Insurance. Lessee shall maintain insurance coverage at all times during the Term on the Leased Premises in conformance with the provisions contained in this Lease. Proof of insurance required hereunder shall be provided to Lessor at the Commencement Date. In no event shall the failure to provide this proof on the Commencement Date be deemed a waiver by Lessor of Lessee's insurance obligations set forth herein.

All insurance requirements set forth below extend to all subcontractors and sublessees of Lessee.

All insurance requirements set forth below shall be obtained through carriers with ratings

of A- VII or better by Best's Key Rating Guide.

Commercial general liability insurance: $1,000,000 per occurrence; $2,000,000 general aggregate.
Workmen's Compensation Insurance: In such minimum amounts as required by law.
Renter's Contents Insurance: In Lessee's discretion covering Lessee's contents, improvements, fixtures, and personal property.

11.2 Additional Insured. Lessor shall be named as an additional insured on all general liability insurance policies carried by Lessee in connection with its occupancy and operations at the Leased Premises. This additional insured status shall apply solely with respect to liability arising out of the acts or omissions of Lessee, its agents, employees, contractors or invitees. Nothing in this Lease shall require Lessee to provide insurance coverage or indemnification for any claim, loss, suit, action, or other legal proceeding to the extent such claim arises from the negligence, misconduct, or legal responsibility of the Lessor or its agents, employees, or contractors. If both Lessee and Lessor are found to bear responsibility for a claim, loss, or action, each party shall look to its own insurance for coverage in proportion to its share of liability.

11.3 Certificate of Insurance. Upon request, at any time during the Term, Lessee shall furnish Lessor a certificate evidencing the insurance required to be carried hereunder. Lessor shall be given thirty (30) days' written notice prior to any cancellation of any policy required to be carried hereunder.

11.4 Waiver of Subrogation/Release. Each party hereby waives subrogation and releases the other party and its agents from any liability for loss or damage to its own property, but only to the extent such loss or damage is covered by that party's property insurance, and only if such waiver or release is permitted by the applicable insurance policy. This waiver and release shall not apply to losses arising from gross negligence or willful misconduct by the other party or its agents. If any policy does not permit such a waiver, the releasing party shall use commercially reasonable efforts to obtain an endorsement allowing for the waiver. Notwithstanding any provision herein to the contrary, Lessor shall at all times retain all rights and immunities available to Lessor under the New Mexico Tort Claims Act (§41-4-1 et. seq. NMSA 1978).

ARTICLE 12.
Fire and Casualty

12.1 Fire and Casualty. The parties hereto mutually agree that if the Leased Premises are partially or totally destroyed or damaged by fire or other casualty covered by the property insurance maintained by Lessor pursuant to Article 11, then the proceeds of any insurance payment attributable to damage to improvements owned by Lessor shall be delivered to Lessor. Lessor shall be responsible for carrying and maintaining property insurance on the Improvements at full replacement value. Lessor shall as soon as reasonably practicable, repair and restore the Improvements to substantially the same condition as before such damage. However, if the Leased Premises are so severely damaged that repairs cannot reasonably be commenced within thirty (30)

days and completed within three (3) months, then either party may terminate this Lease as of the date of the casualty by providing written notice to the other. Notwithstanding the foregoing, if repairs have not been commenced within thirty (30) days or completed within four (4) months from the date of destruction, Lessee may terminate this Lease immediately upon written notice to Lessor. During any period when the Leased Premises or a portion thereof is unusable due to such damage, and provided Lessee was not responsible for the damage, Lessee shall not be obligated to provide Services in lieu of rent for the unusable portion. In such case, the parties shall reasonably in good faith agree to prorate or temporarily suspend service obligations under Article 4.1 during the period of disruption.

12.2 Lessee's Negligence. If the Leased Premises are damaged by fire or other casualty resulting from the negligence or willful misconduct of Lessee or its agents, employees, or invitees, such damage shall be repaired by and at the expense of Lessee under the direction and supervision of Lessor, and this Lease shall continue.

ARTICLE 13.
Sublease and Assignment

13.1 Subleases Exclusive to Allied Agencies. It is understood and agreed that Lessee will be subleasing parts of the Leased Premises to the Allied Agencies. It is Lessee's responsibility to create and consummate said subleases, subject to Lessor's prior review and approval of the specific terms and conditions contained therein. All such subleases must state that Lessee's responsibilities under this Lease as passed through, as appropriate, to the Allied Agencies and the Allied Agencies are assuming same. Notwithstanding that fact, Lessee shall not be released from any of its obligations under this Lease by virtue of said subleases. Lessee shall only be permitted to enter into subleases with the Allied Agencies identified herein. Any other proposed sublessee shall be subject to the prior written approval and consent of Lessor, which shall not be unreasonably withheld, and otherwise subject to the terms and conditions of this Article 13. All subleases shall contain and operate to give Lessor all rights and benefits accorded to third-party beneficiaries for the performance of duties and obligations under the sublease.

13.2 Attornment. Each sublease shall contain a provision, satisfactory to Lessor, requiring sublessee to attorn to Lessor. Accordingly, if Lessee defaults under this Lease or if for any other reason this Lease is terminated, the sublessee under the attorn provisions of the sublease may not be ejected from the Leased Premises for a period of six (6) months after receiving notice of the termination of this Lease.

13.3 Lessor's Approval of Allied Agencies' Subleases. All subleases with the Allied Agencies must be submitted for approval by Lessor within thirty (30) days of the Commencement Date and, upon receipt of Lessor's written approval as to the form of sublease, shall be consummated by Lessee and each separate Allied Agency with a copy returned to Lessor within thirty (30) days.

13.4 No Unauthorized Occupants. No sublessee shall be permitted to occupy any part of the Leased Premises without a written and fully executed sublease which has been approved

by and provided to the Lessor. Lessee's failure to comply with this provision shall be a material breach of this Lease.

13.5 Assignment. This Lease may not be assigned by Lessee or any sublessee without the express written consent of Lessor which shall not be unreasonably withheld.

ARTICLE 14.
Meetings

Lessor and Lessee and the Allied Agencies shall be required to meet on a routine basis throughout the Term. A scheduled date and time shall be set or reset by mutual agreement of the parties. Meetings may be in person, by teleconference, or by videoconference, or any combination, provided only that all participating parties are able to speak and hear the other participating parties. Notice of the meetings shall be made available to all attendees at least ten (10) days in advance; provided, however, no notice is necessary if the meetings are scheduled to be held on a regularly occurring basis, such as the first Wednesday of every even numbered calendar month.

The purpose of the meetings shall be to ensure the terms of this Lease are being carried out and that the obligations of Lessor and Lessee as it concerns reporting, maintenance, repairs and construction as outlined herein, and all other matters set forth herein, are being met by the parties hereto. As such it is imperative and a material provision of this Lease that representatives of Lessor, Lessee, and the Allied Agencies are all present at such meetings, as applicable. Specifically, it is anticipated that the Allied Agency meetings will be held every odd month and meetings with representatives of the Allied Agencies and appropriate Lessor representatives are held every even month.

ARTICLE 15.
Condemnation

15.1 Entire of Substantial Taking. If the whole or any substantial part of the Leased Premises should be taken for any public or quasi-public use under any governmental law, ordinance, regulation or by right of eminent domain or by private purchase in lieu thereof, this Lease shall terminate, effective when the physical taking of said Leased Premises shall occur.

15.2 Insubstantial Taking. If only less than a substantial part of the Leased Premises should be taken for public or quasi-public use under any government law, ordinance, regulation or by right of eminent domain or by private purchase in lieu thereof, this Lease shall remain in effect as to the portion of the Leased Premises not taken. At the sole and absolute discretion of the Lessor, Market Rate Rent shall be adjusted during the unexpired portion of this Lease.

15.3 Compensation. Any compensation paid for any such taking or conveyance, whether for the whole or a part of the Leased Premises, shall be the property of Lessor, whether such damages shall be awarded as compensation for diminution in the value of the leasehold or to the fee of the Leased Premises, and Lessee hereby assigns to Lessor all of Lessee's rights, title and interest in and to any and all such compensation. However, Lessor shall not be entitled to any payment

made to Lessee for loss of business, depreciation to and cost of removal of stock and fixtures, but any such payment made to Lessee shall not reduce the amount of any payment made to Lessor.

15.4 Lessee Participation in Proceedings. In the event of any condemnation or taking affecting the Leased Premises, in whole or in part, the Lessor shall provide prompt written notice to the Lessee and shall consult in good daith with the Lessee regarding the scope, timing, and impact of such taking, particularly where the area affected includes Improvements or portions of the Leased Premises actively occupied or used by the Lessee or its Allied Agencies. Lessee shall retain the right to appear in or participate in condemnation proceedings to the extent necessary to assert claims for loss of leasehold interest, relocation costs, loss of business goodwill, or unamortized capital improvements paid for by Lessee or its Allied Agencies, provided such claims are distinct from and not duplicative of the Lessor's compensation claims and are of secondary priority in relation to Lessor's claims.

ARTICLE 16.
Compliance with Laws

16.1 Compliance with Laws. Lessee shall at its sole cost and expense comply with all statutes, laws, regulations, ordinances and other legal requirements applicable to the Leased Premises and Lessee's operations and use thereof. Lessee shall respond promptly and fully to any notices of violations relating to the Leased Premises (including, without limitation, any fines, interest or penalties thereon due to noncompliance therewith) issued by any governmental authorities having jurisdiction over the Leased Premises. Lessee shall promptly give notice to Lessor of any such notices of violations received by Lessee.

16.2 Environmental Laws. Lessee shall not cause or permit any waste, damage, deterioration or injury to the Leased Premises, nor shall Lessee cause or permit any Contamination to the Leased Premises and Lessee shall be responsible for any Contamination to the Leased Premises that occurs during the Terms, except as specifically provided herein. The term "Contamination" means the seeping, spilling, leaking, pumping, pouring, emitting, using, emptying, discharging, injecting, escaping, leaching, dumping, disposing, releasing or the presence of Hazardous Substances (as is hereinafter defined) at, under or upon the Leased Premises, which may require notification, treatment, response or removal action or remediation under any Environmental Laws. The term "Environmental Laws" shall mean the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601, et. seq.), the Resource Conservation and Recovery Act (42 U.S.C. 6901, et. seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.), the Clean Air Act (42 U.S.C. 7401, et. seq.), the Toxic Substance Control Act (15 U.S.C. 2601, et. seq.), the Emergency Planning Community Right To Know Act (42 U.S.C. 11001, et. seq.), the Occupational Safety and Health Act of 1970 (29 U.S.C. 650, et. seq.), the Environmental Improvement Act of New Mexico (§74-1-1, et. seq. NMSA 1978), the Solid Waste Act of New Mexico (§74-9-1, et. seq. NMSA 1978), the Hazardous Waste Act of New Mexico (§74-4-1, et. seq. NMSA 1978), and any other analogous present or future federal, state or local statutes or laws, and any regulations promulgated pursuant to any of the foregoing. Lessee, however, shall not be liable for any Contamination at the Leased Premises that existed prior to Lessee's possession of the Leased Premises, unless exacerbated by Lessee or its agents, employees, contractors or invitees but only to the extent of such

exacerbation. Lessor shall in all events be responsible to remediate: (i) any Contamination existing prior to Lessee's possession; and (ii) during the Term, any Contamination caused by Lessor or its agents, employees, contractors or invitees.

Lessor shall remain responsible for ensuring that any Contamination on the Leased Premises that predates Lessee's occupancy or is caused by Lessor, its contractors, or invitees is identified and properly remediated in compliance with applicable Environmental Laws. Upon written request by Lessee, Lessor shall, within a reasonable time, provide documentation or disclosure of any known or suspected environmental conditions affecting the Leased Premises, including those disclosed in prior environmental assessments, site inspections, or government reports.

16.3 Hazardous Substances. Lessee shall not cause or allow any release or discharge of Hazardous Substances into the environment at, under or emanating from the Leased Premises. The term "Hazardous Substances" includes any substances, chemicals, materials or elements that are prohibited, limited or regulated by the Environmental Laws, or any other substances, chemicals, materials or elements that are defined as "hazardous" or "toxic", or otherwise regulated, under the Environmental Laws, or that are, pursuant to applicable Environmental Laws, known or considered to be harmful to the health or safety of occupants or users of the Leased Premises. Lessee agrees to (i) promptly comply with any Environmental Laws requiring the removal, treatment or disposal of such Hazardous Substances; and (ii) defend, indemnify and hold harmless Lessor, its agents, employees, officers, and directors from any and all claims, demands, damages, fees, penalties, fines, suits, proceedings, costs and expenses of any and every kind and nature which may now or in the future be asserted, imposed or incurred as a result of any Hazardous Substances on the Leased Premises.

Lessee shall ensure that any Tier II reporting obligations under EPCRA or similar environmental laws related to the storage of hazardous materials on the Leased Premises are fulfilled by the party responsible for such storage, whether the Lessee or any Allied Agency.

16.4 Infectious Waste. Notwithstanding anything to the contrary contained in the Lease, Lessee shall be responsible for and shall pay all costs of segregating, packaging, treating, transporting and disposing of all Infectious Waste generated by Lessee or any sublessee at or from the Leased Premises. All Infectious Waste shall be identified, segregated, measured, stored and disposed of by Lessee in a manner that complies with all federal state and local laws or regulations applicable to Infectious Waste. As used herein, the term "Infectious Waste" means any infectious waste as defined in the infectious waste regulations of the State of New Mexico, including without limitation 20 N.M.A.C §9.1 and 20 N.M.A.C §9.8, as amended from time to time. Lessee hereby agrees that it shall be fully liable for all costs and expenses related to the use, storage and disposal of Infectious Waste generated from the Leased Premises by Lessee and any sublessee.

ARTICLE 17.
Default; Remedies

17.1 Default. Lessor or Lessee, as the case may be, shall be in default of this Lease if

any of the following (each, a "Default") shall occur:

17.1.1 Lessor's or Lessee's failure to keep, observe or perform any of the terms, covenants, obligations, agreements, provisions, conditions or limitations contained in this Lease, all of which shall be deemed material breaches of this Lease.

17.1.2 Lessee dissolves its 501(c)(3) business status, becomes insolvent, makes an assignment for the benefit of its creditors, files a petition in bankruptcy or has filed against it a petition in bankruptcy and fails to dismiss same within ninety (90) days, is subject to a proceeding for the appointment of a receiver or other custodian for its property, or if proceedings for reorganization or composition with creditors under any law or instituted by or against Lessee or if any levy or sale or execution of any kind is made upon any property of Lessee at the Leased Premises.

17.1.3 Lessee transfers or assigns this Lease to any third party without the explicit written approval of Lessor, which shall not be unreasonably withheld.

17.2 Notice. In the event of a Default, the non-defaulting party shall give written notice to the defaulting party expressing the specifics of the default and providing the defaulting party with the right to cure the Default; provided, however, Lessee's failure to promptly give notice of the occurrence of an event of default described in Articles 17.1.2 and 17.1.3 shall be deemed a conclusive default without right to cure.

17.3 Remedies. If after receipt of the notice of Default, the defaulting party has not cured or otherwise remedied the Default to the satisfaction of the non-defaulting party within one hundred twenty (120) days, the non-defaulting party may give notice of termination of this Lease. Upon the date specified in the notice of termination, this Lease and the estate hereby granted will terminate with the same force and effect as if the date specified in the notice was the end of the Term. Upon such termination, Lessee shall immediately quit and surrender the Leased Premises to Lessor and Lessor may enter upon, reenter, possess and repossess same, but only through summary proceedings if Lessee remains in possession of the Leased Premises or repudiates an obligation to cure a Default or quit and surrender the Leased Premises, and again have, repossess and enjoy same as if this Lease had not been made, and in any such event Lessee and no person claiming through or under Lessee by virtue of any sublease or separate agreement with Lesse or any law or an order of any court will be entitled to possession or to remain in possession of the Leased Premises but shall immediately quit and surrender the Leased Premises to Lessor.

If Lessor terminates this Lease pursuant to the terms hereof, Lessee will remain liable for all reasonable expenses incurred by Lessor in reentering the Leased Premises, repossessing same, and making good any default of Lessee hereunder.

Notwithstanding any other provision to the contrary, in the event of the Lessee's uncured default, Lessor agrees that it will endeavor to negotiate in good faith among and with Lessee and the Allied Agencies for the purpose of establishing one or more written leases or subleases of the Leased Premises by the Allied Agencies without disruption to their services.

ARTICLE 18.
Surrender of Leased Premises

18.1 Surrender. Upon the expiration or sooner termination of this Lease, Lessee shall peaceably and quietly surrender, vacate, and deliver up possession of the Leased Premises to Lessor free and clear of all occupancies, lettings, liens and encumbrances and in good order and condition. In the event Lessee does not so surrender the Leased Premises, Lessor, upon or at any time after any such expiration or termination, may enter upon and reenter the Leased Premises and possess and repossess itself thereof by summary proceedings, ejectment or otherwise, and may dispossess Lessee and remove Lessee and all other persons and property from the Leased Premises and may have, hold and enjoy the Leased Premises.

18.2 Abandonment of Property. Any property of Lessee, including, without limitation, Lessee's trade fixtures, personal property and temporary structures (as described in Paragraphs 6.7 and 6.8) which shall remain on the Leased Premises, or any part thereof, more than thirty (30) days after the expiration or earlier termination of this Lease may, at the option of Lessor, be deemed to have been abandoned by Lessee and may be either retained by Lessor as its property or be disposed of by Lessor (including, but not limited to, demolition), without accountability to Lessee, in such manner as Lessor may see fit. Lessee shall reimburse Lessor the costs of removal, disposal, and demolition, as applicable, within ten (10) days of Lessor providing an invoice or other proof of payment therefore to Lessee.

18.3 Damage to Property. Lessor shall not be responsible for any loss or damage occurring to any property owned by Lessee which shall remain on the Leased Premises or any part thereof after the expiration or earlier termination of this Lease, and Lessee hereby releases Lessor from any claims for such loss or damage, it being agreed that the foregoing release shall survive the expiration of the Term or any sooner termination of this Lease.

ARTICLE 19.
Relinquishment

At any time, upon forty-five (45) days' prior written notice, provided Lessee is not in default under this Lease, Lessee may cancel this Lease and relinquish possession of the Leased Premises to Lessor whereupon Lessee shall be relieved of any further liability and obligations under this Lease; provided, however, Article 6.7 and Article 18.2 shall apply to the removal of fixtures, equipment and personal property. Article 6.8 and Article 18.2 shall apply with respect to ownership and removal of temporary structures upon such relinquishment.

ARTICLE 20.
Notices

20.1 Notices. All notices, demands, requests, consents, certificates, waivers or other communications from either party to the other with respect to this Lease or the Leased Premises shall be in writing and shall be effective if sent (i) by certified or registered United States mail, postage prepaid, return receipt requested, (ii) by hand delivery with receipt obtained, (iii) by

email with read receipt or (iv) by overnight courier service providing receipted proof of delivery:

As to the Lessor:	City of Las Cruces Attn: City Manager 700 North Main Street Las Cruces, New Mexico 88001
with a copy to:	City of Las Cruces Legal Department Attn: City Attorney 700 North Main Street Las Cruces, New Mexico 88001 City of Las Cruces Facilities Management Department Attn: Facilities Management Administrator 700 North Main Street Las Cruces, New Mexico 88001 City of Las Cruces Grants Attn: _____ _____ _____ City of Las Cruces City Clerk Attn: City Clerk _____ _____
As to Lessee:	Mesilla Valley Community of Hope, Inc. Attn: President 999 West Amador Avenue, Building 5 Las Cruces, New Mexico 88005
with a copy to:	Amador Health Center, Inc. Attn: President 999 West Amador Avenue, Building 3 Las Cruces, New Mexico 88005 Or by mail to: P.O. Box 2243

Las Cruces, New Mexico 88004-2243
Or electronically to:
contracts@amadorhealthcenter.org

El Caldito
Attn: President
999 West Amador Avenue,
Building 3
Las Cruces, New Mexico 88005

Casa de Peregrinos
Attn: President
999 West Amador Avenue,
Building 1
Las Cruces, New Mexico 88005

Jardin de los Niños
Attn: President
999 West Amador Avenue,
Building 4
Las Cruces, New Mexico 88005

or to such other address as the party to receive notice may from time to time designate by written notice to the other in the manner above described. Notices sent by email with read receipt or by registered or certified mail shall be effective three (3) Business Days after emailing or mailing, as the case may be. Notices sent by hand delivery shall be effective on the date of delivery if delivered during a Business Day, or on the next Business Day if not delivered during a Business Day. Notices sent by overnight courier service shall be effective on the Business Day following the day that such notice was received by such courier service for delivery. For purposes of this Article 20, the term "Business Day" shall exclude Saturdays, Sundays and all official holidays for employees of Lessor.

ARTICLE 21.
Certificates

Lessor and Lessee agree that they shall, at any time and from time to time, upon not less than fifteen (15) days' prior written notice by one to the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, identifying such modifications with particularity and stating that the same are in full force and effect as modified), and (ii) stating whether or not the party executing the statement has knowledge of any existing default by the other, or had sent a notice of default to the other, and stating the nature of any such defaults. It is agreed by Lessor and Lessee that any such statement delivered pursuant to this Article 21 may be relied upon by any assignee of Lessor or Lessee.

ARTICLE 22.
Indemnification

Lessee shall save and hold harmless, indemnify and defend Lessor, its elected officials, employees and agents, in their official and individual capacities, of and from any and all liabilities, claims, losses and damages arising out of or alleged to arise out of or indirectly connected with the negligent operations of Lessee, its agents, employees, contractors, subcontractors, and sublessees under this Lease.

ARTICLE 23.
Nondiscrimination

All Services provided by Lessee and its Allied Agencies under this Lease shall be delivered in a manner that is free from discrimination. No person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the provision of Services on the basis of race, color, national origin, ancestry, religion, sex (including pregnancy, sexual orientation, and gender identity), age, disability, marital status, genetic information, veteran status, citizenship, language proficiency, income level, or any other status protected by federal, state or local law. Lessee shall comply with all applicable nondiscrimination laws and regulations, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination Act of 1975, Section 1557 of the Affordable Care Act, the New Mexico Human Rights Act, and relevant portions of the Las Cruces Municipal Code.

Lessee shall also ensure that all Services are accessible to individuals with disabilities and individuals with limited English proficiency and shall provide reasonable accommodations and language assistance services in accordance with applicable law.

ARTICLE 24.
Miscellaneous

24.1 Captions. The captions of this Lease are for convenience only, are not a part of this Lease, and do not in any way define, limit or describe the scope, intent or terms of this Lease.

24.2 Time of the Essence. Time is of the essence in the parties' performance of their respective obligations under this Lease.

24.3 Entire Agreement. This Lease contains all of the promises, agreement, conditions and understandings between Lessor and Lessee relating to the Leased Premises, and there are no promises, agreements, conditions, understandings, warranties or representations, oral or written, expressed or implied, between the parties other than as set forth in this Lease.

24.4 Amendments, Material Changes, Approvals. This Lease shall not be amended, altered or modified except by an instrument in writing executed by Lessor and Lessee after

approval of the Las Cruces City Council has been provided. All approvals and consents required in this Lease shall be provided in writing in order to be effective. No oral representations, whenever or wherever made, by any official or employee of Lessor or Lesse shall be effective to amend the terms of this Lease. No right of action shall accrue to either party for reason of the failure of the Las Cruces City Council to approve this Lease.

24.5 Invalidity of Certain Provisions. If any term or covenant of this Lease or the application thereof to any persons or circumstances shall, to any extent, be held invalid or unenforceable, the remaining terms and covenants of this Lease, or the application of such term or covenant to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected hereby, and each term and covenant of this Lease shall be valid and enforceable to the fullest extent permitted by law.

24.6 Survival. Any and all provisions set forth in this Lease which, by its or their nature, would reasonably be expected to be performed after termination or expiration of this Lease shall survive and be enforceable after such termination or expiration. Any and all liabilities, actual or contingent, which shall have arisen in connection with this Lease, shall survive any termination or expiration of this Lease as necessary to allow the full term of an applicable statute of limitations to take effect and expire, accounting for any applicable late-discovery or tolling laws. Any express statement of survival contained in any article or section of this Lease shall not be construed to affect the survival of any other article or section, which shall be determined pursuant to this Section 23.6.

24.7 Governing Law. This Lease shall be governed by, and construed in accordance with, the laws of the State of New Mexico without regard to any applicable principles of conflicts of law. Lessee consents to jurisdiction and venue, in any legal proceeding involving, directly or indirectly, any matter arising out of or related to this Lease or the relationship created or evidenced hereby, in the Third Judicial District Court of the State of New Mexico and agrees not to raise any objection to such jurisdiction or to the laying or maintaining of venue in said jurisdiction.

24.8 Binding Effect. The terms, covenants and conditions contained in this Lease shall extend to and be binding upon the parties hereto and their successors and assigns.

24.9 Counterparts. This Lease may be signed by the parties in two or more counterparts, each of which shall be deemed to be an original, and all of which when taken together shall constitute one and the same document. Receipt by email of a Portable Document Format (.PDF) signed copy of this Lease shall be deemed the receipt of the original document.

[Remainder of page intentionally left blank.]

IN WITNESS HEREOF, the Lessor and Lessee have executed this Lease as of the date next to their signatures hereinbelow.

LESSOR:

CITY OF LAS CRUCES, a New Mexico municipal corporation

By: _____
_____, City Manager
Date: _____

LESSEE:

MESILLA VALLEY COMMUNITY OF HOPE, INC., a New Mexico domestic non-profit corporation

By: _____
_____, President
Date: _____

Approved as to Form:

_____
City Attorney
Date: _____

REAL PROPERTY "APPRAISAL REPORT"

MESILLA VALLEY COMMUNITY OF HOPE
999 W. AMADOR AVENUE
LAS CRUCES, DONA ANA, NEW MEXICO 88005



ALLIANCE OF NON-PROFIT SERVICE AGENCIES OCCUPIED PROPERTY

EFFECTIVE DATE:
AUGUST 19, 2025

REPORT DATE:
NOVEMBER 3, 2025

PREPARED FOR:
CITY OF LAS CRUCES C/O MR. BILL HAMM
PURCHASE ORDER 26202708

PREPARED BY:
BROOKS REAL ESTATE SERVICES

APPRAISER:
STEVE BROOKS, MAI
NEW MEXICO GENERAL CERTIFICATION NO. 850-G

BROOKS REAL ESTATE SERVICES
STEVEN W. BROOKS, MAI
GENERAL CERTIFIED APPRAISER – NM LICENSE NO. 850-G
300 W. UNION AVENUE, LAS CRUCES NM 88005
REAL ESTATE APPRAISAL & CONSULTING
PH. 575.541.5555
SW_BROOKS@OUTLOOK.COM

LETTER OF TRANSMITTAL

November 3, 2025

Mr. Bill Hamm
City of Las Cruces
Attn: Economic Development
700 N. Main St.
Las Cruces, NM 88001

RE: Market Rent Analysis
Mesilla Valley Community of Hope
5-Structures Contained on 10.069 +/- Acres
999 W. Amador Avenue
Las Cruces, Dona Ana County, New Mexico 88005

Dear Mr. Hamm,

At your request, an appraisal report has been prepared of the above referenced property. The purpose of the appraisal assignment is to estimate market rent estimate of the following-identified property.

The subject of this assignment consists of five (5) structures of contained within the commonly identified Mesilla Valley Community of Hope (MVCH). The property is owned by the City of Las Cruces occupied by an alliance of non-profit organizations who provided combined provide services to the City's less fortunate population. Net land area appraised in association with the structures is estimated by the appraiser at 10.69 +/- acres and includes deduction of access easement lands providing interior access to the campus as well as land area contained within the development boundaries of an excluded structure scheduled for demolition. The combined gross heated and cooled building area of the included five structures is 54,597 SF.

The appraisal has been developed in conformity with the City of Las Cruces Purchase Order # 26202708 and our discussions. The scope of work developed and applied in this "appraisal report" is intended to be consistent with our discussions and the client's intended use.

The value opinions reported are qualified by certain definitions, limiting conditions, and certifications as set forth in the attached report.

The market rent estimate derived is limited to development of the observed most applicable valuation methodology and includes methodologies included for each of the three traditional valuation approaches of the cost, sales comparison and income approaches to value. The analysis developed and applied was discussed with the client at the time of assignment engagement and considered to result in credible assignment results.

Reliance upon the report and value conclusions reached is intended for use by the City of Las Cruces and-or Participants. Our professional fee was billed to the City of Las Cruces. The intended use of the appraisal is towards internal asset allocation and State of New Mexico compliance by the City of Las Cruces.

The analysis contained in the report is intended to meet or exceed the clients requested scope of work and to comply with the requirements stated under Standards Rule 1-4 (a) (b) and (c) of the Uniform Standards of Professional Appraisal Practice (USPAP) relative to the collection, verification, and analysis of all information necessary for formation a credible assignment result.

The attached report is intended to comply with; **1)** the generally accepted appraisal standards as evidenced by the Uniform Standards of Professional Appraisal Practice (USPAP) as promulgated by the Appraisal Standards Board (ASB) of the Appraisal Foundation; **2)** requested scope of work requirements of City of Las Cruces % Mr. Bill Hamm; **3)** applicable regulations of the state of New Mexico; **4)** the Standards and Ethics Provisions of the Appraisal Institute of which the appraiser is a designated member.

The below signed is the sole appraiser of the valuation and is individually responsible for the conclusions reached. I personally inspected the subject property on August 19, 2025, which is equal to the effective date of the report and following estimates of value.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

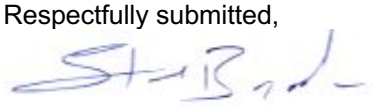
Community of Hope – Five Structures Contained within an Estimated 10.069 Acre Net Site
Year One – Current Market Rent Estimate
$690,000 – Six Hundred and Ninety Thousand Dollars

Subject to the general limiting conditions and assumptions as outlined within the Section III of the report.

This letter must remain attached to the following appraisal report, containing 112 pages including addenda, in order for the value estimates set forth to be considered valid and suitable for reliance upon by the intended user.

Thank you for allowing Brooks Real Estate Services to be of your service. Please contact me should you have questions or require additional information.

Respectfully submitted,



Steve Brooks, MAI
New Mexico General Certified Appraiser #850-G

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SUMMARY OF SALIENT FACTS

Appraisal Assignment:	The appraisal assignment is to prepare an Appraisal Report relative to the property and improvements identified and generally located at 999 W. Amador Avenue. The property lies within the city limits of Las Cruces, Dona Ana County, New Mexico.
Appraisal Premises:	Per discussions with the client the valuation services requested are limited to: 1) Market Rent – Fee Simple
Client:	City of Las Cruces – c/o Mr. Bill Hamm Purchase Order Number 26202708
Intended User	The intended user of this report is the City of Las Cruces and-or Participants.
Intended Use:	As stated by Mr. Bill Hamm, project coordinator with the city of Las Cruces, the intended use of the appraisal is to estimate market rent intended towards State of New Mexico compliance and asset allocation of the property.
Ownership Interest Appraised:	Fee Simple
Property Appraised:	Since original partial property acquisition in March of 1996 and subsequent assemblage through multiple acquisitions and development, the subject of this assignment as well as other non-subject portions are commonly identified as the Community of Hope. Dating from original acquisition and assemblage, the property has remained under the control of the City of Las Cruces with structural improvements occupied agreement with the city. The Mesilla Valley Community of Hope (MVCH) is a nonprofit alliance based in Las Cruces, New Mexico, dedicated to serving individuals and families experiencing homelessness and-or financial distress. The mission of the City with the Community of Hope is to consolidate a variety of essential services within a consolidated campus configuration allowing for improved service delivery efficiency to the served clients. Within the assignment no distinction is made between the City of Las Cruces and the Mesilla Valley Community Hope.
Site Data:	Physical address of the of the MVCH is 999 W. Amador Ave. and also includes identified addressed portions of 921 and 991 W. Amador, Las Cruces NM 88005. The Community of Hope Campus as appraised is comprised of two separate and legally identified and tracts containing a combined plated land area of 12.35. The majority of the campus is contained within the boundaries of Lot 1 of the Las Cruces Community of Hope Subdivision. Plated land area of Lot 1 is 11.35 acres or 494,406 SF of which an estimated or 70,643 SF or 1.622 acres are identified on the plat as access and utility easement area and utilized for interior campus vehicle access and utility delivery use. Deducting the easement area from the Lot 1 platted area leaves an estimated building and associated site improvement and surplus land area of 423,763 SF or 9.728 acres. Contained within the boundaries

of the net access and easement area five structural improvements identified in this analysis as buildings 1, 2, 4, 5, and 6.

Remaining portions identified for inclusion with the Community of Hope is identified as Lot 5B-1 of the Amador Tracts Replat No. 6 subdivision. Plated land area of Lot 5B-1 s 1.0 acres. Lot 5B-1 is access from within the identified access easement area of Lot 1. Contained within the boundaries of Lot 5B-1 is a single structural improvement identified in this analysis as building 3.

As identified and appraised, assigned building two is unoccupied, and as suggested by the Mr. Lorenzo Alba Jr. - Director of Casa de Peregrinos, building two is not utilized and intended for demolition. This was discussed with the client who agreed to the building and underlying development site extraction from the market rent estimate.

As estimated by the appraiser land area occupied by the building two divisible site, and not utilized in association with the remaining structure, is estimated at 28,707 SF or 0.66 +/- acres. The building site is observed as excess land not utilized in association with the Community of Hope campus and is available for potential liquidation and-or speculative holding by the City of Las Cruces for future campus structural addition.

The following table summarizes the subject two legal lots and includes individual and gross area figures as well as calculation of net access easement, excess land and the appraised net Community of Hope utilized land area estimate of 438,616 SF or 10.069 +/- acres.

LAND AREA SUMMARY – APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

Lot 1 - LCCH Subdivision	
Site Area (Ac.)	11.3500
Site Area (Sq. Ft.)	494,406
- Access Easement Area (+/-)	70,643
Lot 1 - Net Access Easement Area (Sq. Ft.)	423,763
Lot 1 - Net Access Easement Area (Ac.)	9.728
Lot 5B-1 - Amador Tracts No. 6	
Site Area (Ac.)	1.0000
Site Area (Sq. Ft.)	43,560
Combined Gross Land Area - Lot 1 & 5B-1	**537,966**
- Lot 1 - Access Easement Area (+/-)	70,643
- Lot 1 - Excess Land Area - Building 2 Site Area (+/-)	28,707
Combined Net Access Easement Area (Sq. Ft.)	**438,616**
Combined Net Access Easement Area (Ac.)	**10.069**
Land to Building Area Ratio - Net Access & Utility Easement & Excess Land	**8.03**

As developed and utilized the subject Mesilla Valley Community of Home campus possesses an approximate 8.03:1 land to building area ratio. As improved and to including developed portions, the 10.019 acres site is observed to be fully utilized. Although areas of potential surplus land could be considered available for future structural improvement, without changes to the portions utilized status, no surplus land area is observed or applied.

The subject neighborhood is centrally located in the community and characterized as a developed mixed-use district to include mixed commercial office, retail, and industrial uses.

Improvements: Principle structural improvements included within the boundaries of the 10.019 acres consist of five structures identified in the report as buildings 1, 3, 4, 5, & 6.

Building 2 of the MVCH was extracted from the analysis therefore not included. Please see Section 1 – Preface of the report for identifying maps including a Campus Building Map for each of the five structural improvements with number assignments utilized for descriptive purposes through-out the appraisal report.

The following table summarizes the six structural improvements including identified occupants, use and applied estimates of improvement heated and cooled building area.

STRUCTURAL IMPROVEMENT SUMMARY

APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH) – FIVE STRUCTURES

Building ID - Address	Occupant	Use	Building Area Source	Bld. Area (SF)
Building 1 - 991 E. Amador	Casa de Peregrinos	Food Pantry - Distribution WH - Offices	Bld. Plans	12,022
Building 3 - 999 W. Amador	Community of Hope	Warehouse - Maint. Office	DAC Assessor	5,000
Building 4 - 999 W. Amador	Community of Hope	Medical Clinic - Counseling - Soup Kitchen	DAC Assessor	13,414
Building 5 - 999 W. Amador	Community of Hope	Day Care - Child Development	DAC Assessor	11,241
Building 6 - 999 W. Amador	Community of Hope	Client Services - Adm. Offices (under renovation)	DAC Assessor	12,920
Total Site Contained Building Floor Area				54,597
Appraised Floor Area				**54,597**

Gross building area of the five structural improvements contained within the boundaries delineated 10.019 acres totals an estimated 54,597 SF. Building area estimates were extracted from provided building plans as well as records of the Dona Ana County Assessor's Office.

Identified in the previous table occupied use of the improvements is mixed and extends from warehouse, food pantry, soup kitchen, general office, day care, counseling medical office, and medical clinic use including general medical use, dental and pharmacy use.

Associated site improvements include asphalt paved parking for an observed 168 vehicles including handicap parking with wheelchair building access, concrete walkways and pads, landscaping, storm water retention ponding and pole mounted signage. Also associated with the structural improvements are multiple associated improvements.

Highest & Best Use:

The highest and best use analysis indicates the highest and best use as though vacant is multi-lot light industrial development. The use as improved is as improved to include excess land area portion available for speculative holding and-or disposition.

Zoning:

Located within the corporate boundaries of Las Cruces under the 2001 zoning code the subject site is zoned PUD – Planned Unit Development.

Established in February 2025 is the City of Las Cruces new "Realize Las Cruces" (RLS) zoning and building code ordinance with a full implementation in eight-months from final city council approve or September 2025.

Upon full establishment of the RLS zoning code the subject is identified to be zoned CR.U.MX – Commercial Retail – Urban – Mixed Use.

Valuation Method: The market rent estimate derived is limited to development of the observed most applicable valuation approaches, which as applied includes methodologies associated with the cost, sales comparison and income approaches. The analysis developed and applied was discussed with the client at the time of assignment engagement and considered suitable to the clients intended use and results in credible assignment results.

Reconciled Final Estimate of Year One Market Rent:

Community of Hope – Five Structures Contained within an Estimated 10.069 Acre Net Site

Year One – Current Market Rent Estimate

$690,000 – Six Hundred and Ninety Thousand Dollars

Subject to the general limiting conditions and assumptions as outlined within the Section III of the report.

Exposure Time: 3 - 12 months or less

SECTION I

PREFACE

The preface to the report contains the various maps and photographs that relate to the subject property and its environment.

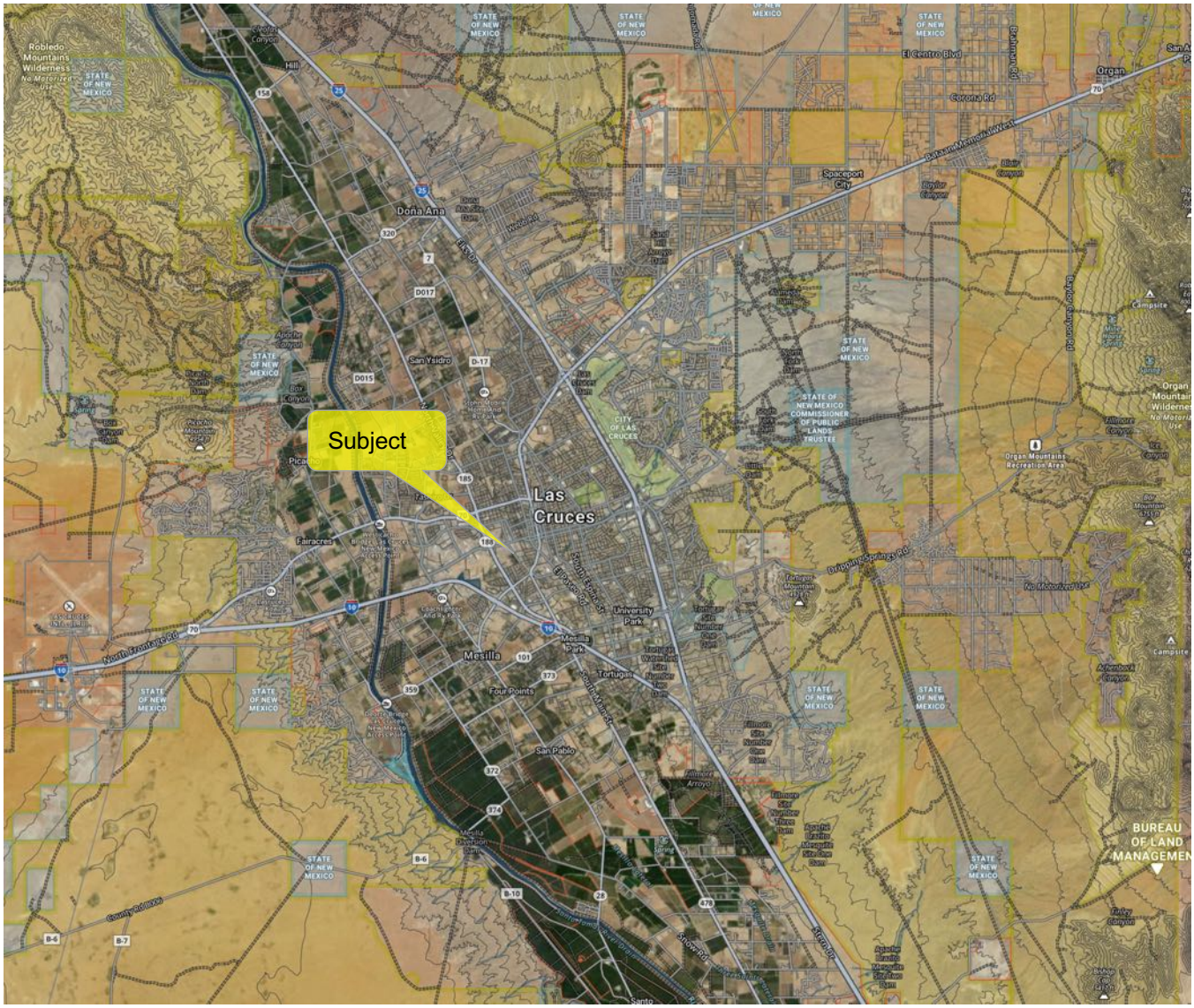
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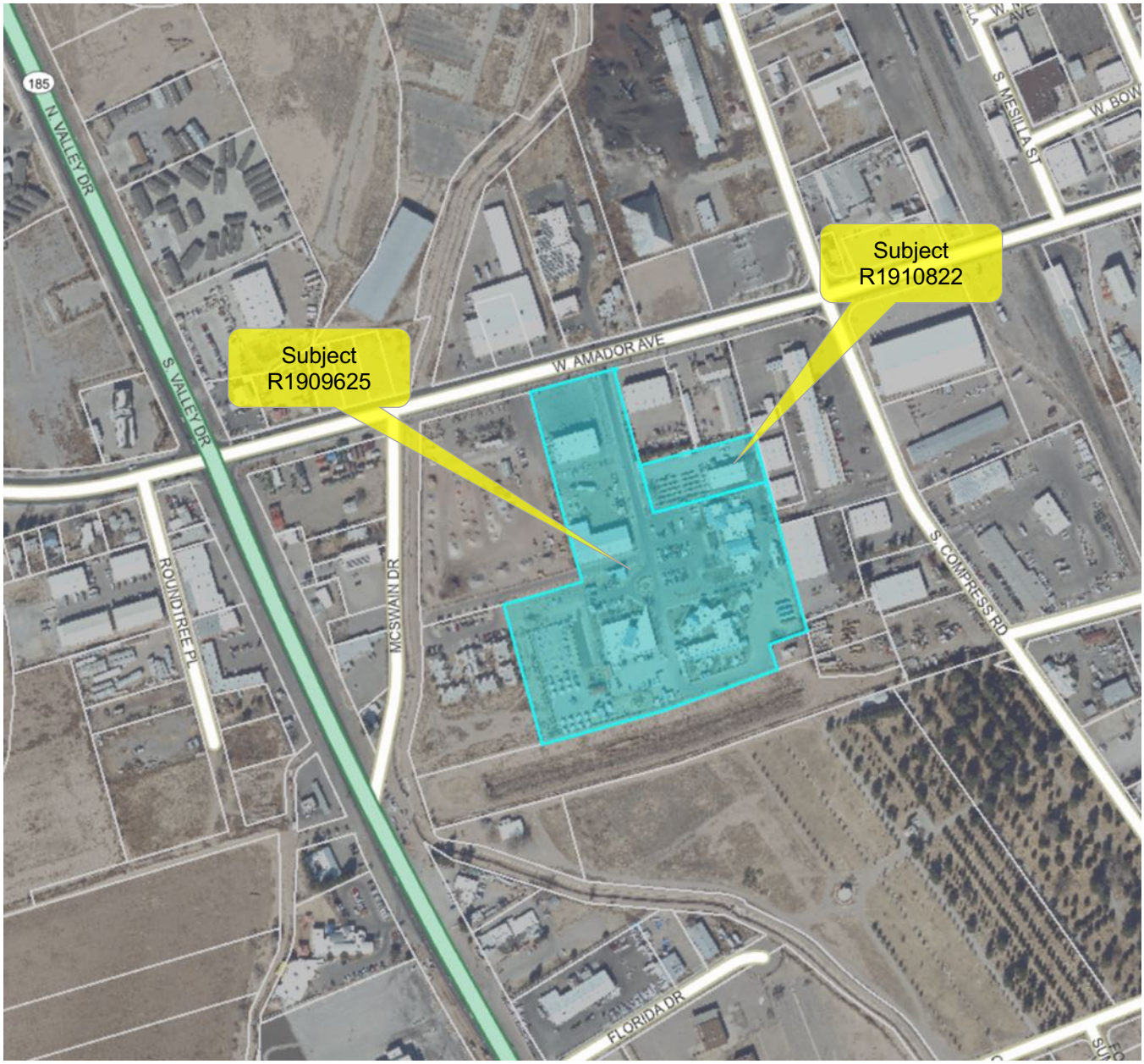
REGIONAL LOCATION MAP



METROPOLITAN LOCATION MAP



ASSESSOR'S PARCEL MAP

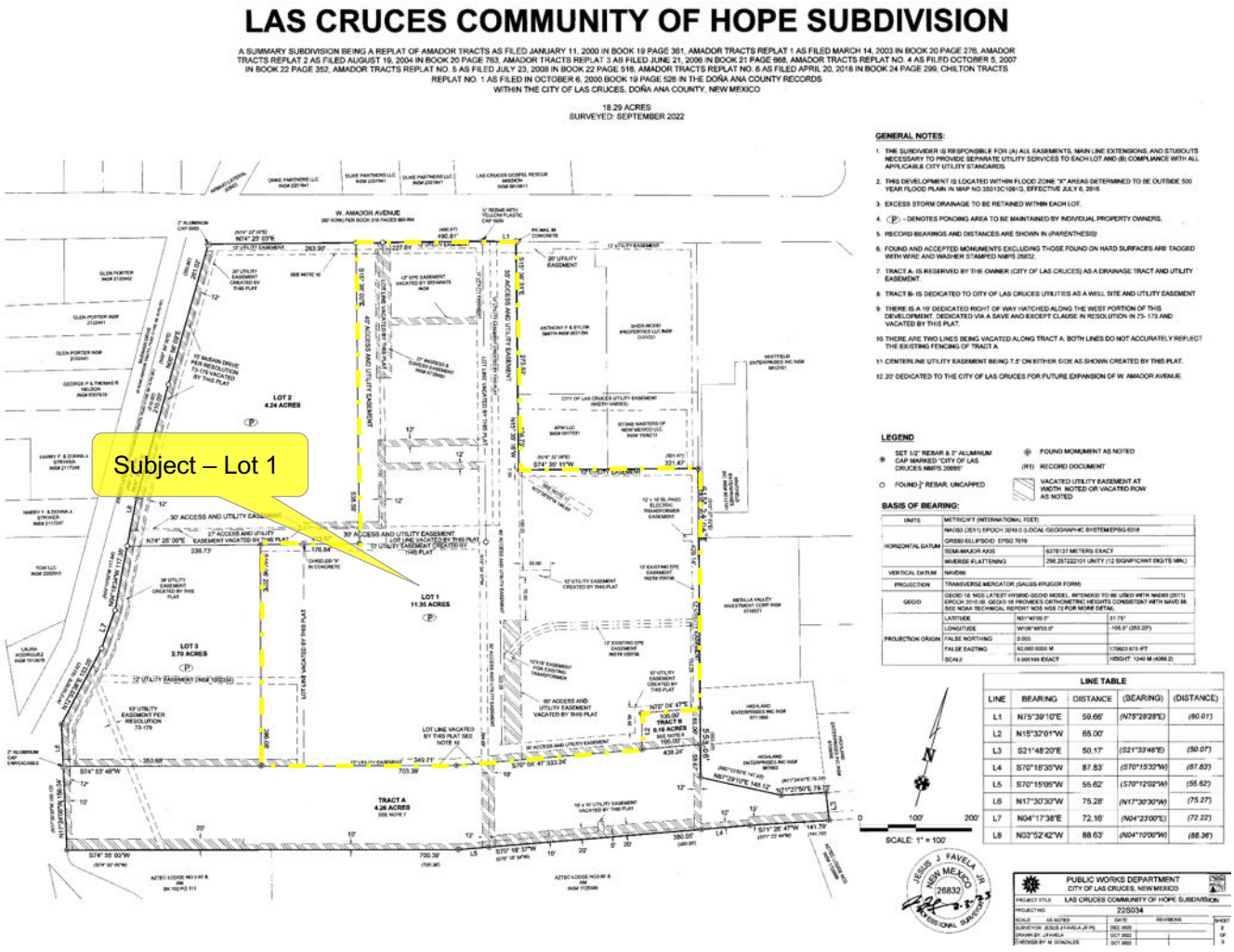


AERIAL PHOTOGRAPH

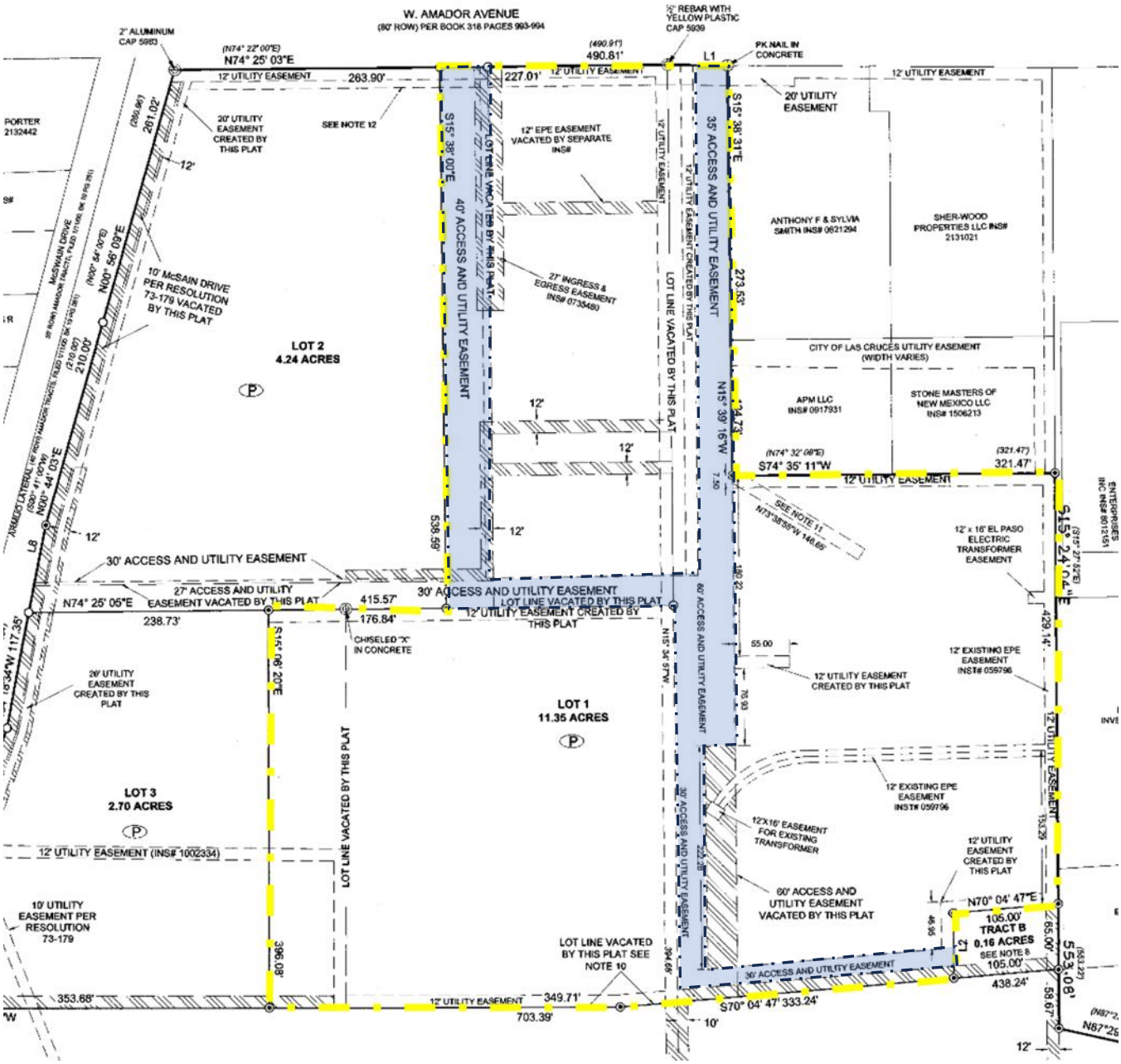


SUBDIVISION PLAT – LOT 1 OF THE LAS CRUCES COMMUNITY OF HOPE

LOCATION OF BUILDINGS 1, 2, 4, 5, 6



ACCESS ROAD AREA IDENTIFICATION

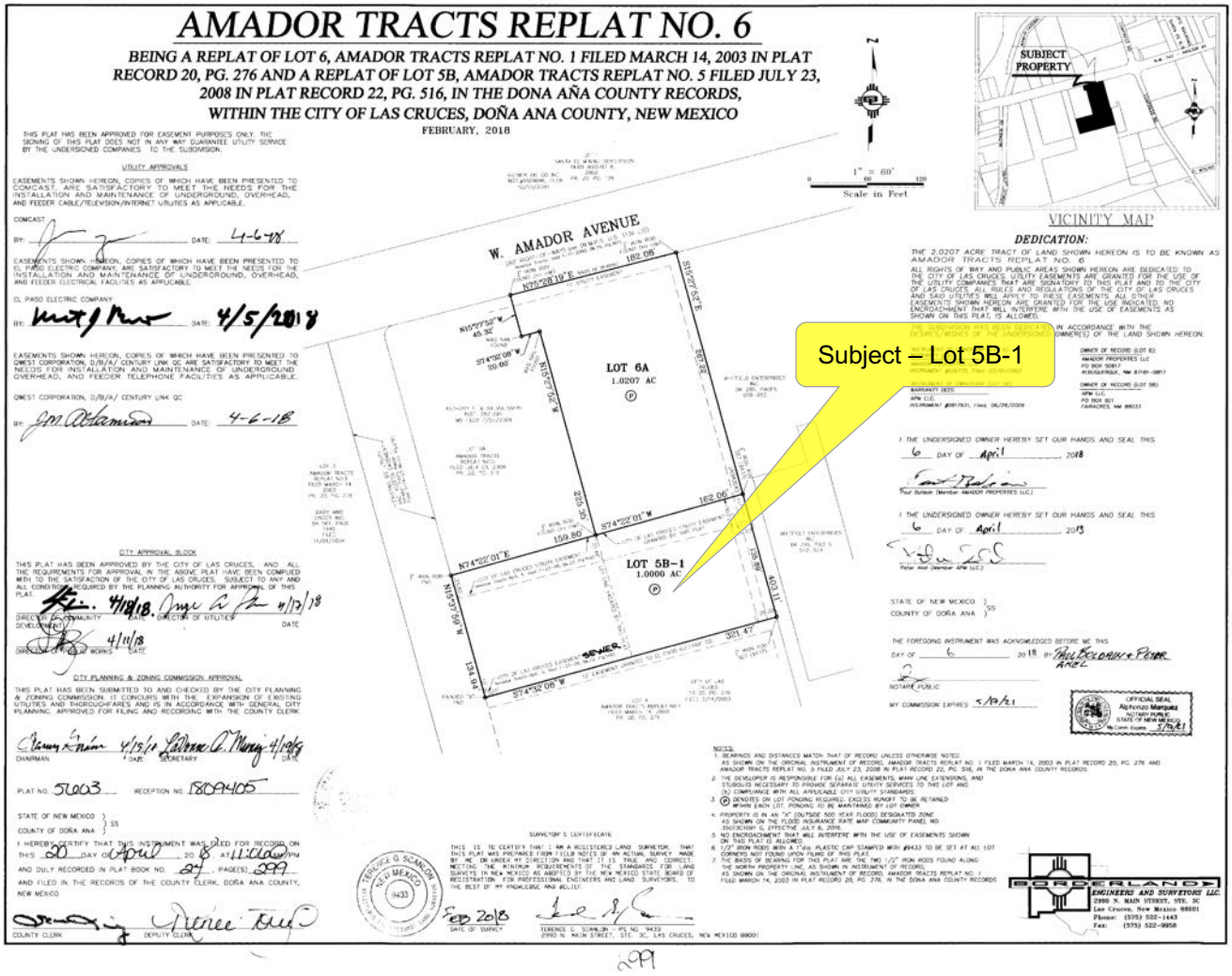


Lot 1 - LCCH Subdivision

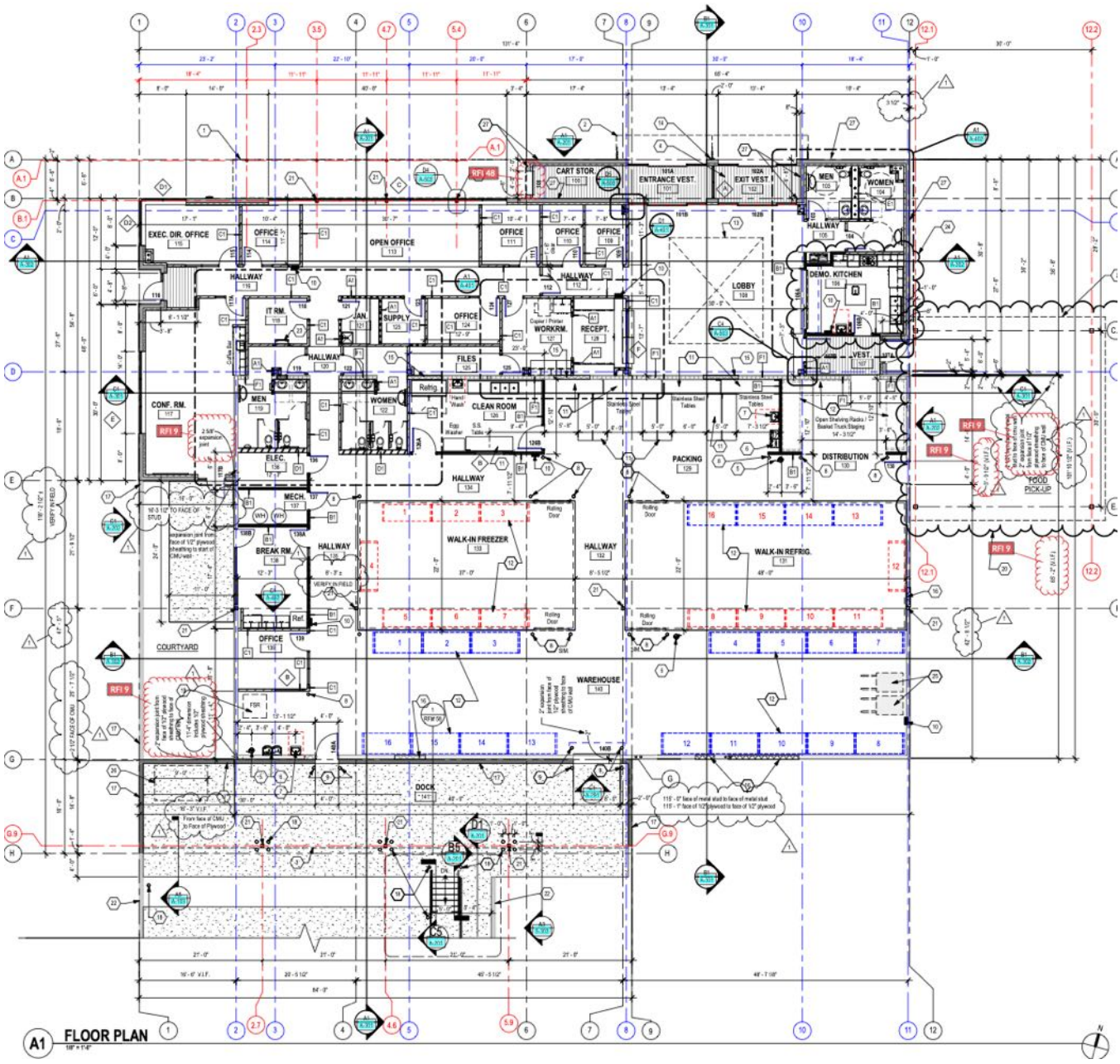
Site Area (Ac.)	11.3500
Site Area (Sq. Ft.)	494,406
- Access Easement Area (+/-)	70,643
Lot 1 - Net Access Easement Area (Sq. Ft.)	**423,763**
Lot 1 - Net Access Easement Area (Ac.)	**9.728**

SUBDIVISION PLAT – LOT 5B-1 OF AMADOR TRACTS REPLAT NO. 6

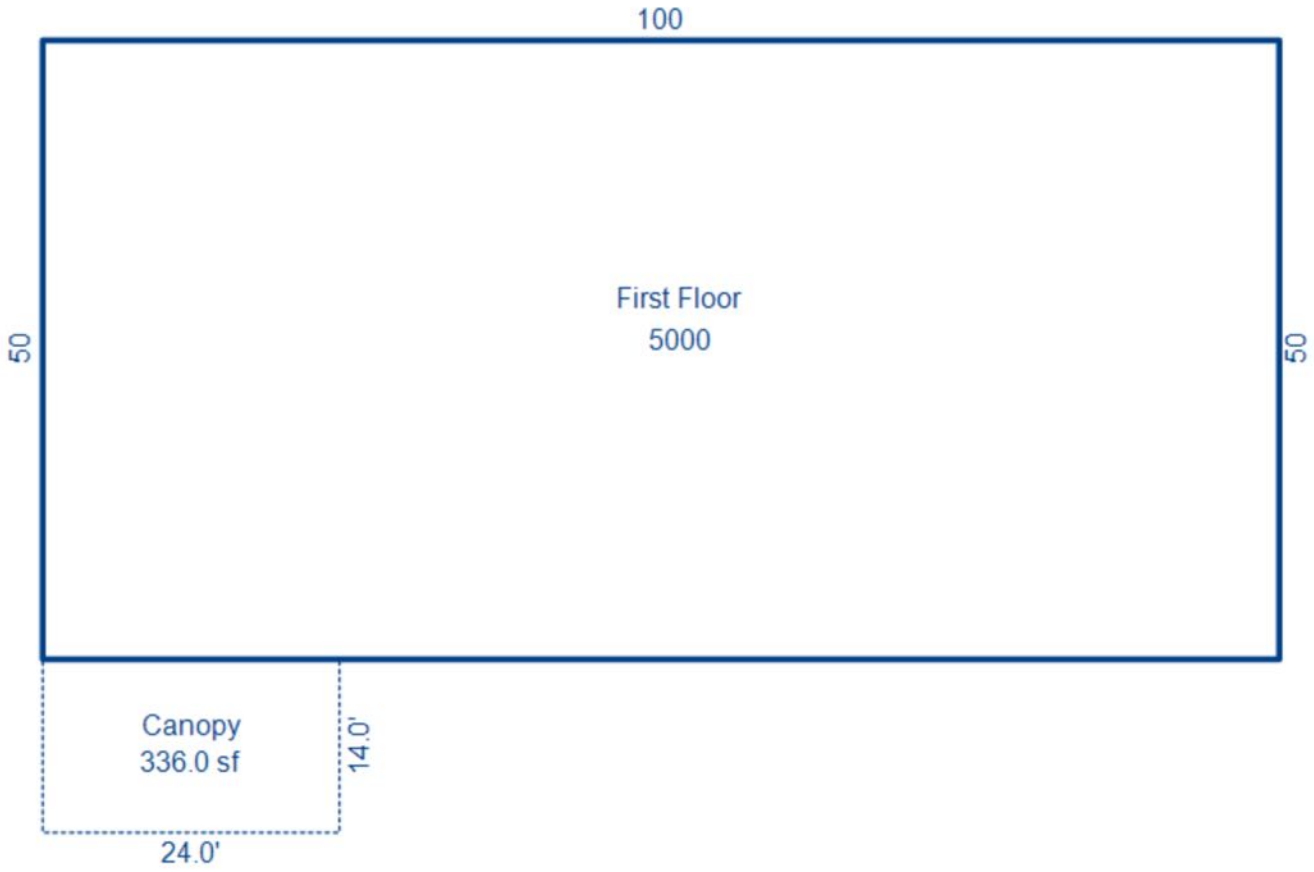
LOCATION OF BUILDING 3



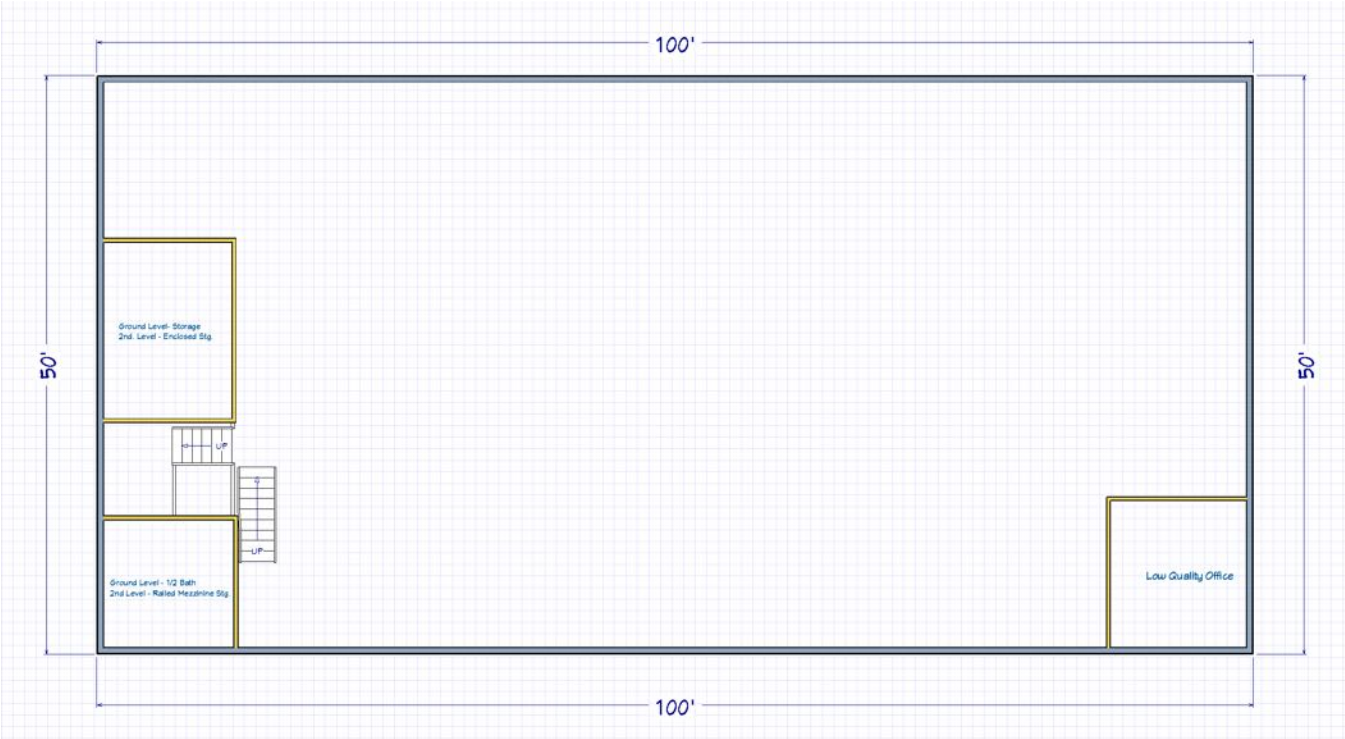
BUILDING 1- FLOOR PLAN (CLIENT PROVIDED)



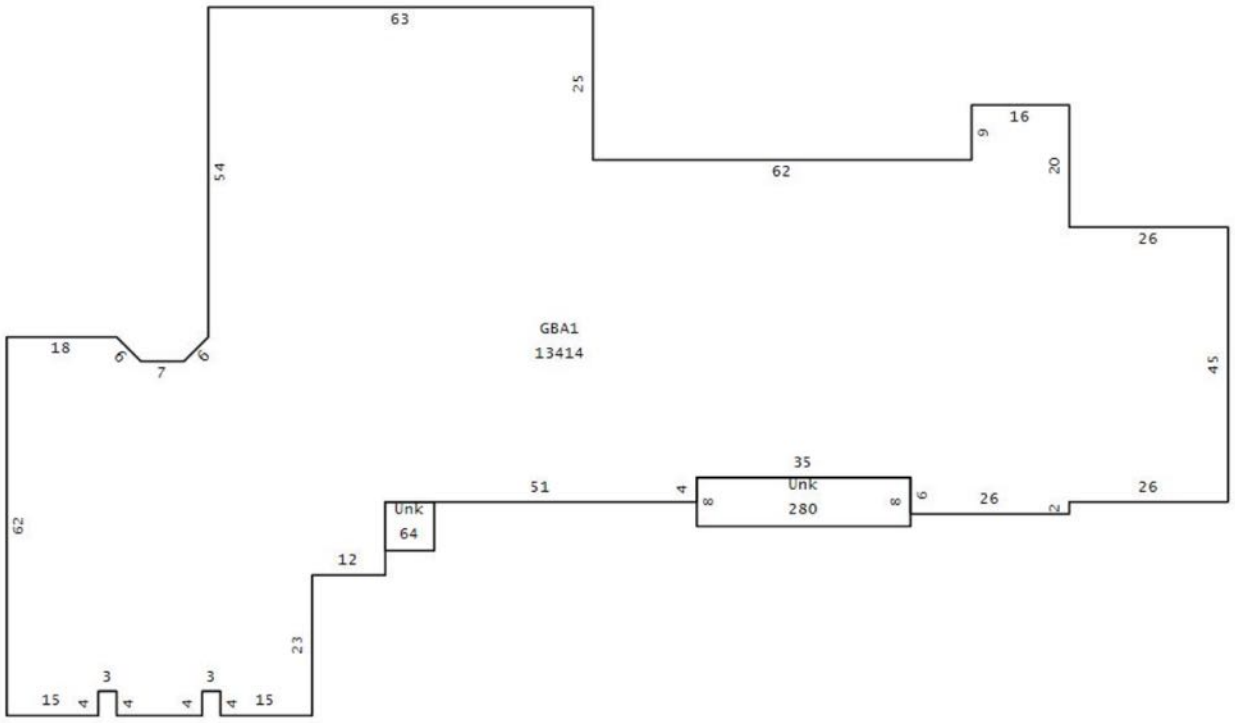
BUILDING 3 - IMPROVEMENT SKETCH - DONA ANA ASSESSORS OFFICE



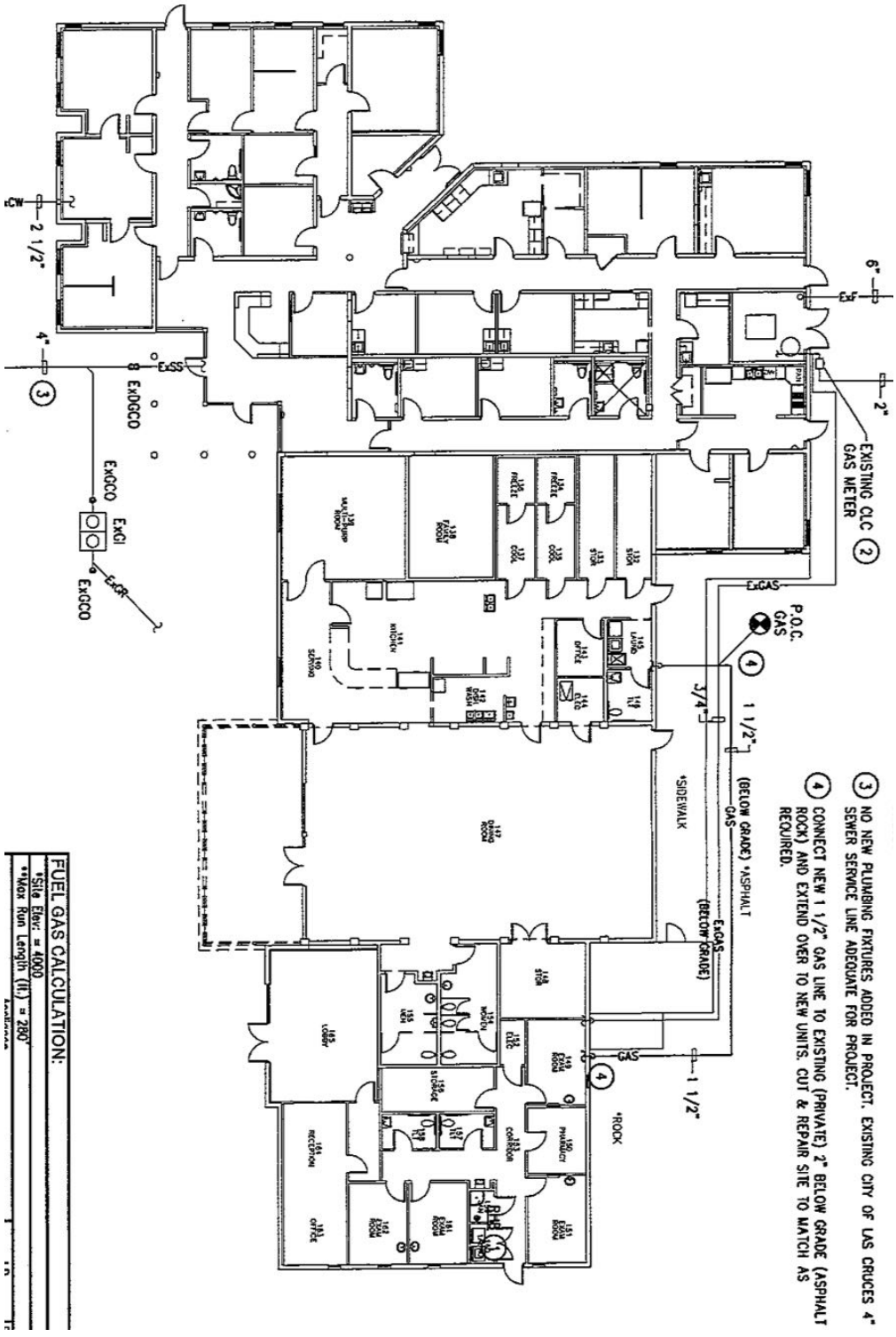
BUILDING 3 - FLOOR PLAN (APPRAISER DEVELOPED)



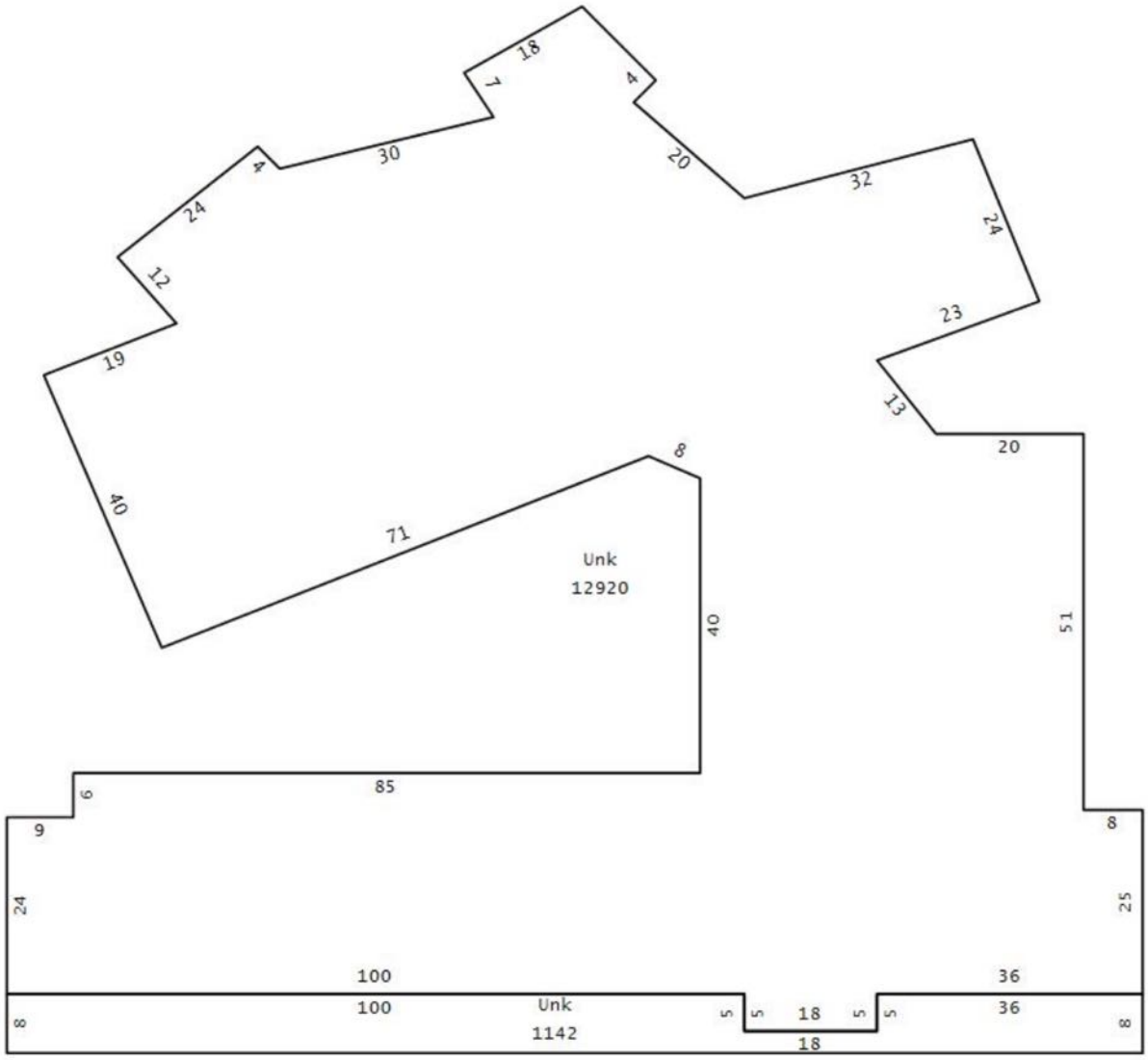
BUILDING 4 - IMPROVEMENT SKETCH - DONA ANA ASSESSORS OFFICE



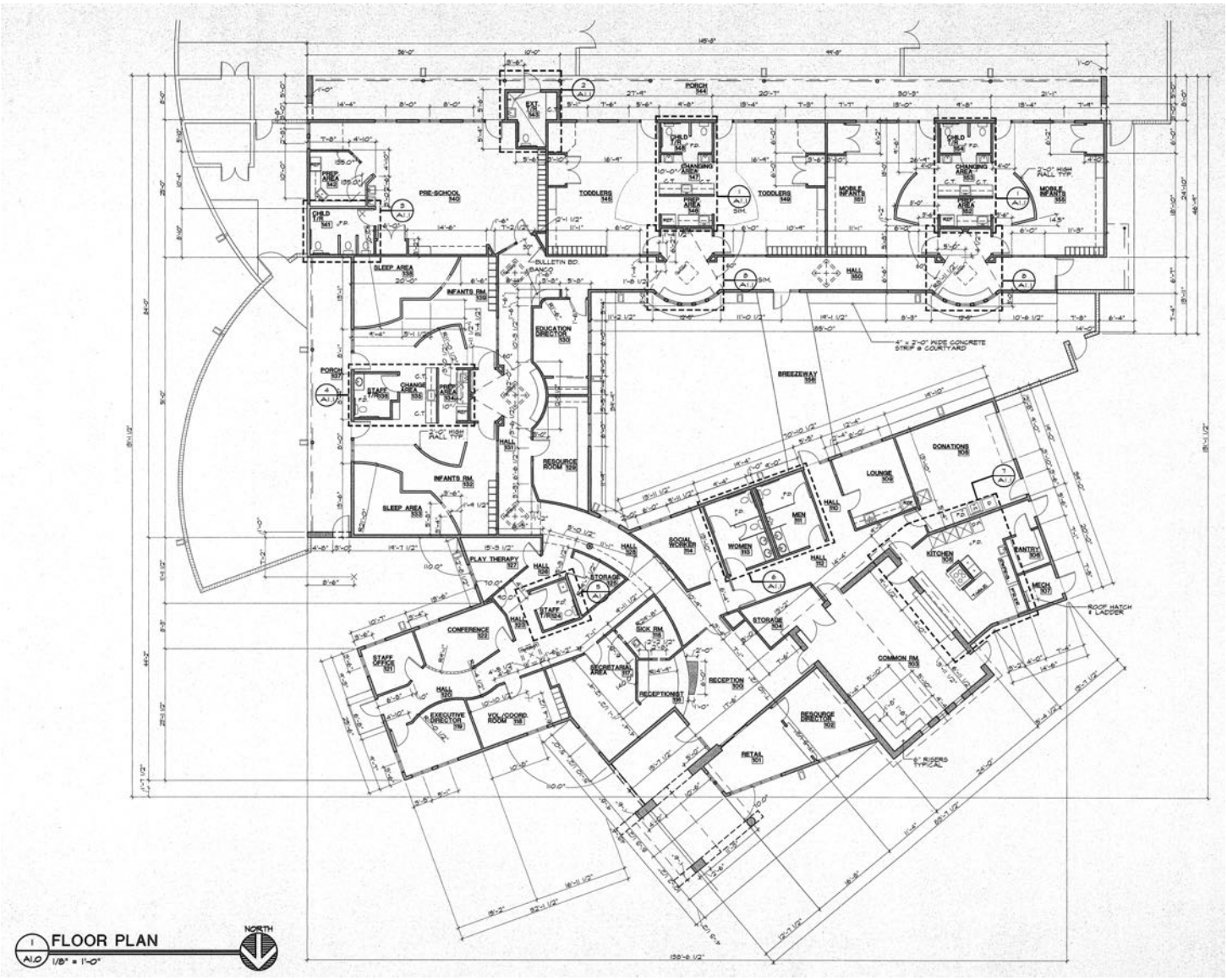
BUILDING 4 - FLOOR PLAN (CLIENT PROVIDED)



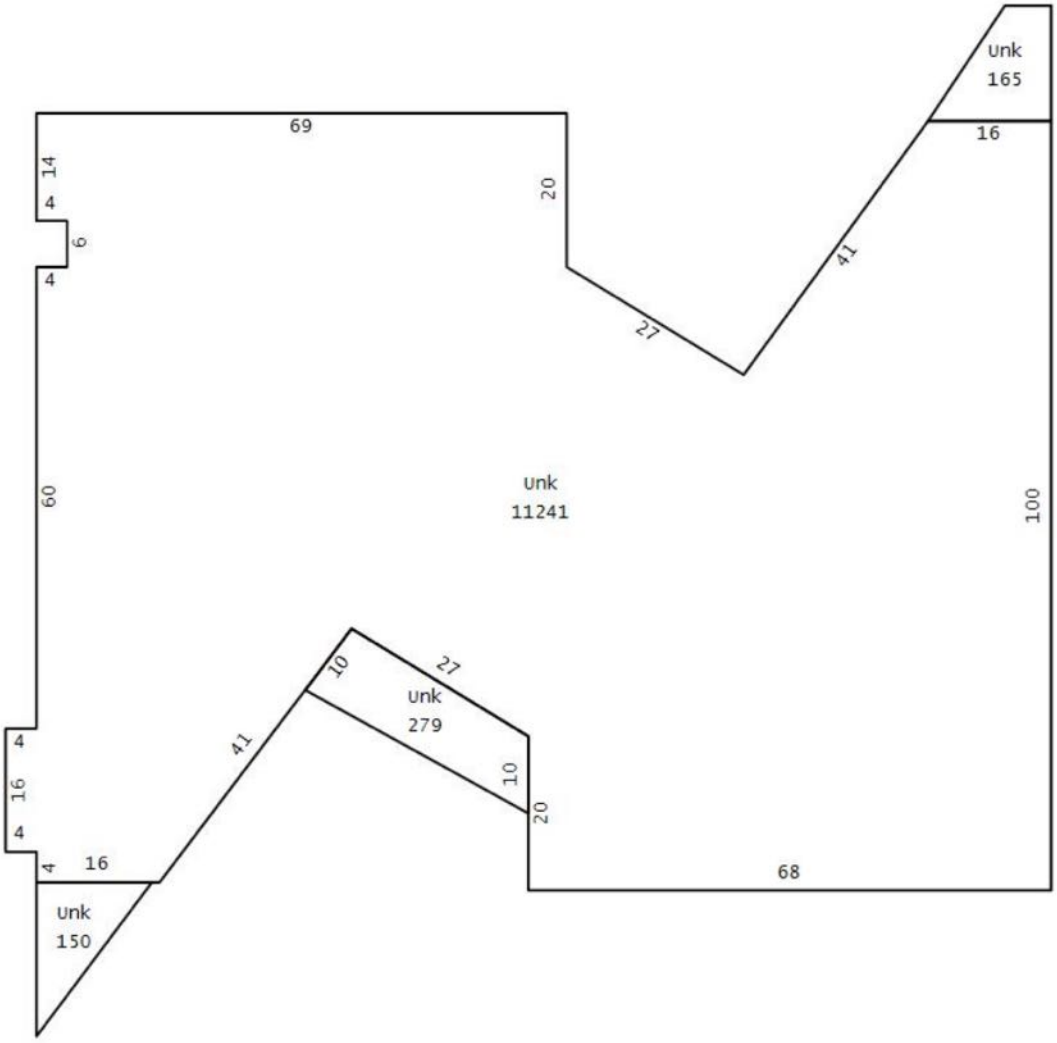
BUILDING 5 - IMPROVEMENT SKETCH - DONA ANA ASSESSORS OFFICE



BUILDING 5- FLOOR PLAN (CLIENT PROVIDED)

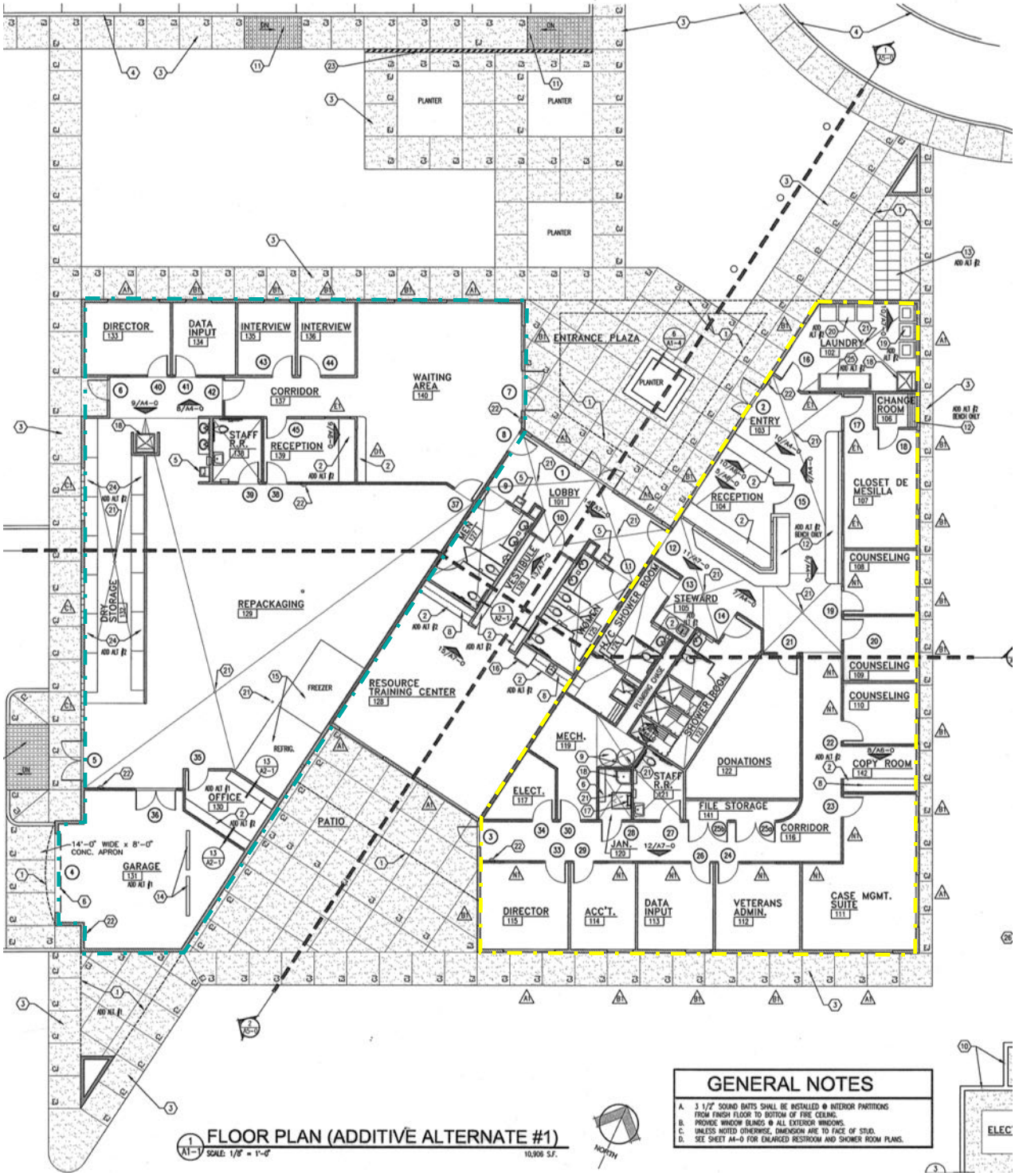


BUILDING 6 - IMPROVEMENT SKETCH - DONA ANA ASSESSORS OFFICE

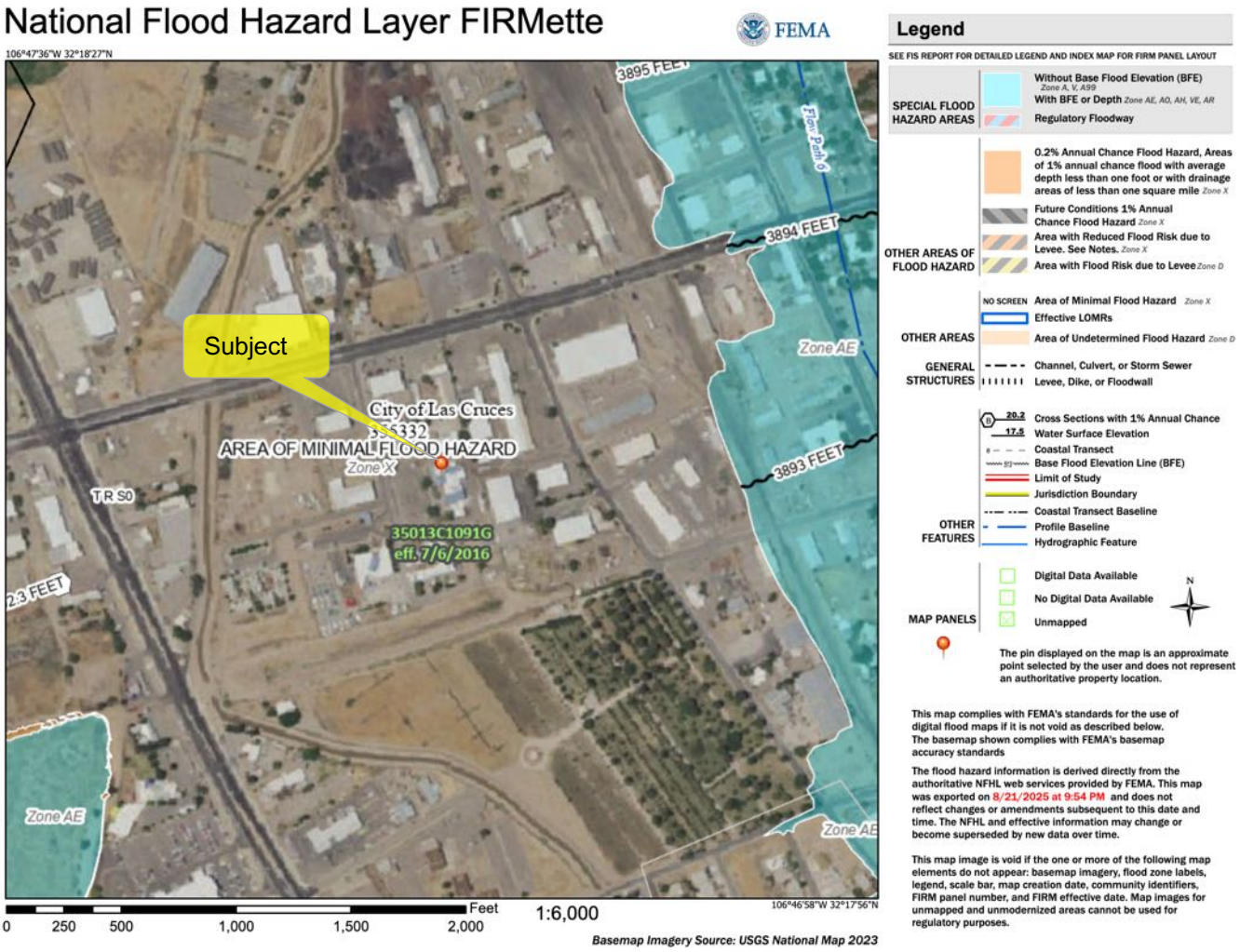


BUILDING 6- FLOOR PLAN (CLIENT PROVIDED)

Yellow = Under Renovation including reconfiguration of space
Blue = Prior to Renovation including reconfiguration of space



FLOOD MAP


National Flood Hazard Layer FIRMette
FEMA
106°47'36"W 32°18'27"N
106°46'58"W 32°17'56"N
Subject
City of Las Cruces
AREA OF MINIMAL FLOOD HAZARD
Zone X
35013C1091G
eff. 7/6/2016
3895 FEET
3894 FEET
3893 FEET
Flow Path 6
Zone AE
T R S0
0 250 500 1,000 1,500 2,000 Feet
1:6,000
Basemap Imagery Source: USGS National Map 2023
Legend
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
SPECIAL FLOOD HAZARD AREAS
Without Base Flood Elevation (BFE) Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD
0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes. Zone X
Area with Flood Risk due to Levee Zone D
OTHER AREAS
NO SCREEN Area of Minimal Flood Hazard Zone X
Effective LOMRs
Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES
Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall
OTHER FEATURES
20.2 Cross Sections with 1% Annual Chance
17.5 Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature
MAP PANELS
Digital Data Available
No Digital Data Available
Unmapped
N
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/21/2025 at 9:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

SUBJECT PHOTOS

INTERIOR ACCESS ROADS AND COMMON AREAS



Street view west of Amador Ave.



Street view east of Amador Ave.



Eastern north to south interior access road.



East north to south interior access road.



Eastern south to north interior access road.



Southern west to east interior access road.



Southern east to west interior access road.



Southern north to south access road.

EXTERIOR VIEW - BUILDING ONE



Front View



Front View



Rear View



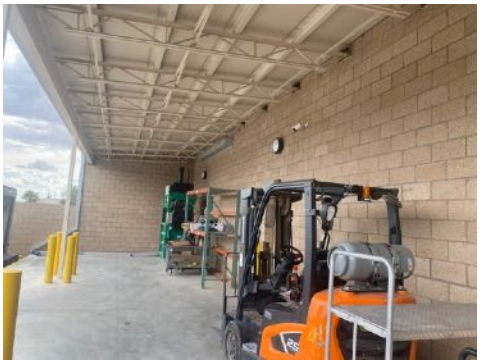
Rear View



Rear View



Employee Courtyard

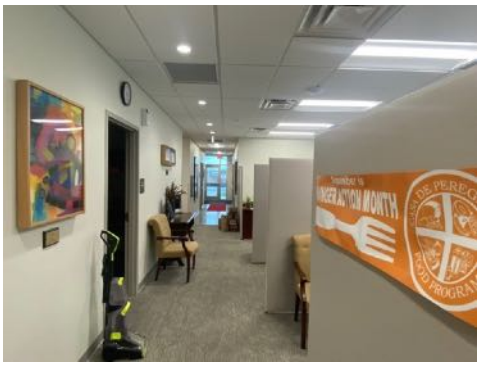


Loading Dock

INTERIOR VIEW – BUILDING ONE



Entrance



Office Corridor



Private Office



Conference Room



Group workstation



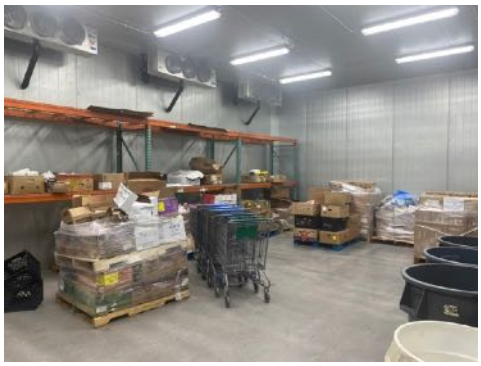
Presentation Kitchen



Distribution Warehouse Offices



Distribution Warehouse



Cold Storage



Dry Storage



Electrical Room



Plumbing Room



Warehouse mechanical

EXTERIOR VIEW - BUILDING TWO – INTENDED FOR DEMOLITION AND NOT INCLUDED AS A SUBJECT OF THIS ASSIGNMENT



Front View



Side and Rear View

EXTERIOR VIEW - BUILDING THREE



Front View



Side and Rear View

INTERIOR VIEW – BUILDING THREE



Warehouse Interior View



Restrooms – Storage – Mezzanine - Storage



Mezzanine Office



Warehouse



Warehouse Office



Restroom

EXTERIOR VIEW - BUILDING FOUR



Front View



Front View



Rear View



Rear View

INTERIOR VIEW – BUILDING FOUR – MEDICAL CLINIC



Building Front



Building Rear



Lobby and Reception



Interior Corridor


Pharmacy

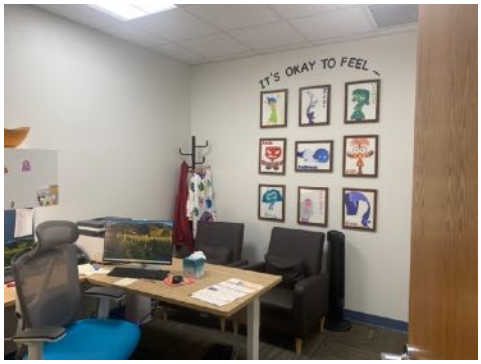

Medical Lab


Nurses Station

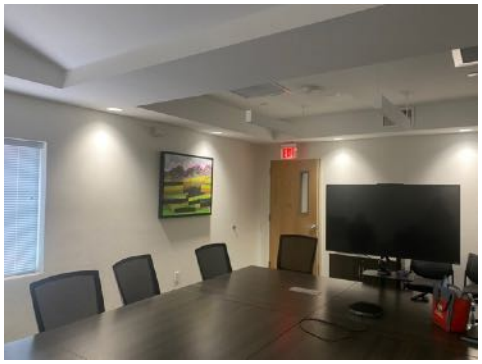

Exam Room


Exam Room


Physician / Provider Office Corridor

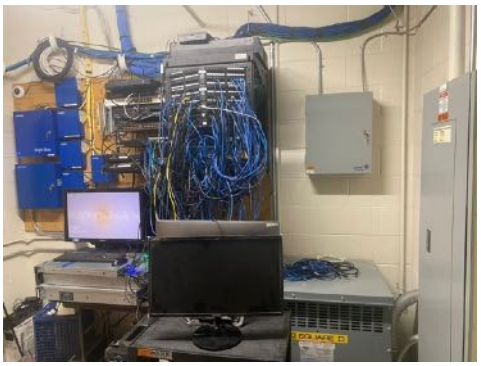


Patient Services


Conference Room



Janitorial



Electrical and IT

INTERIOR VIEW – BUILDING FOUR – SOUP KITCHEN



Dining Area



Kitchen

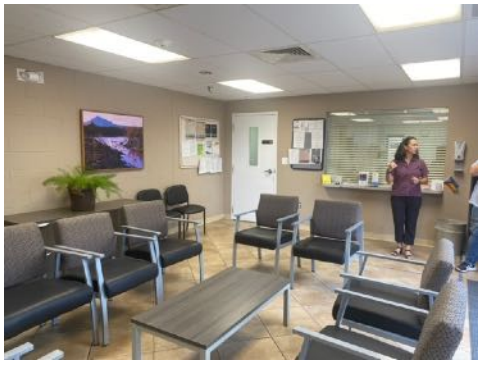


Dry and Cold Storage



Guest Restroom

INTERIOR VIEW – BUILDING FOUR – COUNSELING





Lobby / Reception



Interior Corridor

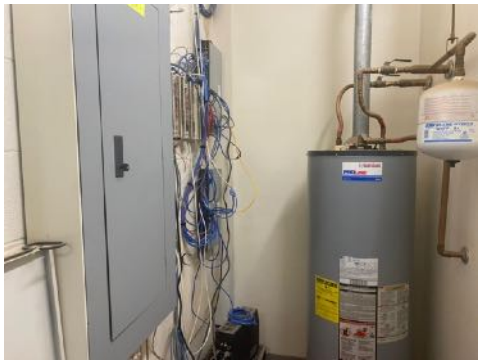
Provider Office



Exam Room



Restroom



Electrical / IT / Mechanical Room

EXTERIOR VIEW - BUILDING FIVE



Front View



Rear View



Employee Courtyard

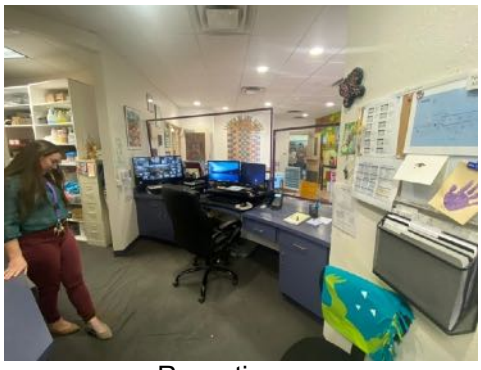


Playgrounds



Playgrounds

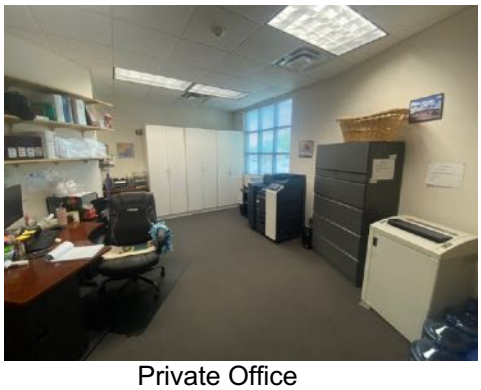
INTERIOR VIEW – BUILDING FIVE



Reception



Interior Corridor



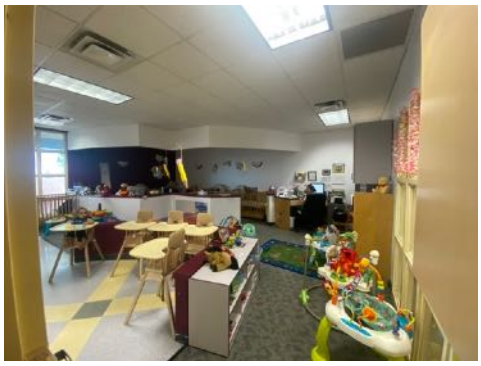
Private Office



Office Workroom and Storage



Daycare Interior Corridor



Daycare Children's Room



Daycare Children's Room



Food Preparation and Storage



Child sized plumbing fixtures



Child sized restroom



Kitchen



Dining Area



Adult Restroom



Electrical and IT

EXTERIOR VIEW - BUILDING SIX



Front View



Side View



Rear View



Rear View

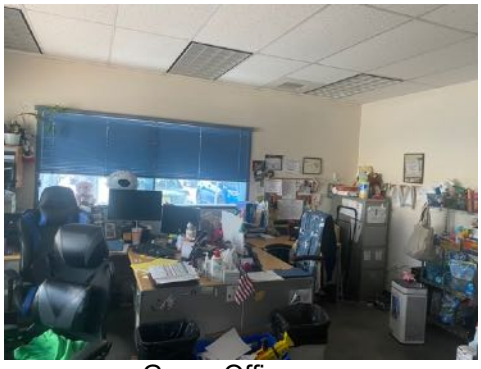
INTERIOR VIEW – BUILDING SIX



Reception



Group work area



Group Office



Restroom



Newly Renovated Office Wing – Lobby / Reception



Newly Renovated Office Wing – Office Cubicles



Newly Renovated Office Wing – Interior Corridor



Newly Renovated Office Wing – Restrooms



Newly Renovated Office Wing – Electrical / IT



Janitorial and Roof Access



Existing Wing – Electrical / IT

CAMP HOPE



Tent Condos



Restroom / Showers and Open Kitchen

SECTION II

INTRODUCTION AND SCOPE OF WORK

PROPERTY APPRAISED

Since original partial property acquisition in March of 1996 and subsequent assemblage through multiple acquisitions and development, the subject of this assignment as well as other non-subject portions are commonly identified as the Community of Hope. Dating from original acquisition and assemblage, the property has remained under the control of the City of Las Cruces with structural improvements occupied agreement with the city.

The Mesilla Valley Community of Hope (MVCH) is a nonprofit alliance based in Las Cruces, New Mexico, dedicated to serving individuals and families experiencing homelessness or financial distress. The mission of the City with the Community of Hope is to consolidate a variety of essential services within a consolidated campus configuration allowing for improved service delivery efficiency to the served clients.

Physical address of the of the MVCH is 999 W. Amador Ave. and also includes identified addressed portions of 921 and 991 W. Amador, Las Cruces NM 88005.

The following table summarizes the subject two legal lots and includes individual and gross area figures as well as calculation of net access easement, excess land and the appraised net Community of Hope utilized land area estimate of 10.069 acres.

LAND AREA SUMMARY – APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

Lot 1 - LCCH Subdivision	
Site Area (Ac.)	11.3500
Site Area (Sq. Ft.)	494,406
- Access Easement Area (+/-)	70,643
Lot 1 - Net Access Easement Area (Sq. Ft.)	423,763
Lot 1 - Net Access Easement Area (Ac.)	9.728
Lot 5B-1 - Amador Tracts No. 6	
Site Area (Ac.)	1.0000
Site Area (Sq. Ft.)	43,560
Combined Gross Land Area - Lot 1 & 5B-1	**537,966**
- Lot 1 - Access Easement Area (+/-)	70,643
- Lot 1 - Excess Land Area - Building 2 Site Area (+/-)	28,707
Combined Net Access Easement Area (Sq. Ft.)	**438,616**
Combined Net Access Easement Area (Ac.)	**10.069**
Land to Building Area Ratio - Net Access & Utility Easement & Excess Land	**8.03**

Principle structural improvements included within the boundaries of the 10.019 acres consist of five structures identified in the report as buildings 1, 3, 4, 5, & 6. Gross building area of the five structural improvements contained within the boundaries delineated 10.019 acres totals an estimated 54,597 SF. Building area estimates were extracted from provided building plans as well as records of the Dona Ana County Assessor's Office. Please see Section 1 – Preface of the report for identifying maps including a Campus Building Map for each of the five structural improvements with number assignments utilized for descriptive purposes through-out the appraisal report.

The following table summarizes the five structural improvements including identified occupants, use and applied estimates of improvement heated and cooled building area.

STRUCTURAL IMPROVEMENT SUMMARY
APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH) – FIVE STRUCTURES

Building ID - Address	Occupant	Use	Building Area Source	Bld. Area (SF)
Building 1 - 991 E. Amador	Casa de Peregrinos	Food Pantry - Distribution WH - Offices	Bld. Plans	12,022
Building 3 - 999 W. Amador	Community of Hope	Warehouse - Maint. Office	DAC Assessor	5,000
Building 4 - 999 W. Amador	Community of Hope	Medical Clinic - Counseling - Soup Kitchen	DAC Assessor	13,414
Building 5 - 999 W. Amador	Community of Hope	Day Care - Child Development	DAC Assessor	11,241
Building 6 - 999 W. Amador	Community of Hope	Client Services - Adm. Offices (under renovation)	DAC Assessor	12,920
Total Site Contained Building Floor Area				54,597
Appraised Floor Area				**54,597**

As developed and utilized the subject Mesilla Valley Community of Home campus possesses an approximate 8.03:1 land to building area ratio. As improved and to including developed portions, the 10.019-acre site is observed to be fully utilized. Although areas of potential surplus land could be considered available for future structural improvement, without changes to the portions utilized status, no surplus land area is observed or applied.

Associated site improvements include asphalt paved parking for an observed 168 vehicles including handicap parking with wheelchair building access, concrete walkways and pads, landscaping, storm water retention ponding and pole mounted signage. Also associated with the structural improvements are multiple associated improvements.

All FF&E related to current operations of Mesilla Valley Community of Hope (MVCH) were observed to be non-permanent improvements and as such are not included in the valuation.

CLIENT AND INTENDED USER

Reliance upon the report and the value conclusions reached is intended for use by the City of Las Cruces and-or Participants.

INTENDED USE OF THE APPRAISAL

As stated by Mr. Bill Hamm, project coordinator with the city of Las Cruces, the intended use of the appraisal is to estimate market rent intended towards State of New Mexico anti-donation clause compliance and asset allocation of the property.

REPORTING FORMAT

The reporting format is intended to meet the requirements of an Appraisal Report under Standards Rule 2-2a of the 2020 - 2021edition of the Uniformed Standards of Professional Appraisal Practice (USPAP). [1]

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate a market derived estimate of “as is - market rent – fee simple”.

1 Uniform Standards of Professional Appraisal Practice (USPAP) 2024 Edition, Pg. 22-24; Copywrite - the Appraisal Standards Board (ASB).

No extraordinary assumption or hypothetical conditions are included for either of the requested and concluded valuation scenarios.

APPRAISAL DATES

Report Date ..... November 3, 2025

Effective Date of Value Estimate ..... August 19, 2025

Date of final Subject property Inspection ..... August 19, 2025

Final Research Date ..... November 3, 2025

PROPERTY RIGHTS APPRAISED

The property rights appraised is fee simple.

The *fee simple estate* is defined as the absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.[1]

MARKET RENT

As defined in The Dictionary of Real Estate Appraisal - Market Rent is defined as the most probable rent that a property should bring in a competitive and open market reflecting the conditions and restrictions of a specified lease agreement, including the rental adjustment and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TIs). [2]

SCOPE OF WORK

In the appraisal of the subject property, the appraiser completed the following steps and analysis:

- Discussed with Mr. Bill Hamm the purpose and intended use as well as valuation premises and to be applied appraisal methodologies.
- Interviewed the subject client, regarding ownership, restrictions, and historical and prospective use. Reconciled the reported data within the context of this assignment estimates of market rent.
- Inspected the subject property and neighborhood on August 19, 2025. Meet onsite with Ms. Nicole Martinez, executive director of the Mesilla Valley Community of Hope (MVCH) who assisted in gaining access and conduction of the individual structure building inspections. Was provided access to all interior accessible and representative areas of the structures with the exclusion of occupied patient and pharmacy areas of the medical clinic. Walked exteriors of all structures as well as common areas of the MVCH. Discussed historical occupancy and use as well has maintenance and upkeep of the structures as well as planned future uses. Only ground level inspection completed with no roof level access conducted.
- Analyzed regional, city, neighborhood, site and improvement data.
- Studied the subject small area neighborhood relative to the sites zoning and extraction of the properties most probable highest and best use, both as is and as though vacant.
- Within the appraisal report the market rent estimate derived is limited to development of the observed most applicable valuation approaches, which as applied includes methodologies associated with the cost, sales comparison and income approaches to value. The analysis developed and applied was discussed with the client at the time of assignment engagement and considered suitable to the clients intended use and results in credible assignment results.
- Reconciled the results of this analysis to arrive at a final value estimate of the subject property's current market.

1 The Dictionary of Real Estate Appraisal 6th Edition, Appraisal Institute, 2015, pg. 90

2 The Dictionary of Real Estate Appraisal 6th Edition, Appraisal Institute, 2015, pg. 140

- Developed an "Appraisal Report" documenting the above process and data as well as opinions and conclusions reached.

COMPETENCY TO PERFORM

The appraiser involved in this assignment has experience appraising this property type and has been actively engaged in appraisal work for 30+ years in the geographical area of the subject property. All steps necessary to acquire adequate data on this area for similar properties have been taken, resulting in adequate knowledge of the property type and related market conditions to meet the competency requirements of 2025 edition of USPAP.

LEGAL DESCRIPTION

As extracted from active ownership documents, the host development tract containing the subject delineated 10.69-acre appraised portions, is legally identified by subdivision lot and block as two separate land parcels and identified as follows. Combined acreage of the two legal tracts is 12.35 acres = (11.35 + 1.0).

Lot 1, Las Cruces Community of Hope Subdivision

As filed January 11, 2000, in book 19, Page 361 of the plat records of the Dona Ana County Clerk – Instrument Number 2306979 – 11.35 Acres.

&

Lot 5B-1, Amador Tracts Replat No. 6

As filed April 20, 2018, in book 24, Page 299 of the plat records of the Dona Ana County Clerk – Instrument Number 1809405 – 1.0 Acres.

Please see the Preface to this report for a copy of the subject portions of the above identified host subdivision plats.

OWNERSHIP HISTORY

Ownership of each of the subject two legal lots is identified from fillings with the Dona Ana County Clerks records as the City of Las Cruces. Transferers of ownership are summarized as follows.

LOT 1 – LAS CRUCES COMMUNITY OF HOPE

The subject lot one is identified to have been assembled by the City of Las Cruces through multiple acquisitions with the sum of the acquisitions making up the host lands of the Mesilla Valley Community of Hope (MVCH) Subdivision. Ownership of record and instruments of ownership to include instrument numbers and dates of public record filing as extracted from the host subdivision plat is as follows.

OWNERS OF RECORD	INSTRUMENTS OF OWNERSHIP
CITY OF LAS CRUCES	WARRANTY DEED-INSTRUMENT #2127011, FILED AUGUST 23, 2021 WARRANTY DEED-INSTRUMENT #2018393, FILED JULY 31, 2020 QUITCLAIM DEED-INSTRUMENT #0238761, FILED DECEMBER 26, 2002 WARRANTY DEED-INSTRUMENT #0918139, FILED JUNE 30, 2009 WARRANTY DEED-INSTRUMENT #967050, FILED MARCH 28, 1996
RESOURCES FOR CHILDREN & YOUTH INC	WARRANTY DEED-INSTRUMENT #0823852, FIELD AUGUST 22, 2008

LOT 5B-1 – AMADOR TRACTS REPLAT NO. 6

The subject lot 5B-1 is identified to have been transferred to City of Las Cruces from Stone Masters of New Mexico, LLC, via warranty deed dated December 21, 2023, and recorded the same day under instrument 2326067 of the records of the Dona Ana County Clerk.

OCCUPANCY HISTORY

Since original partial obtainment in March of 1996 and subsequent assemblage through multiple acquisitions and development, the subject of this assignment as well as other non-subject portions, are commonly identified as the

Mesilla Valley Community of Hope (MVCH) and have remained under control by the City of Las Cruces. Individual structural improvements are occupied under undisclosed and assumed agreement with the city.

The Mesilla Valley Community of Hope (MVCH) is a nonprofit alliance based in Las Cruces, New Mexico, dedicated to serving individuals and families experiencing homelessness or at risk of it.

Within this assignment, no distinction is made between the City of Las Cruces, the MVCH, or individual parties associated with the nonprofit alliance.

MARKETING HISTORY

As of the effective date of value the property is not reported to be listed for sale or under negotiations or contract for purchase. Additionally, no listing or negotiations are reported or identified. Reported is development of a new lease agreement between the parties, to which this assignment is intended.

SECTION III

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal has been made subject to the following hypothetical condition(s):

- *None*

This appraisal has been made subject to the following extra ordinary assumption(s):

- *None*

This appraisal has been made subject to the following assumptions and limiting conditions:

- *The appraiser reserves the right to modify the contents of this appraisal and analysis, to include valuation conclusions, should additional information become available, which in the opinion of the appraiser warrants consideration.*
- *As of the writing of this report, impact on property use and values in the Las Cruces community – if any, from implementation of the newly developed RLS zoning code and ordinance is unknown. Therefore, for the purposes of this assignment implementation of the RLS is assumed non-detrimental to the subject relative to continued use and estimates of value arrived.*
- No responsibility is assumed for the legal description provided or for matter pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
- The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
- Responsible ownership and competent property management are assumed unless otherwise stated in this report.
- The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- All engineering studies are assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
- It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
- It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
- It is assumed that the property conforms to all applicable zoning and use regulations and restrictions have been compiled with, unless nonconformity has been stated, defined, and considered in this appraisal report.
- It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental, or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
- Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
- The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.

- The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
- It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.
- It is assumed that all the mechanicals in any building improvement such as, but not limited to, plumbing, electrical, heating system, air conditioning system, well and pump, and septic system are operable and sufficient to serve the property under appraisal unless otherwise informed.
- Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
- The distribution, if any, of the total valuation in this report between allocations for land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
- Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed and his assigns without the written consent of the appraiser, and in any event only in its entirety.
- Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.
- Opinions of value contained herein are estimates. There is no guarantee, written or implied, that the subject property will cost, sell for, or lease for, the indicated amounts.
- Mortgage financing, if any, is assumed to be available for the project. Assumptions in the valuation are based on conventional mortgage sources, terms, and conditions.
- The appraiser’s' duties, pursuant to his employment to make the appraisal, is complete upon delivery and acceptance of the appraisal report.
- Upon acceptance of this report, the Assumptions and Limiting Conditions set forth herein have been agreed to by the client and the appraiser.

SECTION IV

METROPOLITAN ANALYSIS

MARKET CONDITIONS SUMMARY

The subject property is located at the west portion of central Las Cruces and within the city's corporate boundaries. The subject economic environment is best represented by that of Doña Ana County and the City of Las Cruces. Las Cruces is the largest in Southern New Mexico and is the second most populous urban area in the state. The city encircles the intersection of Interstate 25 (north-south) and Interstate 10 (east-west).

The subject neighborhood is identified as N. Valley portions to the City and generally consists of agricultural and rural residential development uses.

POPULATION

The 2020 Census show New Mexico's population grew by 2.8% over the last decade, making it one of the slowest-growing states in the West. In the West, only Wyoming had a slower growth rate. New Mexico 2020 Census reported population was 2,106,981. Through the prior decade the population in New Mexico generally stagnated with an average annual growth rate of just 0.2%. This following rates of growth over the three prior decades of 1.3% (2010's), 2.0% (2000's) and 1.6% (1990). In recent years New Mexico has seen more people moving out of the state each year than moving into the state, known as negative net migration. In 2018, the Land of Enchantment had 3,509 more people move out than move in. However, that was the lowest net-migration loss since 2012, according to census statistics.

For Dona Ana County, equal to the boundaries of the Las Cruces MSA, population was reported in the newly released 2020 Population Census at 218,971. While the Las Cruces MSA exceeded the State average the prior decade population was curtailed at an average annual growth rate of just 0.5%. This following annual average rates of growth over the three prior decades of 2.0% (2010's), 2.9% (2000's) and 4.1% (1990).

HISTORICAL NEW MEXICO AND LAS CRUCES (MSA) POPULATION (DECADES)

	Census Year				
County	**1980**	**1990**	**2000**	**2010**	**2020**
New Mexico	1,303,445	1,515,069	1,819,046	2,059,179	2,106,981
Ave. Annual Growth	1.6%	2.0%	1.3%	0.2%	
Dona Ana County	96,340	135,510	174,682	209,233	218,971
Ave. Annual Growth	4.1%	2.9%	2.0%	0.5%	

US Census Data as compiled by Brooks Real Estate Services

Population growth rates for New Mexico and Dona Ana County as reported by the UNM - Geospatial and Population Studies are summarized in the following table. The estimates for both the State of New Mexico and the Las Cruces MSA tend to follow prior decade historical trends with further slight decreases generally expected.

PROJECTED NEW MEXICO AND LAS CRUCES (MSA) POPULATION (DECADES)

	July 2010	**July 2020**	**2025**	**2030**	**2035**	**2040**
New Mexico	2,065,194	2,106,981	2,125,258	2,136,414	2,138,099	2,132,755
Ave. Annual Growth	0.20%	0.17%	0.10%	0.02%	-0.05%	
Dona Ana County	209,941	218,971	223,282	226,879	229,484	231,331
Ave. Annual Growth	0.43%	0.39%	0.32%	0.23%	0.16%	

University of New Mexico - Geospatial and Population Studies
https://gps.unm.edu/pru/projections

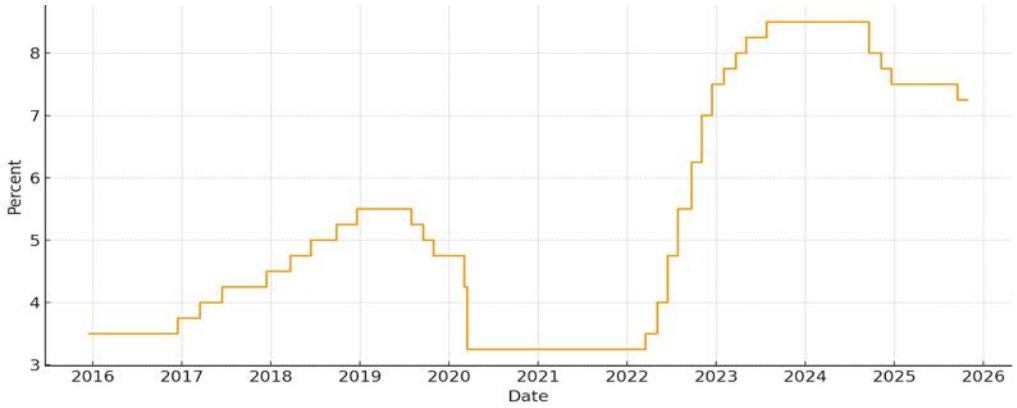
The states declining population growth is observed to reflect declines in birth rates as well as outward migration. Between 2010 and 2019 nearly 60,000 people are projected to have moved out of New Mexico with the neighboring states of Texas, Arizona, Nevada and Oklahoma being the preferred destinations. Relative to surrounding states New Mexico is suffering from a relatively weak economy compounded by poor national rankings in education, health

and safety. State lawmakers and economic development officials are working to attract new employers and shore-up the working-age population with subsidies and tax incentives for businesses.

National Monetary Policy

The following graphic illustrates the prime lending rate or bank rate as tabulated by the Wall Street Journal. Rates peeked over the 10-year period in mid-2023 followed by three cuts in 2024 totaling 750 basis points and one cut in 2025 totaling 250 basis points. The current October 2025 rate is 7.25%

Prime Lending Rate – Ten Years by Quarters



In 2025, U.S. national monetary policy centered on the Federal Reserve's cautious shift from a restrictive stance toward gradual easing as inflation moderated but remained above its 2% target. The Fed cut the federal funds rate to around 4.0–4.25 % in September 2025—the first reduction since 2023—signaling the start of a measured easing cycle aimed at supporting slowing economic growth and guarding against labor-market weakness. Policymakers reaffirmed their dual mandate of price stability and maximum employment while emphasizing data-driven flexibility and vigilance against unanchored inflation expectations. The Fed's updated policy framework also highlighted readiness to use broader tools, such as balance-sheet and liquidity measures, if economic or financial conditions warrant.

The Fed has signaled between two- and three-quarter rate cuts in 2025 as inflationary fears have cooled together with cooling on inflationary impacts from recent tariffs in 2025. The rate cuts are viewed as a positive signal to housing starts which have slowed in recent years due to the periods relatively high mortgage rates.

Income

The next table lists per capita income to include National, Southwest and Rocky Mountain States and New Mexico Metropolitan Statistical Areas (MSA's). Per capita personal income is total personal income divided by total midyear population.

In 2022, New Mexico had a per capita personal income (PCPI) of $52,194. This PCPI ranked 46th in the United States and was 79.7 percent of the national average, $65,470. The 2022 PCPI reflected an increase of 2.1 percent from 2021. The 2021–2022 national change was 1.6 percent. In 2012, the PCPI of New Mexico was $35,695 and ranked 44th in the United States. The 2012–2022 compound annual growth rate of PCPI was 3.9 percent. The compound annual growth rate for the nation was 4 percent.

Dona Ana County, location of the Las Cruces MSA in 2022, Las Cruces, NM (MSA) had a per capita personal income (PCPI) of $45,361. This PCPI ranked 353rd in the United States and was 69.3 percent of the national average, $65,470. The 2022 PCPI reflected a decrease of 0.6 percent from 2021. The 2021–2022 national change was 1.6 percent. In 2012, the PCPI of Las Cruces, NM (MSA) was $31,228 and ranked 360th in the United States. The 2012–2022 compound annual growth rate of PCPI was 3.8 percent. The compound annual growth rate for the nation was 4 percent.

PER CAPITA INCOME - NATIONAL – REGIONAL – STATE OF NM AND NM MSA DATA

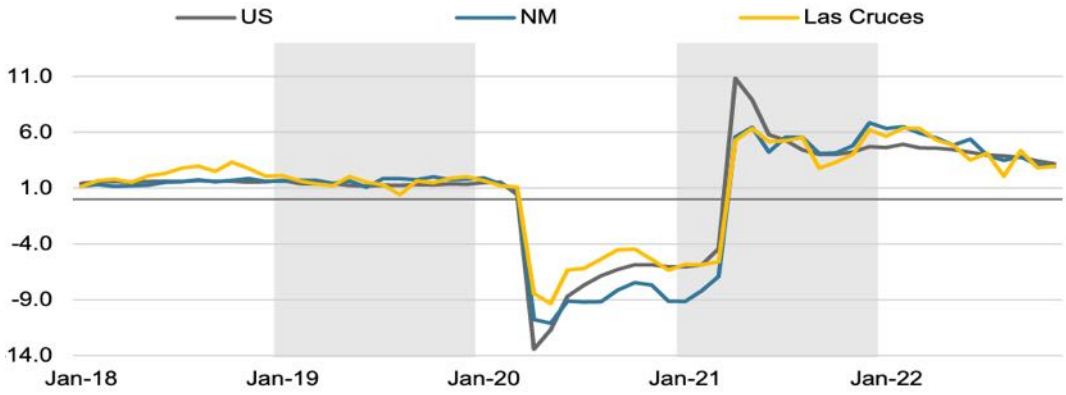
	2022	% Δ 2020-2021	2021	% Δ 2020-2021	2020	% Δ 2019-2020	2019	% Δ 2018-2019	2018	% Δ 2017-2018	2017	% Δ 2016-2017	2016	% Δ 2015-2016
US. Average	**65,470**	3.2%	**63,444**	**7.0%**	**59,003**	4.4%	**56,490**	**3.5%**	**54,606**	**4.8%**	**52,118**	4.5%	$49,883	3.7%
US. MSA Average					$59,510	1.5%	$58,650	3.4%	56,711	4.8%	54,104	8.5%	$49,870	0.1%
Southwestern States														
Arizona	58,442	3.6%	56,411	15.2%	48,950	6.3%	46,058	3.3%	44,597	4.7%	42,590	5.3%	40,456	3.3%
New Mexico	**52,194**	**2.1%**	**51,120**	**11.6%**	**45,803**	**5.7%**	**43,326**	**4.0%**	**41,670**	***4.8%***	**39,747**	***2.5%***	**38,793**	***2.3%***
Oklahoma	56,298	2.1%	55,140	12.0%	49,249	4.0%	47,341	3.3%	45,843	4.7%	43,794	4.2%	42,047	-7.7%
Texas	62,586	3.4%	60,528	10.4%	54,841	3.8%	52,813	3.3%	51,136	5.7%	48,394	5.0%	46,092	0.3%
Rocky Mountain States														
Idaho	56,614	4.6%	54,124	11.3%	48,616	5.8%	45,968	3.2%	44,554	5.4%	42,268	4.5%	40,438	5.3%
Montana	60,984	4.5%	58,357	9.4%	53,329	7.2%	49,747	3.2%	48,194	4.3%	46,199	5.1%	43,951	5.1%
Utah	59,457	4.2%	57,060	9.2%	52,251	6.8%	48,939	4.1%	47,008	6.4%	44,178	4.7%	42,203	7.4%
Wyoming	73,248	3.9%	70,498	11.4%	63,263	1.7%	62,189	2.5%	60,689	7.4%	56,524	1.8%	55,511	-1.0%
New Mexico Metropolitan Statistical Area (MSA) Figures														
Albuquerque, NM	53,954	1.9%	52,948	11.6%	47,442	7.9%	43,986	3.6%	42,469	3.8%	40,912	1.6%	40,287	4.5%
Las Cruces, NM	45,361	0.6%	45,090	12.1%	40,218	6.5%	37,756	4.3%	36,192	3.0%	35,144	1.8%	34,516	7.1%
Farmington, NM	43,489	1.1%	43,015	12.1%	38,370	6.6%	35,999	2.0%	35,278	3.7%	34,006	2.8%	33,070	-12.5%
Santa Fe, NM	65,470	2.5%	63,873	1.4%	63,004	4.5%	60,276	2.7%	58,696	6.6%	55,063	1.2%	54,386	7.3%
New Mexico Southern County Figures														
Luna County	37,413	-3.6%	38,810	2.1%	38,022	12.1%	33,927	5.2%	32,257	5.9%	30,471	0.3%	30,376	1.7%
Grant County	**51,917**	6.4%	**48,794**	7.1%	**45,561**	**6.1%**	**42,959**	**4.2%**	**41,216**	**6.7%**	**38,612**	**2.5%**	**37,658**	**5.1%**
Sierra County	48,636	-0.1%	48,665	2.7%	47,388	12.1%	42,255	6.8%	39,547	4.8%	37,743	3.4%	36,503	2.0%
Otero County	41,853	-0.3%	41,979	8.3%	38,779	8.1%	35,889	2.8%	34,905	3.9%	33,605	1.2%	33,205	-2.5%
Lincoln County	50,253	0.7%	49,904	11.6%	44,732	4.3%	42,900	4.3%	41,130	2.9%	39,963	-0.7%	40,250	1.7%
Chavez County	47,792	2.5%	46,626	6.9%	43,615	4.5%	41,746	5.7%	39,477	3.5%	38,140	4.5%	36,514	0.1%
Eddy County	67,457	4.0%	64,863	4.0%	62,356	4.5%	59,661	8.6%	54,956	14.3%	48,074	2.5%	46,900	-12.5%
Lea County	52,825	10.7%	47,719	1.1%	47,215	-3.7%	49,039	3.8%	47,230	17.6%	40,171	7.0%	37,544	7.3%

Source: US Bureau of Econom - BearFacts

EMPLOYMENT

The following figure illustrates year over year national, state of New Mexico and Las Cruces growth rates in employment.

US - NEW MEXICO - LAS CRUCES MSA - PERCENTAGE CHANGE IN EMPLOYMENT



National - The national unemployment rate in November was 3.7 percent, unchanged from October and down from 4.2 percent last year.

State of New Mexico – New Mexico's seasonally adjusted unemployment rate (based on the Current Population Survey, also known as the household survey) was 4.1 percent in November 2022, down from 4.3 percent in October 2022 and down from 6.0 percent in November 2021.

Over the year, New Mexico's total nonagricultural employment increased by 24,500 jobs, or 2.9 percent. Most of these gains were in the private sector, which was up 21,300 jobs, or 3.2 percent. The public sector was up 3,200 jobs, or 1.7 percent. Six of the nine major private industry sectors reported employment increases over the year.

Dona Ana County - Las Cruces MSA - The Las Cruces MSA total nonfarm employment was up 2,200 jobs, or 2.9

percent. The following private sector industries reported growth: education and health services (up 600 jobs, or 3.6 percent); leisure and hospitality (up 500 jobs, or 5.9 percent; mining and construction (up 200 jobs, or 5.3 percent); information (up 100 jobs, or 20.0 percent); manufacturing (up 100 jobs, or 3.3 percent); and professional and business services (up 100 jobs, or 1.4 percent). Trade, transportation, and utilities was down 200 jobs, or 1.7 percent, and financial activities was down 100 jobs, or 4.3 percent. In the public sector, local government was up 800 jobs, or 8.6 percent; federal government was up 100 jobs, or 2.9 percent; and state government employment was unchanged from the previous year's level.

STATE ECONOMY

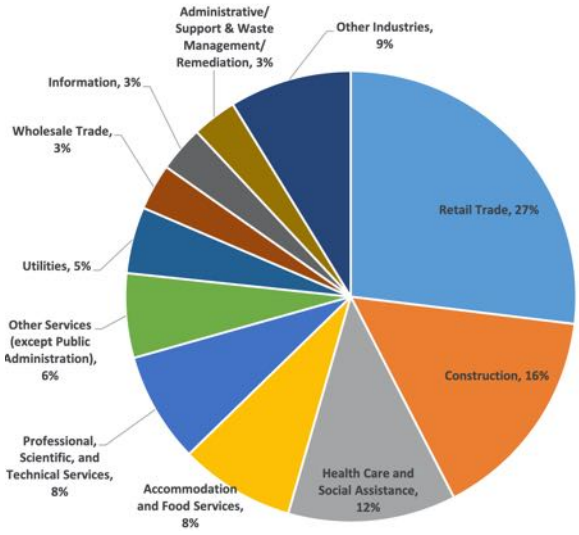
Matched Taxable Gross Receipts (MTGR) are the best tax data available to show underlying economic activity. The data collection process matches a tax payment with reported receipts for each taxpayer by industry.

In the first quarter of FY24, 28 of 33 New Mexico counties saw year-over-year economic growth, with 9.1% growth statewide in matched taxable gross receipts (MTGR). State gross receipts increased from the fourth quarter of FY23, bringing it to the highest ever quarterly total in MTGR for the state of

Doña Ana County's matched taxable gross receipts (MTGR) increased by nearly $60M, or 4.3%, from Q4 FY23 to Q1 FY24, as seen in Chart 1. The amount reported during Q1 FY24 ($1.48B) was $40M larger than the eight-quarter average ($1.44M). As seen in the following chart the largest industry as a percentage of MTGR was the retail trade industry, which accounted for 27% of the total MTGR during Q1 FY24. Last quarter, the industry accounted for 29%.

The following figure summarizes 1st Quarter 2024 Gross Receipts by Industry. Of the twenty-one industry classifications thirteen had levels of growth with eight showing decline.

2024 - 1ST QUARTER GROSS RECEIPTS BY INDUSTRY



SOURCES: NEW MEXICO TAXATION AND REVENUE DEPT, NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS, U.S. BUREAU OF LABOR STATISTICS, U.S. BUREAU OF ECONOMIC ANALYSIS AND ECONOMIC DEVELOPMENT DEPARTMENT CALCULATIONS.

The data is further illustrated in the following table showing New Mexico Gross Receipts by Industry. Noted is the annual increase of 76% Mining, Quarrying, and Oil and Gas Extraction.

TAXABLE GROSS RECEIPTS - Q1 NEW MEXICO INDUSTRIES

Industries	FY23 - Q1	FY24 - Q1	Growth	Year over year Change
Accommodation and Food Services	$ 116,310,443	$ 121,975,619	$ 5,665,176	5%
Administrative/Support & Waste Management/Remediation	$ 36,490,188	$ 47,350,986	$ 10,860,798	30%
Agriculture, Forestry, Fishing, and Hunting	$ (2,342,257)	$ 6,340,619	*	*
Arts, Entertainment, and Recreation	$ 7,671,590	$ 8,517,107	$ 845,516	11%
Construction	$ 187,741,364	$ 229,212,564	$ 41,471,201	22%
Educational Services	$ 14,545,340	$ 15,685,547	$ 1,140,207	8%
Finance and Insurance	$ 8,898,466	$ 10,084,159	$ 1,185,693	13%
Health Care and Social Assistance	$ 184,294,552	$ 178,083,412	$ (6,211,140)	-3%
Information	$ 42,824,417	$ 48,549,048	$ 5,724,631	13%
Management of Companies and Enterprises	$ 729,430	$ 496,007	$ (233,423)	-32%
Manufacturing	$ 29,159,536	$ 30,845,781	$ 1,686,245	6%
Mining, Quarrying, and Oil and Gas Extraction	$ 1,318,144	$ 2,319,256	$ 1,001,111	76%
Other Services (except Public Administration)	$ 87,097,875	$ 89,437,031	$ 2,339,156	3%
Professional, Scientific, and Technical Services	$ 128,249,737	$ 116,745,298	$ (11,504,439)	-9%
Public Administration	$ 19,809	$ -	$ (19,809)	-100%
Real Estate and Rental and Leasing	$ 28,878,600	$ 27,268,334	$ (1,610,265)	-6%
Retail Trade	$ 375,102,181	$ 398,137,750	$ 23,035,569	6%
Transportation and Warehousing	$ 8,609,073	$ 5,772,135	$ (2,836,938)	-33%
Unclassified Establishments	$ 35,591,678	$ 22,199,766	$ (13,391,911)	-38%
Utilities	$ 79,542,252	$ 70,416,649	$ (9,125,602)	-11%
Wholesale Trade	$ 47,482,670	$ 49,000,996	$ 1,518,326	3%
All Industries	**$ 1,423,149,473**	**$ 1,481,591,524**	**$ 58,442,051**	**4%**

NEW MEXICO OIL AND GAS

The Permian is the leading oil field in the United State and one of the premier oil basins in the world. The basin is currently producing over 6 Mbpd (million barrels per day). The Delaware basin, the western portion of the Permian located in New Mexico and West Texas, pulls up crude oil worth at the wellhead of over $2billion per month for New Mexico operators.

The latest projection is that crude oil from the Permian will increase 8% in 2024. Levels of oil production in the U.S. that will approach 14 Mbpd by 2025 according to EIA—the highest oil production in the world.

The oil and gas revenues are determined by oil production level and the price of a barrel of oil. In New Mexico, oil production rose from 817,000 bpd in FY19 to an estimated 1,876,000 bpd in FY24. A $1 increase in the price of a barrel over the course of a year implies an uplift of about $60 million in annual statewide revenue.

DONA ANA COUNTY ECONOMY

The following table summarizes gross receipts from the state of New Mexico and the Las Cruces MSA – Dona Ana County. For the years studied statewide gross receipts reached an all-time high in 2023. The highest annual rate of change was in 2019. Statewide figures are greatly influenced by collections from New Mexico Oil and Gas industries.

Dona Ana County Gross Receipts in recent years have trended with statewide figures with 2023 representing the highest level on record. For 2023 gross receipts were up 13% which was preceded by prior years increases of 9% and 8% respectively. Lower levels of increase in recent years between state and local figures are observed impacted again my oil and gas figures contained in the Statewide numbers. As observed the local figures are influenced by levels of new construction which will be reported later in this Metropolitan Analysis. Also observed to impact levels of increase in recent years are observed levels of inflation as observed from consumer price index (CPI) reporting.

At present, the economy also includes a growing manufacturing segment, a retail and medical services hub, New Mexico State University (second largest university in the state), and a scientific community involved in development in such areas as telecommunications, bioengineering, and defense. Las Cruces, as part of the Rio Grande Research Corridor, has high tech facilities located at NASA's Johnson Space Center, White Sands Test Facility,

White Sands Missile Range, the Physical Science Laboratory, and Centers of Technological Excellence at New Mexico State University. Doña Ana County remains one of New Mexico's most important agricultural centers in the State of New Mexico, combining a mix of high-value crop production, large areas of irrigated land, and a growing livestock sector. According to the 2022 Census of Agriculture, the county reported 1,990 farms operating across 713,474 acres, representing a 2 percent increase in farm numbers and a substantial 35 percent increase in land in farms compared to 2017. The average farm size expanded to 359 acres, reflecting both the consolidation of larger holdings and the retention of many small-acreage operations.

GROSS RECEIPTS - NEW MEXICO AND LAS CRUCES MSA (DONA ANA COUNTY)

Year	New Mexico	% Δ	Dona Ana Las Cruces MSA	% Δ
2013	$ 107,068,248		$ 7,654,224	
2014	$ 109,458,440	2%	$ 7,155,446	-7%
2015	$ 106,229,575	-3%	$ 7,358,901	3%
2016	$ 97,151,637	-9%	$ 7,250,954	-1%
2017	$ 109,040,107	12%	$ 7,828,212	8%
2018	$ 123,237,758	13%	$ 9,000,099	15%
2019	$ 147,403,216	20%	$ 9,292,811	3%
2020	$ 140,082,711	-5%	$ 9,543,405	3%
2021	$ 147,496,365	5%	$ 10,283,353	8%
2022	$ 165,960,121	13%	$ 11,168,369	9%
2023	$ 189,538,566	14%	$ 12,673,121	13%

Figures in ,000's of dollars

https://www.tax.newmexico.gov/all-nm-taxes/

AGRICULTURE

Historically, the economy Las Cruces and Dona Ana County has been tied to agriculture. The majority of farmland in the county is classified as pastureland, with over 612,000 acres used for grazing and ranching. Cropland accounts for about 80,000 acres, much of which is devoted to irrigated production. The county reports nearly 62,928 acres of irrigated farmland, a vital feature in this desert region, supporting high-value crops such as pecans, chile, onions, cotton, and vegetables. The remainder of farmland includes woodland and other uses totaling just over 21,000 acres.

Agriculture generated approximately $320.6 million in sales during 2022, down about 13 percent from 2017 but still ranking Doña Ana among the top counties in New Mexico. Of this total, crops accounted for 71 percent and livestock for 29 percent. Net cash farm income rose modestly to $88.5 million, while government payments to producers surged to $6.9 million, reflecting increases in support programs and disaster assistance.

Through the previous 10-years the agricultural base of the area has suffered from regional drought conditions. The result of the drought is a decrease in available surface water flows of the Rio Grande River, which in average to good years supplied the majority of irrigation to area farms. With the drought, farms are forced to rely on ground water pumping which increased fuel and resulting production costs and negatively impacted profitability. Further, many farmers have reduced acreage under production thereby decreasing yields and the impact of agriculture to the area. The state is currently involved in a lawsuit brought by the state of Texas which seeks compensation for stated negative impact to surface water flows of the Rio Grande as a result of saturation caused by high levels of ground water pumping.

DONA ANA COUNTY / CHIHUAHUA MEXICO BORDER COMMERCE

Located at the southern boundary of Dona Ana County is the border with border state of Chihuahua Mexico. Northbound border traffic reached an all-time high in 2020 with 141,000 crossings last year at Santa Teresa. Total imports and exports passing through the border-crossing reached $24 billion in 2020, up from $13.7 billion in 2010. As a result, Santa Teresa now ranks as the sixth biggest land port for merchandise trade among 48 existing border crossings along the U.S.-Mexico border.

Impacting many sectors of the economy are commodity, materials and component shortfalls and related impacted inflation that are hampering the recovery to include construction and manufacturing sectors. Also impacting the historically high levels inflation were massive levels of Government Stimulus Spending and now continued levels of government spending which led to high levels inflationary conditions resulting from increases to the money supply and national debt seen as driving forces.

HOUSING

NEW CONSTRUCTION

Residential Construction**:** Within the city of Las Cruces total site built single-family residential construction permits in 2024 totaled 648 units which was up from 568 units in 2023, and below 697 units in 2022, 906 units in 2021, and 767 units in 2020. The 2024 monthly average permits were 54 units which is up from 47.3 units in 2023.

Through September 2025 there have been 471 single family residential building permits issued yielding an average monthly rate for the year of 52 units, or 2 units under 2024 average monthly figures.

New multi-family construction is on an upward trend with multiple new complexes under planning and construction. These units tend to be large scale developments with complementary amenities and include traditional family as well as senior designated projects.

Commercial Construction**:** Within the city of Las Cruces, 2024 commercial building permits totaled approximately 197.3 million. Average permit value of the 129 Las Cruces commercial permits in was $1,529,490. The majority of new commercial and residential construction continues to be located on the city's east side and principally within the city's northeast quadrant.

The 2024 figures exceed 2023 commercial building permits totaling approximately $86.5 million. Average permit value of the 137 Las Cruces commercial permits in was $631,274.

Through February 2025 there have been 17 commercial building permits issued with a combined project valuation of $38.3 million and an average permit value of $2,253,979.

LAS CRUCES MULTIPLE LISTING HOUSING SALES

The following table contains current and historical site built residential sale and listing data as extracted from the Las Cruces Association of Realtors and BRES calculations. Included are end of year sales and listing data dating from 2015 to 2024. Areas included are limited to those areas of the systems search criteria located in Dona Ana County. Residential property types excluded from the single family researched data include manufactured and modular homes.

For 2024 a total of 1,793 new and existing homes, townhomes and condominiums were sold representing a decline from 2023 sales figures by 2%. Average and median sales prices for the year were $349,569 and $324,000, which represent increases above 2023 figures of 7% and 1% respectively. Average days on market was 54 days, which while still brisk is the highest marketing term realized since 2019.

New-home sales were responsible for 367 of the 2024 closings and carried average and median sales price of $383,988 and $349,950, with the average sales price for new homes near equal to 2023 and a modest median price increase of 2%. Average days on market was 79 days, the highest since 2017. MLS reported new home sales are less than half of all permits issued with non-MLS sales representing direct home builder sales and custom home constriction.

Year to date through September 2025 a total of 1,054 new and existing homes, townhomes and condominiums were sold representing a decline from 2024 average sales volume of 21.62%. Average and median sales prices for the year were $349,569 and $324,000, which represent increases above 2023 figures of 4.9% and 0.23% respectively. Average days on market was 64 days, which while still brisk is the highest marketing term realized since 2019.

LAS CRUCES MULTIPLE LISTING SERVICE SALES AND LISTING DATA

Residential Sales - All Site Built	2024 Sales	2023 Sales	2022 Sales	2021 Sales	2020 Sales	2019 Sales	2018 Sales	2017 Sales	2016 Sales	2015 Sales
Number of Sales - All	1,793	1,830	2,318	2,441	2,285	2,090	1,279	1,764	1,667	1,468
Annual Change	-2%	-21%	-5%	7%	9%	63%	-27%	6%	14%	6%
Average Price	$ 349,569	$ 325,568	$ 312,347	$ 285,556	$ 243,564	$ 213,280	$ 183,281	$ 194,908	$ 179,477	$ 180,746
Annual Change	7%	4%	9%	17%	14%	16%	-6%	9%	-1%	2%
Median Price	$ 324,000	$ 293,000	$ 279,900	$ 255,000	$ 210,000	$ 188,000	$ 183,000	$ 170,000	$ 159,900	$ 159,255
Annual Change	11%	5%	10%	21%	12%	3%	8%	6%	0%	4%
Days on Market	54	37	24	24	49	72	77	82	97	112
Annual Change	46%	54%	0%	-51%	-32%	-6%	-6%	-15%	-13%	-3%

Source: Las Cruces Association of Realtors as assembled by Brooks Real Estate Services

Residential Sales - Site Built Detached Single Family - New (<1 yr. and presales)	2024 Sales	2023 Sales	2022 Sales	2021 Sales	2020 Sales	2019 Sales	2018 Sales	2017 Sales	2016 Sales	2015 Sales
Number of Sales - New	367	303	351	343	297	320	322	274	206	181
Annual Change	21%	-14%	2%	15%	-7%	-1%	18%	33%	14%	28%
Average Price	$ 383,988	$ 383,105	$ 305,959	$ 308,290	$ 271,309	$ 240,198	$ 224,989	$ 217,461	$ 203,425	$ 214,558
Annual Change	0%	25%	-1%	14%	13%	7%	3%	7%	-5%	6%
Median Price	$ 349,950	$ 343,425	$ 283,000	$ 285,905	$ 253,940	$ 216,000	$ 211,950	$ 201,227	$ 192,250	$ 207,500
Annual Change	2%	21%	-1%	13%	18%	2%	5%	5%	-7%	10%
Home Size (Sq.Ft.)	1,987	2,013	2,032	2,040	1,983	1,940	1,807	1,857	1,807	1,905
Annual Change	-1%	-1%	0%	3%	2%	7%	-3%	3%	-5%	1%
Average Sales Price (Sq.Ft.)	$ 193.25	$ 190.32	$ 150.57	$ 151.12	$ 136.82	$ 123.81	$ 124.51	$ 117.10	$ 112.58	$ 112.63
Annual Change	2%	26%	0%	10%	11%	-1%	6%	4%	0%	4%
Days on Market	79	56	23	22	57	73	67	81	99	125
Annual Change	41%	143%	5%	-61%	-22%	9%	-17%	-18%	-21%	-19%

Source: Las Cruces Association of Realtors as assembled by Brooks Real Estate Services

Residential Listings - All Site Built	2024 Listings	2023 Listings	2022 Listings	2021 Listings	2020 Listings	2019 Listings	2018 Listings	2017 Listings	2016 Listings	2015 Listings
End of Year Totals										
Number of Listings	548	349	128	273	230	608	806	638	774	875
Annual Change	57%	173%	-53%	19%	-62%	-25%	26%	-18%	-12%	-12%
Average Price	$ 449,244	$ 432,661	$ 388,706	$ 421,626	$ 397,652	$ 307,565	$ 265,509	$ 274,000	$ 261,375	$ 247,542
Annual Change	4%	11%	-8%	6%	29%	16%	-3%	5%	6%	3%

Source: Las Cruces Association of Realtors as assembled by Brooks Real Estate Services

As of October 18, 2025, there were 607 active site-built listings representing an approximate 5.2-month supply based on year-to-date average monthly sales volume. Days on market of the listings is 87 days.

As previously discussed, recent increases in lending rates are reported as being most impactful to first time home buyers. Rates are also restricting sales of existing homes as property owners are retaining their existing homes and pre-existing lower typical mortgage rates.

Increasing mortgage rates and construction costs are positively impacting the residential rental market with increased demand resulting in high levels of recent rent appreciation.

Given the constraints observed relative to owner available housing, multifamily occupancy rates for newer modern complexes are observed to reflective frictional occupancy with rates ranging from 95 - 100%. While somewhat higher older yet well managed complexes occupancy rates are in excess of 90%.

SCHOOLS

Schools within neighborhood fall within the jurisdiction of the Las Cruces Public School District.

LAS CRUCES PUBLIC SCHOOLS – LCPS

Annual enrollment, change, and percentage change is displayed in the following table. To include public and charter school enrollment figures for the current 2023-2024 school year totaled 23,882 students, a decrease below prior year enrollment of 3.2%. As reported by Las Cruces Public Schools, recent years new school construction in the northeastern part of the city reflects the continued push of residential development in the area. As evidenced from the figures public school enrollment is near flat with increases observed to be within the communities seven charter schools.

LAS CRUCES PUBLIC SCHOOL ENROLLMENTS

Fiscal Year	Public School	Charter School	Total	% Change
2016 - 2017	24,965	159	25,124	0.64%
2017 - 2018	25,174	162	25,336	0.84%
2018 - 2019	24,857	166	25,023	-1.24%
2019 - 2020	24,605	183	24,788	-0.94%
2020 - 2021	23,832	293	24,125	-2.67%
2021 - 2022	23,891	379	24,270	0.60%
2022 - 2023	23,759	906	24,665	1.63%
2023-2024	23,051	831	23,882	-3.17%

Source: NM Department of Education

NEW MEXICO STATE UNIVERSITY

Located in Las Cruces is New Mexico State University. Enrollment figures for both the NMSU main campus and Dona Ana Branch Community College are contained in the following table. Fall 2023 enrollment figures continued a trend of declining enrollments with main campus students 7.7% and Dona Ana Branch reporting an increase of 4.8%. Spring 2024 enrollment figures are up at both main campus and DACC by 4.1% and 6.2% respectively.

NEW MEXICO STATE UNIVERSITY ENROLLMENTS

Year (Fall)	Main Campus	% Change	Dona Ana Branch	% Change
2020	14,221	-0.52%	7,105	-13.07%
2021	13,904	-2.23%	6,534	-8.04%
2022	14,268	2.62%	5,409	-17.22%
2023	13,168	-7.71%	5,666	4.75%
2024	13,708	4.10%	6,016	6.18%

Dona Ana Branch enrollment includes all Dona Ana County branch campuses locations

Source: NMSU and DACC Data

The large number of students living off campus makes up a vital part of the local rental housing market. In the recent year multiple older university dormitories have been raised and replaced with more modern apartment styled units to include kitchen facilities. New for the 2017 fall semester were required on-site housing for all incoming freshmen. Wavers for Las Cruces area resident / students are reported to be available. The mandatory on campus residency for freshman was created in an attempt to better orient incoming freshman with campus life as well as educational resources all in an effort to increase retention and improve graduation rates.

New Mexico State University represents a major economic impact to the community as well as providing quality educational choices to area residents.

UTILITIES

Public facilities are available to all Las Cruces and Mesilla residents as well as many properties located within the County's unincorporated portions.

TRANSPORTATION

Transportation in and out of Las Cruces is good with Interstate-25 and Interstate-10 at its center. The city is also served by several U.S. highways as well as numerous state highways. Public transportation is available to many areas of the city to include the subject neighborhood. National carrier air travel is limited to services provided by the El Paso International Airport located less than an hour from Las Cruces.

MEDICAL FACILITIES

Located in Las Cruces are three regional hospitals to include Mountain View Hospital, Memorial Medical Center, and Three Crosses. Las Cruces serves as the regional health care provider to many south-central New Mexico residents. Excluded from this are Level I Trauma services with University Medical Center of El Paso located in El Paso TX and 40 miles south of Las Cruces providing services.

Three-Crosses Medical Center opened in the fourth quarter of 2020 and consists of a 78,000 SF - 36 patient bed, 10 intensive care unit beds, 10 post-op and 10 pre-op beds, 10-bed emergency room and four surgical suites hospital. The original $120 million facility provides a full range of services including emergency room, surgical suites, cardiac catheterization, radiology services, laboratory, and pharmacy. Further additions to the facility are in planning and include family medical facility and urgent care as well as continued expansion of specialization services. Many of the communities more established physicians have located to Three Crosses which is negatively impacting the community's two preexisting hospitals.

SECTION V

NEIGHBORHOOD ANALYSIS

Social, economic, governmental, and environmental forces influence property values in the vicinity of a subject property, which, in turn, directly affect the value of the subject property itself. Therefore, it is necessary to delineate the boundaries of the area of influence to conduct a thorough analysis. These boundaries are identified by determining the area within which the forces affect all surrounding properties in the same way they affect the property being appraised. Although physical boundaries may be drawn, the significant boundaries are those that fix the limits of influences on property values. By coincidence, these limits may be physically observable. The area of influence is commonly called a neighborhood. A neighborhood is a group of complementary land uses. A residential neighborhood, for example, may contain single- family homes and commercial properties that provide services for local residents.

IDENTIFICATION OF THE AREA

The subject neighborhood is centrally located in the community and characterized as a developed mixed-use district to include commercial office, retail, industrial, and public institutional uses. The northern boundary of the district is Picacho Ave., the southern boundary Boutz Ave., the western boundary is Motel Blvd., with the eastern boundary being Main Street.

USE PATTERNS

Use patterns of the neighborhood is best identified by multiple sub-neighborhoods to include 1) Motel Blvd., 2) W. Amador, 3) N. Valley Dr., 4) S. Valley Dr., 5) Avenida de Mesilla, and 6) the city's Main Street neighborhood.

The Motel Blvd. portion is best identified by the 26-acre tract by Dona Ana County for use as the location of many of the Counties departments including Assessor, Treasurer, Clerk, Mapping, Developmental Services, Sheriff's Department and County Management. Multiple State agencies are also located in the area.

The W. Amador portion is best identified by the industrial development improvements located off W. Amador, Westgate, 17th St., Copper Lp., and Hadley Street. The area possesses the highest concentration of industrial improvements in the city.

The Valley drive portion is centered at the intersection of S. Valley Dr. and Avenida de Mesilla. Valley Dr. improvements located north of Avenida de Mesilla are characterized by a high level of automobile and mobile home sales businesses. Currently under development is a Toyota dealership that represents a relocation from the existing location on S. Valley Drive.

Valley Dr. improvements located south of Avenida de Mesilla are characterized by the location of the cities western most and 2003 developed Walmart Supper Center. As is typical with properties surrounding a supper Wal-Mart the area possesses a high level of national retailers to include outparcels of Wal-Mart and surrounding lands. As of the effective date of value all pad sites to the development have been sold by Wal-Mart with four of the five out-parcels receiving vertical improvements. Valley Dr. is the principle point of access to the development with secondary access gained from Hickory Rd. to the west.

Located on Avenida de Mesilla is the highest concentration of motels in the city with access provided from I-10 and serving as the gateway to the historic community of Mesilla, NM.

Located east of the subject is the central business district (CBD) of Las Cruces. The neighborhood is undergoing a level gentrification to include public and private investment. Also located in the district are residential neighborhoods typical to the cities original town site to include portions of the Alameda and Mesquite historic districts. Results of the new development are showing modest impacts to the neighborhood.

Non-residential developed portions of the subject's neighborhood are approximately 30% commercial retail, 15% hospitality, 10% office, 10% public institutions, 20% light industrial, 5% heavy industrial and 10% mobile home development. The neighborhood is approximately 75% developed.

ACCESS NETWORK

Transportation in and out of Las Cruces is good with Interstate-25 and Interstate-10 at its center. The city is also served by several U.S. highways as well as numerous state highways. Passenger bus service and railroad freight services is available within the city. Passenger rail and commercial air service is available to area residents from El Paso to the south. City mass transit service is available to many areas of the city including the subject neighborhood.

The overall accessibility of the subject neighborhood is good. From south to north the neighborhood is accessed from central Las Cruces via Boutz Rd., Avenida de Mesilla, Amador Ave. and Picacho Boulevard. From west to east neighborhood arterials include Motel Blvd., Valley Dr. and Main Street. The Las Cruces CBD lies approximately 0.75 miles east of the subject. The area is bordered on the west by I-10 with access located 0.8 miles west via Amador Ave. and Motel Boulevard.

ECONOMIC DEMOGRAPHIC INFLUENCES

As illustrated in the following map, per the 2020 Census, the subject site is located at the northwest boundary of Census Tract (CT) 6.0 and adjacent to the southern boundary of CT 5.0.

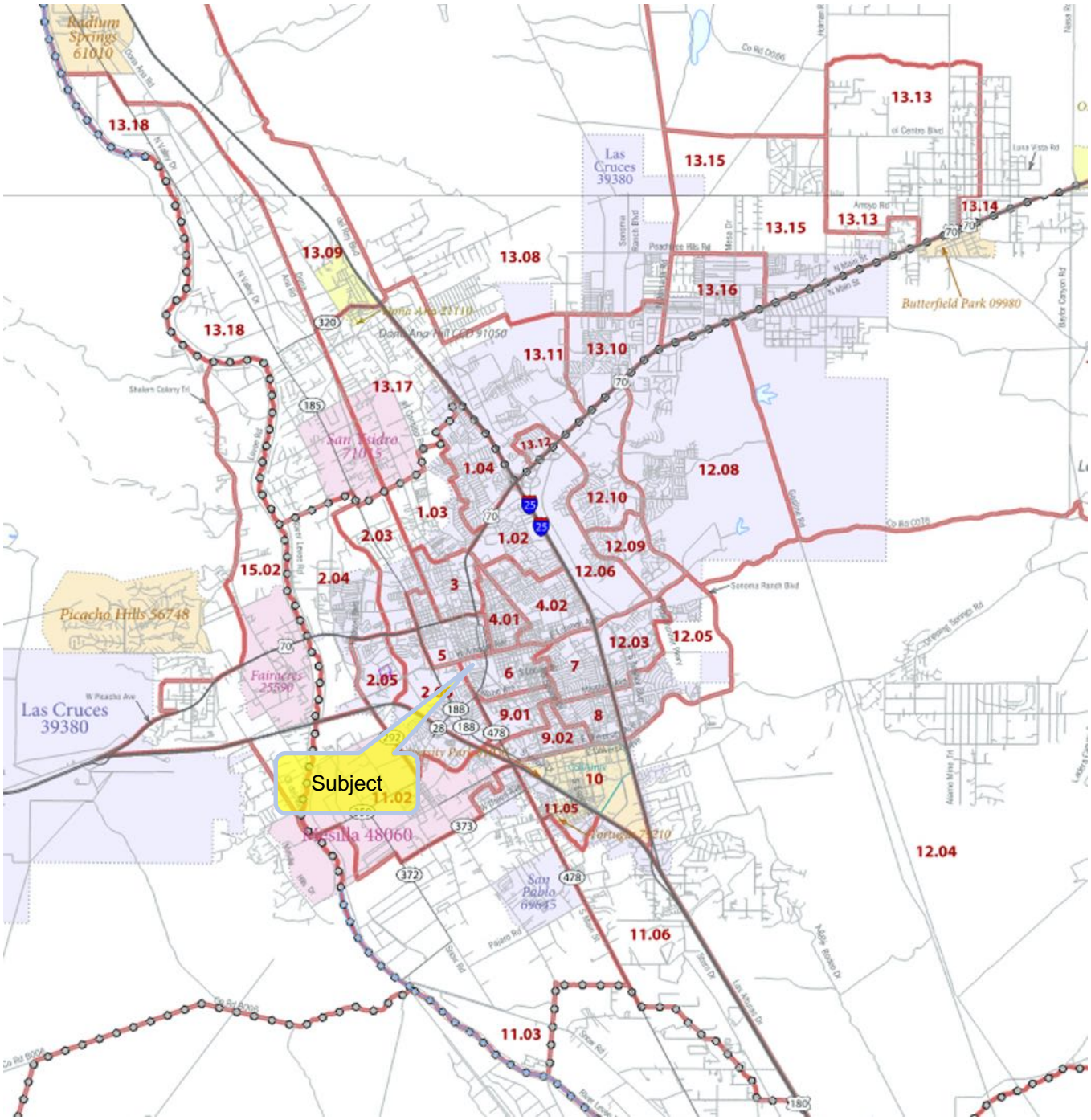
Census Tract 6 Year 2000 population of the CT was 2,776 with year 2010 population is reported at 2,801, which represents an increase of 25 persons or less than 1% for the decade. For 2020 the CT had a reported population of 2,570, which represents a decrease of 231 persons or -8.2%.

Census year 2020 housing figures are pending. Per the 2010 Census CT 6 had a total of 1,347 housing units of which 1,233 were occupied. There were 114 vacant housing units identified or 8.4% of total housing units.

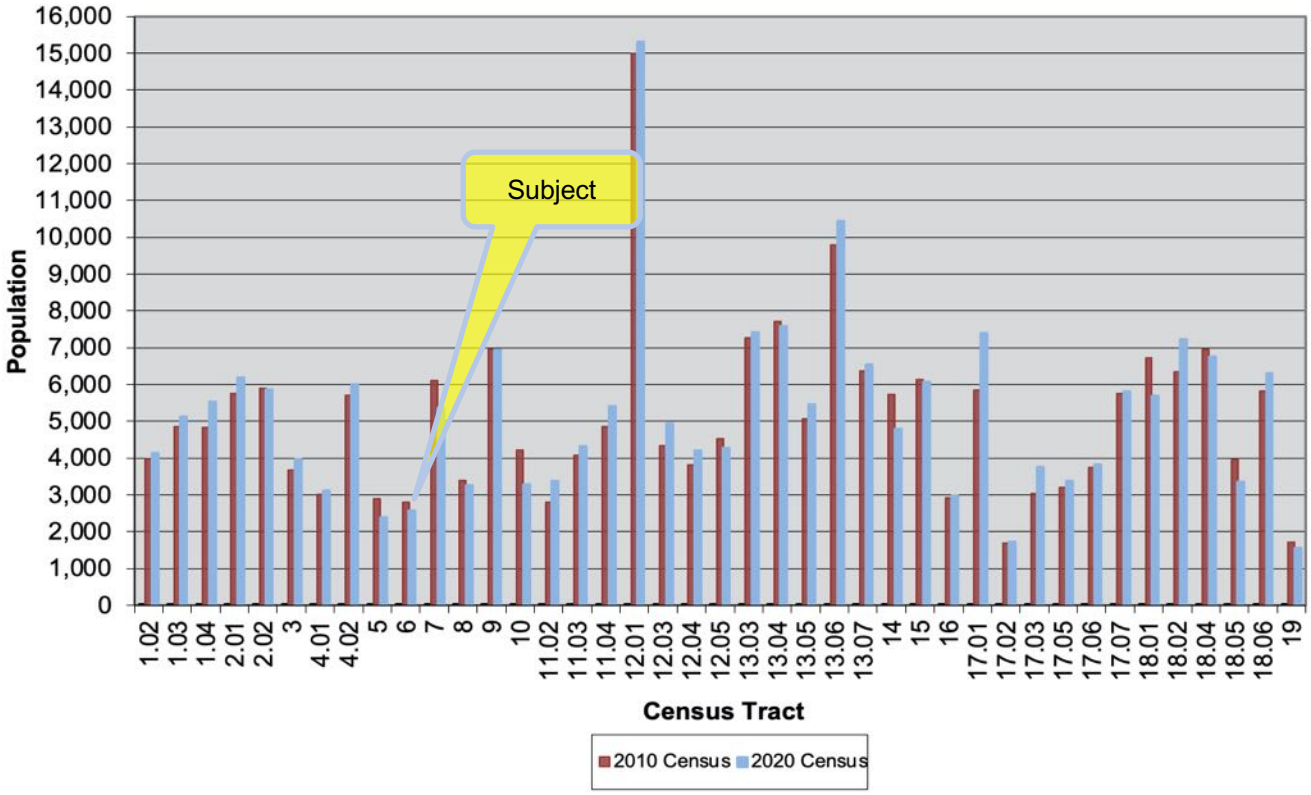
Census Tract 5 Year 2000 population of the CT was 2,902 with a year 2010 population is reported at 2,888, which represents a decrease in population of 14 persons or less than 1% for the decade. For 2020 the CT had a reported population of 2,397, which represents a decrease of 491 persons or -17%

Per the 2010 Census CT 5 had a total of 1,306 housing units of which 1,191 were occupied. There were 115 vacant housing units identified or 8.8% of total housing units.

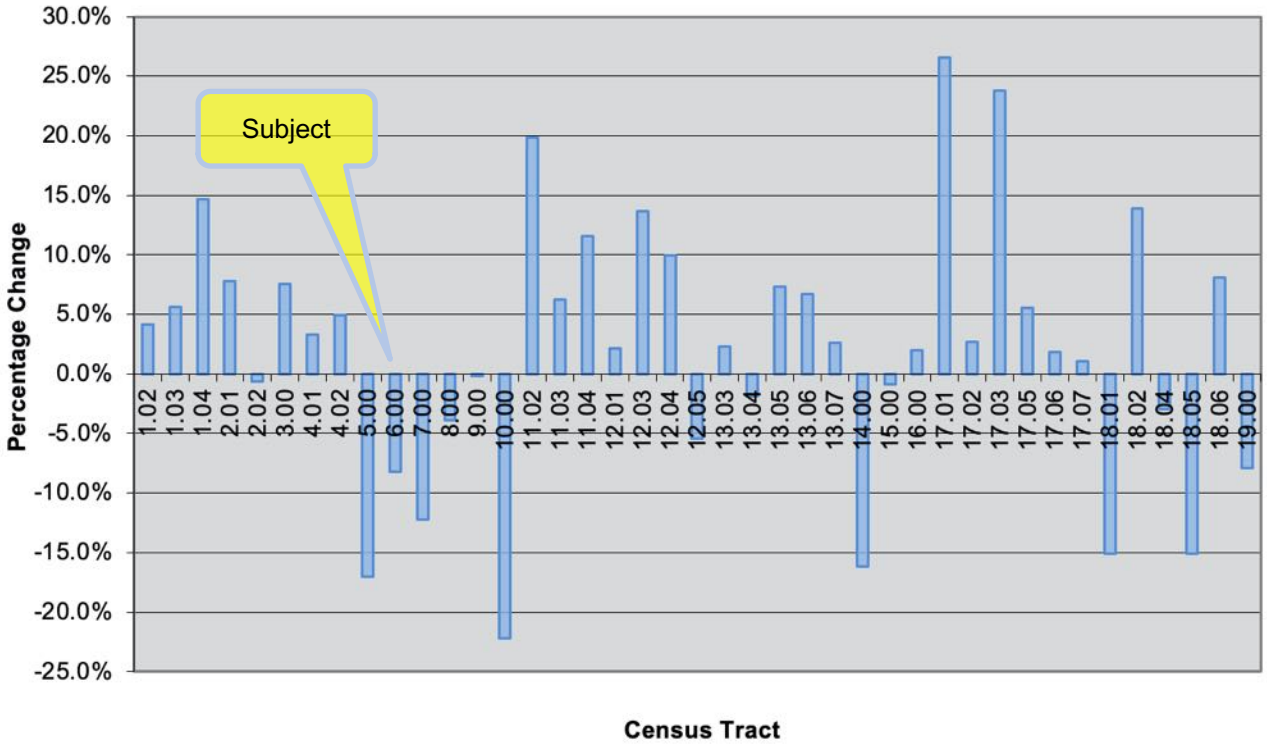
2020 CENSUS TRACT MAP - CITY OF LAS CRUCES



CHANGE IN POPULATION BY CENSUS TRACT- DOÑA ANA COUNTY 2010 -2020



POPULATION BY CENSUS TRACT - DOÑA ANA COUNTY 2010 - 2020



PUBLIC FACILITIES AND SERVICES

All public utilities are available to properties located within the city limits of Las Cruces including electrical power, wire and wireless phone service, natural gas, water, sewage and sanitation are generally available to the neighborhood. Please see the preceding Section IV – Metropolitan Analysis for a list of utility providers.

EMERGENCY SERVICES

Fire, police and Medical Emergency services are available to the neighborhood. The nearest available city fire department is located on Valley Drive approximately 0.4 miles northwest of the subject. Ambulance service is available from the Valley Dr. dispatch station located approximately 0.5 miles southwest of the subject. The Las Cruces City Police department is located on W. Hadley approximately 1.1 miles northeast.

SECTION VI

SITE ANALYSIS

LOCATION

Physical address of the Community of Hope is 999 W. Amador Ave. and also includes identified addressed portions of 921 and 991 W. Amador, Las Cruces NM 88005. The Community of Hope Campus as appraised is comprised of two separate and legally identified and tracts containing a combined plated land area of 12.35.

The following table summarizes the subject two legal lots and includes individual and gross area figures as well as calculation of net easement and excess land Community of Hope utilized land area estimate. Description of the excepted easement and excess land areas utilized for estimating the appraised net land area estimate of 10.069-acres follows.

LAND AREA SUMMARY – APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

Lot 1 - LCCH Subdivision	
Site Area (Ac.)	11.3500
Site Area (Sq. Ft.)	494,406
- Access Easement Area (+/-)	70,643
Lot 1 - Net Access Easement Area (Sq. Ft.)	423,763
Lot 1 - Net Access Easement Area (Ac.)	9.728
Lot 5B-1 - Amador Tracts No. 6	
Site Area (Ac.)	1.0000
Site Area (Sq. Ft.)	43,560
Combined Gross Land Area - Lot 1 & 5B-1	**537,966**
- Lot 1 - Access Easement Area (+/-)	70,643
- Lot 1 - Excess Land Area - Building 2 Site Area (+/-)	28,707
Combined Net Access Easement Area (Sq. Ft.)	**438,616**
Combined Net Access Easement Area (Ac.)	**10.069**
Land to Building Area Ratio - Net Access & Utility Easement & Excess Land	**8.03**

As developed and utilized the subject Community of Home campus possesses an approximate 8.03:1 land to building area ratio. As improved and to including the building 2 structure and associated site excess land area, remaining portions of the site are observed to be fully utilized. Although areas of surplus land could be considered available for future structural improvement, without changes to the portions utilized status, no surplus land area is observed or applied.

SIZE/SHAPE

The subject host tract 12.35 +/- acres and 10.069 +/- acre net appraised site is irregular in shape. The site possesses a somewhat limited frontage to depth ratio of 0.29:1.

ACCESS/FRONTAGE/VISIBILITY

Access to the subject is gained from W. Amador Avenue. At the location of the subject W. Amador Ave. is a four-lane divided asphalt paved road with dedicated turning lane and maintained by the city of Las Cruces. At the location of the subject the roadway includes concrete curbing and sidewalks, streetlights, and drainage.

The subject host site possesses approximately 280’ of frontage to W. Amador Avenue.

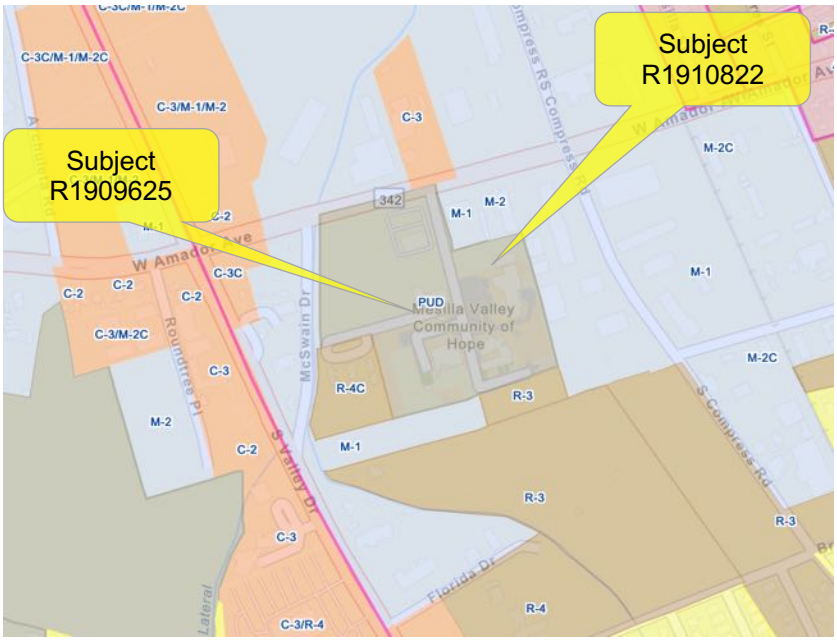
Visibility of the site and subject improvements to W. Amador Ave. is average to the neighborhood.

ZONING

2001 ZONING CODE

As illustrated on the following zoning map under the 2001 zoning code the subject is zoned PUD - Planned Unit Development.

ZONING MAP



The purpose of the zoning designation is stated in the zoning ordinance as follows

Sec. 38-49. PUD - Planned Unit Development

A. PURPOSES.

The purposes of planned unit developments (PUD) are to:

(1) Comply with Growth Management Policy as established in the Land Use Element, other applicable elements and all companion documents to the Comprehensive Plan.

(2) Produce more flexibility in development than would result from a strict application of this Code.

(3) Permit design flexibility that will encourage a more creative approach to the development of land and that will result in more efficient and aesthetically desirable alternatives to the housing and other development needs of the community.

(4) Permit flexibility in land use, density, placement of buildings, arrangement of open space, circulation facilities, and off-street parking areas, and maximize the potential of individual sites under development.

(5) Promote the infill of vacant land.

(6) Create developments that balance the benefits to the community with the developer's interests.

The subject's developed use is included as an allowable use under the PUD - Planned Unit Development designation and identified as a legally conforming land use.

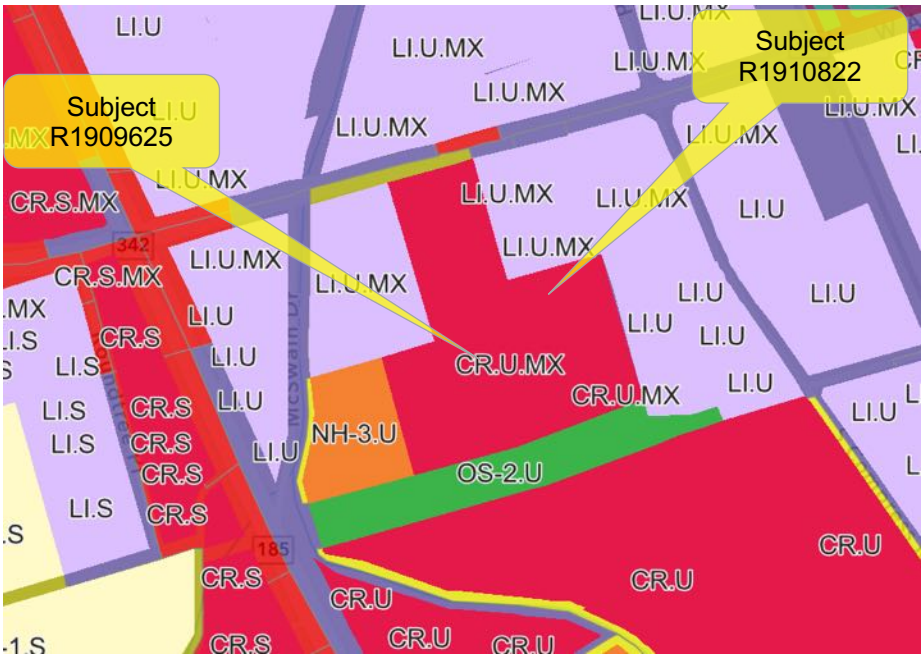
2025 ZONING CODE – REALIZE LAS CRUCES

Adopted February 18, 2025, is the City of Las Cruces new "Realize Las Cruces" (RLS) zoning and building ordinances intended to help modernize the city's Development Code in conformity with the "Elevate Las Cruces" comprehensive plan. Established with the new zoning and development plan is an eight-month grace period where applicants can submit development plans using either the old "2001" or new "Realize Las Cruces" (RLS) zoning code and ordinance before the scheduled phase out in September 2025.

Upon full establishment of the RLS zoning code the subject is identified to be zoned CR.S – Commercial Retail – Suburban. The district provides for a wide range of commercial uses at various scales to serve residents and attract regional customers.

The purpose of the CR - Commercial/Retail District provides a wide range of commercial uses at various scales to serve residents and attract regional customers. The UR - Urban classification describes areas including traditional downtowns and medium- to high-density center-city neighborhoods. The MX - mixed use classification is intended to implement the Comprehensive Plan's Mixed Use Corridor Place Type Overlay. Mixed Use Corridors support a mix of residential and nonresidential land uses along roadway or trail corridors.

ZONING MAP 2025 REALIZE LAS CRUCES ZONING CODE



EASEMENTS/ENCROACHMENTS/COVENANTS

As indicated from the two host parcels subject plat containing the subject appraised lands multiple easements are included. Principle easements are identified a follows

1) Located at the northern front portion of the sites western and eastern boundaries are two access and contained utility easements totaling 40' and 60' respectively, with each extending south before terminating (W) within the interior of the site and narrowing (E) to 30' before terminating at the sites southern boundary. Bisecting portions of the sites mid-section from east to west is an additional combined access and utility easement. An additional 30' access and utility easement is located near the southern boundary of the sites southeast corner and allows for access to a City of Las Cruces water well. Combined the access and access easement contained utility easements are estimated to contain a combined land area of the site of approximately 1.62-acres.

2) Located at the sites southern portions of the sites western, southern and eastern boundaries are 12'

utility easements.

3) Additional multiple smaller interior site utility easements are contained on site and best identified by the subdivision plat of Lot 1 located in Section 1 – Preface of the report.

The level of easement is observed reflective of a large area multi-use developed property. With extraction of dedicated and city development standards designed access roads, remaining levels of easement are observed as reasonable and not considered to negatively impacting the sites development or value.

No encroachments to or from the subject have been reported or identified. It is noted that no formal site survey was provided or uncovered which might formally identify such encroachments.

No covenants or restrictions were made available or realized upon research of the subject site.

TOPOGRAPHY & SOILS

Topography of the site is near level, the result of prior and existing improvements predevelopment site preparation.

All soils of the site are assumed typical for the area and pose minimal negative aspects to current or future development. Negative aspects can be mitigated by property engineering and planning which are assumed.

DRAINAGE FEATURES

The subject site appears to drain off-site towards drain towards the southern boundary and towards the location of a City of Las Cruces Storm Water drainage pond and channel.

The subject structures appear to be adequately built-up to promote the flow of storm waters away from the structures foundations.

FEMA FLOOD DATA

Flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area.

Based upon FEMA Map 35013C1091G, dated 07/06/2016, all portions of the site are indicated to fall outside areas of designated flood hazard and within un-shaded zone X. A copy of the map is continued within the Preface – Section I of the report.

Low to Moderate Risk Zones

X (un-shaded) – These properties are outside the high-risk zones. This flood risk is reduced but not removed. Flood insurance is not required in this zone but is available and local floodplain development codes may apply.

The intended user to this report is advised that flood determinations for purposes of determining whether or not a specific site lies within areas identified as potential hazards for floods should be made by a certified land Surveyor.

HAZARDS/NUISANCES

No specifically identifiable hazards or nuisances were observed at the time of inspection, nor are any known to the appraiser that would have an adverse impact on the subject property.

SURROUNDING AREA IMPROVEMENTS

Existing surrounding improvements include the following;

North – Multi-tenant light industrial retail and self-storage facility

South – City of Las Cruces Storm Water drainage pond and channel

East – Light industrial including Multi-tenant service warehouse and Single tenant light industrial manufacturing use property.

West – Developing multi-tenant and multi-structure low-income housing as well as a multi-structure women's shelter. Each of the developments are owned by the city of Las Cruces and developed in association with City's consolidated Community of Hope concept.

The immediately surrounding improvements as well as additional improvements of the small area neighborhood are varied in condition from fair to average.

UTILITIES AND SERVICES

Utility suppliers were identified in the previous Metropolitan Analysis Section of this report.

Electric, telephone, water, sewer and gas utilities are all available to the subject site and extended to each of the subject appraised structural improvements. Power enters the site below ground from the property's northern boundary.

PROPERTY TAXES

Unless otherwise expressly exempt, all tangible property, personal or real located in New Mexico is subject to valuation for property taxation purposes, and subject to advalorem taxation. The assessment ratio is uniform statewide at a rate of 33 1/3 % of the value (except oil and gas). The tax applied is a composite of state, county, municipal, school district, and other special district levies. Taxes are collected by and paid to the county treasurer. Property taxes are due in two installments, the first half on November 5 and the latter half on April 5.

As of the effective date of this appraisal the subject property is identified by the county assessor's office as owner numbers R1909625 and R1910822.

The following Table is a breakdown of the properties assessor's' determined current market and assessed values and taxes for the 2025 tax year.

ASSESSMENTS AND PROPERTY TAXES

Owner Number	Breakdown	Area (SqFt)	Full Value	Full Value (SqFt)	Assessed Value (1/3 market)	2024 Property Taxes	Total Due (8/21/25)
R1909625	Land	494,406	$ 510,750	$ 1.03	$ 170,250		
Bld. 1	Improvements	7,360					
Bld. 2	Improvements	8,384					
Bld. 4	Improvements	13,414					
Bld. 5	Improvements	11,241					
Bld. 6	Improvements	12,920					
Imp. Totals		53,319	$ 5,327,445	$ 99.92	$ 1,775,815	$ -	$ -
Total			$ 5,838,195	$ 109.50	$ 170,250	Exempt	$ -
R1910822	Land	43,560	$ 108,900	$ 2.50	$ 36,300		
Bld. 3	Improvements	5,000	$ 294,285	$ 58.86	$ 98,095		
Total			$ 403,185	$ 80.64	$ 134,395	Exempt	$ -
Combined	Land	537,966	$ 619,650	$ 1.15	$ 206,550		
Bld. 1 - 6	Improvements	58,319	$ 5,621,730	$ 96.40	$ 1,873,910		
Total			$ 6,241,380	$ 107.02	$ 2,080,460	Exempt	$ -

The subject combined Community of Hope site is assessed at $1.15 per square foot. Improvements are assessed on average at $96.40 pSF As a whole the combined tax parcels assessor's determined full value is $6,241,380 or $107.02 per square foot of assessed improvement area.

As City owned property the subject is exempt from property tax liability. The current assessments are reasonable given assessments of similar properties in the subject neighborhood as well as the subject determined value estimates as developed in this report. Relative to taxation the subject is not identified to be located within the boundaries of any special districts.

ENVIRONMENTAL STATEMENT

An inspection of the site, made by this appraiser, did not reveal any apparent signs of hazardous materials unrelated to the current multi-use development. Hazardous materials may or may not be present on the site, but the appraiser is not qualified to detect such substances. Prior historical use of the site is identified as a Lumber Yard. The presence of substances such as asbestos, urea formaldehyde foam insulation, leaking oil or gas tanks, or other potentially hazardous materials may affect the value of the property. The value estimate is predicted on the assumption that there is no such material on or in the property that would cause a loss of value. No responsibility is assumed for any such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

SUMMARY

Per zoning code, the subject property as improved appears to be a legally conforming improvement. Missing from the structural improvements sites are levels of onsite ponding that would be required if developed under the current and pending development codes. Locational characteristics of the subject site are suitable to the property's developed and occupied use. No negative economic impact from the subject Community of Hope use is applied and if applied could be observed as discriminatory to a sub-group of the population. Net easement and excess land estimates are utilized in the assignment which is typical to large area multi-structure and multi-use developments.

SECTION VII

IMPROVEMENT ANALYSIS

GENERAL DESCRIPTION AND TYPE

Principle structural improvements to the delineated net 10.069 +/- acre site consists of five structures identified in the report as buildings 1, 3, 4, 5, & 6. Please see Section 1 – Preface of the report for identifying maps including a Campus Building Map, improvement sketches and provided floor plans as well as photographs of each of the improvement exteriors and interiors.

The following table summarizes the six structural improvements including identified occupants, use and applied estimates of improvement heated and cooled building area.

STRUCTURAL IMPROVEMENT SUMMARY

APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH) – FIVE STRUCTURES

Building ID - Address	Occupant	Use	Building Area Source	Bld. Area (SF)
Building 1 - 991 E. Amador	Casa de Peregrinos	Food Pantry - Distribution WH - Offices	Bld. Plans	12,022
Building 3 - 999 W. Amador	Community of Hope	Warehouse - Maint. Office	DAC Assessor	5,000
Building 4 - 999 W. Amador	Community of Hope	Medical Clinic - Counseling - Soup Kitchen	DAC Assessor	13,414
Building 5 - 999 W. Amador	Community of Hope	Day Care - Child Development	DAC Assessor	11,241
Building 6 - 999 W. Amador	Community of Hope	Client Services - Adm. Offices (under renovation)	DAC Assessor	12,920
Total Site Contained Building Floor Area				54,597
Appraised Floor Area				**54,597**

To include the Community of Hope utilized buildings 1, 3, 4, 5, and 6 improvement area applied in the appraisal totals 54,597 SF. Identified in the previous table occupied use of the improvements is mixed and extends for warehouse, food pantry, soup kitchen, general office, day care, counseling, and medical clinic use including general medical, dental and pharmacy use.

Also associated with the structural improvements are multiple associated improvements which are summarized in the following table.

ASSOCIATED IMPROVEMENT SUMMARY – APPRAISED MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

Bld. ID -	Use	Associated Improvements	Building Area Source	Bld. Area (SF)
1	Food Pantry - Distribution WH	Elevated and Covered Loading Dock	Bld. Plans	1,344
		Concrete Truck Parking and Delivery Staging	Aeiral CAD	12,875
		Drive-Up Delivery w/ 2-Lane Staging	Bld. Plans	900
3	Warehouse - Maint. Office	Side Canopy	DAC Assessor	336
4	Medical Clinic - Soup Kitchen - Counseling	Entrance Canopy	DAC Assessor	344
		Cold Storage	Aeiral CAD	96
		Exercise - Basketball Slab	Aeiral CAD	
		Entrance Awnings	Aeiral CAD	180
5	Day Care	Entrance Awnings	Aeiral CAD	1,737
		Playground Patio Shading	Bld. Plans	1,165
		Enclosed Playground Stg.	Aeiral CAD	240
		Maintenance Shop	Aeiral CAD	180
6	Client Services - Adm. Off.	Parking Canopy w/ Solar Array	Aeiral CAD	3,797
		Shade Canopy - Out door food preparation	Aeiral CAD	388
	Camp Hope	Restrooms / Showers	Aeiral CAD	388
		Outdoor Food Prep - Shaded Dining Area	Aeiral CAD	388
		Shade Canopy	Aeiral CAD	225
		Tent Canopies x 25	Aeiral CAD	120

Associated site improvements include asphalt paved parking for an observed 168 vehicles including handicap parking with wheelchair building access, concrete walkways and pads, landscaping, storm water retention ponding and pole mounted signage. Individual structure site improvements including landscaped areas, fencing, walls, ground cover, and excess concrete pads in excess of hardscapes included in parking cost allocations are summarized with the depreciated value tables for each of the five improvements as contained in the replacement cost portion of Section X – Valuation.

All FF&E related to current operations of Mesilla Valley Community of Hope (MVCH) were observed to be non-permanent improvements and as such are not included in the valuation.

Following general summaries of each of the five structural improvements as observed from onsite inspection.

GENERAL SUMMARY OF IMPROVEMENTS

STRUCTURAL DESIGN – BUILDING 1 – CASA DE PEREGRINOS

Improvement Area (SqFt)	12,022
Designed Use:	Food Pantry – professional offices with public meeting room / entrance reception.
Interior Layout:	Front portions of the structure are developed to include professional office portions including private offices and central open work portions. Conference room with side walled and landscaped patio. Front entrance reception area doubles as a community meeting space with vaulted and arched translucent roof panels with back commercial kitchen utilized for cooking demonstrations and meeting food preparation. Rear portions of the structure consist of the food pantry with office and food handling conforming rooms and warehouse offices. Forklift accessible large area cold (1,057 SF) and deep freeze (814 SF) storage consisting of prefab panels with auto lifting doors and interior motion-controlled lighting. Located at the rear of the structure is a large area 1,344 SF metal post and roof covered loading dock / distribution staging area. Dual semi-truck accessible loading dock with bumpers and levelers. Located at the side of the

	structure is a 900-metal post and decked drive-up passenger vehicle food delivery canopy with dual vehicle staging lanes. Battery back-up to the food storage facility is provided from exterior ground set and natural gas fired generator.
Foundation:	Reinforced concrete
Exterior Walls:	Metal frame w/ metal stud perimeter walls. Stucco exterior common with decorative cut block storefront and rear doc wall portions.
Roof Support:	Wood truss
Exterior Building Height:	14' – 18' - 16' - clear height in food storage warehouse
Roof:	Flat roof with metal decking / rigid insulation /TPO roof coverings.
Insulation:	
Office / Public Meeting:	Fiberglass batt
Food Pantry Warehouse:	Vinal rapped fiberglass batt
HVAC:	
Office / Public Meeting:	Roof top combination units - gas forced air heat & refrigerated cooling.
Food Pantry Warehouse:	Roof top combination units - gas forced air heat & refrigerated cooling.
Doors:	Commercial Storefront: Dual 2 @ 3070 (aluminum frame / glass) doors with sliding motion sensing openers.
Service:	Metal frame and skinned
Metal Roll-up:	10' x 10' metal roll-up doors with auto openers provided to warehouse / loading dock portions.
Windows:	Commercial Storefront. Aluminum frame / low-e double pane
Electrical:	Commercial Grade – high level of service including natural gas-powered generator back-up system to protect food storage. Security system, emergency light packs, computer network and multi-line phones.
Sprinkler System:	Wet system provided
Interior Buildout:	
Office / Public Area:	4,593 SF
Food Pantry Warehouse:	7,429 SF
Interior Walls:	Gyp board – taped / textured / paint typical. Vinyl wall panels provided in food handling and packaging rooms.
Office / Public Meeting:	9'– 10' with elevated decorative arch translucent ceiling in entrance / meeting space.
Food Pantry Warehouse:	14' clearstory height
Flooring:	
Office / Public Meeting:	Ceramic Tile and Carpet
Food Pantry Warehouse:	Polished Concrete
Ceiling:	
Entrance/ Public Meeting:	Painted textured drywall
Offices:	4' x 2' panel drop ceiling - typical
Restrooms:	Painted textured drywall
Food Pantry Warehouse:	Exposed trusses and roof deck
Lighting:	Good quality commercial fixtures – LED and motion-controlled lighting

- Overall design and appeal are good relative to original date of construction.
- Condition of the improvement is generally observed as new and reflective of the 2024 completion of construction.
- Economic life of similar improvements of 50 – 60 years.
- Effective age estimate of 0 years.
- Remaining Economic Life estimate of 55 years.

STRUCTURAL DESIGN - BUILDING 3 – MAINTENANCE WAREHOUSE

Improvement Area (SqFt)	5,000 SF
Designed Use:	Service / Warehouse – with limited low-quality office. Located at the exterior side of the building is a 336 SF metal awning shade structure.
Interior Layout:	Open warehouse with front low-quality wood framed and walled office and rear tool storage rooms and low-quality restroom.
Foundation:	Reinforced concrete
Exterior Walls:	Prefab metal post and beams with r-panel sides and roof
Roof Support:	Metal beams and purlins
Interior Ceiling Height:	16’ at building eves
Roof:	Low pitched r-panel.
Insulation:	Vinal wrapped fiberglass batt to walls and ceiling
HVAC:	Single wall mount gas forced air heater with no AC
Doors:	
Service:	2 @ 3070 (metal frame and skinned)
Metal Roll-up:	1 @ 10’ x 12’
Sliding:	1 @ 10’ x 12’
Windows:	Single office window
Electrical:	Commercial Grade – 220 V service
Sprinkler System:	None
Interior Buildout:	Minimal low quality office space and open warehouse / service area.
Flooring:	Exposed concrete
Ceiling:	Exposed trusses and roof deck
Lighting:	Average quality commercial fixtures – LED Lighting observed

- Overall design and appeal are fair relative to original date of construction.
- Condition of the improvement is fair relative to the improvements actual age of 19 years.
- Economic life of similar improvements of 40 - 50 years.
- Effective age estimate of 25 years.
- Remaining Economic Life estimate of 20 years.

STRUCTURAL DESIGN – BUILDING 4 – MIXED INSTITUTIONAL USE

Improvement Area (SqFt)	13,414 SF
Designed Use:	Mixed use and divided public institutional use including medical office clinic (7,458 SF), soup kitchen (4,434 SF) and mental health counseling office (1,522 SF).
Interior Layout:	
Medical Clinic:	Full-service health care clinic to include medical, developing dental and pharmacy services. Located at the front entrance of the facility is a patient lobby and reception leading to two side wings of the clinic to include patient exam rooms with sinks and built-in cabinetry, developing dental wing, physician / medical provider offices, nurses stations and labs with built-in cabinetry, secured storage, electrical IT, janitorial, employee break area, multiple ADA restrooms. Good quality and condition.
Soup Kitchen:	Front cafeteria entrance with side large area guest ADA restrooms. Side large area commercial kitchen with vent hood fire suppression, food preparation and service / plating areas, dry and cold food storage, office, employee restrooms.
Counseling Office:	Front entrance lobby with windowed reception office. Interior patent rooms with built in cabinetry and sinks, provider offices, storage, electrical IT and ADA restrooms.
Exterior Walls:	CMU block with stucco finish
Roof Support:	Metal truss
Interior Ceiling Height:	
Medical Clinic:	8’ – 10’ at entrance lobby

Soup Kitchen:	8’ – 16’ dining room 12’ – 14’ building parapet with 8’ – 9’ interior building height
Counseling:	8’
Roof:	Flat roof with metal decking / rigid insulation /TPO roof coverings. Metal roofing accents at entrances and lean-to building portions
Insulation:	Fiberglass batt assumed typical
HVAC:	Roof top combination units - gas forced air heat & refrigerated cooling.
Doors:	
Entrances:	Commercial storefront to each of the three mixed use improvements (aluminum frame / glass)
Service:	Metal frame and skinned
Windows:	Commercial Storefronts. Aluminum frame / double pane
Electrical:	Commercial Grade – 220 V service Security system, emergency light packs, high levels of computer network and multi-line phones.
Sprinkler System:	Wet system provided to each of the three mixed use improvements.
Interior Buildout:	
Medical Clinic:	6,677 SF
Soup Kitchen:	5,017 SF
Counseling Office:	1,720
Interior Walls:	Gyp board – taped / textured / paint typical. Painted interior CMU perimeter and partial common area traffic hallway walls.
Flooring:	
Medical Clinic:	VCT typical
Soup Kitchen:	Ceramic tile with no slip kitchen tile
Counseling:	VCT typical
Ceiling:	
Medical Clinic:	4’ x 2’ panel drop ceiling – typical w/ partial painted textured drywall
Soup Kitchen:	Painted textured drywall in commercial kitchen and exposed rafters and roof decking in dining room.
Counseling:	4’ x 2’ panel drop ceiling – typical
Lighting:	Average quality commercial fixtures – LED Lighting assumed

- Overall design and appeal are average relative to mixed improvements reported date construction.
- Condition of the improvement ranges from good in in the medical clinic, fair to average in the soup kitchen, and average in the counseling office.
- Economic life of similar improvements of 50 - 60 years.
- Effective age estimate of 20-years - medical clinic, 30-years - soup kitchen, and 25-years - counseling office. Principle in the estimate is observed levels of renovation in the medical clinic, high levels of traffic assumed in the soup kitchen, and minimal levels of observed renovation in the counseling office.
- Remaining Economic Life estimate of 35-years - medical office, 25-years – soup kitchen, and 30-years – counseling office.

STRUCTURAL DESIGN – BUILDING 5

Improvement Area (SqFt)	11,241
Designed Use:	Day Care
Interior Layout:	Commercial quality main covered entrance leading to a dedicated lobby and reception area. Multiple nursery, childcare and pre-school areas designed for specific age groups, each furnished and equipped appropriately for their developmental and age-appropriate needs. The structure is equipped with a commercial-grade kitchen, separate dry and cold food storage spaces, and plumbing fixtures sized for children, along with employee-only restrooms and break areas. Each childcare section shares a common restroom and food service room with each section having storage rooms for the supply of educational materials and learning assistance crafts and activities. Staff amenities include a

	separate administrative office including private and group work areas, break room, and conference/meeting space and copying / office supply room. Also included are an IT and phone distribution room and multiple janitorial closets and storage rooms.
Site Improvements:	Outdoor play areas, enclosing perimeter CMU block walls, interior dividing fencing, and mature landscaped areas including trees and grass as well as building and stand-alone shade structures. Outbuildings include a 240 SF CMU block and metal roof toy storage shed and 180 SF CMU block and metal roof maintenance shop. Located in the playground areas are two prefab shade structures as well as two triangular fabric sunshades.
Foundation:	Reinforced concrete
Exterior Walls:	Wood or metal frame with stucco finish
Roof Support:	Metal truss
Interior Ceiling Height:	9' typical – 10' entrance - 12' commercial kitchen
Roof:	Flat roof with metal decking / rigid insulation /TPO roof coverings. Metal roofing accents at entrances and lean-to building portions
Insulation:	Fiberglass batt assumed typical
HVAC:	Roof top combination units - gas forced air heat & refrigerated cooling.
Doors:	
Commercial Storefront:	3070 (aluminum frame / glass)
Service:	3070 (metal frame and skinned)
Metal Roll-up:	10' x 10' delivery entrance
Windows:	Aluminum frame / double pane
Electrical:	Commercial Grade – 220 V service Security system, emergency light packs, high levels of computer network and multi-line phones.
Sprinkler System:	None – assumed to code
Interior Buildout:	100% Day Care Center and child assistance offices
Interior Walls:	Gyp board – taped / textured / paint - typical
Flooring:	
Daycare:	Carpet squares
Office:	Ceramic Tile and carpet
Kitchen:	No slip tile
Ceiling:	4' x 2' panel drop ceiling – typical
Lighting:	Commercial quality commercial fixtures – LED Lighting assumed

- Overall design and appeal are average relative to original date of construction.
- Condition of the improvement is average relative to the improvements actual reported age of approximately 20-years.
- Economic life of similar improvements of 50 - 60 years.
- Effective age estimate of 20-years. Principle in the estimate is average levels of maintenance and upkeep
- Remaining Economic Life estimate of 35-years.

STRUCTURAL DESIGN – BUILDING 6

Improvement Area (SqFt)	12,920
Designed Use:	Client Services and Administrative Offices
Interior Layout:	Client services portion of the improvement include commercial quality main covered entrance leading to a dedicated lobby and reception work area. Multiple private offices and group work areas with interior client services including laundry room and large ADA bathrooms including client showers. Administrative offices portion is nearing completion of an observed near total interior renovation project to include reconfiguration of interior dividing walls and finish, flooring, ceiling treatment, all new electrical and IT, HVAC duct work, and

	plumbing include new ADA restrooms. Final finishes were uncomplete at the time of inspection and are assumed nearing completion.
Site Improvements:	Site structure included with the structure include a 3,797 SF solar array that doubles for shaded employee parking. No design capacities or historical operational energy production figures were made available. Based on solar panel count of 144 panels kWh capacity is estimated at 57.6 +/- kWh with the system assumed fully functional and energy producing.
Camp Hope:	Developed in at the western side of the Administrative office is the location of the MVCH "Camp Hope". The facility allows for placement of clients tents and includes bathroom / shower facilities (388 SF) as well as an outdoor awning covered food pre-kitchen (388 SF). The site includes 25 shaded three-sided wood frame and exterior walled shade tent cubbies with 20 open air tent pads. The perimeter of the facility includes 6' chain link fencing with portions including privacy screening. Also included are two prefab sunshades structured of 225 and 400 SF small fabric sunshade. Located onsite but not included due to its non-permanent status is a 100 SF portable building.
Foundation:	Reinforced concrete
Exterior Walls:	Wood or metal frame with stucco finish
Roof Support:	Metal truss
Interior Ceiling Height:	9' typical 14' open work room
Roof:	Flat roof with metal decking / rigid insulation /TPO roof coverings. Metal roofing accents at entrances and lean-to building portions
Insulation:	Fiberglass batt assumed typical
HVAC:	Roof top combination units - gas forced air heat & refrigerated cooling.
Doors:	
Commercial Storefront:	3070 (aluminum frame / glass)
Service:	3070 (metal frame and skinned)
Windows:	Aluminum frame / double pane
Electrical:	Commercial Grade – 220 V service Security system, emergency light packs, high levels of computer network and multi-line phones.
Sprinkler System:	None – assumed to code
Interior Buildout:	
Client Services:	7,882 SF
Admin. Offices:	5,038 SF
Interior Walls:	Gyp board – taped / textured / paint - typical
Flooring:	
Client Services:	Polished Concrete and Ceramic Tile
Admin. Offices:	Pending
Ceiling:	4' x 2' panel drop ceiling – typical
Lighting:	Commercial quality commercial fixtures – LED Lighting assumed

- Overall design and appeal are average relative to original date of construction.
- Condition of the improvement is varied. Interior improvements to the Client Services portion appear generally original to the date of construction and are in fair condition and reflective of the improvements high occupancy load and use. At the time of construction, the interior to the Administrative Offices portion were nearing completion of full interior and mechanical systems upgrade resulting in a good condition rating and assumes completion of the improvements near term.
- Economic life of similar improvements of 50 - 60 years.
- Effective age estimate of the Client Services portion is estimated 35-years and above the reported actual age. Effective age estimate of the Administrative Offices portion is estimated 10-years and considers the actual age of the overall structural improvement and exterior finishes and coverings and levels of developing interior retrofit.

- Remaining Economic Life estimate of the Client Services and Administrative offices of 20-years and 45-years respectively.

ANALYSIS OF CONDITION AND DEPRECIATION

Depreciation is a loss in property value from any cause, as of the effective appraisal date. In other words, it is the difference between reproduction or replacement cost of an improvement and its market value as of the effective date of appraisal. Depreciation can emanate from three sources: physical deterioration, functional obsolescence attributable to a deficiency or a super adequacy, and external obsolescence caused by changes in the overall economy, demand patterns, or general property use in the neighborhood. Physical deterioration and functional obsolescence can usually be observed in an improvement. Depreciation represents a penalty because the market recognizes it as a value loss. A temporary under supply of properties relative to demand may offset the value loss older buildings generally experience. Historic or architectural significance may also compensate for the value penalty that time imposes.

To measure accrued depreciation, it is necessary to estimate the amount of value loss incurred by the subject structure in its present condition, as compared with the value of the property as if it were new. Economic life is the period over which improvements to real estate contribute to property value. Generally, the economic life of a property is shorter than its physical life if the property is not rehabilitated. Remaining economic life is an estimate of how long improvements will continue to contribute to property value.

Actual age (i.e., historical or chronological age) is the number of years that have elapsed since construction was completed. Effective age is the age indicated by the condition and utility of the structure. If a building has been well maintained, has an especially good design, or happens to be in an under supplied market, its effective age may be less than its actual age.

The various forms of depreciation as they apply to the subject property are considered as follows:

PHYSICAL DEPRECIATION – CURABLE

No items of significant curable physical depreciation were observed. Low levels of curable physical depreciation were observed but reflective of improvements receiving continued levels of reasonable maintenance and upkeep.

PHYSICAL DEPRECIATION – INCURABLE

The following table summarizes each of the five improvements Dona Ana County Assessor reported actual age, current historical age and dates of renovation identified at the time of property inspection. Effective age is estimated by the appraiser and considers observed physical condition and comparison to the reported actual age and reported dates of renovation. Economic life estimates for each of the improvement types and quality classification are estimated and based on average figures reported from Marshall and Swift as well as the appraisers working knowledge of useful lives of similar use and classed improvements observed in the subject market. Using estimates of effective and typical reported and observed economic life, estimates of straight-line physical incurable depreciation are estimated and include estimates for each structure as well as component estimates of the multi-use occupancies of buildings three and six.

As estimated in the table levels of observed and applied incurable physical depreciation range from a low of 0% for the newly completed building one to a high of 63.6% for the client services occupancy portion of building six. Using the high estimate as an example of the applied calculation, the effective age estimate of 35-years is divided by the estimate of typical observed economic life yielding an estimate of incurable physical depreciation of 63.6% = (35 yr. / 55 yr.).

STRAIGHT LINE - PHYSICAL INCURABLE DEPRECIATION ESTIMATES

Bld. #	Use	Assessor Reported Date of Construction	Actual Age (Yr.'s)	Date of Reported - Renovation	Effective Age Estimate (Yr.'s)	Economic Life Estimate (Yr.'s)	Straight Line Incurable Physical Depreciation
1	Food Pantry - Offices & WH	2024	1	na	new	55	0.0%
3	Warehouse - Maint. Office	2004	21	na	25	45	55.6%
4	Medical Clinic -	1998	27	2025	20	55	36.4%
4	Soup Kitchen	1998	27	na	30	55	54.5%
4	Metal Health Counseling	1998	27	na	25	55	45.5%
5	Day Care	2005	20	na	20	55	36.4%
6	Client Services	2002	23	na	35	55	63.6%
6	Admin. Office (under renovation)	2002	23	2025	10	55	18.2%

FUNCTIONAL OBSOLESCENCE - CURABLE / INCURABLE

This value loss is caused by defects in design or changes in structural standards and building materials. To be curable, the cost of replacing the outmoded or unacceptable aspect must be less than or equal to the anticipated increase in value. Curable functional obsolescence can result from a deficiency requiring additions, a deficiency requiring substitution or modernization, or a super adequacy. If the cost is based on replacement rather than reproduction of the improvements, the cost of super adequate items is not included

As the result of comparison of the functionality of the improvements to other similar properties, it is concluded that no functional obsolescence exists.

EXTERNAL OBSOLESCENCE – CURABLE / INCURABLE

Sometimes known as "economic obsolescence," this form of value loss is caused by negative influences external to the property itself. Examples may range from an unattractive adjacent property to the economic failure of an entire community in which the property is located. Such value loss is usually incurable on the part of the owner.

No economic obsolescence is considered to affect the subject property as of the date of valuation. The conclusion considers the continued operation of the Community of Hope as designed and utilized with no negative impact from the use applied.

SUMMARY OF DEPRECIATION

Depreciation observed to affect the subject is limited incurable physical estimated. Incurable physical depreciation is estimated using straight line depreciation is includes estimates for each structure as well as component estimates of those structures with multi-use occupancies No other forms of depreciation were observed or applied.

SECTION VIII

HIGHEST AND BEST USE ANALYSIS

Highest and best use may be defined as the reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.

As long as the value of the property *as improved* is greater than the value of the site *as unimproved*, the highest and best use of the property is *as improved*. Once the value of the vacant land exceeds the value of the improved property, then the highest and best use becomes use of the land as though vacant.

For either analysis, as improved or as unimproved, the four basic criteria are the same, that the use must be legally permissible, physically possible, financially feasible and maximally productive.

The process of identifying highest and best use follows a pattern of systematically eliminating various forms of property use that fail to meet all four criteria until only one use, or perhaps one category of uses remains.

ANALYSIS OF THE SITE AS IF VACANT

LEGALLY PERMISSIBLE

One of the most important factors of the potential uses of a property is the legal limitations imposed by either public or private sources. Private restrictions are most frequently imposed by deed restrictions, easements, and restrictive covenants. A land lease is also a form of private legal restriction. No covenants, conditions or restrictions were realized upon research of the subject property.

Public restrictions are typically imposed by zoning regulations. As discussed in the preceding zoning analysis, the subject property is zoned PUD. Permitted uses within the zoning classification include a broad mix of commercial office, retail, service as well as residential uses.

PHYSICALLY POSSIBLE

Another limitation, which controls potential uses of the site, is the physical configuration of the site. Physical characteristics were described in detail in the Site Analysis section of this report, including size, shape, frontage and visibility, access, topography, soil/subsoil conditions, surrounding land uses and the availability of utilities and services.

With the exception of low-density residential uses, all remaining legally permissible uses are considered physically possible to include those uses requiring high levels of visibility.

FINANCIALLY FEASIBLE

The primary test of feasibility is an indication that a project has a reasonable likelihood of satisfying explicit objectives and is limited to those uses already identified as being both legally permissible *and* physically possible.

Strong consideration is given to the Principle of Conformity, one version of which holds that property values of an area are maximized when there are reasonable degrees of architectural homogeneity and compatibility of land uses in that area, (The Appraisal of Real Estate, Twelfth Edition). As described in the Neighborhood Analysis section of this report, small area surrounding land uses included mixed commercial and light industrial uses.

When the overall state of the market is considered, vacancies indicate that there is relatively strong demand for properties that meet the test of legally permissible and physically possible. Therefore, uses concluded to be legally permissible, physically possible, and financially feasible are retail - office / service - warehousing uses.

MAXIMALLY PRODUCTIVE

As will be developed in the valuation sections of the subject which follows, the subject existing improvements

Community of Hope constitute a beneficial use of the site.

ANALYSIS OF THE PROPERTY AS IMPROVED

"As is" the subject 54,597 SF Mixed Use - Social Services Campus improvements and 10.069-acres net access and utility easement and excess land adjusted site possesses a land to building area ratio of 8.03:1. The level of land to building area ratio is within range of ratios relative to other similar use somewhat institution and campus-oriented properties. Improvements are assumed to have been developed to city design standards and as such are classified as a legally conforming land use.

The subject "as is" improvements do possess contributory value to the property and as such represent a beneficial use. Therefore, as analyzed, and with comparison to the highest and best use as though vacant, the highest and best use as improved, is as improved as a Mixed Use - Social Services Campus.

SECTION IX

APPRAISAL METHODOLOGY

IMPROVEMENTS - EXISTING OR PROPOSED

Recognized appraisal practice generally values improved properties by the application of three traditional approaches to value described as follows:

The Cost Approach is based on the concept that the value of a property can be indicated by the current cost to construct a reproduction or replacement for the improvements, minus the amount of depreciation evident in the structures from all causes, plus the value of the land and entrepreneurial profit. This approach to value is more appropriate for the appraisal of new or nearly new improvements.

The Sales Comparison Approach is founded upon the principle of substitution which holds that the cost to acquire an equally desirable substitute property without undue delay can be used to project a probable value indication for the subject, that is, that the best measure of the "most probable price" of the subject can be estimated based on the prices historically paid for similar properties by active participants in the market. The validity of a value indication derived by this approach is dependent upon the availability of data on recent sales of properties similar in location, size, and utility to the appraised property.

The Income Capitalization Approach is based on the principle of anticipation that recognizes the present value of the future income benefits to be derived from ownership in a particular property. The Income Capitalization Approach is most applicable to properties that are bought and sold for investment purposes and is considered very reliable when adequate income and expense data are available. Since income producing real estate is most often purchased by investors, this approach is most useful when the property being appraised was designed for, or is easily capable of, producing a satisfactory rental income.

APPLIED VALUATION METHODOLOGY

The market rent estimate derived is limited to development of the observed most applicable valuation approaches, which as applied includes methodologies associated with the cost, sales comparison and income approaches. As applied towards determination of market rent, the cost approach is developed towards estimating the current replacement cost new and “as is” depreciated value estimates for each of the five subject structural improvements and associated site developed out-buildings and site improvements. Next a land value estimate is developed utilizing methodologies associated with the sales comparison approach. The depreciated improvement value is then added to land value resulting in an estimate of overall site and depreciated improvement value. Next market rates of return for mixed use and similar occupied improvements are studied, which is then applied to the depreciated property and improvement value resulting in an estimate of market rent.

The analysis developed and applied was discussed with the client at the time of assignment engagement and considered suitable to the clients intended use.

The applied methodology is observed to be consistent with that applied under similar conditions and developed infrastructure by the appraiser’s peers and in this appraiser’s opinion results in credible assignment results suitable to the Clients intended use.

SECTION X

VALUATION AND ESTIMATE OF MARKET RENT

The market rent estimate derived is limited to development of the observed most applicable valuation approaches, which as applied includes methodologies associated with the cost and income approaches. The analysis developed and applied was discussed with the client at the time of assignment engagement and considered suitable to the clients intended use and results in credible assignment results.

MARKET VALUE ESTIMATE – COST APPROACH

The Cost Approach is based on the Principle of Substitution that reasons that a prudent investor would pay no more for a property than the cost of producing a similar structure with similar design and utility. The methodology is best suited towards newer improvements and generally assumes fee simple ownership.

Current construction cost estimates can be derived for both replacement and-or reproduction.

Replacement cost as applied in the analysis is defined as:

> Replacement Cost is the estimated cost to construct, at current prices as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout.

Reproduction cost as applied in the analysis is defined as:

> Reproduction cost is the estimated cost to construct, as of the effective appraisal date, an exact duplicate or replica of the building being appraised, insofar as possible, using the same materials, construction standards, design, layout, and quality of workmanship. As a reproduction of existing improvements, the estimate includes deficiencies, superadequacies, and obsolescence.

IMPROVEMENTS REPLACEMENT COST ESTIMATE

Current construction cost estimates can be derived for both replacement and-or reproduction. In this case replacement costs are estimated. Replacement cost as applied in the analysis is defined as follows.

> Replacement Cost is the estimated cost to construct, at current prices as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout. The applied analysis adjusts for supper adequacies and-or functional deficiencies.

The data source utilized for estimates of the subject structural improvements is the Calculator sections of the Marshall Valuation Service Cost Manual, a recognized supplier of national cost figures. Reference pages, dates of cost, base costs, refinements and applied multipliers, and resulting adjusted replacement cost pSF is contained in the following table.

Included in the per unit cost calculation are architect's fees, engineer's fees, building permits, survey, normal interest on the actual building funds during construction, processing fees, taxes including federal state and local as well as gross receipts taxes on material and labor, site preparation, utilities from lot line to structure, fire and liability insurance, workmen's comp, unemployment insurance, temporary facilities and security, and contractors overhead, profit and contingency.

Costs not included in the per unit calculation are land related fees of purchase or assemblage, storm drains, rough grading, inclusive developers overhead and profit (entrepreneurial incentive), consulting, FF&E, site improvements and offsite costs.

PHYSICAL DEPRECIATED REPLACEMENT COST ESTIMATE

Following each structural improvements replacement cost estimate is a breakdown of the structural and site principal cost components. The data source utilized for structural improvements was described above with non-

structural improvements to include site improvement and outbuildings is also estimates using Marshall and Swift.

Also included in the secondary table for each of the five structural improvements is incurable physical depreciation is deducted from the replacement cost new estimate. No other forms of depreciation to include curable physical depreciation, functional depreciation or economic depreciation is observed to impact the structures. Please see the Depreciation portion of the Improvement Analysis – Section VII for additional narrative on depreciation. Where applicable, accrued incurable physical depreciation estimates are extracted utilizing average age life estimates for each of the individual line-item cost estimates using age – life straight-line depreciation.

Not observed to impact the subject are curable physical depreciation, functional obsolescence, or external obsolescence.

ENTREPRENEURIAL PROFIT

Observed to impact real estate improvements development is entrepreneurial profit or cost coordination, without which there would be no incentive to undertake development by speculative developers or investors. As a mixed use and multi-structural campus development intended for occupancy by non-profit providers in partnership with the City of Las Cruces, no entrepreneurial incentive or profit is observed applicable to the property or included in the depreciated cost estimate.

Following are Structural Improvements - Replacement Cost New Structural and Site improvements, and Physical Depreciated Cost estimates for each five structures contained within in the boundaries of the Mesilla Valley Community of Hope (MVCH) and included in the Analysis towards estimate of market rent.

BUILDING ONE – CASA DE PEREGRINOS - FOOD PANTRY - DISTRIBUTION WH – OFFICES

MARSHAL AND SWIFT – STRUCTURAL IMPROVEMENT COST

Structure	Offices	Food Pantry Warehouse	Cold Storage	Deep Freeze	Total
Building Area SF	4,593	7,429	1,057	814	12,022
MVS Reference	344	407			
Section	15	14	58	58	
Page	17	23	1	1	
Date	Nov-25	Feb-24	Sep-23	Sep-23	
Class	C	C	prefab	prefab	
Quality	Good	Good	Good	Good	
Base Cost PSF	$ 221.00	$ 103.00	$ 146.00	$ 158.00	
Refinements (HVAC, Finishes, Elevator, Sprinkler, Ect.)					
A - Cooling - Included					
B - Heating - Included					
C -					
Total	$ 221.00	$ 103.00	$ 146.00	$ 158.00	
Multipliers					
Floor Area / Perimeter	1.000	1.000	1.000	1.000	
No. of Stories	1.000	1.000	1.000	1.000	
Height per Story	1.046	1.046	1.000	1.000	
Current Cost Multiplier	1.060	1.080	1.050	1.050	
Local Multiplier (Las Cruces, NM)	0.940	0.940	1.000	1.000	
Adjusted Total	$ 230.33	$ 109.38	$ 153.30	$ 165.90	$ 180.30
Allocated Area	4,593	7,429	1,057	814	12,022
Area Cost	$ 1,057,923	$ 812,551	$ 162,038	$ 135,043	$ 2,167,555

BUILDING ONE DEPRECIATED COST ESTIMATE

Component	Quantity	Unit of Measure	Unit Cost	Replace-ment Cost	Incurable Physical Depreciation		Inc. Phy. Dep. Replace-ment Cost
Structural Improvements - Existing							
Admin. Office	4,593	Sq./Ft.	$ 230.33	$1,057,906	new - 0%	$ -	$1,057,906
Food Pantry - Distribution Warehouse	7,429	Sq./Ft.	$ 109.38	$ 812,584	new - 0%	$ -	$ 812,584
Cold Storage	1,057	Sq./Ft.	$ 153.30	$ 162,038	new - 0%	$ -	$ 162,038
Deep Freeze	814	Sq./Ft.	$ 165.90	$ 135,043	new - 0%	$ -	$ 135,043
Two Lane - Drive Up Awning	900	Sq./Ft.	$ 76.00	$ 68,400	new - 0%	$ -	$ 68,400
Loading Dock & Awning	1,344	Sq./Ft.	$ 88.00	$ 118,272	new - 0%	$ -	$ 118,272
Total				$2,354,242		$ -	$2,354,242
Site Improvements							
Asphalt Parking / Hardscapes	55	Pk. Spaces	$ 2,070	$ 113,850	new - 0%	$ -	$ 113,850
Landscaping	14,175	Sq./Ft.	$ 3.12	$ 44,226	new - 0%	$ -	$ 44,226
Drive-up Distribution Lanes - Concrete	6,062	Sq./Ft.	$ 3.90	$ 23,642	new - 0%	$ -	$ 23,642
CMU Wall @ 6'	572	Lin. Ft.	$ 87.00	$ 49,764	new - 0%	$ -	$ 49,764
Dock Staging and Well - Concrete	12,875	Sq./Ft.	$ 6.42	$ 82,658	new - 0%	$ -	$ 82,658
Dock Levelers & Pads	2	sum	$ 3,800.00	$ 7,600	new - 0%	$ -	$ 7,600
Iron Fencing and Gates @ 6'	572	Lin. Ft.	$ 38.66	$ 22,114	new - 0%	$ -	$ 22,114
Back-up Generator - 30kw gas	1	sum	$ 47,300	$ 47,300	new - 0%	$ -	$ 47,300
Total				$ 391,153		$ -	$ 391,153
FF&E (none included)							
Total Replacement Cost New				$2,745,395		$ -	$2,745,395
Per Square Foot (12,022 SF)							$ 228.36

BUILDING THREE – COMMUNITY OF HOPE - WAREHOUSE - MAINTENANCE OFFICE

MARSHAL AND SWIFT – STRUCTURAL IMPROVEMENT COST

Structure		Prefabricated Metal Warehouse / Minimal Office
Building Area SF		5,000
MVS Reference		406
Section		14
Page		26
Date		Feb-24
Class		S
Quality		Low Cost
Base Cost PSF	$	38.75
Refinements (HVAC, Finishes, Elevator, Sprinkler, Ect.)		
A - Cooling - None		
B - Heating - None		
C -		
Total	$	38.75
Multipliers		
Floor Area / Perimeter		1.000
No. of Stories		1.000
Height per Story		1.000
Current Cost Multiplier		1.070
Local Multiplier (Las Cruces, NM)		0.970
Adjusted Total	$	40.22
Allocated Area		5,000
Area Cost	$	201,093

BUILDING THREE - DEPRECIATED COST ESTIMATE

Component	Quantity	Unit of Measure	Unit Cost	Replace-ment Cost	Incurable Physical Depreciation		Inc. Phy. Dep. Replace-ment Cost
Structural Improvements - Existing							
Warehouse - Low Value Office	5,000	Sq./Ft.	$ 40.22	$ 201,100	55.6%	$ 111,722	$ 89,378
Lean Too Awning	336	Sq./Ft.	$ 14.00	$ 4,704	55.6%	$ 2,613	$ 2,091
Total				$ 205,804		$ 114,336	$ 91,468
Site Improvements							
Perimeter Chain Link	590	Lin. Ft.	$ 23.75	$ 14,013	55.6%	$ 7,785	$ 6,228
Total				$ 14,013		$ 7,785	$ 6,228
FF&E (none included)							
Total Replacement Cost New				$ 219,817		$ 122,120	$ 97,696
Per Square Foot (XXX SF)							$ 19.54

BUILDING FOUR – COMMUNITY OF HOPE - MEDICAL CLINIC / COUNSELING / SOUP KITCHEN

MARSHAL AND SWIFT – STRUCTURAL IMPROVEMENT COST

Structure	Medical Clinic	Soup Kitchen / Cafeteria	Deep Freeze	Medical Counseling	Total
Building Area SF	6,677	5,017	96	1,720	13,414
MVS Reference	341	530		341	
Section	15	13	58	15	
Page	22	15	1	22	
Date	Nov-23	May-24	Sep-23	Nov-25	
Class	C	C	prefab	C	
Quality	Average	Average	Average	Low Cost	
Base Cost PSF	$ 198.00	$ 165.00	$ 215.55	$ 150.00	
Refinements (HVAC, Finishes, Elevator, Sprinkler, Ect.)					
A - Cooling - Included					
B - Heating - Included					
C -					
Total	$ 198.00	$ 165.00	$ 215.55	$ 150.00	
Multipliers					
Floor Area / Perimeter	1.000	1.000	1.000	1.000	
No. of Stories	1.000	1.000	1.000	1.000	
Height per Story	0.930	1.000	1.000	0.900	
Current Cost Multiplier	1.060	1.040	1.040	1.060	
Local Multiplier (Las Cruces, NM)	0.940	0.940	0.940	0.940	
Adjusted Total	$ 183.44	$ 161.30	$ 210.72	$ 134.51	$ 170.39
Allocated Area	6,677	5,017	96	1,720	13,414
Area Cost	$ 1,224,813	$ 809,262	$ 20,229	$ 231,364	$ 2,285,669

BUILDING FOUR - DEPRECIATED COST ESTIMATE

Component	Quantity	Unit of Measure	Unit Cost	Replace-ment Cost	Incurable Physical Depreciation		Inc. Phy. Dep. Replace-ment Cost
Structural Improvements - Existing							
Medical Clinic	6,677	Sq./Ft.	$ 183.44	$ 1,224,829	36.4%	$ 445,392	$ 779,437
Soup Kitchen	5,017	Sq./Ft.	$ 161.30	$ 809,242	54.5%	$ 441,405	$ 367,837
Soup Kitchen - Outdoor Freezer	96	Sq./Ft.	$ 210.72	$ 20,229	54.5%	$ 11,034	$ 9,195
Medical Counseling	1,720	Sq./Ft.	$ 134.51	$ 231,357	45.5%	$ 105,162	$ 126,195
Entrance Awnings	180	Sq./Ft.	$ 48.50	$ 8,730	45.5%	$ 3,968	$ 4,762
Total				$ 2,294,387		$ 1,006,962	$ 1,287,426
Site Improvements							
Asphalt Parking & Hardscapes	38	Pk. Spaces	$ 2,070	$ 78,660	45.5%	$ 35,755	$ 42,905
Landscaping	10,994	Sq./Ft.	$ 3.12	$ 34,301	45.5%	$ 15,591	$ 18,710
Exercise Concrete Pad	2,760	Sq./Ft.	$ 6.42	$ 17,719	45.5%	$ 8,054	$ 9,665
Iron Fencing w/ Walkthrough Gate	87	Lin. Ft	$ 28.17	$ 2,451	45.5%	$ 1,114	$ 1,337
Total				$ 133,131		$ 60,514	$ 72,617
FF&E (none included)							
Total Replacement Cost New				$ 2,427,519		$ 1,067,476	$ 1,360,043
Per Square Foot (13,414 SF)							$ 101.39

BUILDING FIVE – COMMUNITY OF HOPE – DAY CARE / CHILD DEVELOPMENT

MARSHAL AND SWIFT – STRUCTURAL IMPROVEMENT COST

		Child Day Care Center
Structure		
Building Area SF		11,241
MVS Reference		426
Section		18
Page		13
Date		Feb-25
Class		D
Quality		Good
Base Cost PSF	$	243.00
Refinements (HVAC, Finishes, Elevator, Sprinkler, Ect.)		
A - Cooling - Included		
B - Heating - Included		
C -		
Total	$	243.00
Multipliers		
Floor Area / Perimeter		1.000
No. of Stories		1.000
Height per Story		1.000
Current Cost Multiplier		1.050
Local Multiplier (Las Cruces, NM)		0.930
Adjusted Total	$	237.29
Allocated Area		11,241
Area Cost	$	2,667,371

BUILDING FIVE - DEPRECIATED COST ESTIMATE

Component	Quantity	Unit of Measure	Unit Cost	Replace-ment Cost	Incurable Physical Depreciation		Inc. Phy. Dep. Replace-ment Cost
Structural Improvements - Existing							
Day Care	11,241	Sq./Ft.	$ 237.29	$ 2,667,377	36.4%	$ 969,955	$ 1,697,422
Covered Entrance Canopy	595	Sq./Ft.	$ 48.50	$ 28,858	36.4%	$ 10,494	$ 18,364
Covered Entrance Canopy	1,142	Sq./Ft.	$ 48.50	$ 55,387	36.4%	$ 20,141	$ 35,246
Rear Covered Porch	1,165	Sq./Ft.	$ 37.90	$ 44,154	36.4%	$ 16,056	$ 28,098
Total				$ 2,795,775		$ 1,016,645	$ 1,779,129
Site Improvements							
CMU Block Stg. Shed	240	Sq./Ft.	$ 37.75	$ 9,060	36.4%	$ 3,295	$ 5,765
CMU Block Stg. Maint. Bld.	180	Sq./Ft.	$ 37.75	$ 6,795	36.4%	$ 2,471	$ 4,324
Asphalt Parking & Hardscapes	33	Pk. Spac.	$ 2,070	$ 68,310	36.4%	$ 24,840	$ 43,470
Landscaping	9,244	Sq./Ft.	$ 3.12	$ 28,841	36.4%	$ 10,488	$ 18,354
Playground - Hardscapes - Fencing	12,824	Sq./Ft.	$ 3.92	$ 50,270	36.4%	$ 18,280	$ 31,990
Playground CMU Block Wall @ 4'	533	Lin. Ft.	$ 61.80	$ 32,939	36.4%	$ 11,978	$ 20,961
Prefab Metal Shade Structure	2	sum	$ 358.00	$ 716	36.4%	$ 260	$ 456
				$ 196,932		$ 71,612	$ 125,320
FF&E (none included)							
Total Replacement Cost New				$ 2,992,707		$ 1,088,257	$ 1,904,450
Per Square Foot (11,241 SF)							$ 169.42

BUILDING SIX – COMMUNITY OF HOPE - CLIENT SERVICES - ADMINISTRATIVE OFFICES

MARSHAL AND SWIFT – STRUCTURAL IMPROVEMENT COST

Structure	Client Services	Administrative Offices	Total
Building Area SF	7,882	5,038	12,920
MVS Reference	491	344	
Section	15	15	
Page	11	17	
Date	Nov-23	Nov-23	
Class	D	D	
Quality	Average	Average	
Base Cost PSF	$ 162.00	$ 149.00	
Refinements (HVAC, Finishes, Elevator, Sprinkler, Ect.)			
A - Cooling - Included			
B - Heating - Included			
C -			
Total	$ 162.00	$ 149.00	
Multipliers			
Floor Area / Perimeter	1.000	1.000	
No. of Stories	1.000	1.000	
Height per Story	1.046	1.046	
Current Cost Multiplier	1.040	1.040	
Local Multiplier (Las Cruces, NM)	0.930	0.930	
Adjusted Total	$ 163.89	$ 150.74	$ 158.77
Allocated Area	7,882	5,038	12,920
Area Cost	$ 1,291,812	$ 759,438	$ 2,051,250

BUILDING SIX - DEPRECIATED COST ESTIMATE

Component	Quantity	Unit of Measure	Unit Cost	Replace-ment Cost	Incurable Physical Depreciation		Inc. Phy. Dep. Replace-ment Cost
Structural Improvements - Existing							
Client Services	7,882	Sq./Ft.	$ 163.89	$1,291,781	63.6%	$ 822,042	$ 469,739
Admin. Offices - New Interior Buildout	5,038	Sq./Ft.	$ 150.74	$ 759,428	18.2%	$ 138,078	$ 621,350
Total	12,920			$2,051,209		$ 960,120	$1,091,089
Site Improvements - Admin. Structure							
Asphalt Parking & Hardscapes	42	Pk. Spac.	$ 2,070	$ 86,940	45.5%	$ 39,518	$ 47,422
Landscaping	7,438	Sq./Ft.	$ 3.12	$ 23,207	45.5%	$ 10,548	$ 12,658
Solar Array / Shade Parking Structure	3,797	Sq./Ft.	$ 12.00	$ 45,564	45.5%	$ 20,711	$ 24,853
Solar System - 144 Pannels - 57.6kWh	1	sum	$ 172,800	$ 172,800	45.5%	$ 78,545	$ 94,255
				$ 328,511		$ 149,323	$ 179,188
Site Improvements - Camp Hope							
CMU Block - Restroom / Showers	388	Sq./Ft.	$ 67.75	$ 26,287	80.0%	$ 21,030	$ 5,257
Metal Awning - Outdoor Kitchen	388	Sq./Ft.	$ 48.50	$ 18,818	80.0%	$ 15,054	$ 3,764
Chain Link Fencing @ 6'	1,149	Lin. Ft.	$ 23.75	$ 27,289	80.0%	$ 21,831	$ 5,458
Crusher Fine Ground Cover	48,795	Sq./Ft.	$ 0.93	$ 45,379	80.0%	$ 36,303	$ 9,076
Tent Canopy's w/ 3 Sided OSB	25	sum	$ 685.00	$ 17,125	80.0%	$ 13,700	$ 3,425
Metal Shade Structure	225	Sq./Ft.	$ 12.00	$ 2,700	80.0%	$ 2,160	$ 540
Metal Shade Structure	400	Sq./Ft.	$ 12.00	$ 4,800	80.0%	$ 3,840	$ 960
				$ 142,398		$ 113,918	$ 28,480
FF&E (none included)							
Total Replacement Cost New				$2,522,118		$ 1,223,362	$1,298,756
Per Square Foot (12,920 SF)							$ 100.52

SUMMARY OF DEPRECIATED COST ESTIMATES

The following table summarizes the above independent replacement and depreciated cost analysis of the five structural improvements identified as being utilized by the Mesilla Valley Community of Hope (MVCH). The combined depreciated costs estimate of **$7,406,340**

is included in the assignments estimate property value.

SUMMARY DEPRECIATED COST – BUILDINGS 1, 3, 4, 5, & 6 – COMMUNITY OF HOPE

Building	Structural Imp. Area Sq. Ft.	Use / Occupancy		Dep. Cost	Total Structural & Site	Dep. Cost Sq. Ft.
1	12,022	Food Pantry - Dist. WH				
			Structural	$ 2,354,242		
			Site	$ 391,153		
					$ 2,745,395	$ 228.36
3	5,000	Maintenance WH				
			Structural	$ 91,468		
			Site	$ 6,228		
					$ 97,696	$ 19.54
4	13,414	Mixed Use - Med. Clinic				
		Soup Kitchen -	Structural	$ 1,287,426		
		Counceling	Site	$ 72,617		
					$ 1,360,043	$ 101.39
5	11,241	Day Care- Preschool				
			Structural	$ 1,779,129		
			Site	$ 125,320		
					$ 1,904,449	$ 169.42
6	12,920	Client Services -				
		Admin. Offices	Structural	$ 1,091,089		
			Site	$ 179,188		
		Camp Hope	Site	$ 28,480		
					$ 1,298,757	$ 100.52
Totals	**54,597**				**$ 7,406,340**	**$ 135.65**

VALUATION - SUBJECT LAND

The Sales Comparison or Market Approach as described in the valuation process section of this report is used to value the subject Land. Comparable vacant land sales are chosen and compared to the subject property. Various analytical techniques may then be used to identify and measure adjustments. Comparative analysis refers to the basic analytical process that may employ quantitative techniques, qualitative techniques, or a combination to derive a value indication. When quantitative analytical techniques are applied, mathematical processes are used to identify which elements of comparison require adjustment and to measure the amount of these adjustments. When qualitative assessments of the varying elements of comparison are used and an appraiser studies the relationships indicated in market data without recourse to quantification. The method reflects the imperfect nature of real estate markets.

The process of comparative analysis consists of four steps:

1. Identification of the elements of comparison affecting the value of the property being appraised.
2. Comparison of each comparable with the subject and measurement of the difference in each element of comparison, either quantitatively or qualitatively

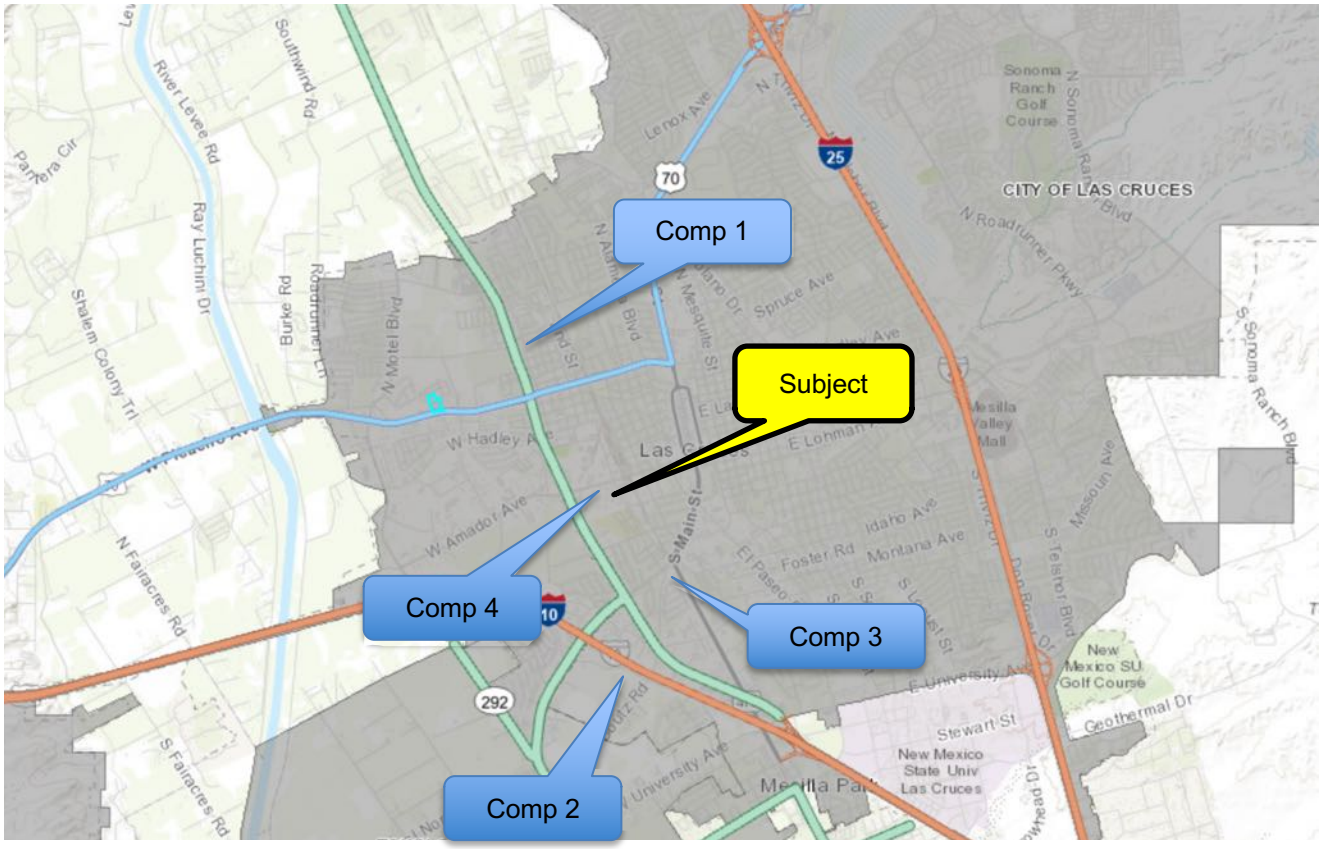
3. Derivation of a net adjustment for each comparable.
4. Review of the comparable prices after adjustment or ranking and reconciliation of the various indications into a single value estimate.

Adjustments derived through quantitative techniques may be applied to a comparable property either as percentages or dollar amounts. The relationship between the subject and the comparable should be expressed as it is perceived by the market. The relationship between the subject and a comparable property is converted into an algebraic statement to determine the percentage adjustment to be applied to the price of the comparable.

The comparables are analyzed using a market data grid. Adjustments to those elements of comparison in which quantifiable adjustments may be extracted are conducted within the grid. The adjusted or unadjusted sales prices of the comparables are then viewed using ranking analysis. The application of ranking analysis involves separating the comparables into those that are overall superior to the subject and those that are inferior. These ratings lead to a net negative or net positive indicated adjustment. The adjusted prices, derived through quantitative and/or qualitative adjustments will, ideally, closely bracket the probable value range of the subject. By studying the comparables most similar to the subject, the appraiser reconciles a single value indication for the subject.

The following sales are the most recent transactions of similar properties in the subject's market area deemed appropriate for comparison. Every effort was made to include the most recent comparable sales available.

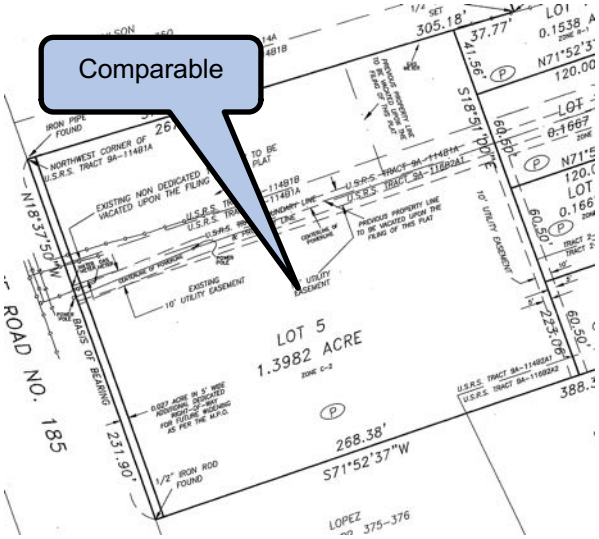
COMPARABLE LAND SALES



COMPARABLE LAND SALE #1

Date of Sale:	October 16, 2024	Recording:	2422309
Grantor:	GNM Investments, LLC	Grantee:	Tierney Properties, LLC
Sale Price:	$225,000	Price pSF:	$3.69 SF
Size:	1.3982 acres	Size SF:	60,906
Terms:	Market	Zoning:	C-2
Legal Description:	W. Lewis Summary Subdivision, Replat 1, Lot 5		
Parcel Number:	R0232347		
Location:	Property located on the east side of N. Valley Dr., just east of the street's intersection with Tashiro Drive. Physical address of 1400 N. Valley Dr.		
Comments:	All usable rectangular shaped level parcel w/ all utilities provided. Located within designated flood area AE. Listing price at the time of sale of $305,000. Days on market prior to sale of 197 days.		
Intended Use:	Intended for speculative holding.		
Confirmed By:	Timothy Tharp – Listing Broker with Keller Williams Realty to BRES via LCMLS# 2400809		

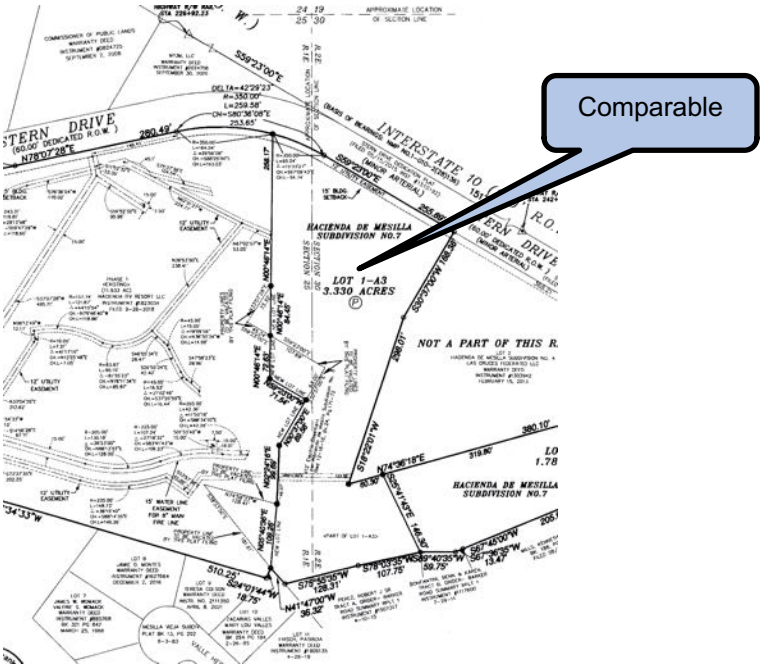




COMPARABLE LAND SALE #2

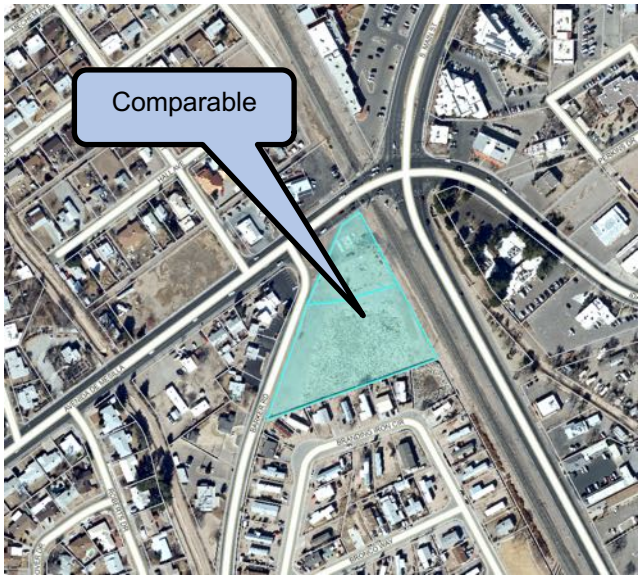
Date of Sale:	March 16, 2023	Recording:	2305302
Grantor:	Hacienda RV, LLC	Grantee:	Americo Real Estate Company
Sales Price:	$585,000 / $4.03 pSF	Size:	3.33 Ac.
Terms:	Cash to Seller	Zoning:	C-3
Legal Description:	Hacienda de Mesilla Sub. 7 (Rec. No. 2303889) Lot: 1-A3 S: 24 T: 23S R: 1E S: 25 T: 23S R: 1E		
Parcel ID:	R0242087		
Location:	Property on the west side of Stern with a physical address of 750 Stern Drive. Property located south of the Hacienda RV Park.		
Comments:	Very Irregular shaped interior parcel, located outside areas of designated flood hazard and with visibility to I-10. All utilities available. Property sold at asking price.		
Intended Use:	U-Haul branded mini-storage and vehicle rental.		
Confirmed By:	Selling Broker, Kary Bulsterbaum of Steinborn Realty to BRES 3.21.23 and review of County property records. CARNM ID#23746312 with days on market reported at 1,270 days or 3.5 years or 42 months.		





COMPARABLE LAND LISTING #3

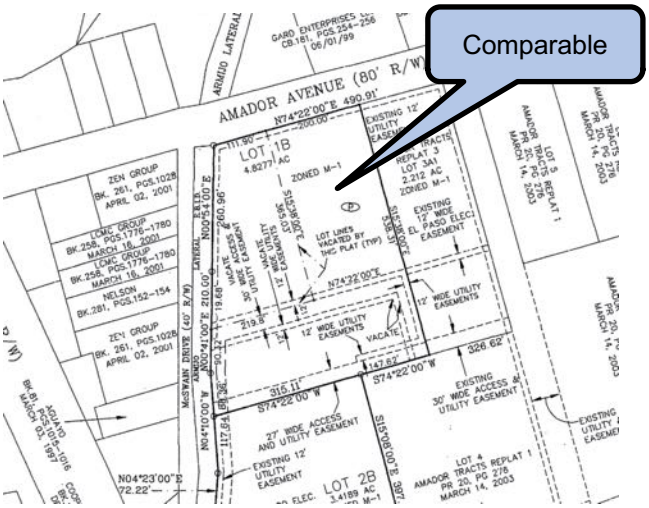
Date of Sale:	January 21, 2025	Recording:	2501314
Grantor:	MAB Real Estate	Grantee:	Barker Road, LLC
Sales Price:	$500,000 / $3.75 pSF	Size:	3.06 Ac.
Adj. Sales Price:	$659,375 / $4.95 pSF		
Terms:	Cash to Seller	Zoning:	C-2
Legal Description:	Parcel 1 - Ponderosa Tracts, Lot: TR A Parcel 2 – Metes and Bounds – 0.79 Ac.		
Parcel ID:	R0207275 & R0207297		
Location:	Physical address of 1243 Barker Road. Property located at the southwest corner of Avenida De Mesilla and Barker Rd. and generally west of the ATSF Railroad Tracks.		
Comments:	Pie shaped corner parcel located within areas of designated flood hazard. Sales price adjusted by reported cost of fill of $159,375 required to bring the property above levels of base flood elevation. All utilities available. Listing price at the time of sale of $550,000.		
Intended Use:	Mini-storage development.		
Confirmed By:	Listing Broker, Juan Uribe of Uribe Real Estate Services via LCMLS # 2300099 and review of public property records. Days on market of 333 days.		



COMPARABLE LAND SALE #4

Date of Sale:	August 23, 2021	Recording:	I2127011
Grantor:	Brewer Oil	Grantee:	City of Las Cruces
Sale Price:	$1,155,000 / $5.49 SF	Size:	4.83 acres
Terms:	Market	Zoning:	M-1
Legal Description:	Lot 1B – Amador Tracts Replat No. 4		
Parcel Number:	R0230417		
Location:	Property located east of east of southeast corner of Amador Ave. and Valley Dr. and generally north of the Community of Hope. Physical address of 1101 W. Amador.		
Comments:	All usable level and near rectangular shaped parcel w/ all utilities provided. Located outside areas of designated flood.		
Intended Use:	Expansion of services in relation to the City's Community of Hope.		
Confirmed By:	City of Las Cruces Resolution #21-188 dated June 21, 2021.		





The comparables are analyzed relative to the subject using an adjustment grid. The sales price per square foot is used as the unit of comparison.

LAND SALE COMPARABLES ADJUSTMENT GRID

	Subject	Sale Comp #1	Sale Comp #2	Sale Comp #3	Sale Comp #4
	"As Though Vacant"	1400 N. Valley Dr.	750 Stern Dr.	1243 Barker Rd.	1101 W. Amador Ave.
Sale Price		$ 225,000	$ 585,000	$ 659,375	$ 1,155,000
Size (Ac.)	10.0690	1.3980	3.3300	3.0600	4.8300
Size (SF) Total	438,606	60,897	145,055	133,294	210,395
Price Per Acre		$ 160,944	$ 175,676	$ 215,482	$ 239,130
Price Per Sq/Ft.		$3.69	$4.03	$4.95	$5.49
Terms	Market	Cash	Cash	Cash	Cash
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
Market Conditions (Date)	Current	Oct-24	Mar-23	Jan-25	Aug-21
Time (yr.)		0.83	2.39	0.57	3.93
Adjustment @ 3.0% pYr.		2.5%	7.2%	1.7%	11.8%
Adjusted Sale Price		$3.79	$4.32	$5.03	$6.14
Condition of Sale	Normal	Normal	Normal	Normal	Normal
Ranking		Equal	Equal	Equal	Equal
Adjustment		0%	0%	0%	0%
Adjusted Sales Price		$3.79	$4.32	$5.03	$6.14
Zoning	PUD	C-2	C-3	C-2	M-1
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Intended / H&B Use	Mix Use	Speculative	Mini-Stg.	Mini-Stg.	Public Development
Ranking	Institutional	Equal	Equal	Equal	Equal
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Locational Characteristics					
Location	Average	Small Inferior	Small Inferior	Superior	Near Equal
Adjustment		Small Positive	Small Positive	Negative	Negative
Physical Characteristics					
Size	10.0690	1.3980	3.3300	3.0600	4.8300
Ranking		Superior	Superior	Superior	Superior
Adjustment		Negative	Negative	Negative	Negative
Access	Average	Near Equal	Near Equal	Near Equal	Near Equal
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Topography & Flood	X - Outside	AE - Within	X - Outside	AE - Within	X - Outside
Ranking		Sm. Inferior	Near Equal	Sm. Inferior	Near Equal
Adjustment		Sm. Positive	No Adj.	Sm. Positive	No Adj.
Utilities	Average	Equal	Equal	Equal	Equal
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Frontage/Easements /Shape/Elevation	Average	Sm. Superior	Inferior	Near Equal	Superior
Adjustment		Sm. Negative	Positive	No Adj.	Negative
Non Realty Items	Average	Equal	Equal	Equal	Equal
Adjustment		No Adj.	No Adj.	No Adj.	No Adj.
Adjusted Sales Price		$3.79	$4.32	$5.03	$6.14
Overall Rating		Inferior	Small Inferior	Small Superior	Superior
Indicated Overall Adjustment		Positive	Small Positive	Small Negative	Negative
Indicated Value pSF		>$3.79	>$4.32	<$5.03	<$6.14

ELEMENTS OF COMPARISON

When determining land value there are eight basic elements of comparison that should always be considered in sales comparison analysis. Elements of comparison are the characteristics of properties and transactions that cause the prices paid of real estate to vary. Description and application of the elements of comparison follows.

Real Property Rights Conveyed

The first step in the adjustment process used is the adjustment for differences in real property rights. The subject land ownership interest applied in the analysis is Fee Simple. The ownership interest appraised is equal to the ownership interest conveyed for each of the comparable sales, therefore no adjustment is required.

Financing Terms

Due to different financing arrangements the transaction price of one property may differ from that of an identical property. Cash equivalency calculations are commonly used to adjust sales in which the seller pays points or finances the loan at a rate that differs from the prevailing market rate for the date of sale. All comparables used in the analysis were sold for cash with no required adjustment.

Conditions of Sale

This element of comparison is used to reflect the motivations of buyers or sellers in sales that are not arm's-length transactions due to duress or special relationships. Such an adjustment may also be required in transactions influenced by unusual tax considerations or lack of market exposure. All sale comparables are considered arms-length and normal with respect to conditions of sale.

Market Conditions

An adjustment for market conditions is used to show market trends over time. Analysis of comparable sales in the subject neighborhood indicates moderate of levels price appreciation since the end of the recent recession. For use in the analysis a marginal annual adjustment factor of 3.0% has been extracted and applied. The adjustments range from 1.7% to 11.8%.

Use

Adjustments for use consider the intended use or the highest and best use of a comparable to the subject property. In the valuation of vacant land, zoning is one of the primary factors in determining the best use of the property. Zoning of each of the comparables at the time of sale allow for or intended for development near equal to the commercial use of the subject. Therefore, no adjustment for zoning and use is warranted.

Locational Characteristics

This element of comparison considers the locational characteristics of the comparables to the subject site. The considerations are proximity to employment and labor pools, city amenities, transportation time, availability to goods and services, general neighborhood conditions, surrounding land use compatibility and neighborhood traffic patterns. Comparables have been adjusted based upon each property's appraiser perceived locational qualities as compared to the subject site.

Physical Characteristics

Adjustments for physical characteristics account for differences in site's size, access, topography and flood zone, utilities, and unique characteristics of frontage, easements, shape, and elevation. Comparables have been adjusted based upon the physical characteristics as compared to the subject site and identified as follows.

Typically, with vacant commercially zoned lands, with all other elements of comparison being equal, the larger the land area of a given parcel, the lower the sales price per square foot. Each of the comparables has received negative qualitative adjustments to reflect the comparable parcels superior smaller size to the subject.

Access of each of the comparables include direct city-maintained access with no required or applied adjustment.

Topography of each of the comparables was near equal to the subject with no observed required adjustment.

The subject is located outside areas of designated flood hazard and within unshaded zone X. Sale comparables one and three are each located within areas of flood hazard and under current development code will require fill prior to development. The classification is inferior to the subject with each of the two comparables receiving positive adjustments for inferior flood hazard. Sale comparables two and four are located outside areas of flood hazard, equal to the subject with no applied adjustments.

Each of the comparables possessed full utility availability to the sites at the time of purchase, equal to the subject, with no required adjustment.

The final physical characteristics applied adjustment category include elements of a site that are less typically observed but when precent are observed to warrant consideration and-or adjustment. These elements include detrimental consideration of low levels of frontage, excessive easements, highly irregular shape, or high variations in elevation requiring unique access consideration or negative impacts to visibility or development. Observed between the subject and comparables is lot shape and frontage to depth ratios with the subject being irregular in shape and possessing a limited frontage to depth ratio. The subject is observed superior in shape and reasonable equal in frontage to sale comparable two with an overall inferior classification and positive adjustment applied to the comparable. Each of the three remaining comparables sale comparables are superior in shape and frontage, observed superior to the subject site with negative qualitative adjustments applied.

Non-Realty Items

Adjustments for non-realty components of value include personality, business concerns, or other items that do not constitute real property but are included in the sale price of either the comparable or the subject. No non-realty items were included in the comparables.

RANKING ANALYSIS

Application of the ranking analysis involves separating the comparables into those that are overall superior to the subject and those that are inferior. These ratings lead to a net negative or net positive required adjustment. The adjusted prices, derived through quantitative and/or qualitative adjustments will, ideally, closely bracket the probable value range of the subject. By studying the comparables most similar to the subject, the appraiser reconciles a single value indication for the subject.

The following ranking analyses grid has been developed as a result of the above quantitative and qualitative analysis, as illustrated in the preceding adjustment grid. The analysis indicates that the pSF value of the subject site should fall between the overall corresponding inferior and superior time adjusted sales prices of comparables two and three of $4.32 and $5.03 pSF respectively. Mean of the indicated value range is $4.68. Of the two overall corresponding inferior and superior comparables, the subject is considered most similar to comparable three. Therefore, the indicated value should fall between the $4.68 mean value of comparables two and three and the $5.03-time adjusted sales price of comparable three. Mean of the secondary value range is $4.85. Based upon qualitative and ranking analysis, a value of $4.85 pSF is considered a reasonable estimate of value from the available data and is used to represent the current pSF market value of the subject 10.069-acre net appraised area.

LAND SALE COMPARABLE RANKING ANALYSIS

Comp #	Overall Rating	Price pSF	Overall Net Adjustment
1	Inferior	$3.79	Positive
2	Small Inferior	$4.32	Small Positive
Subject	**-**	**$4.85**	**-**
3	Small Superior	$5.03	Small Negative
4	Superior	$6.14	Negative

The indicated market value of the subject 10.069 acre or 438,606 SF site is estimated at $4.85 SF or $2,127,237 = (438,606 x $4.85 pSF), say **$2,125,000** after rounding.

SUMMARY OF COST APPROACH ANALYSIS

The following table with continuation summarizes the results of the cost approach as developed in the above analysis. Summarized for each of the five structural improvements identified to be included in the analysis are replacement costs new for both structural site improvements and site contained out-structures, observed and applied depreciation, included entrepreneurial profit and individual and combined structures "as is" depreciated improvement values. Within the combined totals column, combined estimates are included.

COST APPROACH SUMMARY & VALUE CONCLUSION

	Building 1		Building 3		Building 4	
Structural Improvements	$2,354,242		$ 205,804		$ 2,294,387	
Site Improvements	$ 391,153		$ 14,013		$ 133,131	
Total Improvement Replacement Cost		$2,745,395		$ 219,817		$ 2,427,518
- Incurable Physical Depreciation	$ -		$ 122,120		$ 1,067,476	
- Curable Physical Depreciation	$ -		$ -		$ -	
- Functional Obsolescence	$ -		$ -		$ -	
- Economic Obsolescence	$ -		$ -		$ -	
Total Depreciation		$ -		$ 122,120		$ 1,067,476
Depreciated Value of Improvements		$2,745,395		$ 97,697		$ 1,360,042
+ Entrepreneurial Profit (0%)		$ -		$ -		$ -
As Is - Depreciated Improvement Value		$2,745,395		$ 97,697		$ 1,360,042

COST APPROACH SUMMARY & VALUE CONCLUSION – (CONTINUED)

	Building 5		Building 6		Combined Total	
Structural Improvements	$2,795,775		Building 6		$ 9,701,417	
Site Improvements	$ 196,932		$2,051,209		$ 1,206,138	
Total Improvement Replacement Cost		$2,992,707	$ 470,909			$ 10,907,555
- Incurable Physical Depreciation	$1,088,257			$2,522,118	$ 3,521,075	
- Curable Physical Depreciation	$ -		$1,243,222		$ -	
- Functional Obsolescence	$ -		$ -		$ -	
- Economic Obsolescence	$ -		$ -		$ -	
Total Depreciation		$1,088,257	$ -			$ 3,521,075
Depreciated Value of Improvements		$1,904,450		$1,243,222		$ 7,386,480
+ Entrepreneurial Profit (0%)		$ -		$1,278,896		$ -
As Is - Depreciated Improvement Value		$1,904,450		$ -		$ 7,386,480
Site Value				$1,278,896		$ 2,127,237
As Is - Depreciated Improvement and Improvement Value						$ 9,513,717
Rounded						**$9,515,000**
pSF of Improvement - 54,597 SF						$174.28

The analysis results in a final value conclusion relative to the subject "as is" combined cost approach estimated depreciated improvement cost and land included market value estimate under fee simple ownership of $9,515,000. The depreciated value of the subject improvements constitutes 67.8% of the depreciated cost value estimate.

The **$9,515,000** estimate will be applied to an estimate of market rate of return yielding a final estimate of market rent in the following analysis. The estimate results in an average per square foot value for the combined 54,597 SF improvements of 174.28

MARKET RENT – INCOME APPROACH RATE OF RETURN ANALYSIS

The following rate of return on value methodology is utilized towards estimating market rent of the subject Mesilla Valley Community of Hope (MVCH) five principal building contained and appraised estimated 54,597 SF and included site and associated out-building improvements together with an allocated net 10.069-acre site.

Given the unique nature of the property including large area and specialized mixed-use improvements, investor rates of return could not be extracted directly from sales of comparable income producing properties.

Rates of Return

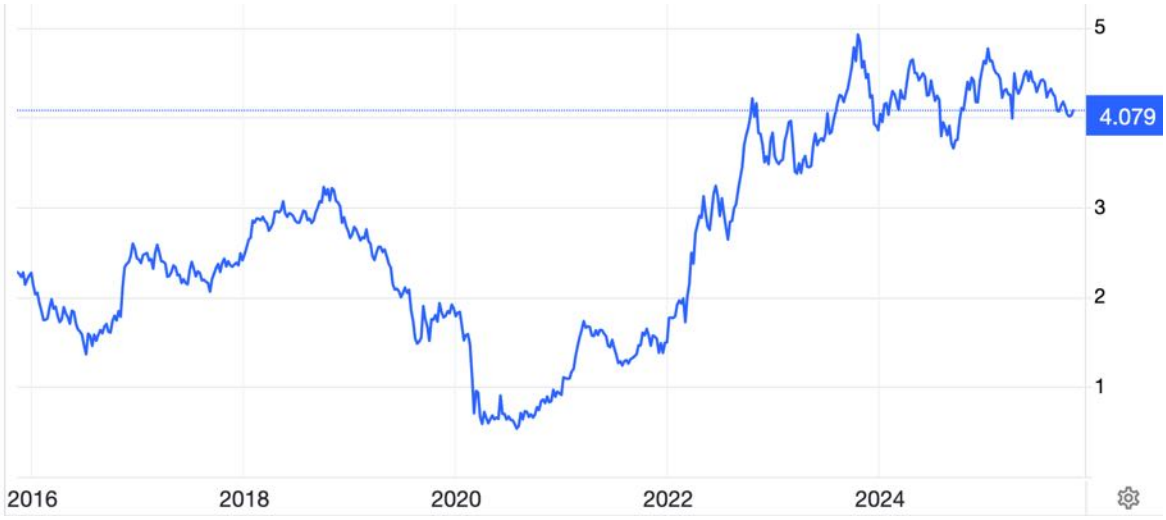
The investor's rate of return for real estate reflects the overall investment risk associated with a property. Generally, a property or investment with a higher risk, a higher rate of return will be sought by the investor. Conversely, the lower the investment risk, the lower the required rate of return.

The Subject is a special-purpose property and includes mixed-use and older and near new buildings as well as site improvements of mixed condition. The development was designed and built by the City using assumed Federal and State Grants and-or taxpayer approved General Obligation Bond Initiatives. Currently the State of New Mexico is paying between 5.0 and 5.5% coupons or interest rates for outstanding bonds with typical ten-year maturities. Bond rates fluctuate based on market conditions, treasury bill rates at the time of issuance, and is also impacted by credit ratings, structure and timing of the bonds.

Investment Premiums Rates

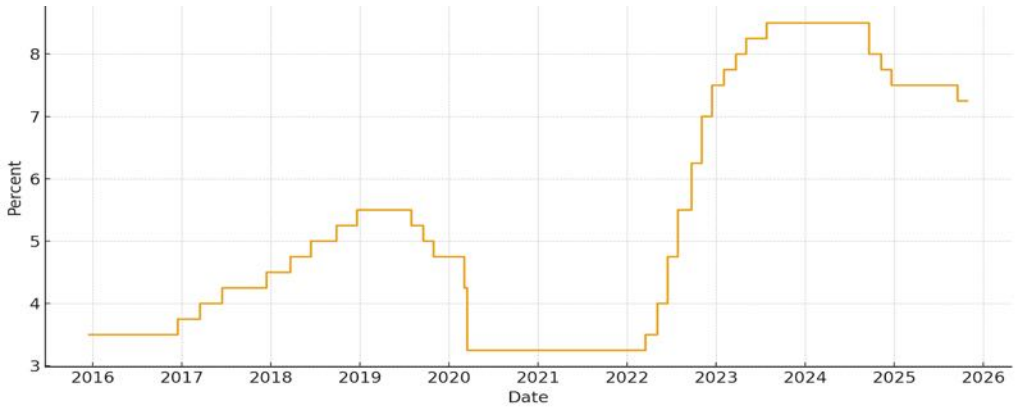
The following table summarizes the 10-year treasury rate over the previous ten years with a current quoted yield of 4.1% after rounding. Applied to the research quoted average yields being paid by the State of New Mexico on bonds the States credit worthiness indicates premiums on the current treasury rate of 90 – 140 basis points.

10-Year Treasury Rates - Ten Years by Year



The following graphic illustrates the prime lending rate or bank rate as tabulated by the Wall Street Journal. Rates peeked over the 10-year period in mid-2023 followed by three cuts in 2024 totaling 750 basis points and one cut in 2025 totaling 250 basis points. The current October 2025 rate is 7.25%

Prime Lending Rate – Ten Years by Quarters



In 2025, U.S. national monetary policy centered on the Federal Reserve's cautious shift from a restrictive stance

toward gradual easing as inflation moderated but remained above its 2 % target. The Fed cut the federal funds rate to around 4.0–4.25 % in September 2025—the first reduction since 2023—signaling the start of a measured easing cycle aimed at supporting slowing economic growth and guarding against labor-market weakness. Policymakers reaffirmed their dual mandate of price stability and maximum employment while emphasizing data-driven flexibility and vigilance against unanchored inflation expectations. The Fed's updated policy framework also highlighted readiness to use broader tools, such as balance-sheet and liquidity measures, if economic or financial conditions warrant.

The Fed has signaled between two- and three-quarter rate cuts in 2025 as inflationary fears have cooled together with cooling on inflationary impacts from recent tariffs in 2025. The rate cuts are viewed as a positive signal to housing starts which have slowed in recent years due to the periods relatively high mortgage rates. Market participants anticipate a further 4th quarter reduction of 25 - 50 basis points.

As such current observed rates of return are observed to have been positively impacted by the Federal Reserves monitary policy with rate reductions anticipated in the next twelve months and a return to more stabilized rates in the early periods of the projected holding period of the subject.

NATIONAL AND LOCAL SURVEY – GOVERNMENT AND QUASI GOVERNMENT USE

The following summarizes capitalization rates for Federal, State of New Mexico and City of Las Cruces government and Quasi-government leased real estate capitalization rates or rates of return as sourced from the national investment surveys. As extracted from the survey a rate at the upper end of the survey rates of between 6.25% and 7.25% is reconciled.

NATIONAL GOVERNMENT - LEASED PROPERTIES RATES OF RETURN

Region / Tenant Type	Estimated Cap Rate Range	Typical Equivalent Annual Yield	Comments
Federal (GSA, VA, DHS) – New Mexico	5.0% – 6.0%	Low yield; highest credit strength	Federal lease, strongest credit profile; long term, bond-like returns
State or County Government – New Mexico	5.75% – 6.75%	Moderate yield; strong credit	State/county leases; solid credit, but market/liquidity premium applies
Municipal / Local Government – New Mexico	6.5% – 7.5%	Higher yield; smaller municipality risk	Local city or village lease; subject to annual appropriations
Las Cruces (Prime) – State/County Tenant	5.75% – 6.0%	Lower yield due to strong lease terms	Best locations in Las Cruces with long-term state or county leases
Las Cruces (Typical) – Local Government Tenant	6.25% – 7.25%	Moderate yield; typical for Las Cruces	Average local assets; moderate term and typical market demand
Las Cruces (Rural or Smaller Asset)	7.0% – 7.5%	Higher yield; smaller market risk premium	Outlying areas or specialized assets; smaller investor pool

(These figures assume long-term NNN or modified-gross leases and stabilized occupancy; actual investor surveys like PwC Real Estate Investor Survey, CBRE Cap Rate Survey, and The Boulder Group's Net Lease Reports show similar ranges.)

RECONCILIATION – SUBJECT APPLIED RATE OF RETURN

As reconciled from the above analysis a rate of 7.25%. The rate is equal to the upper quoted rate for Las Cruces local government tenants. The utilized rate is considered reflective of a stabilized rate of return applicable to the subject large area mixed-use and non-profit alliance tenant occupancy status of the Mesilla Valley Community of Hope (MVCH) Campus appraised five structures.

MARKET RENT CALCULATION – MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

Therefore, based on the appraiser's estimate of depreciated value and a market extracted rate of return of 7.25%, the resulting combined market rent is estimated at Subject property based on this analysis is calculated as follows and estimated after rounding at $690,000.

RATE OF RETURN ON VALUE – MESILLA VALLEY COMMUNITY OF HOPE (MVCH)

	Market Value VO	Rate of Return	Income IO
Combined Land and Building	$ 9,515,000	7.25%	$ 689,838
Rounded - Current Market Rent Estimate - Gross			**$ 690,000**

Applied to the subject overall LCCH gross building area estimate of 54,597 SF produces an average annual rent rate per square foot estimate of $11.90 = ($690,000 / 54,597 SF). The pSF figure is observed to be within range of average maintained commercial improvements in the subject market and observed to be reasonable and reflective of the subject mixed special use and mixed aged improvements.

In this case, because the property is owned by City of Las Cruces, the lease would typically be structured on a Gross expense basis. In a Gross lease, the landlord is responsible for property taxes, hazard insurance and major property maintenance. The tenant is responsible for utilities, janitorial and daily upkeep. As a municipally owned improvement the subject is exempt for property taxes with property and liability insurance assumed to be included as a municipally owned insured under Public Property Reserve Fund (PPRF) as administered by the Risk Management Division of the State of New Mexico.

SUMMARY OF THE ANALYSIS

The Subject of this study are five structural improvements and associated use site and out-structures Mesilla Valley Community of Hope (MVCH) located in Las Cruces, New Mexico and owned by the City of Las Cruces. The estimate of market rent excludes the identified building two located on campus as well as the building's delineated site area. Exclusion of building 2 was based on the structured scheduled demolition as discussed with the Client's appraisal coordinator and reported as appropriate. No FF&E is included in the analysis of market rent. A comprehensive analysis has been completed to determine the market rental rate for the property. Because of the unique nature of the facilities, a variety of information was considered and applied. Overall, there was sufficient data from which to develop the analysis and provide a credible opinion of the market rental rate of the Community of Hope applied five structure properties.

SECTION XI

RECONCILLIATION

The Subject of this study are five structural improvements and associated use site and out-structures identified for analysis and contained in the Mesilla Valley Community of Hope (MVCH) located in Las Cruces, New Mexico.

The estimate of market rent excludes the identified building two located on campus as well as the appraiser's estimate of the building's delineated site area. Exclusion of building 2 was based reported scheduled demolition and was discussed with the Client's appraisal coordinator and reported as appropriate.

The market rent estimate was limited to development of the observed most applicable valuation methodology, which as applied includes methodologies associated with the cost, sales comparison, and income approaches. As applied towards determination of market rent, the cost approach is developed towards estimating the current "as is" depreciated value estimate for each of the five subject structural improvements and associated site developed out-buildings and site improvements. Next a land value estimate is developed utilizing methodologies associated with the sales comparison approach. The depreciated improvement value is then added to land value resulting in an estimate of depreciated value. Next market rates of return for mixed use and similar occupied improvements are studied which is then applied to the depreciated property and improvement value resulting in a final estimate of market rent.

Community of Hope – Five Structures Contained within an Estimated 10.069 Acre Net Site
Year One – Current Market Rent Estimate
$690,000 – Six Hundred and Ninety Thousand Dollars

Subject to the general limiting conditions and assumptions as outlined within the Section III of the report.

ESTIMATE OF EXPOSURE TIME

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. In this instance the estimate of value is market rent with exposure time observed reflective of the sale of the property under consideration if offered as an income investment held under formal lease agreement and market terms at the determined estimate of market rent. The estimate can base upon one or more of the following:

- Statistical information about days on market
- Information gathered through sales verification
- Interviews with market participants

With consideration to the subject property's competitive posture in the market, it is concluded that the most likely exposure period for the subject should be 3 to 12 months or less. Observed exposure periods over the recent past range from 3 - 24 months with extended periods generally representing properties with unreasonable asking prices at the time of offering. The estimate is contingent upon continued professional management and operation of the facility as well as professional marketing of the property and assumes appropriate pricing.

SECTION XIV

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no prior services, as an appraiser, regarding the as is property that is the subject of this report within the three-year period immediately preceding this assignment effective date of value.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.



Signature

November 3, 2025

Date

Steven W. Brooks, MAI

New Mexico General Certified Appraiser #850-G

SECTION XV

ADDENDA

ITEM **PAGE**

PURCHASE ORDER – CITY OF LAS CRUCES ..... *B*

APPRAISER QUALIFICATIONS ..... *E*

PURCHASE ORDER – CITY OF LAS CRUCES

CITY OF LAS CRUCES

Purchase Order

Fiscal Year 2026 | Page 1 of 1

THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKAGES AND SHIPPING PAPERS.

Purchase Order Number	**26202708**
Purchase Order Date	**08/28/2025**
Department	**ECONOMIC DEVELOPMENT**
Freight Terms	**FOB DEST FFA/NET 30**

FEDERAL TAX I.D. 85-6000147 | NM CRS # 01-406383-00-2

Bill To BILL
City of Las Cruces
Attention: Disbursements
PO Box 20000
Las Cruces, NM 88004
disbursements@lascruces.gov

Ship To ECODEV
700 N. MAIN ST.
ATTN: ECONOMIC DEVELOPMENT
LAS CRUCES, NM 88001

Vendor 7071
STEVE BROOKS
DBA: BROOKS REAL ESTATE SERVICES
300 W UNION AVE
LAS CRUCES, NM 88005

VENDOR PHONE NUMBER	VENDOR EMAIL	VENDOR NUMBER	REQUISITION NUMBER	BUYER NAME	DELIVERY REFERENCE
575-541-5555	SW_BROOKS@MSN.COM	7071	26103524	Alysha Zamora-Morales	BILL HAMM 575-528-3410

NOTES

MESILLA VALLEY COM OF HOPE CAMPUS MARKET RENT ANA

The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading

PLEASE REFERENCE THE PO# ON ALL INVOICES. FAILURE TO DO SO WILL RESULT IN DELAY OF PAYMENT.

ITEM #	DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED PRICE
1	APPRAISAL SERVICES, REAL ESTATE MESILLA VALLEY COMMUNITY OF HOME CAMPUS MARKET RENT ANALYSIS GL #: 10347001 - 780120 $9,041.42	1.0000	EACH	$9,041.4200	$9,041.42
2	NM GRT GL #: 10347001 - 780120 $758.58	1.0000	EACH	$758.5800	$758.58

IMPORTANT: Vendor agrees to accept City terms and conditions.

Alysha Zamora Morales / Buyer I
almorales@lascruces.gov 575.541.2520

Total Ext. Price	$9,800.00
Purchase Order Total	**$9,800.00**

CITY OF LAS CRUCES (CITY) PURCHASE ORDER
TERMS AND CONDITIONS

1. CONTRACT The contract resulting from the acceptance of this order is to be construed according to the laws of the State of New Mexico. This contract is non-assignable by the Seller.

2. DELIVERY SCHEDULE Deliveries are to be made both in quantities of finished goods, service or construction and at times specified by the City. The City will have no liability for payment of material, service or construction delivered to the City which exceed purchase order requirements. The City may from time to time change delivery schedules or issue temporary suspension of scheduled material, service or construction.

3. EXCUSABLE DELAYS Except with respect to defaults of subcontractors, Seller shall not be liable for delays or defaults in deliveries due to causes beyond its control and without its fault or negligence. Written notice setting forth the cause for any anticipated delay will be given immediately to the City. Any delay due to default of subcontractor will be excusable if beyond the control and without the fault or negligence of both the Seller and subcontractor and if Seller established that it could not obtain supplies or services from any other source in time to meet scheduled deliveries.

4. CANCELLATION The City reserves the right to cancel all or any part of the work covered by this purchase order if Seller does not make deliveries as specified or so fails to make progress as to endanger performance of the work and does not correct such failure within 10 days after receipt of written notice from City specifying such failure, or if Seller breaches any of the terms hereof. Additionally, performance of work under this purchase order may be terminated by the City at its option, in whole or in part by delivery, or by e-mailing a written notice of termination whenever the City determines such termination is in its best interest. Upon termination under this paragraph, City shall pay to Seller the following amounts without duplication: the purchase order price for all completed deliveries of materials, services or construction and not previously paid for. The actual costs incurred by Seller in accordance to this purchase order to the extent such costs are reasonable in amount and are properly allocable or apportionable under generally accepted accounting practices to the terminated portion of this purchase order. Payments shall not exceed the aggregate price specified in this purchase order, less payments otherwise made or to be made.

5. INSPECTION All material shall be received subject to City inspection and acceptance. Defective material or material not in accordance to City specifications will be held for Seller's instruction and at Seller's risk and, if Seller so directs, will be returned at Seller's expense. Any payment for material, service or construction on this order prior to inspection shall not constitute an acceptance thereof, nor will acceptance remove Seller's responsibility for latent defects.

6. SHIPPING & BILLING Deliveries shall be shipped F.O.B Las Cruces, NM; Prepaid & Allowed. All deliveries shall be suitably packed, marked and shipped in accordance with the requirements of common carriers in a manner to secure lowest transportation cost and without additional charges unless otherwise specified on the purchase order. Seller shall properly mark each package with the City's order number including single shipments comprised of multiple packages. Purchase order, line item, and package numbers shall be shown on packing slips, bills of lading and invoices. **Packages and invoices delivered without the purchase order number shall be rejected and returned to Seller at Seller's expense**. Packing slips must accompany each shipment. Original bill of lading or other shipping receipt for each shipment shall be promptly forwarded by Seller attached to invoice. Invoices shall be rendered in duplicate on day of shipment accompanied by bill of lading and sworn statement and waiver of lien if the order covers repairs and maintenance of premises. Payments made by voucher only. No drafts will be honored.

7. WARRANTY Seller expressly warrants that all the material and work covered by this order will conform to the specifications, drawings, samples or other description furnished or specified by the City, and will be merchantable, of good material and workmanship and free from defect. Seller expressly warrants that all material covered by the order, which is the product of Seller or is in accordance with Seller's specifications, will be fit and sufficient for the purposes intended. Seller is responsible for including product warranty documentation with shipment.

8. REMEDIES All remedies are herein reserved by the City and shall be cumulative and in addition to any further remedies provided in law or equity. No waiver of a breach of any provision of this contract shall constitute a waiver of any other breach or of such provision.

9. APPLICABLE LAW This Agreement and the rights and obligations of the parties shall be governed by and construed by the laws of the State of New Mexico applicable to Agreements between New Mexico parties made and performed in that state, without regard to conflicts of law principles. Venue shall be in the Third Judicial District, State of New Mexico.

10. PUBLIC RECORDS In accordance to LCMC Chapter 2, Article 6, Sec. 2.1352 and NMSA, 1978 § 14-2-1 et seq., as amended are subject to IPRA.

11. ACCOUNTABILITY IN GOVERNMENT In accordance with Chapter 2, Article 3, Sec. 2-177.1 of Las Cruces Municipal Code, all procurement transactions fall under the jurisdiction and authority of inspector general.

By acceptance of this Purchase Order, delivering goods and/or rendering services, vendor acknowledges and agrees to these terms and conditions.

APPRAISER QUALIFICATIONS

APPRAISER QUALIFICATIONS AND LICENSE

Steve W. Brooks, MAI

REAL ESTATE EXPERIENCE:

Owner / Appraiser, Brooks Real Estate Services, Las Cruces, NM, 1995 - Present

Owner / Broker, Venture Real Estate and Development, Las Cruces, NM, 1997 - 1999

Commercial Appraiser, Barrett Appraisal Services, Las Cruces, NM, 1991 - 1995

EDUCATION:

Bachelor of Business Administration, Finance and Real Estate, May 1989,
New Mexico State University, Las Cruces, NM

Associate of Engineering Technology, Electronics Option, December 1985,
New Mexico State University, Las Cruces, NM

PROFESSIONAL DESIGNATIONS:

- **Appraisal Institute**, MAI Designation, March 2014

PROFESSIONAL ASSOCIATIONS:

- **Appraisal Institute**, designated member, multiple board member positions held
- **Association of Realtors**, member number, multiple board member positions held

APPRAISAL COURSES AND SEMINARS COMPLETED:

- **Appraisal Principals,** Appraisal Institute Course 110, Phoenix, AZ. March 1994
- **Appraisal Procedures,** Appraisal Institute Course 120, Phoenix, AZ. March 1994
- **Residential Case Study,** Appraisal Institute Course 210, Phoenix, AZ. March 1994
- **Basic Income Capitalization,** Appraisal Institute Course 310, Phoenix, AZ. March 1994
- **General Applications,** Appraisal Institute Course 320, Phoenix, AZ. March 1994
- **Standards of Professional Practice A & B,** Appraisal Institute, San Diego, CA. June 1994
- **Narrative Report Writing,** Appraisal Institute Course 540, Albuquerque, NM. October 1994
- **Advanced Applications,** Appraisal Institute Course 550, Albuquerque, NM. October 1994
- **Advanced Income Capitalization,** Appraisal Institute Course 510, Phoenix, AZ. February 1995
- **Highest and Best Use, Market Analysis,** Appraisal Institute Course 520, Phoenix, AZ. March 1995
- **Advanced Sales and Income,** Appraisal Institute Course 530, Tempe, AZ. March 1996
- **Introduction of GIS,** Appraisal Institute, Online Education**,** May 2002
- **State of Valuation Profession,** Appraisal Institute, Albuquerque, NM, April 2002
- **Rates and Ratios,** Appraisal Institute, Santa Fe, NM, October 2004
- **Standards of Professional Practice C,** Appraisal Institute, El Paso, TX, January 2005
- **URAR - Revised Form Update,** Appraisal Institute El Paso, TX, June 2005
- **Subdivision Valuation,** Appraisal Institute, Santa Fe, NM, April 2006
- **Forecasting Revenue,** Appraisal Institute, Santa Teresa, NM, June 2007

- **Yellow Book - Uniform Standards for Federal Land Acquisitions, 15 hr.,** Albuquerque NM, March 2007
- **Attaching & Defending an Appraisal in Litigation,** Appraisal Institute, Santa Teresa, NM, October 2008
- **Appraisal Business Practices and Ethics,** Appraisal Institute, Online Education, December 2009
- **Appraisal Curriculum Overview (2-Day General),** Appraisal Institute, El Paso, TX, July 2010
- **Marketability Studies – The Six Step Process,** Appraisal Institute, Albuquerque NM, April 2013
- **Marketability Studies – Advanced Considerations and Applications,** Appraisal Institute, Alb. NM, April 2013
- **Separating Real, Personal Property and Intangible Assets,** Appraisal Institute, Alb. NM, June 2013
- **Capstone – MAI Demonstration Report Class,** Appraisal Institute, Albuquerque NM, February 2014
- **Uniform Standards of Professional Practice, 15 hr.,** Appraisal Institute, Albuquerque NM, November 2014
- **Standards and Ethics of the Appraisal Institute,** Appraisal Institute, Albuquerque NM, January 2016
- **Condemnation Apprising – Applications and Concepts,** Appraisal Institute, Albuquerque NM, October 2016
- **Residential and Commercial Valuation of Solar,** Appraisal Institute, Albuquerque NM, January 2019
- **New Technology for Real Estate Appraisers,** Appraisal Institute, Online Education, April 2019
- **Marshall & Swift Commercial Cost Approach,** Columbia Institute, Online Education, April 2021
- **Identifying and Correcting Appraisal Failures,** OREP, Online Education, April 2023
- **How to Raise Appraisal Quality and Minimize Risk,** OREP, Online Education, April 2025
- **Uniform Standards of Professional Practice, 7 hr. Update,** American Society of Farm Managers & Rural Appraisers, Ruidoso NM, February 2024

PROFESSIONAL LICENSE:

- **New Mexico General Certified Appraiser** - Certificate No. 000850-G, Issued 3/29/1993 with reissue through 4/30/2027



NMRLD
NEW MEXICO REGULATION & LICENSING DEPARTMENT

State of New Mexico

Real Estate Appraisers

HEREBY CERTIFIES THAT

Steven Wyatt Brooks

HAVING GIVEN SATISFACTORY EVIDENCE OF THE COMPLETION OF PROFESSIONAL AND OTHER REQUIREMENTS PRESCRIBED BY LAW IS GRANTED A LICENSE TO PRACTICE IN THE STATE OF NEW MEXICO

General Certified Appraiser

License No. 850-G Issued 03/29/1993 Expires 04/30/2027

THIS LICENSE SHOULD BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS OR AS REQUIRED BY LAW

ATTACHMENT "B"

AMENDMENT TO LEASE AGREEMENT BETWEEN
CITY OF LAS CRUCES AND MESILLA VALLEY COMMUNITY OF HOPE, INC.

This Amendment to Lease Agreement entered into on the 1st day of May, 2023, to the Lease Agreement commenced on December 1,2015 and extended by Extension of Lease on February 8, 2021 between CITY OF LAS CRUCES, as ("CITY"), whose address is P.O. Box 20000, Las Cruces, NM 88004 and Mesilla Valley Community of Hope ("MVCH"), a New Mexico domestic non-profit corporation, as Lessee, whose address is 999 West Amador Avenue, Building 3, Las Cruces, NM 88005, for the Leased Premises located at 999 West Amador Avenue, Las Cruces, New Mexico ("Premises").

Pursuant to the Lease, the parties agree as follows:

a.) The parties agree to amend the Exhibit A attached to the Lease showing the Lease premises City is going through an Administrative replat to include additional property recently purchased to relocate Casa de Peregrinos food pantry for the Mesilla Community of Hope campus.
b.) Article 3. Rent Payments. A. The Market Rate Annual Rental will increase from $400,000.00 as of the date of this Amendment to $568,000.00 per year. In lieu of the rental payment, and beginning on June 1, 2023, the Lessee providing services for the care and maintenance of sick and indigent persons, persons who are homeless, or have low income, as well as abused and/or neglected children who are residents of Las Cruces and surrounding area of Dona Ana County, as itemized for rent on Exhibit "B" of Amendment.
c.) Article 9. Sublease. MVCH shall provide the City with a new sub-lease between MVCH to Casa de Peregrinos to delineate the new leased site.

All capitalized terms used in the Amendment and not otherwise defined herein will have the meaning given such term in the Lease.

IN WITNESS WHEREOF, this Amendment to Lease Agreement is entered into on this 1st day of May 2023.

MESILLA VALLEY COMMUNITY OF HOPE

BY: _____

CITY OF LAS CRUCES

BY: _____
Ifo Pili, City Manager

Approved as to Form:

4/20/23
Jocelyn Garnson, Acting City Attorney

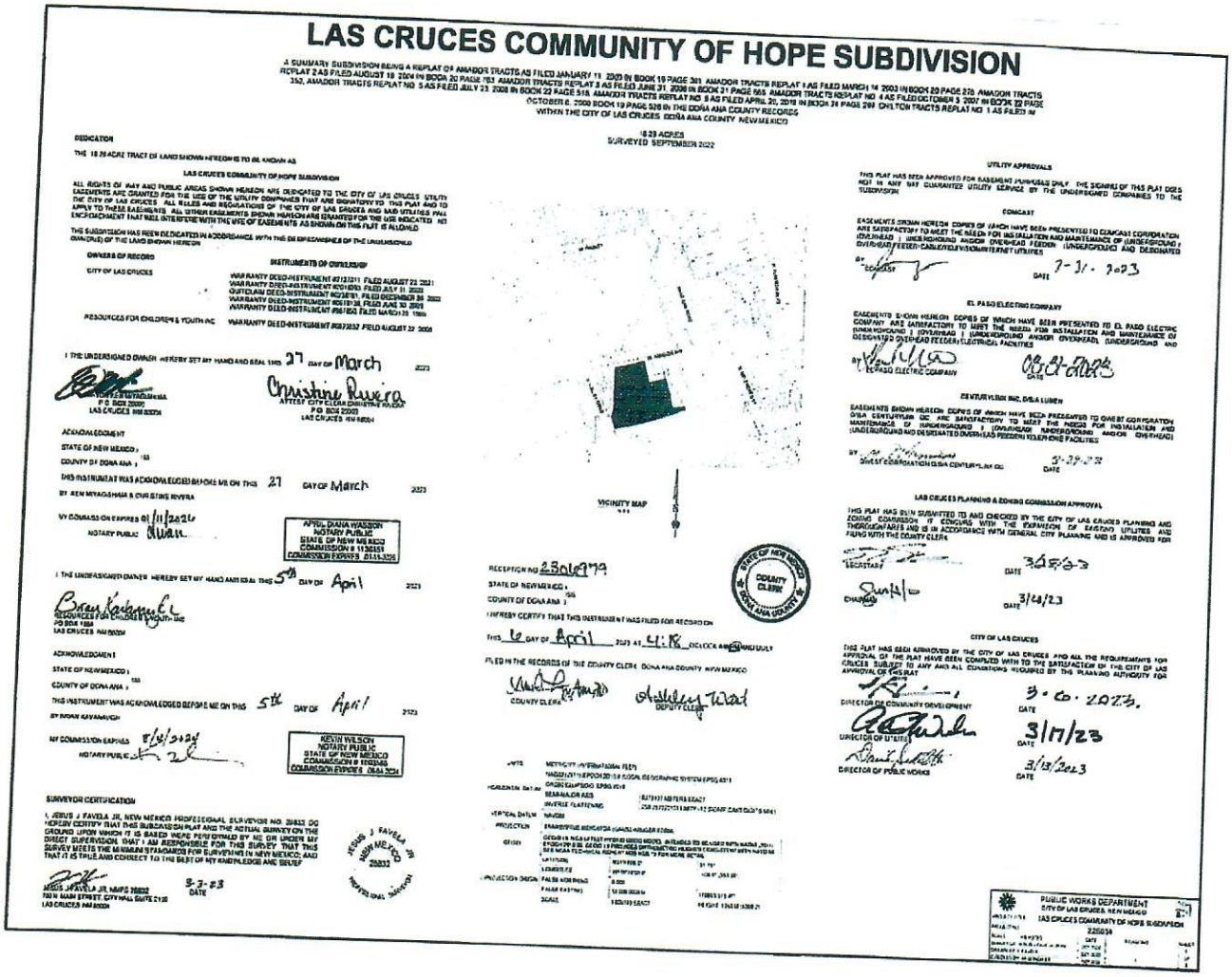
1/8

EXHIBIT "A"

Lot 1 of Las Cruces Community of Hope Subdivision, in Las Cruces, Dona Ana County, New Mexico as shown and designated on the Plat thereof filed in the office of the County Clerk of said County on April 6,2023 as Instrument No: 2306979 more fully depicted on Exhibit A-1 and Exhibit A-2.

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Exhibit A-1



LAS CRUCES COMMUNITY OF HOPE SUBDIVISION

A SUMMARY SUBDIVISION BEING A REPLAT OF AMADOR TRACTS AS FILED JANUARY 11, 2000 IN BOOK 19 PAGE 301 AMADOR TRACTS REPLAT 1 AS FILED MARCH 14 2003 IN BOOK 20 PAGE 276 AMADOR TRACTS REPLAT 2 AS FILED AUGUST 19 2004 IN BOOK 20 PAGE 751 AMADOR TRACTS REPLAT 3 AS FILED JUNE 21, 2006 IN BOOK 21 PAGE 165 AMADOR TRACTS REPLAT NO 4 AS FILED OCTOBER 3 2007 IN BOOK 22 PAGE 352, AMADOR TRACTS REPLAT NO 5 AS FILED JULY 23 2008 IN BOOK 22 PAGE 518 AMADOR TRACTS REPLAT NO 6 AS FILED APRIL 20, 2018 IN BOOK 24 PAGE 299 CHILTON TRACTS REPLAT NO 1 AS FILED IN OCTOBER 6, 2000 BOOK 19 PAGE 526 IN THE DONA ANA COUNTY RECORDS
WITHIN THE CITY OF LAS CRUCES DONA ANA COUNTY NEW MEXICO

18.39 ACRES
SURVEYED SEPTEMBER 2022

DEDICATION

THE 18.39 ACRE TRACT OF LAND SHOWN HEREON TO BE KNOWN AS

LAS CRUCES COMMUNITY OF HOPE SUBDIVISION

ALL RIGHTS OF WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES ALL RULES AND REGULATIONS OF THE CITY OF LAS CRUCES AND SAID UTILITIES SHALL APPLY TO THESE EASEMENTS ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED

THE SUBDIVISION HAS BEEN DESIGNATED IN ACCORDANCE WITH THE DESIRES/WISHES OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON

OWNERS OF RECORD

CITY OF LAS CRUCES

INSTRUMENTS OF CONVEYANCE

WARRANTY DEED-INSTRUMENT #[illegible] FILED AUGUST 22 2021
WARRANTY DEED-INSTRUMENT #[illegible] FILED JULY 31 2023
QUITCLAIM DEED-INSTRUMENT #[illegible] FILED DECEMBER 29 2022
WARRANTY DEED-INSTRUMENT #[illegible] FILED JUNE 30 2009
WARRANTY DEED-INSTRUMENT #[illegible] FILED MARCH 25 1999

RESOURCES FOR CHILDREN & YOUTH INC

WARRANTY DEED-INSTRUMENT #[illegible] FELD AUGUST 22 2008

I THE UNDERSIGNED OWNER HEREBY SET MY HAND AND SEAL THIS 27 DAY OF March 2023

Christine Rivera
ATTEST CITY CLERK CHRISTINE RIVERA
PO BOX 20000
LAS CRUCES NM 88004

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) SS
COUNTY OF DONA ANA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 27 DAY OF March 2023
BY KEN MIYAGISHIMA & CHRISTINE RIVERA

MY COMMISSION EXPIRES 01/11/2026
NOTARY PUBLIC

APRIL DIANA WASSON
NOTARY PUBLIC
STATE OF NEW MEXICO
COMMISSION # 1136161
COMMISSION EXPIRES 01/11/2026

I THE UNDERSIGNED OWNER HEREBY SET MY HAND AND SEAL THIS 5th DAY OF April 2023

RESOURCES FOR CHILDREN & YOUTH INC
PO BOX 1358
LAS CRUCES NM 88004

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) SS
COUNTY OF DONA ANA)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 5th DAY OF April 2023
BY RYAN KAVANAUGH

MY COMMISSION EXPIRES 8/8/2024
NOTARY PUBLIC

KEVIN WILSON
NOTARY PUBLIC
STATE OF NEW MEXICO
COMMISSION # 1135845
COMMISSION EXPIRES 08-08-2024

SURVEYOR CERTIFICATION

I, JESUS J FAVELA JR, NEW MEXICO PROFESSIONAL SURVEYOR NO. 23032 DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

JESUS J FAVELA JR
NEW MEXICO
23032
REGISTERED PROFESSIONAL SURVEYOR

JESUS J FAVELA JR, NMPS 23032
700 N MAIN STREET, CITY HALL SUITE 2120
LAS CRUCES NM 88001

3-3-23
DATE

VICINITY MAP

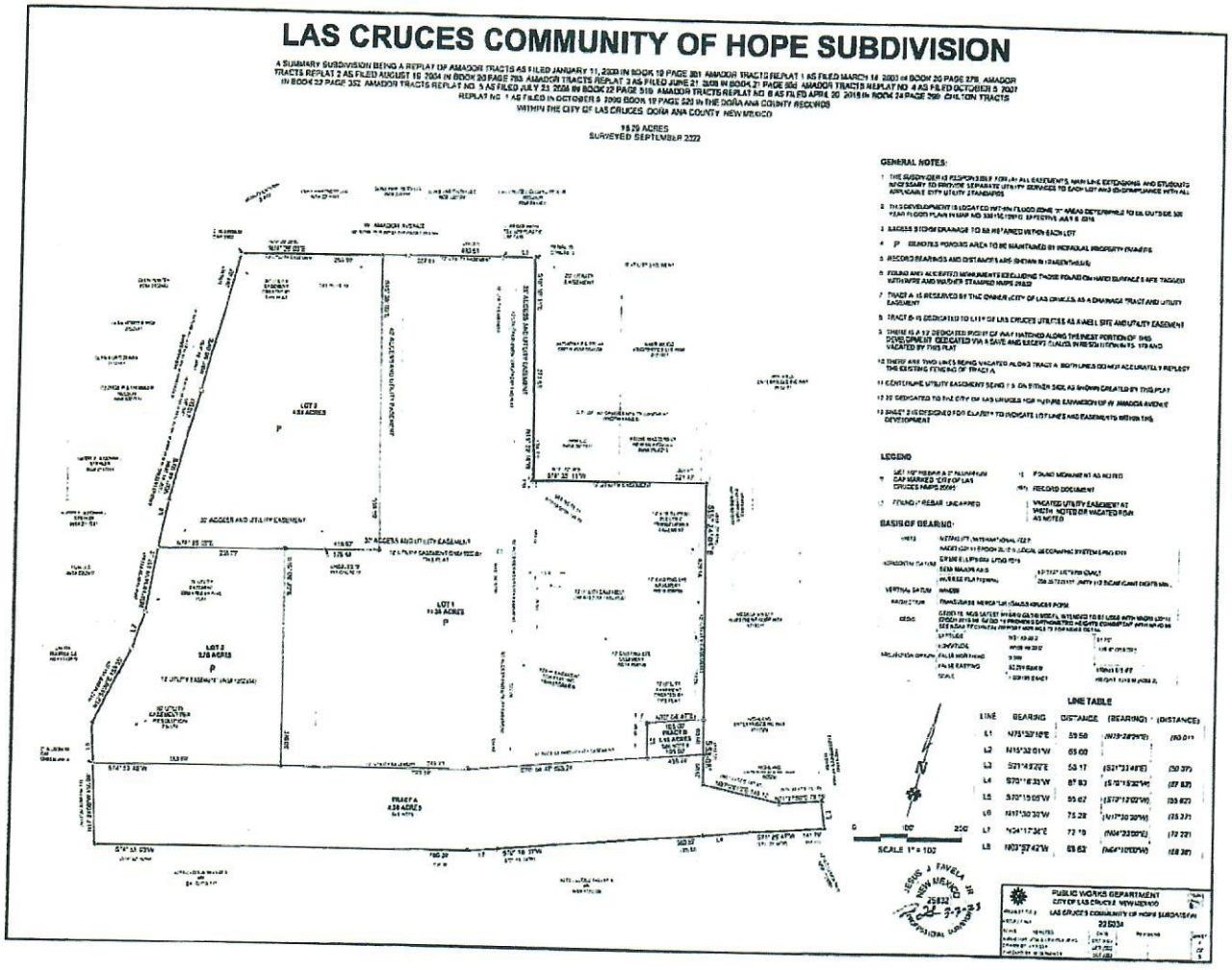
RECEPTION NO 2306979
STATE OF NEW MEXICO)
) SS
COUNTY OF DONA ANA)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON
THIS 12 DAY OF April 2023 AT 4:18 O'CLOCK AND DULY
FILED IN THE RECORDS OF THE COUNTY CLERK DONA ANA COUNTY NEW MEXICO

COUNTY CLERK
DEPUTY CLERK

STATE OF NEW MEXICO
COUNTY CLERK
DONA ANA COUNTY

UNITS METER/US SURVEY FEET
HORIZONTAL DATUM NAD83(2011) EPOCH:2010.0 LOCAL ADJUSTMENT NAD83(NSRS2011) EPOCH:2010.0
GROUND COMBINED SCALE FACTOR
SEA LEVEL FACTOR 0.999
VERTICAL DATUM NAVD88
PROJECTION TRANSVERSE MERCATOR (GAUSS-KRUGER) ZONE
ORIGIN GEODETIC NAD 83 FEET (HYPERLINKED GEODETIC MONUMENTS, AS LISTED ON DATASHEETS WITHIN 10 MILES OF PROJECT, EXISTING IN U.S. GRID 1.0 PUBLISHED DATASHEET

Exhibit A-2



LAS CRUCES COMMUNITY OF HOPE SUBDIVISION

A SUMMARY SUBDIVISION BEING A REPLAT OF AMADOR TRACTS AS FILED JANUARY 11, 2008 IN BOOK 19 PAGE 301 AMADOR TRACTS REPLAT 1 AS FILED MARCH 18, 2003 IN BOOK 20 PAGE 278, AMADOR TRACTS REPLAT 2 AS FILED AUGUST 18, 2004 IN BOOK 20 PAGE 783, AMADOR TRACTS REPLAT 3 AS FILED JUNE 21, 2006 IN BOOK 21 PAGE 852, AMADOR TRACTS REPLAT NO. 4 AS FILED OCTOBER 5, 2007 IN BOOK 22 PAGE 302, AMADOR TRACTS REPLAT NO. 5 AS FILED JULY 23, 2008 IN BOOK 22 PAGE 519, AMADOR TRACTS REPLAT NO. 6 AS FILED APRIL 20, 2018 IN BOOK 24 PAGE 269, CHILTON TRACTS REPLAT NO. 1 AS FILED IN OCTOBER 8, 2008 BOOK 19 PAGE 520 IN THE DOÑA ANA COUNTY RECORDS
WITHIN THE CITY OF LAS CRUCES DOÑA ANA COUNTY NEW MEXICO

19.29 ACRES
SURVEYED SEPTEMBER 2022

GENERAL NOTES:

1. THE SUBDIVIDER IS RESPONSIBLE FOR ALL EASEMENTS, MAIN LINE EXTENSIONS, AND STUBOUTS NOT EXACTLY TO PROVIDE SEPARATE UTILITY SERVICES TO EACH LOT AND IN COMPLIANCE WITH ALL APPLICABLE CITY UTILITY STANDARDS
2. THIS DEVELOPMENT IS LOCATED WITHIN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN PER MAP NO. 35013C0910D EFFECTIVE JAN 6, 2016
3. ACCESS & STORM DRAINAGE TO BE PROVIDED WITHIN EACH LOT
4. "P" DENOTES PONDING AREA TO BE MAINTAINED BY INDIVIDUAL PROPERTY OWNERS
5. RECORD BEARINGS AND DISTANCES ARE SHOWN IN (PARENTHESIS)
6. FOUND AND ACCEPTED MONUMENTS EXCLUDING THOSE FOUND ON HARD SURFACE S ARE TAGGED WITH WIRE AND WASHER STAMPED WIPE 21632
7. TRACT A IS RESERVED BY THE OWNER/CITY OF LAS CRUCES, AS A DRAINAGE TRACT AND UTILITY EASEMENT
8. TRACT B-1 IS DEDICATED TO CITY OF LAS CRUCES UTILITIES AS A WELL SITE AND UTILITY EASEMENT
9. THERE IS A 12' DEDICATED RIGHT OF WAY HATCHED ALONG THE NEXT PORTION OF THIS DOÑA DRIVE IT DEDICATED VIA A SAVE AND EXCEPT CLAUSE IN RESOLUTION No. 173 AND VACATED BY THIS PLAT
10. THERE ARE TWO LINES BEING VACATED ALONG TRACT A. BOTH LINES DO NOT ACCURATELY REFLECT THE EXISTING FENCING OF TRACT A
11. CENTERLINE UTILITY EASEMENT BEING 7.5' ON EITHER SIDE, AS SHOWN CREATED BY THIS PLAT
12. 30' DEDICATED TO THE CITY OF LAS CRUCES FOR FUTURE EXPANSION OF W. AMADOR AVENUE
13. SHEET 2 IS DESIGNED FOR CLARITY TO INDICATE LOT LINES AND EASEMENTS WITHIN THIS DEVELOPMENT

LEGEND

- SET 1/2" REBAR & 2" ALUMINUM CAP MARKED "CITY OF LAS CRUCES WIPE 21632"
- FOUND 1/2" REBAR UNLESS NOTED
- FOUND MONUMENT AS NOTED
- (REC) RECORD DOCUMENT
- VACATED UTILITY EASEMENT AS NOTED OR VACATED PER AS NOTED

BASIS OF BEARING:

DATUM	NAD83 (91) WGS84 (WGS84)
HORIZONTAL DATUM	NEW MEXICO STATE PLANE EAST ZONE 3001
VERTICAL DATUM	NAVD88
GEOID	GEOID18

LINE TABLE

LINE	BEARING	DISTANCE	(BEARING)	(DISTANCE)
L1	N75°32'10"E	59.58	(N75°28'29"E)	(60.01)
L2	N15°32'01"W	65.00		
L3	S71°14'57"E	53.17	(S71°33'48"E)	(53.37)
L4	S70°16'33"W	87.83	(S70°15'32"W)	(87.83)
L5	S70°15'05"W	65.62	(S70°12'02"W)	(65.62)
L6	N15°30'30"W	75.28	(N15°30'30"W)	(75.37)
L7	N24°17'34"E	72.19	(N24°33'09"E)	(72.22)
L8	N83°37'42"W	65.62	(N84°10'03"W)	(65.36)

SCALE 1" = 100'

JESUS J. FAVELA JR. NEW MEXICO 25832 PROFESSIONAL SURVEYOR

PUBLIC WORKS DEPARTMENT
CITY OF LAS CRUCES NEW MEXICO
LAS CRUCES COMMUNITY OF HOPE SUBDIVISION
22-034

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Exhibit "B"

Grants awarded to Campus		
Amador Health Center (St. Lukes)	HRPS	$ 30,000.00
Casa De Peregrinos	HRPS	$ 32,000.00
El Caldito	HRPS	$ 32,000.00
Jardin De Los Ninos	HRPS	$ 32,000.00
Mesilla Valley Community of Hope	HRPS	$ 32,000.00
Mesilla Valley Community of Hope	Mano y Mano	$ 543,000.00
Mesilla Valley Community of Hope	Outreach services	$ 75,000.00
Mesilla Valley Community of Hope	CDBG	$ 30,000.00
Casa De Peregrinos	CDBG	$ 30,000.00
Jardin De Los Ninos	CDBG	$ 30,000.00
Value of Lease Space	Fair Market	$ 568,000.00
	TOTAL	$ 1,434,000.00

Funding or Services in Lieu	
Non-City Grants-MVCH	$ 2,081,727.00
Volunteer Hours-MVCH	$ 218,560.00
Donations-MVCH	$ 2,984,722.00
Non-City Grants-CDP	$ 386,141.00
Volunteer Hours-CDP	$ 359,609.65
Donations-CDP	$ 1,485,281.00
Value of El Caldito Meals (Less City Grant)	$ 324,400.00
Volunteer Hours-El Caldito	$ 853,575.00
Donations-El Caldito	$ 250,000.00
Non-City Grants-Amador	$ 2,205,251.00
Donations-Amador	$ 69,690.00
Non-City Grants-Jardin	$ 582,784.00
Volunteer Hours-Jardin	$ 34,801.00
Donations-Jardin	$ 145,460.84
Subtotal	**$ 11,982,002.49**
Facility Improvement Funding-MVCH	$ 1,150,000.00
Facility Improvement Funding-Jardin	$ 250,000.00
Facility Improvement Funding-CDP	$ 1,875,000.00
Facility Improvement Funding-Amador	$ 1,625,000.00
Facility Improvement Funding-MVCH	$ 600,000.00
Facility Improvement Funding-MVCH	$ 200,000.00
Total	**$ 17,682,002.49**

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MVCH SERVICES: See Attachment

CDP SERVICES: See Attachment

EL CALDITO SERVICES: El Caldito Soup Kitchen provides a hot nutritious mid-day meal Sunday through Friday, and a sack lunch on Saturdays, we serve lunch all 365 days of the year. A continental breakfast is served three days a week and a hot breakfast is served two days a week. Meals are free of charge to all who come to our doors including provisions on site.

AMADOR SERVICES: Primary Health Care, Pharmacy, Behavioral Health Counseling including Diagnosis and Treatment; Substance Use Recovery Support including counseling, case management and peer support; Psychology with Medication Management; Case Management including assistance with transportation and referrals for housing, food, and medical specialties. They do vary from year to year, as some of our federal funding grants for Covid are going away.

JARDIN SERVICES: Jardin de los Niños is a non-profit organization with a Five-Star early childhood education program certified by the FOCUS Program of New Mexico. We are designated as a Trauma-Informed Care Center by the New Mexico Association for Infant Mental Health. Jardin provides early childhood education, therapeutic intervention including dental, vision, medical, behavioral and mental health services, and comprehensive wrap-around services to homeless and near-homeless children, from the ages of six weeks to 10 years, and their families. Jardin provides a holistic, strengths-based approach to serving families and breaking the cycle of generational poverty.

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Casa de Peregrinos Programs *within the City of Las Cruces*

Food Security Program – Provide supplemental groceries (average of 85 lbs. per family) to families and individuals (18,000 people) below the poverty level as well as low-income families at our flagship pantry on the Community of Hope. This is a largest program.

Homeless Program – Provide food baskets or custom food bags for homeless individuals and families, that includes all those already in transitional homes through services provided on our campus.

Children's Relief Program – This program is designed to provide additional relief with additional food distributions (baskets) to families with children during the school year's fall, winter spring and summer breaks.

Seniors Program – These are mobile food pantries set up on location at each of the City of Las Cruces' Senior Centers specifically for seniors.

Student Pantries – These are mobile food pantries on location at NMSU and both DACC Campuses. This program is designed to serve the students in college as well as staff that may require our services.

Hope or the Holidays (Thanksgiving Distribution) – This project serves over 3,500 families in Las Cruces with full Thanksgiving meal.

Healthy Snacks Program – This program is to provide healthy snacks for students at the LCPS Community Schools.

CdP Delivers – This program is new and is currently providing food boxes to homebound individuals in collaboration with several other agencies including LCFD, LCPD, Adult Protective Services, La Clinica de Familia and others.

Food Rescue Program – Instrumental part of our operation, this program is designed to collect food that has passed its "sell-by" date and would have been destined for the landfill, then distributes it to families in Las Cruces through several of our programs.

Mesilla Valley Community of Hope Programs

- **Day Shelter:** Showers, Laundry, mail, case management, clothing
- **Permanent Supportive Housing:** Group Living and Individual, scattered-site apartments for homeless people with disabilities & their families. Individuals must be chronically homeless.
- **Rapid Rehousing:** Subsidized rental assistance to help transition homeless individuals, families, & veterans back into permanent housing. Individuals must be literally homeless.
- **Veteran Housing:** Ongoing rental assistance & supportive services for veterans. Other assistance available to homeless vets includes security deposits, first month's rent, homeless prevention, & utility assistance.
- **Linkages:** Permanent supportive housing voucher program for persons with severe mental illness who are homeless or precariously housed. MVCH partners with La Clinica de Familia & Amador Health Center to provide supportive services.
- **Homeless Prevention:** Assistance to help individuals, families & veterans who are at risk of becoming homeless.
- **Camp Hope:** MVCH operates a tent city for the homeless located on the Community of Hope campus which provides a safe place for homeless residents to stay while they transition into housing.
- **SOAR:** Social Security Disability Application assistance (SSI/SSDI Outreach, Access and Recovery)
- **Housing Stability Services:** For participants enrolled in the eRAP program
- **Outreach Services:** Outreach team delivering services to unhoused people throughout the community; presentations to businesses, clubs, educational opportunities, etc.

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LEASE EXTENSION AGREEMENT BETWEEN
CITY OF LAS CRUCES AND MESILLA VALLEY COMMUNITY OF HOPE, INC.

The Lease Agreement entered into on the 5th day of October, 2015, and commenced on December 1,2015 between CITY OF LAS CRUCES, as ("CITY"), whose address is P.O. Box 20000, Las Cruces, NM 88004 and Mesilla Valley Community of Hope ("MVCH"), a New Mexico domestic non-profit corporation, as Lessee, whose address is 999 West Amador Avenue, Building 3, Las Cruces, NM 88005, for the Leased Premises located at 999 West Amador Avenue, Las Cruces, New Mexico ("Premises").

The parties hereby agree to extend the Lease Agreement on the same terms and conditions from December 1, 2020 through December 30, 2025, being the extension of an additional five (5) year term as set out on Article 2 Item B of said Lease Agreement.

IN WITNESS WHEREOF, this Lease Extension Agreement is entered into on this 8th day of February 2021.

MESILLA VALLEY COMMUNITY OF HOPE

BY: _____

CITY OF LAS CRUCES

BY: _____
Ifo Pili, City Manager

Approved as to Form:
Electronic Approval JG 2-8-21
Jocelyn Garrison, Sr. Assistant City Attorney

Exhibit 'A'

LEASE OF THE COMMUNITY OF HOPE CAMPUS LOCATED AT 999 WEST AMADOR AVENUE

THIS LEASE, (hereinafter the 'Lease) is entered into this 2015, and is effective as of December 1, 2015, between the City of Las Cruces, a New Mexico municipal corporation, (hereinafter called the 'City'); and Mesilla Valley Community of Hope, Inc. a New Mexico domestic non-profit corporation, whose address is 999 West Amador Avenue, Building 3, Las Cruces, NM 88005, (hereinafter 'Lessee").

WITNESSETH:

WHEREAS, the City is the owner of certain real property located at 999 West Amador Avenue, as depicted further in Exhibit A attached hereto and incorporated herein by reference, (hereinafter 'Leasehold Property'); and

WHEREAS, Lessee desires to lease the Leasehold Property to continue the operations at that location of programs providing services for the care and maintenance of sick, indigent persons, persons who are homeless, or have low income as well as abused and/or neglected children who are residents of Las Cruces and the surrounding area of Dona Ana County and

WHEREAS, the City is willing to lease the Leasehold Property to Lessee; and

WHEREAS, the parties desire to execute a written Lease containing the terms and conditions of this lease agreement.

NOW THEREFORE, for valuable considerations, the following is agreed:

Article 1. Leasehold Property Description.

The City hereby leases to Lessee, the Leasehold Property with all improvements located thereon.

Article 2. Leasehold Term. Extended Term and Possession.

A. The term of this Lease shall be five (5) years (hereinafter 'Lease Term") commencing on the 'Commencement Date, as hereinafter defined, and terminating on the fifth anniversary of the Commencement Date. The Commencement Date shall be December 1, 2015,

B. Lessee shall have the option to extend this Lease for one five (5) year term (the 'Extended Term"), upon the same terms and conditions herein provided, except that the City may update the market rate annual rental to reflect the then current market value for the extended term. To exercise the Extended Term, the Lessee must notify the City in writing not later than six (6) months prior to the termination of the Lease Term. If the Lessee does not notify the City within the

appropriate time period, the City may terminate the lease at the end of the Lease Term. The right to exercise the option for the Extended Term shall be solely at the discretion of the Lessee.

C. If Lessee should remain in possession of the Leasehold Property after the expiration or termination of this Lease, without the execution by City and Lessee of a new Lease, or without the request for the Extended Term, the Lessee shall be deemed to be occupying the Leasehold Property as a hold over tenant, subject to all the terms and condition of this Lease; and shall pay as rent an amount equal to the then-current Market Rate Annual Rental, as established by the City s Land and Real Estate Services Manager at that time. Services in lieu of rent will be included in this calculation.

Article 3. Rent Payments.

A. The Market Rate Annual Rental as of the Commencement Date is $400,000.00 per year. In lieu of the rental payment, and beginning on December 1, 2015, the Lessee providing services for the care and maintenance of sick and indigent persons, persons who are homeless, or have low income, as well as abused and/or neglected children who are residents of Las Cruces and the surrounding area of Dona Ana County The services to the public shall be at least equal in value to the Market Rate Annual Rental, and are to be performed on an on-going basis during the Lease Term by the Lessee as follows:

1) Lessee, shall continue the public service for the sick and indigent, homeless, low income, and/or abused and/or neglected children to residents of Las Cruces and the surrounding area of Dona Ana County

2) Lessee shall operate programs to carry out the goals outlined in Section 3A of this Lease, with programs such as shown on Exhibit 'B' attached hereto and made a part hereof:

3) Lessee shall provide services regardless of race, color, religion, sex, national origin, age, disability or sexual preference. No person shall be excluded from participation in or denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities based on race, color, religion, sex, national origin, age, disability or sexual preference.

B. Lessee shall provide a report to the City at least annually to document the type of services with both quantity and quality measures which describes the caseload of services and the approximate amount of same being offered to residents of the City The overall value of those services must at a minimum meet the value assigned to the property as defined in Article 3, Section A above. If the value of the services is less than the value assigned to the property that difference becomes due and payable to the City within 30 days.

Article 4. Maintenance and Repairs.

A. Lessee and City shall jointly share the responsibility for maintenance and repair of the Leasehold Property as defined in this Article 4 and more specifically defined on Exhibit 'C' The City shall be responsible for maintenance and repair of major mechanical systems and the roof. Lessee shall be responsible for servicing and maintenance of the building and equipment therein. Lessee agrees to comply with the City building codes at all times.

B. The City shall be responsible for capital improvement and major maintenance items as set out on Exhibit C attached hereto and made a part hereof being within the buildings owned by City The City shall also be responsible for necessary building renovations, as determined by the City, and as deemed necessary from time to time during the Lease. City will bill Lessee for requested minor repairs at normal hourly rate.

C Lessee shall maintain the Leasehold Property and any improvements, fixtures or equipment on the Leasehold Property in a workman-like manner excluding the City's responsibilities in Sections 5A and 5B above. Lessee shall be responsible for all maintenance responsibilities as set out on Exhibit 'C' attached hereto and made a part hereof.

D. Lessee shall maintain and provide the City with a copy of written log on a quarterly basis of the maintenance records whether handled by their staff or contracted to an outside party Any servicing maintenance or replacement parts must meet and be maintained as per manufacturer recommendations and specifications.

E. Lessee shall be responsible for any expenses required to repair or replace any damage or injury done to the building, or any part thereof, caused by Lessee, Lessee's agents, employees, licensees, invitees or visitors, provided, however, if Lessee fails to make such repairs or replacements promptly City may at its option, make such repairs or replacements and Lessee shall pay the cost thereof to City on demand.

F City its officers, agents and representatives, subject to any security regulations imposed by any governmental authority or Lessee, shall have the right to enter all parts of the premises, subject to a Twenty-four (24) hour notice and at a reasonable hour, to inspect, clean, make repairs, conduct safety inspections on the building or premises which are reasonably required and as it may deem necessary or desirable, or to provide any service which it is obligated to furnish to Lessee. Notwithstanding the above, the City shall have the right to enter the Leasehold Property without notice in the event of an accident or urgent situation, such as a fire, medical or police emergency being declared on the Leasehold Property

G. All trade fixtures, portable buildings, equipment and other personal property brought, installed, erected or placed by Lessee in, on or about the Leasehold Property shall be deemed to be personal and shall be and remain the property of Lessee, except as

otherwise provided herein; and Lessee shall have the right at any time during the term hereof when not in default and when not prohibited by any mortgages of Lessee to remove any or all of its property, subject to Lessee's obligation to repair all damage, if any resulting from such removal. All such portable buildings, trade fixtures, and other personal property of Lessee shall be removed by Lessee from the Leasehold Property at the expiration of this Lease or the expiration of any renewal hereof, whichever occurs last, unless this Lease is earlier terminated as provided for herein.

Article 5. General Provisions.

A. No hazardous waste shall be permitted to be stored or disposed of on the Leasehold Property Any Medical waste must be stored and disposed of in the specified containers as required.

B. City of Las Cruces Design Standards For Construction and Landscaping Regulations are applicable to the Leasehold Property for any construction and development activities which may occur in the future. Lessee must meet minimum City standards for infrastructure construction, including water, waste water, gas, streets, drainage, signs, and landscaping, etc. City may allow use of rain barrels on leasehold property upon City and State appropriate review and approvals of such system if applicable.

C. Lessee acknowledges that it has fully inspected the leasehold property and Lessee hereby accepts the leasehold property buildings, improvements and each appurtenance thereto as is, in their present state and condition, as suitable for the purpose for which the same are leased and agrees to allow for changes in such condition, occurring by reasonable deterioration between the date this Lease is executed and the date such changes shall occur.

D. Lessee shall pay all utility costs for electric power, water, waste water and natural gas utilities during the lease term and extended term. Lessee shall pay all other charges made against the Leasehold Property, including telecommunications, or any other utility furnished to the premises during the continuance of this lease, as the same shall become due. Lessee shall also be responsible for paying or putting up any bonds or deposits required by electric power, water, waste water and natural gas utility services to the Leasehold Property which is the subject matter of this lease agreement.

E. Lessee covenants and agrees to pay when due all valid taxes, special assessments, excises, license fees and permit fees of whatever nature applicable to its operation or levied or assessed against Leasehold Property and to take out and keep current all licenses (City, County State and Federal) required for the conduct of its business, and further agrees not to permit any of said taxes, excise or license fees to knowingly become delinquent. Lessee shall furnish to the City, upon request, satisfactory evidence showing prompt payment by it of Social Security Unemployment Compensation and Workmen's Compensation Insurance, all required licenses, all taxes, all undisputed bills, debts and

obligations incurred by it in connection with its operation on the Leasehold Property, and to protect the City from any lien, judgment or execution filed against said property or improvements thereon which could in any way impair the rights of the City

F The City shall not sell or lease any fixtures or personal property not attached to the Leasehold Property for any reason during the Lease Term, without first seeking written permission in the form of a Partial Leasehold Relinquishment Statement to be approved by Lessee. Lessee may request fair and equitable compensation for approval of any such complete or partial leasehold relinquishment. The City shall give 120 day written notice of any sale or lease of the Leasehold property

G. The parking area on the Leasehold Property shall be for the exclusive use of the customers, clients, patrons, officers and employees of the Lessee. Lessee must accommodate parking needs, as a result from building expansion, such as a multi-story addition on the Leasehold Property which may require additional parking spaces pursuant to a zoning ordinance code requirement to achieve a land to building area ratio for number of parking spaces which may not be available due to size limitations of the Leasehold Property

Article 6. Permitted Uses.

A. Lessee shall have use of the Leasehold Property granted in this Lease for the purpose of providing services for the care and maintenance of sick, indigent persons, persons who are homeless, or have low income as well as abused and/or neglected children who are residents of Las Cruces and the surrounding area of Dona Ana County and related counseling, education and advocacy programs. Lessee shall also be permitted to operate related social service programs as these may relate to the provision of services to victims of sick, indigent, homeless, low income and abused and/or neglected children, and as deemed necessary by Lessee, with these additional programs, if any to be reported annually to the City

B. No other use shall be permitted unless the City in writing, has previously granted its consent.

C. Lessee will not use, occupy or knowingly permit or allow the use or occupancy of the Leasehold Property for any purpose which is directly or indirectly forbidden by law, ordinance, or governmental or municipal regulation or order, or which may be dangerous to life, limb, or property or permit the maintenance of any public or private nuisance; or to do or permit any act or thing which may disturb the quiet enjoyment of adjacent City uses.

Article 7. Insurance.

A. Lessee shall maintain insurance coverage at all times on the Leasehold Property its operations, and the building and building contents, as follows:

1 General Commercial Liability Insurance in the amount of one million dollars ($1,000,000) with the City named as an additional insured.

2. City does not insure tenant s contents and recommends Lessee maintain their own coverage for all contents with exception of the items owned by the City

3. State of New Mexico requires Workmen's Compensation Insurance. Lessee and Sub-Lessee shall provide written evidence to the City

B. Lessee and the City shall review insurance coverage limits at periodic intervals during the Lease.

C If the Leasehold Property is partially or totally destroyed or damaged by fire or other casualty covered by the all-risk property insurance carried by Lessee under the terms hereof, then the City and Lessee shall work jointly in a cooperative manner to repair and restore the Leasehold Property as soon as it is reasonably practicable, to substantially the same condition in which the Leasehold Property was prior to such damage. The City and Lessee shall negotiate at such a time as to each parties' pro rata share of financial responsibility to fund the repair and reconstruction. However, in the event the Leasehold Property may be completely destroyed or so badly damaged that repairs cannot be commenced within thirty (30) days and completed within three (3) months thereafter, then this Lease shall be terminable, as of the date of the occurrence of the damage or destruction, by Lessee hereto by serving written notice upon the City In such event Lessee and the City shall jointly determine if the building should be rebuilt or if the proceeds to the City from any property insurance settlement should be used to reconstruct facilities at another location.

D. If the leasehold property shall be damaged by fire or other casualty resulting from the fault or negligence of Lessee, or the agents, employees, licensees, or invitees of Lessee, the City may require such damage to be repaired by and at the expense of Lessee.

Article 8. Construction and Ownership of Improvements.

A. During the Term or Extended Term of this Lease, title to all permanent improvements existing or constructed upon the Leasehold Property shall be vested in City Lessee shall not construct any improvements, which represent an increase in the square footage of the building, on the Leasehold Property without the express written consent of the City which consent shall not be unreasonably withheld.

B. All temporary buildings and other temporary improvements owned by the Lessee shall meet City codes.

C. Lessee covenants and agrees that it will make no structural change or addition without City's prior written consent, and without first furnishing the City fifteen (15) days advance written notice outlining in detail the proposed changes or alterations, including a set of building plans and specifications.

D. Lessee shall be permitted to expand the building(s) and facilities on the Leasehold Property based on needs as determined by Lessee, according to applicable regulations and as approved by the City Lessee shall be responsible for all expenses related to building expansion, consistent with the City as the fiscal agent. The Lessee and the City shall work cooperatively in all building expansion and construction projects. The City shall seek input from the Lessee regarding the selection and supervision of all architectural and building construction firms to be employed by the City for Lessee's building expansion program(s) pursuant to City purchasing regulations. The City shall not seek bids nor begin construction of any improvements on the Leasehold Property unless the Lessee has granted written approval of the construction drawings and specifications. Lessee shall also have the right to construct detached storage buildings and other facilities on the leasehold property pursuant to applicable regulations.

E. Should the City allow expansion in certain circumstances, the Lessee will assume all capital replacement and maintenance of the improvement.

Article 9. Sublease.

A Lessee has the responsibility of issuing, requiring and executing subleases for any other organizations providing services for the care and maintenance of sick and indigent persons, persons who are homeless, or have low income as well as abused and/or neglected children who are residents of Las Cruces, Dona Ana County and surrounding area, subject to City approval, that occupy any portion of the leasehold property All sub-leases must insure that MVCH responsibilities as stated herein are passed through as appropriate to all organizations signing subleases under this lease. A draft sublease for all sub-lessees under this lease must be approved by the City s Land and Real Estate Services / Facilities Department of the City

All subleases for current occupants shall be signed by MVCH and sub lessee within Thirty (30) days of executing of this Lease, with copies provided to the Land and Real Estate Services/ Facilities Section of the City

Future organizations coming onto the Leased property must sign a sublease with MVCH before moving on-site.

B. Lessee shall not assign or sublease the Leasehold Property granted by this Lease or the improvements on the Leasehold Property without the prior written consent of the City The City's consent shall be conditioned by the continued use and purpose of the Leasehold Property, as stated herein, and may require other conditions or covenants before

consenting to an assignment or sublease. Such additional conditions or covenants shall not be unreasonable but shall be in accord with the proper administration of the Leasehold Property and the dedicated purposes granted by this Lease. If the Lease is assigned, all clauses herein binding the parties hereto are also binding on any and all successors and/or assigns.

C. Each sublease shall contain a provision, satisfactory to Lessor, requiring sublessee to attorn to Lessor, Accordingly in Lessee defaults under this lease and if the sublessee qualifying under the attorn provisions of the sublease may not be ejected from the premises for a period of six (6) months after receiving notice of the termination of the lease with the Lessee.

Article 10. Meetings.

The City and MVCH and their alliance agencies are to meet on a routine basis. A scheduled time shall be by mutual agreement between the parties.

Article 11. Default and Cancellation.

A. The violation by Lessee of any of the terms, conditions or covenants of this Lease shall be considered a default and may cause this Lease to be cancelled and terminated following at least one hundred twenty (120) day advance written notice of such default from City to the Lessee; provided, however, said cancellation shall not be made if, within the one hundred twenty (120) day notice period, Lessee cures or remedies said default or otherwise complies with any demand contained within such written notice which cures or remedies the default.

B. If Lessee is determined to be in default by the City and in a state of continuing default after the designated period has elapsed to cure a default as defined in Section 11A herein, the City may at its option, immediately or at any time thereafter, without further notice or demand, enter upon and into the Leasehold Property

Article 12. Relinquishment.

At any time, upon 45 days prior written notice, provided all rentals due and owing have been fully paid and Lessee is not in default under this Lease, Lessee may cancel and relinquish possession to the City whereupon Lessee shall be relieved of any further liability and obligations under this Lease. Article 4G shall apply with respect to ownership and removal of temporary improvements upon such termination and Article 8 shall apply to removal of fixtures and furniture. Lessee shall not be entitled to a refund of any rentals paid.

Article 13. Compliance with Laws.

Lessee shall at its own expense fully comply with all laws, regulation, rules, ordinances, and requirements of the applicable city county state and federal authorities and agencies witch have been or may be enacted or promulgated in all matters and things affecting the Leasehold Property granted by this Lease and operations thereon

Article 14. Indemnification.

Lessee shall save and hold harmless, indemnify and defend the City its elected officials, employees and agents, in their official and individual capacities, of and from any and all liabilities, claims losses, or damages arising out of or alleged to arise out of or indirectly connected with the negligent operations of Lessee under this Lease, or arising out of the presence of the Leasehold Property of any agent, contractor or subcontract of Lessee.

Article. 15. Scope of Agreement.

This Lease incorporates all the agreements, covenants and understandings between City and Lessee concerning the Leasehold Property granted by this Lease and the use permitted by this Lease and all such agreements, covenants, and understandings have been merged into this written Lease. No prior agreement or understanding, verbal or otherwise, between the City and Lessee or their agents shall be valid or enforceable unless embodied in this Lease.

Article 16. Amendment.

This Lease shall not be altered, changed or amended except by instrument in writing executed by the City and Lessee.

Article 17. Waiver.

No waiver of any breach or default by Lessee of any of the terms, conditions or covenants of this Lease shall be held to a waiver of any subsequent breach. No waiver shall be valid or binding unless the same is in writing and signed by City

Article 18. Applicable Law

A. This Lease shall be governed by the laws of the State of New Mexico. If any clause or provision of this Lease is found to be illegal, invalid or unenforceable under present or future laws effective during the term hereof, the remainder of this Lease shall not be affected thereby

Article 19. Notices.

A. Whenever any notice is required or permitted hereunder, such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, when deposited in the United States mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth below Notice shall be deemed to be received on the fifth day following posting.

City Manager
City of Las Cruces
P.O. Box 20000
Las Cruces, New Mexico 8800
(Copy to Land and Real Estate Services)
(Copy to City Attorney)

President
Mesilla Valley Community of Hope.
999 West Amador
Las Cruces, NM 88005
(Copy to Executive Director)

Article 20. Covenants of the City.

The City covenants that Lessee, upon services or documentation in lieu of reserved herein and the performance of each of the covenants, agreements and conditions on the part of Lessee to be observed and performed, shall and may peaceably and quietly have, hold and enjoy the Leasehold Property for the term thereof, free from molestation, eviction or disturbance by the City or any person claiming by though, or under it, subject to the terms and conditions of this Lease.

IN WITNESS WHEREOF City and Lessee have executed this Lease as of the date first written above.

OWNER. CITY OF LAS CRUCES

By: _____
Robert Garza
Its. City Manager

LESSEE – Mesilla Valley Community Of Hope.

By _____

APPROVED AS TO FORM:

_____
City Attorney

Article 19. Notices.

A. Whenever any notice is required or permitted hereunder, such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, when deposited in the United States mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth below Notice shall be deemed to be received on the fifth day following posting.

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(Copy to Land and Real Estate Services)
(Copy to City Attorney)

President
Mesilla Valley Community of Hope.
999 West Amador
Las Cruces, NM 88005
(Copy to Executive Director)

Article 20. Covenants of the City.

The City covenants that Lessee, upon services or documentation in lieu of reserved herein and the performance of each of the covenants, agreements and conditions on the part of Lessee to be observed and performed, shall and may peaceably and quietly have, hold and enjoy the Leasehold Property for the term thereof, free from molestation, eviction or disturbance by the City or any person claiming by though, or under it, subject to the terms and conditions of this Lease.

IN WITNESS WHEREOF City and Lessee have executed this Lease as of the date first written above.

OWNER. CITY OF LAS CRUCES

By: _____
Robert Garza, City Manager

LESSEE – Mesilla Valley Community Of Hope.

By _____
William Fisk, President

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A

A certain real property located at 999 West Amador in the City limits of Las Cruces in Dona Ana County, New Mexico, being part of Lot 1 of the Amador Tracts Subdivision as filed January 11,2000, in Plat Book 19 at page 361 of the records of the Dona Ana County Clerk. This tract is located within the City Limits of Las Cruces, Dona Ana County, New Mexico, and is more particularly described as follows.

A Tract of Land being a part of Lot 1 of the Amador Tracts Subdivision as filed January 11, 2000, in Plat Book 19 Page 361 of Clerk Records; this tract is located within the City of Las Cruces, Dona Ana County, New Mexico, and is being more particularly described as follows:

Beginning at the southeast corner of this tract, which point is identical to the southeast corner of said Lot 1, Thence from said point of beginning the following two courses along the south line of said Lot 1, S70 deg.12'02"W a distance of 60.46 feet to a corner of this tract; Thence S74 deg.52'00' W a distance of 269 79 feet to the southwest corner of this tract; Thence N15 deg. 08'00"W leaving the south line of said Lot 1, A distance of 397.01 feet to the northwest corner of this tract; Thence N74 deg.22'00"E, a distance of 326.62 feet to a point along the east line of said Lot 1 for the Northeast corner of this tract; Thence S15 deg.38'00' E, along the east line of said Lot 1 a distance of 394.95 feet back to the point and place of beginning. This tract contains 3.000 acres, more or less, of land. This tract is subject to a 12 foot utility easement along and parallel to the east line of this tract and is also subject to other reservations, restrictions and easements of record.

Exhibit "B"

This Exhibit is to set out the programs as outlined on Article 3, paragraph numbered 2 to be performed by the Lessee and/or their agents.

Mesilla Valley Community of Hope: MVCH operates a service center for homeless and near-homeless persons where they can access housing assistance, case management, free legal services, and assistance with social security disability applications, showers, laundry, trainings, donated goods and an overnight tent city (Camp Hope). Services offered provide solutions to addressing and ending homelessness.

Casa de Peregrinos: Casa de Peregrinos, a nonprofit and nondenominational emergency food program, provides free supplemental groceries to individuals and families at risk of hunger in Las Cruces and Doña Ana County Our mission· to serve as a safety link for those unable to purchase nutritious food due to an emergency or unforeseen personal crisis.
As part of that mission, we also commit ourselves to promoting public awareness of hunger in Doña Ana County and to securing broad-based support for hunger prevention and relief in the county.

El Caldito Soup Kitchen: It is the Mission of El Caldito, The Soup Kitchen, to prepare and serve food and meals free of charge to needy, indigent, and homeless individuals, children, families, and the elderly, while prohibiting discrimination on the basis of race, color, gender, age, handicap, religion, national origin, sexual orientation, marital status, veteran status, or in any way whatsoever.
El Caldito serves hot meals at lunch time Sunday through Friday, and a sack lunch on Saturday to 200 to 350 people a day, adding up to about 90,000 each year

Jardin De Los Ninos:
Jardin de los Niños provides early childhood education, therapeutic intervention, and comprehensive services to homeless and near homeless children, from the ages of six weeks to 10 years, and their families. The mission at Jardin de los Niños is to create new possibilities for homeless and near homeless children and their families through loving childcare, education, and the use of community resources.
The vision is to be the premier provider of specialized/therapeutic child care and family support in the state of New Mexico.

St. Luke's Health Care Clinic:
St. Luke s Health Care Clinic s mission is to improve the health and well-being of homeless and indigent individuals and family members in Doña Ana County
Programs: St Luke's provides primary health care, health prevention, education and promotion, behavioral health counseling, oral health, and outreach and well-being services to people who are homeless and indigent in the City of Las Cruces and Doña Ana County St. Luke's facilitates these services through paid staff, volunteers, and partnerships with other community based health and wellness organizations.

St Luke's Annex:
St Luke's Health Care Clinic s mission is to improve the health and well-being of homeless and indigent individuals and family members in Doña Ana County.
Programs: St. Luke's provides primary health care, health prevention, education and promotion, behavioral health counseling, oral health, and outreach and well-being services to people who are homeless and indigent in the City of Las Cruces and Doña Ana County St. Luke's facilitates these services through paid staff, volunteers, and partnerships with other community based health and wellness organizations

EXHIBIT C
Maintenance Responsibilities- Page 1

City of Las Cruces shall be responsible for the following:

- Capital Improvements and major maintenance items.
- Necessary building renovations, as determined by the City, and deemed necessary time to time during the lease.
- Roof repair and replacement
- Fire alarms
- Parking lot repaving and repair
- Parking lot lighting fixture and bulbs and time set for lights
- Boiler repair and replacement
- Heating and Cooling system equipment replacement-including maintenance of filters
- Plumbing system replacement
- Light systems and fixtures for interior and exterior of buildings and parking lot
- Power distribution-wiring or main breaker panel
- Built in Refrigerators and Freezers in Casa De Peregrinos only
- Landscaping Irrigation system
- Replacement, Maintenance and Repair of Grease Trap
- Exterior Doors, also include Glass Exterior doors.
- Windows

Mesilla Valley Community of Hope shall be responsible for the following:

Agencies must obtain written permission through MVCH first then City's Facility Department, or assigned must be notified before making any alterations or improvements of a permanent nature to the grounds or buildings

- Responsible for all Kitchen equipment repair and replacement except for built-in refrigerated equipment
- Kitchen refrigeration equipment (Built In)-Equipment in Caldito only
- All laundry equipment or replacement
- Any other equipment at the Leasehold property that is owned by the Lessee or Lessee's clients or visitors.
- Maintain and keep the interior of the Leasehold property in good repair and condition at the Lessee s expense
- Interior Cleaning, painting, custodial and landscaping services as necessary
- Responsible for all plate Glass
- Glass Doors
- Glass Walls- Interior
- Light bulbs Interior
- Interior Doors
- Interior Flooring
- Carpet
- Ceiling vent and duct cleaning
- Landscaping, Plants, Lawn and Landscaping materials
- Exterior plumbing associated with Camp Hope
- Grease Traps, cleaning

EXHIBIT C
Maintenance Responsibilities – Page 2

Mesilla Valley Community of Hope shall be responsible for the following:

- Intrusion Alarms
  Fire Extinguishers
- Hood Alarm- Operational done with annual inspection
- Pest Control
- Clogs drains and lavatories
- Keys and any Key replacement. City must be provided with duplicate keys. Upon agreement termination all keys must be surrendered to the City
- Clean and sweeping of Parking and Driveway and Campus area.
- Provide a copy of quarterly written maintenance log to the city of all services performed.