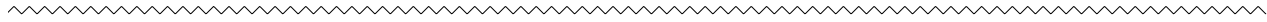




**THE BOARD OF TRUSTEES (BOT)
WILL HOLD A PUBLIC HEARING AT THE MESILLA TOWN HALL
2231 AVENIDA DE MESILLA
MONDAY- NOVEMBER 25, 2024
AT 5:00 PM**

SHORT-TERM RENTAL (STR) ORDINANCE

A proposed short-term rental ordinance is being proposed for adoption into our Municipal Code by staff and the STR Ad Hoc Committee. Ordinance will serve to improve short-term rental regulations, online platforms and Lodger's Tax accountability.



**THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA
REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA
MONDAY, NOVEMBER 25, 2024 ~ IMMEDIATELY
FOLLOWING 5PM PUBLIC HEARING ~**

AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. APPROVAL OF CONSENT AGENDA: (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)
 - a. BOT MINUTES – Minutes of BOT Meeting – 11.12.2024
 - b. APPROVAL: Blue Star Memorial by-way Marker at Veterans Park
 - c. APPROVAL: PZHAC CASE #061914 – 2260 Calle de Santiago, submitted by Bill & Janice Cook. Requesting approval to build a wire fence dog run with gate, 48"x50' long. Zone: Historical Commercial (HC)
 - d. APPROVAL: PZHAC CASE #061917 – 2341 Calle de Arroyo, Submitted by Taylor Family Trust. Requesting approval to enclose front porch with windows & doors. Zone: Historical Commercial (HC)
 - e. APPROVAL: PZHAC CASE #06919 – 1996 Calle de Santiago, submitted by David Ray Rosales. Requesting approval to upgrade balcony square tubing fence. Not up to code and rusted and needs painting. Zone: Historical Commercial (HC)
5. PUBLIC INPUT ON CASES – The public is invited to address the Board as allowed by the chair.

6. ACTION AND CONSIDERATION

OLD BUSINESS

- a. **APPROVAL: PZHAC CASE #061823 with Condition** – 2450 Calle de Principal, submitted by Felix Armijo. Requesting approval to construct a 30’ x 36’ structure on the property for the purpose of operating 2 short-term rental units. This case decision by PZHAC appealed to BOT.
- b. **APPROVAL: PZHAC SUP CASE #061909** – 320 W University, submitted by Sylvia D’Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall.
ZONE: Rural Farm (RF).

NEW BUSINESS

- c. **DISCUSSION ONLY:** For process related to purchases made by departments and authority/approval
- d. **APPROVAL:** Website Design Services Agreement (handed out at meeting)

7. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.

8. CLOSED EXECUTIVE SESSION:

- a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) -
- Community & Economic Development Department – Historic Preservation
- b) **APPROVAL:** Any actions that may arise as a result of discussions in closed session -
- Open Position: Historic Preservation

9. BOARD OF TRUSTEE COMMITTEE REPORTS

10. BOARD OF TRUSTEE/STAFF COMMENTS

11. ADJOURNMENT



**THE BOARD OF TRUSTEES (BOT)
OF THE TOWN OF MESILLA
WILL HOLD A WORKSESSION AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA**

Monday, NOVEMBER 21, 2024

~ Immediately Following Regular Scheduled Meeting ~

AGENDA

Discussion Items:

- 1. Review of STR (Short-Term Rental) Ordinance
A proposed short-term rental ordinance is being proposed for adoption into our Municipal Code by staff and the STR Ad Hoc Committee. Ordinance will serve to improve short-term rental regulations, online platforms and Lodger’s Tax accountability.

2. Initial Planning overview and feedback for Comprehensive Plan
being completed by Sites Southwest

Items are for the work session are for discussion only, no decisions will be made

NOTICE

If you need accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda can be found online at www.mesillanm.gov.

Posted 11.21.2024 online and at the following locations: Town Hall and Visitor's Center Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Short's Food Mart 2290 Avenida de Mesilla, and the U.S. Post Office 2253 Calle de Parian.



Town of Mesilla, New Mexico

**THE BOARD OF TRUSTEES (BOT)
WILL HOLD A PUBLIC HEARING AT THE MESILLA TOWN HALL
2231 AVENIDA DE MESILLA
MONDAY- NOVEMBER 25, 2024
AT 5:00 PM
SHORT-TERM RENTAL (STR) ORDINANCE**

A proposed short-term rental ordinance is being proposed for adoption into our Municipal Code by staff and the STR Ad Hoc Committee. Ordinance will serve to improve short-term rental regulations, online platforms and Lodger's Tax accountability.

NOTICE

If you need accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least one week prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda can be found online at www.mesillanm.gov.

Posted **10.17.2024** online and at the following locations: Town Hall and Visitor's Center Avenida de Mesilla, Public Safety Building 2670 Calle de Parian, Mesilla Community Center 2251 Calle de Santiago, Short's Food Mart 2290 Avenida de Mesilla, and the U.S. Post Office 2253 Calle de Parian.



REVISED

**THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA
REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA**

Tuesday, November 12, 2024 – 6:00 P.M.

MINUTES

TRUSTEES: Russell Hernandez, Mayor
Adrianna Merrick, Mayor Pro Tem
Biviana Cadena, Trustee (ABSENT)
Stephanie Johnson-Burick, Trustee
Gerard Nevarez, Trustee

STAFF: Lorenzo Astorga, Public Works Director
Ben Azcarate, Marshal
Gloria S Maya, Town Clerk/Recorder
Edward Salazar, Economic & Community Development Director
Greg Whited, Fire Chief

PUBLIC: Catharine Walkinshaw
Felix Armijo
Lori Miller
Cole Morris
Adel B
Andrea Bryan
Pat Taylor
Dosa
Eric Walkinshaw
Crystal Whited
Susan Krueger
Richard W
Terry Melendrez
Greg Lester
Mary H Ratje

1. PLEDGE OF ALLEGIANCE

Mayor Hernandez led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Hernandez, Trustee Johnson-Burick, Mayor Pro Tem Merrick, Trustee Nevarez

3. CHANGES TO THE AGENDA & APPROVAL

Trustee Johnson-Burick expressed her concerns regarding items 6 a. and 6 h.

Mayor Hernandez reviewed the process that was followed.

Motion: To approve agenda, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

4. APPROVAL OF CONSENT AGENDA: (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)

a) **APPROVAL: BOT MINUTES** – Minutes of BOT Meeting – 10.30.2024

b) **APPROVAL: PZHAC STR BUSINESS #1282** – 2551 Calle de Parian, submitted by Melanie Goodman. Requesting approval to operate short-term rental. ZONE: Historical Residential (HR).

Motion: To approve consent agenda, Moved by Trustee Nevarez, Seconded by Mayor Pro Tem Merrick.

Motion passed unanimously.

5. PUBLIC INPUT ON CASES – The public is invited to address the Board as allowed by the chair.

Mayor Hernandez stated he received two (2) emails that will be included in the minutes.

Trustees stated that they received an email that needs to be included in the minutes.

Ms. Walkinshaw commented on the STR and on item 6 b.

Ms. Krueger commented on item 6 b.

**6. ACTION AND CONSIDERATION
NEW BUSINESS**

a. **APPROVAL: PZHAC CASE #061823 with Condition** – 2450 Calle de Principal, submitted by Felix Armijo. Requesting approval to construct a 30' x 36' structure on the property for the purpose of operating 2 short-term rental units. This case decision by PZHAC appealed to BOT. BOT decision was to have case reheard by PZHAC and have full commission vote as to avoid having a 2-2 vote. ZONE: Historical Commercial (HC).

Mayor Pro Tem Merrick recused herself.

Mr. Salazar gave an update.

Motion: To postpone the approval of PZHAC Case #06182 – 2450 Calle de Principal, submitted by Felix Armijo. Requesting approval to construct a 30' x 36' structure on the property for the purpose of operating two (2) short-term rental units. This case decision by PZHAC appealed to BOT. BOT decision was to have case reheard by PZHAC and have full commission vote as to avoid have a 2-2 vote. ZONE: Historical Commercial (HC), Moved by Trustee Nevarez, Seconded by Trustee Johnson-Burick.

Trustees commented on the case and the process.

Roll Call Vote: Motion passed (summary: Yes-2)

Trustee Johnson-Burick Yes

Trustee Nevarez Yes

b. **APPROVAL: PZHAC SUP CASE #061909** – 320 W University, submitted by Sylvia D'Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall. ZONE: Rural Farm (RF).

Mr. Salazar gave an update.

Motion: To approve PZHAC SUP Case #061909 – 320 W University, submitted by Sylvia D’Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall. ZONE: Rural Farm (RF), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.

Trustees commented on the case and the process.

Motion: To postpone PZHAC SUP Case #061909 – 320 W University, submitted by Sylvia D’Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall. ZONE: Rural Farm (RF), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.

Roll Call Vote: Motion passed (summary: Yes-2; No-1)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick No
Trustee Nevarez Yes

- c. **APPROVAL: PZHAC CASE #061913 with Condition** – 2342 Calle de Arroyo, submitted by Julie Fitzsimmons. Requesting approval to restore structure on property. A work session was scheduled according to MTC 18.33-Historic Preservation requirements. ZONE: Historical Residential (HR).

Mr. Salazar gave an update.

Motion: To approve PZHAC Case #061913 with Condition – 2342 Calle de Arroyo, submitted by Julie Fitzsimmons. Requesting approval to restore structure on property. A work session was scheduled according to MTC 18.33-Historic Preservation requirements. ZONE: Historical Residential (HR), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.

Trustee Nevarez commented on the case.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

- d. **APPROVAL: Resolution 2025-10 FY2024-2025 Budget Adjustment #1**

Motion: To approve Resolution 2025-10 FY2024-2025 Budget Adjustment #1, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Nevarez.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

- e. **APPROVAL: Resolution 2025-11 Public Auction of Equipment**

Motion: To approve Resolution 2025-11 Public Auction of Equipment, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

- f. **APPROVAL: Resolution 2025-12 Capital Asset Inventory Certification**

Motion: To approve Resolution 2025-12 Capital Asset Inventory Certification, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

g. APPROVAL: Resolution 2025-13 FF/EMS Recruitment Agreement 24-ZI5036-34
Motion: To approve Resolution 2025-12 FF/EMS Recruitment Agreement 24-ZI5036-34, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes-3)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick Yes
Trustee Nevarez Yes

h. APPROVAL: Resolution 2025-14 Rezone Case #61870
Motion: To approve Resolution 2025-14 Rezone Case #061870, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.

Trustees commented on the case and the process.

Roll Call Vote: Motion passed (summary: Yes-2; No-1)

Mayor Pro Tem Merrick Yes
Trustee Johnson-Burick No
Trustee Nevarez Yes

7. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.
Mr. Taylor commented on Don Felix and Comprehensive Plan.

8. BOARD OF TRUSTEE COMMITTEE REPORTS

Trustee Johnson-Burick: MPO Wednesday, 1:00 p.m.

Mayor Pro Tem Merrick: MPO Wednesday, 1:00 p.m.

Mayor Hernandez: Friends of the Taylor Family Monument Wednesday, Ad Hoc Meeting

9. BOARD OF TRUSTEE/STAFF COMMENTS
(WRITTEN STAFF REPORTS INCLUDED IN PACKETS)

Marshal Azcarate gave a department update.

Mr. Astorga gave a department (Public Works) update.

Mayor Hernandez gave an update on the Ave de Mesilla road work.

Mr. Salazar gave a department (Economic & Community Development) update.

Ms. Maya gave a department (Finance) update.

Trustee Nevarez asked about crosswalks on Ave de Mesilla.

Trustee Johnson-Burick stated her concerns and questions.

Mayor Pro Tem Merrick commented on events and things happening around town.

Mayor Hernandez gave an update.

11. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-3).

MEETING ADJOURNED AT 8:11 P.M.

APPROVED THIS 25th DAY OF NOVEMBER, 2024

Russell Hernandez
Mayor

ATTEST:

Gloria S. Maya
Town Clerk/Treasurer

****BOT MEETINGS ARE AVAILABLE ON TOWN OF MESILLA'S YOUTUBE PAGE****

Subject: APPROVAL: PZHAC SUP CASE #061909 – 320 W University, submitted by Sylvia D’Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall. ZONE: Rural Farm (RF).

message

Adrianna Merrick <adriannam@mesillanm.gov>
Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>



Adrianna Merrick
Mayor Pro Tem
TOWN OF
Mesilla

Work Cell: 575-644-9555
Town Hall: 575-524-3262
adriannam@mesillanm.gov

----- Forwarded message -----

From: Irene Chavez <irenechavez@yahoo.com>
Date: Mon, Nov 11, 2024 at 12:58
Subject: APPROVAL: PZHAC SUP CASE #061909 – 320 W University, submitted by Sylvia D’Andrea. Requesting approval to operate a winery/wine tasting/social gathering hall. ZONE: Rural Farm (RF).
To: stephaniejb@mesillanm.gov <stephaniejb@mesillanm.gov>, adriannam@mesillanm.gov <adriannam@mesillanm.gov>, gerardn@mesillanm.gov <gerardn@mesillanm.gov>, bivianac@mesillanm.gov <

rene Chavez
1260 Rosita Ct.
Mesilla, NM
915)478-0556

Dear Trustees,

I hope this letter finds you well. I will be out of town and thus unable to attend meeting regarding the above case.

So, I am writing to express my concerns regarding the proposal to establish a winery/wine tasting/gathering hall in our residential and farming neighborhood. As a homeowner and active member of this community, I am concerned about the significant, and potentially detrimental, effects on the character and well-being of our residential area.

While I understand the potential appeal of a wine-tasting venue in commercial or more business-oriented districts, I am deeply concerned about the implications of this proposal for a primarily residential neighborhood.

- Noise and Disturbance:** A wine-tasting hall is likely to generate substantial noise, particularly during evenings and weekends. The presence of large crowds, amplified music, and outdoor seating could significantly impact nearby homes.
- Increased Traffic and Parking Issues:** A commercial facility would likely attract visitors from outside the neighborhood, which could lead to significant increases in traffic volume and parking congestion. Existing traffic, already strained during peak hours, and this proposal would exacerbate those issues.
- Safety Concerns:** Increased alcohol consumption in close proximity to residential areas could lead to safety concerns, including impaired driving and public disturbances. The additional traffic and presence of patrons, including children and other residents, could pose risks.
- Decreased Property Values:** The presence of a commercial establishment, particularly one that serves alcohol, could potentially diminish property values in the surrounding area. Many of us moved to this area because we value a safe, family-friendly environment.
- Incompatibility with Residential Zoning:** Our neighborhood is zoned for residential and farming purposes, and introducing a commercial entity such as a wine-tasting hall seems incompatible with the intended use and property values for all residents.

In light of these concerns, I respectfully ask that you consider the long-term impacts this proposal could have on our neighborhood. I urge the trustees to review the proposed development carefully and take the needs of the community directly affected.

Thank you for your attention to this matter.

Sincerely,

rene Chavez

I am attaching photos of property it is currently on the market as a **single family residence**.



PZHAC SUP Case #061909

From: Nora Barraza (noralbarraza@yahoo.com)

To: stephaniejb@mesillanm.gov; gerardn@mesillanm.gov; bivianac@mesillanm.gov

Date: Tuesday, November 12, 2024 at 05:09 PM MST

Dear Trustees:

I would like for you to please consider disapproving PZHAC SUP Case #061909 for a couple of reasons.

First, Eddie Salazar defines cottage industry based on Investopedia.com when in our Mesilla Town Code 18.10 Definitions 18.10.02 Specific states:

"**Cottage industry**" means a light **industry** ancillary to the prime agro-residential use of land and conducted on the same parcel of land used for the dwelling of the owner."

One of the primary concerns regarding this application is that, according to the MTC, the majority of the property in question is planted with pecan trees, not vineyards. This discrepancy raises questions about the proposed use of the land and its alignment with the intended agricultural zoning.

Another significant issue is the proposal to rent out the metal building as a social gathering hall. It is unclear how a rental hall aligns with the concept of a cottage industry. The introduction of a social venue could lead to excessive noise, which would disrupt the peaceful atmosphere of the Rural Farm zone. Furthermore, the increased traffic associated with such events would likely cause additional strain on the surrounding area. The town has established commercial zones specifically to accommodate businesses that may generate higher volumes of traffic or noise, in order to preserve the quality of life in residential and agricultural zones.

I ask you to please not approve PZHAC SUP Case # 061909 based on the concerns stated above and protecting our rural farm zone.

Thank you for your consideration.

Subject: Re: Winery
Date: Monday, November 11, 2024 at 3:36:12 PM Mountain Standard Time
From: Martha Mulvihill
To: Russell Hernandez

I corrected misspelling in my letter. Can you please send add the last one with corrections.
Thanks
Sent from my iPhone

On Nov 11, 2024, at 4:17 PM, Russell Hernandez <mayor@mesillanm.gov> wrote:

Your email has been received and will be added to the public comments of the next BOT meeting.

Russell

Get [Outlook for iOS](#)

From: Martha Mulvihill <martham@mesillanm.gov>
Sent: Monday, November 11, 2024 9:27:59 AM
To: Russell Hernandez <mayor@mesillanm.gov>
Subject: Winery

My name is Martha Mulvihill and my husband Edward Martinez. We live here in Mesilla. We are writing in reference to the proposed winery. We have several concerns.

- 1: code for that area does not allow for an event center.
2. University Ave. at that area is very narrow and has no way to accommodate for heavier traffic. Many times during evening hours there is already a back up of traffic at University and Standard and also going to the other road opposite of Stanford.
3. There is a concern for EMS entrance and exit.
4. Zia school is down the street and many children walk up University which could cause safety issues.
5. Traffics for parents going to Zia to pick up their children goes past Reyes Subdivision. This can lead to more traffic back up.

For the above reasons we are requesting the Board of Trustees be to approve this application.

Thank you,
Martha Mulvihill and Edward Martinez
2690 Boldt Street.
Las Cruces, NM

Sent from my iPhone My name is Martha Mulvihill and my husband Edward Martinez. We live here in Mesilla. We are writing in reference to the proposed winery. We have several concerns.

The Honorable Russell Hernandez
Mayor of the Town of Mesilla
Town of Mesilla Board of Trustees

Re: Memorial By-Way Marker

Dear Mayor Hernandez:

Blue Star Memorials, conceived in 1946 to honor veterans of World War II, became a project of the National Garden Clubs. Since that time hundreds of Memorials have been dedicated by Garden Clubs throughout the Nation honoring our armed forces, both past and present. This program places markers in one of three locations throughout the United States:

- Blue Star Memorial Highway Markers are placed on designated sections of state highways.
- Blue Star Memorial Markers are placed in National Cemeteries or Veterans Medical Centers.
- Blue Star By-Way Markers are placed in Veterans Parks and Memorial Gardens.

In 2025, the Mesilla Valley Garden Club will celebrate 95 years of continuous operation in Las Cruces. We hope to celebrate this anniversary by dedicating a Memorial Marker in the Mesilla Veterans Park. We have raised funds for the project and will take responsibility for purchasing and permanently mounting the marker as well as organizing and paying for the dedication ceremony.

The history of Blue Star Memorials including a photo of the By-Way Marker in the Las Cruces Veterans Park is enclosed.

Mesilla Valley Garden Club dedicated the Memorial Marker in the Las Cruces Veterans Park in 2005 and the marker we hope to place in Mesilla would be the same design and size. The Veterans Park marker is attached to a large stone and our club recently restored it.

I appreciate your consideration.

Best Regards,



Linnea Egbert, Blue Star Project Chair
MesillaValleyGC@gmail.com
575.639.4327

Enclosure

History of the Blue Star program including a photo of the marker in the Las Cruces Veterans Park

Honoring Those Who Have Served Our Country

The Blue & Gold Star Memorials Program honors all men and women who serve in the United States Armed Services. This program began with the planting of 8,000 Dogwood trees by the New Jersey Council of Garden Clubs in 1944 as a living memorial to veterans of World War II. In 1945, the National Council of State Garden Clubs adopted this program and began a Blue Star Highway system that covers thousands of miles across the Continental United States, Alaska, and Hawaii. A large metal Blue Star Memorial Highway Marker was placed at appropriate locations along the way.

What we see today is a program that has expanded to include all men and women who had served, were serving, or would serve in the armed services of the United States. Memorial Markers and By-Way markers were added to the Highway Markers, to be used at locations such as National cemeteries, parks, veterans' facilities and gardens.

The Blue Star became an icon in World War II and was seen on flags and banners in homes for sons and daughters away at war and in churches and businesses. This program has been active through the years to present time, a fitting tribute to our Armed Forces.



Blue Star Memorial By-Way placed by Mesilla Valley Garden Club in 2005.

BOARD ACTION FORM
AGENDA DATE

PZHAC: 11/18/2024

BOT: 11/25/2024

DAC ACCOUNT #R0401274
BLDG CODE – MI
EVALUATION COST- \$600
FEE - \$59.50

ITEM: PZHAC CASE #061914 – 2260 Calle de Santiago, submitted by Bill & Janice Cook. Requesting approval to build a wire fence dog run with gate, 48” x 50’ long. ZONE: Historical Commercial (HC).

BACKGROUND AND ANALYSIS:

Mr. & Mrs. Cook will be installing the kennel themselves. Purpose of kennel is to allow an inside dog an opportunity to enjoy being outside. Kennel will be located on the west side of the building (see site plan).

IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant’s request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

DEPARTMENT COMMENTS:

- MTC 18.35.060(I)(5) – HR zone allows ornamental wire loop fencing.
- MTC 18.40 Historical Commercial- does not regulate fence requirements other than in general provisions for MTC Title 18.60.
- MTC 18.60.340 – regulates the type of material for fences only if in the front setback facing the street.

SUPPORTING INFORMATION:

- Application
- Site Plan
- Sample fence/gate pictures
- Proof of Ownership

DETERMINATION NOTES

- Approved without conditions 5 - 0.



TOWN OF MESILLA

2231 AVENIDA DE MESILLA
 MESILLA, NM, 88046
 PO BOX 10
 575-524-3262

comdev@mesillanm.gov

OFFICE USE ONLY

Review Fee \$	_____
Permit Fee \$	_____
Penalty Fee \$	_____
Extension Fee \$	_____
TOTAL FEE \$	59.50

2024 ZONING PERMIT APPLICATION

#061914

Name of property owner BILL & JANICE COOK		Worksite Address 2260 CRUE SANTIAGO		L401274
ID/DL #	[REDACTED]	Mailing Address BOX 64 MESILLA, NM 88046		
Phone 575-202-8794	Email thepotteriesmesilla@gmail.com		Dona Ana County Account #	
Contractor	Mailing Address	Phone	License #	
Description of Proposed work ORNAMENTAL WIDE FENCE DOG RUN WITH GATE 48" TALL X 50' LONG				
Evaluation Cost \$ \$600	Signature of Applicant [Signature]		Date NOV 6, 2024	

ALONG WITH this application, proof of property ownership and signed contractor/client contract agreement is required to include evaluation cost of project. Plans are to be no larger than 11"x 17" or submitted electronically.

- Site Plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to March 14, 1972.
- Foundation Plan, new construction in full size drawings
- Floor Plan, showing rooms, their uses and with dimensions
- Cross section walls
- Roof Plan and floor framing plan
- Electrical Plans
- Plumbing Plans
- Elevations, details of architectural style and color scheme (checklist for Historic Zones)
- Drainage plans (commercial)

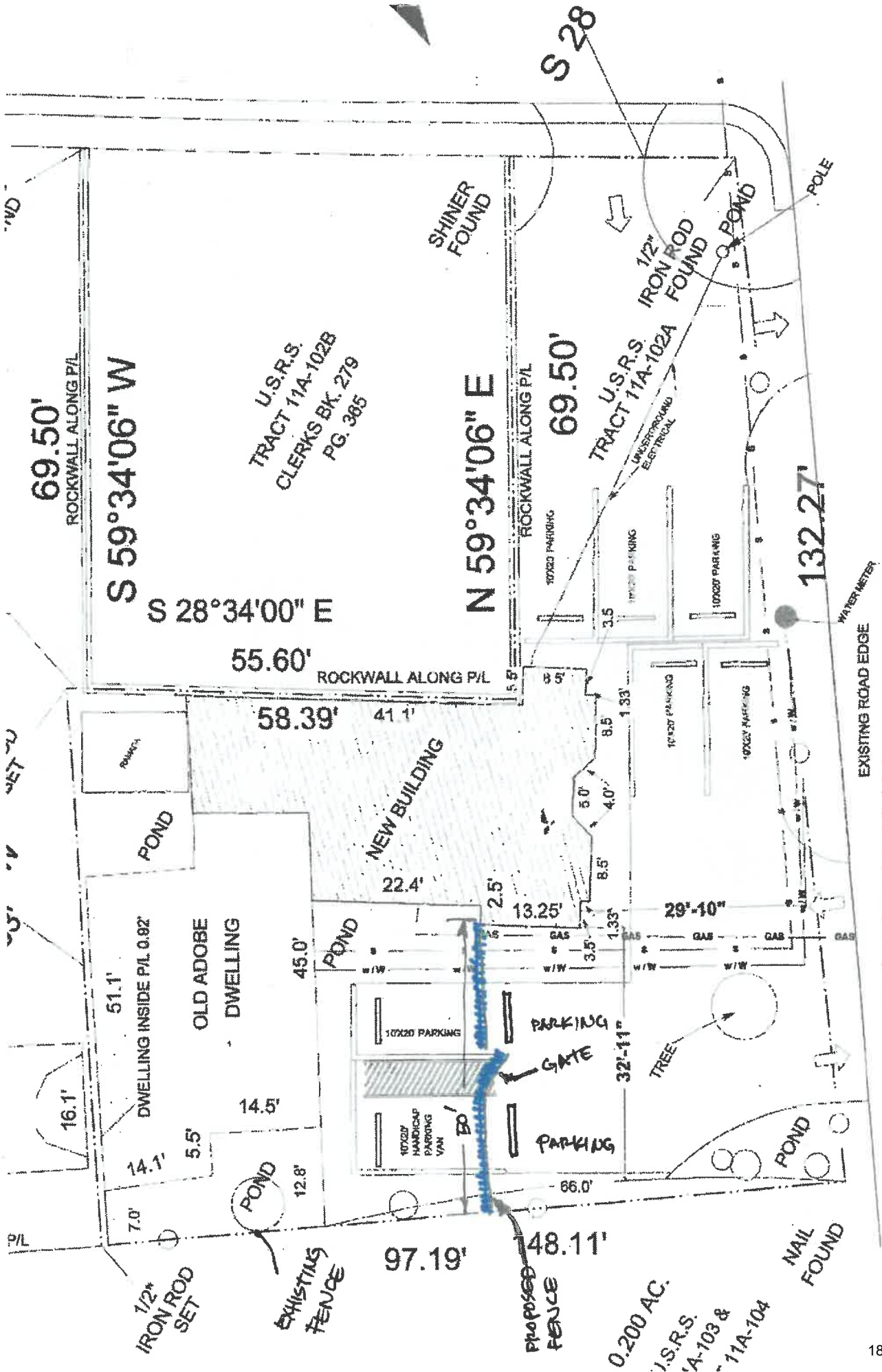
Application is not considered to be submitted until ALL required documentation is submitted and application fee(s) are paid. Aside from administrative approvals, application process must undergo review by staff, PZHAC and/or BOT before permit is issued. All required NM CID permits must first obtain a zoning permit if work is to be performed in Mesilla. *****ALL permits must be displayed in clear view until final inspection*****

OFFICE USE ONLY

Reviewed by: Public Works	<u>Lorenzo Astorga</u>	Date _____
Fire Department	<u>G WHITED</u>	Date _____
NM CID	<u>Thomas Maese</u>	Date _____
Community Development	<u>Eddie Salazar</u>	Date _____

Date(s) Approved: _____ Administrative _____ PZHAC 11/18/2024 BOT _____ CID _____

COMMENT(S) _____

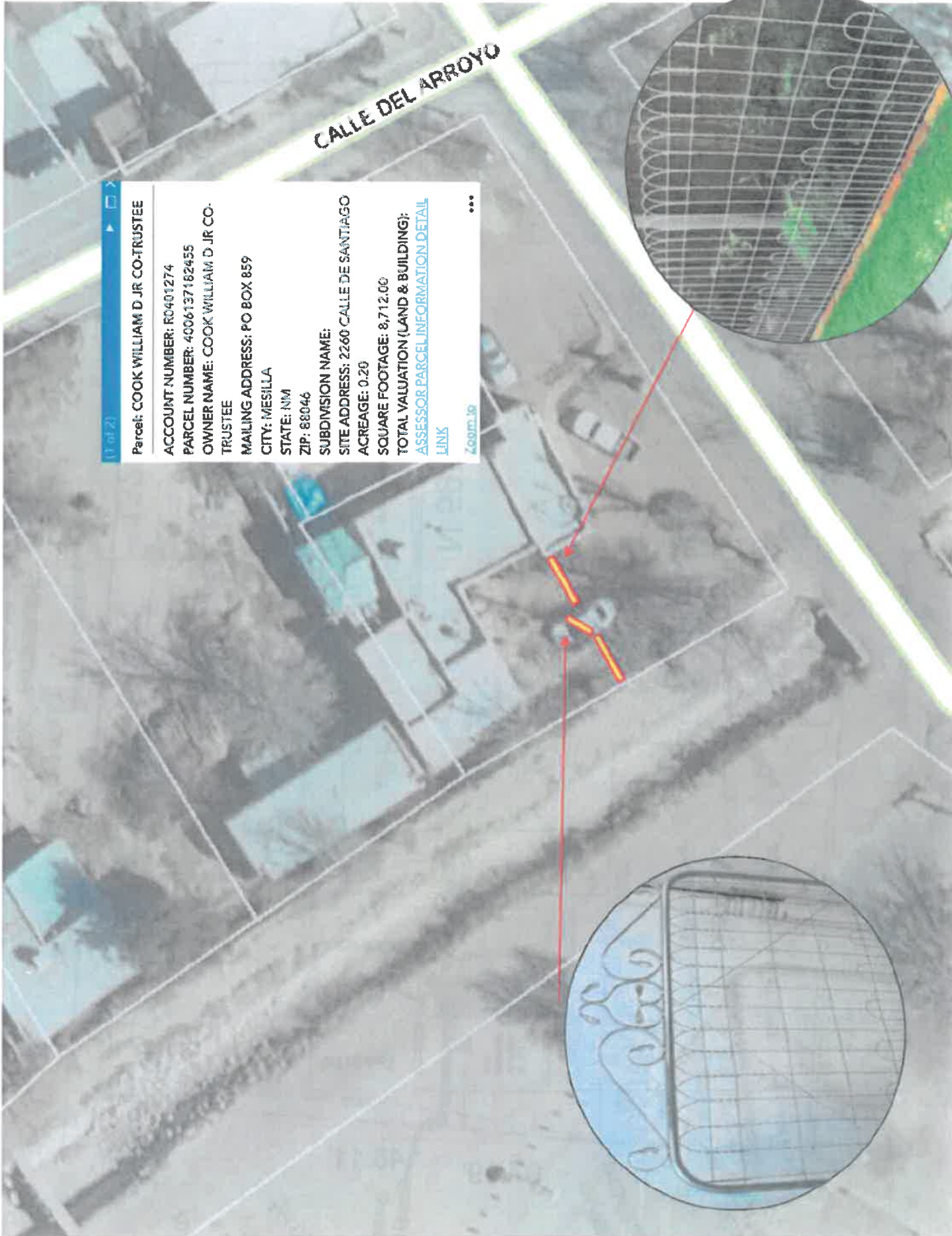


U.S.R.S.
TRACT 11A-102B
CLERKS BK. 279
PG. 385

U.S.R.S.
TRACT 11A-102A
UNDERGROUND
ELECTRICAL

THE POTTERIES
2260 CALLE SANTIAGO

0.200 AC.
U.S.R.S.
'A-103 &
'11A-104



CALLE DEL ARROYO

(1 of 2)

Parcel: COOK WILLIAM D JR CO-TRUSTEE

ACCOUNT NUMBER: R0401274

PARCEL NUMBER: 4006137182455

OWNER NAME: COOK WILLIAM D JR CO-TRUSTEE

MAILING ADDRESS: PO BOX 859

CITY: MESILLA

STATE: NM

ZIP: 88046

SUBDIVISION NAME:

SITE ADDRESS: 2260 CALLE DE SANTIAGO

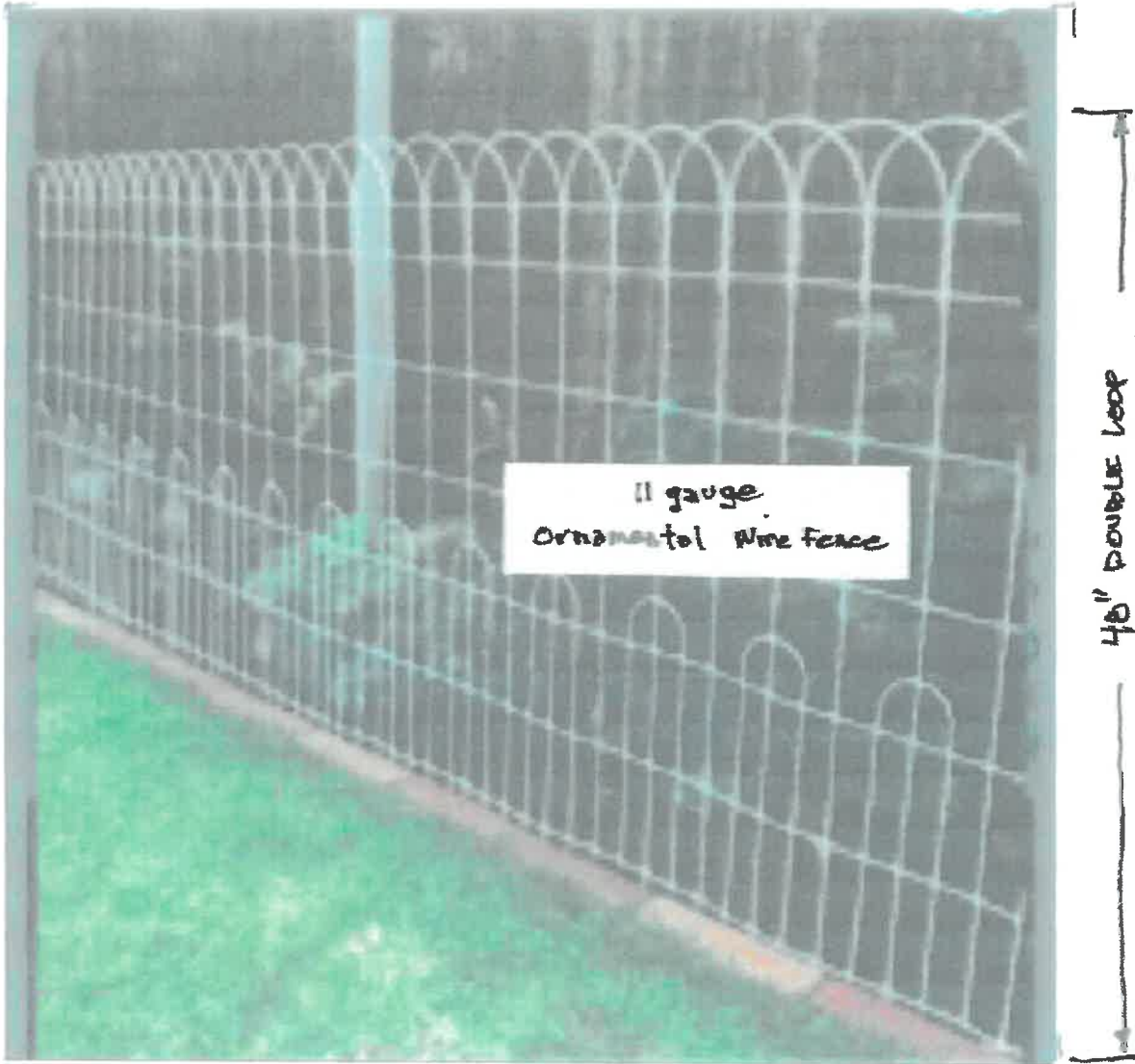
ACREAGE: 0.20

SQUARE FOOTAGE: 8,712.00

TOTAL VALUATION (LAND & BUILDING):

[ASSESSOR PARCEL INFORMATION DETAIL LINK](#)

Zoom: 10



11 gauge.
Ornamental Wire Fence

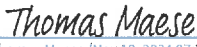
46" DOUBLE LOOP
ORNAMENTAL WIRE FENCE

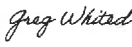
FENCE DETAIL



GATE DETAIL

Signature: 
LORENZO (Nov 13, 2024 15:04 MST)
Email: lorentzoa@mesillanm.gov

Signature: 
Thomas Maese (Nov 18, 2024 07:32 MST)
Email: thomas.maese@rld.nm.gov

Signature: 
Email: gwhited@mesillanm.gov

Signature: 
Email: COMDEV@MESILLANM.GOV

BOARD ACTION FORM
AGENDA DATE

PZHAC: 11/18/2024

BOT:

DAC ACCOUNT #R0401272
BLDG CODE – AC
EVALUATION COST- \$12,000
FEE - \$198.50

ITEM: PZHAC CASE #061917 –2341 Calle de Arroyo, submitted by Taylor Family Trust. Requesting approval to enclose front porch with windows and doors. ZONE: Historical Commercial (HC).

BACKGROUND AND ANALYSIS:

Existing front porch is in good condition and there is no need for repairs. The building is listed in our historic registry and considered to be a significant building. The porch attached to the building is not listed under our historical registry. It was added at a later date.

#118. The front portion of this property consists of the present Mesilla Book Center, a store specializing in books dealing with the Southwest. It occupies the southern half of the building known as the Reynolds/Griggs store. This commercial building fronts the street and faces the plaza as do the adjacent buildings to the north and south. The parapet is pedimented, and the wood frame windows are also topped by pediments. A zaguan leads from the street on the south side of the business into an interior patio where the various rooms of the residence in back of the store open into it. This residence belonged to Edgar Griggs who was a partner in the Reynolds/Grigg-s food and dry goods store that was in the front. Probably many of these-walls date from the early 1850's. (S)

A work session was scheduled with PZHAC on 11/18/2024, before the scheduled regular session.

IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant’s request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

DEPARTMENT COMMENTS:

- MTC 18.33.080 – requires a historical appropriateness permit to be obtained before any consideration be given to a registered historic building.

SUPPORTING INFORMATION:

- Application
- Elevations
- Floor Plan
- Site Plan/Property Plat

Lorenzo Astorga

Greg Whited

Thomas Maese

Eddie Salazar

DETERMINATION NOTES

- Approved without conditions 5–0.



TOWN OF MESILLA

2231 AVENIDA DE MESILLA
 MESILLA, NM, 88046
 PO BOX 10
 575-524-3262
comdev@mesillanm.gov

OFFICE USE ONLY

Review Fee \$	_____
Permit Fee \$	_____
Penalty Fee \$	_____
Extension Fee \$	_____
TOTAL FEE \$	_____

2024 ZONING PERMIT APPLICATION

Name of property owner <i>Pat Taylor (Taylor Family Trust)</i>		Worksite Address <i>2341 Calle de Arroyo</i>	
ID/DL#		Mailing Address <i>P.O. Box 673, Mesilla, NM 88046</i>	
Phone <i>575 526 7995</i>		Email <i>apata7lor@comcast.net</i>	Dona Ana County Account #
Contractor	Mailing Address	Phone	License #
Description of Proposed work <i>Screen in existing front porch with windows + one door. Existing porch roof is in good condition.</i>			
Evaluation Cost \$ <i>12,000.00</i>	Signature of Applicant <i>[Signature]</i>		Date <i>11/5/2024</i>

ALONG WITH this application, proof of property ownership and signed contractor/client contract agreement is required to include evaluation cost of project. Plans are to be no larger than 11"x 17" or submitted electronically.

- Site Plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to March 14, 1972.
- Foundation Plan, new construction in full size drawings
- Floor Plan, showing rooms, their uses and with dimensions
- Cross section walls
- Roof Plan and floor framing plan
- Electrical Plans
- Plumbing Plans
- Elevations, details of architectural style and color scheme (checklist for Historic Zones)
- Drainage plans (commercial)

Application is not considered to be submitted until ALL required documentation is submitted and application fee(s) are paid. Aside from administrative approvals, application process must undergo review by staff, PZHAC and/or BOT before permit is issued. All required NM CID permits must first obtain a zoning permit if work is to be performed in Mesilla. *****ALL permits must be displayed in clear view until final inspection*****

OFFICE USE ONLY

Reviewed by: Public Works	<u>Lorenzo Astorga</u>	Date _____
Fire Department	<u>Greg Whited</u>	Date _____
NM CID	<u>Thomas Maese</u>	Date _____
Community Development	<u>Eddie Salazar</u>	Date _____

Date(s) Approved: _____ Administrative _____ PZHAC 11/18/2024 BOT _____ CID _____

COMMENT(S) _____

PLAT OF SURVEY
 SHOWING THE LOCATION OF IMPROVEMENTS
 ON A 0.060 AC., A 0.213 AC., A 0.255 AC.,
 AND A 0.472 AC., TRACTS IN SECTION 25, T.23S., R.1E.,
 N.M.P.M. OF THE U.S.S. SURVEYS
 BEING U.S.R.S. TRACTS 11A-84A, 11A-84B1 AND
 11A-84C, TOWN OF MESILLA
 DONA ANA COUNTY
 NEW MEXICO

LINE	LENGTH	BEARING
L1	10.00	N 81°00'00" E
L2	10.00	N 81°00'00" E
L3	8.75	N 81°00'00" E
L4	8.75	N 81°00'00" E
L5	11.00	N 81°00'00" E
L6	11.00	N 81°00'00" E
L7	11.00	N 81°00'00" E
L8	11.00	N 81°00'00" E
L9	11.00	N 81°00'00" E
L10	11.00	N 81°00'00" E
L11	11.00	N 81°00'00" E
L12	11.00	N 81°00'00" E
L13	11.00	N 81°00'00" E
L14	11.00	N 81°00'00" E
L15	11.00	N 81°00'00" E
L16	11.00	N 81°00'00" E
L17	11.00	N 81°00'00" E
L18	11.00	N 81°00'00" E
L19	11.00	N 81°00'00" E
L20	11.00	N 81°00'00" E



"RECORD APPROVAL FOR DONA ANA COUNTY"
 PROPERTY OWNER: P&L, DONA ANA COUNTY
 PROJECT LOCATION: TOWN OF MESILLA

REVISED: 7/20/04 TO SHOW UTILITY & ACCESS EASEMENT

MONEY SURVEYING INC
 1111 N. 11TH ST., SUITE 100
 MESA, AZ 85201
 PHONE: (602) 438-0888
 FAX: (602) 438-0888

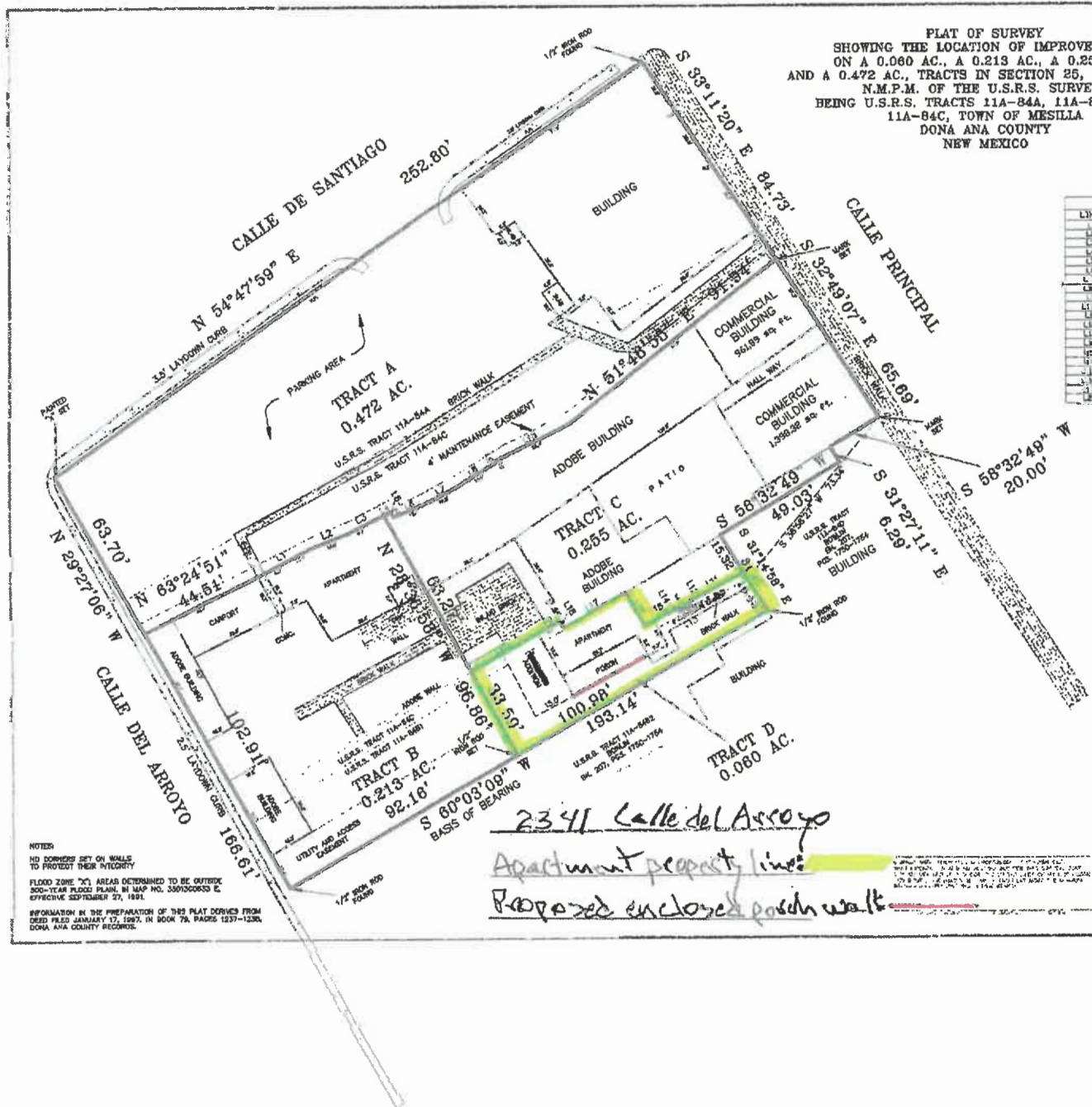
DRAWN BY: JAMES B. BARBERA
 PLAT BY: MESSNER SURVEYING
 DATE: 7/29/03

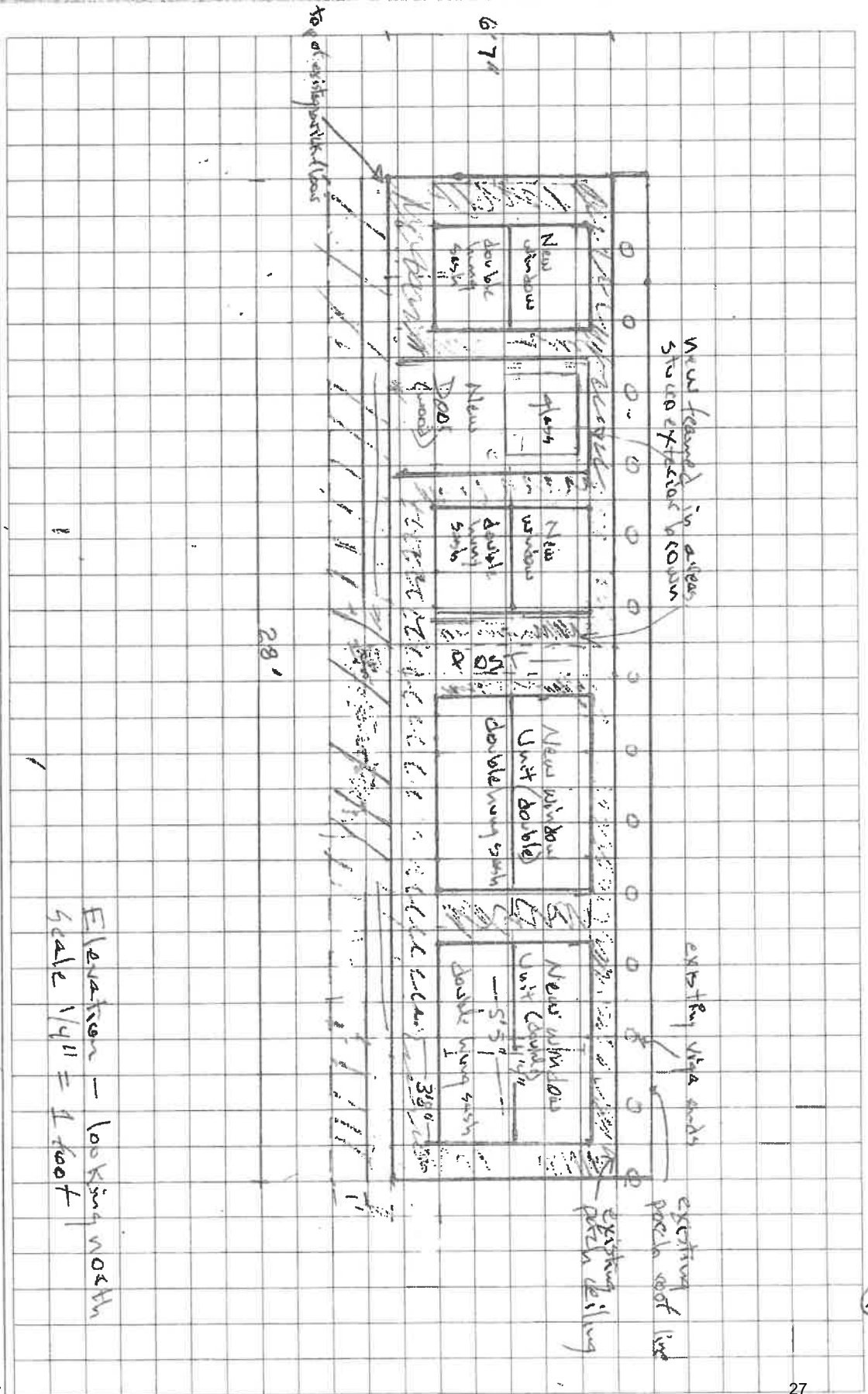
NOTES
 NO DOWNS SET ON WALLS TO PROTECT THEIR INTEGRITY

FLOOD ZONE "C" AREAS DETERMINED TO BE OUTSIDE 300-YEAR FLOOD PLAIN, BY MAP NO. 330120033 C, EFFECTIVE SEPTEMBER 27, 1991.

INFORMATION IN THE PREPARATION OF THIS PLAT DERIVED FROM FIELD FIELD JANUARY 17, 1997, IN BOOK 79, PAGES 1237-1238, DONA ANA COUNTY RECORDS.

2341 Calle del Arroyo
Apartment project, lines
Proposed enclosed porch walk





Elevation - looking north
 Scale 1/4" = 1 foot

- * New screened-in porch to support in part, existing porch roof (existing porch to remove)
- * Exterior trim to match existing under porch
- * New windows w/ exterior clad painted white
- * Re-surface treated wood will to be placed on top of brick floor

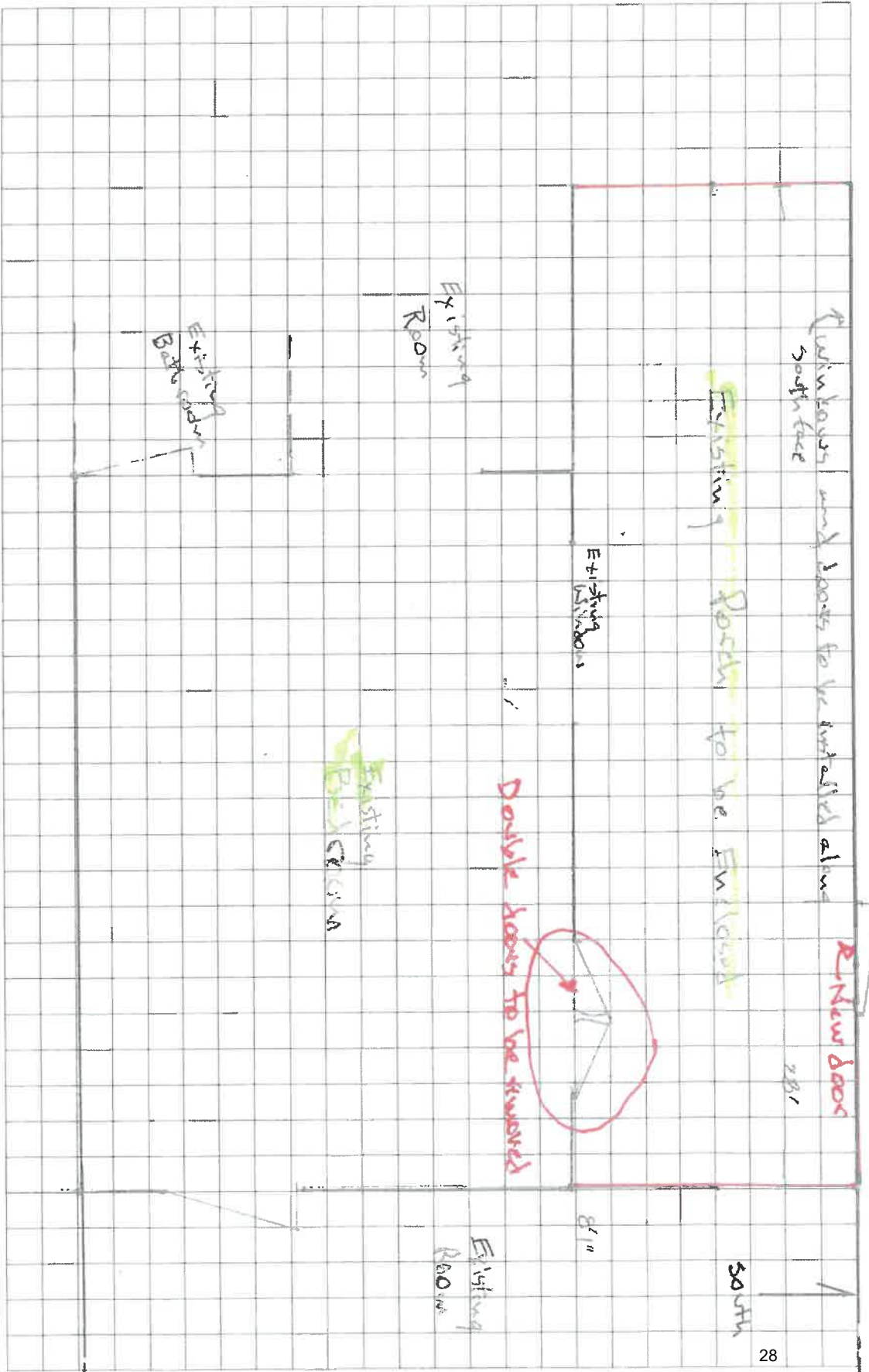
Remove from 1 in Part - 7/11 7.11. L.A. ... N.A. 11/11

TOPIC:

DATE:

FILE UNDER:

PAGE:



Floor Plan of Existing Porch and Bedroom

23' 1" Cable de Acceso

with removal of double doors, bedroom and patio to become one space

1" = 4'

Signature: *Lorenzo*
Lorenzo (Nov 14, 2024 11:58 MST)
Email: lorenzoa@mesillanm.gov

Signature: *Greg Whited*
Email: gwhited@mesillanm.gov

Signature: *Thomas Maese*
Thomas Maese (Nov 18, 2024 07:34 MST)
Email: thomas.maese@rld.nm.gov

Signature: *Alfred Salazar*
Email: COMDEV@MESILLANM.GOV



BOARD ACTION FORM

AGENDA DATE

PZHAC: 11/18/2024

BOT:

DAC ACCOUNT #0400325

BLDG CODE – MI

EVALUATION COST- \$800

FEE - \$63.90

ITEM: PZHAC CASE #061919 – 1996 Calle de Santiago, submitted by David Ray Rosales. Requesting approval to upgrade balcony square tubing fence. Not up to code and rusted and needs painting. ZONE: Historical Commercial (HC).

BACKGROUND AND ANALYSIS:

Mr. Rosales is looking to restore and upgrade a balcony wrought iron guardrail on his property. It is not up to code and in bad condition. New guardrail will have vertical uprights at 4” inch centers and minimum of 42” off the balcony floor. New guardrails will be same material and color but with an additional wrought iron scroll design.

IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant’s request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

DEPARTMENT COMMENTS:

- Guardrail similar design not part of the historic building. No appropriateness permit required.
- 90% of guardrail inside property perimeter wall, not visible from the street.
- Recommend approval
-

SUPPORTING INFORMATION:

- Application
- Property Plat
- Proof of Ownership
- Drawings/plans
- Pictures

**TOWN OF MESILLA
APPLICATION FOR ZONING PERMIT**

Permit Fee \$ _____
 Review Fee \$ _____
 Total Fee \$ 6390

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 06/919 ZONE: HC CODE: AMI APPLICATION DATE: 11/15/24

DAVID RAY ROSALES R 040 325
 Name of Property Owner Dona Ana County Account/Parcel #
2017 MOUNTAIN RD NW, ALBUQUERQUE, NM 87104
 Property Owner's Mailing Address City State Zip Code
DAVIDROSALAS@MYNMLAWYER.COM (505) 259-8351
 Property Owner's E-mail Address Property Owner's Telephone Number

SELF
 Contractor's Name & Address (If none, indicate Self)
N/A N/A N/A
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: 1996 CAÑON DE SANTIAGO

Description of Proposed Work: RESTORE OLD WROUGHT IRON GUARDRAIL ON DECK ABOVE STORAGE AREA ON WEST SIDE OF PROPERTY WITH NEW ONE: REPLACEMENT RAIL IS SAME LENGTH & ANCHORED AT SAME LOCATION. REPLACEMENT GUARDRAIL IS 40" TALL WITH VERTICAL COLUMNS 4" ON CENTER, IN COMPLIANCE WITH CODE.

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

1. Site plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was **LEGALLY** subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. Window replacement, need data sheet of new windows.
3. Foundation plan, new construction plans in full size drawings.
4. Floor plan showing rooms, their uses, and dimensions.
5. Cross section of walls.
6. Roof and floor framing plan.
7. Proof of property ownership/tenant lease. (Warranty Deed/Property Tax Receipt)
8. Drainage plan (commercial).
9. Details of architectural style and color scheme (checklist included for Historical zones) – diagrams and elevations.
10. Valid government issues identification (Driver License/ID/Passport)

\$ 800.00 [Signature] 11/15/2024
 Estimated Cost Signature of Applicant Date

Application Fee is due at time of submittal. Apart from administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. All zoning permits expire after one year from date issued.
*****ALL permits must be displayed in clear view until final inspection*****

FOR OFFICIAL USE ONLY

PZHAC APPROVAL REQUIRED: YES ___ NO ___ BOT APPROVAL REQUIRED: YES ___ NO ___

PZHAC Administrative Approval **BOT** Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

CID PERMIT/INSPECTION REQUIRED: YES ___ NO ___

PERMISSION ISSUED / DENIED BY: _____ ISSUE DATE: _____

PLAT OF SURVEY

A 0.15 ACRE TRACT OF LAND, LOCATED IN SECTION 25, T.23S., R.1E., N.M.P.M. OF THE U.S.R.S. SURVEYS, BEING U.S.R.S. TRACT 11A-19A TOWN OF MESILLA DONA ANA COUNTY NEW MEXICO

DRAWN BY: S.P.
FIELD BY: E.R., C.S.
JOB NO.: 23-11-540
DATE: November 29, 2023

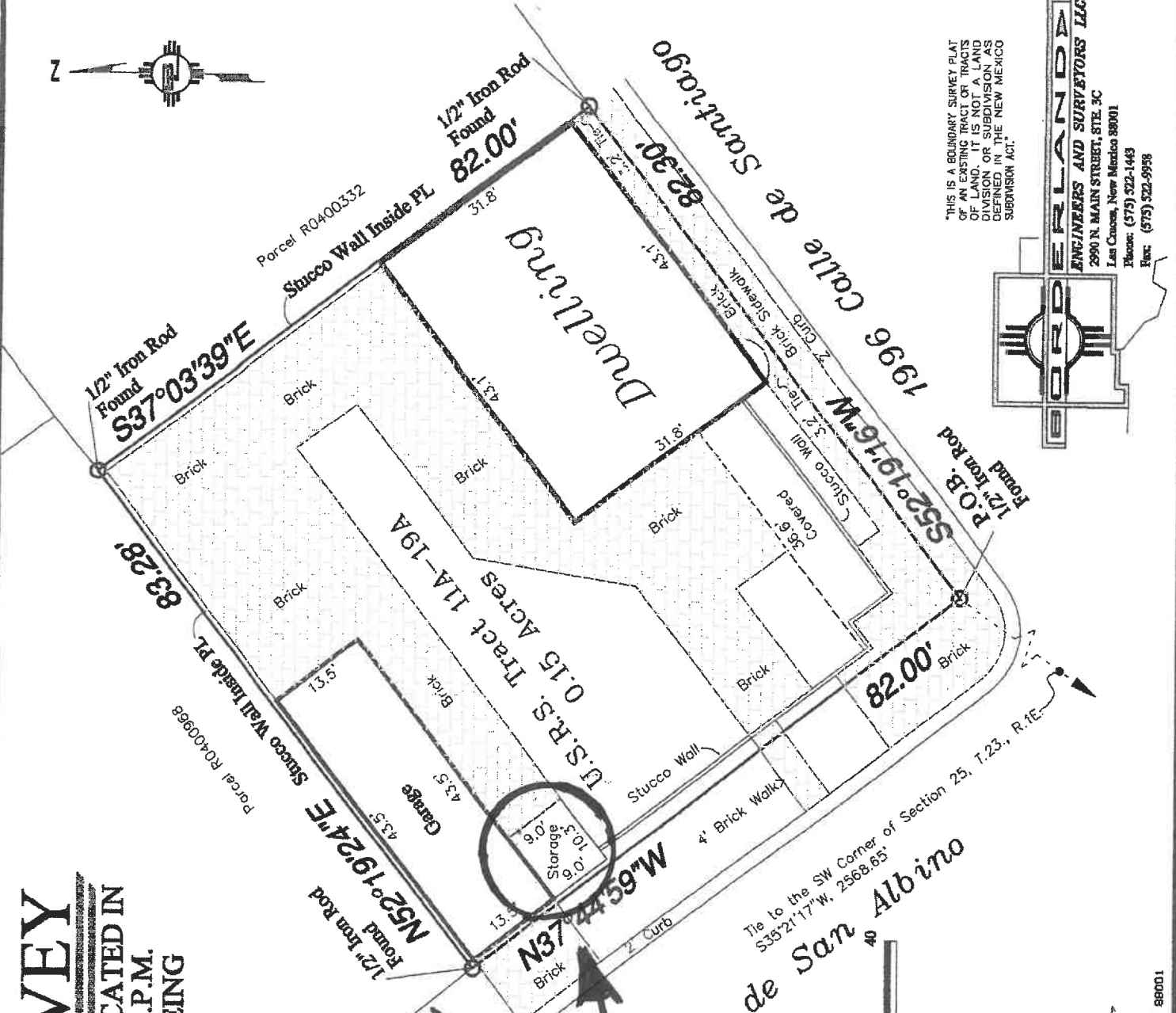
NOTES:
 THE BASIS OF BEARING IS THE NORTH BOUNDARY.
 ALL EASEMENTS SHOWN HEREON ARE PER THE FILED INSTRUMENT/PLAT AS NOTED HEREON.
 BEARINGS AND DISTANCES MATCH THAT OF RECORD, UNLESS OTHERWISE NOTED.
 PROPERTY IS IN AN "X" DESIGNATED ZONE;
 AS SHOWN ON THE FLOOD INSURANCE RATE MAP
 COMMUNITY PANEL NO. 35035C1099 G
 EFFECTIVE JULY 6, 2016



SURVEYOR'S CERTIFICATE
 I AM A REGISTERED LAND SURVEYOR. THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

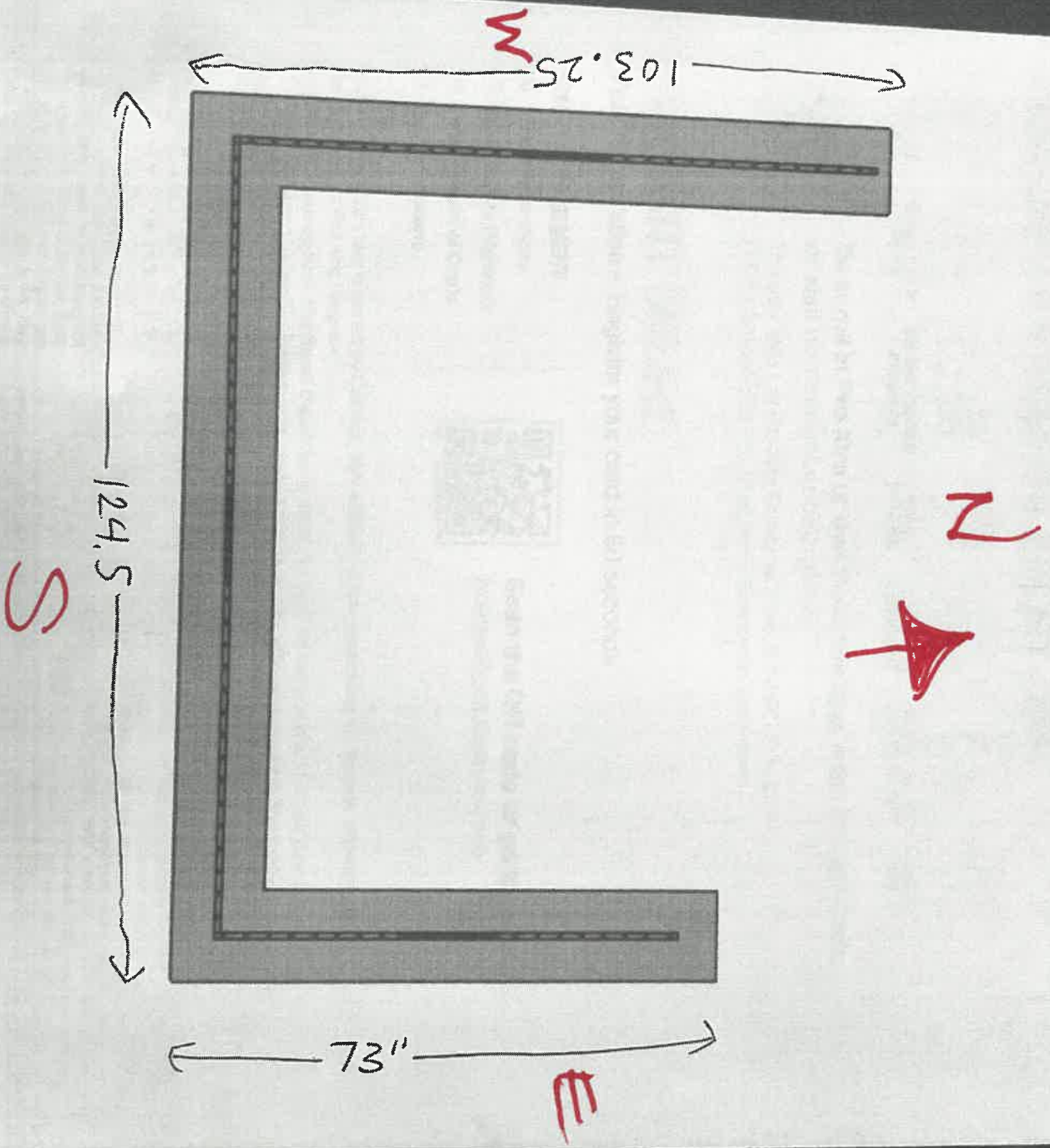
November 29, 2023
 DATE OF SURVEY
 TED G. SCANLON - PS NO. 9433
 2990 N. MAIN STREET, STE. 3C, LAS CRUCES, NEW MEXICO 88001

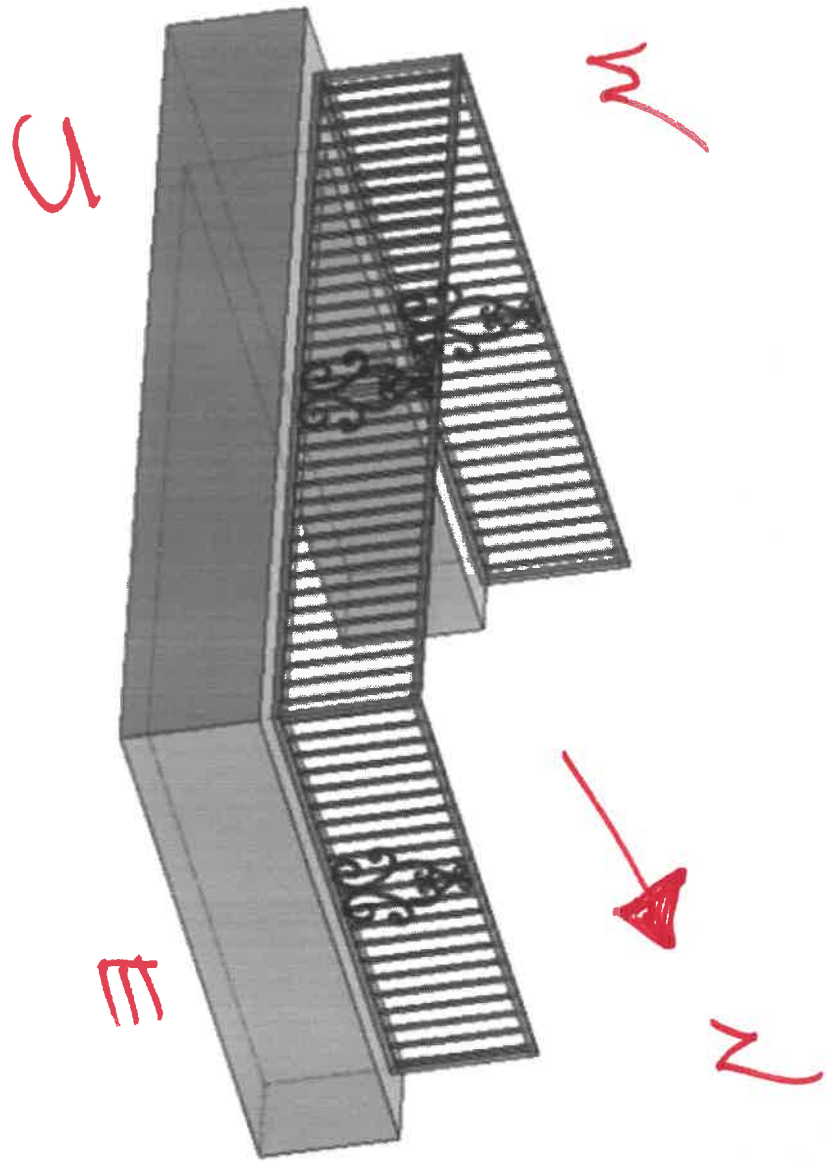
Handwritten signature of Terence G. Scanlon



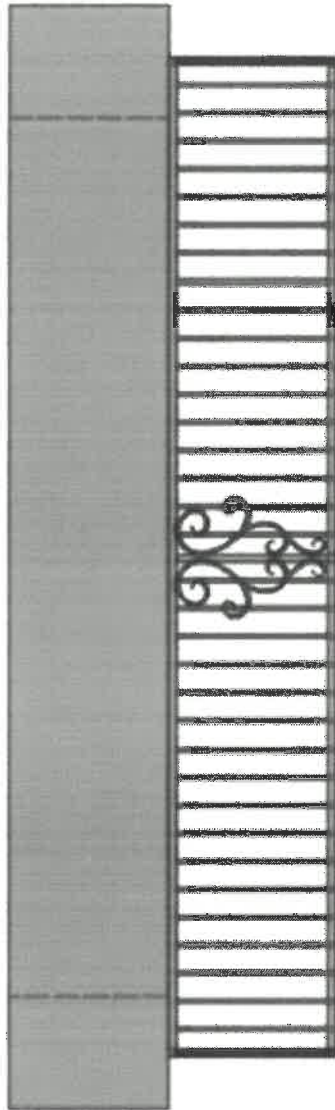
THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS OF LAND. IT IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

TERENCE G. SCANLON
 ENGINEERS AND SURVEYORS LLC
 2990 N. MAIN STREET, STE. 3C
 LAS CRUCES, NEW MEXICO 88001
 Phone: (575) 522-1443
 Fax: (575) 522-9936

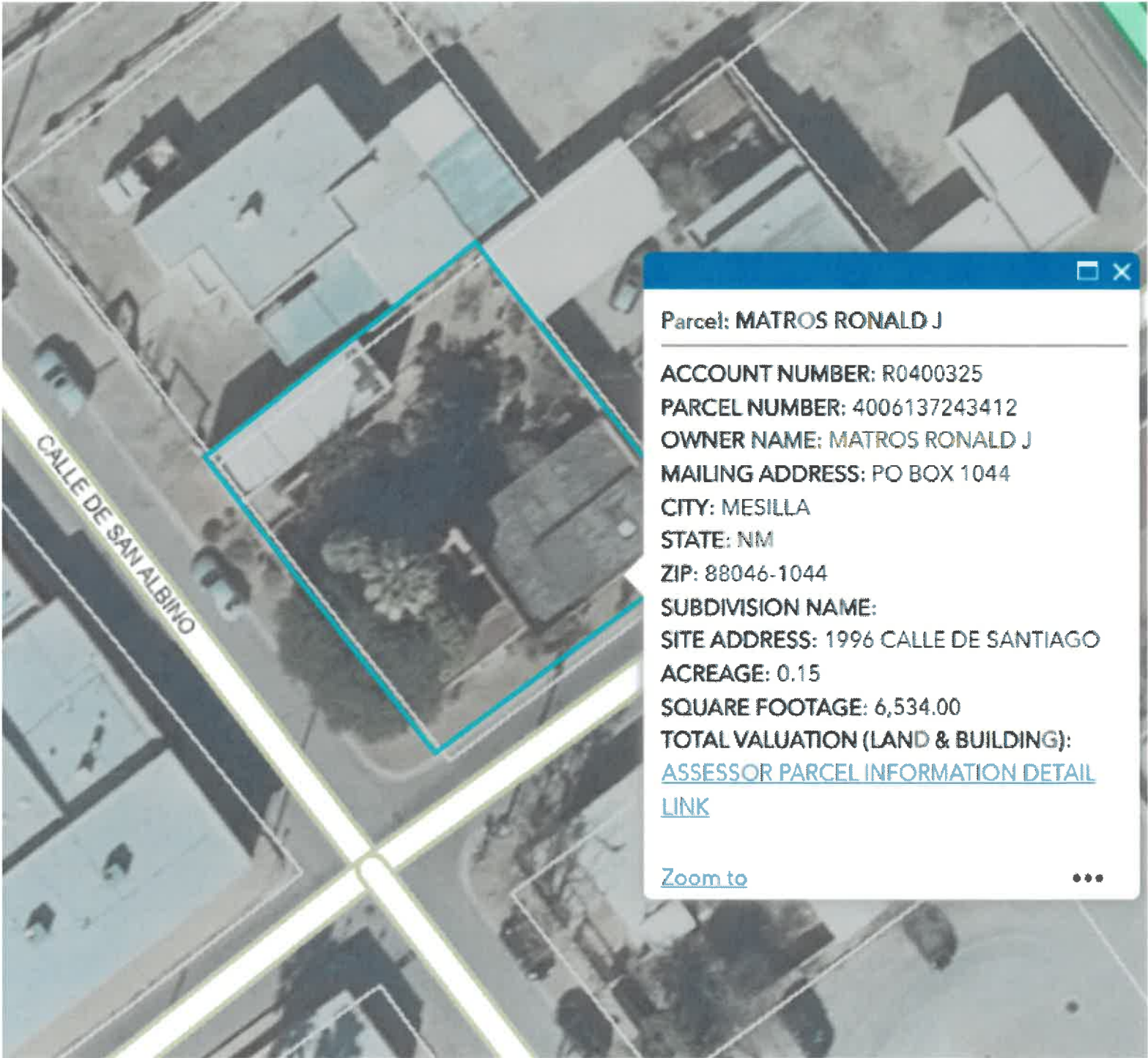




WEST VIEW







Parcel: MATROS RONALD J

ACCOUNT NUMBER: R0400325
PARCEL NUMBER: 4006137243412
OWNER NAME: MATROS RONALD J
MAILING ADDRESS: PO BOX 1044
CITY: MESILLA
STATE: NM
ZIP: 88046-1044
SUBDIVISION NAME:
SITE ADDRESS: 1996 CALLE DE SANTIAGO
ACREAGE: 0.15
SQUARE FOOTAGE: 6,534.00
TOTAL VALUATION (LAND & BUILDING):
[ASSESSOR PARCEL INFORMATION DETAIL LINK](#)

[Zoom to](#)



BOARD ACTION FORM

AGENDA DATE

ITEM: PZHAC CASE #061823 2450 Calle de Principal, submitted by Felix Armijo. Requesting approval to construct a 30 x 36-foot structure on the property for the purpose of operating 2 STR businesses. ZONE: Historical Commercial (HC).

BACKGROUND AND ANALYSIS:

Mr. Armijo currently has a restaurant on the proposed corner lot, Café Don Felix. He is requesting approval to build the structure facing Calle de Principal. The structure will have private parking and drain pond. The 30' x 36' building will have 2 STR units.

Mr. Armijo wishes to build the structure on the property line or within 3 feet. He is willing to construct the structure with appropriate fire walls and without openings such as, windows or doors. A right of entry form is required from neighboring property owner if he wishes to build on property line. At this time, it has not been submitted.

Case was previously scheduled for approval on 5/20/24 but postponed due to required Historic Appropriateness permit required. On 9/3/24 PZHAC reviewed application in a work session and no issues with request were discussed.

IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- Due process was provided to the applicant.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

DEPARTMENT COMMENTS:

- STR allowed in HR zone.
- MTC allows less than 7 ft if firewall is used (3ft) 18.40.040.
- MTC allows zero lot line structure with right of entry approval by neighboring properties 18.40.040 (A)
- No code regulation to determine single or dual STR registration(s) necessary if on same property address.
- Was reviewed by PZHAC for Historic Appropriateness Permit
- Case was appealed to BOT and returned back to PZHAC for a re-vote with full commission to avoid a stalemate vote of 2-2.
- MTC does not regulate infill of holes on property

SUPPORTING INFORMATION:

- Application
- Proof of Ownership *
- Identification *
- Site Map *
- Elevations *
- Foundation Plan
- Electrical Plan
- Drainage
- Floor Plan
- Wall Section Plan

DETERMINATION NOTES

Approved 5-0, condition set
Must allow a plaque/sign of some sort commemorate previous historic site in front of property for public to see.

BOARD ACTION FORM (CONT)

11/12/2024 BOT MEETING

--Postponed consideration for more information.

--NM Cultural Affairs email added to packet regarding recommendations

--Meeting with Michael Taylor regarding best practice to preserve the site which is to bury it as it was.

--Suggestion to follow historic preservation process listed in title 18.33.120-demolition. Demolition process regulates demolishing a structure and requiring a structural engineer to verify structure is no longer repairable. There is no structure on property to demolish.

**TOWN OF MESILLA
APPLICATION FOR ZONING PERMIT**

Permit Fee \$ 1825
 Review Fee \$ 199
 Total Fee \$ 2024

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 061823 ZONE: HC CODE: ADC APPLICATION DATE: 5/7/24

Name of Property Owner Felix Armij Dona Ana County Account/Parcel # 575-640-6713
2002 W Union Mesilla NM Property Owner's Telephone #

Property Owner's Mailing Address _____ City _____ State _____ Zip Code _____

Property Owner's E-mail Address _____

Contractor's Name & Address (If none, Indicate Self) _____

Contractor's Telephone Number _____ Contractor's License Number _____

Address of Proposed Work: 2450 Calle de Principal

Description of Proposed Work: Build A-B-A STR
Approx - 30x36

THIS APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING Plan sheets are to be no larger than 11 x 17 inches or shall be submitted electronically.

1. Site plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was LEGALLY subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
2. Window replacement, need data sheet of new windows.
3. Foundation plan, new construction plans in full size drawings.
4. Floor plan showing rooms, their uses, and dimensions.
5. Cross section of walls.
6. Roof and floor framing plan.
7. Proof of property ownership (Warranty Deed/Property Tax Receipt)
8. Drainage plan (commercial).
9. Details of architectural style and color scheme (checklist included for Historical zones) - diagrams and elevations. (Earth Tone)
10. Valid government issues identification (Driver License/ID/Passport)

Estimated Cost \$ 150,000 Signature of Applicant Felix Armij Date 5-7-24

Application Fee is due at time of submittal. Apart from administrative approvals, all permit requests must undergo a review process from staff, PZHAC and/or BOT before issuance of a zoning permit. All zoning permits expire after one year from date issued.
*****ALL permits must be displayed in clear view until final inspection*****

FOR OFFICIAL USE ONLY

PZHAC APPROVAL REQUIRED: YES NO BOT APPROVAL REQUIRED: YES NO

- | | |
|--|---|
| PZHAC <input type="checkbox"/> Administrative Approval | BOT <input type="checkbox"/> Approved Date: _____ |
| <input type="checkbox"/> Approved Date: _____ | <input type="checkbox"/> Disapproved Date: _____ |
| <input type="checkbox"/> Disapproved Date: _____ | <input type="checkbox"/> Approved with Conditions |
| <input type="checkbox"/> Approved with conditions | |

CID PERMIT/INSPECTION REQUIRED: YES NO

PERMISSION ISSUED / DENIED BY: _____ ISSUE DATE: _____

October 7, 1999

EXHIBIT "A"
DESCRIPTION OF A 0.571 ACRE TRACT

A tract of land situate within the Town of Mesilla, Dona Ana County, New Mexico in projected Section 25, Township 23 South, Range 1 East, N.M.P.M. of the U.S.R.S. Surveys as U.S.R.S. Tract 11A-86B and being more particularly described as follows, to wit:

BEGINNING at a point at the southwest intersection of Calle de Parlan and Calle Principal for the northeast corner of the tract herein described, identical to the northeast corner of said U.S.R.S. Tract 11A-86B, whence the southeast corner of said projected Section 25 bears $S.78^{\circ}13'34"E.$, 3019.66 feet;

THENCE, following the west line of Calle Principal, $S.78^{\circ}16'01"E.$, 7.73 feet to an angle point;

THENCE, continuing along the west line of Calle Principal, $S.33^{\circ}27'22"E.$, 29.94 feet to an angle point;

THENCE, continuing along the west line of Calle Principal, $N.53^{\circ}45'43"E.$, 3.00 feet to an angle point;

THENCE, continuing along the west line of Calle Principal, $S.38^{\circ}13'43"E.$, 90.00 feet to an "X" found chiseled in the sidewalk for the southeast corner of the tract herein described;

THENCE, leaving Calle Principal, $S.49^{\circ}41'43"W.$, 151.72 feet to a 1/2 inch rebar with survey cap No. 9254 set on the east line of the Mesilla Lateral for the southwest corner of the tract herein described;

THENCE, following the east line of the Mesilla Lateral and along the arc of a curve to the left

having a radius of 155.89 feet, a length of 96.26 feet, a central angle of $35^{\circ}22'50"$, and whose long chord bears $N.58^{\circ}39'08"W.$, 84.74 feet to a 1/2 inch rebar with survey cap No. 9254 found for a point of tangency;

THENCE, continuing along the east line of the Mesilla Lateral, $N.76^{\circ}20'33"W.$, 81.90 feet to a 1/2 inch rebar with survey cap No. 5211 found on the south line of Calle de Parlan for the northwest corner of the tract herein described;

THENCE, leaving the Mesilla Lateral and following the south line of Calle de Parlan, $N.57^{\circ}12'34"E.$, 230.79 feet to the point of beginning;

Said tract containing 0.571 acres, more or less and being subject to easements of record.

I hereby certify that this description was prepared by me or under my supervision.

Isaac Camacho 1704
ISAAC CAMACHO, NMPS NO. 9264



State of N. Mex., Co. of Dona Ana, ss
RECEPTIONS
I hereby
certify that this instrument was filed
for recording and duly recorded on

OCT 18 1999

10:46 AM
Book 197 Page 278
Isaac Camacho
Deputy



DONA ANA TITLE COMPANY, INC.
GF#999312/JJT

WARRANTY DEED (Joint Tenants)

DAVID A TAYLOR AND LINDA J TAYLOR, HUSBAND AND WIFE, for consideration paid, grant to FELIX M ARMIJO, whose address is 2004 West Union, Las Cruces, New Mexico 88005, and GUADALUPE R ARMIJO, HUSBAND AND WIFE, whose address is SAME, as joint tenants the following described real estate in Dona Ana County, New Mexico:

A tract of land situate within the Town of Mesilla, Dona Ana County, New Mexico in projected Section 25, T23S, R1E, NMPM of the USRS Surveys as USRS Tract 11A-86B and being more particularly described in Exhibit "A" attached hereto and made a part hereof:

Subject to all reservations contained in the patent, all covenants, easements, and restrictions of record.

with warranty covenants.

WITNESS THEIR hand S and seal S this 15 day of October, 1999.

(Seal) David A Taylor (Seal)
DAVID A TAYLOR
(Seal) Linda J Taylor (Seal)
LINDA J TAYLOR

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
COUNTY OF DONA ANA) ss.

This instrument was acknowledged before me on 15 day of October, 1999, by DAVID A TAYLOR AND LINDA J TAYLOR, HUSBAND AND WIFE.

Sylvia M Lauer, Notary Public

My Commission expires: 11/1/99 (Seal)



ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO)
COUNTY OF DONA ANA) ss.

This instrument was acknowledged before me on _____ by _____ of _____

Notary Public

My commission expires: (Seal)

1703

EASEMENT

THE UNDERSIGNED FELIX M. ARMIJO and GUADALUPE R. ARMIJO, his wife
whose address is 2004 West Union Avenue, Las Cruces, New Mexico 88005
DONA ANA County, New Mexico, for and in consideration of One and no/100 (\$1.00) Dollar and other good and
valuable considerations, receipt of which is hereby acknowledged, do . . . hereby grant unto El Paso Electric Company and
the Mountain States Telephone and Telegraph Company, jointly and severally, their successors and assigns, the right,
privilege and authority to enter upon and to erect, construct, operate, remove, maintain and inspect their equipment and
lines of distribution as described below, in, over and across the property we own or in which we have an
interest, in the tract of land shown on the Bureau of Reclamation Irrigable Area and Property Map, Elephant Butte Irrigation
District, Map 11A as Plat 86B, in Section 25, Township 23, South, Range
1 East, of the New Mexico Principal Meridian and Base line and otherwise described as
per attached exhibit A and made a part hereof.

PLEASE NOTE: By the granting and recording of this easement that
easement recorded in Mics. Book 265, Pages 567 and 568
is hereby null and void.

And upon and along the roads, streets or highways adjoining the said property, with the right to permit the attachment of the
wires of any other company.

Description and Purpose of Easement: This easement is for Overhead cables, lines, poles, anchors, guy wires, conductors,
conduits, transformer installation, service facilities and all other necessary equipment for an aerial distribution system,
together with overhang of service wire and with the rights of ingress and egress thereto for the installation, operation,
inspection, repair, maintenance, replacements, renewal and removal thereof and also the right to trim any interfering trees
and shrubs so as to keep all wires cleared at least forty-eight inches.

Buildings and structures of a permanent nature except fences, boundary walls, walkways and roadways will not be built on or
over any easement, or under any overhead electric lines, except with the written consent of the grantee.

Said consideration being received in full payment therefor.

EXECUTED this 13th day of December, 2001.

[Signature] (Seal)
[Signature] (Seal)

STATE OF NEW MEXICO
COUNTY OF DONA ANA

Acknowledgment-Individual

The foregoing instrument was acknowledged before me this 13th day of December, 2001,
by FELIX M. ARMIJO and GUADALUPE R. ARMIJO, his wife
(name or names of person acknowledged, including specification if husband and wife)

My commission expires: 9-11-05
My Commission Expires 9-11-05
Notary Public Ramona Bernal
Notary Public



RECEPTION NO. _____ STATE OF NEW MEXICO, COUNTY OF DONA ANA, ss:

I hereby certify that this instrument was filed for record on the _____ day of _____, 20____, at
_____ o'clock _____ M. and duly recorded in Book _____, Page _____ of the Records of
_____ of said county, on this _____ day of _____, 20____.

County Clerk. By: _____ Deputy.
(County Clerk Seal) ALDO



Google

SITE PLAN



FELIX ARMILJO
2450 CALLE DE PRINCIPAL
SITE PLAN
(not to scale)



2450 Calle de Principal, Mesilla - Questions

McWilliams, Karla, DCA <Karla.McWilliams@dca.nm.gov>
 To: Community Development <comdev@mesillanm.gov>
 Cc: "Ensey, Michelle, DCA" <michelle.ensey@dca.nm.gov>

Thu, Jun 27, 2024 at 12:29 PM

Hi Mr. Salazar,

Thanks for sending the information. I have reviewed it and have confirmed that the property location is within the Town of Mesilla's H-C Historical Commercial area. The property is also located within the La Mesilla Historic District, listed in the State Register of Cultural Properties and the National Register of Historic Places.

Because there is no state or federal funding the Historic Preservation Division is not required to review this property for compliance with state/federal preservation laws. HPD staff is providing guidance with regard to the Town of Mesilla's historic preservation ordinance, Chapter 18.06 "Planning, Zoning and Historical Appropriateness Commission."

The Town's ordinance states the following (not direct quotes):

18.06.080 Duties Powers, 3. Review and recommend approval/disapproval of applications for building permits within the historical zones.

18.06.110 Review of applications within Historical and General Commercial zones – Considerations.

- A. All applications for work in the Historic zones (not subject to administrative approval) shall be reviewed by PZHAC. The commission shall determine whether the request involved will be appropriate for the purposes of this title.
- B. In reviewing an application PZHAC shall consider:
 1. The historical and literary value and significance of the site, building, or structure;
 2. The general design, arrangement texture, material and color of the features;
 3. The relation of such factors to similar factors or sites, buildings and structures in the immediate surrounds; and
 4. The appropriateness of the size and shape of the building or structure in relation to:
 - a. the land area upon which the building or structure is situated,
 - b. the landscaping and planting features proposed,
 - c. the neighboring sites, buildings or structures within the historical district.
 5. Applicable zoning and other laws of the town.

For many historic preservation commissions, the challenge of building new within a listed historic district can be daunting. Most preservation commissions utilize the guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties - this is referenced in Mesilla's code, 18.33.110 Standards for alterations. A few of the standards are worth noting (paraphrased herein):

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, adding of conjectural features or elements from other historical properties, should not be undertaken.
9. New construction should not destroy historical materials, features, and special relationships that characterize the property.
10. New construction should be undertaken in a manner that if removed in the future, the form and integrity of the property and environment will be unimpaired.

In conclusion a few points:

- New construction should respect the historic district and its surrounding buildings in massing and height. Consider a design that reflects the height and width of surrounding buildings and utilizes a similar rhythm in façade design (number of windows to wall space).
- New construction should not include architectural details from historic buildings in its design but be representative of current building styles. Consider a design that utilizes modern materials reflecting construction in today's world.

Secretary of the Interior's Standards for Rehabilitation

<https://www.nps.gov/articles/000/treatment-standards-rehabilitation.htm>

A few websites to consider:

New Construction within the boundaries of historic properties – National Park Service

<https://www.nps.gov/subjects/taxincentives/new-construction-in-historic-properties.htm>

Appropriate New Construction in Historic Districts

<https://wisconsinhistory.org/Records/Article/CS4172>

Feel free to reach out if you have additional questions.

Best,

Karla



Karla K. McWilliams

Historian, HPD

Phone: 505.827.4451

Email: karla.mcwilliams@dca.nm.gov

[Facebook](#) [YouTube](#)

From: Community Development <comdev@mesillanm.gov>

Sent: Thursday, June 27, 2024 11:08 AM


To: McWilliams, Karla, DCA <Karla.McWilliams@dca.nm.gov>

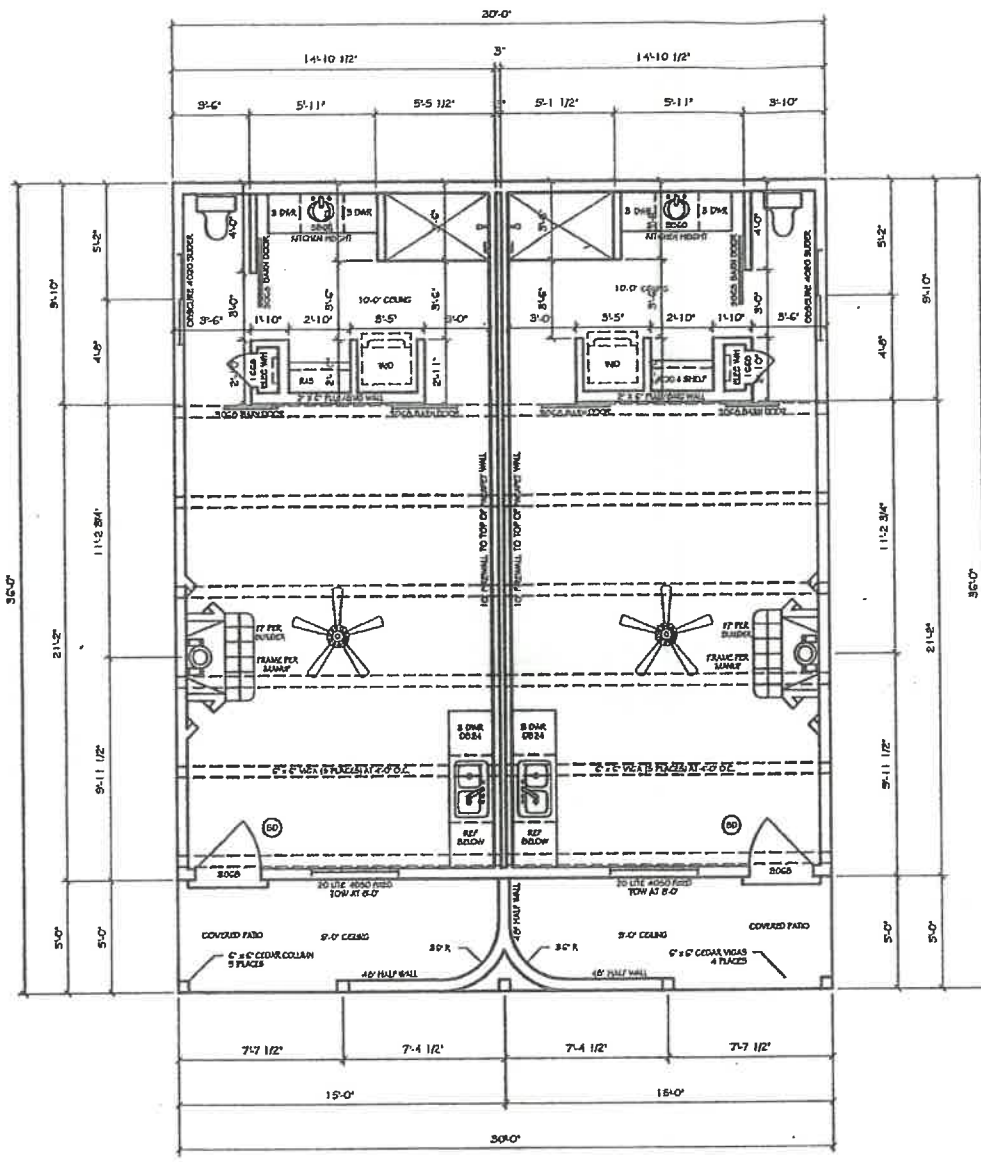
Subject: [EXTERNAL] Re: [2450 Calle de Principal, Mesilla](#) - Questions

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

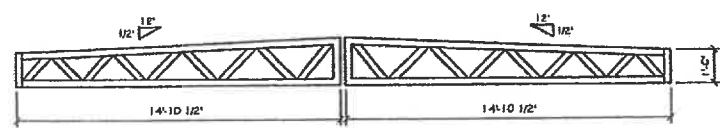
The property was issued a new address. Dona Ana county account number R0400315. Thank you for any advice:)

[Quoted text hidden]

 **mesilla zoning map.pdf**
600K

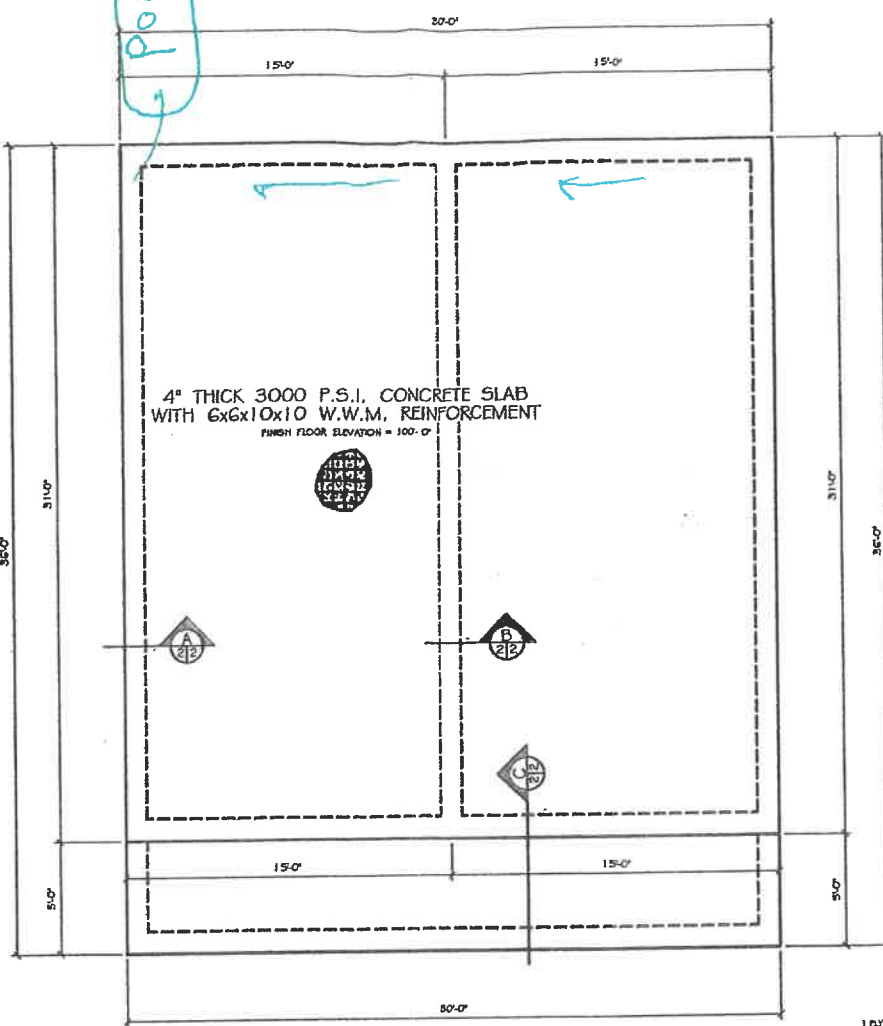


FLOOR PLAN
SCALE 1/4" = 1'-0"

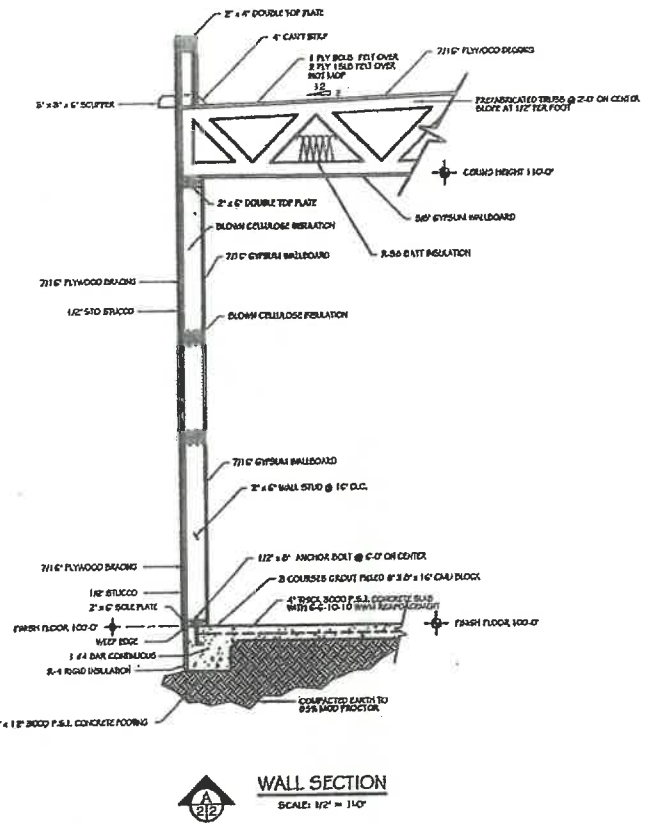
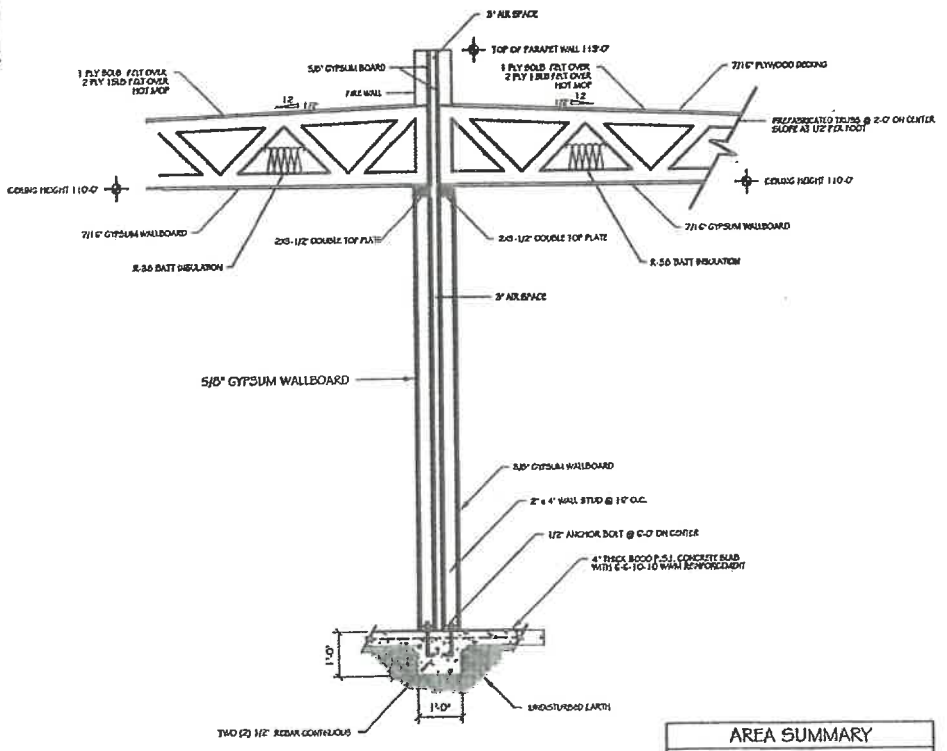
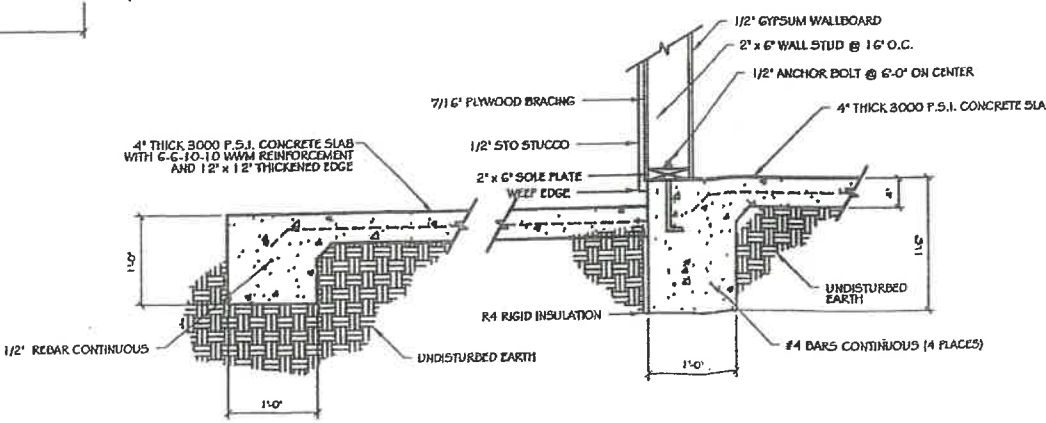


ROOF TRUSSES
SCALE 1/4" = 1'-0"

- GENERAL NOTES:
1. CONTRACTOR SHALL CONFORM TO ALL LOCAL, STATE, AND BC BUILDING CODES.
 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS PRIOR TO CONSTRUCTION.
 3. CONTRACTOR SHALL BE ENTIRELY RESPONSIBLE FOR STRUCTURAL, MECHANICAL, AND ELECTRICAL INTEGRITY OF THIS PROJECT AND SHALL VERIFY ALL BEARING MEMBERS AND FOOTERS PRIOR TO CONSTRUCTION.



DRAINAGE FOUNDATION PLAN
SCALE 1/4" = 1'-0"



AREA SUMMARY	
HEATED AREA -	930 SF
FRONT PATIO -	150 SF
TOTAL AREA -	1080 SF

DRAWING TITLE: **FLOOR PLAN / FOUNDATION PLAN**

CLIENT: **NUESTRA ESQUINA HOMES**

DRAWN BY: **ELIAZAR OBREGON**

DATE: **04-14-18**

PREVISION NO. _____

B & D DRAFTING & DESIGN

HOMES YOU CREATE

575-621-7526

SHEET NO. **2** OF **8**



DRAWING TITLE:
FLOOR PLAN / FOUNDATION PLAN

CLIENT:
NUESTRA ESQUINA HOMES

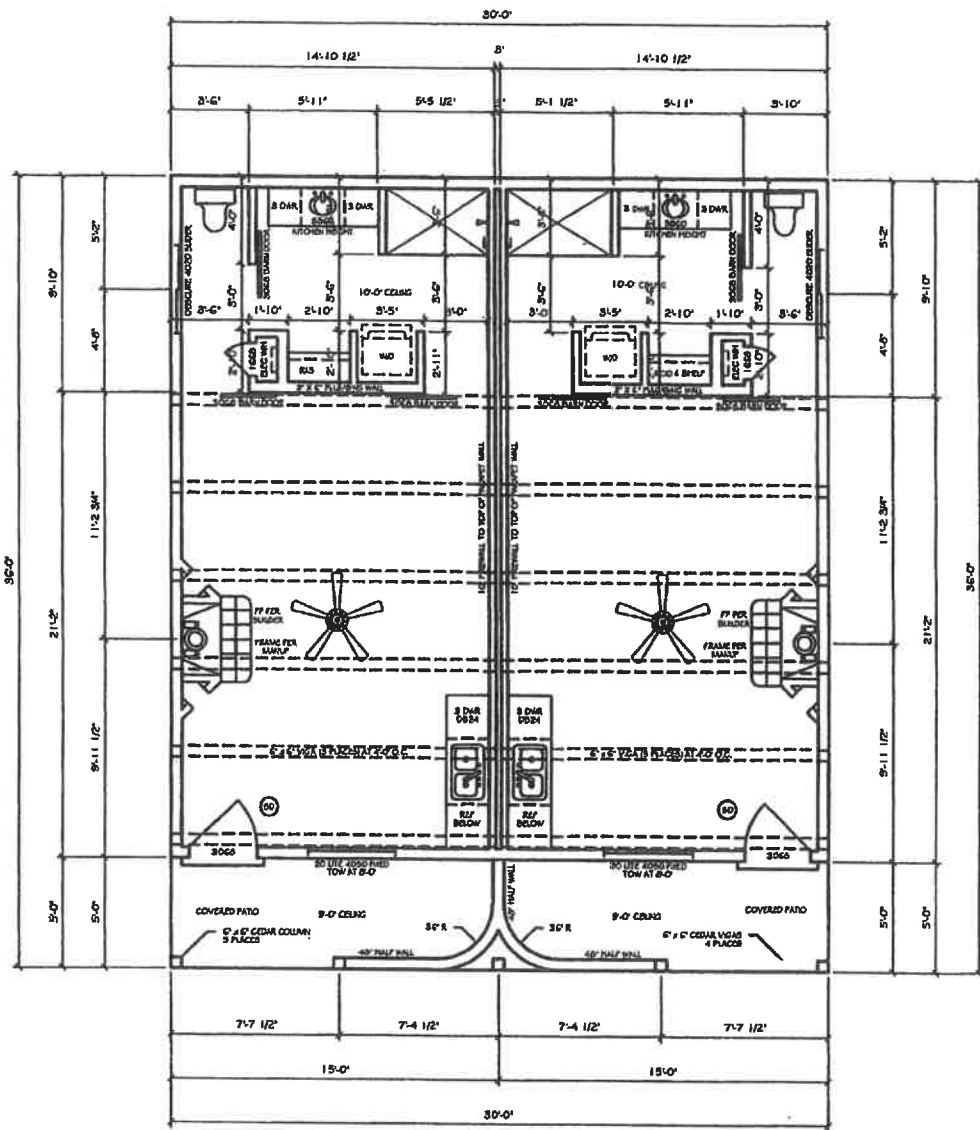
DRAWN BY: ELIAZAR OBREGON
DATE: 04-14-18
PREVISION NO.

SHEET NO.
2 OF 3

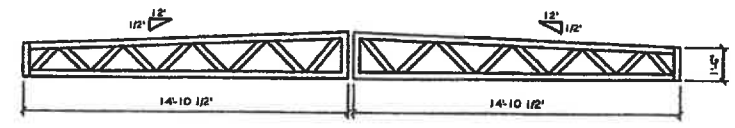
575-621-7526

B & D DRAFTING & DESIGN

HOMES YOU CREATE



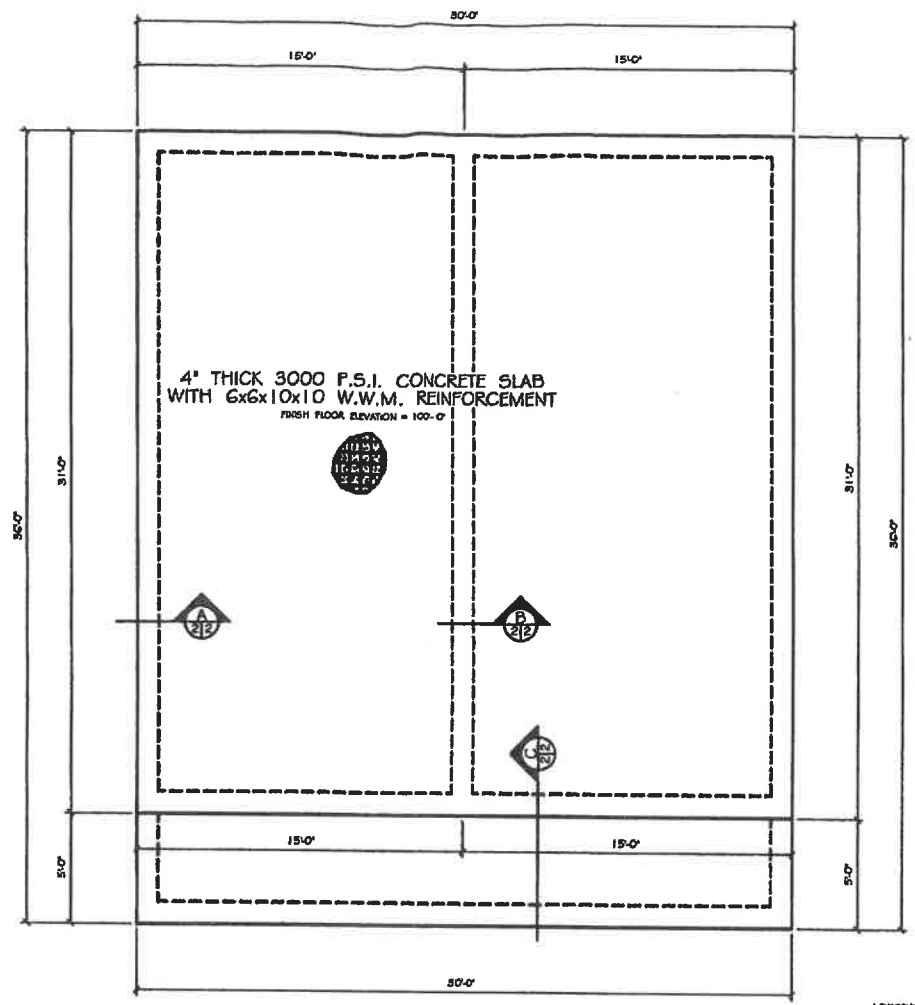
FLOOR PLAN
SCALE 1/4" = 1'-0"



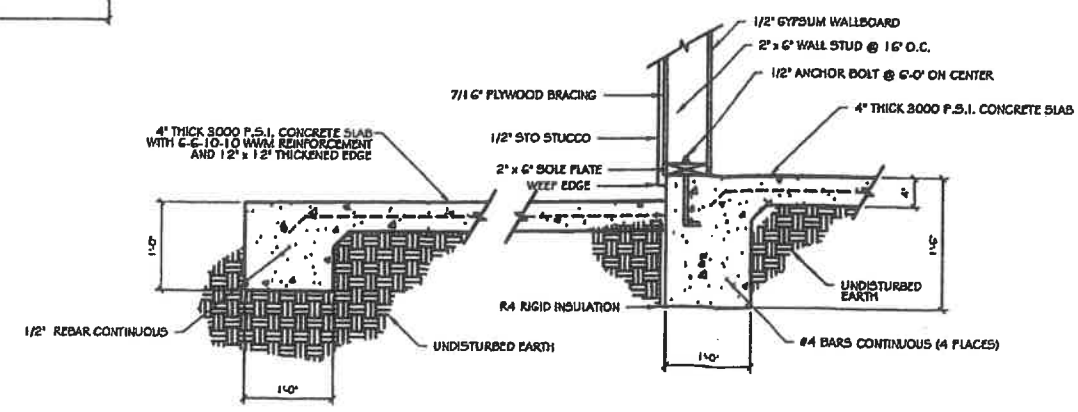
ROOF TRUSSES
SCALE 1/4" = 1'-0"

NOTE: BUILDING TO HAVE RAD GUARD RAILS INSTALLED
AND NOTED IN SPEC. CHAIRS WILL BE REQUIRED
TRUSS BRIMS FOR GRAPHICAL REPRESENTATION ONLY
TRUSS BRIMS TO FOLLOW ALL SPECIFICATIONS
AND INSTALL SPECIFICATIONS

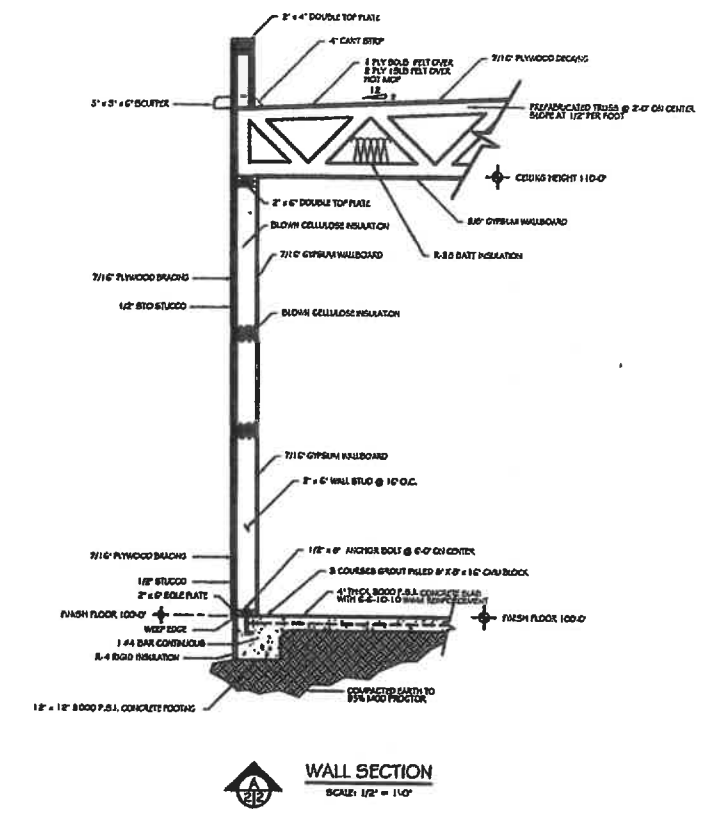
- GENERAL NOTES:**
1. CONTRACTOR SHALL CONFORM TO ALL LOCAL, STATE, AND BC BUILDING CODES.
 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS PRIOR TO CONSTRUCTION.
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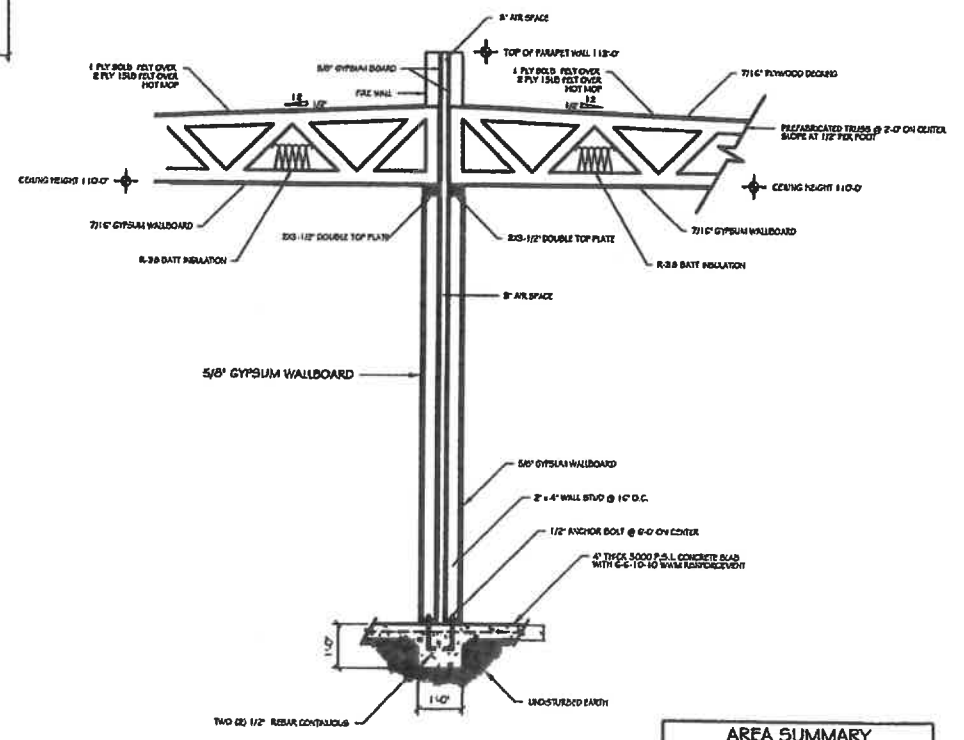
FOUNDATION PLAN
SCALE 1/4" = 1'-0"



FOOTING DETAIL @ PATIOS
SCALE 1/4" = 1'-0"

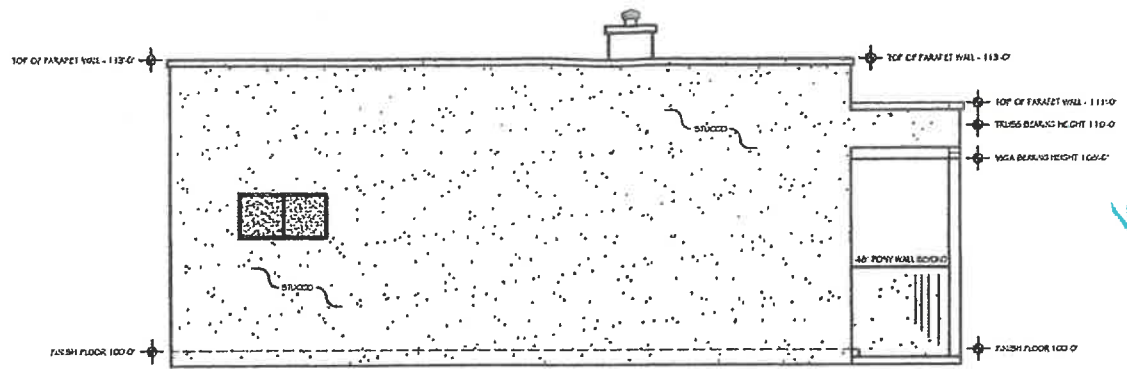


WALL SECTION
SCALE 1/2" = 1'-0"

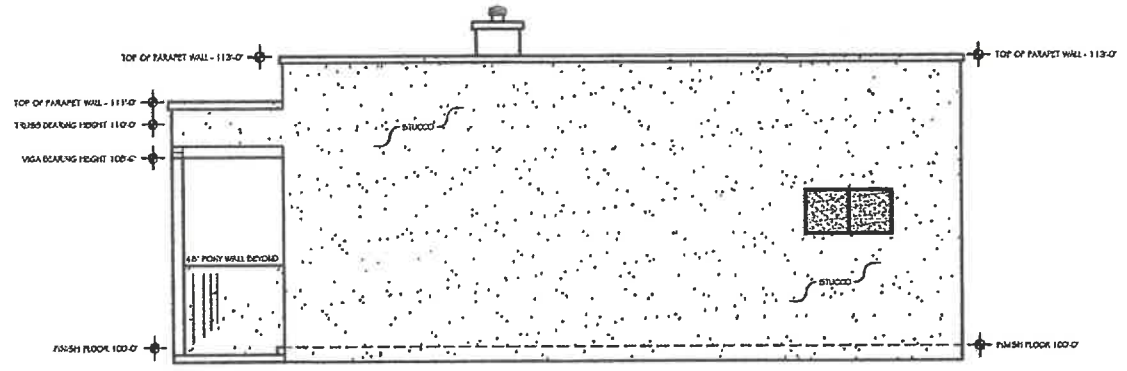


INTERIOR WALL SECTION
SCALE 1/2" = 1'-0"

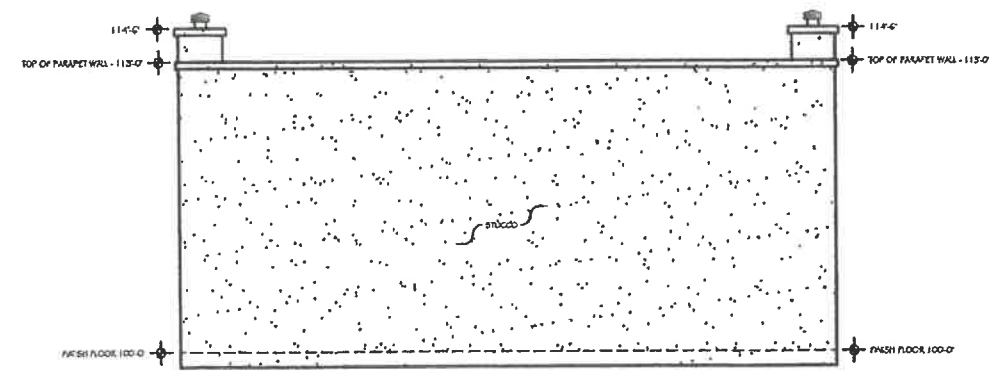
AREA SUMMARY	
HEATED AREA -	930 SF
FRONT PATIO -	150 SF
TOTAL AREA -	1080 SF



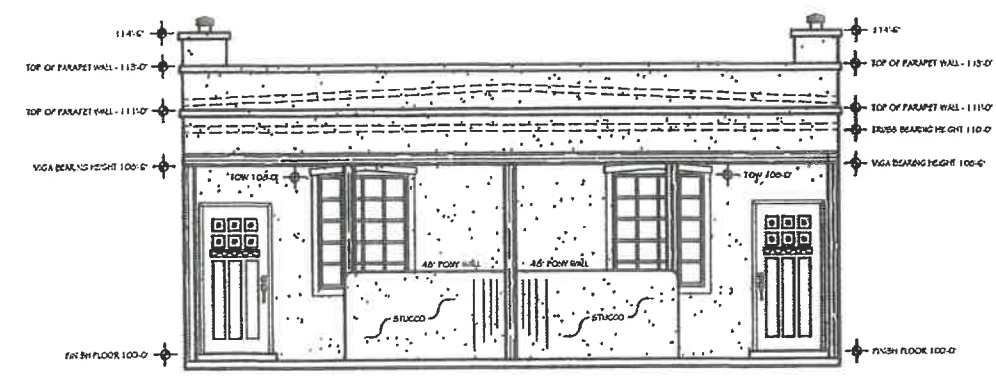
RIGHT ELEVATION
SCALE 1/4"=1'-0"



LEFT ELEVATION
SCALE 1/4"=1'-0"



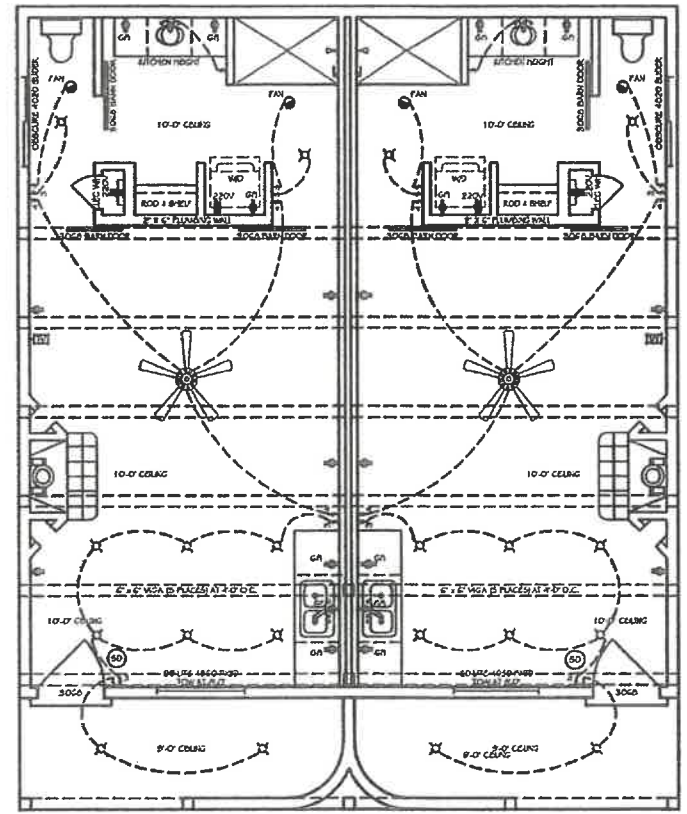
REAR ELEVATION
SCALE 1/4"=1'-0"



FRONT ELEVATION
SCALE 1/4"=1'-0"

*Window will be
Placed on back
of building
Plus a firewall*

- GENERAL NOTES:
1. CONTRACTOR SHALL CONFORM TO ALL LOCAL, STATE, AND BC BUILDING CODES.
 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DETAILS, AND SPECIFICATIONS PRIOR TO CONSTRUCTION.
 3. CONTRACTOR SHALL BE ENTIRELY RESPONSIBLE FOR STRUCTURAL, MECHANICAL, AND ELECTRICAL INTEGRITY OF THIS PROJECT AND SHALL VERIFY ALL BEARING MEMBERS AND FOOTERS PRIOR TO CONSTRUCTION.



POWER PLAN
SCALE 1/4"=1'-0"

AREA SUMMARY	
HEATED AREA -	930 SF
FRONT PATIO -	150 SF
TOTAL AREA -	1080 SF

ELEVATIONS / POWER PLAN

CLIENT: **NUESTRA ESQUINA HOMES**

DRAWN BY: **ELIAZAR OBREGON**

DATE: **04-14-18**

PREVISION NO.:

B & D DRAFTING & DESIGN

HOMES YOU CREATE

575-621-7526

SHEET NO. **3** OF **30**

BOARD ACTION FORM

AGENDA DATE

PZHAC: 11/4/2024

BOT: 11/25/2024

DAC ACCOUNT #0401303

BLDG CODE – SUP

EVALUATION COST- N/A

FEE - \$310

ITEM: SUP CASE #061909 – 320 W University, submitted by Sylvia D’Andrea. Requesting approval for a special use permit (SUP) under section 18.20.030(A)-Cottage Industry. ZONE: RURAL FARM (RF).

BACKGROUND AND ANALYSIS:

Mrs. D’Andrea currently has a restaurant “Luna Rossa Winery & Pizzeria” just outside Town of Mesilla’s jurisdiction. Mrs. D’Andrea also has a vineyard in Deming, NM.

Mrs. D’Andrea is looking to purchase the property, 320 W University. According to Dona Ana County parcel map, this property is 6.28 acres. It is the last parcel inside Mesilla jurisdiction on University Ave which is also New Mexico State Rd. 101. Mrs. It is in a rural farm zone (RF). D’Andrea is applying for a SUP before she invests time and money.

The property has a residential house and a detached metal building. Mrs. D’Andrea herself or a family member will be living in this residential home. The metal building is being proposed to host wine tasting, wine packaging, and social gathering. It is thought about a small-scale micro-winery to be operated in the future.

I work session was held on September 30, 2024 with the Planning and Zoning Historical Appropriateness Commission (PZHAC). At that time, only 3 commissioners attended, the applicant and architectural designer, NM CID chief inspector and Community Development staff.

Take-aways from the work session were under Mesilla Town Code 18.20.030(B)- property would not meet the 500 feet requirement as stated was a concern. Reviewing application and Mesilla Town Code, it was found the request better fitted under 18.20.030(A)-cottages.

Definition of a cottage industry as per Investopedia.com and many other online searches:

A cottage industry is a small manufacturing operation and is often run out of a home by a single individual or a family.

Food Cottages as defined in several searches online to include NM Environmental Dept: *Many states regulate “cottage food,” meaning food made in a home kitchen for sale. New Mexico allows the sale of all shelf-stable foods that do not require refrigeration. The 2021 Homemade Food Act does not list specific products, but generally authorizes “baking, cooking, cutting, dehydrating, drying, fermenting, growing, mixing, preserving, raising or other process.” The description covers baked goods and most types of candy, dry goods, pastries, jams, jellies, granola and nonalcoholic beverages.*

Micro-Winery is also a part of the cottage industry if it is grown, packaged, or sold under the NM Home Food Act HB-177 or under NM Off-site wine grower license.

IMPACT:

- The PZHAC has jurisdiction to recommend approval of the applicant's request for approval of this request to the BOT.
- The applicant has the authority to make an application request to the PZHAC and BOT.
- The applicant has the authority to appeal the decision from PZHAC to BOT.

ALTERNATIVES:

The Planning, Zoning and Historical Appropriateness Commission (PZHAC) may:

1. Recommend approval of this case with findings stated above.
2. Recommend approval of this case with findings stated above and conditions.
3. Deny the application.

DEPARTMENT COMMENTS:

- The request is allowable under a special use permit on the Rural Farm zone, MTC 18.20.030(A)-cottages.
- The property is the last parcel in Mesilla jurisdiction and on a state highway. The concern for excessive traffic, noise or light pollution is very minimal.
- Agricultural use of the land will NOT be hindered by the SUP.
- Plenty of Parking onsite.
- Possible in the future applicant has a small micro-winery in place and produce town of Mesilla first wine and have a wine bottle labeled as such.
- Wine is a HUGE part of Mesilla's history. Could open the doors for an additional historic avenue where wine entrepreneurs would visit Mesilla.

SUPPORTING INFORMATION:

- Application/Fee
- Site Plan
- Pictures
- Work Session Minutes
- Mesilla Town Code 18.20-Rural Farm (RF) code
- NM Environmental- Home Made Food Act-HB177
- Reference sheet

ADDITIONAL INFORMATION

--Applicant will be removing some old/sick trees and adding a small vineyard.

--Community involvement to include educate community in wine making process.

--In the wine industry, a winery producing less than 10,000 cases annually is considered a boutique winery. Other terms associated with boutique wineries and wines include small-run, limited-production, hand-crafted and artisanal.

TOWN OF MESILLA
SPECIAL USE PERMIT
APPLICATION
NEW MEXICO

OFFICIAL USE ONLY:
Case # 061909
Fee \$ 310

CASE NO. 061909 ZONE: RF SUBMITTED DATE: 9/26/2024

Sylvia D'Andrea 575-494-3537
Name of Applicant Applicant's Telephone/Cell Number

1321 Avenida de Mesilla Las Cruces NM 88005
Mailing & Physical Address City State Zip Code

Michael Seth Courson
Property Owner(s) Name (if different than above)

39506 N. 3rd. Avenue Phoenix AZ 85086
Mailing & Physical Address City State Zip Code

Description of Special Use Permit Requested: _____

SEE ATTACHED

Justification for Request: **SEE ATTACHED**

Notice: No application will be accepted without the signature of the owner(s) of record of the above described property. If more than one, all owners of or their agents must sign.

Property Owner Signature (if different than Applicant) Applicant Signature

FOR OFFICIAL USE ONLY

- | | | | |
|-------|--|-----|---|
| PZHAC | <input type="checkbox"/> Administrative Approval (N/A) | BOT | <input type="checkbox"/> Approved Date: _____ |
| | <input type="checkbox"/> Approved Date: _____ | | <input type="checkbox"/> Disapproved Date: _____ |
| | <input type="checkbox"/> Disapproved Date: _____ | | <input type="checkbox"/> Approved with Conditions |
| | <input type="checkbox"/> Approved with conditions | | |

CONDITIONS: _____

ISSUED BY: _____ ISSUE DATE: _____

Community Development Department
2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104
www.mesilla-nm.gov

Special Use Permit Application Attachment

The applicant, with a robust heritage of over 38 years of combined family experience in successful business operations, seeks to expand Luna Rossa Winery to meet the growing demands of our loyal customers and the broader community of Mesilla. Situated at 320 W. University Avenue, the property includes a 2,093-square-foot single-family residence and a 3,600-square-foot agricultural building previously utilized as a church with living quarters.

This application for a Special Use Permit is driven by a demonstrated need for a larger setting to host community and family events, which our existing Luna Rossa Winery and Pizzeria facilities need more space to accommodate adequately. Over the years, as our establishment has garnered an outstanding reputation, the volume of requests for large gatherings has surged by 40%. This extension will allow us to serve these existing demands and attract visitors to Mesilla, enhancing the area's appeal and boosting local economic activity.

Proposed Enhancements:

- Adding a 16-foot by 40-foot covered patio enhancing the versatility of the space.
- Installation of a 5' deep entry cover over south-facing doors, maintaining the architectural integrity of the building.
- Erection of a tasteful ground sign at the entrance on University Avenue, with the potential to feature "Entering Historic Old Mesilla Est. 1848," honoring our heritage.
- Future plans include a boutique vineyard replacing select pecan trees, adding to the agricultural richness of the locale.

Economic and Community Benefits:

- **Economic Impact:** Projected to increase local tourism-related spending by up to 30%, as larger events will draw visitors who utilize other local services and establishments.
- **Support for Local Entrepreneurship:** By approving this extension, the board will demonstrate its commitment to fostering a business-friendly environment that values the growth of small, family-operated enterprises like ours. This commitment is vital for sustaining our community's economic vitality and job creation.
- **Preservation and Growth:** The proposal ensures the agricultural essence of the property is preserved while adapting to contemporary needs, thereby supporting sustainable development in Mesilla.

Operational and Aesthetic Considerations:

- Maintaining the existing gravel driveways and adding 30 new tree-screened gravel parking spaces to blend seamlessly with the rural aesthetic.
- The Tasting Room will operate by appointment only, ensuring no disruption to the local traffic and maintaining the area's tranquility.

Commitment to Community Values: The expansion of Luna Rossa Winery represents more than just an economic opportunity; it is a commitment to preserving and enhancing Mesilla's communal and historical fabric. The D'Andrea family, proprietors of Luna Rossa, has been a part of this community since 2009, fostering a New Mexico True business that respects the traditions and values of Mesilla. Approval of this permit will signal to current and prospective business owners that Mesilla is a supportive and forward-thinking community eager to promote growth while respecting its roots.

This proposal is designed to substantially benefit the Town of Mesilla by supporting local heritage, boosting the economy, and enhancing its residents' and visitors' quality of life. It presents a unique opportunity to showcase Mesilla's hospitality and charm on a larger scale, aligning with the town's strategic goals for growth and development.

In conclusion, granting this permit will fulfill the current demand for larger event spaces and strategically position Mesilla as a prime location for cultural and economic enrichment. This initiative will set a precedent for how adaptive use of traditional properties can serve contemporary needs, benefiting the entire community and ensuring a vibrant future for the town we live in and love.



**THE PLANNING AND ZONING HISTORICAL APPROPRIATENESS
COMMISSION (PZHAC) SCHEDULED A SPECIAL USE HEARING AT
MESILLA TOWN HALL, 2231 AVENIDA DE MESILLA.
MONDAY- NOVEMBER 4, 2024 @ 5PM.**

**320 W. UNIVERSITY
A COTTAGE SPECIAL USE PERMIT IS BEING
REQUESTED TO OPERATE A WINERY TO INCLUDE
WINE TASTING ROOM FOR SOCIAL GATHERINGS. AS
PER MESILLA TOWN CODE 18.20.030(A) COTTAGE
INDUSTRIES ARE ALLOWED IN THE RURAL FARM
ZONE.**

NOTE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 575-524-3262 at least 48 hours prior to the meeting.

Posted on **10/17/2024** at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty's Food Mart - 2290 Avenida de Mesilla; and US Post Office – 2253 Calle de Parian; and Town of Mesilla website.

Town of Mesilla, New Mexico

**THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL HOLD A WORK SESSION AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY- SEPTEMBER 30, 2024, AT 2:00 PM**

WORK SESSION

**AN INTEREST TO OPERATE A WINERY VENUE BUSINESS IN RURAL FARM
ZONE. EXISTING STRUCTURES WILL BE USED TO OPERATE BUSINESS.
AGRICULTURAL USE OF THE LAND WILL NOT BE DISRUPTED.**



ATTENDEES

Commissioner Walkinshaw
Commissioner Miller
Commissioner Gallegos
Community & Economic Director (CED) Salazar

Sylvia D'Andrea
Barbara Benton
Harold Benton
CID Inspector Maese

PUBLIC

Mary H. Ratje
Trina Witter

CED Salazar – opened up the meeting by introducing the applicant, Sylvia D’Andrea and applicant’s project designer, Barbara Benton. Mrs. D’Andrea is considering in buying a property for sale in the rural farm (RF) zone. Before purchasing the property, she would like some feedback from the commission if it would be allowed.

The property is approximately 6.28 acres with pecan orchard, a residential home and a large barn type structure. Mrs. D’Andrea is proposing to operate a winery type venue where she would have wine tasting and a place where she could accommodate large groups that do not fit at her nearby restaurant, Lunna Rosa. She could cater to them there.

Three points were made to consider the application of a winery in the RF zone, 320 W University. One, the parcel is the last property in Mesilla, adjacent to Las Cruces on University Ave. Highway currently is going under construction going from single lane to double lane. The concern for the potential of excessive traffic is dissolved due to its location and it being on a main highway. It would be totally different scenario if the property was in the middle of the RF zone and no main arteries for traffic.

Secondly, the agricultural use of the property will not be disrupted. It will continue to be agricultural use. The structures on the property will be used with little to no changes. The parking lot will be of dirt, similar to other venues.

Third, the code does allow with the use of special use permit, agricultural industry, packaging and such. There will be a wine tasting available which is agricultural use.

Commissioner Walkinshaw – concern with section of the RF code 18.20.030 (B)(4) – no industry shall be permitted within 500 feet of adjacent properties. A variance would have to be given if the applicant were to produce and/or package wine.

CED Salazar – Mesilla town code 18.20.020 (K) allows you to stockpile manure, yet we are debating if we should allow a winery which is an auxiliary business to agricultural use of the land? Also, Mesilla town code 18.20.020 (C) allows to have quarters for farmhands. Who does that now a days. These are just few examples on how unrealistic parts of this code is and why we need to be subjective to our modern times until we amend our ordinance to best meet our town’s needs.

Sylvia D’Andrea – introduced herself and family. History behind their family in the winery business stemming back all the way back to Italy where her husband is from. Main winery is in Deming, from growing grapes to processing and packing. Has a restaurant in Las Cruces just yards away from Mesilla jurisdiction called Lunna Rosa.

The property has a residence that still haven’t been decided if she will be staying there or her son. The barn will be used for wine tasting and for overflow large crowd from our restaurant that we can’t accommodate. Want to serve large groups like football teams, etc.

Commissioner Walkinshaw – concerned the agricultural use of the land, no grape orchards.

Harold Benton – there is also that thought of removing some struggling pecan trees on the property and replace with a grape orchard for wine.

Sylvia D’Andrea – a lot of them pecan trees are in bad shape. We will have someone to take a look at them and see if they are salvageable. If not, we are going to have to replace them or put in a vineyard.

Commissioner Gallegos – asked about possibility with issue of light pollution.

Barbara Benton – there won’t even be any parking lot lights.

CED Salazar – if there is additional lighting, they would just have to conform to our light pollution code and either shield the lighting with cones/reflectors and also the lumines of the lights would have to be low.

Sylvia D’Andrea – there is a possibility to grow grape on the property too. Remove some of the older/sicker trees and have a vineyard. Processing it and bottling it as Mesilla Wine.

CED Salazar – if you grow and package the grapes/wine at the site, it will fall under a section of our code that is permissible under a special use permit.

Inspector Maese – asked if the catering on this site from your restaurant, would it still require having a kitchen? Are there some rooms upstairs of the barn that used to be classrooms? Parking previously approved when that barn was approved for a church. Where would your ADA parking at? ADA parking will require a hard surface such as concrete, asphalt or certain types of compacted soil.

On another note, emergency lighting inside the building, front doors would need to swing out and not in.

Commissioner Walkinshaw – asked about fire truck access in and out of property.

Sylvia D’Andrea – there will be enough room and willing to adhere to any requirements are set from any agency such as fire, environmental or CID.

Inspector Maese – don’t see an issue with he building itself meeting the requirements. Suggest NM Regulations and Licensing Dept is contacted to advise if outdoor wine tasting such as outdoor patios require any special enclosure.

Harold Benton – if they require anything, we will make sure to adhere to it.

Inspector Maese – University Ave. is considered to be state highway and under DOT jurisdiction. They are widening that highway. I would check to see if that will impact your property and plans.

Commissioner Walkinshaw – understanding there is supposed to be a walkway on one side of the highway and the other side a bike trail.

Town code 18.20.030 (B)(4) – limits industrial agriculture to be no less than 500 feet from adjacent properties. If necessary, the commission could consider to amending it according to the type of industry.


Commissioner Gallegos asked if he wanted to go and taste a bottle of wine, would I have to make an appointment?

Sylvia D’Andrea – no, you would stop by my restaurant Luna Rossa.

CED Salazar – no more discussion. Reminder of the purpose of the workshop is to ask questions and for commission to understand what the applicant is requesting. No decision to approve or deny has been made. Will follow up with the applicant and see if she wishes to move forward.

End of Workshop @ 3:07pm


Eric Walkinshaw
Chairperson -acting


Gloria Maya
Town Clerk/Treasurer



NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 524-3262 at least 48 hours prior to the meeting.

Posted on 9/27/2024 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Shorty’s Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office – 22e. 53 Calle de Parian; Mesilla website

<https://www.mesillanm.gov/minutes-agendas/>

Chapter 18.20

RF – RURAL FARM ZONE

Sections:

18.20.010 Purpose.

18.20.020 Permitted uses.

18.20.030 Uses requiring special use permits.

18.20.040 Uses prohibited.

18.20.050 Development standards.

18.20.010 Purpose.

This zone is intended for the maintenance of low residential densities, for the preservation of agricultural uses and for the continuance of agriculturally related industries and activities. [Ord. 2000-03 § 1; Ord. 94-06 § 1; prior code § 11-2-11.1.A]

18.20.020 Permitted uses.

A lot in the RF zone shall be used for the following purposes only:

- A. A farm or ranch.
- B. A one-family home, only as an accessory to the primary agricultural use.
- C. Farm labor housing, only as an accessory to the primary agricultural use.
- D. A guest house, used only as an accessory to the primary single-family home and not rented or otherwise conducted as a business.
- E. A roadside stand offering for sale only farm products, the majority of which are grown on the premises; provided, that such stands shall be removed during any period of time when not in use.
- F. Home occupations.
- G. A farm for the raising, breeding, and sale of small animals such as dogs, cats, rabbits, chinchillas, and hamsters.

H. Plant nursery and greenhouse.

I. Storage only of trailers and campers; provided, they are not in excess of 35 feet in length; and provided, that the trailers and/or campers are not used for human habitation nor shall they be connected to any public or private utility system such as water, sewer, gas, or electricity.

J. Accessory structures and uses such as barns, corrals, sheds, pens and similar structures customarily incidental to any of the above uses, when located on the same lot.

K. Stockpiling and composting of manures, fertilizers, soil amendments, conditioners, or compost as an ancillary use to the primary agricultural use; and provided, that such materials do not remain stockpiled for more than 30 days. The stockpiling or composting of any manures, fertilizers, soil amendments, conditioners or compost for more than 30, but no more than 60 days, shall be allowed only subject to the following requirements and standards:

1. Space Requirement. Stockpiled material shall occupy no more than five percent of the entire parcel and the total area occupied by stockpiled material shall be no greater than one acre;
2. Setback Standard. All stockpiled material shall be set back a minimum of 500 feet from abutting adjacent properties;
3. Protective Covering Requirement. All stockpiled material shall be covered with an impermeable protective covering to reduce odor, dust, debris and flies and bar access to vermin;
4. Screening Requirement. The stockpiled material shall be screened from public view, and shall not be visible beyond the property boundaries.

Notwithstanding the above requirements and standards, no manures, fertilizers, soil amendments, conditioners or compost shall be stockpiled for more than 60 days. [Ord. 2003-06 § 2; Ord. 2000-03 § 1; Ord. 94-06 § 1; prior code § 11-2-11.1.B]

18.20.030 Uses requiring special use permits.

Special or unclassified uses as defined in MTC [18.55.010](#) and [18.55.020](#) shall be permitted in the RF zone, provided the board of trustees approves following a public hearing. In addition, the following uses may be permitted subject to restrictions, and the issuance of a special use permit:

- A. Cottage industries; provided, the following conditions are met: **Definition of cottage industry, according to Webster dictionary (see attached)**

1. Employment shall be limited to a maximum of five persons plus one additional person for every two acres above the minimum lot size.
2. Structures housing cottage industries shall occupy no more than five percent of the lot where they are located.
3. No noxious, odorous or hazardous processes shall be employed; nor shall the use or storage of explosives or flammable materials be permitted, excepting those specifically related to the allowed use and in conformance with applicable codes. Dust, noise or glare shall not extend beyond the properties on which they are located.
4. One parking space shall be provided for each employee.
5. One unlighted sign, having a maximum area of 10 square feet shall be permitted.
6. Parking, outdoor storage areas or other unsightly appurtenances shall be screened from public view.

B. Agriculturally related industries such as cotton gins, food processing plants, packaging plants or mills providing the following conditions are met:

1. The site for the use shall be no smaller than five acres. The 500 ft requirement is not practical because a standard 5 acre plot with all equal sides (square) is 422 ft.
2. Structures housing agriculturally related industries shall occupy no more than 20 percent of the parcel.
3. No noxious, odorous or hazardous processes shall be employed, nor shall the use or storage of explosives or flammable materials be permitted, excepting those specifically related to the allowed use and in conformance with applicable codes, nor shall industries emit dust, noise or glare beyond the property.
4. No industry shall be permitted closer than 500 feet from abutting adjacent properties. This section is unclear. Structure/industry can't be from property any adjacent property?
5. One parking space shall be provided for each employee.
6. Parking, outdoor storage areas or other unsightly appurtenances shall be screened from public view.

C. Feedlots; provided, that the following conditions are complied with:

1. Livestock in a feedlot shall not be corralled within 500 feet of any residence or any residential zones.
2. One parking space shall be provided for each employee.

D. Bed and breakfast inns may be permitted; provided, the following conditions are met:

1. General.

- a. The owner/manager shall live on site.
- b. Employment shall be limited to a maximum of five persons including the owner/manager.
- c. No more than seven guest rooms shall be permitted.
- d. Length of stay shall be limited to no more than 14 consecutive days. Bed and breakfast inns are specifically prohibited from allowing guests a permanent residence.
- e. Food service shall be limited to breakfasts.

2. Land Use Requirements.

- a. The guest rooms shall be part of or attached to the main residence of the owner/manager.
- b. Only one unlighted sign having a maximum area of 10 square feet shall be permitted.
- c. A minimum of two parking spaces shall be required for the owner/manager. In addition, one parking space shall be required for each employee and one parking space shall be required for each guest room.
- d. Inns shall meet the provisions of the New Mexico Uniform Building Code, New Mexico Environmental Improvement Division Regulations and pertinent fire safety regulations.
- e. Newly constructed inns or existing residences modified to meet the provisions of this section shall be designed to be compatible with the residential character of the neighborhood in which they are located. New construction of bed and breakfast inns must meet the architectural guidelines and criteria for development established for Historical Residential and Historical Commercial zones in Mesilla.

3. Development Plans. The owner/manager of the land shall submit a complete detailed plan of the project. The development plan shall contain the following information:

- a. Site plan with scale and north point showing all existing and proposed improvements.
- b. Surveyed boundaries or legal description of the area proposed to be developed.
- c. Parking areas with arrangement of stalls, location of entrance and exit driveways and their relation to existing streets.
- d. Landscaping plan including fencing.
- e. Floor plans, elevations and exterior details of proposed improvements.
- f. Existing development of adjacent properties within 600 feet of the exterior boundary of the lot, including the location, type and use of buildings and structures. [Ord. 94-06 § 1; Ord. 89-03; prior code § 11-2-11.1.C]

18.20.040 Uses prohibited.

Prohibited uses in the RF zone are as follows:

- A. Multifamily uses.
- B. Commercial uses other than the sale of agricultural products, the majority of which were produced on the property. **Under this section, would having a social wine tasting business be allowed.**
- C. Industrial uses other than cottage or agricultural industries.
- D. Use of trailers as dwellings with or without wheels attached.
- E. Signs other than those permitted by this title. [Ord. 94-06 § 1; prior code § 11-2-11.1.D]

18.20.050 Development standards.

- A. Lot Area. Each lot shall have a minimum area of five acres except cluster development.
- B. Lot Dimensions. Each lot shall have a minimum width of 225 feet. Each lot shall have a minimum depth of 300 feet.
- C. Yards – Front. Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, with a depth of not less than 30 feet.

D. Height Limitations. The maximum height of buildings or structures in the RF zone shall be two stories or 30 feet, whichever is less.

E. Utilities. All installation of utility lines shall be underground, wherever technically feasible. [Ord. 2004-7 § 3; Ord. 2004-01 § 2; Ord. 94-06 § 1; prior code § 11-2-11.1.E]

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](#)



Homemade Food Act

Updated August 16, 2021

Beginning July 1, 2021, individuals may prepare certain low-risk food items in their private farm, ranch or residence and sell them directly to consumers without a permit from NMED. The [Homemade Food Act](#) outlines certain food safety requirements that must be met by sellers participating in the program and are briefly discussed below.

Beginning July 1, NMED will no longer issue Homebased Food Processor permits. If you are currently permitted as a Homebased Processor by NMED, your permit will be valid until its expiration date but will not be renewed after the expiration date.

NMED permitted food facilities may not use homemade foods as ingredients in their food items and grocery stores or similar facilities may not purchase or resell prepackaged homemade foods.

1. What is the Homemade Food Act?

The Homemade Food Act (Act) is a New Mexico law that became effective July 1, 2021 which allows individuals to make certain low-risk foods (see #2 below) in their private farm, ranch or residence without a food permit from NMED and then market/sell those products directly to consumers.

2. What food items can be produced and sold under the Homemade Food Act?

Food produced must be non-time/temperature control for safety (Non-TCS). Food that meets this definition only requires simple production steps and does not require refrigeration when complete.

Examples of non-TCS food include:

- Non-cream filled baked goods that do not require refrigeration, such as cakes, cookies, yeast breads, pies, pastries
- Candy
- Popcorn
- Chocolate covered pretzels
- Dehydrated fruits
- Granola/dry mixes
- Roasted coffee
- Whole fruits and vegetables
- Standard high sugar fruit jams/jellies

Please note that this is not an exhaustive list, nor does it dictate what you may or may not sell under the Act.

3. What food items are not allowed to be produced at home under the Act?

TCS Foods, alcohol-containing food, or alcoholic beverages may not be produced at a private farm, ranch or residence. TCS foods must be produced in an NMED-permitted commercial kitchen. Individuals producing alcoholic food or beverages should contact the [New Mexico Alcoholic Beverage Control Division](#).

Examples of TCS food that are not allowed under the Act include:

- Meat and meat products, including jerky
- Salsa
- Fish and fish products like smoked fish
- Foods containing CBD, hemp, or hemp extract (see question #4)
- Vegetable jams/jellies (e.g., hot pepper jelly)
- Canned fruits or vegetables
- Canned pickled products like corn relish, pickles, or sauerkraut
- Pies or cakes that require refrigeration like banana cream, pumpkin, lemon meringue or custard pies; cheesecake; and cakes with glaze or frosting that requires refrigeration (e.g., cream cheese frosting)
- Milk and dairy products like cheese or yogurt
- Cut fruits and vegetables
- Caramel apples
- Hummus
- Garlic in oil mixtures
- Beverages like fruit/vegetable juices, Kombucha tea, and apple cider
- Sprouts
- Food products with fresh vegetables, fruits and/or cheeses
- Salad dressings
- Acidified foods

Please note that this is not an exhaustive list, nor does it dictate what you may not produce under the Act.

4. Can I make food containing CBD without a food permit from NMED?

No. All food operations that make products containing hemp, hemp extract or CBD must be permitted as a commercial hemp manufacturing facility by NMED. You can find more information on our hemp program [here](#).

5. How can I get help determining if the food I want to produce is non-TCS?

The definition of TCS food on page 21 of the [NMED Retail and Manufactured Food Field Guide](#) may provide the assistance you need. You may also contact a Process Authority to assist you in making the determination. Here is the contact information for one Process Authority in NM: Dr. Willis Fedio, NMSU Food Safety Laboratory, wfedio@nmsu.edu, on the [web](#).

If you are a Process Authority and would like to be added to this list, please send a request (include qualifications) to food.program@state.nm.us.

6. Where can I sell my homemade items?

You may sell your homemade food items directly to consumers within the state of New Mexico at places like farmers' markets, festivals, on the internet, at roadside stands, at the seller's home for pick-up or delivery or through mail delivery.

Homemade items may not be sold to a restaurant, a wholesaler or distributor, or outside the state of New Mexico. If you would like to produce food items to be sold to these types of facilities a commercial manufactured food permit from NMED is required.

7. Do I have to be certified to produce items in my private residence?

Yes. You must obtain a Food Handler Card from an [approved food handler card program](#) before beginning production.

8. What requirements do I have to meet when producing and transporting food?

The following are required in the Act:

- Maintain a sanitary kitchen.
- Practice good personal hygiene.
- Protect kitchen from rodents and pests at all times. Only use pest control products in accordance with the label and that are approved for food service areas.
- Keep pets and children out of kitchen while in production.
- Store food in a sanitary manner at all times.
- Transport food in a sanitary manner, protecting it from pets, children and other hazards. For example, vehicle compartments used to transport animals must not be used to transport food.

9. Are there specific labeling requirements for food items outlined in the Act as well?

Yes. You must provide consumers the information listed in question #10 in one of the following ways:

- On a package label.
- On a label attached to a bulk container (when items are offered from a bulk container).
- On a place card displayed at the point of sale (when items are not packaged or offered from a bulk container).
- On a webpage where the items are offered for sale.

10. What information must be on the label or place card for each food item?

The following is required on labels/place cards:

- The name, home address, telephone number and email address of the processor of the food item.
- The common or usual name of the food item (i.e. "chocolate chip cookies")
- The ingredients of the food item listed from most to least present in the item.
- All sub-ingredients must be included on the ingredients statement. For example, when including "butter" on the ingredients statement, you must include all ingredients listed on the butter package like this: "butter (cream (milk), salt)".
- The following statement must be on the label: "This product is home produced and is exempt from state licensing and inspection. This product may contain allergens."

Refer to the [Act](#) for additional information on labeling requirements.

11. How does NMED regulate my Homemade Food operation?

NMED is responsible for enforcing the requirements of the Act. If NMED receives a complaint that your product is not labeled properly, NMED will require you to correct the issue immediately or you may be fined. NMED and/or the New Mexico Department of Health may also investigate foodborne illness complaints.

REFERENCES

Cottage winery means a small-scale winery producing on site within a structure less than ten thousand cases of wine per year/square feet. A cottage winery may include a tasting room and/or retail area of fifteen hundred square feet or less, and may include food and beverage service incidental to the principal

<https://www.lawinsider.com/dictionary/cottage-winery#:~:text=Cottage%20winery%20means%20a%20small%2Dscale%20winery%20producing%20onsite%20less,incidental%20to%20the%20principal%20use.>

Definition of a Micro-Winery

A micro-winery is simply a winery without its own vineyard. The owner must purchase grapes from suppliers instead of growing his or her own. While the micro-winerries can use some of the same types of equipment as the larger wineries do, the size of the equipment is smaller.

<https://grapeworks.com.au/news/winemaking/start-a-micro-winery-business-how-can-one-have-a-good-head-start/#:~:text=Definition%20of%20a%20Micro%2DWinery,of%20the%20equipment%20is%20smaller.>

Given these statistics, industry standard qualifies any production under 49,999 cases per year as a small producer. You might also see some of the even smaller wineries referred to as boutique or micro-winerries.

<https://www.lexiswinelist.com/blog/small-production-wine#:~:text=Given%20these%20statistics%2C%20industry%20standard,as%20boutique%20or%20micro%2Dwineries.>

NEW MEXICO UPDATES ITS CODES TO MAKE IT MUCH MUCH EASIER!!!

HB 177 is the **newly signed “Homemade Food Act”** that will open up the path for cottage food vendors, **EVEN IN ALBUQUERQUE**. As it reads, counties / cities can still require a license/permit but now the state permitting is gone and cottage food operators will be able to:

- sell directly to customers from home

- sell on the internet
- sell by phone
- ship products made within the state
- deliver by mail, in-person or home pickup
- sell at farmers' markets, festivals, roadside stands

<https://cottagefoodlaws.com/new-mexico-cottage-food-laws/>

A **micro-winery** can either be at a small farm vineyard is a small [wine](#) producer or may not have its own [vineyard](#), and instead sources its [grape](#) product from outside suppliers. The concept is similar to a [microbrewery](#), in that small batches of product are made primarily for local consumption.^[8] The concept of the micro-winery is not as easily accepted as that of the microbrewery, however, as the general public has been conditioned to associate a winery as having a vineyard. A winery uses similar wine-making equipment as a major commercial winery, just on a smaller scale.

Glass [carboys](#) and sanitary [plastic](#) pails are often seen in the facilities of a micro-winery. Typically, each batch of wine yields 23 Liters (6 US gallons). One of the primary differences of a micro-winery as compared to a typical winery is that a micro-winery is typically able to offer a wider range of wines; as it is not tied to the grapes it grows. New York State provides a specific micro-winery license^[9] that requires the micro-winery to purchase local ingredients.

<https://en.wikipedia.org/wiki/Winery#:~:text=A%20micro%2Dwinery%20can%20either,microwinery%20to%20purchase%20local%20ingredients.>

All across the United States, people are making food at home to sell in their communities. Together, they form a small but growing industry—the homemade or “cottage food” industry. The movement fits within a larger trend toward healthy eating and responsible sourcing, as consumers take greater interest in where their food comes from and who makes it. In 2021, New Mexico greatly expanded opportunities for cottage food producers in 2021 with the passage of the [Homemade Food Act](#).

<https://ij.org/issues/economic-liberty/homemade-food-seller/new-mexico/#:~:text=All%20across%20the%20United%20States,of%20the%20Homemade%20Food%20Act.>

New Mexico Environmental Dept brochure (see attached)

<https://www.env.nm.gov/wp-content/uploads/sites/8/2021/08/2021-08-16-EHD-Homemade-Food-Act-factsheet.pdf>

<https://oconnellfamilywines.com/what-is-a-boutique-wine/#:~:text=In%20the%20wine%20industry%2C%20a,%2C%20hand%2Dcrafted%20and%20artisanal.>

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Today

2021

◆ AI Overview

Here are some examples of cottage industries in New Mexico:

Arts and culture

In Greater Gallup, Native American jewelry is a major cottage industry that cont to the local economy. GallupARTS offers programs to support local artists and creatives, including art galleries, festivals, and classes. [↗](#)

Homemade food

The Homemade Food Act, which went into effect in 2021, allows New Mexico re to sell low-risk foods directly to consumers without a permit. Non-time/temper; control (Non-TCS) foods, such as baked goods, candy, and popcorn, are eligible this exemption. [↗](#)

Fourth World Cottage Industries

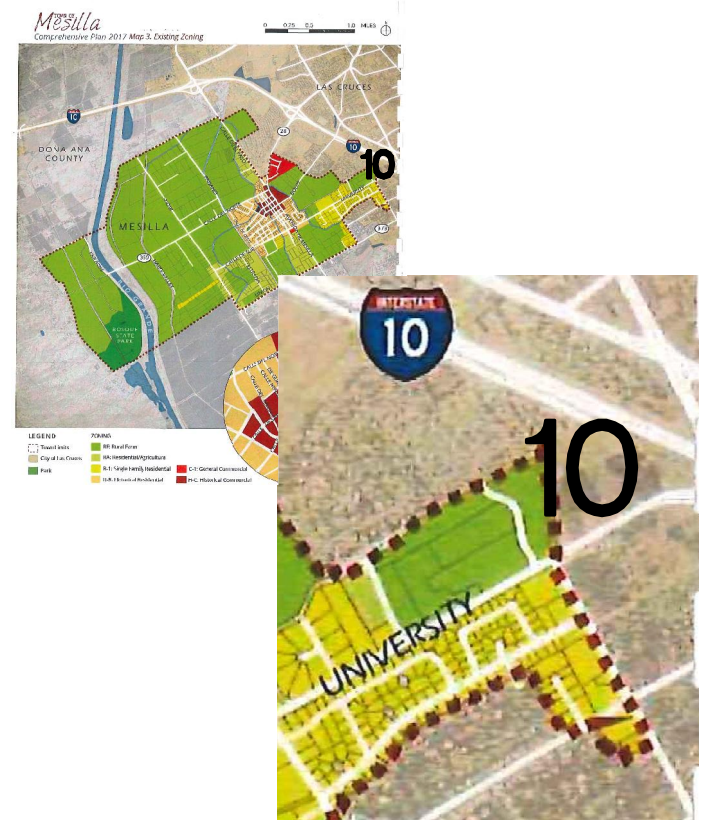
Located in Santa Fe, NM, this cottage industry includes the Enchanted Wik Canc Company & Bar, where visitors can buy or make their own candles. [↗](#)

Other examples of cottage industries include: Musical instrument makin Shoemaking, Weaving fabrics, Dyeing fabrics, and Sewing clothing. [↗](#)



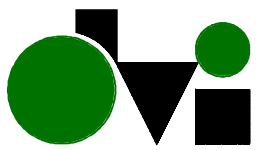
CURRENT CONDITIONS

- 1 ENTRY FROM UNIVERSITY AVENUE
- 2 ENTRY FROM STANFORD STREET
- 3 GRAVEL ENTRY DRIVES TO REMAIN
- 4 EXISTING 2093 SQ.FT. RESIDENCE
- 5 EXISTING AGRICULTURE BUILDING SET UP FOR CHURCH AND LIVING QUARTERS
- 6 EXISTING RESIDENTIAL WELL
- 7 EXISTING IRRIGATION WELL
- 8 EXISTING SEPTIC SYSTEM
- 9 EXISTING PECAN ORCHARD
- 10 PROJECT LOCATION ON ZONING MAP



SCALE: 1" = 100'-0"

THE FARMHOUSE SITE PLAN - EXISTING



architecture | planning
573.525.0241
email barb@dvi-lascrucos.com

9/26/24



GOAL

THE PROPOSED SITE WILL CONTINUE TO LOOK AGRICULTURAL AND FUNCTION AS IT CURRENTLY DOES, OR BETTER.

PROPOSED USES

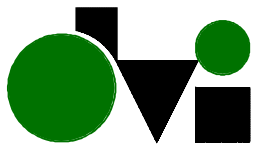
- a GRAVEL DRIVEWAY TO REMAIN
- b PROPOSED GRAVEL PARKING AREAS. 30 SPACES TOTAL.
- c PROPOSED DUMPSTER LOCATION.
- d EXISTING WELL TO BE LOCATED IN LANDSCAPE ISLAND.
- e CONVERT CHURCH TO TASTING ROOM. LIVING QUARTERS TO REMAIN.
- f POSSIBLE FUTURE VINEYARDS.
- g PROPOSED COVERED PATIO APPROXIMATELY 16' X 40'.
- h ENTRY SIGN UP TO 36 SF EACH SIDE
- i 5'DEEP ENTRY COVERS



SAMPLE ENTRY SIGN

SCALE: 1" = 100'-0"

THE FARMHOUSE SITE PLAN - PROPOSED



architecture | planning
575.525.0241
email barb@dvi-lascruces.com

9/26/24



AERIAL PHOTO OF SUBJECT PROPERTY



PECAN ORCHARD VIEW BUILDINGS IN BACKGROUND



EXISTING SINGLE FAMILY RESIDENCE



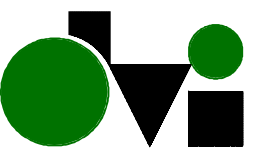
EXISTING SINGLE FAMILY RESIDENCE



EXISTING AGRICULTURAL BUILDING



**SAMPLE PARKING IN PECAN TREES
MESILLA VALLEY MAIZE ON
WEST PICACHO AVENUE**



TOWN OF MESILLA ORDINANCE 2024 – XX

AN ORDINANCE OF THE TOWN OF MESILLA TITLE 18.53 ZONING- SHORT-TERM RENTALS.

WHEREAS, the Board of Trustees of the Town of Mesilla desired a short-term rental (STR) ordinance to reflect rules and regulations in operating a STR; and

WHEREAS, the Board of Trustees of the Town of Mesilla has determined that these requirements are necessary to benefit the community and visitors in providing lodging facilities; and

WHEREAS, the Board of Trustees of the Town of Mesilla has determined these requirements are necessary to assist with town services and impacts on residential neighborhoods posed by STRs; and

WHEREAS, The Planning and Zoning Historical Appropriateness Commission and the Board of Trustees of the Town of Mesilla have conducted a duly advertised public hearing to consider this ordinance; and

WHEREAS, an Ad Hoc Committee of nine diverse members assisted in data collection, held discussions, and proposed recommendations for a STR ordinance to the Planning and Zoning Historic Appropriateness Commission/Board of Trustees.

NOW, THEREFORE, BE IT ORDAINED, the Board of Trustees of the Town of Mesilla hereby implements these regulations as follows:

A. PURPOSE

The Board of Trustees of the Town of Mesilla finds and declares as follows:

1. STRs provide community benefit by expanding the number and type of lodging facilities available to visitors [and provides financial support to the Town via Lodger's tax, GRT, as well as income to the businesses that serve STR guests.](#)
2. STRs are a residential, not commercial, use of the property under the Town of Mesilla Municipal Code (MTC).
3. The provisions of this section are necessary to regulate town services and impacts on residential neighborhoods posed by STRs.

B. APPLICABILITY OF REQUIREMENTS

This ordinance applies to all zoning districts within the Town of Mesilla. These requirements shall apply to dwelling units that are rented at some time during the

year for a short duration that are not part of a commercial business enterprise such as hotels, motels, or commercial lodging.

C. TOTAL ALLOWABLE STR PERMITS

1. The total number of allowable STR permits with the Town of Mesilla shall be regulated as follows;

HISTORICAL RESIDENTIAL (HR)	200’ MEASURED FROM CLOSEST PROPERTY LINE TO PROPERTY LINE
HISTORICAL COMMERCIAL (HC)	NO CAP LIMIT OR DISTANCE REQUIREMENT
COMMERCIAL (C)	NO CAP LIMIT OR DISTANCE REQUIREMENT
SINGLE-FAMILY RESIDENTIAL (R1)	200’ MEASURED FROM CLOSEST PROPERTY LINE TO PROPERTY LINE
RESIDENTIAL AGRICULTURE (RA)	WITH SPECIAL USE PERMIT (SUP)
RURAL FARM (RF)	WITH SPECIAL USE PERMIT (SUP)

2. Existing short-term rentals that are currently permitted in their location will not be affected by the distance requirement after the adoption of this section **and a 45-day grace period will be given for non-permitted STR owners to become compliant.**

D. DEFINITIONS

For the purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:

1. **Local Contact Person** means an owner, representative of the owner, or local property manager who lives in the Town of Mesilla or within proximity of the town limits such that they are available to respond within an hour or less to tenant and neighborhood questions or concerns and are authorized to respond to any violation of this ordinance and take remedial action.
2. **Managing Agency** means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the dwelling unit or person/agency owning the dwelling unit.
3. **Operator** means the person who is proprietor of a dwelling unit, whether in the capacity of owner, lessee, sub-lessee, or mortgage in possession.
4. **Owner** means the legal owner of the property.
5. **Dwelling Unit** means a unit with a sleeping area, bathroom, and possibly kitchen for residential use.
6. **Payment** means the consideration charged, whether or not received, for the occupancy of space in a dwelling unit, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and services of any kind of nature, without reduction thereof whatsoever.

7. **Short-term Rental (STR)** means a dwelling unit or bedroom(s) within a dwelling unit including either single-family detached or multi-family attached unit, rented for the purpose of overnight lodging for a period not less than one night nor more than 29 consecutive days to the same person or persons.
8. **Hosting Platform** means an internet-based (online) platform that connects owners of STRs to potential renters by way of a website and in exchange for a service fee. Hosting platform agent shall not mean local contact person or managing agency or agent as defined in this section.

E. SHORT-TERM RENTAL (STR) PERMIT REQUIRED.

No owner of a dwelling unit shall rent the unit for a short term without having a current valid STR permit issued by the Town of Mesilla. STR permits are issued to the owner for a period of one year and are non-transferable.

1. Nothing contained within this section shall be construed to abridge the ability of bona fide neighborhood covenants and/or deed restrictions to be more restrictive than the regulations within this ordinance. Such covenants and deed restrictions shall not be enforceable by the Town of Mesilla but remain the responsibility of the property owners to ensure compliance within their applicable neighborhood(s).
2. Large-scale events (i.e., exceeding maximum allowed dwelling unit occupancy) such as parties, weddings, fundraisers and conferences, are prohibited in residential zones without a separate permit issued by the Town of Mesilla. Adequate parking must be available.
3. No more than one STR permit shall be issued per property except in multi-family single lot subdivisions.
4. The owner of a STR shall sign an indemnification and hold harmless agreement in a form approved by the Town of Mesilla Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the Town of Mesilla, its officers, employees and agents from any liability in any way arising out of the use of the STR including, without limitations, from the STR guests.
5. All marketing and advertising of an STR, including any listing on a hosting platform, shall clearly list the Town of Mesilla-issued STR permit number.

F. APPLICATION REQUIREMENTS

The STR owner or managing agency shall apply to the Town of Mesilla for a STR permit and supply, at a minimum, the following information:

1. The maximum number of occupants and vehicles that the dwelling unit can accommodate.
 - a. The parking calculation shall be based upon a minimum of one parking space provided per dwelling unit. A parking fee shall be imposed if there is

no private parking provided (see Appendix A). Parking requirements must be clearly stated on hosting platform listing and property.

- b. The occupancy shall be determined by the floor area of each dwelling unit, number of restrooms per dwelling unit, infrastructure suitable to service the occupants and shall be in accordance with habitable and occupancy codes.
2. The name, address, email address, telephone number of the owner, and the 24-hour emergency contact number (if not the owner of the STR) for which the permit is to be issued.
3. A tax ID number issued by the New Mexico Taxation and Revenue Department registered to the proposed STR.
4. A business license is also required for anyone conducting business within the Town of Mesilla (Municipal Town Code (MTC 5.05.03), and thus for a STR permit.
5. A site plan to include designated on-property parking (18.60.170(C)(2).
6. Floor plan of the STR and location in reference to the property and/or existing structures on the property.
7. Owner authorization agreement (if applicable), allowing property management agency to represent their interest.
8. Application updates regarding ownership, changes in the structure, parking area, contact person information, etc., shall require an amendment to the existing STR permit. A one-time \$10 fee shall be assessed for any updates (see Appendix A).
9. Fees. Applicable fees are set forth in Appendix A to this ordinance.

G. ISSUING OF PERMIT

1. The Town Clerk or delegate shall review the initial application for a STR permit within 10 days. Renewal notifications for all permits shall occur 30 days prior to the renewal date. Issuing of permit will be consistent with Licensing MTC 3.20.090.
2. Once the application review is completed, the Town Clerk shall notify the applicant of the decision of whether to issue the permit based on compliance with this section. If approval is granted, the Town Clerk will issue a STR permit specifying the maximum number of cars, and the maximum number of occupants allowed. Failure to renew the permit within the 30 days after the applicable March 15 renewal date, shall be subject to a late fee.
3. An application for a permit or renewal application shall be denied if:
 - a. All applicable fees and taxes have not been paid as provided under MTC 3.20 or
 - b. Outstanding property nuisance or building code violations exist on property.
4. The Town of Mesilla recommends all STR owners to purchase insurance if the STR shares a common wall with an adjacent property or is less than seven feet from property line.

5. Failure to comply with code requirements of this may result in revocation of the permit for a 12-month time period at the discretion of the Community & Economic Development Director or designated staff.
6. If the STR owner plans to discontinue short-term rental of the property, a statement to that effect shall be filed with the Town of Mesilla and the permit will be canceled.

H. TENANT NOTIFICATION REQUIREMENTS

1. The following information shall be provided by the owner, managing agency, or agent within each STR unit:
 - a. A copy of the STR permit.
 - b. The name of the managing agency, agent, property manager, local contact person or owner of the unit, and telephone number at which the party can be reached on a 24-hour, seven days a week basis.
 - c. The maximum number of occupants three years of age and older are permitted to stay in the unit.
 - d. The number of maximum vehicles allowed to be parked on the property.
 - e. The number of on-site parking spaces and the parking rules and location(s).
 - f. The specific procedures regarding the disposal of trash and refuse.
 - g. A notification that a tenant may be cited and fined for creating a disturbance and/or for violating other provisions of the MTC.
 - h. Notice that noise provisions contained in the MTC section 9.10.070 will be enforced.
 - i. Notice of outdoor lighting provisions and regulations contained in MTC 18.50.050.
 - j. The 911 address for the property.
 - k. Notice that animal leash laws contained in section MTC 6.05 (prohibited acts; animal nuisance; vicious or dangerous animals) will be enforced.
 - l. Notification of MTC 8.10 Smoke-Free Regulations.
2. Exterior advertising or signage on STR units which indicate availability, phone numbers or other types of information is prohibited. For the purpose of this section, signage shall only be permitted if it includes the name of the dwelling unit and does not include advertisement of the property.
 - a. Signage shall be consistent with MTC 18.52.030(D) 18.65.070 (P), under exceptions. Maximum size of 2 square feet.

I. HOSTING PLATFORM RESPONSIBILITIES

1. Hosting platforms shall not process or complete any booking transactions for any, unless the STR has a valid current STR permit issued by the Town of

- Mesilla. Hosting platforms are required to list the STR permit number and expiration date for each listing.
2. Within forty-five (45) days of effective date of this ordinance, hosting platforms with listings located in the Town of Mesilla shall provide contact information of the hosting platforms.
 3. Hosting platforms shall remove any listings of STRs upon notification by the Town of Mesilla.
 4. Hosting platforms shall be responsible for collecting all applicable lodging tax and submitting the same to the Town of Mesilla. The STR owner shall remain responsible for collection and remittance of the lodging tax in the event that the hosting platform fails to fulfill its obligations under this section to collect and/or remit to the Town of Mesilla or the hosting platform and the STR owner enter into agreement regarding the fulfillment of this subsection.
 5. All hosting platforms operating within the Town of Mesilla must comply with all federal, state, and local laws.

J. SEVERABILITY

If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other sections provisions, or clauses, or applications, and to this end the provisions, sections, and clauses of the ordinance are declared to be severable.

K. ENFORCEMENT & PENALTIES

1. In addition to any other penalties or fines authorized by the Town of Mesilla Municipal Code, the owner of a STR unit shall be required to pay a penalty as set forth in the fee schedule to this code (MTC 18.95.040) in order to obtain, retain or renew a STR permit.
2. Each day that an owner rents a unit for a short term without first obtaining a STR permit is considered a separate violation of the Town of Mesilla Municipal Code and shall be treated as such.
3. The town code enforcement officer or other designated town employee or representative shall take action to correct the violation as provided for in this code or state statute.
4. The first suspected or observed violation of this section by the Town of Mesilla shall result in an initial warning notice requesting requiring registration of the unregistered STR unit in accordance with the provisions of this ordinance without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the Town of Mesilla, penalties may be assessed.

APPENDIX A

BUSINESS LICENSE	\$35	ANNUALLY
STR PERMIT	\$100	ANNUALLY
PARKING FEE	\$150	ANNUALLY, IF NO ON-SITE PARKING AVAILABLE
LATE RENEWAL PENALTY FEE	\$50	PER MONTH AFTER EXPIRATION
FIRE INSPECTION	\$40	EVERY 3 YEARS
STR PERMIT UPDATES	\$10	ONE-TIME

DRAFT

Chapter 3.20 **LODGERS' TAX**

Sections:

3.20.010 Title, purpose and authority.

3.20.020 Definitions.

3.20.030 Limitations on the use of proceeds.

3.20.040 Eligible uses of tax proceeds.

3.20.050 Contracting for services.

3.20.060 Administration.

3.20.070 Imposition of tax.

3.20.080 Exemptions.

3.20.090 Licensing.

3.20.100 Collection of the tax – Reporting procedures.

3.20.110 Audit of vendors.

3.20.120 Advisory board created – Duties.

3.20.130 Financial reporting.

3.20.140 Enforcement.

3.20.150 Duty of vendor.

3.20.160 Failure to pay tax – Failure to make return – Computation, penalty, notice.

3.20.170 Lien for occupancy tax, payment, certificate of liens.

3.20.180 Penalty.

3.20.010 Title, purpose and authority.

A. Title. This chapter may be cited as the "lodgers' tax chapter."

B. Purpose. The purpose of this chapter is to impose a tax which will be borne by persons using commercial lodging and short-term rental accommodations within the town of Mesilla and which will provide revenues for the purpose of advertising, publicizing and promoting tourist-related attractions, facilities and events, and acquiring, establishing and operating tourist-related facilities, attractions or transportation systems, as authorized in MTC 3.20.040.

C. Authority. This chapter is adopted pursuant to the provisions set forth in the New Mexico State Statutes 1978, Sections 3-38-13 through 3-38-23, as amended. The provisions of this chapter are adopted in acceptance of and in accordance with said statutes. [Ord. 2001-02 § 2; prior code § 7-9-1]

3.20.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Board of trustees" means the governing body of the town of Mesilla;

B. "Gross taxable rent" means the total amount of rent paid for lodging, not including the state gross receipts tax or local sales taxes;

C. "Lodging" means the transaction of furnishing rooms or other accommodations by a vendor to a vendee who for rent uses, possesses or has the right to use or possess any room or rooms or other units of accommodations in or at a taxable premises;

D. "Lodgings" means the rooms or other accommodations furnished by vendor to a vendee by a taxable service of lodgings;

E. "Occupancy tax" means the tax on lodging authorized by this chapter;

F. "Person" means a corporation, firm, other body corporate, partnership, association or individual. "Person" includes an executor, administrator, trustee, receiver or other representative appointed according to law and acting in a representative capacity. "Person" does not include the United States of America, the state of New Mexico, any corporation, department, instrumentality or agency of the federal government or the state government, or any political subdivision of the state;

G. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to an occupancy tax authorized in this chapter;

- H. "Taxable premises" means a hotel, apartment, apartment hotel, apartment house, lodge, lodging house, rooming house, motor hotel, guest house, guest ranch, ranch resort, guest resort, mobile home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp, cabin, [short-term rental](#) or other premises used for lodging;
- I. "Town" means the town of Mesilla, New Mexico;
- J. "Town clerk-treasurer" means the town clerk-treasurer or his/her designated representative;
- K. "Tourist" means a person who travels for the purpose of business, pleasure or culture to a municipality or county imposing an occupancy tax;
- L. "Tourist-related events" mean events that are planned for, promoted to and attended by tourists;
- M. "Tourist-related facilities and attractions" means facilities and attractions that are intended to be used by or visited by tourists;
- N. "Tourist-related transportation systems" mean transportation systems that provide transportation for tourists to and from tourist-related facilities, attractions and events;
- O. "Vendee" means a natural person to whom lodgings are furnished in the exercise of the taxable service of lodging;
- P. "Vendor" means a person furnishing lodgings in the exercise of the taxable service of lodging. [Ord. 2001-02 § 2; prior code § 7-9-2]

3.20.030 Limitations on the use of proceeds.

- A. The occupancy tax shall not exceed five percent of the gross taxable rent.
- B. Every vendor who is furnishing any lodgings within the town is exercising a taxable privilege.
- C. Not less than one-half of the proceeds derived from the tax shall be used for advertising, publicizing and promoting tourist-related attractions, facilities and events.
- D. The proceeds from the occupancy tax in excess of the amount required to be used for advertising, publicizing and promoting tourist-related attractions, facilities and events may be used for any purpose authorized in [MTC 3.20.040](#).
- E. The proceeds from the occupancy tax that are required to be used to advertise, publicize and promote tourist-related attractions, facilities and events shall be used within two years of the close of

the fiscal year in which they were collected and shall not be accumulated beyond that date or used for any other purpose. [Ord. 2001-02 § 2; prior code § 7-9-3]

3.20.040 Eligible uses of tax proceeds.

Subject to the limitations contained in MTC 3.20.030, the town may use the proceeds from the lodgers' tax to defray the costs of:

- A. Collecting and otherwise administering the tax, including the performance of audits required by MTC 3.20.100, pursuant to guidelines issued by the Department of Finance and Administration;
- B. Establishing, operating, purchasing, constructing or otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for tourist-related facilities, attractions or transportation systems of the municipality or of the county in which the municipality is located;
- C. The principal of and interest on any prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by Section 3-38-23 or 3-38-24 NMSA 1978;
- D. Advertising, publicizing and promoting tourist-related attractions, facilities and events of the town and tourist facilities or attractions within Dona Ana County;
- E. Providing police and fire protection and sanitation service for tourist-related events, facilities and attractions located in the town or Dona Ana County; or
- F. Any combination of the foregoing purposes or transactions stated in this section, but for no other town or county purpose. [Ord. 2001-02 § 2; prior code § 7-9-4]

3.20.050 Contracting for services.

A. The board of trustees may contract for the management of programs and activities funded with revenue from the occupancy tax. The board of trustees shall require periodic reports to the board, at least quarterly, listing the expenditures for those periods. Within 10 days of receiving the reports, the board shall furnish copies of them to the advisory board. Funds provided to the contracting person or governmental agency shall be maintained in a separate account established for that purpose and shall not be commingled with any other money.

B. A person or governmental agency with whom the town contracts under this section to conduct an activity authorized by MTC 3.20.040 shall maintain complete and accurate financial records of each expenditure of the tax revenue made and upon request of the board shall make such records available for inspection.

C. The occupancy tax revenue spent for a purpose authorized by this chapter may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses and other administrative costs only if those administrative costs are incurred directly for that purpose.

D. A person or governmental agency with whom the board of trustees contracts under this section may subcontract with the approval of the board of trustees. A subcontractor shall be subject to the same terms and conditions as the contractor regarding separate financial accounts, periodic reports and inspection of records. [Ord. 2001-02 § 2; prior code § 7-9-5]

3.20.060 Administration.

The board of trustees or their delegated representative shall administer the lodgers' tax moneys collected. The duties assigned to the town clerk-treasurer in this chapter may, from time to time, be reassigned to other departments or officials in whole or part as determined by the town clerk-treasurer. [Ord. 2001-02 § 2; prior code § 7-9-6]

3.20.070 Imposition of tax.

There is hereby imposed an occupancy tax of revenues of five percent of the gross taxable rent for lodging within the town of Mesilla paid to vendors from and after July 1, 1998. [Ord. 2001-02 § 2; prior code § 7-9-7]

3.20.080 Exemptions.

The occupancy tax shall not apply:

A. If a vendee:

1. Has been a permanent resident of the taxable premises for a period of at least 30 consecutive days; or
2. Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 30 consecutive days;

B. If the rent paid by a vendee is less than \$2.00 a day;

C. To lodging accommodations at institutions of the federal government, the state or any political subdivision thereof;

D. To lodging accommodations at religious, charitable, educational or philanthropic institutions, including without limitation such accommodations at summer camps operated by such institutions;

E. To clinics, hospitals or other medical facilities;

F. To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; or

~~G. If the taxable premises does not have at least three rooms or three other units of accommodation for lodging. [Ord. 2001-02 § 2; prior code § 7-9-8]~~

3.20.090 Licensing.

A. No vendor shall engage in the business of providing lodging in the town of Mesilla who has not first obtained a license as provided in this section [and a permit registration pursuant to MTC 00.00.000](#).

B. Applicants for a vendor's license shall submit an application to the town clerk-treasurer stating:

1. The name of the vendor, including identification of any person, as defined in this chapter, who owns or operates or both owns and operates a place of lodging and the name or trade names under which the vendor proposes to do business and the post office address therefor;
2. A description of the facilities, including the number of rooms and the usual schedule of rates therefor;
3. A description of other facilities provided by the vendor or others to users of the lodgings such as a restaurant, bar, cleaning, laundry, courtesy car, stenographic, tailor or others, and a statement identifying the license issued, to whom issued, the authority issuing and the period for which issued, if applicable, and the identification number provided by the Department of Taxation and Revenue of the State of New Mexico;
4. The nature of the business practices of the vendor and to what extent, if any, the business is exempt from the lodgers' tax;
5. Other information reasonably necessary to effect a determination of eligibility for such license.

C. The town clerk-treasurer shall review applications for licenses within 10 days of receipt thereof and grant the license in due course if the clerk-treasurer finds the applicant is doing business subject to the occupancy tax.

If the town clerk-treasurer finds that the applicant is not qualified to do business subject to the occupancy tax, the clerk-treasurer shall, not more than 10 days after receipt of the application, advise

the applicant of this decision and give the reasons therefor. The notice of such action shall be sent by certified mail addressed to the applicant at the address given on the application.

D. If the town clerk-treasurer finds the applicant not exempt under the terms of this chapter, the clerk-treasurer, shall, not more than 10 days after receipt of the application, advise the applicant of this decision and give the reasons therefor. The notice of such action shall be sent by certified mail addressed to the applicant at the address given on the application.

E. An applicant who is dissatisfied with the decision of the town clerk-treasurer may appeal the decision to the board of trustees by written notice to the town clerk-treasurer of such appeal to be made within 15 days of the date of the decision made by the town clerk-treasurer regarding the application. The matter shall be referred to the board of trustees for hearing at their next regularly scheduled meeting in the usual course of business.

The decision of the board of trustees made thereof shall be expressed in writing and notice of such decision shall be sent by certified mail addressed to the applicant at the address given on the application not more than 10 days following the meeting at which the decision was made. The action of the board of trustees shall be final.

F. If the board of trustees finds for the applicant, the town clerk-treasurer shall issue the appropriate license or other notice conforming to the decision made by the board of trustees. [Ord. 2001-02 § 2; prior code § 7-9-9]

3.20.100 Collection of the tax – Reporting procedures.

A. Every vendor providing lodgings in the town of Mesilla shall collect the tax thereon on behalf of the town and shall act as a trustee therefor.

B. The tax shall be collected from vendees in accordance with this chapter and shall be charged separately from the rent fixed by the vendor for the lodgings.

C. On and after July 1, 1998, each vendor licensed under the provisions of this chapter shall be liable to the town for the tax provided herein on the rent paid for lodging at the vendor's respective place of business.

D. Each vendor shall prepare a monthly report on forms provided by the town clerk-treasurer of the receipts for lodging paid to him in the preceding calendar month and shall submit the report and payment of the amounts due to the town by the twenty-fifth day of each month. The report shall include sufficient information to enable the town to audit the report and shall be verified on oath by the vendor. [Ord. 2001-02 § 2; prior code § 7-9-10]

3.20.110 Audit of vendors.

The board of trustees of the town shall have random audits conducted every third year to verify full payment of occupancy tax receipts.

A. The board of trustees shall determine the number of vendors within the municipality to audit.

B. The audit(s) may be performed by the town clerk-treasurer or by any other designee of the board of trustees. A copy of the completed audit(s) shall be filed annually with the Local Government Division of the Department of Finance and Administration. [Ord. 2007-05 § 1; Ord. 2001-02 § 2; prior code § 7-9-11]

3.20.120 Advisory board created – Duties.

A. The mayor shall appoint a five-member advisory board that consists of two members who are owners or operators of lodgings subject to the occupancy tax within the municipality, two members who are owners or operators of industries located within the municipality that primarily provide services or products to tourists and one member who is a resident of the municipality and represents the general public.

B. Members of the advisory board created under subsection (A) of this section shall serve at the pleasure of the board of trustees. The terms of appointment shall be for two years and shall be staggered.

C. The advisory board shall submit to the mayor and board of trustees recommendations for the expenditures of funds authorized by MTC 3.20.040(B) for advertising, publicizing and promoting tourist-related attractions, facilities and events in the town and surrounding area of Dona Ana County. [Ord. 2001-02 § 2; prior code § 7-9-12]

3.20.130 Financial reporting.

A. The board of trustees shall furnish to the advisory board that portion of any proposed budget, report or audit filed or received by the governing body pursuant to either Chapter 6, Article 6 NMSA 1978 or the Audit Act that relates to the expenditure of occupancy tax funds within 10 days of the filing or receipt of such proposed budget, report or audit by the board of trustees.

B. The board of trustees shall report to the Local Government Division of the Department of Finance and Administration on a quarterly basis any expenditure of occupancy tax funds pursuant to Sections 3-38-15 and 3-38-21 NMSA 1978, and shall furnish a copy of this report to the advisory board when it is filed with the Division. [Ord. 2001-02 § 2; prior code § 7-9-13]

3.20.140 Enforcement.

A. An action to enforce the Lodgers' Tax Act may be brought by:

1. The attorney general or the district attorney in the county of jurisdiction; or
2. A vendor who is collecting the proceeds of an occupancy tax in the county of jurisdiction.

B. A district court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of the Lodgers' Tax Act.

C. The court shall award costs and reasonable attorneys' fees to the prevailing party in a court action to enforce the provisions of the Lodgers' Tax Act. [Ord. 2001-02 § 2; prior code § 7-9-14]

3.20.150 Duty of vendor.

Vendors shall maintain adequate records of facilities subject to the occupancy tax and of proceeds received for the use thereof. Such records shall be maintained in the town of Mesilla and shall be open to the inspection of the municipality during reasonable hours and shall be retained for three years. [Ord. 2001-02 § 2; prior code § 7-9-15]

3.20.160 Failure to pay tax – Failure to make return – Computation, penalty, notice.

A. Every vendor is liable for the payment of the proceeds of any occupancy tax that the vendor failed to remit to the town, whether due to his failure to collect the tax or otherwise.

B. If any vendor makes a return as required by this chapter without paying the tax then due, the vendor shall be liable for the tax and a penalty equal to 10 percent of the amount not remitted but not less than \$100.00 without notice from the town with regard thereto. Promptly thereafter, the town clerk-treasurer shall give the delinquent vendor written notice of such estimated tax, penalty and interest, which notice shall be served personally or by certified mail.

C. If any vendor neglects or refuses to make a return and pay the tax as required by this chapter, the town clerk-treasurer may make an estimate based upon any information in the clerk-treasurer's possession, or that may come into the clerk-treasurer's possession, of the amount of the rent of the delinquent vendor for the period with respect to which the vendor has failed to make a return, and upon the basis of the estimated amount the clerk-treasurer shall compute and assess the tax payable by the delinquent vendor, adding to the sum thus arrived at a penalty equal to 10 percent thereof, but not less than \$100.00. Promptly thereafter, the town clerk-treasurer shall give the delinquent vendor written notice of such estimated tax, penalty and interest, which notice shall be served personally or by certified mail.

D. If a vendor shall fail to make payment of the tax when due, the vendor shall be liable for the tax and a penalty equal to 10 percent thereof but not less than \$100.00 in addition to the tax and interest on such amounts of one percent per month.

E. If payments are not made by the vendor within 15 days of written notice, the town clerk-treasurer shall bring an action in law or equity in the magistrate or district court for the collection of any amounts due, including without limitation penalties thereon, interest on the unpaid principal at a rate not exceeding one percent per month and the costs of collection and reasonable attorney's fee incurred in connection therewith. [Ord. 2001-02 § 2; prior code § 7-9-16]

3.20.170 Lien for occupancy tax, payment, certificate of liens.

A. The occupancy tax imposed by the town constitutes a lien in favor of the town upon the personal and real property of the vendor providing lodgings in the town of Mesilla. The lien may be enforced as provided in Sections 3-36-1 through 3-36-7 NMSA 1978. Priority of the lien shall be determined from the date of filing.

B. Under process or order of court, no person shall sell the property of any vendor without first ascertaining from the town clerk-treasurer the amount of any occupancy tax due the town. Any occupancy tax due the town shall be paid from the proceeds of the sale before payment is made to the judgment creditor or any other person with a claim on the sale proceeds.

C. The town clerk-treasurer shall furnish to any person applying for such a certificate a certificate showing the amount of all liens in the records of the town against any vendor pursuant to Chapter 3, Article 38, NMSA 1978. [Ord. 2001-02 § 2; prior code § 7-9-17]

3.20.180 Penalty.

Any person who violates the provisions of this chapter by failure to pay the tax, to remit the proceeds thereof to the town, or to account properly for any lodging and tax proceeds pertaining thereto, shall be charged with a petty misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 90 days or by both such fine and imprisonment as provided for in MTC 1.05.080. [Ord. 2001-02 § 2; prior code § 7-9-18]

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Chapter 18.20

RF – RURAL FARM ZONE

Sections:

18.20.010 Purpose.

18.20.020 Permitted uses.

18.20.030 Uses requiring special use permits.

18.20.040 Uses prohibited.

18.20.050 Development standards.

18.20.010 Purpose.

This zone is intended for the maintenance of low residential densities, for the preservation of agricultural uses and for the continuance of agriculturally related industries and activities. [Ord. 2000-03 § 1; Ord. 94-06 § 1; prior code § 11-2-11.1.A]

18.20.020 Permitted uses.

A lot in the RF zone shall be used for the following purposes only:

- A. A farm or ranch.
- B. A one-family home, only as an accessory to the primary agricultural use.
- C. Farm labor housing, only as an accessory to the primary agricultural use.
- D. A guest house, used only as an accessory to the primary single-family home capable of being rented short-term and long term. ~~and not rented or otherwise conducted as a business.~~
- E. A roadside stand offering for sale only farm products, the majority of which are grown on the premises; provided, that such stands shall be removed during any period of time when not in use.
- F. Home occupations.
- G. A farm for the raising, breeding, and sale of small animals such as dogs, cats, rabbits, chinchillas, and hamsters.

H. Plant nursery and greenhouse.

I. Storage only of trailers and campers; provided, they are not in excess of 35 feet in length; and provided, that the trailers and/or campers are not used for human habitation nor shall they be connected to any public or private utility system such as water, sewer, gas, or electricity.

J. Accessory structures and uses such as barns, corrals, sheds, pens and similar structures customarily incidental to any of the above uses, when located on the same lot.

K. Stockpiling and composting of manures, fertilizers, soil amendments, conditioners, or compost as an ancillary use to the primary agricultural use; and provided, that such materials do not remain stockpiled for more than 30 days. The stockpiling or composting of any manures, fertilizers, soil amendments, conditioners or compost for more than 30, but no more than 60 days, shall be allowed only subject to the following requirements and standards:

1. Space Requirement. Stockpiled material shall occupy no more than five percent of the entire parcel and the total area occupied by stockpiled material shall be no greater than one acre;
2. Setback Standard. All stockpiled material shall be set back a minimum of 500 feet from abutting adjacent properties;
3. Protective Covering Requirement. All stockpiled material shall be covered with an impermeable protective covering to reduce odor, dust, debris and flies and bar access to vermin;
4. Screening Requirement. The stockpiled material shall be screened from public view, and shall not be visible beyond the property boundaries.

Notwithstanding the above requirements and standards, no manures, fertilizers, soil amendments, conditioners or compost shall be stockpiled for more than 60 days. [Ord. 2003-06 § 2; Ord. 2000-03 § 1; Ord. 94-06 § 1; prior code § 11-2-11.1.B]

18.20.030 Uses requiring special use permits.

Special or unclassified uses as defined in MTC 18.55.010 and 18.55.020 shall be permitted in the RF zone, provided the board of trustees approves following a public hearing. In addition, the following uses may be permitted subject to restrictions, and the issuance of a special use permit:

A. Cottage industries; provided, the following conditions are met:

1. Employment shall be limited to a maximum of five persons plus one additional person for every two acres above the minimum lot size.
2. Structures housing cottage industries shall occupy no more than five percent of the lot where they are located.
3. No noxious, odorous or hazardous processes shall be employed; nor shall the use or storage of explosives or flammable materials be permitted, excepting those specifically related to the allowed use and in conformance with applicable codes. Dust, noise or glare shall not extend beyond the properties on which they are located.
4. One parking space shall be provided for each employee.
5. One unlighted sign, having a maximum area of 10 square feet shall be permitted.
6. Parking, outdoor storage areas or other unsightly appurtenances shall be screened from public view.

B. Agriculturally related industries such as cotton gins, food processing plants, packaging plants or mills providing the following conditions are met:

1. The site for the use shall be no smaller than five acres.
2. Structures housing agriculturally related industries shall occupy no more than 20 percent of the parcel.
3. No noxious, odorous or hazardous processes shall be employed, nor shall the use or storage of explosives or flammable materials be permitted, excepting those specifically related to the allowed use and in conformance with applicable codes, nor shall industries emit dust, noise or glare beyond the property.
4. No industry shall be permitted closer than 500 feet from abutting adjacent properties.
5. One parking space shall be provided for each employee.
6. Parking, outdoor storage areas or other unsightly appurtenances shall be screened from public view.

C. Feedlots; provided, that the following conditions are complied with:

1. Livestock in a feedlot shall not be corralled within 500 feet of any residence or any residential zones.
2. One parking space shall be provided for each employee.

D. Bed and breakfast inns may be permitted; provided, the following conditions are met:

1. General.

- a. The owner/manager shall live on site.
- b. Employment shall be limited to a maximum of five persons including the owner/manager.
- c. No more than seven guest rooms shall be permitted.
- d. Length of stay shall be limited to no more than 14 consecutive days. Bed and breakfast inns are specifically prohibited from allowing guests a permanent residence.
- e. Food service shall be limited to breakfasts.

2. Land Use Requirements.

- a. The guest rooms shall be part of or attached to the main residence of the owner/manager.
- b. Only one unlighted sign having a maximum area of 10 square feet shall be permitted.
- c. A minimum of two parking spaces shall be required for the owner/manager. In addition, one parking space shall be required for each employee and one parking space shall be required for each guest room.
- d. Inns shall meet the provisions of the New Mexico Uniform Building Code, New Mexico Environmental Improvement Division Regulations and pertinent fire safety regulations.
- e. Newly constructed inns or existing residences modified to meet the provisions of this section shall be designed to be compatible with the residential character of the neighborhood in which they are located. New construction of bed and breakfast inns must meet the architectural guidelines and criteria for development established for Historical Residential and Historical Commercial zones in Mesilla.

3. Development Plans. The owner/manager of the land shall submit a complete detailed plan of the project. The development plan shall contain the following information:

- a. Site plan with scale and north point showing all existing and proposed improvements.
- b. Surveyed boundaries or legal description of the area proposed to be developed.
- c. Parking areas with arrangement of stalls, location of entrance and exit driveways and their relation to existing streets.
- d. Landscaping plan including fencing.
- e. Floor plans, elevations and exterior details of proposed improvements.
- f. Existing development of adjacent properties within 600 feet of the exterior boundary of the lot, including the location, type and use of buildings and structures. [Ord. 94-06 § 1; Ord. 89-03; prior code § 11-2-11.1.C]

E. Short-term rentals. All requirements MTC 00.00.000 must be met.

18.20.040 Uses prohibited.

Prohibited uses in the RF zone are as follows:

- A. Multifamily uses.
- B. Commercial uses other than the sale of agricultural products, the majority of which were produced on the property.
- C. Industrial uses other than cottage or agricultural industries.
- D. Use of trailers as dwellings with or without wheels attached.
- E. Signs other than those permitted by this title. [Ord. 94-06 § 1; prior code § 11-2-11.1.D]

18.20.050 Development standards.

- A. Lot Area. Each lot shall have a minimum area of five acres except cluster development.
- B. Lot Dimensions. Each lot shall have a minimum width of 225 feet. Each lot shall have a minimum depth of 300 feet.
- C. Yards – Front. Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, with a depth of not less than 30 feet.

D. Height Limitations. The maximum height of buildings or structures in the RF zone shall be two stories or 30 feet, whichever is less.

E. Utilities. All installation of utility lines shall be underground, wherever technically feasible. [Ord. 2004-7 § 3; Ord. 2004-01 § 2; Ord. 94-06 § 1; prior code § 11-2-11.1.E]

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Chapter 18.25

RA – RESIDENTIAL/AGRICULTURAL ZONE

Sections:

18.25.010 Purpose.

18.25.020 Permitted uses.

18.25.030 Uses requiring special use permits.

18.25.040 Uses expressly prohibited.

18.25.050 Development standards.

18.25.010 Purpose.

This zone is intended to encourage a suitable environment for single-family residential use on large parcels of land on the periphery of the built-up portions of the town and to provide for a low density of population. [Ord. 94-06 § 1; prior code § 11-2-11.2.A]

18.25.020 Permitted uses.

Permitted uses in the RA zone are as follows:

A. A farm or ranch; provided, that livestock or poultry is not kept in corrals, barns or structures located within 50 feet of an adjacent residential property.

B. A one-family house.

C. A guest house, used only as an accessory to the primary single-family home capable of being rented short-term and long term.

D. Home occupations.

E. Accessory uses customarily incidental to the uses listed above.

F. One unlighted sign not to exceed one square foot in area and containing only the name and address of the occupants.

G. Storage of trailers and campers as specified in the RF zone. [Ord. 2003-06 § 3; Ord. 94-06 § 1; prior code § 11-2-11.2.B]

H. [Short-term rentals pursuant to MTC 00.00.000.](#)

18.25.030 Uses requiring special use permits.

Uses requiring special use permits in the RA zone are as follows:

Same as RF zone excepting that a cottage industry may not employ more than five persons. [Ord. 94-06 § 1; prior code § 11-2-11.2.C]

18.25.040 Uses expressly prohibited.

Prohibited uses in the RA zone are as follows:

Same as the RF zone. [Ord. 94-06 § 1; prior code § 11-2-11.2.D]

18.25.050 Development standards.

A. Lot Area. Each lot shall have a minimum of three acres for each dwelling unit except cluster development.

B. Lot Dimensions. Each lot shall have a minimum width of 200 feet. Each lot shall have a minimum depth of 300 feet.

C. Yards.

1. Front. Each lot or parcel of land shall have a front yard extending across the full width of the lot or parcel, with a minimum depth of 30 feet.

2. Side. There shall be a side yard with a minimum width of 10 feet on each side of the lot or parcel extending from the front yard to the rear yard.

3. Rear. There shall be a rear yard extending across the full width of the lot, with a minimum depth of 30 feet.

D. Height Limitations. Same as the RF zone.

E. Off-Street Parking. See MTC 18.60.170.

F. Utilities. All installation of utility lines shall be underground, wherever technically feasible. [Ord. 2004-7 § 4; Ord. 2004-01 § 2; Ord. 94-06 § 1; prior code § 11-2-11.2.E]

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Chapter 18.35

H-R – HISTORICAL RESIDENTIAL ZONE

Sections:

18.35.010 Purpose.

18.35.020 Uses permitted.

18.35.030 Area requirements deemed met.

18.35.040 Density requirements deemed met.

18.35.050 Exterior appearance.

18.35.060 Development standards.

18.35.010 Purpose.

The purpose of this zone is to provide for the protection of those residential sections of the town that are worth preserving because of historical, cultural and aesthetic or architectural interest. All remodeling or new structures must be compatible with established architectural styles and design elements as outlined in Chapter 18.33 MTC (Historic Preservation). [Ord. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.A]

18.35.020 Uses permitted.

Uses permitted in the H-R zone are as follows:

Single-family and multiple-family residences and related uses approved by the commission upon application and approval of a development plan in accordance with Chapter 18.33 MTC (Historic Preservation), this chapter (H-R – Historical Residential Zone) and the comprehensive land use ordinance for the town. [Ord. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.B]

[Short-term rental pursuant to MTC 00.00.000.](#)

18.35.030 Area requirements deemed met.

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

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

B. It is legally subdivided after the effective date of the ordinance codified on March 14, 1972.

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

18.35.040 Density requirements deemed met.

Any lot or building which had been approved by the Mesilla board of trustees prior to June 8, 2020 (Ord. 2020-02) and which is not in conformity with these regulations, but for which permits or variances were granted under previous ordinances, may continue and shall not be deemed nonconforming. [Ord. 2021-01 § 2]

18.35.050 Exterior appearance.

An application for a permit which would authorize construction, modification, moving or destruction, use or function which would affect the exterior appearance of any structure or sign must first be reviewed and approved by the PZHAC for compliance with Chapter 18.33 MTC (Historic Preservation), and receive final approval by the board of trustees. [Ord. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 94-06 § 1; prior code § 11-2-11.4.C. Formerly 18.35.030]

18.35.060 Development standards.

A. Lot Area. Each lot or parcel to be developed in the H-R zone shall have a minimum of 80 feet of frontage on a public street and a minimum of 8,000 square feet of area.

B. Population Density. When lots or parcels in the H-R zone are to be developed to single-family or multiple single-family dwellings, each lot or parcel shall have sufficient area to provide 8,000 square feet of area for each family unit to be built. The maximum number of dwellings allowed on any property shall be two, providing density and parking requirements are met. Additionally, up to five structures will be allowed on any property, providing density and parking requirements are met. A minimum of 40 percent of the property shall be open space and is required in order to limit the density of development on each parcel. Each applicant must submit a site plan demonstrating the open space requirement at the time they apply for a permit for any new structure.

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

C. New Construction. New structures and modifications to existing structures prior to June 8, 2020, may be built in this zone, providing the exterior appearance of the structure is approved by the PZHAC

for compliance with Chapter 18.33 MTC (Historic Preservation) and the comprehensive land use ordinance for the town, with final approval by the BOT.

1. New structures on properties containing existing structures shall be architecturally similar to the principal dwelling or structure on the property and shall meet the requirements in subsection (C)(3) of this section.
2. If a property is undeveloped, any new structure, to include dwellings, shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent to the property and shall not exceed 15 feet in height including parapet, whichever is lower. The height of chimneys is to meet building code, but not be higher than 17 feet.
3. Any structure within the historical residential zone shall be architecturally similar to the dwellings or structures in the development zone immediately adjacent (a block radius as discussed in Chapter 18.33 MTC (Historic Preservation) to the property and shall not exceed 15 feet in height including parapet.

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

1. Any repairs of structures or fences that have been legally built on a property line prior to June 8, 2020, will not require a right-of-entry form;
2. New construction of fences shall require a right-of-entry agreement signed by all property owners of all applicable properties for construction and maintenance that is recorded in Dona Ana County records and filed with the town clerk; and
3. This document must be acquired prior applying to planning, zoning, and historical appropriateness commission approval; and
4. This document shall be permanent and remain with all properties regardless of ownership; and
5. If a mutual agreement cannot be acquired, the applicant shall meet the required setback of seven feet.

E. Utilities. All new installations of utility lines shall be underground unless a utility service provider demonstrates the inability to provide service, or a demonstrated hardship of inability to obtain easement from an adjacent property owner for an installation from an existing pole. A final determination as to whether a hardship is sufficient to allow an aboveground utility installation will be

decided on a case-by-case basis by the mayor along with the public works director and community development department coordinator. For connections to town utilities refer to Chapter 13.10 MTC.

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

1. Shall be limited to only one single-family home.
2. Must meet the height requirement in subsection (C)(2) of this section.
3. Must meet the size requirements in subsection (B) of this section.

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

H. Lighting. See Chapter 18.50 MTC.

I. Architectural Style and Design Standards. See Chapter 18.33 MTC (Historic Preservation). In addition, the architectural style and design standards shall comply with the following:

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

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

J. Wall, Fencing, Hedge in H-R Zone. See MTC 18.60.340.

K. In addition to maintaining the yard, the developer (if so designated by covenant or other document) or the property owner shall maintain all fixed structures attached to the ground. [Ord. 2021-01 § 2; Ord. 2020-02 § 1; Ord. 2006-03 § 1; Ord. 2004-7 § 6; Ord. 2001-04 § 2; Ord. 94-06 § 1; Ord. 92-07 § 1; prior code §§ 11-2-11.4.D – 11-2-11.4.G. Formerly 18.35.040]

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Chapter 18.45

C – COMMERCIAL ZONE

Sections:

18.45.010 Purpose.

18.45.020 Uses permitted.

18.45.030 Uses expressly prohibited.

18.45.040 Development standards.

18.45.010 Purpose.

This zone is intended to provide for limited commercial enterprises. [Ord. 94-06 § 1; prior code § 11-2-11.6.A]

18.45.020 Uses permitted.

A building and premises on any lot in the C zone shall be used for the following purposes only:

Appliance stores, household;

Auction houses, not including animal auctions;

Automobile supply stores;

Barber shop;

Bank or financial institution;

Bakery goods shop;

Bars and cocktail lounges;

Bicycle, scooter and similar nonmotorized vehicle sale and rental;

Billiard and pool halls;

Book binding;

Book store;

Building material dealers;

Clothing stores;

Department stores;

Drugstores;

Dry goods stores;

Employment agencies;

Feed and grain stores;

Florist shops;

Furniture stores;

Gas stations;

Gift shops;

Grocery;

Hardware stores;

Hobby supply shops;

Hotels;

Interior decorating shops;

Jewelry stores;

Laundries, self-service;

Laundry agencies;

Leather goods stores;

Locksmith shops;

Millinery shops;

Motels;

Music stores;

News stands;

Notions store;

Office, business and professional;

Office equipment, sales and service;

Package liquors stores;

Paint and wallpaper stores;

Photography studio;

Pet shops, pet supply stores;

Plumbing shops;

Real estate offices;

Restaurants and other eating establishments;

Secondhand stores;

Shoe repair shops;

Shoe stores;

Short-term Rentals;

One single-family dwelling on any lot or parcel of land in the zone may be permitted; provided, a special use permit for said dwelling is first obtained; and further provided, that the dwelling shall be used only by the owner or lessee of the lot or parcel on which it is erected or by an employee of said owner or lessee, and used only with any permitted commercial use, exclusive of home occupations;

Sporting goods stores;

Tailor shops;

Theaters;

Tobacco shops;

Typewriter sales and repair shops. [Ord. 2001-09 § 1; Ord. 2001-04 § 1; Ord. 94-06 § 1; prior code § 11-2-11.6.B]

18.45.030 Uses expressly prohibited.

Uses expressly prohibited in the C zone are as follows:

A. Agricultural uses.

B. Industrial uses.

C. Home occupations.

D. Multifamily dwellings. [Ord. 2001-09 § 1; Ord. 94-06 § 1; prior code § 11-2-11.6.C]

18.45.040 Development standards.

A. Lot Area. Each lot or parcel to be developed in the C zone shall have a minimum of 100 feet of frontage on a street and a minimum of 12,000 square feet of area.

B. Lot Dimensions.

1. Width. A minimum width of 100 feet is required.

2. Depth. A minimum depth of 120 feet is required.

C. Density. When lots in the C zone are to be developed, each lot or parcel shall have sufficient area to meet the standards and regulations described below for yard requirements; ponding; parking at the maximum number of spaces required for the intended use; solid waste collection; off-street loading and unloading; screening and buffering; and landscaping.

D. Yards.

1. When a lot is developed to a permitted commercial use which is adjacent to a residential zone, the yard requirements of the adjacent residential zone shall prevail; provided, that subsections (D)(2), (3) and (4) of this section are met.

2. In no event shall the setback requirement for any yard in the C zone be less than seven feet unless the structure meets UBC fire-resistive requirements.
3. In the event the structure meets UBC fire-resistive requirements, then the setback requirement for any yard in the C zone shall be a minimum of three feet.
4. In addition to subsections (D)(1), (2) and (3) of this section, where there are three or more contiguous lots proposed for development in the C zone, the rear yard setback shall be designated as an alley and shall be specifically designated and used only for off-street loading and unloading, solid waste collection, emergency vehicles and other service access. The alley shall meet the following standards:
 - a. The width of the alley shall be a minimum of 20 feet and unobstructed throughout the width.
 - b. The alley shall be one-way.
 - c. The alley shall serve contiguous lots where there are three or more contiguous lots.
 - d. The alley shall be maintained by the developer if so designated by covenant or other document or by property owner.
 - e. The alley shall meet the design standards set forth in the town's land subdivision regulations, MTC Title 17.

E. Off-Street Parking. See MTC 18.60.170.

F. Off-Street Loading and Unloading. Every commercial building in a C zone shall have and maintain an off-street loading and unloading area.

G. Lighting. Any lighting system shall be installed so that any glare from the system shall be reflected downward and away from any nearby structure or roadway.

H. Height Limitations. No building or structure shall have a height greater than two stories or 30 feet, whichever is less, as measured from the natural grade of the land.

I. Screening. Outdoor storage shall require a six-foot opaque fence or wall to screen the outdoor storage from public view.

J. Architectural Style and Design Standards. New development or redevelopment in the C zone shall comply with Mesilla's established architectural styles and design elements as listed in the town's "Guidelines and Criteria for Preservation and Development" manual, including the development zone specifications.

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

1. Elevations of proposed structures shall be submitted with site plans for review by the planning, zoning and historical appropriateness commission with final approval by the board of trustees.
2. Internal consistency or compatibility of styles, colors, materials, and design elements will be required in all new development or redevelopment within the C zone.
3. Stucco, brick, stone, wood, and adobe are permitted exterior wall materials. Aluminum siding, metal panels, mirrored glass, unstuccoed concrete block and unstuccoed concrete are prohibited exterior wall materials.
4. The use of solar and other energy collecting and conserving strategies is encouraged by Mesilla. Where publicly visible, solar features and equipment shall be architecturally integrated or screened.
5. Walls and fencing with adobe, brick, stucco, slump block, stone, wood, and wrought iron fencing is permitted. Unstuccoed concrete, chain link, metal wire, or similar materials are prohibited.
6. Mechanical, electrical, telephone, heating and cooling equipment as well as other obtrusive structures shall be architecturally screened.
7. All installations of utility lines shall be underground.
8. Inspections as required by the UBC and the town of Mesilla, inclusive of foundation through final, shall be conducted as per Chapter [15.15](#) MTC.

K. Landscaping. Landscaping in the C zone shall be subject to those requirements and conditions for landscaping as set forth in the Avenida de Mesilla Gateway Plan, adopted May 6, 1996, and as approved by the planning, zoning, and historical accuracy commission.

L. Parking Lots. Development of public or private parking areas shall be subject to the restrictions and conditions set forth in MTC [18.60.170\(E\)](#).

M. Ponding. Each lot or parcel shall be provided with on-site ponding that meets the standards set forth by the town of Mesilla.

N. Perimeter Wall or Fencing. A uniform six-foot high perimeter wall or fencing, measured from natural ground surface level, shall be installed by the subdivider and/or developer between commercial development in the C zone and adjacent residential development or adjacent agricultural development to provide privacy to the homeowner and protection to the farmer from urban encroachment. The wall/fence shall be maintained by the developer if so designated by covenant or other document or by the property owner. The planning and zoning commission shall determine if the standards and design proposed for the wall/fence are adequate and appropriate. Cross Reference: MTC [17.30.030](#), Alley location.

O. Wall, Fencing, Hedge, C Zone.

1. Height. A three-foot maximum height above natural ground surface level shall be permitted on any part of the required setback in the front yard and a four-foot maximum height above natural ground surface level shall be permitted on any part of the required set back in the side yards; provided, the height of such wall, fence or hedge is in accord with subsection (O)(2) of this section.

2. Clear Sight Triangle. There shall be no fence, wall, hedge or obstruction more than three feet above the street curb level or natural ground surface level at the edge of the street in the clear sight triangle, measured 30 feet in both directions on the property line from a corner.

3. Materials. Walls or fences constructed in the C zone must be built with the following materials only: stucco, brick, stone, wood, adobe or decorative iron. Decorative iron is defined as iron made from square or rectangular shaped iron and it may be used in the C zone for fencing alone or in combination with the other allowed materials mentioned above in this subsection.

4. Other Restrictions. All other restrictions and conditions appearing in MTC [18.60.340](#), Wall, fence, or hedge, and applying to the C zone are included here by reference.

P. In addition to maintaining the landscaping, ponding, and parking areas, the developer if so designated by covenant or other document or the property owner shall maintain any and all fixed structures attached to the ground.

Q. All construction within the C zone shall comply fully with the American National Standards Institute (ANSI) 117.1-1998 handicap standards. [Ord. 2001-09 § 1; Ord. 2001-04 § 1; Ord. 94-06 § 1; Ord. 92-06 § 1; Ord. 89-07 § 1; prior code § 11-2-11.6.D]

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

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Chapter 18.65 SIGNS*

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* Prior legislation: Ords. 89-08 and 92-05.

18.65.010 Title.

This chapter and all subsequent amendments hereto may be cited as the “sign standards and regulations ordinance.” [Ord. 94-08; prior code § 11-3-1]

18.65.020 Purpose.

This chapter is for the purpose of regulating the installation and use of signs within the town of Mesilla. [Ord. 94-08; prior code § 11-3-2]

18.65.030 Authority for chapter.

This chapter is adopted pursuant to the provisions of an Act of the State Legislature known as Chapter 3, Laws of Article 19 (being Sections 1 through 12 of the New Mexico State Statutes Annotated, 1978) as amended. The provisions of this chapter are adopted in acceptance of and in accordance with said Act. [Ord. 94-08; prior code § 11-3-3]

18.65.040 Existing uses – Nonconforming signs.

Nonconforming signs which have been approved by the Mesilla board of trustees or signs which are not in conformity with these regulations but for which permits or variances were granted under previous ordinances, may continue, until one of the following occurs:

- A. The business is terminated.
- B. The sign is changed, modified, or painted.
- C. Five years after the ordinance codified in this chapter is in effect. [Ord. 2008-04 § 1; Ord. 94-08; prior code § 11-3-4]

18.65.050 Definitions.

For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows:

A. General.

- 1. Words used in the present tense include the future tense. The singular includes the plural. The word “person” includes a municipality, firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 2. The word “lot” includes the word “plot” or “parcel.” The term “shall” is mandatory; the term “may” is permissive. The word “town” shall mean the town of Mesilla. The words “board of trustees” shall mean the town board of trustees of the town of Mesilla. The word “commission” shall mean the planning, zoning and historical appropriateness commission of the town of Mesilla.

B. Specific.

- 1. “Sign” shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminating sign, projecting sign, marquee, awning, canopy, and shall include any announcement, declaration, demonstration, illustration or insignia used to advertise or promote the interest of any person when the same is placed out of doors. Allowed signs in the town of Mesilla shall be limited to wall signs, projecting signs, freestanding signs, development identification signs, sandwich board signs and directory signs, as well as those signs that are identified as “temporary signs” or exceptions as defined in MTC 18.65.070.

- a. "Freestanding sign" as regulated by these guidelines shall include any sign attached to or supported from the ground and not attached to any building.
- b. "Temporary sign" shall mean any banner or advertising display with or without frames intended to be displayed for a period of less than 15 days. Maximum total sign space not to exceed 15 square feet and no more than two permits per business per year may be issued.
- c. "Sandwich board or A-frame sign" shall mean any sign of a nonpermanent nature which is a type of advertisement composed of two boards (holding a message or graphic) and being set up (for example next to a store advertising its goods) in a triangle shape, hinged along the top.
- d. "Projecting sign," as regulated by these guidelines, shall include any sign, which is attached to a building or other structure and extends beyond the line of said building or structure.
- e. "Wall sign," as regulated by these guidelines, shall include all flat signs with projecting letters attached to a wall, or signs with letters painted directly upon a wall, or painted sign board attached to a wall.
- f. "Development identification sign," as regulated by these guidelines, shall include any sign at the entrance/exit to a commercial development to identify the development name and logo only, and not attached to any building.
- g. "Directory sign" is a sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings. A directory sign may also be a sign that identifies the development or building which the group of businesses/tenants occupy.

2. "Location" shall mean the lot or premises upon which the sign may be permitted.

3. "Display" shall mean to exhibit any item or items on the interior or exterior, for the purpose of attracting people for business. [Ord. 2008-04 § 2; Ord. 2003-05 § 1; Ord. 94-08; prior code § 11-3-5]

18.65.060 Permits required.

Other than the exceptions listed in MTC 18.65.070, temporary signs, and repair and maintenance of existing conforming signs, it shall be unlawful for any person to place, erect, repair, alter, relocate, or retain within the town of Mesilla any sign or other advertising structure without first obtaining a review

and recommendation by the planning, zoning and historical appropriateness commission and a permit approved by the Mesilla board of trustees. [Ord. 2008-04 § 3; Ord. 2005-06 § 1; Ord. 94-08; prior code § 11-3-6]

18.65.070 Exceptions.

The provisions and regulations of these guidelines shall not apply to temporary signs and the following signs; provided however, the number of exception signs does not exceed two for each business or use (with the exception of subsection (G) of this section) and said signs do not deviate radically from standards set forth herein:

A. Real estate signs not exceeding six square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located.

B. One professional name plate not exceeding one square foot in area.

C. One bulletin board not over eight square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.

D. Signs denoting the developer, architect, engineer, or contractor when placed on work under construction and when not exceeding 12 square feet in area.

E. An occupational sign denoting only the name and profession of an occupant in a commercial building, public institution, or dwelling, and not exceeding two square feet in area.

F. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

G. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency, or other nonadvertising signs as may be approved by the Mesilla board of trustees.

H. Agricultural signs may be permitted where crops are grown; provided, they do not exceed 15 square feet in area in RA and RF zones and six square feet in area for all other zones and only advertise farm products for sale, the majority of which are grown on the premises.

I. Political signs supporting a candidate or candidates for public office; provided, that it is placed no more than 30 days prior to the pertinent election and does not exceed four feet by eight feet in size. Political signs shall be removed no later than seven days following an election.

J. Occupants may place displays or descriptions of their merchandise or services behind the glass of windows or doors. Any business on the plaza must not occupy more than one-third of the glass area with displays or descriptions.

K. Parking, directional or OPEN/CLOSED signs which do not exceed two square feet in area.

L. Cottage industries signs; provided, that only one unlighted sign be placed, having a maximum area of 10 square feet.

M. House signs that warn of safety hazards, "Private Drive," "No Parking" or family name signs; provided, that they are not larger than one square foot.

N. Signs of historical significance.

O. Temporary directional signs for nonprofit organizations guiding patrons to functions approved by the board of trustees; provided, the sign does not exceed eight square feet. [Ord. 2008-04 § 4; Ord. 2005-06 § 2; Ord. 2003-05 § 2; Ord. 94-08; prior code § 11-3-7]

P. [Short-term rental name under 2 square feet.](#)

18.65.080 Application to erect a sign.

Application to erect a sign shall be made upon forms provided by the Mesilla Town Hall and shall contain, or have attached thereto the following information:

A. Name, address, and telephone number of applicant.

B. Location of building, structure, or lot upon which the sign is attached or erected.

C. Position of the sign, in relation to other signs, lot lines or other building.

D. A complete dimensioned scale drawing with full description of size, material, texture and/or finish lettering and graphics to be used.

E. Name of person, firm, corporation or association erecting structure.

F. Written consent from the owner of the building, structure, or land to which or on which the structure is to be erected. [Ord. 94-08; prior code § 11-3-8]

18.65.090 Permit issued if application is in order.

When the proposed sign is in compliance with all the requirements of these guidelines and all other laws and ordinances of the town, the permit may be issued administratively by the duly authorized representative for repair and maintenance of existing signs, temporary signs or sandwich board signs

and may be issued following the recommendation of the planning, zoning and historical appropriateness commission, and approval of the board of trustees for all other signs that are in compliance with the requirements of these guidelines and all other laws and ordinances of the town. If the work authorized under a sign permit has not been completed within six months after date of issuance, the permit shall become null and void. The application must be acted upon by the board of trustees within 75 days from the date of application. [Ord. 2008-04 § 5; Ord. 94-08; prior code § 11-3-9]

18.65.100 Permit fees.

Every applicant after being granted a permit shall pay to the town of Mesilla a fee of \$2.00 per square foot for the permitted sign. The maximum fee for any sign shall be \$50.00. No fee shall be assessed for signs listed under exceptions or temporary signs. [Ord. 2008-04 § 6; Ord. 2005-06 § 3; Ord. 94-08; prior code § 11-3-10]

18.65.110 Inspection.

The Mesilla board of trustees, or authorized designated representative, shall inspect as they deem necessary each sign regulated by these guidelines for the purpose of ascertaining that the sign conforms with the approved sign permit. [Ord. 94-08; prior code § 11-3-11]

18.65.120 Obstruction.

No signs shall be erected, relocated or maintained so as to prevent free ingress or egress at any door, window, or fire escape.

No sign or other advertising structure as regulated by these guidelines shall be erected in the 30-foot clear sight triangle of any street or in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with or obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic. Signs shall also conform to the sight distance of MTC 18.60.340, Wall, fence or hedge. [Ord. 94-08; prior code § 11-3-12]

18.65.130 Temporary signs.

A. A business may have a temporary sign for a period of 15 days. The temporary sign shall be no larger than 15 square feet in area. Each business may have up to two temporary signs per year.

B. Temporary signs may be administratively approved by community development staff pursuant to guidelines established by the board of trustees by adoption of a resolution. [Ord. 2008-04 § 7; Ord. 2005-06 § 4; Ord. 94-08; prior code § 11-3-13]

18.65.135 Sandwich board or A-frame signs.

A. A sandwich board or A-frame type sign may be permitted for a business establishment. Such sign shall be located on the premises where the business is located, and shall be nonpermanent in nature, brought inside when the business closes for the day. This sign shall be no larger than six square feet in area.

B. Sandwich board signs will be allowed for a three-month trial period upon approval of the ordinance codified in this section by the board of trustees. They are only allowed in the Commercial (C) zone and at the Town Hall. [Ord. 2008-04 § 8]

18.65.140 Wall signs.

A. Wall Sign Area.

1. Within the Historical Commercial (H-C) zone, the wall sign area, on any given house or building, shall in no case exceed 10 percent of any wall area including apertures or 15 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area.

2. Within the Commercial (C) zone, the wall sign area on any given house or building shall in no case exceed 10 percent of any wall area including apertures or 25 square feet, whichever is less. Dimensions of painted signs or graphics with no frame shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area.

B. No wall sign shall be permitted to be more than six inches thick. All wall signs shall be safely and securely attached to the building wall. [Ord. 2008-04 § 9; Ord. 2003-05 § 3; Ord. 2000-02 § 1; Ord. 94-08; prior code § 11-3-14]

18.65.150 Projecting signs.

A. No projecting sign may rise above the level of the first story of the building to which it is attached. All projecting signs must be at least seven feet above sidewalk or ground level, and must be located within the central one-third of the facade length so as not to obstruct neighboring signs.

B. Projecting signs shall be limited in area as follows:

1. A maximum of four feet projecting from the wall of the building;

2. A maximum of eight square feet of total sign space including frame. Both sides of a projecting sign may be used for advertisement.

C. The supporting structure of any projecting sign must be of adequate strength so as to have no need for guy-wires or wire reinforcement. [Ord. 94-08; prior code § 11-3-15]

18.65.160 Freestanding signs.

A. A freestanding sign (ground-based or post) may be permitted where a business establishment is set back from a street alignment of building facades more than 10 feet. A business establishment thus set back, in addition to the signs permitted upon the building itself, may maintain a freestanding sign of not more than 15 square feet in area including the frame but not the supports, and such sign must relate to the conduct of the business within. If a building has an unencumbered front setback of at least 25 feet, a two-face freestanding sign with a maximum of 15 square feet of area on each face, sign dimensions no greater than six feet in any dimension will be permitted; provided, it relates to the business conducted on the premises.

B. The bottom of freestanding signs supported by posts, which are not within two feet of the ground shall not be less than seven feet above the ground level.

C. For freestanding ground-based signs, the wall of a freestanding ground-based sign shall have a maximum square footage of 15 square feet for the Historical Commercial (H-C) zone and 25 square feet for the General Commercial (GC) zone. The height of a ground-based sign will be no more than four feet high. The ground-based signs shall also be required to have building permits for the structure complying with any building code requirements, clear sight triangle requirements or any other applicable codes or regulations.

D. All freestanding signs with posts shall be securely constructed, and erected upon posts extending at least three feet below the surface of the ground. All wood post parts below ground level shall be treated to protect them from moisture by an approved method.

E. No freestanding sign or any part thereof shall be more than 15 feet above the level of the street which the sign faces, or above the adjoining ground level, if such ground is higher than the street level.

F. All parts of a freestanding sign shall be two feet inside the property line. [Ord. 2006-01 § 1; Ord. 2003-05 § 4; Ord. 94-08; prior code § 11-3-16]

18.65.165 Directory signs.

A. A directory sign may be permitted for a building or development where there is more than one business or tenant. A directory sign may be a wall sign, projecting sign, or freestanding sign, provided the sign complies with all requirements for the type of sign.

- B. A directory sign shall be limited to 15 square feet in area for signs located in the Historical Commercial (H-C zone) zone and 25 square feet in area for signs located in the Commercial (C) zone.
- C. All directory signs shall be located on the premises where the businesses are located.
- D. A directory sign may list all businesses or only the building or development name.
- E. Each business may have one individual sign in addition to the identification on the directory sign, in accordance with the sign regulations and all other laws and ordinances. [Ord. 2008-04 § 10]

18.65.170 Development identification signs.

A development identification sign may be permitted at the entrance/exit to a commercial development to identify the development name and logo only.

- A. The structure of a development identification sign shall be no larger than 48 square feet in size, and have a height no higher than four feet.
- B. The actual sign portion of the development identification sign shall not exceed 25 square feet for the Commercial (C) zone, or 15 square feet for the Historic Commercial (H-C) zone. Area of the actual sign shall be determined by measuring the extent of the painted sign or graphic horizontally and vertically and calculating the area. [Ord. 2003-05 § 5; prior code § 11-3-17]

18.65.180 Illumination.

- A. No signs that flash, blink, revolve, or are otherwise in motion, vary in intensity, or seem to be in motion shall be permitted.
- B. No sign shall have any illumination outside of the face of the letters, other than goose neck lighting; there shall be no neon or similar lighting, exposed bulbs, or any moving parts or lights that give effect of moving parts.
- C. Goose neck lights with reflectors shall be permitted on projecting signs, freestanding signs and wall signs, provided the illumination falls upon the sign so as to prevent glare upon the street or adjacent property.
- D. Nonblinking electric signs including neon signs may be placed inside windows and glass doors provided their proportions are not in excess of the window area so allowed in MTC 18.65.070(J). Interior electric signs must be approved by the board of trustees or their designated representative. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-18]

18.65.190 Lettering and coloring.

All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure. Color of signs must be approved at the time of application for sign permit.

In Mesilla, signs shall not detract from the historic cultural attraction of the town; therefore, approval of color and design are left to the board of trustees or their designated representatives. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-19]

18.65.200 What may be advertised.

Exterior signs shall advertise a bona fide business conducted in or on said premises, and the advertising of products shall not exceed 25 percent of the area of such sign. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-20]

18.65.210 Maintenance.

The plot where the sign is located is to be maintained by the owner thereof in a safe, clean, sanitary, inoffensive condition, and free and clear of all obnoxious substances, rubbish, and weeds. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-21]

18.65.220 Number of permitted signs.

A. A total of two exterior signs may be allowed to each store or bona fide place of business.

B. When more than one business occupies a single building each business will be limited to one sign plus a space on a directory sign at each entrance. [Ord. 2008-04 § 11; Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-22]

18.65.230 Location.

No off-premises signs will be permitted for commercial business. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-23]

18.65.240 Miscellaneous.

A. Parking Lots, Etc. Where the nature of a business does not involve a structure on which a sign may be attached, such as parking lots, freestanding signs are allowed and the same regulations apply.

B. Exterior Commercial Display. The exterior display of items for sale is not permitted on town property or where the condition endangers the health, welfare and safety of the general public. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-24]

18.65.250 Unlawful signs.

It shall be unlawful to construct, erect and maintain a sign or other advertising structure in violation of the provisions and guidelines of this chapter. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-25]

18.65.260 Notice of unlawful signs and abatement.

The town may issue a notice directed to the owner of record of the property on which the unsafe or unlawful sign occurs, or to the occupant or tenant of the property, or both. The notice shall describe the violation and shall establish a reasonable time limit for abatement which shall not be less than two days nor more than 10 days after serving the notice. The notice may be served either personally or by registered mail at the owner's or occupant's last known address. The town shall be held harmless of all unsafe or unlawful signs. The person who owns the sign shall assume all liability or risk of damage to persons or property which may arise from an unsafe or unlawful sign and save the town of Mesilla, its officers and agents harmless from any and all liability which may arise or be incurred from the erection, construction, or operation of same. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-26]

18.65.270 Complaint.

In the event the owner or occupant of the property where the unsafe or unlawful sign exists has failed, within the prescribed time, to abate the nuisance, then the town shall file a complaint charging violation of this with the municipal court. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-27]

18.65.280 Removal of unsafe or unlawful sign.

Upon the failure of the person to remove or correct the unsafe or unlawful sign, the town shall proceed to correct or remove the sign and shall prepare a statement of costs incurred. Any and all costs shall constitute a lien against property upon which the unsafe or unlawful sign existed, or against personal property of the owner of the unsafe or unlawful sign, which lien shall be filed, proven and collected as provided by law.

Alternatively, the town attorney may bring a civil action by verified complaint in the name of the town, by any public officer, in the municipal court against any person who shall create or maintain an unsafe or unlawful sign.

When judgment is against the defendant in an action to remove an unsafe or unlawful sign, he shall be adjudged to pay all court cost and a reasonable fee for the town attorney. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-28]

18.65.290 Injunctions.

The board of trustees or their representatives, when a violation exists as set forth in this chapter, may request an action in the name of the municipality to perpetually enjoin all persons from maintaining or

permitting the unsafe or unlawful use and to abate the same. [Ord. 2003-05 § 6; Ord. 94-08; prior code § 11-3-29]

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