

Sec. 38-49.2 SMO - South Mesquite Neighborhood Overlay Zone District

- A. PURPOSE. The South Mesquite Neighborhood District is designed to deal with issues unique to Las Cruces' Original Townsite and surrounding area. Specific provisions in this Ordinance deal with issues such as setbacks and zoning designations that are better suited to this older part of the City. By way of neighborhood participation, it was decided to closely follow the zoning designations and permitted land uses of the City's former 1981 Zoning Code, as amended, with some modifications. Additionally, neighborhood design standards have been added to the general area to enhance and preserve the unique character of Las Cruces' first neighborhood.
- B. DELINEATION OF OVERLAY DISTRICT BOUNDARIES. The South Mesquite Overlay District shall include all properties noted on the associated map. (See Figure 1.)
- C. DEFINITIONS. Definitions shall rely on those noted in Chapter 38, Section 38-20 of the LCMC unless otherwise noted here:

Area 1: The boundaries of the South Mesquite Neighborhood Overlay District, excluding Area 2, as show in Figure 1.

Area 2: The boundaries of the Original Townsite, located within Area 1, as shown in Figure 1.

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.

Demolition: An act that destroys or removes in whole or in part of the exterior of a building or structure of a historic property.

Design and Architectural Guidelines: Regulations intended to preserve the historic and architectural character within the South Mesquite Overlay Zone District. In addition to the general requirements for the South Mesquite Overlay District stated above, additional requirements regulating urban design in Area 2 have also been established to preserve the unique built environment of Las Cruces' Original Townsite.

Exterior Appearance: The visual character of all outside surfaces of a structure, including the kind and texture of the signs, light fixtures, steps, or appurtenant elements.

Exterior remodeling, exterior renovation, and exterior alteration: Any change or rearrangement in the supporting members of an existing building, such as exterior bearing walls, columns, beams, girders, as well as any substantial change in rooflines, number of doors and/or windows added, removed, or resized, or any enlargement to or diminution of a building or structure, whether horizontally or vertically. Maintenance or repair shall not be construed as exterior remodeling, renovation, and/or alteration.

Façade: Any exterior wall of a structure.

Historic: Structures/buildings deemed historic are those listed as contributing or significant by the Federal and/or State Historic Registers.

Historic Structure(s): A structure that is listed in the National Register of Historic places, or located in a registered historic district and certified by either the U.S. Department of the Interior or the New Mexico State Historic Preservation Office as being historically significant or contributing to the district.

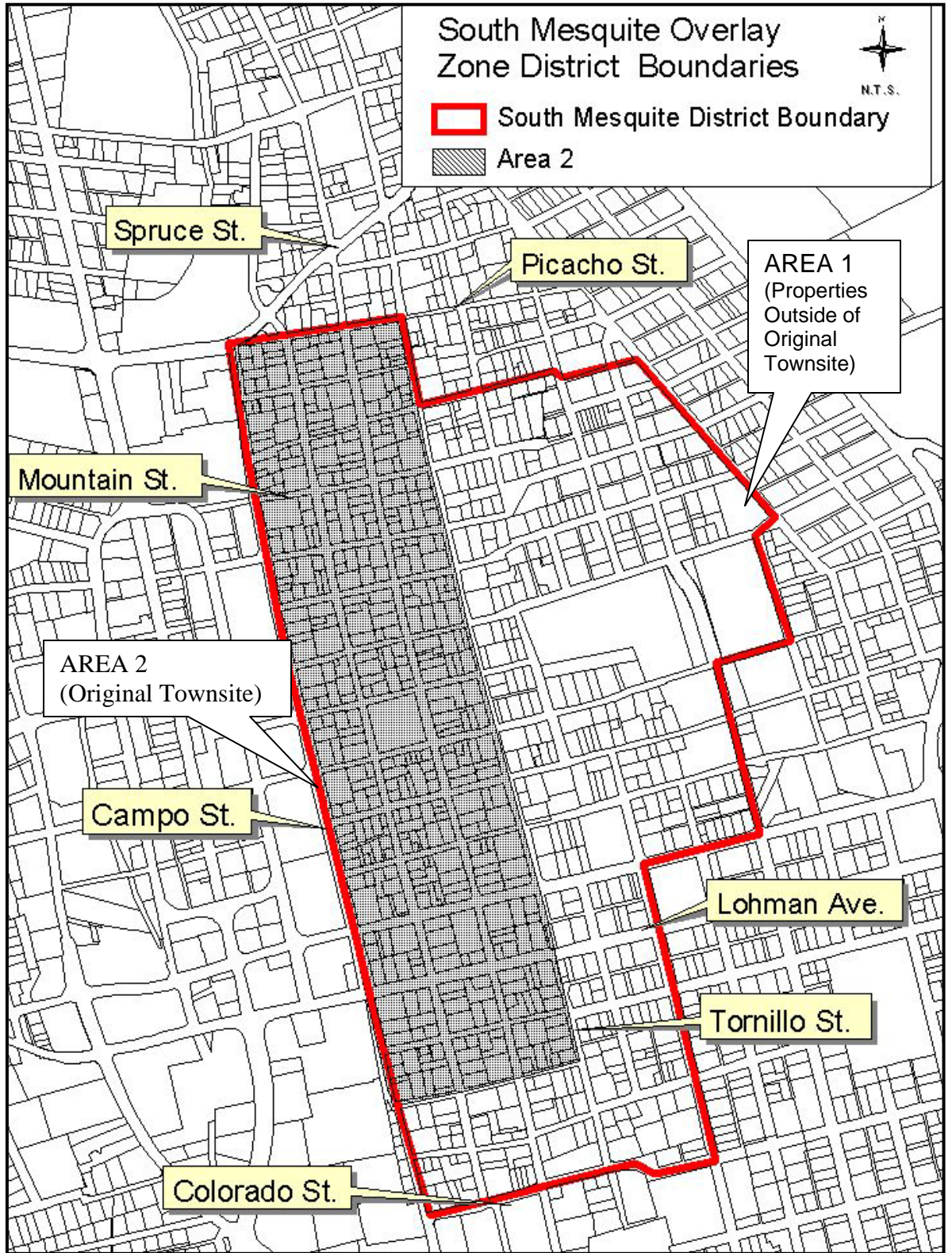
LCMC: Most current edition of the Las Cruces Municipal Code

New Construction: The erection of a new structure or accessory structure on a lot or property.

Ordinary Maintenance or Repair: Any change that is not new construction, removal, or alteration. Repair may include patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading Historic materials such as masonry, wood and architectural metals according to recognized preservation methods. Repairing also includes the limited replacement in kind, or with compatible substitute material, or extensively deteriorated or missing parts of features when there are surviving examples, such as brackets, dentils, or portions of slate or tile roofing.

Relocation: Any relocation of a structure from its originally installed site to another site.

Structure: Is 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.



D. DEVELOPMENT STANDARDS AND PERMITTED USES. 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 of the [1981] City Zoning Code 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 Zone District (Area 1 and Area 2), as follows (unless otherwise indicated):

1. DEVELOPMENT STANDARDS.

Minimum Lot Area/Size	3500 square feet
Minimum Lot Width/Frontage	50 feet
Minimum Lot Depth	50 feet
Minimum Side Setback	5 feet*
Minimum Rear Setback	5 feet*
Minimum Front Setback(s)	Front setbacks shall be compatible with the surrounding area. (The surrounding area shall generally mean all structures, with the exception of fences, on the same side of the block.) The applicant shall work with Community Development Department staff to determine a front setback distance with staff having the final determination. Any appeals to this decision shall be made to the South Mesquite Design Review Board.

At the minimum, all setbacks shall meet Clear Site Triangle requirements**.

Maximum Building Height: ***	25 feet to contain no more than two stories in Area 1. 14 feet to contain no more than one story in Area 2.
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* Overhangs are **not** permitted within the required setbacks.

** Clear-Site Triangle requirements must be met or applicable encroachment agreements must be entered into when applicable. Variances to Clear Site Triangle may be granted by Public Works Department as needed.

***Any requests for greater building height and number of stories than those stated require an application for a variance, reviewed by the Design Review Board for recommendation to the Planning and Zoning Commission.

2. LANDSCAPING REQUIREMENTS: A landscaping buffer, a minimum of five (5) feet, excluding sidewalks, shall be provided and maintained along all street frontages. This landscaping shall be accomplished by the use of a combination of greenery, trees, lawn grass, shrubs, crushed stones, cactus, lava rock, or similar materials. In addition, all areas not devoted to buildings, structures, paved drives, walks and off-street parking facilities shall be covered with one of the above materials. In the event a buffer is not possible, Flexible Development Standards may be considered for further options per Section 38-56.
- The entire lot width shall be landscaped with the exception of approved driveways.
 - Landscaping shall not interfere with visibility for safe ingress and egress.
 - Community Development Department staff shall review landscape plans for adherence to Landscape Requirements.
3. PERMITTED USES. There shall be no development or alteration of the lands, uses, or structures within this Overlay Zone District except as provided for by this section of the 1981 City Zoning Code from the date of its enactment, and other sections of the City Zoning Code and other codes where applicable. Permitted, Conditional and Special Uses, and their applicable development standards shall be established for each area in this Overlay Zone District. C-3 districts are not allowed in this Overlay Zone District, unless pre-existing at the time of the adoption of this Ordinance.
- (1) SOUTH MESQUITE R-1 SINGLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT (Maximum of Eight (8) Dwelling Units per Acre).

PURPOSE. The South Mesquite R-1 District is intended to accommodate detached single-family dwelling units and to maintain and protect a low density residential character of development.

- a. R-1 PERMITTED USES. The following uses are permitted with their noted conditions in the South Mesquite R-1 Districts.

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas. Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Uses and Structures. Refer to Section 38-51 of the LCMC.

Accessory Dwelling Unit. Shall follow requirements found in Section 38-33A of the LCMC.

Bed and Breakfast. This use shall have direct access to at least a major local-designated roadway where the number of guest rooms is limited to four (4).

Construction Yard or Building (Temporary). Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a fence five (5) feet in height. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC.

Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of Section 38-52 of the LCMC.

Kennel (Private, Residential). See Chapter 7 of the LCMC

Manufactured Home. See Section 38-57 of the LCMC

Public Park, Playground, or Ballfields. See Section 38-33E of the LCMC.

Real Estate Office (Temporary). Permitted only when used in conjunction with a residential subdivision, provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be

located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Single Family Detached Dwelling Unit. One dwelling per parcel

Storage of recreational vehicles and motor vehicle appurtenances. Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front or side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.

Swimming Pool (Private). Permitted only when a protective fence, four (4) feet in height, is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

b. SOUTH MESQUITE R-1 SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10. D.3 of the LCMC. Specific conditions and provisions for each use may be referred to in Part D of this Section.

Community Building.

School (Private, Public, and Parochial)

(2) SOUTH MESQUITE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

PURPOSE. The South Mesquite R-2 District is intended to accommodate an overall maximum density of fifteen (15) dwelling units per acre. This district is intended for single-family, duplex or apartment units in which a medium density residential character is protected and maintained.

a. SOUTH MESQUITE R-2 PERMITTED USES WITH THEIR NOTED CONDITIONS:

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas. Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Uses and Structures. Refer to Section 38-51 of the LCMC.

Bed and Breakfast. This use shall have direct access to at least a major local-designated roadway where the number of guest rooms is limited to four (4).

Apartments. Two or more units in any configuration, not to exceed a maximum density of fifteen (15) dwelling units per acre.

Child Care Center, Nursery, or Similar Use. Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten, and similar uses shall be in accord with State licensing requirements. Refer to Section 38-52 of the LCMC, Home Occupation Business Registration, for babysitting service/child care when twelve (12) or fewer children are cared for. Care of thirteen (13) or more children at one time is prohibited in residential zoning districts.

Condominiums. Maximum of four (4) attached units.

Construction Yard or Building (Temporary). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained

in a neat and orderly fashion, and open yards shall be enclosed by a fence five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department.

Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of Section 38-52 of the LCMC.

Manufactured Home. One dwelling unit per parcel.

Public Park, Playground, or Ballfield.

Kennel (Private, Residential). See Chapter 7 of the LCMC.

Real Estate Office (Temporary). Permitted only when used in conjunction with a residential subdivision, provided such use shall be discontinued upon the completion of the development or within three (3) years from date permit issued, whichever is sooner.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Single Family Dwelling. One dwelling unit per parcel.

Storage: Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front yard, with no limit in the rear yard, separated at least five (5) feet from any property line.

Swimming Pools: Private. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

Townhouses. Maximum of four (4) attached units.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

b. SOUTH MESQUITE R-2 SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10. D.3. Specific conditions and provisions for each use may be referred to in Part D of this Section.

Community Building.

School (Public, Private, Parochial).

(3) **SOUTH MESQUITE R-3 HIGH DENSITY RESIDENTIAL DISTRICT** (Maximum of Thirty (30) Dwelling Units per Acre)

PURPOSE. The South Mesquite R-3 District is intended to accommodate multiple family dwelling units and accessory structures and uses. The zone is intended to maintain and protect high density residential development that is characteristic of apartments, townhouses, condominiums, and other similar dwelling complexes. Single-family dwellings are also permitted. The South Mesquite R-3 Zone is intended to be located in areas that have access to main thoroughfares.

a. **SOUTH MESQUITE R-3 PERMITTED USES WITH THEIR NOTED CONDITIONS:**

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas. Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Uses and Structures. Refer to Section 38-51 of the LCMC.

Bed and Breakfast. This use shall have direct access to at least a major local-designated roadway where the number of guest rooms is limited to four (4).

Apartments. Two or more units in any configuration with a maximum density of thirty (30) dwelling units per acre.

Boarding House.

Condominiums.

Child Care Center, Nursery, or Similar Use. Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten, and similar uses shall be in accord with State licensing requirements. Care of thirteen (13) or more children at one time is prohibited in the residential zoning districts listed. Refer to Section 38-52 of the LCMC, Home Occupation Business Registration, for babysitting service/child care when twelve (12) or fewer children are cared for.

Construction Yard or Building (Temporary Use). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department.

Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of Section 38-52 of the LCMC.

Nursing Home/Assisted Living Facility.

Kennel (Private, Residential). See Chapter 7 of the LCMC.

Public Park, Playground, and Ballfield.

Real Estate Office: Temporary. Permitted only when used in conjunction with a residential subdivision provided such use shall be discontinued upon the completion of the development or within three (3) years from date of permit, whichever is sooner.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Single Family Dwellings. One dwelling unit per parcel.

Swimming Pool: Private. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

Townhouses. Maximum of eight (8) attached units.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

b. SOUTH MESQUITE R-3 SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10.D.3. Specific conditions and provisions for each use may be referred to in Part D of this Section.

Community Building.

School (Public, Private, Parochial).

- (4) SOUTH MESQUITE R-4 HIGH DENSITY RESIDENTIAL AND LIMITED OFFICE DISTRICT (Maximum of Forty (40) Dwelling Units per Acre)

PURPOSE. The South Mesquite R-4 District is intended to accommodate a mixture of high density multiple family dwelling units and limited offices in which no merchandise or goods are sold as the primary business. The South Mesquite R-4 Zone is intended to be located in areas that have access to main thoroughfares and are large enough in area to accommodate large-scale apartment complexes or limited office developments.

- a. SOUTH MESQUITE R-4 PERMITTED USES WITH THEIR NOTED CONDITIONS:

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas.

Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting Uniform Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Uses and Structures. Refer to Section 38-51 of the LCMC.

Apartments. Two or more units in any configuration, with a maximum density of forty (40) dwelling units per acre.

Bed and Breakfast. This use shall have direct access to at least a major local-designated roadway where the number of guest rooms is limited to four (4).

Boarding House.

Child Care Center, Nursery, or Similar Use. Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten, and similar uses shall be in accord with State licensing requirements. Refer to Section 38-52 of the LCMC, Home Occupation Business Registration, for babysitting service/child care when twelve (12) or fewer children are cared for. Care of thirteen (13) or more children at one time is prohibited in the residential zoning districts listed.

Condominiums.

Construction Yard or Building (Temporary Use). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department.

Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of Section 38-52 of the LCMC.

Nursing Homes/Assisted Living Facility.

Kennel (Private, Residential). (See Chapter 7 of the LCMC)

Offices (limited). Offices that have a very low traffic volume such as attorneys, accountants, and architects are permitted, provided such uses maintain the residential character of the neighborhood and zoning district in which they are located.

There shall be no goods or merchandise prepared or sold on the premises. Uses such as medical offices, barbershops, hairdressers, banks, and similar commercial and business offices which generate moderate or high volumes of traffic are prohibited in the South Mesquite R-4 District.

Public Park, Playground, and Ballfield.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Single Family Dwellings. One dwelling unit per parcel.

Swimming Pool: Private. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

Townhouses. Maximum of ten (10) attached units.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

b. SOUTH MESQUITE R-4 SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10. D.3 of the LCMC Specific conditions and provisions for each use may be referred to in Part D of this Section.

Community Building.

Institution: Public, Educational, Religious, or Philanthropic.

School (Public, Private, Parochial).

Swimming Pool (Public or Private).

(5) **SOUTH MESQUITE O-1 OFFICE DISTRICT:**

PURPOSE. The South Mesquite O-1 District is intended to accommodate office, service and institutional uses in which merchandise or goods are not prepared or sold as the primary business. This zone is designed to be a transition between commercial and residential uses and serve specified business, personal and professional services that can function efficiently without generating large volumes of vehicular traffic. Drive-up/drive-thru windows are not allowed in this district. The South Mesquite O-1 District should maintain a predominantly residential character.

a. **SOUTH MESQUITE O-1 PERMITTED USES.**

Art Studio

Barber Shop

Beauty Shop

Community or Public Office Building

Cosmetologist Shop

Funeral Home, Mortuary, excluding Crematoriums

Insurance Office

Law Office

Lessons (art, dance, music, and the like)

Photographic Studio

Professional and Business Offices (excluding medical offices)

Real Estate Office

Residential Uses

- b. **PERMITTED USES--WITH CONDITIONS:** The following uses are permitted in accord with stated conditions: Residential uses are not permitted in the South Mesquite O-1 Zone, except in cases where a proprietor uses a part of an office building as a dwelling. Limited landscaping is also required in the South Mesquite O-1 Zone:

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas.

Tank location will be considered on a case-by-case basis.

Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when

meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Building. See Accessory Building/Structure of Section 38-51 of the LCMC .

Construction Yard of Building (temporary use). Permitted only during construction, provided such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a fence of a minimum of five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department

Home for the Disabled. See Section 38-21 of the LCMC.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

c. SOUTH MESQUITE O-1 SPECIAL USES. The following uses require review by the Design Review Board for

recommendation to the Planning and Zoning Commission in accord with Section 38-10.D.3 of the LCMC Specific conditions and provisions for each use may be referred to in Part D of this Section.

Institution: Public, Educational, Religious, or Philanthropic.
Public Building (Other than Offices).
Schools (Public, Private, Parochial).

(6) SOUTH MESQUITE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

PURPOSE. The South Mesquite C-1 District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods. This zone is designed to be compatible and consistent with the needs and character of a residential neighborhood. Uses such as the sale, service and repair of motor vehicles, engines, and mobile homes; gasoline service stations and body shops; dancing establishments; the wholesaling and warehousing of merchandise; pet shops; and similar uses, are not permitted in the South Mesquite C-1 zone. Drive-up/drive-thru windows are also not allowed in this district. Landscaping shall be required, as per Landscape Requirements in the development standards section.

- a. SOUTH MESQUITE C-1 PERMITTED USES. The following uses are permitted by right in the South Mesquite C-1 District provided the gross floor area of each business does not exceed three thousand (3,000) square feet. Uses exceeding three thousand (3,000) square feet may be considered as a Special Use Permit, reviewed by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10.D.3 in order to insure that the size of the business does not create undue traffic congestion, noise or other problems that would be detrimental to the residential character of the neighborhood.. Businesses shall not exceed six thousand (6,000) square feet of gross floor area.

Arts and Crafts Studio
Bakery
Barber Shop
Beauty Parlor
Bicycle Sales and Service
Bookstores and Stationery Shops
Cigarette and Cigar Shops
Coffee Shop and Snack Bar
Community Building (publicly or privately owned)

Cosmetologist Shop
Delicatessen
Dressmaking Shop
Dry-cleaning and Steamcleaning (receiving shop)
Florist Shop
Gift Shop
Grocery Store
Hobby Shop and Toy Store
Household Appliance and Repair Shop
Knit and Yarn Shops
Laundry (self service)
Lessons (art, dance, music, and the like)
Library
Meat and Seafood Markets
Messenger Service
Newspaper Distribution Office
Offices: Professional and Business
Photographic Studio
Post Office
Prescription Shop
Private Club or Lodge
Public Park, Playground, Recreational Use
Real Estate Office
Residences (Residences in South Mesquite C-1 shall comply with South Mesquite R-4 development standards).Restaurant
Shoe Repair Shop
Tailor Shop
Variety Store

- b. PERMITTED USES--WITH CONDITIONS: The following uses are permitted in accord with stated conditions.

Above Ground Storage Tanks for Flammable and Combustible Liquids. Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas. Tanks shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Accessory Building. See Accessory Building/Structure in Section 38-51 of the LCMC.

Child Care Center, Nursery, or Similar Use. Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten, and similar uses shall be in accord with State licensing requirements. Refer to Section 38-52 of the LCMC, Home Occupation Business Registration, for babysitting service/child care when twelve (12) or fewer children are cared for.

Construction Yard or Building (Temporary Use). Permitted only during construction, provided use or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a solid fence of a minimum of five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department.

Christmas Tree Sales. Temporary, not prior to November 15 and provided lots are removed by December 31.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of Section 38-52 of the LCMC.

Retail Sales: Specialized Merchandise. Retail sales, except as otherwise noted, shall be limited to stores that specialize in a particular type of merchandise such as clothing, records, shoes, home appliances, or other similar convenience goods to serve nearby residential neighborhoods.

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or

other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Storage: Incidental to Primary Use. Storage shall be permitted only for merchandise incidental to the primary use of the business. Such storage shall be totally enclosed within the building of primary use, and at least ten percent (10%) of the gross floor area shall be used for retail sales or service. Exterior or open storage is prohibited.

Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

c. C-1 SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10.D.3 of the LCMC Specific conditions and provisions for each use may be referred to in Part D of this Section.

Golf Course and Country Club.

Structures with a Gross Floor Area exceeding 3,000 Square Feet.

Institutions: Public, Educational, Religious, or Philanthropic.
School (Public, Private, and Parochial).

(7) SOUTH MESQUITE C-2 GENERAL COMMERCIAL DISTRICT

PURPOSE. The intent of the South Mesquite C-2 Zoning District is to provide for certain commercial/retail uses which generate large volumes of automobile traffic. The district is intended for areas surrounding major arterial intersections where a wide range of automobile-related service facilities, convenience goods and personal services are desirable and appropriate as a land use. Landscaping shall be required as per Landscape Regulations in the development standards section. Drive-up/drive-thru windows are not allowed in this district

a. SOUTH MESQUITE C-2 PERMITTED USES. The following uses are permitted by right in the C-2 South Mesquite District:

Animal Hospital and Clinic
Arts and Crafts Studio
Bakery
Barber Shop and Beauty Parlor
Bicycle Sales and Service
Business Service Establishment
Catering
Cigarette and Cigar Stand
Clothing Store and Apparel Shop
Community and Public Building
Convention or Exhibition Hall
Dressmaking Shop
Drugstore
Drycleaning and Steamcleaning
Electrical Shop
Florist
Food Store
Glass Cutting and Finishing
Gymnasium
Hardware Store
Household Appliance Sales, Service and Repair
Institutions, Public and Quasi-Public
Laundry
Lessons (art, music, dance, and the like)
Newsstand
Nursing or Convalescent Home
Office (business and professional)
Paint Sales
Pet Shop
Photographic Studio and Supply Store
Plant Nursery

Printing and Engraving Shop
Private Club or Lodge
Public Park, Playground, Recreational Use
Radio, Television, Music Store
Residence (Residences in the South Mesquite C-2 zoning district shall comply with South Mesquite R-4 zoning district development standards).Restaurant
Retail Sales
Shoe Repair
Show and Sales Room for Business Products
Skating Rink
Sporting Goods Store
Tailoring
Telegraph and Messenger Service
Variety Store

- b. PERMITTED USES WITH CONDITIONS: The following South Mesquite C-2 uses are permitted in accord with stated provisions.

Above Ground Storage Tanks for Flammable and Combustible Liquids. Tank location will be considered on a case-by-case basis. Tanks shall, at minimum, be located in areas not readily visible from public rights-of-way and shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Above Ground Storage Tanks for Liquid Petroleum (LP) Gas. Tanks shall be permitted only when meeting current Fire Code requirements as adopted by the City of Las Cruces and when receiving approval from the State of New Mexico LP Gas Bureau.

Assembly of Arts and Crafts. Only when such assembly is for display and sale on the premises or when such assembly occupies less than one thousand, five hundred (1,500) square feet of a building.

Bed and Breakfast. This land use shall have direct access to at least a major local-designated roadway. The number of rooms is limited to 10 rooms per quarter (1/4) acre.

Child Care Center, Nursery, or Similar Use. Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten, and similar uses shall be in accord with State licensing

requirements. Refer to Section 38-52 of the LCMC, Home Occupation Business Registration, for babysitting service/child care when twelve (12) or fewer children are cared for.

Christmas Tree Sales. Temporary, not prior to November 15, provided lots are cleaned and removed by December 31.

Construction Yard or Building (Temporary). Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a fence five (5) feet in height. All walls/fences must follow clear-site-triangle provisions found within Section 32-405 of the LCMC. Above ground storage tanks for flammable and combustible liquids within construction yards shall meet the current Fire Code as adopted by the City of Las Cruces and be approved by the Las Cruces Fire Department.

Contractor-type yards (e.g. associated with Cooling, Heating, Plumbing, and Sheetmetal shops). Yards shall be maintained in a neat and orderly fashion and enclosed by a solid wall or fence a minimum of six (6) feet in height (clear-site-triangle requirements must be met).

Cottage Industry. A cottage industry is defined as any manufacturing, compounding, and/or assembly process, including food preparation, which is subordinate to a primary use of retail sales or service. This use is not to be confused with or treated as a home occupation. Cottage industry may only occur 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 to 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.

Firewood Sales. No more than twenty (20) cords stored on site.

Furniture Assembly (Accessory Use). Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square

feet, not to exceed thirty percent (30%) of the total business floor area, and shall be within the same building.

Home for the Disabled. See Section 38-21 of the LCMC.

Home Occupation. Subject to the provisions of this Section and Section 38-52 of the LCMC.

School. Elementary, Middle or High Schools shall be located on a collector or higher designated roadway. Commercial, Trade or Technical Schools, College or University shall be located on a minor arterial or higher designated roadway. All sites shall have a minimum of one (1) acre. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Storage as an Accessory Use. Storage shall be permitted only when incidental or accessory to sales of merchandise. Such storage shall be within a totally enclosed area and at least five percent (5%) of the gross floor area shall be used for retail sales or service.

Temporary Uses. Temporary uses, such as fireworks stands, shall be allowed in the South Mesquite C-2 District and shall follow the timelines and other such requirements established in Sec. 38-50 of the

Religious Institution (Over 10 persons)/Columbarium. Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.

Utility Installation: 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 (10) feet high. A solid wall or fence shall surround the installation. Landscaping 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.

SOUTH MESQUITE C-2 DISTRICT SPECIAL USES. The following uses require review by the Design Review Board for recommendation to the Planning and Zoning Commission in accord with Section 38-10.D.3 of the LCMC. Specific conditions and provisions for each use may be referred to in Part D of this Section.

Antenna, Towers, Communication Structures, and Other Vertical Structures

C-3 Land Uses shall follow C-2 standards.

- D. SPECIAL USES (All Zoning Districts). A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review for recommendation by the Design Review Board to the Planning and Zoning Commission to determine impacts on the surrounding area. The procedures for approval may be found in Section 38-54A of the LCMC.

Antenna, Towers, Communication Structures, and Other Vertical Structures (South Mesquite zone: C-2): Any antenna, towers, communication structures, and other vertical structures must be unobtrusive and screened from view with respect and deference to the unique character of this district. Collocation is encouraged and must be done so that the structure, antenna, etc., is incorporated as a part of the design to the structure to which it is attached/placed.

Cemetery or Similar Uses (South Mesquite zones: A-2, R-1, R-2, R-3, R-4). Any cemetery site shall contain at least five (5) 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.

Community Buildings (South Mesquite zones: R-1, R-2, R-3, R-4).

Gross Floor Area: Exceeding Three Thousand (3,000) Square Feet (South Mesquite Zone: C-1): The maximum gross area per business may exceed three thousand (3,000) square feet in a South Mesquite C-1 District provided it can be shown that the increase in size will not be inconsistent with the purpose of the South Mesquite C-1 District and will not create traffic congestion. Businesses shall not exceed six thousand (6,000) square feet of gross floor area.

Halfway House (South Mesquite zones: R-1, R-2, R-3, R-4, O-1, C-1, C-2).

Hospital and Overnight Clinic (South Mesquite zones: R-4, C-1).

Institution: Public, Educational, Religious, and Philanthropic (South Mesquite zones: R-4, O-1, C-1).

Nursing Home/Assisted Living Facility (South Mesquite zones: R-1, R-2). Must be located on a collector or higher designated roadway.

School - Public, Private, Parochial (South Mesquite Zones: R-1, R-2, R-3, R-4, O-2): Elementary, Middle or High Schools shall be located on a collector or higher designated roadway. Commercial, Trade or Technical Schools, College or University shall be located on a minor arterial or higher designated roadway. All sites shall have a minimum of one (1) acre. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Swimming Pool - Public or Commercial (All South Mesquite Residential "R" Districts and South Mesquite O-1): A protective fence or wall no less than six (6) feet in height shall be provided which completely encloses the pool area, and the pool shall be no closer than twenty-five (25) feet from any property line. Approval from the electric utility is required to ensure safety (see Section 38-60 of the LCMC).

E. PARKING REQUIREMENTS. The following exceptions to the parking requirements found in Sections 38-33 and 38-58 of the LCMC shall be used in the South Mesquite Neighborhood District:

1. Buildings within the South Mesquite Neighborhood District constructed prior to 1955 shall not be required to provide off-street parking.
2. Buildings within the South Mesquite Neighborhood District constructed after 1955 shall be eligible to use the historic district parking requirements found in Section 38-58 of the 2001 LCMC, as amended.

3. The City Traffic Engineer shall determine which streets will be prohibited from use for on-street parking.

F. NON-CONFORMING USES, STRUCTURES, AND PROPERTY. Many people refer to non-conforming uses as the “Grandfather Clause.” If a use, structure, etc., was established legally under the previous code, it is considered a legal non-conforming use. Zoning Districts noted in the 1981 Zoning Code and eliminated in subsequent Zoning Code amendments shall follow Section 38-70 through 76 of the LCMC.)

Those legal non-conforming uses that do exist shall comply with the nonconforming use provisions found in Section 38-70 of the LCMC with the following exception:

- (a) If a 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. DESIGN REVIEW. PURPOSE: To ensure quality property development and renovation, the following requirements regulating urban design are established in this Overlay Zone District.

1. Establishment of the South Mesquite Design Review Board. A design review board shall consist of four professionals who are in the banking, finance and construction industries, architects and interior designers, historians, historic preservationists, and similar associated professions. Three additional members shall own property and/or live within the South Mesquite Street Overlay Zone District boundaries.
2. Duties of the South Mesquite Design Review Board.

The South Mesquite Design Review Board shall review and have final authority on a new structure(s) and/or any one time or cumulative addition to the existing structure(s) in Area 2 or for any significant or contributing structures listed on the historic register, (state or national) in Area 1.

Design Criteria. In Area 2, Board shall review and have final authority on design criteria.

Infill. In Area 2, Board shall be recommending body to Planning and Zoning Commission.

Planned Unit Development (PUD). Board shall be recommending body to Planning and Zoning Commission.

Subdivisions. Board shall be recommending body to Planning and Zoning Commission.

Variances. For Area 2, Board shall be the recommending body to Planning and Zoning Commission.

Special Use Permits. For Area 2, Board shall be recommending body to Planning and Zoning Commission.

Zone Changes. For Area 1 and Area 2, Board shall be recommending body to Planning and Zoning Commission.

The South Mesquite Design Review Board shall also hear any appeals based on any decisions made by staff, such as, required front setback distance.

Members of the Board shall state the factual basis and the findings of their vote.

3. SOUTH MESQUITE DESIGN REVIEW BOARD REVIEW STANDARDS. the south Mesquite Design Review Board shall review projects based upon *The Secretary of the Interior's Standards for the Treatment of Historic Properties* along with their technical assistance guide, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* and determine whether the request is consistent or inconsistent with existing development. 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. Design criteria shall be used by the South Mesquite Design Review Board and by Community Development Department staff.

New structures and/or any one time or cumulative addition to the existing primary structure(s) in Area 2 or for any significant or contributing structures listed on the historic register, (state or national) in Area 1 requires review and approval by the South Mesquite Design Review Board (the Board). Projects other than those stated above, such as accessory structures, are required to meet all other applicable City Codes.

4. Additional Review Criteria. Additional components that must be given specific attention include the following criteria:

- a. Maintaining a visual balance and rhythm between walls, doors, and windows along any given street segment to uphold the Districts unique look and character.
 - i. Doors/entryways must be located on the primary streetside façade.
 - ii. Windows must be compatible with neighboring buildings in terms of placement, size, and shape.
 - iii. Roof materials and style must promote compatibility throughout the subject property's street segment.
- b. To assure the primary structure(s) maintain the principal focus, attached and detached garages shall be set back a minimum of ten (10) feet back from the primary structure(s) and primary streetside façade.
- c. New development and remodeling projects shall utilize adobe, brick, stone, lime plaster, or stucco on all exterior façades. Fences shall be of a compatible material, chain link is prohibited.
- d. New development should reflect a style consistent with those found in the South Mesquite Urban Design Plan and those noted in *The New Mexico Historic Building Inventory Manual, 1980*.
- e. New development must be constructed at a human scale.
- f. New development and remodeling projects shall create a landscape design, whether for a commercial or residential projects, that are compatible with the subject property's street segment.
- g. Dumpsters are required to be screened from any streetside façade.

2. Land Use/Zone Change Requests: It is possible to request an additional land use not already noted within the permitted use lists on a specific parcel within the South Mesquite Overlay District. Each request will be considered on a case-by-case basis. These requests will be processed per Section 38-10.D.3.
- I. Submittal and Review Process. The following submittal and review procedures are established for all new development to protect persons and property in the South Mesquite Overlay Zone District.
 - a.. Subdivisions. For submittal and review of subdivisions within the District, refer to Article V, Chapter 37 of the LCMC pertaining to infill subdivision procedure. In Area 1, Community Development Department staff shall review subdivision applications. In Area 2, the South Mesquite Design Review Board will review subdivision applications for recommendation to the Planning and Zoning Commission.
 - b. 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 strongly encouraged.
 - c. The applicant shall submit at minimum, one copy of all application materials for new development and additions 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.
 - d. If the submittal is for a new structure(s) and/or any one time or cumulative addition to the existing structure(s) in Area 2 or for any significant or contributing structures listed on the historic register, (state or national) in Area 1, the applicants shall meet with the South Mesquite Design Review Board at a public hearing for a formal decision by the Board regarding the proposed project. Public hearing procedures and notice requirements will follow that of the Planning and Zoning Commission found in Section 38-10.D.3 of the 2001 LCMC, as amended.

The minimum submittal requirements for development proposals shall include the following information:

1. A statement of objectives to be achieved by the development, inclusive of a description of the character and anticipated use of the proposed development.
2. A scaled site plan that includes the following:
 - i. Property boundaries
 - ii. Location of all structures
 - iii. Age of structures
 - iv. Setbacks
 - v. Parking layout, if applicable
 - vi. Ingress/egress access points
 - vii. Areas proposed for landscaping
 - viii. Surfacing material for impervious surfaces
 - ix. Storm water ponding areas
 - x. Dumpster location(s)
 - xi. Location of service and loading area(s)
 - xii. Freestanding and attached sign locations where applicable
 - xiii. Any other information which conveys how the proposal will meet development requirements.
3. 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.
4. Scaled elevations shall include:
 - i. Each directional view of all structures clearly identifying exterior building materials and treatments.
 - ii. Location and treatment of all fenestrations and other building openings.
 - iii. Building ornamentation.
 - iv. Roof design and roof surfacing material.
5. Architectural/artistic renderings shall:
 - i. Reflect all aspects/views of exterior buildings.
 - ii. Demonstrate the use of building materials through the drawings.

Applications for development in Area 2 shall be obtained from the Community Development Department, Building Permit Section.

3. Signs. Sign permit applications shall be submitted for approval to the Community Development Department in accordance with Section 36 of the LCMC.
4. Variances. A variance shall be defined as a variation in the numerical requirements of the 2001 LCMC, as amended or the Sign Code. Numerical variances to the clear-sight-triangle requirements shall be considered, reviewed, denied, or approved by the Public Works Director or designee, as per Article III of Chapter 26 of the LCMC.
5. Appeals. In the South Mesquite Overlay Zone District, any applications for development must be approved by the City in order for a building permit or sign permit to be issued.

If an application is denied by the City staff or South Mesquite Design Review Board based on an interpretation of the South Mesquite Neighborhood Plan and this Division, and an agreement of interpretation cannot be reached and all other procedures established by this Division have been exhausted, the applicant may file for an appeal, in writing, to the City Council within 15 days of the City Staff's or Board's denial decision.

The appeal will be processed to the City Council to be considered at the next available public hearing in accordance with notice requirements of Section 38-71 of the LCMC.

Any aggrieved person who is affected by a decision of an administrative official, commission, committee, or board in the enforcement of the South Mesquite Overlay Zone District and this Division may appeal such decision to the City Council in accordance with Section 38-14 of the LCMC.

Any person aggrieved by a determination of the City Council may appeal to the district court within 30 days after the determination made by City Council, in accordance with Section 38-14 of the LCMC.

A request that is denied by the Board and/or City Council shall not be resubmitted or reconsidered for a period of one (1) year. However, after meeting with Community Development Department staff, a different request on the same property may be submitted no less than six (6) months after such denial decision. Special use permits or planned unit developments processed through the Infill Development Process that are denied by the Board and/or the Planning and Zoning Commission may be modified and resubmitted at any time following action by the Board or the Planning and Zoning Commission.

I. DEMOLITION. PURPOSE: To preserve the character of Area 2 or for any significant or contributing structures listed on the historic register, (state or national) in Area 1 of the South Mesquite Overlay Zone District; this ordinance creates a sixty (60) day demolition permit process that will allow time for interested parties to explore alternatives to the demolition of historic structures. Demolition in Area 1 for all other structures shall follow the current Las Cruces Building Code

1. Property owners intending to demolish a structure located within Area 2 or for any significant or contributing structures listed on the historic register, (state or national) in Area 1 must adhere to the following 60-calendar day process.

i. Demolition permit - Demolition permit applications shall be submitted to the Community Development Department prior to any demolition activity taking place. During the 60-day demolition permit process, Community Development Department staff will review the application for compliance with the LCMC.

ii. Posting – Notice of the intent to demolish shall be posted in a conspicuous place on the property for a 60-day period.

iii. The Community Development Department will issue the sign that is to be posted. The applicant is responsible for posting the sign and ensuring that it is in place for the entire 60-day period.

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. (Code compliance comments regarding the proposed demolition may be resolved within the 60-day time period.)

v. 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.

K. ENFORCEMENT OF OVERLAY ZONE DISTRICT. Provisions to enforce this Section shall be consistent with the Enforcement Provisions of Article II of the LCMC.