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COUNCIL WORK SESSION SUMMARY ROUTING SLIP

Meeting Date September 28, 2015

TITLE: **INFILL AREA AND POLICY.**

Are there attachments to the Council Work Session Summary?	**Yes** ☒	**No** ☐
Will there be a Video Presentation for this item?	**Yes** ☐	**No** ☒
Will there be a PowerPoint Presentation for this item?	**Yes** ☒	**No** ☐
If "yes", will a copy of the PowerPoint Presentation be included on the Council Work Session Agenda?	**Yes** ☐	**No** ☒

DEPARTMENT / ORGANIZATION	SIGNATURE	PHONE NO.	DATE
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City Manager			9/22/15

City of Las Cruces®
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Council Work Session Summary

Meeting Date: **September 28, 2015**

TITLE: INFILL AREA AND POLICY.

PURPOSE(S) OF DISCUSSION:

☒ Inform/Update

☐ Direction/Guidance

☐ Legislative Development/Policy

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

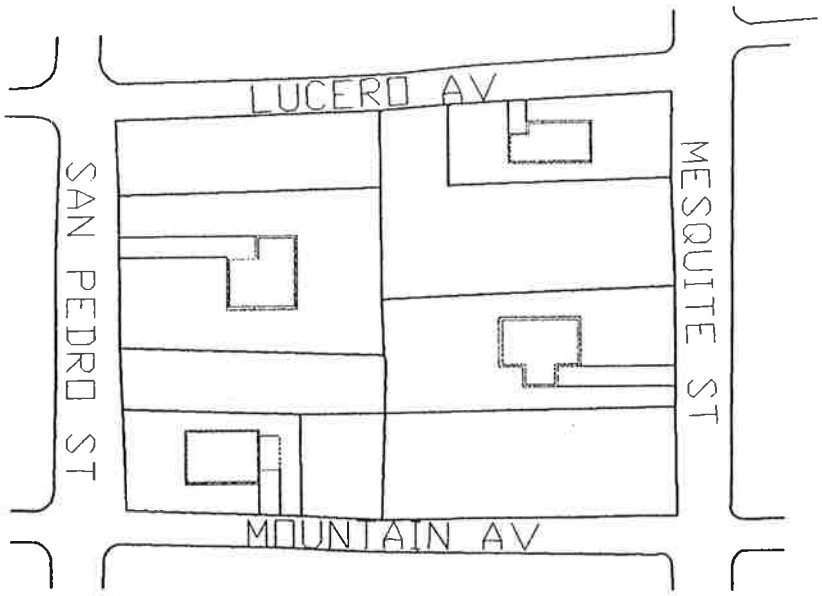
The City of Las Cruces has formally encouraged the utilization of vacant and under-utilized property within the central core of the city since the early 1990's. Staff will present information regarding the Infill Area and current Infill Policy,

SUPPORT INFORMATION:

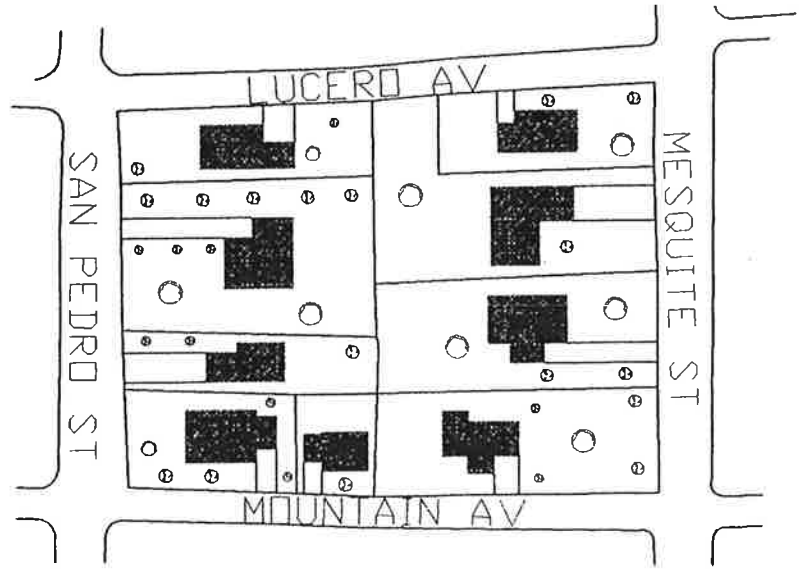
1. Attachment "A", Infill Policy Plan.
2. Attachment "B", CLC Subdivision Code, Article 5 Infill Subdivision Process.
3. Attachment "C". CLC Zoning Code, Article 5 Infill Development Overlay District.

Continue on additional sheets as required)

INFILL POLICY PLAN



INFILL DEVELOPMENT PROCESS



CITY COUNCIL

Ruben Smith, Mayor
Karen P. Stevens, Mayor Pro-Tem, District 4
Jose Frietze, District 1
J. Henry Gustafson, District 2
Jack Valencia, Jr., District 3
Tommy Tomlin, District 5
John Haltom, District 6

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Pablo Montoya, Member
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David Carpenter, AICP, Senior Planner

TECHNICAL SUPPORT STAFF

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Kevin Springler, Computer Aided Drafter

UTILITIES DIVISION STAFF

Joyce Kinnear, Chief Rate Analyst

RESOLUTION NO. 98-214

A RESOLUTION APPROVING AND ADOPTING AN INFILL POLICY PLAN FOR THE CITY OF LAS CRUCES. SUBMITTED BY THE CITY OF LAS CRUCES (CP-97-06).

The City Council is informed that:

WHEREAS, the City Council of Las Cruces has acknowledged the need to review and address vacant parcel development within the urban core area of Las Cruces; and

WHEREAS, the City of Las Cruces Infill Policy Plan is intended to provide guidelines and incentives to aid in the development of these vacant parcels; and

WHEREAS, the Planning and Zoning Commission, after conducting a special public hearing on September 9, 1997, recommends that the Infill Policy Plan for the City of Las Cruces be APPROVED and ADOPTED by the City Council.

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

(I)

THAT the Infill Policy Plan, as shown in the attached Exhibit "A", be approved and adopted and hereby incorporated as part of this resolution.

(II)

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

DONE AND APPROVED this 5th day of January, 1998.

APPROVED:

s/ Ruben A. Smith
Mayor Ruben A. Smith

ATTEST:

s/ Shirley Clark
City Clerk
(SEAL)

Moved by: Valencia

Seconded by: Tomlin

VOTE:

Mayor Smith:	Absent
Councillor Frietze:	Aye
Councillor Gustafson:	Aye
Councillor Valencia:	Aye
Councillor Stevens:	Aye
Councillor Tomlin:	Aye
Councillor Haltom:	Aye

APPROVED AS TO FORM:

s/ Fermin A. Rubio
City Attorney

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ACKNOWLEDGMENTS

The City of Las Cruces Planning Department would like to thank the staffs of the Technical Support Department and the Utilities Division, the Las Cruces Planning and Zoning Commission, the Las Cruces City Council and other concerned citizens, for sharing their time, concerns, expertise and insight with us through the public planning process in the development of the Infill Policy Plan.

INTRODUCTION

Purpose:

The Infill Policy Plan, herein referred to as this "Plan", is intended to provide guidelines and incentives for the development of vacant and possibly underutilized parcels or those parcels ready for redevelopment within Las Cruces' urban core area, regardless of the property's zoning.

Planning Process:

The Infill Policy Plan was formulated in the following stages. First, City Planning Department staff conducted a windshield survey of all parcels within the Infill Study Area in late 1996. The Infill Study Area in 1996 was defined as all parcels of land within the boundaries of Interstate Highway 25 (I-25) on the east, University Avenue on the south, Valley Drive on the west, and Hoagland Road, Alameda Boulevard, Three Crosses Avenue and North Main Street (U.S. Highway 70) on the north (see Figure 1).

A previous land use inventory of the area from the summer of 1990 was used as the base foundation to determine development activity between 1990 and 1997. Planning Staff, synthesized the goals, objectives, and policies of the Plan in consultation with the Utilities Division and research of infill policies throughout the country. The draft plan was presented by Planning Department Staff to the Las Cruces City Council at a work session on June 23, 1997 to receive input and guidance on the overall objectives of the plan. Additions and changes were made by Planning Staff based on the City Council's input and direction. Once all issues from the public were reviewed and addressed, the Plan was submitted to the City's Planning and Zoning Commission for review at work session on August 12, 1997. The Commission's comments were addressed and a recommendation for approval was made by the Commission to the City Council on September 9, 1997. The City Council reviewed and adopted Resolution No. 98-214, on January 5, 1998, thereby adopting this Infill Policy Plan.

Framework:

The Infill Policy Plan is an area specific plan. It is considered a third-level planning document under the Las Cruces Comprehensive Planning Framework (see Figure 2). Third level planning documents are considered micro-comprehensive plans that address a specific issue for a large geographic area. In this instance, the Plan is intended to develop policies for providing guidelines and incentives for the development of vacant parcels within Las Cruces' major urbanized core area. A third level plan is also intended to promote and further the goals and objectives of the Las Cruces Comprehensive Plan and its subordinate elements.

Figure 2

COMPREHENSIVE PLANNING FRAMEWORK

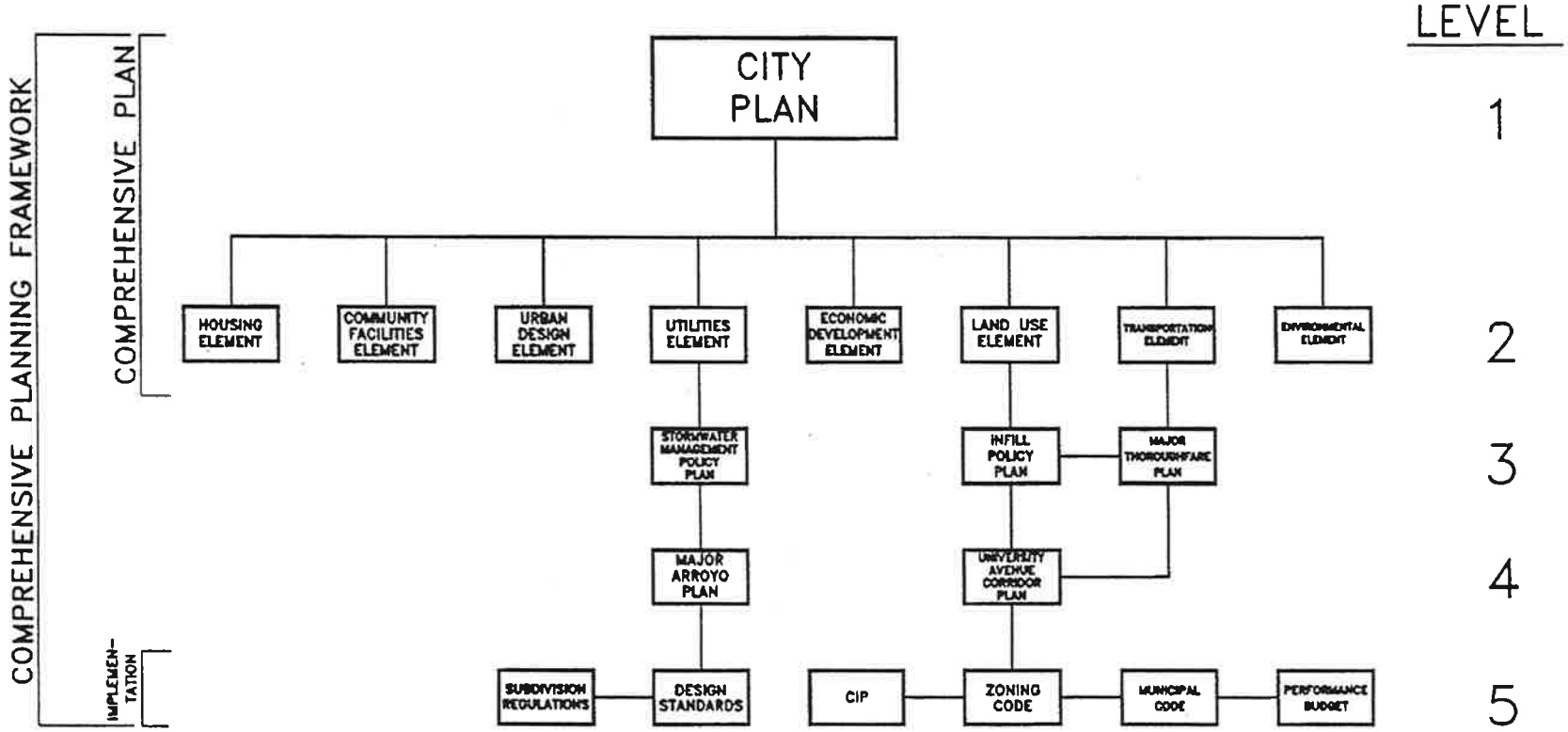
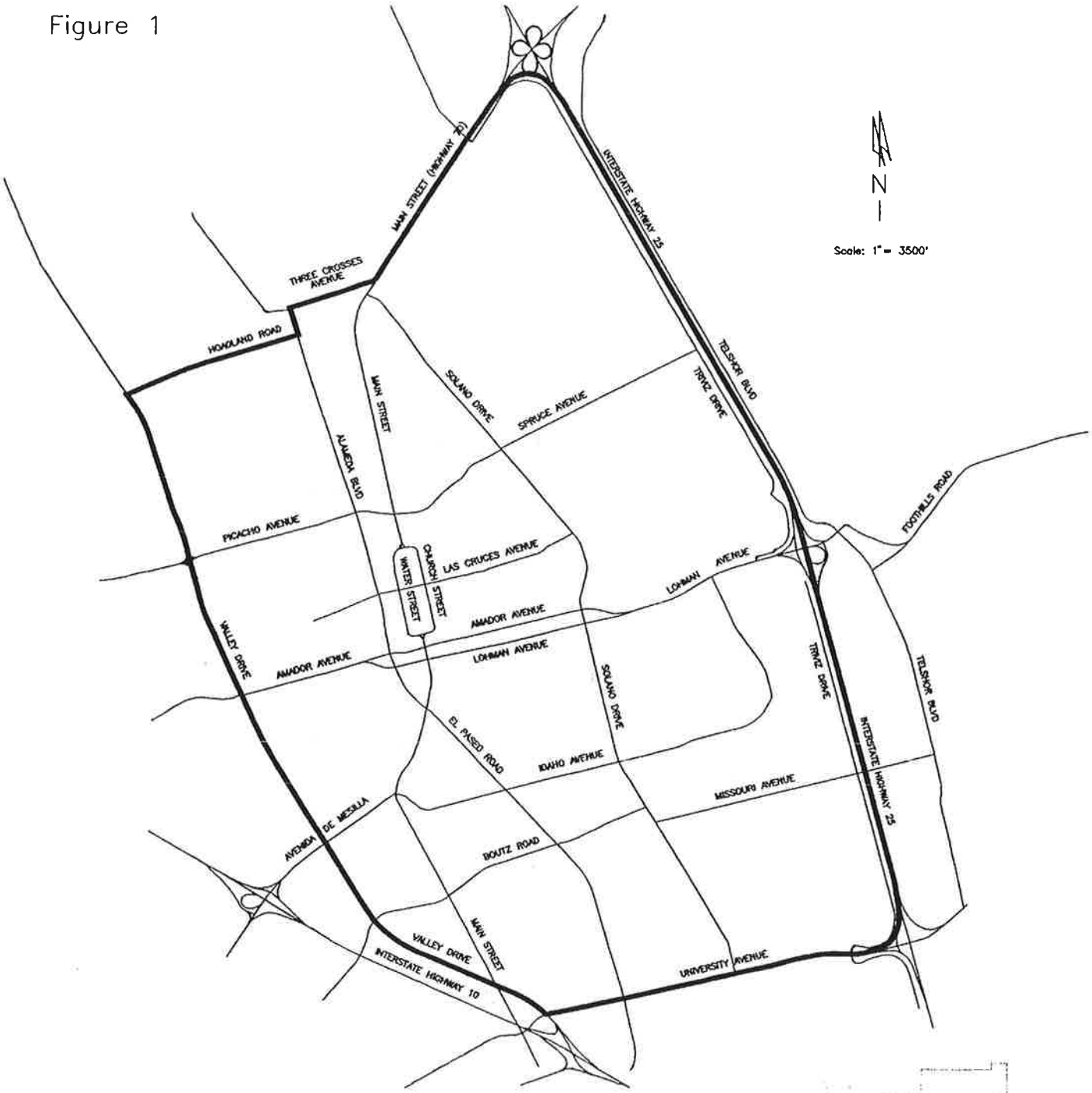
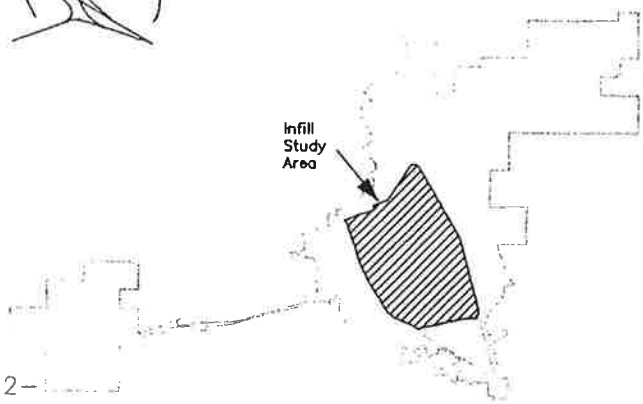


Figure 1



Infill Policy Plan

Study Area



STUDY AREA INFORMATION

Location and History:

The Infill Study Area for the City of Las Cruces includes all parcels that are contained within the following boundary:

Interstate Highway 25 (I-25) on the east,
University Avenue (NM 101) on the south,
Valley Drive (NM 185/188) on the west, and
Hoagland Road, North Alameda Boulevard, Three Crosses Avenue, and North Main Street (U.S. Highway 70) on the north (see Figure 1).

This boundary was formally adopted in 1991 as part of the rewrite to the City's Subdivision Code, and as such, this boundary will be used for the current study area in the development of this Plan. The boundary outlined above was informally discussed by the City Council as the Infill Area as part of the infill development and coordination provisions within the Land Use Element of the 1985 Comprehensive Plan (see Planning Background).

The Infill Study Area includes both of the City's recognized State and National Historic Districts; the Alameda-Depot Historic District and the Mesquite Street-Original Townsite Historic District, as well as the Central Business District and its Downtown Mall. In addition to major transportation corridors as its borders, the Infill Study Area includes such major east-west commercial and transportation corridors such as Lohman-Amador and Missouri-Boutz Avenues and north-south corridors of South and North Main Streets, El Paseo Road, and Solano Drive.

The Plan will provide analysis of vacant or undeveloped parcels within the Infill Study Area and will specifically address providing incentives and guidelines to the development of said parcels.

PLANNING BACKGROUND

Land Use Element Update:

In December 1996, the City of Las Cruces City Council adopted an update to the City's 1985 Comprehensive Plan Land Use Element. This is the first element to be adopted as part of the City's update to the entire 1985 Comprehensive Plan. The element specifically identified infill policy issues that are to be furthered within this Plan. Infill is a priority to the City and is important because it lends itself to "physical, social, and economic stabilization" in the maintenance and enhancement of the overall urban fabric of the City.

The Land Use Element Update specifically identified the following policies:

1) Infill development shall be compatible with the existing architecture,

landscaping, and character of the surrounding neighborhood,

2) Any infill development that requires variances as a result of topography, economic or other constraints shall be required to go through the Planned Unit Development Process,

3) When an infill development goes through the planned unit development process, the City shall seek participation in the planning process from adjacent landowners and neighbors of the proposed development via a neighborhood meeting where all neighborhood concerns may be addressed, and

4) Incentive to create infill development will be considered if the said infill development is classified as a PUD.

The Land Use Element also included a specific section on growth management which focused on providing guidance to discourage "leap frog" development and providing guidance on furthering implementation and use of the master plan, site plan, and planned unit development processes. "Leap frog" development or growth, as defined within the Land Use Element, is any development proposed beyond the predominately urbanized area and lacks readily available infrastructure. Such leap frog development bypasses areas of vacant and rural land and requires the extension of new roads, utilities, and other facilities in accordance to City specifications.

1985 Comprehensive Plan:

The original 1985 Comprehensive Plan's Land Use Element identified within its third goal that the City should "undertake a coordinated and coherent effort to utilize vacant land within predominately developed sections of the Planning Area for urban development". The main objective within this goal called for a distribution of land uses that create a pattern that encourages appropriate infill development and protects the integrity of existing land uses and densities while optimizing utility and transportation system usage and avoids increases in storm drainage problems. This includes coordination of planning decisions on infill parcels with surrounding property owners and prioritizing and implementing infill development.

The 1985 Plan also identified other issues that may have indirect impacts on infill parcel development. Goal 2, Program 1.b , recommended a review of the City's Zoning Code residential development standards for problem configurations created by minimum lot sizes and setbacks. There have been several Zoning Code amendments that allow various exceptions to development standards in most zoning districts.

The only policies and requirements enacted by the City to encourage infill development since 1985 include the Alternate Summary procedures and Infill Subdivision processes within the 1991 Subdivision Code and some effort by the City to identify and encourage decisions such as zone changes, special use permits, subdivisions and variances that promote infill development.

CURRENT ISSUES

Development Impact Fees:

All vacant lots within the Infill Study Area are affected by Development Impact Fees at the time of any proposed development. In 1993, the New Mexico State Legislature approved the Development Fees Act. This Act establishes formal procedures for municipal and county governments within the state to impose impact fees on land within their respective boundaries. Impact fees, as defined within the New Mexico State Statutes, are a

> "charge or assessment imposed by a municipality or county on new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development...".

The City of Las Cruces adopted a development impact fees ordinance in accordance with the State Statutes in June 1995. Prior to the legislation, the City of Las Cruces did have impact fees that were assessed to new development(s) for water, wastewater, natural gas, and public parks. The current impact fees only relate to water, wastewater and park development for new residential developments and water and wastewater only for commercial and industrial developments. Cities and counties may not impose an impact fee for natural gas under the current Development Fees Act within the State Statutes. The amount of the impact fees is determined as part of the required Capital Improvement Plan (CIP) for the City.

Vacant or infill parcels are assessed the same amount for impact fees as are assessed for the remainder of the city, this was also true for the previous impact fees that were assessed prior to the state legislation. Future impact fees, depending upon statutory authority, and as currently written would be assessed the same for all new development within the city limits, including infill parcels. Examples of such future impact fees could be for road and transportation improvements and storm drainage infrastructure.

Under the Development Fees Act, the City may waive or reduce the established impact fees for specific developments or parcels, such as those dedicated to affordable housing, provided that the impact fees are recouped from an identified revenue source other than impact fees. This may include the City's general fund in the short term or the respective utilities' rate base in the long-term future. In doing so, this may be requiring the City's taxpayers to pay development costs for vacant infill parcel development.

Repayment of the City's bond for capital improvements are generally tied to specific revenue sources, such as the impact fees. By allowing such revenues to be waived or reduced may be considered to be placing the City's bonds in technical default.

The City's development fees, which are based upon an adopted Capital Improvement Plan

(CIP), are based upon growth projections for the City. According to City Utility Staff, the City's growth is less than what was projected within the CIP and has resulted in the City modifying plans to extend long-term capital improvements such as new water wells and sewer treatment plant expansions. In order to change the current development impact fees, the City would have to amend the CIP and the growth projections. The CIP is mandated to be updated every five years with the next earliest update scheduled to be completed by July 2000. Also, once impact fees are adopted by the City, which was done in June 1995, the impact fees cannot be amended for at least four years. Development impact fees are in addition to required one-time connection fees and monthly utility rates that the users pay for each utility.

Property Taxes:

Property taxes are collected for the City, County, local schools, the Dona Ana Branch Community College, and the State for all parcels and the taxes for vacant property tend to be less than those collected for developed parcels. Yet, the City is required to expend funds to provide the same services to all parcels. Vacant parcels can lead to weed and litter control problems, potentially contribute to graffiti and its subsequent removal, and require police and fire protection. Without providing these services, these vacant parcels could lead to neighborhood demise and urban blight for the City as a whole. In turn, these same vacant parcels in the Infill Study Area require minimal utility and roadway infrastructure extensions when compared to vacant parcels on or near the perimeter of the City.

Development Processes:

The development processes involved for any type of development are the same for the Infill Study Area as they are within the remainder of the City. The only exception to this are the Infill Subdivision and Alternate Summary Subdivision processes that exist within the Subdivision Code.

Several of the vacant infill parcels do not conform to the current development requirements, i.e. minimum lot width, minimum lot area, and potential problems with setbacks, and present problems when owner's try to build or develop their property. This usually requires some form of variance, possibly a zone change, subdivision or combination of any of these in order to build or develop. The time and expense involved both from the private property owner's and City staff's perspectives can be cumbersome.

Neighborhood Opposition:

As new proposals for development on vacant infill parcels are submitted that require the approval of either the City's Planning and Zoning Commission or the Board of Adjustment, involvement by the adjoining property owners and neighborhood associations have become more prevalent than in the past. Public notification, as required by the New Mexico State

Statutes, and expanded upon within the City's Zoning and Subdivision Codes, has allowed for greater involvement and differing views between established residents and those proposing new development.

Notification provides opportunity for adjoining property owners to present perspectives and information that is representative of the neighborhood. This notification has lead to situations where a proposal to develop vacant property have become more cumbersome and time consuming through opposition and appeals of decisions made by the City's boards and commissions. In several instances, proposals such as the subdivision of a larger lot into two smaller parcels, that conform to all City Codes, could and have been hampered in the past due to neighborhood opposition. Opposition, it should be noted, has also occurred when property owners have tried to build on their parcels in accordance with the development requirements.

Also, proposals to develop vacant infill parcels will impact the adjoining neighborhood, either positively or negatively. Infill development alone does not guarantee compatible nor quality development.

Underutilized Properties

The land use inventories used to develop this Plan did not try to identify parcels that may be underutilized by property owners. Underutilization includes parcels that have only a single home on them yet have the zoning for additional residences, large commercial tracts that have only a single small business, or parcels that have unused commercial and residential buildings.

DATA/SPECIFIC PLAN INFORMATION

Land Use Inventory Assumptions:

As part of the development of this Plan, the City of Las Cruces Planning Department conducted windshield surveys of all parcels within the study area in the summer of 1990 and created an Infill Database for tracking purposes. The Infill Study Area was re-inventoried in 1996 to track new development and to update the database. In order to begin accurately comparing the 1990 and the 1996 data, and possible future development trends, the following assumptions and decisions were made:

1) that any vacant parcels that were subdivided and either left vacant or developed upon would be included in the database and tracked accordingly,
2) that any parcels that had buildings or structures in place in 1990 that were demolished by 1996 are now considered vacant, i.e. parcels demolished as part of the Missouri-Boutz Avenue Realignment,
3) that those parcels that were vacant in 1990 that were overlooked were added to the

inventory of 1996 and presumed to have been vacant in 1990, and

4) that parcels used for agricultural purposes, primarily crop production, were included within the inventory and would be identified as "Vac-ag" within the infill database.

As the development occurs within the study area and as new building construction, new infill subdivisions, and building demolitions are continually tracked, these assumptions decrease in importance. As parcels are developed, the year of development will be indicated within the Infill Database. This will help to track future development of the Infill Study Area to determine what advantages, if any, adopted incentives are providing and encouraging infill growth to occur.

Data Summary:

The following data and specific plan information was derived from the City's Infill database using land use inventories of the Infill Study Area.

Table 1 indicates the number of vacant parcels and the vacant land area in acres for the entire study area for 1990 and the writing of this Plan, July 1997. Table 1 also outlines the percent change from 1990 to July 1997 for both the number of vacant parcels and the amount of vacant land area. Figure 3 on the following page shows those parcels that have been developed since 1990 and those that remain vacant today (1997).

Table 1: Infill Study Area Summary

	VACANT IN STUDY AREA IN 1990 (% of total)	VACANT IN STUDY AREA IN JULY 1997 (% of total)	% CHANGE FROM '90 - '97
# of Parcels	989 (7.90%)	672 (5.37%)	-32.05
Land Area in acres	757.21 (13.32%)	609.58 (10.73%)	-19.50

Table 2 indicates the yearly summary of development on vacant infill parcels. In 1991, the greatest amount of development occurred, primarily due to a large subdivision being completed that was platted in 1990.

Table 2: Yearly Development Summary of Infill Parcels

Year	1991	1992	1993	1994	1995	1996	1997*
# of Parcels Developed	95	61	34	28	55	35	9

* Data for 1997 is only through July of that year.

Figure 3

Infill Study Area

Infill Parcels
1990 to 1997

Vacant Parcels Developed Between 1990 to 1997

Vacant Parcels in 1997

Infill Boundary

City Limits

Zoning Summary:

Table 3 presents the total number of parcels and land area by zoning districts within the entire study area. Table 4 presents the total number of vacant parcels and land area by zoning districts within the study area for 1990 and 1997.

Table 3: Infill Study Area - Zoning District Totals

	TOTALS WITHIN THE INFILL STUDY AREA			
ZONING	# of Parcels	% of Total #	Area (acres)	% of Total Area
A-1	34	0.27	31.64	0.54
A-2	4	0.03	68.16	1.17
R-1	7104	56.79	2282.72	39.09
R-2	1733	13.85	616.54	10.56
R-3	770	6.16	546.27	9.36
R-4	233	1.86	157.52	2.70
O-1	37	0.30	21.98	0.38
C-1	76	0.61	46.62	0.80
C-2	1352	10.81	1185.42	20.30
C-3*	1	0.01	3.61	0.06
CBD	179	1.43	131.23	2.25
M-1	186	1.49	305.66	5.23
M-2	83	0.66	154.88	2.65
PUD	545	4.36	122.04	2.09
UAC 1 -5B	172	1.38	164.75	2.82
TOTAL**	12509	100.01	5839.04	100.00

* C-3 Zoning District existed before the effective date of the 1981 Zoning Code, as amended, and are shown on the Official Zoning Atlas and maybe developed in accordance within specific provisions of the Zoning Code. However, new designations or expansion of this district is prohibited.

** Totals may exceed 100% due to rounding.

Table 4: Vacant Infill Parcel Summaries by Zoning Districts - 1990 & 1997

	1990 VACANT PARCELS BY ZONE		1997 VACANT PARCELS BY ZONE	
ZONING	Number	Area (acres)	Number	Area (acres)
A-1	9	9.76	8	9.52
A-2	2	30.17	1	27.42
R-1	233	189.63	156	160.91
R-2	200	66.30	139	42.31
R-3	109	115.96	85	97.07
R-4	41	30.58	32	13.49
O-1	2	1.14	1	0.30
C-1	7	2.54	5	1.90
C-2	172	167.83	138	142.20
C-3*	1	3.61	1	3.61
CBD	9	6.86	8	3.87
M-1	39	60.37	30	52.89
M-2	14	6.88	12	6.59
PUD	138	39.91	46	26.55
UAC 1-5B	13	25.68	10	20.95
TOTAL	989	757.21	672	609.58

* C-3 Zoning District exists and is shown on the Official Zoning Atlas and may be developed. Expansion of this district is prohibited.

Council District & Census Tract Summary:

Tables 5 and 6 summarize the amount of development activity that has taken place within each of the Council Districts and Census Tracts that has occurred between 1990 and July 1997, respectively. Council Districts 1 and 4 have the largest number of infill parcels for both 1990 and 1997 (see Figure 4: City Council District Map).

As for the Census Tracts, Tract #4.01 which had the second highest number of vacant parcels in the study area in 1990, now has the highest number of infill parcels as of May 1997 (see Figure 5: Census Tract Map).

Table 5: Vacant Infill Parcel Summaries by City Council District - 1990 & 1997

	PARCELS WITHIN STUDY AREA		VACANT PARCELS BY DISTRICT IN 1990		VACANT PARCELS BY DISTRICT IN 1997	
COUNCIL DISTRICT	Number	% of Total	Number	% of Total within District	Number	% of Total within District
#1	3477	27.80	308	8.85	241	6.93
#2*	1773	14.17	117	6.60	83	4.68
#3	3313	26.48	218	6.58	128	3.89
#4*	2438	19.49	231	9.47	150	6.15
#5*	1508	12.06	115	7.63	70	4.64
#6**	0	N/A	0	N/A	0	N/A
TOTAL	12509	100.00	989	Avg = 7.82	672	Avg = 5.26

* Districts 2, 4, & 5 are partially within the Study Area.

** District 6 is completely outside the Study Area.

Figure 4

City Council District Map

Infill Study Area
Council District Boundary
City Limits

Note: City Council Districts 2, 4, and 5 partially outside Infill Study Area. City Council District 6 is outside Infill Study Area.

Table 6: Vacant Infill Parcel Summaries by Census Tract - 1990 & 1997

	PARCELS WITHIN STUDY AREA		VACANT PARCELS BY TRACT IN 1990*		VACANT PARCELS BY TRACT IN 1997*	
TRACT	Number	% of Total	Number	% of Total within Tract	Number	% of Total within Tract
1.02	1383	11.06	104	7.52	71	5.13
2*	635	5.08	58	9.13	27	4.25
3*	1130	9.03	45	3.98	39	3.45
4.01	1266	10.12	191	15.09	169	13.35
4.02	1807	14.44	220	12.17	105	5.81
5	1204	9.62	79	6.56	51	4.24
6	1262	10.09	112	8.87	81	6.42
7	1657	13.25	30	1.81	20	1.21
8	859	6.87	51	5.94	28	3.26
9*	1306	10.44	99	7.50	81	6.20
TOTAL	12509	100.00	989	Average= 7.,86	672	Average = 5.33

* Census Tracts 2, 3, and 9 are partially within the Infill Area.

Figure 5

Infill Study Area
Council District Boundary
City Limits

Note: Census Tracts Areas 2, 3, and 9 are partially outside Infill Study Area. Census Tracts Areas 11.02, 11.01, 10, 12.02, 12.01, and 13 are outside Infill Study Area.

Census Tract Map

Property Taxes Collected:

Table 7 outlines the assessed value, approximate taxes collected, and the approximate City portion of those taxes for infill parcels between 1992 & 1996. Totals in Table 7 includes all identified parcels between 1990 and 1997 and as such when a vacant parcel becomes developed its assessed value will increase and is included in the totals in the table. The average of the two tax rates of both non-residential and residential properties were also used for each year and therefore as the tax rate for each year changes so will the amount of taxes collected.

Table 7: Infill Property Tax Summary - 1992 to 1996

YEAR	TOTAL ASSESSED VALUE OF INFILL PARCELS	APPROXIMATE TOTAL TAXES COLLECTED*	APPROXIMATE CITY PORTION OF TAXES**
1992	$27,359,965	$237,471	$36,494
1993	$31,680,963	$282,684	$44,037
1994	$35,119,560	$324,066	$50,303
1995	$42,969,407	$424,402	$78,684
1996	$53,165,964	$559,900	$130,425
Average	$32,592,651	$365,705	$67,989

* Approximate total taxes collected is 1/3 of total assessed value multiplied by average of total tax rates for residential and non-residential properties for the appropriate tax year. Average may be high due to rounding to the nearest whole dollar.

** Approximate City portion of taxes collected is 1/3 of total assessed value multiplied by average of City tax rates for residential and non-residential properties for the appropriate tax year. Average may be high due to rounding to the nearest whole dollar.

Utility Availability:

Table 8 identifies the availability of city-provided utilities, i.e. natural gas, water, and wastewater, that are immediately adjacent to vacant infill parcels. The two most important utilities, water and wastewater, provide more concern than that of natural gas. Without natural gas, the properties can still be developed, whereas without the necessary extension of water and wastewater, the development of the property is very limited. Also, water and wastewater are those utilities provided by the City that require the dedication of impact fees at the time the property is developed.

Electricity, which is currently provided by El Paso Electric, was not assessed as part of this investigation due to the fact that the Infill Study Area has electric service and electric line extension tends to be cheaper than that of underground utilities.

Table 8: Availability of Utilities for Infill Parcels

	1990 VACANT PARCELS WITH UNAVAILABLE UTILITIES*		1997 VACANT PARCELS WITH UNAVAILABLE UTILITIES*	
SUBJECT UTILITY AND UNAVAILABILITY	Number	% of Total Vacant	Number	% of Total Vacant
Total Number of Parcels	989	100.00	672	100.00
Natural Gas Only - Unavailable	18	1.82	13	1.93
Water Only - Unavailable	14	1.42	14	2.08
Wastewater Only - Unavailable	39	3.94	36	5.36
Gas and Water - Unavailable	9	0.91	9	1.34
Gas and Wastewater - Unavailable	8	0.81	8	1.19
Water and Wastewater - Unavailable	9	0.91	9	1.34
Water, Wastewater, & Natural Gas - Unavailable	33	3.34	33	4.91

* Unavailable utility based on maps provided by the City of Las Cruces Utility Division.

Household Income Levels:

As an indicator to the number of vacant parcels and how difficult it may be to promote infill development in certain areas of the City, Planning Department Staff used the 1990 Census to rank Census Tracts based on Household Income levels below poverty. Table 9 reveals that the top seven census tracts based on household income levels below poverty are located either entirely within or partially within the Infill Study Area.

Table 9: Overview of Household Income below Poverty - 1990

TRACT	% OF FAM. W/ INCOME POVERTY*	# OF FAMILIES*	RANK - % OF FAM. W/ INCOME BELOW POVERTY
*1.01	10.3	1353	11(tie)
1.02	9.5	1183	13
*2	22.2	1316	6
*3	13.3	964	9
4.01	38.2	786	1
4.02	24.7	1402	5
5	27.7	732	3
6	30.0	680	2
7	15.6	1477	7
8	10.3	852	11(tie)
*9	25.1	1075	4
*10	--.-	--	N/A
*11.01	13.5	488	8
*11.02	--.-	106	16
*12.01	4.7	752	15
*12.02	6.3	1690	14
*13	11.0	876	10
AVG.	16.4	983.25	N/A

* Information based on number of families and 1989 family income as reported in 1990 Decennial Census; Census Tracts 1.01, 10, 11.01,11.02, 12.01, 12.02, and 13 are outside the Infill Study Area; and Census Tracts 2, 3, and 9 are partially within the Infill Study Area.

Floodplain and Non-conforming Issues:

Several parcels within the Infill Study Area, in addition to not having full and easy access to public utilities, may have other problems that relate to construction requirements and minimum development requirements within current City codes and ordinances. The first area relates to construction within designated flood plains or flood zones and the other two areas

are minimum lot size requirements and minimum lot frontage (or lot width) along a public street.

For properties that lie within a flood zone, the property owners are required to construct any proposed structures at or above the floodplain elevation and still be required to maintain flood insurance on the property. Long-term projects such as the El Molino and the North Alameda Flood Control Projects will eventually remove numerous parcels, both developed and undeveloped from the floodplain and eliminate the need for flood insurance. This removal will not occur until such time as the projects are completed and a new analysis of the floodplain is approved by the Army Corps of Engineers.

The 1981 Zoning Code for the City, as amended, requires a minimum 5,000 square foot lot and a minimum lot frontage of 60 feet, in most zoning districts. Parcels with lot areas and lot frontages that do not meet the minimum City requirements may be legal non-conforming lots that were platted under previous City Codes or townhouse subdivision and Planned Unit Development lots. For legal non-conforming lots platted under previous City Codes, City Staff is able to issue a Certificate of Legal Non-conforming Use or Structure or can allow the owners to construct on the property based on exceptions that are allowed within the current codes. However, outside the non-conforming and exceptions sections, property owners may still need variances that would facilitate or aid in the development of these vacant parcels. These types of variances are currently required to demonstrate a non-financial hardship to the City's Board of Adjustment. A summary of those vacant infill parcels that do not meet these minimum requirements are outlined within Table 10.

Table 10: Summary of Infill Parcels with Development Problems

	VACANT PARCELS IN 1990		VACANT PARCELS IN AUGUST 1997	
CATEGORY	Number	%	Number	%
Total	989	100.00	989	100.00
Lot Area - less than minimum	119	12.03	70	10.42
Lot frontage - less than minimum	293	29.63	165	24.55
Lot area & frontage - less than minimum	102	10.31	55	8.18
Floodplain designation	159	16.08	133	19.79
Floodplain, lot area & frontage - less than minimum	1	00.10	1	00.15

Large Lots:

Throughout the Infill Study Area there are several lots or parcels that are in excess of one half acre in size that present themselves to subdivision development. In the standard R-1 (Single Family Low Density Residential) Zoning District, a 0.5 acre parcel could be subdivided into approximately four lots of 5,000 square feet in size, provided all other development standards for the City are met. Vacant lots larger than 0.5 acres number 162 parcels within the Infill Area with a combined approximate size of 502.91 acres. The largest vacant parcel equals approximately 43.868 acres.

As these large lots become developed, they contribute to the urbanization of the interior portion of the City as a whole. This urbanization provides for better utilization of the City's infrastructure, public safety services, mass transit, and generally all City-provided services. However, consideration should be given that large lots also provide a sense of open space, especially when used for agricultural purposes and not left vacant and unused. The impact felt from such parcels being developed is greater than those single parcels and smaller two and three lot subdivisions. The large lots also tend to be located on the perimeter of the Infill Study Area while most of the smaller lots are within older, interior neighborhoods.

SUMMARY & CONCLUSION

Summary:

The City of Las Cruces Planning Department Staff looked at various issues and data in developing the conclusion of this Plan and future goals, objectives, and policies. The Infill Study Area, in 1990 had 989 vacant parcels of varying zoning, location, size, and development related issues. These 989 vacant parcels represent 13.32% of the total land area within the study area. Re-inventory of the Infill Study Area in 1996 and updates through 1997, reveal that the number of vacant parcels is now 672 or 10.73% of the total land area. This 10% is substantially less than cities on the east coast and elsewhere in the United States that have vacant land within their core areas as high as 30%. There are vacant parcels in all quadrants of the entire Infill Study Area; however, there are neighborhoods in the north and east sides of the City's original townsite that do have higher concentrations of smaller lots than the remaining portions of the study area. Larger vacant parcels and those lots used for agricultural purposes tend to be located on the perimeter of the Infill Study Area. All zoning districts are not immune from having vacant parcels within the Infill Study Area. The predominate zoning districts for the entire study area are the R-1, R-2, and C-2 zones. The predominate zoning districts for vacant land within the study area are also the R-1, R-2, and C-2 zones. As for the City Council Districts and Census Tracts, the older areas of the City's Infill Study Area contain the highest number of vacant parcels within their respective boundaries. On average, each Council District has 5.26% of their parcels vacant with Council District #6 completely outside the Infill Study Area and not included in the average. The average is almost the same for each of the Census Tracts included wholly or partially

within the Infill Area (5.33%). As a correlation to the census tract information, eight of the eleven census tracts have the highest percentage of household income levels below the poverty limit as based on the 1990 Census.

City-owned utility service is provided to a majority of the properties with only 33 of the current 672 not having direct access to any of the City utilities. Lot development problems such as inadequate lot size or lot frontage occur on approximately 10% and 25% of the vacant infill parcels in 1997, respectively. Approximately 20% of the vacant infill study area parcels are located within a flood zone in 1997.

Conclusion:

Approximately 11% of the land area within the Infill Study Area is currently vacant and most of the vacant parcels have access to adequate infrastructure and the ability to comply to current Code requirements. Assessment of the vacant land within the study area reveals several issues, including:

1) natural reduction of vacant land through development has continued to occur,
2) there doesn't appear to be an insurmountable problem,
3) there doesn't appear to one particular issue or cause attributable to the lack of infill development,
4) larger vacant lots occur on the perimeter and smaller, non-conforming vacant lots are in the interior of the Infill Study Area, and
5) there aren't any incentives to develop these vacant parcels at this time because processes, development costs, and impact fees are the same throughout the entire City.

Other issues that may contribute to the lack of infill development, yet are unknown at this time include:

1) the cost of the vacant parcels,
2) why the land is not being developed or if the land is available for development by the owners,
3) if the owner's plans to develop their property are for uses other than what is permitted within the current zoning, and
4) is there available underutilized property that might contribute to the lack of development or how much underutilized property there is within the entire study area.

Based on the assessment of the Infill Study Area, vacant infill parcels may not represent a serious concern to residents and the City given the current situation. Encouraged infill development which will result in increased property taxes and new utility usage may provide an overall long-term benefit to the City. Also, as leap frog development becomes more expensive, vacant infill land may become more easily developed. New development in older areas of the community also creates a sense of concern for all areas of the City, not just the

new neighborhoods. This represents an assurance by the City that all of the neighborhoods are important and any new development should foster improvements to existing buildings, homes, and neighborhoods by the citizens themselves.

Focus should be provided on addressing non-conforming and smaller lots and those older neighborhoods which have a higher frequency of smaller, individual vacant lots. The planning process should be furthered by looking at the larger vacant lots along the perimeter of the Infill Study Area and the Infill Study Area's possible future expansion. Expansion of the Infill Study Area boundaries will need to be considered when the current vacant land area is decreased in order to prevent vacant land being allowed to remain as growth continues to occur outside the study area. Balance must also be achieved between any incentives provided and the compatibility of any infill development to the existing uses and neighborhoods.

INTERDEPARTMENTAL & CITY PLAN COORDINATION

Implementation of the Infill Policy Plan will require a concerted effort from several departments within the City of Las Cruces and the support of the Las Cruces City Council. This plan will require the continued review, input and implementation by the Planning Department and the Utilities Division in order for the City to continue to aid in the development of its vacant infill parcels.

Currently, the City's Comprehensive Plan for Las Cruces is in the process of being updated. The first two elements of the Comprehensive Plan, Land Use and Transportation, have been reviewed and adopted by the City Council with the remaining six elements anticipated for completion by the end of 1997. The basic concepts of this Infill Policy Plan shall be consistent with the updated Comprehensive Plan.

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: To provide policies that encourage the development of vacant parcels within a defined urban core area of Las Cruces to be known as the Infill Area.

Objective 1: To define the urban core areas for Las Cruces that are to be the "Infill Areas" and those parcels to be classified as "Infill Parcels".

Policies:

1.1 The Infill Study Area may be defined as two specific Infill Areas, Infill Area "A"or the primary infill area, and Infill Area "B" or the secondary infill area to better address specific needs within different areas of the urban core.

A. Infill Area "A" may be defined as all property contained within the following connected boundaries:

1. Walnut Street starting at the intersection of Spruce and Walnut,
2. Idaho Avenue,

3. El Paseo Road and Alameda Boulevard,
4. Madrid Avenue,
5. Solano Drive,
6. Madrid Avenue until perpendicular to Walnut Street, and
7. A straight line extension along property lines connecting Madrid Avenue to Walnut Street (see Figure 6).

B. Infill Area "B" should be all property contained within the following connected boundaries:
1. Interstate Highway 25,
2. the northern boundary of the University Avenue Corridor Overlay Zone,
3. Valley Drive (NM Highways 188 & 185),
4. Hoagland Road,
5. Alameda Boulevard,
6. Three Crosses Avenue, and
7. North Main Street (U.S. Highway 70) - (see Figure 6).

1.2 "Infill Parcel" may be defined as any vacant or undeveloped tract, lot, or parcel of real property contained within the Infill Area, including those parcels currently used for agricultural purposes.

1.3 Land used for agricultural purposes within the Infill Area may be considered infill parcels because:
A. they are within the core urbanized area,
B. they have easy access to developed roadway and utility infrastructure,
C. they are surrounded by various forms of residential, commercial, and industrial development, and
D. they are most likely to be developed more easily than outlying areas that would require substantial investment to extend necessary infrastructure to the site.

Objective 2: To monitor the development of all Infill Parcels within the Infill Areas.

Policies:

2.1 The City of Las Cruces Planning Department, in conjunction with the Technical Support Department should maintain a Geographical Information System (GIS) Database of all Infill Parcels within the Infill Areas.

2.2 The Infill Database should collect the following information:

A.	Record No.	B.	Assessor's Tax ID	C.	Year
D.	Use	E.	Utility availability	F.	Address
G.	Property ownership	H.	Zoning	I.	Lot width
J.	Lot area	K.	Census Tract	L.	Flood zone
M.	City Council district	N.	Parcel - Infill area location (A or B)		

Figure 6

Infill Areas

"A" and "B"

2.3 Sources used to maintain and expand the Infill database may include, but not limited to:

A. Windshield inventory of the parcels within the Infill Areas,
B. Certificates of Occupancy issued by the City of Las Cruces,
C. Demolition Permits issued by the City of Las Cruces, and
D. City Subdivision database information for infill and alternate summary subdivisions.

2.4 The Planning Department should survey property owners of infill parcels and the development community to assess reasons for lack of development, any possible requirements that prevent development, and any possible incentives that could be provided to assist in development of said infill parcels.

Objective 3: Develop and implement an **INFILL DEVELOPMENT PROCESS (IDP)**, that streamlines and assists the development of infill parcels within each of the Infill Areas.

Policies:

3.1 The IDP may function like a floating zone within the Infill Areas, similar to the current Planned Unit Development provisions of the 1981 Zoning Code, as amended.

3.2 The IDP may apply to all Infill Parcels in all zoning districts within Infill Area "A" (see Figure 7).

3.3 The IDP may apply to those Infill Parcels in all zoning districts within Infill Area "B" that have either non-conforming frontage or lot size for the parcel's respective zoning district and are less than five acres in size (see Figure 7).

This policy may also apply for any parcel that becomes vacant and has non-conforming frontage or lot size in Infill Area "B" and are less than five acres in size.

3.4 The IDP may include provisions for any proposed uses or buildings that meet all development requirements for the zoning district, to be reviewed and approved through a streamlined building permit, sign permit, and business registration review process.

This policy applies only to those developments that would <u>not</u> typically require the review and approval by a public body (i.e. Planning & Zoning Commission, Board of Adjustment, or City Council).

Figure 7

Infill Parcels Affected by IDP

Note: Shaded parcels within Infill Area "A" represent all vacant parcels.

Shaded parcels within Infill Area "B" represent all vacant parcels that are less than 5,000 sq. ft. and/or less than 60 ft. in lot frontage.

3.5 The IDP may include provisions for any proposed use, building, or development that does not meet all development requirements of the zoning district, should be reviewed and possibly approved by an established public body.

A. The Planning and Zoning Commission (P&Z) should be the designated public body that has the final authority to approve all IDP proposals, as further defined within this policy, to determine the appropriateness of the request (see Figure 8).

B. This provision should apply to such items and situations as:

1. subdivision(s) of existing parcels,
2. variances, including those for signs,
3. special use permit (SUP) and Planned Unit Development (PUD) type applications, including land uses that differ from the allowed uses within the parcel's existing zoning district,
4. legal and illegal, non-conforming lot frontages, parcels, and lot areas, and
5. any combination of the above.

3.6 All IDP proposals, reviewed by the P&Z, may be appealed to the City Council by any affected party, including the applicant that submitted the IDP application, and may be appealed to the District Court, by any affected party, after review and decision by the City Council.

3.7 The P&Z, where appropriate, should utilize their adopted decision-making criteria and those decision-making criteria currently used by the Board of Adjustment or the City Council, in addition to the Goals, Objectives, Policies, and Design Matrices within the Elements of the Comprehensive Plan, including:

A. compatibility to the existing neighborhood and surrounding uses,
B. quality urban design features and layout, including unique and compatible architecture and landscaping,
C. providing a benefit to the community or neighborhood, and
D. providing new housing opportunities, including home ownership and rental, for low income families, first time home buyers, and/or persons with disabilities.

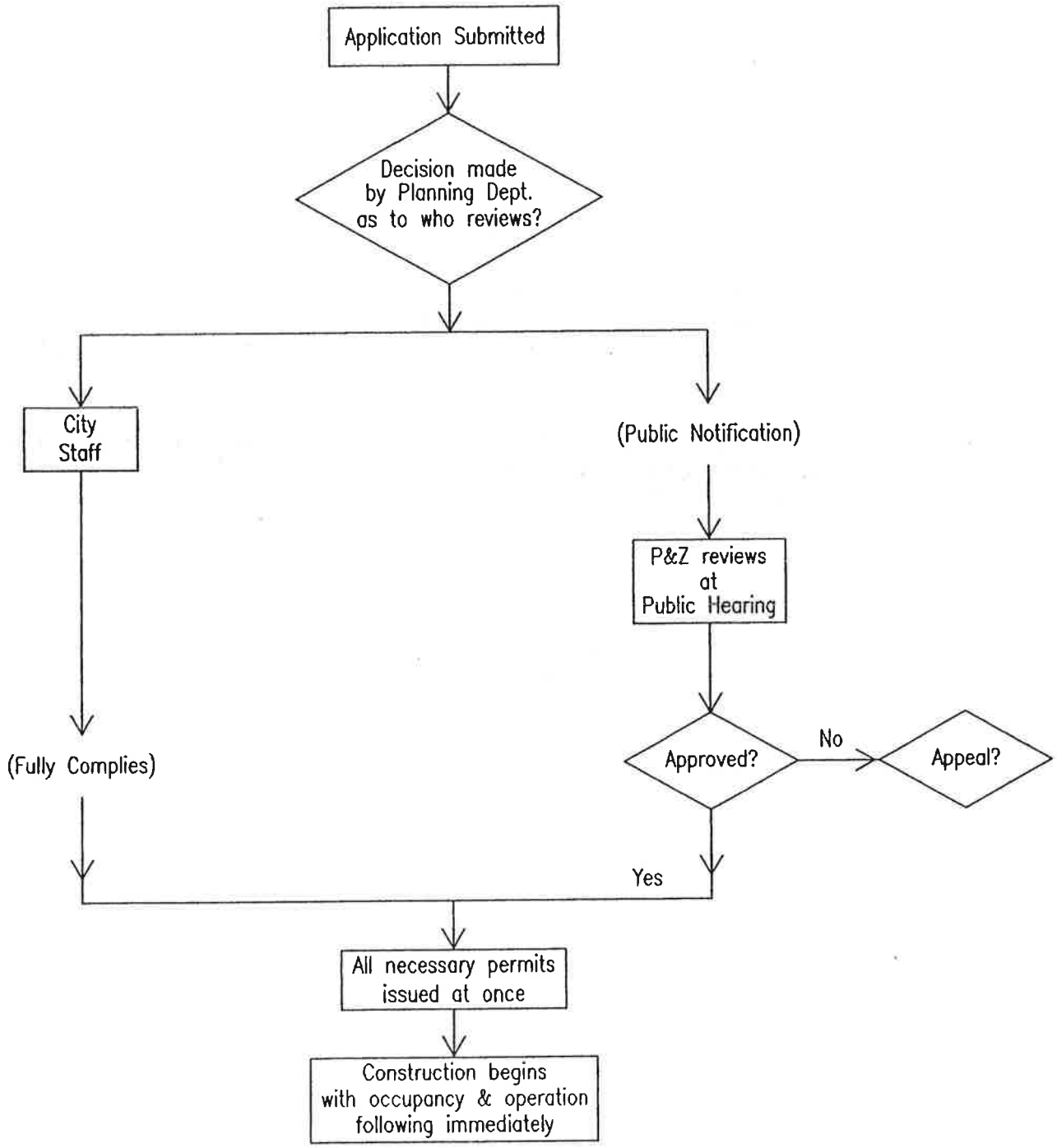
3.8 Those IDP proposals, that require P&Z review and approval, should be reviewed through a streamlined process and utilize minimum public notification requirements in accordance with the City of Las Cruces Zoning Code for said IDP proposals.

The City of Las Cruces public notification requirements are currently to all property owners within 200 feet of the subject property and 15 days prior to the public hearing.

3.9 The Planning and Zoning Commission should meet, as needed, outside their regularly scheduled monthly meetings to review and consider IDP proposals when submitted or as part of their regular meeting agendas.

Figure 8

INFILL DEVELOPMENT PROCESS (IDP)



3.10 One application form and/or packet should be created and used for all IDP applications that allow for:

A. streamlined review of building and sign plans, and business registration information,

B. conceptual building and site plans required for review under Policy 3.5,

C. subdivisions should only have to prepare final plats for infill parcels, and should be approved by the P&Z, if necessary, and

D. construction drawings, building permits, sign permits, and business registrations (see Figure 8).

This policy should facilitate having the P&Z review of IDP proposals, if necessary, and all necessary permits completed at the same time.

3.11 All IDP proposals should reflect quality architectural and landscaping design and use consideration to ensure compatibility to the neighborhood and surrounding uses.

3.12 The P&Z should have the authority to condition the approval of any reviewed IDP proposal to ensure quality design features and use compatibility provisions are implemented.

3.13 No application fee should be required for any IDP application.

3.14 Any owner may be able to resubmit a revised or modified IDP application, if the original IDP application is denied by the P&Z or is denied by the City Council through the appeal process.

3.15 Revisions to any originally approved IDP application should continue to use the IDP for any new variances that may be needed that are discovered as part of the permit and construction processes.

3.16 Any Infill Parcel that does not qualify under Policy 3.3 located within Infill Area "B" should be encouraged to use an amended Infill Subdivision Process to be revised within the 1991 City of Las Cruces Subdivision Code, as amended.

Also, any <u>developed</u> parcels that need subdivisions within either of the Infill Areas should be encouraged to use an amended Infill Subdivision Process within the 1991 Subdivision Code, as amended.

Objective 4: To establish incentives that aid and foster the development of all infill parcels within Infill Area "A".

Policies:

4.1 The City may waive utility connection fees for infill parcels for residential development

provided that priority would be given to any residential development that provides new housing opportunities, including home ownership, for low income families, first time home buyers, and/or persons with disabilities. Low income families are defined as 80%, or below, of the median family income for the City of Las Cruces.

This waiver should be limited to existing lots or any lots created through a subdivision, provided that the subdivision does not create more than ten lots.

4.2 The City should consider reduced expense or free use of City trash receptacles or dumpsters and waived dumping fees during construction on infill parcels.

4.3 The City may waive utility connection fees for infill parcels for office, commercial, and industrial development provided that:

A. the development provides new local employment equal to 50% of its total workforce, and

B. the waiver be limited to existing individual lots that are not created as part of an IDP or new subdivision.

4.4 The City may provide, at reduced cost, gas appliances and low-use water fixtures and equipment within new residential buildings on infill parcels, including gas water heaters, stoves and furnaces that will encourage year-round natural gas usage or low water use toilets and water restricting showers and faucets.

This service should be limited to single buildings constructed on existing lots or any lots created through a subdivision, provided that the subdivision does not create more than ten lots or multifamily residential units on individual lots that number less than ten units.

4.5 The City's Civil Engineering Department may provide sidewalk and curb cut construction for residential developments on infill parcels as part of yearly construction activities on existing individual lots that are not created as part of a new IDP subdivision.

4.6 All fees, <u>not</u> including development impact fees, should be waived for all IDP applications and all other City activities that require a fee for any new development on an infill parcel, including:

A. sign permits for new businesses and developments within a year of construction completion,

B. business registrations for new businesses and development for five years for the original development or business, and

C. building permits for any new development.

4.7 Any fee that is waived in Policy 4.5 should not exclude the developers, builders, or

owners from securing the necessary permits and applications that comply with adopted development requirements and ordinances, unless otherwise approved as part of the IDP application.

4.8 The City should provide limited site and building design assistance to aid in providing quality and compatible design.

Objective 5: To establish procedures to educate the public about Infill Parcel development.

Policies:

5.1 Notify all property owners of infill parcels about the IDP and the importance of infill parcel development.

5.2 The City should designate a specific staff person from the Planning Department to assist all eligible property owners in utilizing the IDP and subsequent building permit.

5.3 Educate the public, through media campaigns, about the IDP process, such as utility bills, local news releases, and city-sponsored events.

5.4 Involve the Keep America Beautiful and Codes Enforcement Staff of notifying property owners of infill development procedures and incentives as part of their regular duties related to litter and weed control programs.

5.5 Involve established neighborhood associations and residents in the public notification and input processes as part of the IDP.

Goal 2: To provide objectives and policies that further the infill planning process of the future urban core area of Las Cruces.

Objective 1: To consider incentives and improvements for properties ready for redevelopment or underutilized within the existing Infill Areas and the possible expansion of the Infill Area.

Policies:

1.1 Infill Area "A", as defined within Goal 1, Policy 1.1, should remain until such time as the amount of Infill parcel acreage, within that boundary, is less than or equal to three percent (3.00%) of the total land area within that boundary.

1.2 Acreage should be used as the common base for determining whether the Infill Areas need to be expanded.

1.3 Once Goal 2, Policy 1.1 is achieved, the new boundaries for the primary Infill Area, Area "A", should be modified to reflect the boundary for Infill Area "B" and the new boundaries for the Secondary Infill Area should be created based upon the following factors:

A. an identifiable man-made or natural feature such as a roadway or a preserved arroyo or drainage channel should be used,

B. city limits, colony grant, or section line or other mapping indicator may also be used,

C. the new boundary should have vacant land equal to at least 10% but not more than 15% of the total land area within the proposed new boundary,

D. the new boundary should be extended equally in all directions from the current boundary, if possible, and

E. the area within the new boundary should also be predominately serviced by a developed roadway network and utility infrastructure.

1.4 To further the planning process, the City should conduct an assessment of the infill parcel property owners about the reasons associated with the lack of development on said parcels and possible solutions to assist in development and/or construction on their properties.

1.5 To also further the planning process, the City should consider the assessment and possible inclusion of parcels and buildings that are ready or in need of redevelopment or parcels and buildings that are being underutilized in accordance with the property's established zoning.

This assessment should include identifying and abandoning City right-of-way that may no longer be needed or used for the extension of streets within the Infill Area.

1.6 The City should consider the release or sale of City-owned infill parcels to organizations that provide for developments and/or housing for low or moderate-income families, first time home buyers, and/or persons with disabilities.

1.7 The City should pursue changes to the State Statutes for development impact fees that would allow the City and other municipalities to determine areas that are exempt or excluded from impact fees.

This is based on the assumption that the proposed development is within an established utility service area and the impact from the proposed development was planned for when the utilities were installed.

1.8 Relocation of existing businesses to infill parcels either within or from outside the Infill Areas, should be eligible for any established incentive within the City Codes and Ordinances, provided that the previously used building and structures are not left

vacant for more than six months.

Demolition of older structures allows for easier new construction and changes in land use to occur.

1.9 Any parcel that becomes vacant and that is not identified within the Infill Database, should be eligible for the applicable incentives provided that redevelopment of the property occurs within two years of the demolition of the existing structures.

1.10 The City should establish either separate special districts and overlay zones, such as Enterprise Zones, in areas or neighborhoods with large numbers of infill parcels or include additional incentives and policy changes within new or existing special districts to address infill parcel development.

1.11 The City of Las Cruces may consider, at a later date, the addition of disincentives or assessments for infill parcels that have not developed within a to be determined time frame.

1.12 The City should determine the number of infill parcels that are too small for or that may be land locked, and would be prevented from any type of development. The City should then determine possible uses for said properties, such as:

A. Pocket or neighborhood parks,
B. Utility substations,
C. Drainage or storm water retention facilities, or
C. Acquisition and incorporation into adjoining developed parcels.

Objective 2: To address leap frog development outside the Infill Area.

Policies:

2.1 The development community or developer should be required to provide all necessary utility and roadway infrastructure, including oversized lines, for any development that is not directly adjacent to existing development or that does not connect exterior developments with the remainder of the City.

Oversized lines, where appropriate, should be built with the City's consent and a system established for the developer to recoup the costs associated with over sizing utility lines when new developments connect to said lines.

2.2 Consider other disincentives for developments not adjacent to existing roadways and other developments to further promote infill development. Possible alternatives include:

A. increased or proportionately increasing utility rates,
B. increasingly graduated impact fees related to the distance the proposed

development is from the Infill Area,

C. increased property taxes,

D. increased city fees, such as building permits and utility connection costs,

E. land set aside requirements or increased land set aside requirements for parks, schools, public facilities, and open space, and

F. reduced densities below the established requirements or automatic increased densities for infill parcels.

Objective 3: Improve the overall image and attractiveness of the Infill Areas and older parts of the City.

Policies:

3.1 Increase patrol of police and codes enforcement officers for illegal and enforcement activities, including:

A. weed control,

B. litter and graffiti removal,

C. inoperable vehicle removal,

D. gang intervention, and

E. illegal drug activities.

3.2 Focus rapid graffiti and litter removal efforts to the Keep America Beautiful and Parks and Recreation staffs.

3.3 Increase use and expansion of community policing programs and bicycle patrols for the Infill Area neighborhoods.

3.4 Improve and expand public transportation services within and throughout the Infill Area.

3.5 Establish a formal program for the demolition of uninhabitable buildings and structures.

3.6 Increase public notification efforts of the Community Development Department programs.

3.7 Improve and expand existing public facilities, such as additional park equipment, sidewalk reconstruction, street light installation, and repaving of residential streets within the Infill Area.

3.8 Increase community activities and involvement by providing for neighborhood block parties and city-wide events to be conducted in the Infill Area.

Objective 4: Consider the possibility of additional incentives for the future as the Infill Area expands.

Policies:

4.1 Consider providing some form of tax abatements and Industrial Revenue Bonds for commercial and industrial infill parcel developments based upon established criteria, including such items as:

A. a long term lease or acquisition of the property by the City, and the City in turn leasing or selling the property to the end user or business,

B. payment in lieu of taxes,

C. new local employment equal to 50% of the employer's total workforce, and

D. other requirements as may be required by the City to ensure proper development and long-term economic benefit to the City.

4.2 Reduce or eliminate all associated development impact fees for infill parcels as part of the update to the Capital Improvement Plan and growth projections update, especially for:

A. new single family homes, duplexes, or townhouses on existing infill parcels or on infill parcel subdivisions lots in which less than ten lots are created,

B. park fees, if determined appropriate, be recouped from the general fund while water and wastewater development impact fees, if determined appropriate, be recouped from either the general fund or from an increase from the rate base,

C. any infill parcel that was subdivided, for residential purposes, into more than ten lots would not be eligible for impact fee reductions,

D. any office, commercial, and industrial developments would not be eligible for impact fee reductions, and

E. priority would be given to any residential development that provides new housing opportunities, including home ownership, for low income families and/or persons with disabilities. Low income families are defined as 80%, or below, of the median family income for the City of Las Cruces.

4.3 Provide reduced utility rates for specified periods (e.g. 2 years) for infill development, should be based on the following criteria:

A. any type of residential development, including apartments, would be eligible but the City would limit the reduced rate to a specific number of developments per year, and

B. residential infill subdivisions in which more than ten lots are created would not be eligible nor would any type of office, commercial, or industrial development.

IMPLEMENTATION

The implementation of the Infill Policy Plan will require the completion of a series of programs. These programs are the actions by the City of Las Cruces which will determine the ultimate success of infill development. The following are recommended programs for the implementation of the Infill Policy Plan.

1. The Planning Department will submit to the Planning and Zoning Commission for recommendation an amendment to the 1981 Zoning Code, as amended, for the creation of the IDP in all appropriate zoning districts by April 1998 and to the City Council by June 1998.

2. The Planning Department will formalize the activities involved for review by the P&Z in appropriate Codes, including the Design Standards, the Sign Code, the Subdivision Code, and Zoning Code, for adoption by City Council by June 1998.

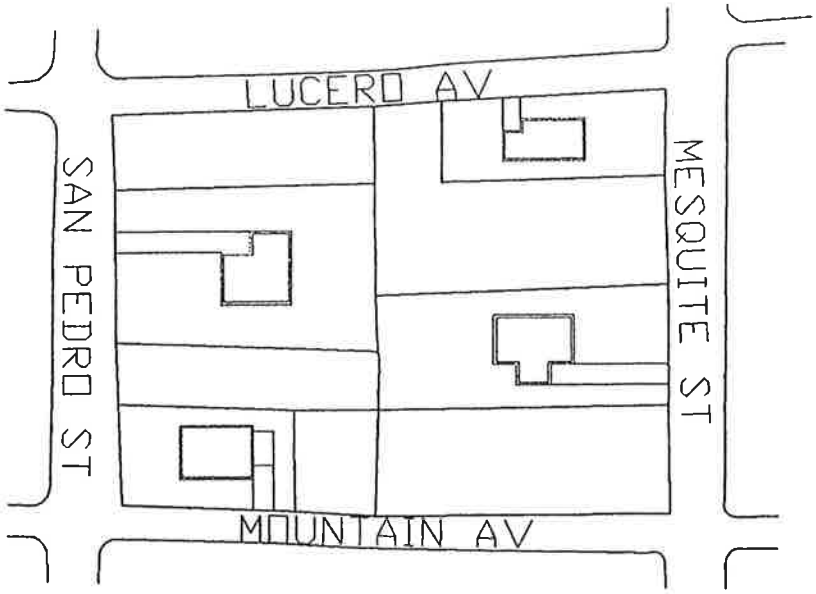
3. The Planning Department, in consultation with the Civil Engineering Department and Utilities Division, will formalize steps and produce necessary budget proposals and new programs for implementation of incentives for the IDP for the FY 98/99 City of Las Cruces Budget.

4. The Planning Department and the Utilities Division will look for modifications to the CIP to exclude the Infill Area as part of the CIP and growth projections rewrite in 1999.

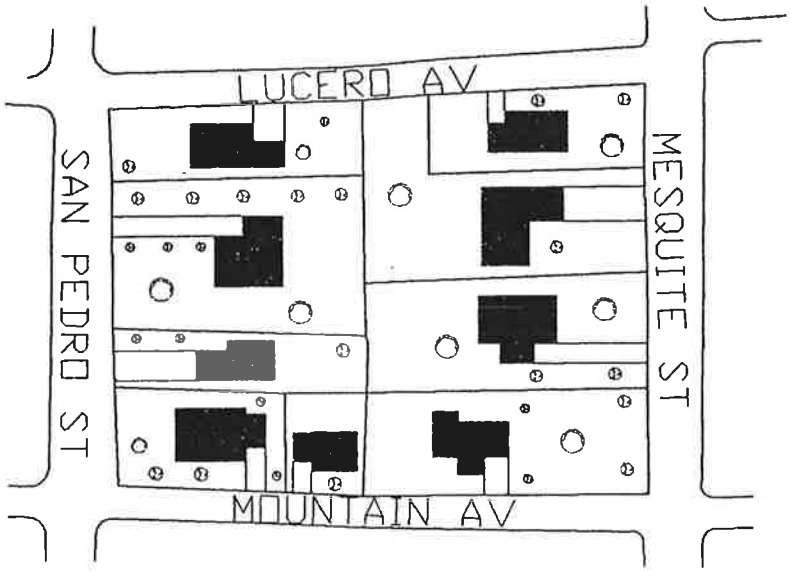
5. The City will pursue regulatory changes to the Development Fees Act to allow municipalities and counties to exclude specific areas in which substantial return on infrastructure has been recouped, such as the Infill Areas, from such impact fee requirements.

6. The City will review and amend this Plan at least every five years, including the possibility of expanding the Infill Area boundaries.

7. The City, prior to the next amendment to this plan, should conduct an assessment of the number of vacant buildings and underutilized parcels within the Infill Areas for possible inclusion in the IDP and utilization of any provided incentives.



INFILL DEVELOPMENT PROCESS



ARTICLE V
INFILL SUBDIVISION PROCESS

Sec. 37-141. The purpose of infill subdividing.
The purpose of the infill subdivision process is to implement the infill policy plan regarding the subdivision of land by providing an efficient process to encourage the development of vacant or underutilized properties within the central part of the City and to utilize existing infrastructure in a more cost-effective manner.
(Ord. No. 1798, § I, 6-19-00; Ord. No. 2519, 5-26-09)

Sec. 37-142. Usage.

A. The infill subdivision process is designed to make it more desirable to develop vacant or underutilized land in the central part of the City, as well as to streamline the processing of subdivisions through two procedures: the infill development process (IDP) and the infill subdivision method (ISM). Both procedures provide an expedited review and processing schedule.

B. The infill development process option allows the applicant to submit a single application, in which the Planning and Zoning Commission may consider not only the proposed subdivision, but additional development aspects of the property such as variances, changes of land use, special use permits, etc. Consult section 38-48 of the Municipal Code, for specific procedures and options. The IDP option shall only be available on qualified infill properties within the defined infill area. See figure 1 for delineation of the Infill Area.

C. To qualify for use of the infill development process, the property must meet the definition of an infill parcel as set forth in Section 38-48 of the Municipal Code. Subdivision proposals not meeting the qualifications of the infill development process, but located within the infill area may follow the provisions of the infill subdivision method.

D. The infill subdivision method is an expedited procedure for subdivisions located in the infill areas. The ISM allows for an administrative approval of a concept plan in lieu of the full master plan process for proposals that would ordinarily require master plan approval. Once the concept plan has been approved, the developer may skip the preliminary platting process and proceed to the final plat process. The infill subdivision method is for subdivision proposals only. Any necessary variances, zone changes, special use permits, etc., would require separate action. Subdivision proposals in the Infill Area that consist of just one or two lots may potentially follow the alternate summary procedure.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02; Ord. No. 2519, 5-26-09)

Sec. 37-143. Procedure for the infill development process.

A. Pre-application procedure for IDP. Any proposed IDP causing need for public notification, review and approval by the Planning and Zoning Commission shall first be reviewed at a pre-application meeting of the Development Review Committee (DRC), scheduled by the Community Development staff. A representative for the proposed development action shall attend the pre-application meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC

an opportunity to gauge and determine neighborhood and/or community impacts. In that this represents an initial and informal discussion, information provided to the representative regarding procedural nuance, necessary changes prior to formal submittal, or other regulatory related information shall be considered preliminary feedback based on information received, and shall not represent a complete disclosure of all regulatory measures that may apply upon formal review. In no circumstances should related discussion by staff represent a final disposition on the preliminary proposal at hand.

1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance form the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:
   a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.
   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised.
2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the neighborhood group/association and the property owners within 500 feet shall be

notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
   a. A detailed description (to the extent possible) of what is being pursued in terms of development.
   b. Information as to how the developer, applicant, or representative for the development action may be contacted.
   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
   f. Community Development staff contact information for any related correspondence or general inquiry.
5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented

B. For purposes of the pre-application process, a written application or fee is not required, nor does this pre-application procedure require formal approval.

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-144. Submittal of an infill development process application.

A. The application indicating the type of action being requested, along with the necessary support information may be submitted to the Community Development Department at any time. The submittal shall be reviewed by the appropriate staff within eight business hours, and if all required items have been submitted, the application shall be accepted for review. If a submittal is found to be incomplete, the applicant shall correct the deficiencies and resubmit the application. The proposal will then be scheduled for review by the Planning and Zoning Commission at a public hearing on the first Tuesday following the public notice period.

B. The subdivision administrator, the Development Review Committee or the Planning and Zoning Commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-145. Approval of infill subdivisions under the infill development process.

A. Following staff review, a written report shall be provided to the Planning and Zoning Commission with a recommendation that the proposal be approved, conditionally approved, postponed, or disapproved. The Development Review Committee shall state reasons for their recommendation on the proposal to the Planning and Zoning Commission.

1. Public notice requirements for the IDP:

a. *Agenda.* The agenda for the Planning and Zoning Commission public hearing shall be made available no later than fifteen (15) calendar days prior to the public hearing.

b. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative at least fifteen (15) calendar days prior to the Planning and Zoning Commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.

c. *Notice.* Notice on all proposed subdivisions shall be sent by regular, non-certified,

first class mail for subdivision related matters. If zoning related issues are part of the IDP request, notice for those items shall follow Article II, Section 38-10, E. to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 500 feet of the area of the proposed subdivision, including streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. The Community Development Department is responsible for the list of property owners and the preparation of the mail. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. Notice for purposes herein shall be mailed at least fifteen (15) calendar days prior to the public hearing. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the city at least 15 calendar days prior to the meeting.

B. The Planning and Zoning Commission shall review the proposal, report, comments and recommendations received from the Development Review Committee, the presentation from the subdivider or the subdivider's representative, and comments from any interested citizens, at a public hearing scheduled as needed, in accordance with section 38-1605 of the municipal code. Action from the Planning and Zoning Commission shall be in the form of an approval, conditional approval, postponement or disapproval. Action from the Planning and Zoning Commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the Planning and Zoning Commission as done at the public hearing shall be furnished to all appropriate parties in accordance with section 37-11(b).

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-146. Pre-application procedure for the infill subdivision method.

A. The subdivider that is following the infill subdivision method shall, prior to the filing of an application for approval of a final plat, submit a conceptual plan of the proposed development for formal review. Upon receipt of the submittal, the Community Development Department shall issue a receipt for same. The subdivision administrator shall then have eight business hours to review the submittal for completeness. If all of the required items have been submitted, and the conceptual plan submittal contains all necessary items as per section 37-144 of this chapter, the subdivision administrator shall accept the submittal for review. A proposed conceptual plan shall not be accepted for review if incomplete. All items required on a conceptual plan must be present for acceptance. If a submittal is found to be incomplete, the applicant shall have eight business hours to correct the deficiencies and still meet the submittal deadline, if applicable.

B. Any proposed ISM causing need for public notification, review and approval by the Planning and Zoning Commission shall first have a concept plan reviewed at a meeting of the Development Review Committee (DRC) that is to be scheduled within nine (9) calendar days of acceptance by the Community Development staff (note: a conceptual plan is not required if following the infill development process). The purpose of the review is to determine whether it is consistent with the intents and purposes set forth in sections 37-3 and 37-141 of this chapter and to gauge whether early notification is

warranted. A written report shall ultimately be provided to the subdivider indicating any changes that may be needed or potential concerns that may arise during the final plat and construction drawing review process. Upon completion of the review, the DRC will provide a recommendation on the proposal for the Planning and Zoning Commission. Due to this process, a representative for the proposed development action shall attend the DRC meeting and discuss the proposal in general terms, providing enough specifics to allow attending staff representing the DRC an opportunity to gauge and determine neighborhood and/or community impacts and development related issues.

1. Neighborhood group and/or noticed area determination. The DRC, with lead guidance form the Community Development Department representative, shall upon consideration of the information received during the pre-application meeting, instruct as to whether early notification of the subject proposal by the applicant to a neighborhood group(s) (recognized group(s)) and/or noticed area shall be necessary prior to formal application and submittal of the development proposal to the city. The criteria used by staff to determine notice need may include, but not be limited to the following:
   a. Development that is likely to cause significant traffic impacts due to limited roadway access or a potential decrease in level of service based on the subject roadway's design.
   b. Potential land use conflicts resulting from proposed land use distribution adjacent to existing development of a differing land use classification such as proposed commercial uses adjacent to low density residential uses.
   c. Known neighborhood concerns on tangible and reasonable development issues that could be mitigated through design alternatives. An example of a concern congruent to this criterion is anticipated development consistency with surrounding development styles as they may relate to lot size/dimension transitions, roadway widths out of character with adjacent development, etc. An example of a concern not congruent to the criterion is disapproving development on private vacant property due to the elimination of "open space" or development of private vacant property because one's view may be compromised,
2. Early notification exception. DRC determination of early notice need which shall include an open invitation to discuss the proposal at a meeting, shall not pre-empt the Planning and Zoning Commission, City Council upon appeal or other reviewing bodies with approval (recommending or final action) authority from thereafter requiring an additional meeting(s). Criteria used by the applicable reviewing body shall be at their discretion and may or may not follow the criteria identified in the preceding provision. Significant deviation of plan proposal post neighborhood group and/or noticed area meeting may subject the applicant from thereafter participating in another meeting to inform and discuss revisions. Changes addressing neighborhood concerns shall not necessarily subject the applicant to another meeting; however, an omission in the proposal that is added post meeting and deemed significant by Community Development staff is a candidate for reconsideration by the notified neighborhood prior to consideration by any formal reviewing body.
3. Early notification recipients. Notification recipients shall include registered neighborhood groups, and/or associations, identified on the applicable Community Development Department's web page. In the event an identified association or group does not exist or cover an adequate area surrounding the proposal, both the

neighborhood group/association and the property owners within 500 feet shall be notified. If no association or group exists within the notification boundary, notification to property owners shall take place using the same distance threshold. Measurement shall be made radially from the outermost property boundary where the subject proposal is located. Any association/group boundary or property boundary that falls either partially or entirely within said radius based on the qualifying standards of this subsection shall receive notification. Contact and mailing information for associations, groups and property owners to be notified shall be provided by the Community Development Department. Mailing preparation, expenses and materials are the responsibility of the developer, applicant and/or representative. Notification shall take place no later than fifteen (15) calendar days prior to the date of submittal. In the event a meeting is called for pursuant to item (4) that follows, may cause delay with the proposal's submittal in order to accommodate the agreed upon meeting schedule and other factors necessary to meet submittal content.

4. Early notification form and content. All required notification shall be sent via regular, non-certified, first class mail and the content of the notice shall include at minimum:
   a. A detailed description (to the extent possible) of what is being pursued in terms of development.
   b. Information as to how the developer, applicant, or representative for the development action may be contacted.
   c. A statement as to how the proposal may impact the neighborhood(s) surrounding the subject property where the development is to occur.
   d. An open offer to participate in a meeting with the association(s)/group(s) and/or property owners at a mutually agreed upon date, time and location in order to discuss the proposal more fully.
   e. A need to provide a WRITTEN meeting request (if desired) to the development representative, copying Community Development staff either in a letter or email format within the stated fifteen (15) calendar day threshold. Requests for a meeting within the fifteen (15) calendar day period shall render the meeting need mandatory prior to submittal whether or not the meeting takes place inside or beyond this fifteen (15) calendar day period. Requests that come in after said period do not compel the applicant to entertain a meeting prior to submittal; however, a meeting with those requesting one is advisable prior to formal review of the proposal by a recommending or decision making body.
   f. Community Development staff contact information for any related correspondence or general inquiry.
5. Neighborhood group/neighborhood meeting. It shall be the responsibility of the representative for the proposal to supply any and all materials necessary to convey development parameters as applicable. Additionally, the representative shall be responsible for minute transcription (summary or verbatim) which clearly indicates the date, time and location of the meeting and the general nature of conversation that tool place regarding the proposal. Information shall at minimum identify key points that convey support for or the lack thereof for the proposal as presented.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-147. Submittal of an infill subdivision method application.

A. Following a concept plan review by the DRC, if required, the final plat and supplemental material shall be submitted to the Community Development Department. Upon submittal, the subdivision administrator shall have eight hours to review the submittal for completeness. If all of the required items have been submitted, and the final plat submittal contains all necessary items per section 37-147, the submittal will be accepted for review. A proposed final plat shall not be accepted for review if incomplete or substantially inaccurate.

B. The subdivision administrator, the Development Review Committee or the Planning and Zoning Commission shall have the authority to waive or add submittal requirements if it is determined that the additional items and resulting information is necessary in order to accomplish the objectives of this chapter. Additional requirements may include a neighborhood group and/or noticed area meeting. Any request for additional submittal requirements shall be justified in writing by the requesting entity.

C. Final plats shall be processed to the Development Review Committee and other governmental agencies, if applicable, for review, comments and recommendations. The Development Review Committee shall review the final plat to determine if it is consistent with the intent and purpose set forth in sections 37-3 and 37-141 of this chapter.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-148. Approval of infill subdivisions under the infill subdivision method.

A. Following staff review, a written report shall be provided to the Planning and Zoning Commission with a recommendation that the final plat be approved, conditionally approved, postponed, or disapproved. The Development Review Committee shall inform the Planning and Zoning Commission of the reasons for their recommendation on the final plat.

B. Public notice requirements for the infill subdivision method:

1. *Agenda.* The agenda for the Planning and Zoning Commission public hearing shall be made available no later than fifteen (15) calendar days prior to the public hearing.
2. *Posting.* Notice of the proposed development shall be posted in conspicuous places on the property site by the property owner, applicant or representative at least fifteen (15) calendar days prior to the Planning and Zoning Commission public hearing. A sign measuring four (4) feet by four (4) feet shall be used and secured with appropriate supporting hardware made available by Community Development staff. When the property has multiple street frontages, one sign per frontage shall be posted. Large properties may require a greater number of signs which shall be determined by Community Development staff. It shall be the responsibility of the property owner, applicant or representative to ensure continuous posting throughout the public hearing processes. Processes for purposes of this provision shall start with the Planning and Zoning Commission and cease when a final determination is made on the proposal regardless of the number of reviewing entities involved. In that multiple reviewing entities may be involved, Community Development staff will inform the property owner, applicant or representative of necessary changes needed on the sign to reflect the appropriate reviewing entities, meeting dates and venues.
3. *Notice.* Notice on all proposed subdivisions shall be sent by regular, non-certified, first class mail to all property owners (as shown on the records of the county assessor) within the proposed area of development and within 500 feet of the area of the proposed subdivision, excluding streets, alleys, channels, canals, other public rights-of-way and railroad rights-of-way. Regular, non-certified, first class mail shall also be sent to all recognized neighborhood groups within five hundred (500) feet of the subject property. The Community Development Department is responsible for the list of property owners and preparation of regular mail. Notice for purposes herein, shall be mailed at least fifteen (15) calendar days prior to the public hearing. The subdivision administrator shall execute an affidavit verifying the list of persons to whom notice was mailed. Notice of the time and place of the public hearing shall be published at least fifteen (15) calendar days prior to the public hearing in a newspaper of general circulation in the city.

C. The Planning and Zoning Commission shall review the final plat, report, comments and recommendations from the Development Review Committee, presentation from the applicant or the applicant's representative and from any interested citizens. Action from the Planning and Zoning Commission shall be in the form of an approval, conditional approval, postponement, or disapproval. Action from the Planning and Zoning Commission shall be recorded in the minutes of the meeting. A copy of the notice of decision that includes any changes or conditions from the Planning and Zoning Commission, as approved at the public hearing, shall be furnished to all appropriate

parties in accordance with section 37-11(b). All approvals by the Planning and Zoning Commission are conditioned upon final review and approval of outstanding staff comments.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Sec. 37-149. Additional approval requirements for the infill development process or infill subdivision method.

A. It is a requirement of the Planning and Zoning Commission that no infill development process or infill subdivision method proposal shall be reviewed unless either the subdivider or the subdivider's representative is present at the Planning and Zoning Commission meeting. If the applicant or representative is not present at the public hearing, the proposal shall be tabled until the next available Planning and Zoning Commission meeting.

B. Upon final approval of the infill development process or the infill subdivision method proposal, the subdivider may submit applications for construction permits and/or a form of security for the filing of the plat. The final plat shall not be filed until all construction improvements have been completed by the developer and approved by the City or a form of security has been established and approved. It shall be the subdivision administrator's responsibility to obtain the necessary signatures of City officials after final plat approval. The subdivision administrator shall be responsible for filing the final plat at the county clerk and recorder's office.

C. Final plat approval shall be effective for no more than three years from the date of approval. If the subdivision improvements have not been completed or a form of security established and approved, the final plat shall be resubmitted for final plat approval. Prior to the expiration date, the developer may submit a request for extension, if desired. The request will be reviewed by the Development Review Committee for consideration. All plat extensions shall be automatically conditioned to required compliance with all City codes, regulations and specifications in place at the time of development of the plat in question.

D. No changes, revisions, erasures, or modifications shall be made on the final plat. No final plat shall be filed and recorded prior to the satisfaction of all requirements and conditions.

E. Appeals. Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this chapter or any other adopted resolution, rule, or regulation may appeal the decision. The appeal must be initiated in writing and delivered to the subdivision administrator within 15 calendar days after all other procedures established by this chapter have been exhausted. For details on the appeal process, refer to section 37-13, "procedures for appealing decisions if staff, the Development Review Committee and the Planning and Zoning Commission."

(Ord. No. 1798, § I, 6-19-00)

Sec. 37-150. Infill subdivision submittal requirements for the infill development process or

infill subdivision method.

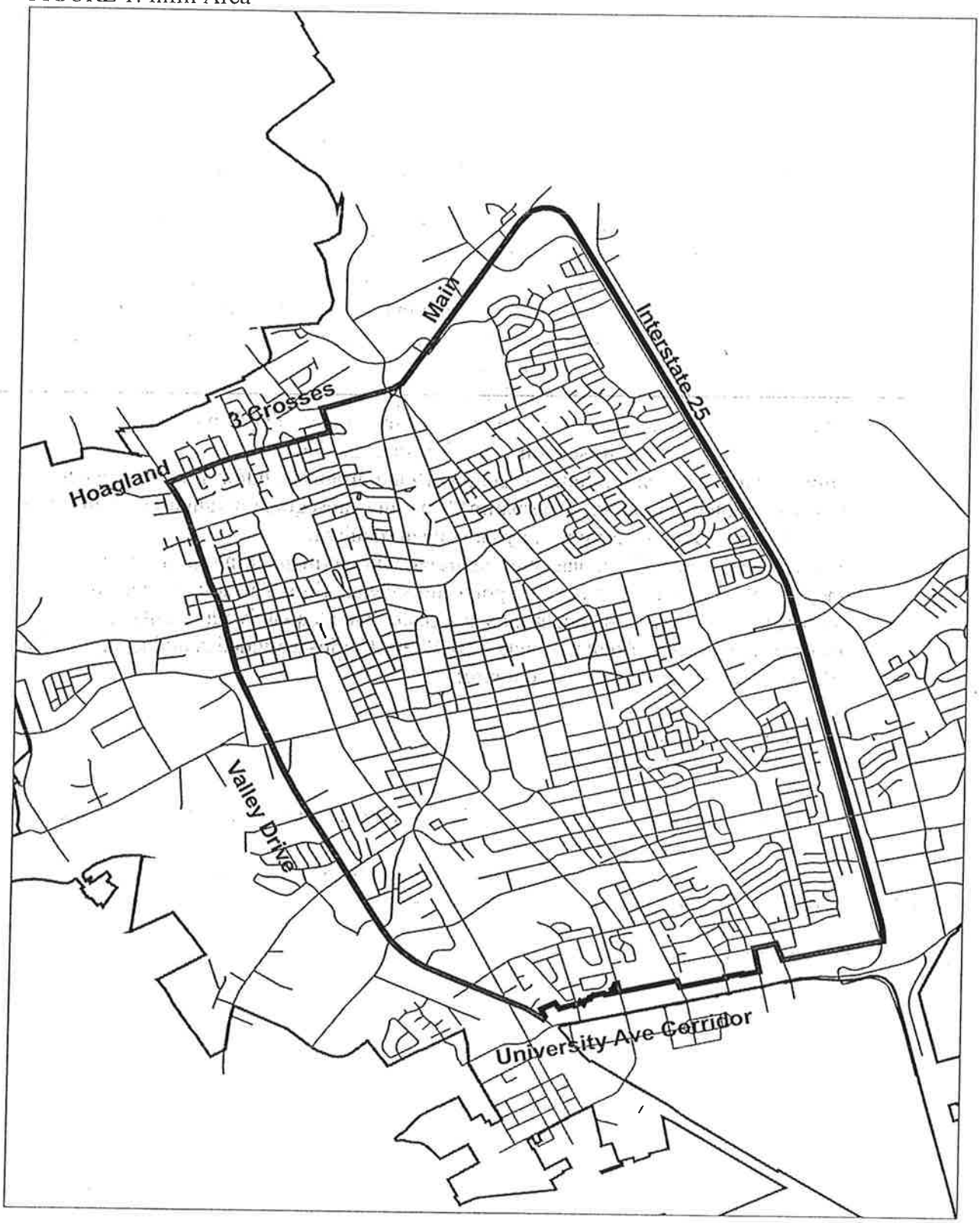
A. Conceptual plan requirements. Pre-application procedure for infill subdivisions utilizing the ISM requires the submittal of a conceptual plan, which shall be prepared in accordance with the master plan requirements stated in section 37-46.

B. Final plat and supplemental material requirements. After review of the conceptual plan, if required, the subdivider shall submit the following for final plat approval.
   1. Application for final plat:
      a. The application shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) of the subject property as recorded in the county clerk's office.
      b. Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.
   2. Submittal fee, unless utilizing the IDP.
   3. Filing fee shall be required of the applicant at the time of plat filing.
   4. A final plat conforming to section 37-114 of this chapter.
   5. Copy of early notification letter to neighborhood group(s) and/or noticed area and copy of minutes (summary or verbatim) from any subsequent neighborhood group(s) and/or noticed area meeting as may have been required.
   6. Address plat. The address plat shall be drawn with permanent ink or produced by a photographic process on a linen or polyester (Mylar) film. The address plat shall be prepared on 18-inch × 24-inch sheets at a scale that adequately represents the information (preferred scale: 1 inch = 100 feet). Copies provided shall be legible. The following information shall be required:
      a. Title of subdivision.
      b. Approved lot layout.
      c. Lot and block numbers.
      d. Street name.
      e. Address for each lot. (Community Development Department will provide the addresses.)
      f. Neighborhood delivery and collection box unit location, if applicable.

(Ord. No. 1798, § I, 6-19-00; Ord. No. 1929, §§ I, II, 8-5-02)

Secs. 37-151--37-175. Reserved.

FIGURE 1: Infill Area



Sec. 38-48. IDO - Infill Development Overlay District

A. PURPOSE. The purpose of the Infill Development Overlay District is to implement land use and development policies as established in the Infill Policy Plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property's zoning. The goal is to develop active uses that are compatible with surrounding land uses while promoting economic development in the central part of City, in accordance with the Comprehensive Plan.

B. DEFINITIONS.

An "Infill Parcel" is defined as any vacant or underutilized tract, lot, or parcel of real property, including those parcels currently used for agricultural purposes, that falls within the infill area (See Figure 1).

An "Underutilized Parcel" is any tract, lot, or parcel of real property on which additional development or redevelopment may occur without significantly altering neighborhood character. A parcel may be considered underutilized for a number of reasons, including but not limited to:

- Presence of a structure that has no active utility service;
- Presence of a multi-unit commercial or residential structure with sustained high vacancy rates;
- Undeveloped land area sufficient to construct an additional, non-accessory structure;
- Land use that is less dense/intense than current zoning allows.

A determination as to whether a parcel is underutilized, and therefore a qualified infill parcel, shall be made by Community Development staff. This judgment shall be confirmed or denied by the Planning and Zoning Commission unless the decision is an administrative one (see subsection F herein).

A "Vacant Parcel" is any tract, lot, or parcel of real property that currently has no building on premises, but may contain utility, transportation, agricultural or other non-building structures (including but not limited to utility poles, alleys, garden plots).

C. DELINEATION OF OVERLAY DISTRICT. The Infill Development Overlay District is defined as all property contained within the following boundary: (See Figure 1)

1. Interstate Highway 25,
2. The northern boundary of the University Avenue Corridor Overlay Zone,
3. Valley Drive (NM Highways 188 & 185),
4. Hoagland Road,
5. Alameda Boulevard,
6. Three Crosses Avenue, and
7. North Main Street (U.S. Highway 70).

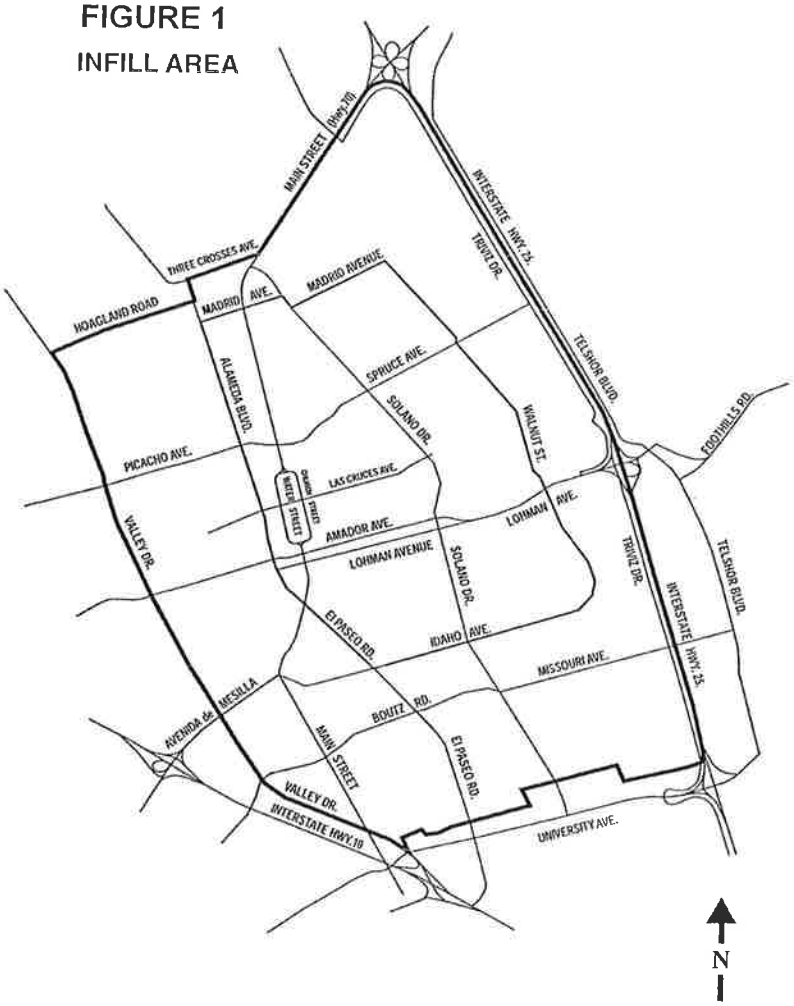
D. INFILL DEVELOPMENT PROCESS. The Infill Development Process (IDP) is a streamlined development process for qualifying infill parcels. The IDP can be used for the following types of requests:

1. Variances, (including signs)
2. Special Use Permits
3. Planned Unit Developments (Including land uses not allowed in the parcel's existing zone)
4. Subdivisions (See City of Las Cruces Subdivision Code, Article V)
5. Building Permits
6. Sign Permits
7. Business Registrations

E. APPLICATION PROCEDURE. The application, including the Development Statement, indicating what type of action is being requested along with necessary support information (see application packet) shall be submitted to the Community Development Department. An applicant may submit multiple requests at once (i.e. building permit, sign permit, variance and special use permit) so that all requests are reviewed simultaneously. This allows for all necessary permits for development and use of an infill parcel to be issued at once. There shall be no submittal fee required for an IDP proposal. However, an application will not be accepted if all required information is not included. If the application is complete, the application will then be processed for review by the appropriate staff.

FIGURE 1

INFILL AREA



If required, the proposal will then be scheduled for review by the Planning and Zoning Commission at a public hearing on the first Tuesday following the public notice period. Public Notice will be sent in accordance with Section 38-12, excluding subdivisions, which shall conform to the requirements of the Las Cruces Subdivision Code, Chapter 37 of the Las Cruces Municipal Code, for public notification.

F. APPROVAL PROCEDURE. An IDP proposal will either be processed administratively (IDPA) or brought before the Planning and Zoning Commission for final action (IDPPZ). As previously explained in Paragraph E, once an application is submitted, the staff will process said application via the appropriate process.

IDPA. For IDP proposals that only require administrative approval, i.e. business registrations, summary subdivisions, building permits, and sign permits, staff shall review the submittal in an expedited manner. The initial review period for commercial/industrial building permits shall be three (3) business days. Any subsequent review beyond the first submittal shall be accomplished within two (2) business days. Single-family residential building permits may be issued over-the-counter or go through a review period as provided for in Articles IV and VI of Chapter 30 of the Municipal Code. Business Registrations and Sign Permit applications shall be reviewed and either approved or denied within three (3) business days. A Business Registration will be issued with the Certificate of Occupancy for the property. A Sign Permit can be issued at anytime following approval.

IDPPZ. The Planning and Zoning Commission is the final authority on all types of requests as indicated in paragraph D that would require a public hearing. Any decision of the Planning and Zoning Commission may be appealed to the City Council in accordance with Section 38-13 of this Code and/or Article V of Section 37-13 of the City Subdivision Code depending on the type of request. IDP proposals requiring Planning and Zoning Commission approval will be heard by the Planning and Zoning Commission in a public hearing when the Public Notice requirements of Section 38-12 of this Code or Article V of the Las Cruces Subdivision Code, Chapter 37 of the Las Cruces Municipal Code, as applicable, are met and in accordance with paragraph E above.

The Planning and Zoning Commission shall consider an IDP proposal based on the criteria and authority granted it by Section 38-10. In addition, the Goals, Objectives, Policies, and Design Matrices within the Elements of the City's Comprehensive Plan shall be used to guide decisions. IDP proposals may contain various applications, but shall be considered as a unified proposal, and as such, the Planning and Zoning Commission should evaluate whether the project as a whole advances the Purpose as defined in subsection A herein. The Planning and Zoning Commission may approve, approve with conditions, or deny any IDP proposal brought before it. The Planning and Zoning Commission shall not postpone an IDP proposal unless agreed upon by the applicant. An action form shall be issued to the applicant detailing the action taken by the Planning and Zoning Commission and any conditions required by the Commission.