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Council Action and Executive Summary

Item # 19 **Ordinance/Resolution#** 2764

For Meeting of October 5, 2015 (Ordinance First Reading Date) **For Meeting of** October 19, 2015 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE REPEALING AND REPLACING PART II, CHAPTER 2, ARTICLE IV, DIVISION 3, SUBDIVISION XVI. - SOUTH MESQUITE DESIGN REVIEW BOARD, SEC. 2-928. - DUTIES AND PROCEDURE, OF THE LAS CRUCES MUNICIPAL CODE IN ORDER TO REMAIN CONSISTENT WITH MODIFICATIONS TO ARTICLE V, SECTION 38-49.2, SOUTH MESQUITE NEIGHBORHOOD OVERLAY ZONE DISTRICT, OF THE LAS CRUCES MUNICIPAL CODE. SUBMITTED BY THE CITY OF LAS CRUCES.

PURPOSE(S) OF ACTION:

To amend the Las Cruces Municipal Code.

COUNCIL DISTRICT: 1, 4		
Drafter/Staff Contact: Katherine Harrison-Rogers	**Department/Section:** Community Development/ Building and Development Services	**Phone:** 528-3049
City Manager Signature:	Daniel Avila	

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed amendments to the Las Cruces Municipal Code Article V, Section 38-49.2, South Mesquite Neighborhood Overlay Zone District, broadens the duties of the South Mesquite Design Review Board. If adopted, modifications to Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Section 2-928. - Duties and Procedure, of the Las Cruces Municipal Code are required in order to be consistent with these changes.

The expansion of duties of the South Mesquite Design Review Board include broadened reviews for exterior design of structures, modifications to the need for building height waivers, an expansion of recommending powers to the Planning and Zoning Commission, the addition of recommendations to the Community Development Director for Tier 1 and Tier 2 Flexible Development Standards, and clarification of waiver authority for various site design components.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Proposed Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Section 2-928. - Duties and Procedure.
3. Attachment "A", Proposed Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Section 2-928. - Duties and Procedure in legislative format.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: ____ in the amount of $_____for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE:

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will repeal the current Las Cruces Municipal Code section and will replace it with the updated code language.
2. Vote "No"; this will retain the Las Cruces Municipal Code language: no modifications will occur.

3. Vote to "Amend"; this could repeal the current Las Cruces Municipal Code language, modify the Las Cruces Municipal Code language as presented, and replace the Las Cruces Municipal Code section with the modifications.
4. Vote to "Table"; this could allow City Council to direct staff to provide additional information to bring forward at a later City Council meeting.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

COUNCIL BILL NO. 16-005
ORDINANCE NO. 2764

AN ORDINANCE REPEALING AND REPLACING PART II, CHAPTER 2, ARTICLE IV, DIVISION 3, SUBDIVISION XVI. - SOUTH MESQUITE DESIGN REVIEW BOARD, SEC. 2-928. - DUTIES AND PROCEDURE, OF THE LAS CRUCES MUNICIPAL CODE IN ORDER TO REMAIN CONSISTENT WITH MODIFICATIONS TO ARTICLE V, SECTION 38-49.2, SOUTH MESQUITE NEIGHBORHOOD OVERLAY ZONE DISTRICT, OF THE LAS CRUCES MUNICIPAL CODE. SUBMITTED BY THE CITY OF LAS CRUCES.

WHEREAS, the City of Las Cruces Comprehensive Plan 2040 encourages neighborhood districts/overlay zone districts to address such issues as architectural styles and design elements which are compatible with the surrounding neighborhood especially as a means of preserving an identifiable neighborhood image; and

WHEREAS, recent amendments approved by City Council to Chapter 38, Article V, Section 38-49.2, South Mesquite Overlay Zone District, of the Las Cruces Municipal Code expanded the duties of the South Mesquite Overlay Design Review Board; and

WHEREAS, the expanded duties of the South Mesquite Overlay Design Review Board found in Chapter 38, Article V, Section 38-49.2, South Mesquite Overlay Zone District, of the Las Cruces Municipal Code need to be consistent with the duties outlined in Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Sec. 2-928. - Duties and Procedure, of the Las Cruces Municipal Code.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Sec. 2-928. - Duties and Procedure, of the Las Cruces Municipal Code, is hereby repealed and replaced with Exhibit "A", attached hereto and made part of this Ordinance.

Code, is hereby repealed and replaced with Exhibit "A", attached hereto and made part of this Ordinance.

(II)

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

DONE AND APPROVED this_____ day of _____ 20____.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "A"

Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board

Sec. 2-928. - Duties and procedure.

(a) The design review board shall review the following permit applications for properties lying within the South Mesquite overlay zone district and shall have final authority on these permits relative to exterior design criteria for:

(1) Any new primary structure (s);
(2) Manufactured homes for compliance to SMO design standards, with limitations pursuant to State statute;
(3) Any new accessory structure in excess of 120 square feet;
(4) The conversion of an accessory structure to a primary structure, such as a garage or shed to a casita;
(5) Additions to an existing primary structure that was constructed 50 years prior to the current building permit application, whether or not it is listed as Contributing on the State or National Mesquite Street—Original Townsite Historic District Inventory;
(6) Additions to accessory structures in excess of 120 square feet (one time or cumulative);
(7) Window or door replacement on street-facing facades;
(8) Any alterations to the street facade of the primary structure or any alterations to an accessory structure over 120 square feet in size; and
(9) Any alterations, replacement or changes to the roof resulting in an alteration of the style of roof of a primary structure or accessory structure over 120 square feet in size.

(b) Structures located anywhere within the boundary of the in the Original Townsite that are proposing a building height greater than 14 feet or structures located outside the Original Townsite, but within the boundary of the South Mesquite overlay zone district that are proposing a building height greater than 25 feet shall require approval by the design review board.

(c) The design review board will also serve as a recommending body to the planning and zoning commission for any plan amendments relative to the South Mesquite area, any code amendments to the South Mesquite overlay zone district, and any planned unit developments, special use permits, land use or zone changes, and variances, not otherwise excepted in Section 38-49.2 of the Municipal Code, within the boundaries of the South Mesquite overlay zone district. A variance shall be defined as a variation in the numerical requirements of the 2001 Las Cruces Zoning Code, as amended or the sign code. Numerical variances to the clear sight triangle requirements shall be considered, reviewed, denied, or approved by the public works director or designee, as per article III of chapter 26.

(d) The design review board will also serve as a recommending body to the Community Development Director for Tier 1 and Tier 2 Flexible Development Standards as outlined In Section 38-56 of the Municipal Code.

(e) The design review board shall have the authority to modify or waive requirements of the off-street parking as outlined in Section 38-58 and Section 38-49.2 of the Municipal Code, with the concurrence of the City's Traffic Engineer; to modify or waive landscaping requirements of Chapter 32 or of Section 38-49.2 of the Municipal Code; and to modify or waive wire fence restrictions outlined in Section 38-49.2 of the Municipal Code.

(f) An applicant may appeal any decisions made by staff, such as the required front setback distance, to the design review board.

(g) The design review board shall utilize the Mesquite Neighborhood plan, the South Mesquite overlay zone district, and "The Secretary of the Interior's Standards for the Treatment of Historic Properties" along with their technical assistance guide, "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" to determine the proposal's compatibility with the intent of the neighborhood plan and overlay zone documents as well as the surrounding neighborhood. The design review board shall state the reasons for their decisions for public record.

ATTACHMENT "A"

Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board

Sec. 2-926. - Established.

There is established a South Mesquite Design Review Board, hereinafter referred to as "the design review board."

(Ord. No. 2235, § I, 9-6-05)

Sec. 2-927. - Membership.

(a) The design review board shall consist of seven members appointed by the mayor, with the advice of the councilor whose district encompasses a majority of the South Mesquite overlay zone district and consent of the city council as a whole.

(b) Four of the seven members shall consist of professional that are in the banking, finance and construction industries, architects and interior designers, historians, historic preservationists, and similar associated professions.

(c) Three of the seven members shall own property and/or live within the South Mesquite overlay zone district boundary.

(Ord. No. 2235, § I, 9-6-05)

Sec. 2-928. - Duties and procedure.

(a) The design review board shall review the following permit applications for properties lying within the South Mesquite overlay zone district and shall have final authority on these permits relative to exterior design criteria for:

(1) Any new primary structure (s);
(2) Manufactured homes for compliance to SMO design standards, with limitations pursuant to State statute;
(3) Any new accessory structure in excess of 120 square feet;
(4) The conversion of an accessory structure to a primary structure, such as a garage or shed to a casita;
(5) Additions to an existing primary structure that was constructed 50 years prior to the current building permit application, whether or not it is listed as Contributing on the State or National Mesquite Street—Original Townsite Historic District Inventory;
(6) Additions to accessory structures in excess of 120 square feet (one time or cumulative);
(7) Window or door replacement on street-facing facades;
(8) Any alterations to the street facade of the primary structure or any alterations to an accessory structure over 120 square feet in size; and
(9) Any alterations, replacement or changes to the roof resulting in an alteration of the style of roof of a primary structure or accessory structure over 120 square feet in

size.~~New structures and/or any one time or cumulative addition of greater than or equal to 30 percent of the gross square footage of an existing structure located within the area bounded by Picacho Ave. to the north, Tornillo St. to the east, Soladad Ave. to the south, and Campo St. to the west (noted as Area 2 within section 38-49.2B of the Las Cruces Municipal Code, as amended) shall require approval by the South Mesquite design review board.~~

(b) Structures located anywhere within the boundary of the in the Original Townsite ~~South Mesquite overlay zone district~~ that are proposing a building height greater than 14 feet or structures located outside the Original Townsite, but within the boundary of the South Mesquite overlay zone district that are proposing a building height greater than 25 feet ~~and/or that contain more than one story~~ shall require approval by the design review board.

(c) The design review board will also serve as a recommending body to the planning and zoning commission for any plan amendments relative to the South Mesquite area, any ~~as well as~~ code amendments to the South Mesquite overlay zone district, and any planned unit developments, special use permits, land use or zone changes, and variances, not otherwise excepted in Section 38-49.2 of the Municipal Code, within the boundaries of the South Mesquite overlay zone district. A variance shall be defined as a variation in the numerical requirements of the 2001 Las Cruces Zoning Code, as amended or the sign code. Numerical variances to the clear sight triangle requirements shall be considered, reviewed, denied, or approved by the public works director or designee, as per article III of chapter 26.

(d) The design review board will also serve as a recommending body to the Community Development Director for Tier 1 and Tier 2 Flexible Development Standards as outlined In Section 38-56 of the Municipal Code.

~~The design review board is authorized to grant variances within the boundaries of this overlay zone district. A variance shall be defined as a variation in the numerical requirements of the 2001 Las Cruces Zoning Code, as amended or the sign code. Numerical variances to the clear sight triangle requirements shall be considered, reviewed, denied, or approved by the public works director or designee, as per article III of chapter 26~~

(e) The design review board shall have the authority to modify or waive requirements of the off-street parking as outlined in Section 38-58 and Section 38-49.2 of the Municipal Code, with the concurrence of the City's Traffic Engineer; to modify or waive landscaping requirements of Chapter 32 or of Section 38-49.2 of the Municipal Code; and to modify or waive wire fence restrictions outlined in Section 38-49.2 of the Municipal Code.

(f) ~~(e)~~ An applicant may appeal any decisions made by staff, such as the required front setback distance, to the design review board.

(g) ~~(f)~~ The design review board shall utilize the Mesquite Neighborhood plan, the South Mesquite overlay zone district, and "The Secretary of the Interior's Standards for the

Treatment of Historic Properties" along with their technical assistance guide, "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" to determine the proposal's compatibility with the intent of the neighborhood plan and overlay zone documents as well as the surrounding neighborhood. The design review board shall state the reasons for their decisions for public record.

~~*(Ord. No. 2235, § I, 9-6-05)*~~

Sec. 2-929. - Meetings.

The design review board shall hold regular monthly meetings open to the public.

(Ord. No. 2235, § I, 9-6-05)

Sec. 2-930. - Organization.

The design review board shall elect a chair and a vice-chair, each of whom shall serve for one calendar year.

(Ord. No. 2235, § I, 9-6-05)

Sec. 2-931. - Voting.

A simple majority vote of a quorum of the design review board is required for approval on all design review board decisions.

(Ord. No. 2235, § I, 9-6-05)

Sec. 2-932. - Appeals. Modified

Decisions made by the design review board may be appealed to the city council and will follow the process set forth in section 38-13 of the Las Cruces Municipal Code, as amended.

(Ord. No. 2235, § I, 9-6-05)

Secs. 2-933—2-955. - Reserved.

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of October 5, 2015 (Ordinance First Reading Date)

For Meeting of October 19, 2015 (Adoption Date)

TITLE: AN ORDINANCE REPEALING AND REPLACING PART II, CHAPTER 2, ARTICLE IV, DIVISION 3, SUBDIVISION XVI.-SOUTH MESQUITE DESIGN REVIEW BOARD, SEC. 2-928.-DUTIES AND PROCEDURES, OF THE LAS CRUCES MUNICIPAL CODE IN ORDER TO REMAIN CONSISTENT WITH MODIFICATIONS TO ARTICLE V, SECTION 38-49.2, SOUTH MESQUITE NEIGHBORHOOD OVERLAY ZONE DISTRICT, OF THE LAS CRUCES MUNICIPAL CODE. SUBMITTED BY THE CITY OF LAS CRUCES.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3049	9-14-15
Department Director		528-3067	9-14-15
Other			
Assistant City Manager /CAO Management & Budget Manager	M McGregor for R. Lundien	2078 2106	9/17/15 9/16/15
Assistant City Manager/COO			9/23/15
City Attorney		ext 2128	25 Sept 2015
City Clerk - Interim		x2116	9/25/15

Rev. 8/2011