

Chapter 18.33 HISTORIC PRESERVATION

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18.33.010 Title.

This chapter shall be known and may be cited and referred to as the historic preservation ordinance of the town of Mesilla. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.020 Applicability.

This chapter shall apply to all work or acts involving construction of new structures and removal or exterior alteration to existing structures and their sites on any property located as follows:

A. Any property located within one of the town’s four historic districts.

B. Any property located outside a historic district or zone that has the “Guidelines for Preservation and Development, 1973,” also known as the Yguado Plan, in place as a zoning overlay.

C. Any property not located within the town’s historic districts/zones that has been designated as a landmark. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.030 Authority.

The designation of the town’s historic zones is made pursuant to the Historic Districts and Landmarks Act, Sections [3-22-1](#) through ~~[3-22-5](#)~~ [3-22-6](#) NMSA 1978. [Ord. 2011-03; Ord. 2008-02 § 1]

18.33.040 Declaration of purpose and statement of public policy.

A. The board of trustees declares that the historical heritage of Mesilla and its historic buildings and its historic districts are among its most valued and important assets. The board finds that some buildings having historical, architectural, aesthetic and cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and continuing the use of such buildings and without adequate consideration of the irreplaceable loss to the public and the town. The board finds that the historic character of Mesilla is of vital importance in maintaining the economy of the town and that its historic landmarks and the buildings in its historic district can be preserved, rehabilitated and used. The board finds that this chapter benefits all the residents of Mesilla and all the owners of property.

B. The board of trustees declares as a matter of public policy that the preservation, protection and use of historic landmarks and buildings in the historic districts are a public necessity because they have a special character or a special historic, architectural, aesthetic or cultural value and thus serve as visible reminders of the history and heritage of this town, state and nation. The board declares as a matter of public policy that this chapter is required in the interest of the health, safety, welfare and

economic well-being of the public. The board declares as a matter of public policy that the identification and designation of historic landmarks and historic districts and the approval or disapproval of exterior changes to designated property or their demolition or relocation or new construction on the site are stated to be a public purpose. [Ord. 2011-03]

18.33.050 Definitions.

“Architectural styles” means five building styles defined in the Yguado Plan as existing in Mesilla at the time the plan was issued (June 1973), to be used as historic precedents for building styles, construction techniques and design details to determine the historically appropriate appearance of new buildings and/or renovations to existing buildings within the historic districts.

“Construction” is defined as the act or process of erecting, removing or altering in any manner any building or structure or part thereof or the erection of a new structure on a lot or parcel of property. The act or process of alteration shall include rehabilitation, restoration, reconstruction, and preservation as defined in this section.

“Contributing structure” as defined in the National Register of Historic Places Inventory Nomination Form is a structure that is at least 50 years old and adds to the physical cohesiveness that ties a historic district together.

“Demolition” means any act or process that destroys a structure in part or in whole.

“Design standard” means a written standard of appropriate activity, the intent of which is to preserve the historic and architectural character of a structure, site or area.

“Development zone” means an area of structures that constitutes examples of historic precedents for building styles, construction techniques and design details. A physical inventory and comparison of these elements within a development zone is used to determine the historically appropriate building style, construction techniques and design details for new construction or alterations to existing structures within the development zone. There are three development zones: interior lot, corner lot and boundary lot, defined and illustrated in MTC [18.33.060](#).

“Historic property” means a building, structure or property individually listed or eligible for listing on the State Register of Cultural Properties or the National Register of Historic Places. The map and list of historic properties in the town of Mesilla and their classification as significant (S), contributing (C), neutral (N) and intrusive (I) are hereby adopted in their entirety by reference and are located in the community development department office.

“Historical appropriateness permit” means a permit issued by the planning, zoning and historical appropriateness commission (PZHAC) indicating that plans, as approved, for a building or structure and the site are historically appropriate for construction or demolition.

“Historical Commercial zone (H-C zone)” means an area or district designated as the “Historical Commercial zone” by ordinance of the town of Mesilla.

Historically Appropriate. When applied to new construction or an exterior alteration, a “historically appropriate” act or work is accomplished in a manner that preserves significant materials or the appearance of significant materials, the historic style and the historic features of the property or the development zone. At the same time, a “historically appropriate” act or work shall differentiate the new structure or design feature from the historic design features so that new work is not confused with what is genuinely part of the past.

“Landmark” means a structure or site that is worthy of rehabilitation, restoration, reconstruction and preservation because of its historic and/or architectural significance to the town of Mesilla pursuant to the procedures set forth in this chapter.

“Ordinary maintenance or repairs” is defined as any act or work, undertaken from time to time, that keeps a building or structure in good condition and repair and that does not change the exterior appearance of the building or structure in any way. Such maintenance and repair work requires a building permit but does not require a permit for a certificate of appropriateness. The building permit may be approved administratively.

“Planning, zoning and historical appropriateness commission” means a five-member board created by authority granted municipalities under the New Mexico State Statutes Annotated (1978) and appointed by the mayor and board of trustees, pursuant to the Mesilla Town Code.

“Preservation” is the act or process of applying measures necessary to sustain the existing form, integrity and materials of a building or structure and the existing form and vegetation of a site. The process of preservation requires the retention of the greatest amount of historic fabric, along with the building’s historic form, features and detailing as they have evolved over time. New exterior additions are not within the scope of this treatment. See MTC [18.33.180](#) for additional standards for preservation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Property/site” means land, buildings and structures in town-designated historic districts or land, buildings and structures individually designated by the town as historic.

“Public comments” means written comments from members of the public that are given to the planning, zoning and historical appropriateness commission and that relate to items under consideration by the commission.

“Public hearing” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public provide testimony and comment regarding a specific item under consideration by the commission; 14-day notice must be given.

“Public meeting” means a meeting of the planning, zoning and historical appropriateness commission at which members of the public comment on items under consideration by the commission.

“Reconstruction” means using detailed photographic, physical or documentary evidence; reconstruction is the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or site or a portion thereof in its historic location as it appeared at a specific time. See MTC [18.33.180](#) for additional standards for reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Rehabilitation” is the act or process of making possible an efficient contemporary use for a property or a process of returning a property to a state of utility through repair, alterations, and additions while preserving those portions and features which convey and are significant to the property’s historical, cultural or architectural values. See MTC [18.33.180](#) for additional standards for rehabilitation taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Residential – Cultural – Historical zone, H-R zone” means an area or district designated as the “Residential – Cultural – Historical zone” by ordinance of the town of Mesilla.

“Restoration” is defined as the act or process of accurately recovering the form, features, character and setting of a property as it appeared at a particular period of time by means of the removal of features from other periods in history and replacement of missing features from the restoration period. See MTC [18.33.180](#) for additional standards for restoration taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

“Scale” is defined as proper proportion of structures in a historic development zone.

“Significant structure” as defined in the “National Register of Historic Places Inventory Nomination Form” is a structure that is architecturally outstanding or exceptionally important in the history of the community.

Structure. For the purposes of this title, “structure” is defined pursuant to the Mesilla Town Code and shall include, but not be limited to, buildings of any kind, fences and walls. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.040]

18.33.060 Development zone.

A development zone defines the immediate physical vicinity to be used to identify the historic character of a particular area and includes the predominant architectural style and design standards of existing structures together with their setting.

A. Function of the Development Zone. The function of the development zone is to provide for historically appropriate development within an existing historic district by setting standards for both new construction and alterations to existing structures.

B. Applicability of the Development Zone.

1. All structures shall be considered a part of and be subject to regulation by the development zone within which they are located or proposed to be located.
2. The design components of the individual architectural styles subject to regulation by the development zone include the following: building height, setbacks, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details.

C. Process to Identify a Development Zone. Identify the immediate vicinity of surrounding, adjacent structures that relate most directly to any new construction or exterior alteration to an existing structure that is to take place on an interior lot, a corner lot or a boundary lot as follows:

1. Development zone for an interior lot shall include any lot fronting on the same street as the lot in question and within the same block, as well as those lots located on the opposite side of the street, except such portions of the zone which fall outside the boundary of the historic district.
2. Development zone for a corner lot shall include any lot fronting on the same streets as the lot in question and within the same block, as well as those lots located on the opposite side of the streets, including the opposite corner, except such portions of the zone which fall outside the boundary of the historic district.
3. Development zone of any lot located adjacent to a historic district boundary shall include all lots located in the same block plus those lots located on the opposite side of any street adjoining that block, as well as those lots located on the opposite corners, except such portions of the zone which fall outside the boundary of the historic district.

Illustrations of the three types of development zones are available in the office of the community development department.

D. Process to Use a Development Zone.

1. Identify the development zone for the work to be performed: interior, corner or boundary lot.
2. Obtain a photograph of the development zone from the community development department. If one does not exist, staff will prepare one.
3. If applicable, use the National Register of Historic Places Inventory Nomination Form to identify the historic structures in the zone.
4. Conduct a physical inventory and comparison of the structures within the development zone to identify the predominant architectural style and the predominant architectural details that exemplify the particular style together with the setting.
5. Once an appropriate architectural style and/or architectural details have been determined, proceed with the process to obtain a permit for a certificate of historical appropriateness.
6. If there is no predominant architectural style within the selected development zone, then the historic district (H-C or H-R) as a whole shall become the development zone for the architectural style.
7. If particular design criteria are missing from the selected architectural style within the development zone, then the historic district as a whole (H-C or H-R) shall become the development zone for the missing design criteria for the architectural style. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.050]

18.33.070 Powers and duties of the PZHAC relating to historic preservation.

In addition to the powers and duties stated elsewhere, the PZHAC shall take action necessary and appropriate to accomplish the historic preservation goals of this chapter. These actions may include, but are not limited to, the following:

- A. Conducting and maintaining a survey of historic buildings and areas and preparing a plan for their preservation;
- B. Recommending to the board of trustees the designation of historic landmarks and historic districts;

- C. Adopting written guidelines for making exterior changes to designated property and for undertaking new construction on designated property;
- D. Regulating exterior alterations proposed for designated property and regulating demolitions, relocations and new construction involving designated property;
- E. Working with and advising the federal, state and county governments and other parts of the town government on historic preservation issues;
- F. Advising and assisting owners of historic property and other persons and groups who are interested in historic preservation;
- G. Reporting to the board of trustees on the present condition of historic properties in order to prevent demolition by neglect;
- H. Conducting educational programs for property owners and the public, preparing publications and placing historical and architectural plaques on buildings;
- I. Attending educational programs covering the historic preservation duties of the PZHAC and current developments in historic preservation;
- J. Participating in the nomination of properties to the State Register of Cultural Properties and to the National Register of Historic Places;
- K. Performing duties that may be delegated to the town by the State Historic Preservation Officer under the Certified Local Government Program; and
- L. Recommending that the town apply for, receive and use public and private grants or gifts to help historic preservation activities. [Ord. 2011-03]

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

B. Process to Obtain a Certificate of Historical Appropriateness Permit.

1. **Preapplication Procedure.** A planning conference shall be held with community development staff. This conference is designed to provide the applicant with an opportunity to become acquainted with the rules and regulations of the historic conservation standards and processes and does not require a formal application. A copy of “A Guide to Building Permits in the Historic Zones” shall be provided to the applicant and shall be used during the review process outlined below.
2. **Preliminary Application.** At this stage, the applicant shall be required to submit a preliminary application containing the following information: type of structure, location, proposed use and type of work proposed.
3. **Planning Conference.** In this conference, the applicant and staff shall determine and review the following:
 - a. Identify the development zone;
 - b. For new construction, select an architectural style appropriate to the development zone. For work involving alterations to an existing structure, identify the structure’s architectural style;
 - c. Complete a compliance checklist of design standards/a building permit submittal checklist for the identified architectural style as set forth in MTC [18.33.170](#);
 - d. As applicable, complete a compliance checklist of rehabilitation standards as set forth in MTC [18.33.180](#);
 - e. If building style does not substantially comply with the checklist of design standards, staff will evaluate the style or features for compliance on a case-by-case basis.
4. **Work Session with PZHAC.** Applicant shall then submit to the PZHAC a formal application with a preliminary plan and supporting data containing the information gathered in the steps above for review by the PZHAC for historical appropriateness.
5. **PZHAC Agenda.** After the preliminary plan and supporting data are reviewed for completeness by the PZHAC during the work session, the application shall be placed on the PZHAC agenda for consideration for a permit for a certificate of historical appropriateness. Public notice shall be given about the application including conspicuous posting on the property. The PZHAC may schedule a public hearing on an application involving a structure with a “significant” designation on one of the historic registers. Conspicuous notice of the hearing shall be given by posting one

sign in front of the property and the posting of additional signs at 300-foot intervals on the property for large properties of more than 600 feet frontage.

6. Decision by the PZHAC. The PZHAC shall make a decision on the application within 45 days after the receipt of complete plans and supporting data; provided, that the PZHAC may extend the time for its decision an additional 30 days when the application is for a demolition. The PZHAC shall recommend approval, approval with modifications, or disapproval of application. The recommendation with modifications shall contain the revisions that the applicant may accept in order to receive a certificate of historical appropriateness. If the PZHAC disapproves an application, it shall give the applicant its reasons in writing, and the applicant may appeal the decision. If the PZHAC fails to decide on an application within the specified time period, the application shall be deemed recommended for approval and forwarded to the board of trustees.

C. Routine Maintenance and Repairs. The commission shall adopt a policy setting forth the standards and process for routine maintenance and repairs to structures within the historic districts that may be approved administratively by staff without consideration at a meeting provided the applicant files a building permit, pays the appropriate fee and complies with the design and materials guidelines set forth in this chapter. This includes but is not limited to elements of the individual architectural styles; colors for stucco, trim and doors, fences and gates; and roofing material and color. Staff shall report these administrative approvals in a timely manner on the agenda of each PZHAC meeting.

D. Exemptions. Work in any of the following categories shall be exempt from obtaining a certificate of historical appropriateness permit:

1. Maintenance or repairs which do not involve a change of the existing design, exterior materials or scale or outward appearance of the structure.
2. Work required by a town staff to eliminate an unsafe condition; provided, that any permanent repairs shall meet the criteria of subsection (D)(1) of this section.
3. Installation of storm windows or storm doors, with or without screens, painted or unpainted; provided, however, that no such windows or doors shall have any ornamental feature such as grilles, monograms, etc. This provision shall not be construed to prohibit the installation of plain bars on the inside of such windows or doors for protection of the screens or glass. If a study indicates that storm windows are necessary, the use of interior storm windows is preferred, and interior storm windows are also exempt from obtaining a certificate.
4. Erection of any accessory structure designed for the shelter of very small animals, such as rabbits and poultry; and provided, that such proposed accessory structure is not prohibited by

another statute, regulation or ordinance; and provided, that the maximum horizontal or vertical dimension of any such proposed structure does not exceed four feet. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.060]

18.33.090 Design components or development criteria and compliance checklists.

A. Design Components – Definition. Within the town’s historic districts there exist similarities in the design components and construction of the buildings. The similarities are expressed by a number of basic design components which include but are not limited to building height, setback, proportions, pattern and rhythm, roof types, surface texture, color, site utilization, projections and architectural details. These similarities provide the basis for determining precedent examples of the five architectural styles and their architectural details. The precedent examples themselves, identified by Yguado & Associates in 1973, are used to assure both the retention of an individual structure’s exterior historic form, features and detailing and the historically appropriate development of the district.

B. Design Components – Use. The design components define the building materials and exterior character-defining features for each of five architectural styles, such as:

1. The form and detailing of exterior materials, such as masonry, wood, and metal.
2. The form and detailing of exterior features, such as roofs, porches, doors and windows, as well as structural and mechanical systems. Where publicly visible, structural and mechanical systems, including solar and other energy collecting and conserving equipment, shall be architecturally integrated or screened.
3. The structure’s site and setting.

C. Design Components – Checklist. When considering an application for a permit for a certificate of historical appropriateness, the commission shall determine if the application complies or does not comply with each of the design components or development criteria which are organized by architectural style and presented in checklist form in MTC [18.33.170](#). [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.070]

18.33.100 Miscellaneous, including colors for architectural components, gates, fences, and stucco and material and color for metal roofing.

A. Colors for Architectural Components, Including Windows, Trim, Doors, and for Gates and Fences.

1. Criteria to be used in selecting an appropriate color for architectural components, gates and fences include, but are not limited to:

- a. The size of the surface area to be covered.
- b. Other colors that will surround the architectural component, gate or fence.
- c. Type and texture of the surface, such as rough stucco, smooth metal or wood.

2. An album of color charts and photographs to be used by commissioners, staff and citizens in determining appropriate colors for architectural details and, by extension with this chapter, for gates and fences, is available in the community development department office.

B. Colors for Exterior Stucco.

1. Appropriate colors include colors in the cream to medium brown earth tones referred to in the individual architectural styles found in MTC [18.33.170](#) as characteristic of a particular style. Permitted acrylic latex paint colors shall be subtle and muted rather than bright and reflective.
2. The combination of exterior wall and trim colors on the same structure shall be historically appropriate, which for trim colors includes natural wood, off whites, creams and beiges as described in the individual architectural styles found in MTC [18.33.170](#), along with the colors presented in the color chart album.

C. Metal Roofing. Historically appropriate material and colors for new and replacement metal roofs are corrugated metal in either the natural gray or brick red color. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.080]

18.33.110 Standards for alterations.

The Secretary of the Interior's Standards for the Treatment of Historic Properties authorized by the National Historic Preservation Act of 1966, developed in 1992 and codified as [36 CFR 68](#), and subsequent revisions, amendments and additions thereto adopted by the Secretary of the Interior are hereby adopted in their entirety into this chapter by reference.

A. Application. These standards shall apply to all work or acts performed on the exterior of historic buildings and structures used commercially and zoned H-C, Historical Commercial, that are designated "significant" or "contributing."

B. Function. The standards identify and define appropriate treatments for the alteration of exterior character-defining features, including the form and detailing of materials, spatial relationships, and structural and mechanical systems. The standards also encompass related landscape features and the building's site as well as attached adjacent or related new construction. The standards are to be

applied to specific projects in a reasonable manner, taking into consideration economic and technical feasibility.

C. Guidelines. Guidelines to be used to assist in implementing the standards are found in the Secretary of the Interior's Standards for the Treatment of Historic Properties, and are available in the community development department. The guidelines are divided into two categories:

1. Recommended approaches, treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
2. Not recommended approaches, treatments and techniques that are not consistent with the Secretary's standards and could adversely affect a building's historic character. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.090]

18.33.120 Demolition.

A. The demolition of a significant or contributing structure within a historic district shall require a permit that includes verification by a qualified architect or certified structural engineer, with a background in architecture preferred, that the structure is not repairable or reusable.

The applicant shall provide the report containing the verification. The applicant shall also provide the plans for the site in order to demonstrate that it will not harm adjacent properties. The PZHAC may schedule a public hearing on the application. Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals, on said property, for large properties of more than 600 feet frontage.

B. Before voting on the demolition application, the PZHAC shall discuss with the applicant to see if an alternative to demolition can be found. The PZHAC may ask the applicant for additional information to be used in making its decision.

C. The PZHAC shall study the question of financial hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. Using the record that was developed, the PZHAC shall vote on the application following the procedures in MTC [18.33.080](#), Historical appropriateness permit. Options to prove financial hardship shall be: (1) income of 50 percent or lower of the average median income standards established for Dona Ana County; (2) proof of income documented with tax returns and annual expenditures.

D. If a demolition permit is issued, prior to the demolition the structure shall be documented with photographs, sketch plans and a brief historical description.

E. Demolition of intrusive features on a structure for the purpose of restoring original historic features should be encouraged and shall be exempt from the architect/engineering requirement.

Documentation of the original features shall be provided in order to receive demolition approval. [Ord. 2011-03]

18.33.130 Preservation of historic property.

Every person in charge of a landmark or a property in a historic district shall keep in good repair: (A) all of the exterior portions of such property and (B) all interior portions which, if not maintained, may cause the exterior of the structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of a building or structure by neglecting it or by permitting damage to it because of weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore a building or structure to its original appearance. PZHAC shall consider financial hardship per MTC [18.33.120\(C\)](#). [Ord. 2011-03]

18.33.140 Designation of landmarks and historic districts.

A. The PZHAC may study a property or an area in order to make a recommendation on whether it qualifies for designation as a landmark or a historic district. The board of trustees, a property owner, an individual or a neighborhood organization may also request the PZHAC to make such a study and recommendation.

B. The PZHAC shall assemble information about the property or the area being considered for designation and shall schedule a public hearing on the proposed designation. Public notice of the hearing shall be given, including conspicuous posting on the property or in the proposed district for 14 days immediately prior to the hearing. Conspicuous notice of the hearing shall be given by posting one sign in the front of the property and the posting of additional signs at 300-foot intervals for large properties of more than 600 feet frontage. Notice of the hearing shall be given by certified mail at least 14 days in advance of the hearing to the owners of property under consideration. Written notice shall be considered sufficient when it is mailed to the person listed on the tax records of the government.

C. A landmark or a historic district shall qualify for designation when it meets one or more of the following criteria that will be discussed in a PZHAC report making its recommendation to the board of trustees:

1. Its value as a reminder of the cultural or archaeological heritage of the town, state or nation;
2. Its location as a site of a significant local, state or national event;

3. Its identification with a person or persons who significantly contributed to the development of the town, state or nation;
4. Its identification as the work of a master builder, designer or architect whose individual work has influenced the development of the town, state or nation;
5. Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
6. Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials;
7. Its character as a geographically definable area possessing a significant concentration of buildings, structures or sites united by past events or aesthetically by plan or physical development; and
8. Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles, plan or physical development.

D. After evaluating the testimony at its public hearing and the other material it has assembled, the PZHAC shall decide whether or not to recommend the proposed designation to the board of trustees. If the PZHAC decides to recommend the designation, it shall submit a written report with information on the property or properties. The board of trustees shall approve, modify or disapprove the proposed designation within 60 days after receiving the recommendation and report from the PZHAC.

E. The PZHAC shall notify the owners of the property that has been designated and shall arrange that the designation of a property as a landmark or as a part of a historic district shall be recorded in the land records of the county. The PZHAC shall also give notice of the designation to the government offices in the town and in the county which shall retain the information for future reference.

F. The amendment or rescission of a designation shall be accomplished through the same steps as were followed in the original designation. [Ord. 2011-03]

18.33.150 Appeal from historical appropriateness action.

The process for an appeal from a PZHAC historical appropriateness action shall be pursuant to this title. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.100]

18.33.160 Enforcement.

Responsibility for enforcement shall be pursuant to the Mesilla Town Code. All work performed pursuant to a certificate of historical appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the town staff to inspect from time to time work being performed to assure such compliance. In the event work is being performed that is not in accordance with such certificate, the town may issue a stop work order. In the event work is being performed without the required certificate of historical appropriateness, the town may issue a stop work order. The PZHAC or its representative shall meet with the owner or tenant to resolve the problem. When necessary, the town attorney may seek an injunction and any other appropriate relief in order that the intent of this chapter shall be carried out. [Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.110]

18.33.170 Appendix A – Design standards with compliance checklist for the following architectural styles: Spanish Pueblo, Territorial, Spanish Mission, Northern New Mexico and Ranch Style.

Each style and its design standards with compliance checklist are listed below with instructions for completing the checklist. The styles appear on separate pages for ease in copying for individual use.

SPANISH PUEBLO

Design standards with compliance checklist for the Spanish Pueblo architectural style.

When completing a checklist, applicants shall circle all the components within individual items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked “n/a.”

A “1” in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

	COMPLIANCE	
	YES	NO
Design Components		
Building Height: One or two stories, to be determined by development zone.	_____	_____
Setback: For commercial usage, can be built to property line; for residential, meets prevailing setback in the development zone.	_____	_____
Proportion, relationship of height to length: Buildings are long and low (1).	_____	_____
In the case of a two-story application of this style, the second level occurs over only a portion of the lower level.	_____	_____

COMPLIANCE

YES NO

The overall proportion of the building is dependent in part on the height of the firewall or parapet which is a continuation of the exterior walls extending beyond the roof line on three or more sides (1).

Walls, historically, are reduced in thickness towards the top to form a battered silhouette.

Portales or porches, if used, create a lower profile than the basic building (1).

The character of the building's shapes is rounded or softened without sharp lines.

Pattern and Rhythm

Solid wall space is greater in any facade than window and door space combined (1).

Window and door openings are small and randomly, not symmetrically, placed on the facades.

Window heights from grade are uneven.

Canales, or drainspouts, pierce the parapet and are spaced in an uneven pattern as required for drainage.

	Number	Proportion	Size
Doors	_____		
Windows	_____		
Gates	_____		
Walls	_____		

COMPLIANCE

YES NO

Roof Type

Flat with a slight slope for drainage.

Parapet or firewall: roofs are surrounded on at least three sides by a parapet or firewall.

Surface Texture of Walls

Mud plaster. Hard plaster, smoothly applied, is acceptable.

Color

COMPLIANCE

YES NO

Exterior walls must be of a same single color. Acceptable colors are those of natural adobe, ranging from a light earth color to a dark earth color. Flat white is also acceptable. (See color charts)

The protected space under portales may be painted white or a contrasting color or a mural may be used.

Site Utilization

Follows development zone. Historically, examples of this style are seen most often in a rural setting or with setbacks if sited in an urban location.

Projections and Cavities

Historically, windows are usually deep set defining, from the exterior, the wall thickness.

Wall heights vary according to room shapes or additions.

Buttresses, fireplace outlines and chimneys are massive and important facade elements.

Vigas, or beams, round or rectilinear, sometimes project through exterior walls or are sometimes cut flush with the unplastered adobe walls and plastered over for protection.

Architectural Details

Wood trim is minimal around window and door openings with a rounding of the wall creating a transition from wall surface to window surface.

Canales are built up of saw timber, hollowed out from logs, or sheet metal bent to shape, or ceramic pipe sections or other materials as long as they are encased in one of the above materials.

Lintels above windows and door openings are exposed wood.

Portales or covered porches, either inset or projecting, have posts of round logs capped with a corbel and square beams.

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TERRITORIAL

Design standards with compliance checklist for the Territorial architectural style.

When completing a checklist, applicants shall circle all the components within items that apply to their application and annotate their responses as needed. If a component is not required and does not

apply to the application, it should be marked “n/a.”

A “1” in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

	COMPLIANCE	
	YES	NO
Design Components		
Building Height: Usually one story; however, each case will be determined individually by the development zone.	_____	_____
Setback: Varies according to the development zone. Historically, in urban/commercial settings, territorial buildings were built on or close to the property line with front facades occupying the entire lot frontage and entrances directly off the street. In rural residential settings, territorial buildings generally have large front yard setbacks.	_____	_____
Proportion, relationship of height to length. Buildings are long and low in proportion (1).		
Historically, walls are usually two feet thick, but are sometimes two feet six inches thick to three feet in proportion to wall heights.		
The overall proportion of the building is dependent in part on the height of a firewall or parapet, which is a continuation of exterior walls extending beyond the roof line on three or more sides (1).	_____	_____
Portales or porches, if used, create a lower profile than the basic building.	_____	_____
Pattern and Rhythm		
Solid wall space is always greater in any facade than window and door space combined (1).	_____	_____
Window placement on facades is regular and below center.	_____	_____
Windows are of larger size with multi-paned glazing of individual panes no larger than 30 square inches (1).	_____	_____
Canales or drainspouts are evenly spaced along the facades and, historically, are more fine and precise in appearance than those used in the Spanish Pueblo style.	_____	_____

	Number	Proportion	Size
Doors	_____		

	Number	Proportion	Size
Windows			
Gates			
Walls			

COMPLIANCE

YES NO

Roof Type

Flat with a slight slope for drainage.

Parapet or firewall: roofs are surrounded on at least three sides by a parapet or firewall.

Surface Texture

Construction is of adobe but may be built of other materials simulating adobe.

Walls are sharp edged with abrupt changes of wall direction.

Walls, historically, are covered with mud plaster. Hard plaster or stucco, smoothly applied, colored or painted the color of natural adobe is acceptable.

Color

Color may range from dark to light earth color. Flat white may also be used. In protected spaces under portales, white or a contrasting color or mural may be used. (See color chart)

Site Utilization

Determined by development zone, size of site and intended use.

In areas of more dense development, high walls along with buildings set on the property line are used to enclose the lot for privacy and environmental protection.

Projections and Cavities

Canales, or drainspouts, pierce the firewalls at the roofline to provide drainage.

Windows are set flush with outside wall surfaces.

Doorways are either flush or slightly recessed in the exterior walls.

Portales, either inset or projecting, are light in effect, built of milled lumber of a scale and detail consistent with other wood elements of the building.

Vigas do not usually project from exterior walls, although in the case of buildings of adobe that have been altered to achieve the territorial style, projecting or partially exposed vigas occur.

Architectural Details

COMPLIANCE**YES NO**

Firewalls are usually capped with a coping of fired brick or masonry. Sometimes the coping was added to a basic adobe building along with other details to achieve the style.

Door and window openings are framed with milled wood in an American Colonial (Greek Revival) design.

Doors are usually colonial but heavy paneled Spanish doors or applied doors are acceptable.

Structural lintels above windows and door openings are not exposed.

Metal or wood shutters are often used in conjunction with glazed windows.

Portales should be built with a parapet, capped or not, as has the basic building.

Buttresses, fireplace outlines and chimneys are usually not important facade elements.

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SPANISH MISSION

Design standards with compliance checklist for the Spanish Mission architectural style.

When completing a checklist, applicants shall circle all the components within items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked "n/a."

A "1" in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

COMPLIANCE**YES NO****Design Components**

Building Height: To be determined by the development zone on a case-by-case basis. Historically, one or two stories with a vertical facade. In some cases the verticality is achieved primarily by the use of a false facade.

COMPLIANCE

YES NO

Setback: In commercial usage, the building is sited on the front property line without setbacks. In residential usage, the buildings are sited with front, side and back yards.

Proportion: The use of facade design elements suggesting towers and belfries creates a verticality of a kind not evident in the other styles in Mesilla. This verticality is illustrated by the commercial buildings. In residential usage this verticality is implied rather than physically stated.

Pattern and Rhythm

Building surfaces are broken by applied or constructed openings.

The arched tower and belfry opening is repeated in the design of door and window openings.

In general, there are large areas of solid wall surfaces in relation to the openings created by windows and doors (1).

Roof lines simulate the tower and belfry outline.

	Number	Proportion	Size
Doors	_____	_____	_____
Windows	_____	_____	_____
Gates	_____	_____	_____
Walls	_____	_____	_____

COMPLIANCE

YES NO

Roof Type

Angled, flat, or a combination of both.

In the event that a roof is visible, the preferred surface material is Spanish tile.

Surface Texture

Smooth stucco.

Color

Usually white or earth walls with terra cotta tiled visible roof surfaces. (See color chart)

Site Utilization

COMPLIANCE

YES NO

In commercial usage, usually built to property line with facade extending the length of the property frontage (1).

In residential usage, the building is generally placed with front, side and back yards (1).

Landscaping is very formally arranged, with walls and arches reflecting the character of the basic building.

Projections

Windows and doorways are typically deeply recessed in arched openings.

Portales and covered walks are supported by arches.

Arched or simple buttresses are used.

Architectural Details

Arches, iron grilles or railings, carved doors, partially or completely rounded windows, ornate metal hardware and ceramic tile are used in the Spanish Mission style.

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NORTHERN NEW MEXICO

Design standards with compliance checklist for the Northern New Mexico architectural style.

When completing a checklist, applicants shall circle all the components within items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked “n/a.”

A “1” in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

COMPLIANCE

YES NO

Design Components

Building Height: Usually one story; however, each case will be determined individually by the development zone.

COMPLIANCE

YES NO

The use of two stories would require the use of the angled roof as an attic or otherwise part of the second story.

Setback: There is no typical setback distance used, therefore the setback of the development zone would prevail.

The application of this style is generally in a rural setting. Certain buildings in the commercial area of Mesilla exhibit this style of building set on the property frontage.

Proportion: There is a marked division between the roof and exterior walls. The proportion of the exterior walls, usually of adobe construction, is long and low but verticality is achieved by the added angled roof (1). Roof angles are sharp but rarely reaching an angle of 45 percent off the horizontal (1).

Pattern and Rhythm

The facades of these buildings are simple with few window openings of small overall size (1).

Doorways are numerous predicated on the pattern of construction and additions to the basic construction (1).

	Number	Proportion	Size
Doors	_____		
Windows	_____		
Gates	_____		
Walls	_____		

COMPLIANCE

YES NO

Roof Type

The most significant style element is the angled roof of corrugated metal. It is used in either the hipped or pitched configuration. The hipped roof is angled from four sides with a ridge line shorter than the length of the building. The pitched roof is angled from two sides. The use of the pitched roof makes necessary a filler for the triangular area at the ends of the building created by the addition of the pitched roof.

Surface Texture

COMPLIANCE

YES NO

Surface texture is of adobe or simulated adobe construction with or without mud or hard plaster.

Color

White or earth color. (See color chart).

Site Utilization

These buildings in the commercial area utilize most of the available site space.

In the more open, rural parts of Mesilla, these buildings are sited in varying ways depending on overall site usage and the development zone.

Projections and Cavities

Portales or covered porches are roofed with the same basic roofing materials.

Portales are sometimes beneath extensions of the overall roof. In this case the angle of the basic roof is continued or broken slightly as required.

Portales are sometimes enclosed with screens.

Roof overhangs are generally minimal.

Architectural Details

Windows, doors, columns, chimneys and buttresses are similar to those found in other adobe based buildings.

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RANCH STYLE

Design standards with compliance checklist for the Ranch architectural style.

When completing a checklist, applicants shall circle all the components within items that apply to their application and annotate their responses as needed. If a component is not required and does not apply to the application, it should be marked "n/a."

A "1" in parentheses after a component indicates that staff will figure an appropriate range for proportion or size, location or number, etc., based on the development zone of the structure. Drawings and photographs to further illustrate components are available in the community development office.

COMPLIANCE

YES NO

COMPLIANCE

YES NO

Design Components

Building Height: To be determined on a case-by-case basis based on the development zone. Historically, single story although two-story additions or complete two story buildings occur.

Setback: Front yards are typical.

Ranch styles are not built to the property line and the setback of the development zone would prevail.

Proportion: Generally low and sprawling.

The pitched or angled roof sometimes creates an appearance of verticality.

Pattern and Rhythm

The character of this design element is generated by large picture windows, covered walkways or connecting overhead structures, the use of many windows, steps up to raised foundations, abrupt changes in facades which reflect the varying sizes of inner spaces or additions and a pattern sometimes created by changes in material.

	Number	Proportion	Size
Doors	_____		
Windows	_____		
Gates	_____		
Walls	_____		

COMPLIANCE

YES NO

Roof Type

Roofs are pitched, angled, or shallow hipped.

The use of prefab trusses on site of construction to achieve the angled roof is the typical technique.

Roofs are usually built with large overhangs (1).

The thickness of the roof is exaggerated by the addition of trim material.

Roofs are usually finished with shingles either of roofing paper or wood.

Roof types are pitched or shed with frequent intersections at changes in building plan.

COMPLIANCE

YES NO

Surface Texture

Ranch styles in Mesilla exhibit a variety of surface textures: brick, concrete block, stone, various kinds of siding, unplastered or plastered adobe and simulated adobe.

The individual Ranch style buildings or structures sometimes have a variety of finishes or textures due to veneers and additions.

Color

The Ranch style has no typical color. Due to construction, detail and use of veneers, a variety of colors are possible within an individual building.

Site Utilization

In Mesilla, Ranch style houses are usually outside the more densely developed older areas of the town.

Being a recent style, it is usually used in typical subdivision fashion.

Landscaping is controlled by fencing and walks.

Many ornamental plants and trees and large lawns create a green surrounding for the Ranch style house.

Projections and Cavities

More change of surface is shown by additions, garages, breezeways, covered entrances, manmade shade structures, roof overhangs and raised entrances with steps than in the other styles existing in Mesilla.

Architectural Details

Simple construction and basic design is evident in the Ranch style house.

Windows and doors are manufactured items.

Trim is simple and varied.

Scalloped edges, trellises and wood moldings are used.

[Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.120]

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18.33.180 Appendix B – Additional standards for preservation, rehabilitation, restoration and reconstruction taken from the Secretary of the Interior’s Standards for the Treatment of Historic Properties as developed in 1992 and codified as [36 CFR 68](#).

Each set of standards appears below on separate pages for ease in copying for individual use.

STANDARDS FOR PRESERVATION

- A. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
- B. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- C. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
- D. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- E. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- F. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
- G. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- H. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

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STANDARDS FOR REHABILITATION

- A. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- B. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be

avoided.

C. Each property will 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 elements from other historic properties, will not be undertaken.

D. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

E. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

F. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

G. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

H. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

I. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.

J. New additions and adjacent or related new construction will 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.

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STANDARDS FOR RECONSTRUCTION

A. Reconstruction will be used to depict vanished or nonsurviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

B. Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

C. Reconstruction will include measures to preserve any remaining historic materials, features and spatial relationships.

D. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the nonsurviving historic property in materials, design, color and textures.

E. A reconstruction will be clearly identified as a contemporary re-creation.

F. Designs that were never executed historically will not be constructed.

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STANDARDS FOR RESTORATION

A. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

B. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

C. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

D. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

E. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

F. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

G. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties or by combining features that never existed together historically.

H. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

I. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

J. Designs that were never executed historically will not be constructed.

[Ord. 2011-03; Ord. 2008-02 § 1. Formerly 18.33.130]

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

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

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

Town Telephone: (575) 524-3262

[Code Publishing Company](#)