SPECIAL WORK SESSION
with
PLANNING & ZONING COMMISSION

Monday, August 23, 2021 at 1:00 PM

CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

City of Las Cruces
MOUNTAINS OF OPPORTUNITY

Council Chambers

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Council Work Session Summary

Meeting: Special Work Session - Aug 23 2021

TITLE: CITY OF LAS CRUCES DEVELOPMENT CODE UPDATE CODE DIAGNOSTIC.

PURPOSE(S) OF DISCUSSION: ☒ **Inform/Update** ☐ **Direction/Guidance** ☐ **Legislative Development/Policy**

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In March of 2021, the City of Las Cruces entered into a contract with Freese and Nichols, Inc., (F&N) to amend the City of Las Cruces Development Codes. The project is anticipated to take two years to complete and consists of three phases. The first phase consisted of stakeholder interviews, a virtual open house, and the gathering, review, and analysis of applicable codes and policies. The resulting deliverable for this phase is a code diagnostic that outlines structural modifications to the existing code and recommends various content changes. This diagnostic analyzed both Volume I and Volume II of the Las Cruces Municipal Code to determine what sections should be moved, consolidated, eliminated, or added and what content should be addressed based on the recommendation of the Elevate Las Cruces Comprehensive Plan, other regional and neighborhood plans, best practices, and staff and stakeholder input. The code diagnostic is not exhaustive but is meant to guide the drafting of the land development code during phase 2 of the project. Staff and F&N would like to inform the City Council and the Planning and Zoning Commission of the contents of the report and receive feedback on any of the recommendations and/or potential gaps.

SUPPORT INFORMATION:

LCO Code Diagnostic (2021.08.09) - Joint Workshop Draft

PLAN(S):

City Council Strategic Plan, Other, Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z

Development Code Update
Code Diagnostic

Joint Workshop Review | August 9, 2021

REALIZE
LAS CRUCES
DEVELOPMENT CODE

CONTENTS

Introduction

The purpose of this Code Diagnostic is to outline the proposed revisions to the existing Development Code. This report is intended to serve as a coordination and consensus-building tool to ensure that all parties have a consistent understanding of the anticipated revisions to the code prior to preparing the amendments.

The following list of items will guide the update of the Development Code; however, it is important to note that this list is not exhaustive, as additional issues may be identified during the update process and will be addressed accordingly. Common issues (e.g., correcting typos, removing conflicts, updating graphics) will also be addressed through this update. Many of the issues noted herein include sample resolutions from other cities across the country. These are included as highlights of best practices, which may be appropriate for Las Cruces subject to modifications and customization in most cases. These highlights are not proposed as exact amendment text.

This outline has been prepared based on a review of the existing code and plans, including the Elevate Las Cruces comprehensive plan, the Active Transportation Plan, and a number of other citywide and neighborhood plans. The Elevate plan alone includes nearly 500 recommended actions, many of which – approximately 200 – are anticipated to be addressed through this Development Code update. The first policy and associated action item in the Elevate plan direct the City to conduct an update of the existing development regulations, which is achieved through this amendment process.

This report also reflects input from frequent code administrators and users, including representatives from the following entities:

- City Councilors and Planning & Zoning Commissioners
- City staff, including the Community Development, Code Enforcement, Public Safety, Public Works, Utilities, Quality of Life, Sustainability, Economic Development, and Housing departments
- Residential and commercial developers, homebuilders, engineers, architects, infrastructure contractors, surveyors, and sign companies
- Economic development community (i.e., Mesilla Valley Economic Development Association, Chamber of Commerce)
- Regional public entities (i.e., South Central Council of Governments, Mesilla Valley MPO, New Mexico Department of Transportation (NMDOT), Las Cruces Public Schools, Elephant Butte Irrigation District, El Paso Electric)

A Community Open House was conducted virtually to invite the community to learn more about the code and the update process, provide additional input, and submit questions. As of August 9. 2021, the website has received nearly 2,000 unique visitors and 12 comments or ideas have been submitted. Although the virtual Community Open House was initially intended to close after a few weeks after its May 11 launch, City staff and the consultant team recommend leaving the input option open for the foreseeable future to allow additional comments. Another Community Open House will be conducted later in the process, which is anticipated to be conducted in-person.

General

Code Organization and Contents

This section of the Code Diagnostic evaluates the overall document framework for potential improvements. The code's organization plays an important role in ensuring that the code is easy to navigate and that the user is able to quickly find the desired information. Additionally, improving the organization can help remove and prevent conflicts by consolidating similar information into a single location.

1. Consolidation of Similar Chapters

   Issue

   The current code has similar standards included within multiple chapters, which can cause confusion and result in conflicts.

   Resolution

   Consolidate several of the similar chapters to streamline the code. The recommended consolidations include the following:

   Consolidate Chapter 31 Cross Connection Control into Chapter 28 Utilities

   Chapter 31 Cross Connection Control addresses backflow prevention. Other water-related issues are addressed within Chapter 28 Utilities, which is included in Volume I of the City's Code of Ordinances (not within the Development Code).

   Consolidate Chapter 34 Drainage and Flood Control into Chapter 32 Design Standards

   Chapter 34 Drainage and Flood Control includes site development requirements related to stormwater and drainage issues. Chapter 32 Design Standards contains a variety of other site development requirements, including other requirements related to drainage. Consolidating these sections would provide a single location for finding drainage standards.

   Consolidate Chapter 35 Excavations and Curb Cuts into Chapter 32 Design Standards

   Chapter 35 Excavations and Curb Cuts includes requirements related to the spacing between curb cuts and parking design. Similar standards are also included in Chapter 32 Design Standards. Consolidating these sections would provide a single location for finding standards for activity within the right-of-way.

   Consolidate Chapter 39 Outdoor Lighting into Chapter 32 Design Standards

   Chapter 39 Outdoor Lighting includes regulations related to residential and commercial lighting. These regulations are consistent with those found in Chapter 32 Design Standards.

2. New Code Outline

Issue

The current code outline is confusing to navigate and results in conflicting sections.

Resolution

The updated code should use a logical, streamlined outline. Additionally, revisions are necessary to accommodate the consolidated chapters noted in the previous item. The following outline is proposed:

- Development Code General Provisions
  - Establishment
  - Approval and Appeal Entities
  - Development Process Overview
  - Definitions
- Design Standards
  - Drainage, Erosion, and Flood Control
  - Roads, Right-of-Ways, and Parking
  - Parkland Dedication
  - Outdoor Lighting
  - Landscaping and Buffering
  - Signs
- Subdivisions
  - General Provisions
  - Plat Types
  - Procedures
- Zoning
  - General Provisions
  - Zoning Districts
  - Use Chart and Conditional Standards
  - Building Form
  - Procedures
- Historic Preservation
  - General Provisions
  - Procedures

The proposed outline also recommends relocating Chapter 30 Buildings and Buildings Regulations and Chapter 33 Development Impact Fee into Volume I of the Code of Ordinances.

3. Numbering Structure

Issue

The current code uses an inconsistent numbering structure across chapters, which can lead to confusion when cross-referencing between chapters.

Resolution

The updated code should use a consistent numbering structure. The following recommended structure was developed based on similarities across the existing chapter numbering structures:

Chapter 30. Heading 1

Sec. 30-1. Heading 2

A. Heading 3

1. Heading 4

a. Heading 5

(1) Heading 6

(a) Heading 7

(i) Heading 8

Figure 30-1-1. Caption Heading

4. Consolidated Definitions

Issue

Various chapters within the current code include their own definitions. This can result in conflicting definitions for terms that are used throughout the code, such as setbacks, lot width/depth, or floodplain.

Resolution

All Development Code definitions should be consolidated within the code document. One exception is recommended – definitions for the zoning land use classifications should be included within the zoning regulations.

5. Jurisdiction

Issue

In 1987, the City of Las Cruces and Doña Ana County established a joint power agreement for the five-mile buffer surrounding the city limits. This area, referred to as the Extraterritorial Zone (ETZ), was regulated by the Joint Powers Agreement (JPA). In 2016, the City and County passed a resolution to transfer authority within the ETZ JPA to the County, with collaboration with the City of Las Cruces. The code has not been updated and includes several outdated references to the ETZ.

Resolution

The updated code should remove references to the ETZ when referencing the code's jurisdiction and applicability.

Processes

This section of the Diagnostic Report evaluates the existing overall development process. Ensuring a smooth and coordinated development process is important to maximize City staff's time and resources, and to reduce frustrations, delays, and additional costs for applicants.

6. Application Checklists

   Issue

   New Mexico State Law (NMSA 1978 3-20-7) requires that a city's subdivision regulations specifically outline the application requirements for a plat submittal.

   Resolution

   The current code does state the requirements, however the list should be reviewed to ensure that all required information is applicable and that all necessary information is listed. For example, electronic deliverables may be desired in lieu of or in addition to hard copies.

   Although State Law does not require that zoning application requirements be specifically listed within the code, it is recommended that a similar section should be included for consistency.

7. Determination of Completeness

   Issue

   The current code does not adequately address the determination of a complete application. The subdivision regulations state that City staff has eight business hours from the time of submittal to determine whether an application is complete, and that the applicant has eight business hours to provide any missing information. This turnaround is unrealistic for both City staff and for applicants and is not currently enforced, according to code user input. The zoning regulations provide no direction on the timeline to determine whether an application is complete.

   Resolution

   The new code should establish a realistic timeline for City staff to determine whether an application is complete (e.g., five or ten business days) and for an applicant to provide any missing information (e.g., 45 or 60 calendar days). The following example is from the City of Albuquerque's Integrated Development Ordinance:

   > If the Planning Director determines that an application is incomplete, the Planning Director shall notify the applicant in writing of the missing, incomplete, or unreadable materials within 5 business days after receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Planning Director determines the application is complete. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 60 calendar days after being notified of submittal deficiencies, the application shall be considered abandoned, and any application fees that have been paid and have not been expended during initial review shall be refunded.

8. Process Overviews

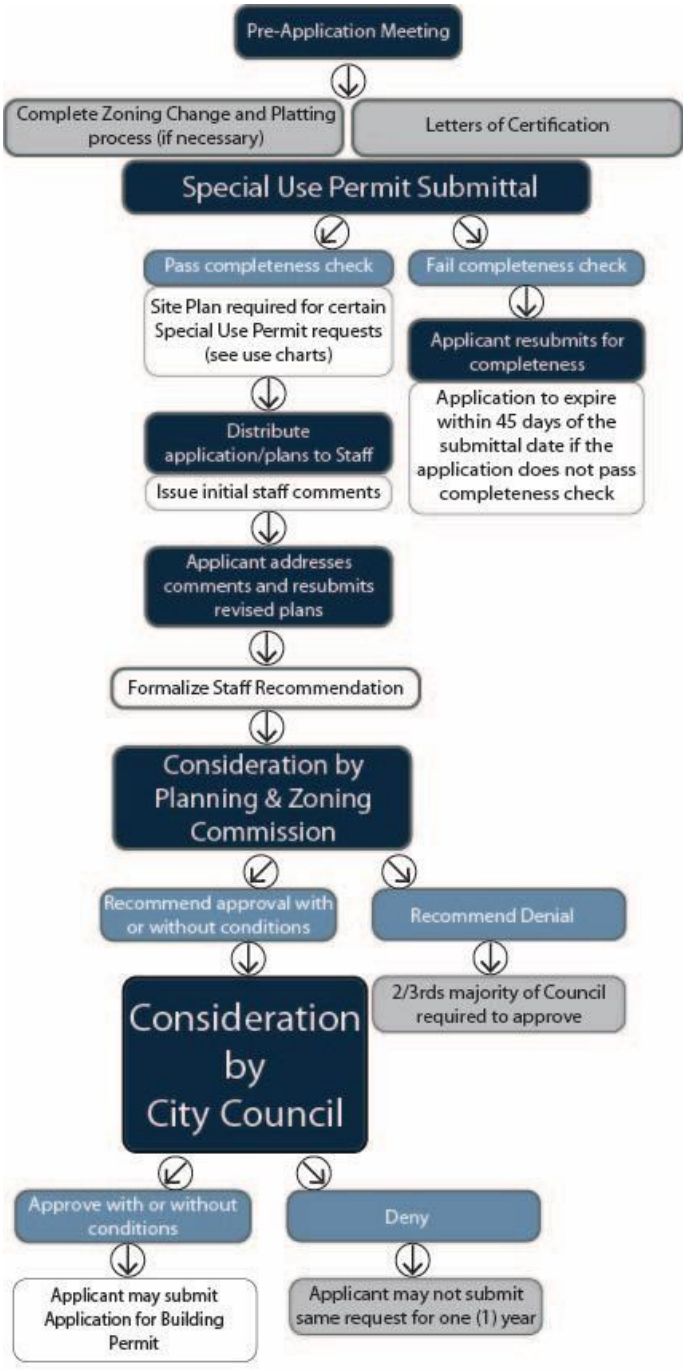
Issue

The current code can be difficult for users to interpret and quickly understand the application, review, approval, and appeals processes.

Resolution

Add a new procedures section with associated flow charts to clearly outline the processes and requirements for all development processes (i.e., site plans, SUPs, plats, etc.). Timing for review by the P&Z and Council will correspond to the next regularly scheduled meetings and NMSA requirements.

Example Process Flowchart



9. Approval and Appeal Authorities

Issue

Each application type described within the code is accomplished through a series of actions and must be reviewed and approved by designated review entities. These entities include City staff, the Development Review Committee, the Planning & Zoning Commission, and the City Council. It can be difficult for users to quickly determine the responsible approval and appeal authority for each type of application.

Resolution

The updated code should include a table to summarize the responsibilities of each review (and appeals) entity and any associated notification requirements. Flow charts should be included to explain the review, approval, and appeal processes in a concise format.

The updated code should clarify the composition and authority of the Development Review Committee (DRC). Staff participating should be designees, acting on behalf of their respective department director. Multiple representatives from a single department should provide a consolidated set of comments. Final approval for items delegated to the DRC should come from the Community Development Department Director or their designee (the Subdivision Administrator). Recommendations from the DRC should include agreed upon conditions from the committee as well as any additional comments or recommendations that should be considered by the approval authority. Agencies, such as the MPO, may attend and provide comments to the DRC, however they are not voting members of the committee.

Ensure the role of the current Engineering Review Committee (ERC) is addressed in the composition and assigned responsibilities for the DRC. Condense these committees into a single review body to clarify roles and streamline process.

Example of an Approval Authority Overview Table

Application Type	City Council	Planning and Zoning Commission	Zoning Board of Adjustment	Staff (Responsible Official)	Public Notice	Section Reference
R = Review/Recommending body | DM = Decision-Making Body (final decision to approve or deny) | <> = Public Hearing Hearing Notice: N = Newspaper; M = Mail; P = Posting (signs) | [#] = Refer to notes section						
ZONING						
Zoning Map Amendments	<DM>	<R>	-	R	N, M, P	**3.1.5**
UDC Text Amendments	<DM>	<R>	-	R	N	**1.1.18**
Comprehensive Plan Amendment	<DM>	<R>	-	R	N, P	**1.1.19**
Annexation	<DM>	<R>	-	R	N, M, P	
Development Agreement	<DM>	-	-	R	-	**2.3.13**
Planned Development	<DM>	<R>	-	R	N, M, P	**3.4.5**
Specific Use Permit (SUP) Request	<DM>	<R>	-	R[1]	N, M	**3.4.5A**

Design Standards

Drainage, Erosion, and Flood Control

Water conservation, low-impact development, and the implementation of green infrastructure are recurring themes throughout the Elevate Las Cruces comprehensive plan and Water Conservation Plan. This section of the code will seek to minimize the impacts of development, protect areas of development from flooding, promote water quality, and support water reuse and conservation. Examples of relevant Elevate actions include the following:

- Allow green street technologies such as bio-retention and bio-filtration planters, bio retention swales, and permeable pavements to be used by developers to mitigate on-site stormwater detention requirements.
- Encourage use of the Envision guiding framework by the institute of sustainable infrastructure and other sustainable organizations in infrastructure planning and design.
- Develop design standards that promote the use of low-impact stormwater management strategies such as bioretention, porous pavement, and rain barrels to more effectively use stormwater.

10. Enforcement of Maintenance of Stormwater Facilities

    Issue

    The City has enforcement measures to require maintenance of private infrastructure but finds it difficult to hold owners accountable once they are installed. There is not a funding mechanism in place to support the stormwater program.

    Resolution

    Sections 32-107E, 34-133K and L lay out acceptance requirements and who will be responsible for maintenance. Section 34-133L.3 contains the maintenance violation process. This process needs to be rewritten for clarity and enforceability while considering how the maintenance responsibilities will be funded and the main maintenance concerns of sediment accumulation and erosion. The City needs to determine how it will inspect infrastructure that is privately maintained and how public infrastructure will be inspected and maintained. Consider adopting a separate extent of service policy document with operation and maintenance responsibilities for each of the system components as is done in Greenville, South Carolina. The City could also require private owners to inspect with a third-party consultant. This is done in San Marcos, Texas. The excerpt on the following page is for structural controls but could be expanded to cover all stormwater infrastructure.

Sec. 86.531. - Maintenance and repair of structural controls.

(a) *Control measures.* The City of San Marcos has the authority to require installation, implementation, inspection and maintenance of structural controls meeting or exceeding the requirement of the TPDES Phase II MS4 Permit TXR040000.

(b) *Drainage easements.* Drainage easements shall be required for structural controls and recorded in accordance with the city's LDC, chapter 3, article 1.

(c) *Maintenance covenants.* All owner(s) of structural controls shall be required to enter into a maintenance covenant with the City of San Marcos including a schedule of maintenance activities and plans for annual inspections to assess the functionality of the structural control(s). Maintenance covenants shall be recorded in accordance with the city's LDC, chapter 1, articles 6 and 8.

(d) *Requirements for annual inspections and reports.* Owner(s) of structural controls that discharge or connect to the City of San Marcos stormwater utility (MS4) or discharge into Waters of the United States within the City of San Marcos city limits must conduct, at a minimum, an inspection of each structural control every three years following a passing inspection beginning in 2020. The inspection report must be prepared by a Texas-licensed engineer and the licensed engineer must be chosen from a list of precertified engineers provided by the city.

(1) The inspection report must include requirements provided by the city, including but not limited to all of the following:

a. An assessment of the condition of the structural control(s), current as of the date of the report.

b. A history of maintenance activities performed on the structural control(s) during the past year.

c. The professional opinion of the engineer regarding the current functionality of the structural control(s) and its ability to provide total suspended solids removal in accordance with the original design specifications for the structural control(s).

d. Recommendations of the engineer regarding the need for maintenance or modification of the structural control(s) to meet original design specifications.

(2) The city may choose to provide a pre-formatted inspection report to be used for each inspection.

(3) The inspection report must be submitted to the City of San Marcos, Public Services — Transportation Department for review. The owner of a structural control(s) must submit a certified inspection report for each structural control by December 31 of each required year.

a. Any maintenance and repair needs or other deficiencies identified in the inspection report must be adequately addressed to ensure compliance with the requirements of this division. Upon completion of all necessary maintenance, repairs or deficiencies identified in the inspection report, the structural control(s) shall be re-inspected at the owner's expense. Following the re-inspection, the owner of the structural control(s) shall submit a supplemental certified inspection report to the city confirming that all corrective measures have been completed.

(e) *Failure to maintain facilities or practices or provide certified inspection reports.*

(1) If the owner(s) responsible for maintaining the structural control(s) fails to properly maintain the structural control(s) or submit certified inspection reports, the city stormwater systems manager will send a written notice to the owner(s) to correct the problem within 30 days from the owner(s) receipt of the notice. If the owner(s) fails to comply with the notice, the stormwater systems manager may initiate one of the actions specified in section 86.535.

11. Water Conservation

    Issue

    The City wants to promote water conservation programs and technologies to preserve the region's long-term water supply.

    Resolution

    In accordance with State and local standards, allow for and promote the use of graywater for beneficial reuse and rainwater harvesting to keep as much water onsite as legally allowable.. Create a tree protection ordinance to preserve and protect the existing and future tree canopy. Encourage use of native and drought-tolerant plants best suited to the Chihuahuan Desert while avoiding noxious and undesirable trees such as cottonwoods and mulberry trees.

    Follow through with planned implementations listed in the 2012 Water Conservation Plan. An incentive program for single family residential for graywater, xeriscaping, and drip irrigation was suggested. Create recognition program for measures that save water under industry, commercial, and institutional (ICI). The Water Conservation Plan suggested published "thank yous" on the City website/newspaper, decals to place in the windows, collaboration with the Chamber of Commerce for recognition, or a formal recognition dinner. All implementations should be in compliance with local code, local criteria, and the State Engineer's Office, specifically with water rights and beneficial use

12. Permanent Water Quality Requirements

    Issue

    Green infrastructure is desired but not currently required or incentivized in the City.

    Resolution

    Promote green infrastructure and/or permanent water quality controls to treat an identified water quality volume.. Benchmark against local communities to determine applicable water quality volume requirements. Develop design criteria for desired treatment stormwater facilities: Bioretention, porous pavement, rain barrels, green roofs, etc. All stormwater infrastructure should be implemented in accordance with state and local water rights.

    Encourage the use of green infrastructure by providing incentives. Examples of incentives include the following: rebates/grants to pay for green infrastructure, credits to an implemented drainage utility fee, reduced review fees/times, increased impervious cover allowances, reduced setbacks, etc.

13. Green Infrastructure and Curb and Gutter Requirements

    Issue

    Per the thoroughfare characteristics tables in the Elevate Las Cruces document, curb and gutter is required along many streets. This could hinder the use of typical green infrastructure conveyance methods such as curb cuts and ribbon curb to maintain sheet flow conditions.

    Resolution

    Allow for curb cuts and ribbon curbs that would help promote green infrastructure practices. Consider how green infrastructure can be implemented in historical areas with limited right-of-way while continuing to protect public safety and meet all engineering standards. Design criteria for curb cuts and ribbon curbs can be developed based on existing conditions, grading, drainage, ROW availability, and other factors. The NACTO Guides can be utilized in this process. Development of green infrastructure standards for streets can be developed based on input from multiple City departments, including Public Works and the Utilities Department – Water Conservation Program. The NACTO guides, including the NACTO Street Stormwater Guide, can be applied to the analysis of improvement projects within the framework of city, state, and federal rules and regulations.

14. Buffers/Open Space Setbacks and Defining Critical Environmental Areas

    Issue

    Critical environmental areas are not readily defined or protected. This leads to floodplain and arroyo encroachment and damages the integrity of riparian corridors that encourage infiltration and healthy habitats.

    Resolution

    Define setbacks/buffers for floodplains and arroyos. Most communities define this as a set width off a defined floodplain or a width determined by contributing drainage area. The 2015 Arroyo Management Plan (AMP) suggests the former: A buffer “would be determined starting at the boundary of the 100-year flood zone and measured laterally from that point. Over the arroyo’s length, the buffer may vary, depending on results from the modeling…Identified buffer acreage could be dedicated to the City or withdrawn by the New Mexico State Land Office or U.S. Bureau of Land Management prior to selling acreage for development. If privately held, a buffer could take the form of a linear park, trail, or conservation easement, all of which could be offset by various incentives such as higher density farther away from the arroyo, federal tax break, or park credits”.

    The AMP suggests using HEC-RAS to characterize each major arroyo and develop floodplains. For new developments, the Code states that floodplain mapping is required when one percent chance for storm flows is greater than 250 cfs, development has 50 or more lots, or developments with any changes to existing flow path in FEMA flood hazard zones AE, A, AH, AO, and D.

    Floodplain mapping can be used to determine buffers with suggested desktop studies of arroyo evolution over time to supplement buffer delineation. Austin, Texas requires a width determined by contributing drainage area. Austin, Texas requires a width determined by contributing drainage area as seen below:

1.5.2 - Buffer Geometry
A. Waterway Classifications

In all watersheds except urban, waterways are classified according to drainage area as follows:

Minor Waterways	64 - 320 acres of drainage
Intermediate Waterways	320 - 640 acres of drainage
Major Waterways	> 640 acres of drainage

Although urban waterways are not classified, a Critical Water Quality Zone is established starting at 64 acres of drainage.

B. Buffer Width
Critical Water Quality Zone

In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs Zone, the Critical Water Quality Zone coincides with the 100-year fully-developed floodplain, bounded by a minimum and maximum buffer width that is measured from each side of the stream centerline as follows:

Minor Waterways	50 - 100 feet
Intermediate Waterways	100 - 200 feet
Major Waterways	200 - 400 feet

15. Floodplain Encroachment

Issue

Chapter 34, Article II of Land Development Code allows floodplain encroachment, which detracts the ability to protect the natural, open spaces areas that reduce flood risk and provide environmental benefits.

Resolution

Update the Code to not allow floodplain encroachment for new developments unless proper studies are performed by the applicant and approved by CLC and FEMA that provide ecological uplift. The City should encourage the restoration of deteriorated flood areas and/or encourage a dual-purpose standard for flood mitigation. Consider aligning with FEMA/CRS program Activity 420-Open Space Preservation to achieved Flood insurance policy holder discounts.

16. Regulation Around Aquifer

    Issue

    No studies have been done to determine if infiltration practices would affect the Mesilla Bolsin and/or Jornada Basin near the City.

    Resolution

    Areas identified in the Lower Rio Grande Regional Water Plan as mountain-front recharge and slope-front recharge should consider disallowing infiltration practices and only allow filtration practices with an impermeable liner to prevent direct pollution to the groundwater table.

17. E. Coli in Lower Rio Grande

    Issue

    EPA has set a Total Maximum Daily Load (TMDL) of E. Coli in the Lower Rio Grande.

    Resolution

    This parameter should be monitored as part of the EPA MS4 permit. Monitoring locations and procedures must be developed as part of any updates. Water quality controls that specifically target this pollutant should be included in the design criteria for watersheds that directly contribute to the Lower Rio Grande.

18. Drainage Design Criteria

    Issue

    It is not typical to have drainage design criteria in code. (Land Development Code Chapter 32 Article III)

    Resolution

    Develop a separate drainage manual to include drainage design criteria and water quality design criteria to increase infiltration and decrease erosion. Benchmark against innovative communities like Mesa, AZ to develop water quality design criteria. Move section 32 Article III Division 2 – Urban Drainage Criteria and any other applicable design criteria to the new manual to allow for more regular updates to the criteria as the industry evolves, and lessons are learned. Provide reference in the Code to formally adopt the drainage manual and require all measures are designed in compliance with the manual.

19. Drainage and Flood Control

    Issue

    Chapter 34, Article II – Flood Damage Prevention section and Chapter 34, Article III – Stormwater Management Plan section do not reflect current industry standards and/or requirements that would reduce flood risk and promote better water quality with each new development/redevelopment.

    Resolution

    The code should require 1' of freeboard above base flood elevation (BFE) for new residential construction and substantial improvements to existing structures. If a development is on an unstudied reach, then a floodplain shall be established by the applicant.

    Identify and conform with most current FEMA guidelines that increase the City's CRS rating.

    Chapter 34 Article III Stormwater Management Plan needs updates to section 34-133 to reflect current 2017 USEPA Construction General Permit.

20. Dust Suppression

    Issue

    Dust during high wind events is an issue that impacts air quality, public health, road safety, and accessibility in Las Cruces.

    Resolution

    Expand dust mitigation programs in place. Continue enforcement of dust suppression ordinances to limit grading at construction sites to disturb smaller areas at one time especially in areas with fragile soil conditions. Study the effectiveness of mitigation strategies for dust suppression. Find a renewable source for dust control on construction sites in lieu of water. Pinal County, Arizona's dust rules for construction sites linked below includes more stringent dust suppression techniques that could be considered for Las Cruces.

    https://www.pinalcountyaz.gov/AirQuality/Documents/Pinal%20County%20Code%20of%20Regulations/West%20Pinal%20Dust%20Rules/Construction%20Sites%20-%20Fugitive%20Dust.pdf

21. Promoting Green Infrastructure

    Issue

    City of Las Cruces wants to promote the use of green infrastructure; however, a way to incentivize the use of such practices is not in place.

    Resolution

    Consider the use of a funding mechanism to promote the use of green infrastructure to increase soil stability and infiltration. Many communities offer credit toward fees as an incentive when green infrastructure/water conservation measures are installed or utilized on a site. Explore other incentives such as development incentives, rebates and installation financing, and awards and recognitions programs.

22. Water Quality Definition

    Issue

    Article III Stormwater Management Section 34-129 defines water quality volume, which is a critical term used to size permanent water quality facilities, like green infrastructure. The current definition is more qualitative and lacks regulatory information.

    Resolution

    Update definition to relate to a quantity of water based on capture depth for a contributing area. Consider local and state water rights in definition and design criteria.

23. Water Conservation Regulations

    Issue

    Programs and landscaping design standards introduced in 2012 Water Conservation Plan do not seem to be implemented in 2014 Water Conservation Ordinance or any relevant Code.

Resolution

Develop program as recommended in City's most current Water Conservation Plan in accordance with state and local standards:

- Encourage and promote "green build certification" for fixtures, graywater systems, and homes remodeled to "EPA WaterSense" standards
- Promote and encourage new development to install indoor fixtures beyond the current Uniform Plumbing Codes and graywater systems for outdoor landscape water usage
- Encourage rainwater harvesting practices, such as earthworks and cisterns
- Encourage the use of reuse water at parks, construction sites, and other permitted sites. Install purple hydrant for temporary uses
- Develop a high-efficiency toilet retrofit rebate
- Update landscaping and irrigation code to match design standards listed in the Water Conservation Plan.
- Discourage use of turf sod on sloped areas adjacent to irrigation systems to reduce water waste

24. Hillside Development Standards

Issue

Development on steep slopes impacts the environmentally-sensitive area and can lead to downstream impacts. The Organ Mountains-Desert Peaks National Monument was proclaimed in 2014.

Resolution

Prepare hillside development standards for defined areas based on slope of a site. These standards should include environmental and drainage reviews and the submittal of a grading plan. City of El Paso requires additional review of development within the defined "Hillside Development Area" or "Mountain Development Area" by the Open Space Advisory Board. El Paso also has a section 19.24 in their development code that regulates development on the mountain sides as seen below:

Chapter 19.24 - MOUNTAIN DEVELOPMENT AREA (MDA) STANDARDS

19.24.010 - Applicability.

A. General Provisions. A filed subdivision application, or any portion thereof, which incorporates land located within the mountain development area as described in Appendix 111 shall be subject to the regulations contained within this title except as modified by this chapter. To the extent that there is any conflict between any of the standards provided elsewhere in this title and the standards contained in this chapter, the standards contained in this chapter shall control with respect to the mountain development area.

B. Purpose and Intent. The mountain development area is characterized by slope, vegetation, drainage, rock features, geologic conditions and other physical factors. These regulations are intended to:

1. Preserve the scenic quality of the Franklin Mountains;

2. Reduce the physical impact of hillside development by allowing innovative site and architectural design, minimizing grading and requiring restoration of graded areas;

3. Reduce water runoff, soil erosion and rock slides by minimizing grading and by requiring re-vegetation;

4. Utilize appropriate engineering technology to eliminate unstable slope and soil erosion;

5. Permit reasonable development which is compatible with the characteristics of the mountain development area;

6. Provide vehicular and emergency access which is safe, convenient, and compatible with the terrain of the land.

The City of Tucson has a Hillside Development Zone (HDZ) overlay with additional development standards and procedures for new subdivisions and individual lots proposed for development. The overlay also regulates protected peaks, ridge areas, and slope areas greater than 15 percent. The regulations promote development within flatter portions of parcels, revegetation, slope stabilization, and other improvement standards. The City of Albuquerque Major Public Open Space Facility Plan defines all land with slopes exceeding ten percent within the Sandra Foothills as Major Public Open Space. The City has also acquired land adjacent to the Cibola National Forest to protect the foothills of the Sandia Mountains.

Roads, Right-of-Ways, and Parking

This section of the code will include all provisions related to parking, roads, sidewalks, and any other above-ground improvements within the right-of-way. Both the Elevate Las Cruces comprehensive plan and the Active Transportation Plan include recommendations that are relevant to this section of the code. Recurring themes across both plans include connectivity, multi-modal transportation options, context-sensitive design, and safe streets.

Highlights of the most relevant Elevate Las Cruces actions include:

- Establish minimum street connectivity requirements between neighborhoods to reduce traffic on thoroughfares.
- Discourage the construction of cul-de-sacs unless necessary to preserve significant natural features.
- Maintain and promote street grid interconnectivity and small block sizes in urban neighborhoods.
- Amend municipal street design requirements to create different cross-sections for streets in urban, suburban, and rural development contexts.
- Amend municipal codes and technical specification manuals to incorporate context-based street designs.
- Incorporate bicycle and pedestrian facility design recommendations from the active transportation plan into revised street design requirements.
- Apply principles of complete streets, calm streets, and active roadsides to create thoroughfares that are bicycle and pedestrian friendly.

Highlights of the most relevant Active Transportation Plan include:

- Update the City's design standards in its Land Development Code to reflect national best practices and to improve the consistency, quality, and application of pedestrian and bicycle facility design. Include details that encourage pedestrian friendly transit facilities and generous street tree requirements.
- Based on a review of the City’s street design standards, listed below are potential changes that would better align with recent guidance from the Federal Highway Administration (FHWA) (Achieving Multimodal Networks) and NACTO. Street design guidance should be applied in appropriate contexts and with consideration for existing conditions and constraints—all while prioritizing safety for pedestrian and bicyclists, the most vulnerable road users.

New street cross sections will be developed to address the following components:

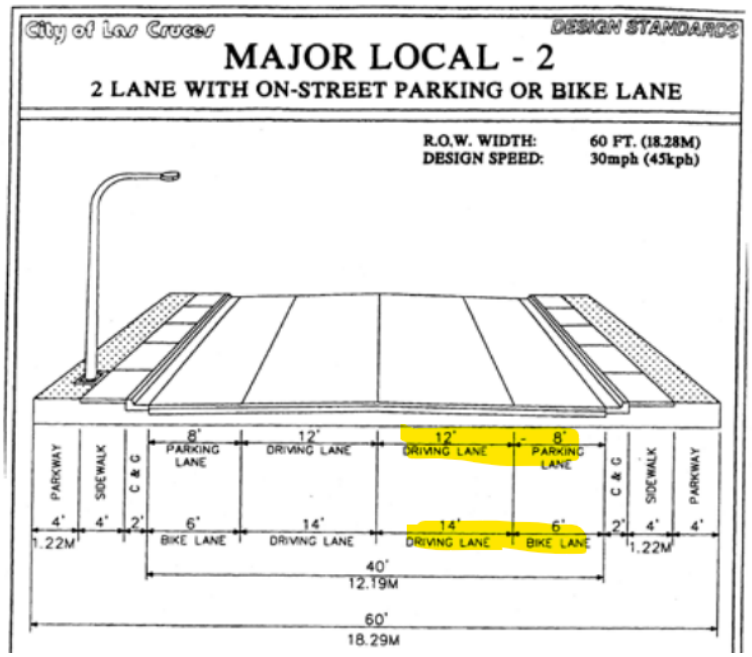
  - Reducing travel lane and center left-turn lane widths to appropriate widths based on input from city departments.
  - Reducing raised median widths to appropriate widths based on input from city departments.
  - Increasing sidewalk widths to appropriate widths based on input from city departments.
  - Requiring sidewalk buffers that are appropriate widths based on input from city departments.

- Requiring sidepaths instead of bike lanes on streets based on criteria to be developed for new subdivisions or based on available right-of-way for street reconstruction or retrofit projects.
- Allowing sidepaths on both sides of arterial streets in place of sidewalks based on criteria to be developed.

25. Roadway Cross-Sections

Issue

Current cross-sections emphasize automobiles, contributing to excessive vehicle speeds and discouraging pedestrian, cyclist, and transit users. Existing sidewalks are narrow and are not continuous across the network. In addition, the sidewalk network lacks amenities including landscaping, shade, and pedestrian-scale lighting. Currently, buffers are not required between pedestrians and vehicle traffic due to lack of grade-separated sidewalks and parkway placement.



Resolution

Develop street cross sections that align with best practices, NACTO guidelines, and the characteristics and principles within the Elevate Las Cruces plan with a focus on the relationship between land use and transportation. Develop cross sections that are appropriate for surrounding land uses to provide the highest degree of adaptability to future density and land use changes, beginning with an analysis of the optimal right-of-way required for new streets to accommodate intended use, traffic, and multimodal facilities.

Develop travel lanes widths and roadside zones that reduce traffic speeds and promote increased pedestrian, bicycle, and mass transit usage. Reorient parkway and sidewalk to provide buffer between vehicles and pedestrians and to create a street tree and landscaping zone. Develop standards for appropriate bicycle facilities, including off street trails, protected lanes, buffered bike lanes, and other facilities. Develop strategies to extend the service life of a street, leading to reductions in maintenance

costs. Standards for alleys can be developed based on feedback from the Fire Department and other City departments.

The NACTO guides can be applied to the development of new street cross sections and street reconstruction / retrofit projects within the framework of city, state, and federal rules and regulations.

26. Roadway Retrofits

Issue

Develop standards for retrofit or reconstruction of streets, particularly in Downtown and older areas of town that accommodate limited right-of-way and while balancing the character of established neighborhoods and accommodating all user groups across the street network.

Resolution

Retrofit projects, including reconstruction and resurfacing, should align with the principles of the Elevate Las Cruces Plan and recommendations from the Active Transportation Plan, including an examination of neighborhood context to ensure new facilities serve existing and intended future development. Develop standards for common right of way widths in various street character zones across the City. Near-term retrofit project candidates should be identified and evaluated, such that they collectively accommodate and expand multimodal transportation connectivity across the City. Evaluation criteria should be established to identify priority retrofit projects and design features, including priority recommendations from the Active Transportation Plan. Cross sections for local streets or residential collectors should prioritize reduced traffic speeds while also prioritizing pedestrians, bicyclists, and mass transit users. NACTO Guides and other pertinent documents can be utilized in the development of plans for street reconstruction and retrofits projects based on street context, adjacent land uses, ROW availability, and other factors.

NACTO Guides should be incorporated in the development of new cross sections and in the design of street reconstruction and retrofit projects. To facilitate internal coordination, an internal process should be developed for street reconstruction and retrofit projects to include key departments.

27. Rural Roads

Issue

Existing rural roads lack amenities for pedestrians and bicyclists, can create unsafe conditions for motorists, and often do not have sufficient right of way to accommodate additional improvements. Dust is an issue along unpaved roads, which impacts air quality for adjacent neighborhoods.

Resolution

Establish cross sections for rural roads that minimize impact on surrounding landscape while providing mobility options for vehicles and other user groups. Address existing dirt roads and plan for future low-

cost improvements that balance land use/developer needs. Prepare a cross-section for use within rural areas that meets the International Fire Code's all-weather surface requirements.

28. Sidewalk Installation

Issue

Chapter 26 Streets and Sidewalks (located in Volume 1 of the Code of Ordinances) requires that sidewalks be installed prior to issuance of a certificate of occupancy, unless otherwise approved by Council. The specific installation timeline is not detailed within the code.

Some cities require installation of sidewalks at the time the streets are installed; however, the sidewalks can often become damaged by construction vehicles as homes are built. Other cities allow the installation of sidewalks to be postponed until the homes are completed and sold; however, this can result in an inconsistent and disconnected patchwork of sidewalks since homes are completed and sold at different times.

Example of Missing Sidewalks in Partially Developed Neighborhood

Example of Sidewalks Damaged by Construction Activity

Resolution

The updated code should require installation of sidewalks as homes are built. To address the issue of incomplete sidewalk connections, the completion of any remaining sidewalks should be required at the time when 80 percent of the homes are completed. An applicability statement will establish thresholds for projects that are not part of a new subdivision. For instance, when a new residential unit, or a substantial non-residential addition is being permitted. Additionally, sidewalk standards should be updated to reflect the desired cross-sections where possible.

29. Traffic Impact Analysis (TIA) Standards and Organization

    Issue

    The current ordinance language begins with “Warranting criteria to determine the need for a traffic impact analysis” and goes on to include analysis requirements. The TIA requirements in section 32-407 are incomplete.

    Resolution

    Update the TIA standards to provide more clarity and organize the standards into multiple sub-sections such as:

    - Purpose
    - Responsibility
    - Determination of Need
    - TIA Requirements

30. Traffic Impact Analysis (TIA) Criteria

    Issue

    The TIA current warranting criteria includes 100 or more new inbound and/or outbound trips. This also conflicts with subsequent language in the paragraph that mentions “equal or surpass 100 peak hour trips” The standard practice is using criteria based on total trips.

    The current TIA warranting criteria lists specific land use and size combinations such as 160 single-family dwelling units; 10,000 sq. ft. (gross) retail, etc. This can add confusion since there can be several specific land use types under each category (e.g., retail) with varying trips rates.

    Lastly, the current TIA standards do not include criteria for the need to update a previously prepared TIA.

    Resolution

    Update the criteria to include total generated trips. Remove reference to specific land uses. Instead, the criteria should be based on specific land use as per ITE Trip Generation Manual.

    Include requirements for the need to update a TIA such as, if the traffic network or traffic situation/operations has significantly changed from the previously approved TIA, such as land uses, assumptions and growth rate, etc. An example from City of Longview, Texas is shown below:

> TIA Update
>
> Any previous TIA relating to a development that is more than two years old shall be updated unless the City determines that conditions have not changed significantly. If an updated TIA is necessary, additional information will be required to:
>
> (a) Update changes in the proposed development,
>
> (b) Update or refine assumptions made in a prior submittal, or
>
> (c) Provide specific information not available at the time of previous submittal.

31. TIA Responsibility

    Issue

    The current TIA standards do not mention who is responsible for preparing and bearing the cost to prepare the TIA.

    Resolution

    Include specific language such as “When required, the owner shall submit at the owner’s expense a traffic study that assesses the traffic impacts associated with a proposed development.”

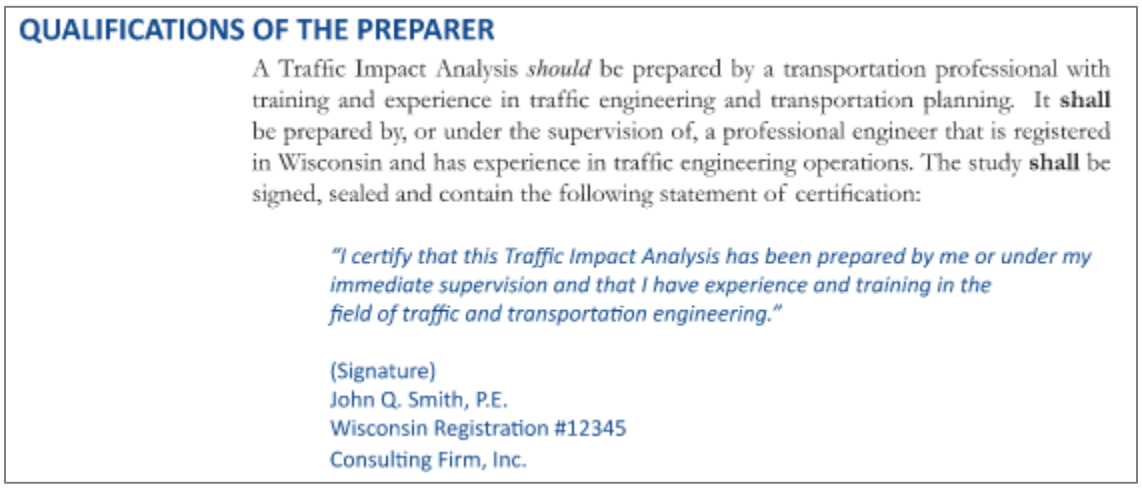
32. TIA Preparation Qualification Requirements

    Issue

    The current TIA standards require the TIA to be prepared under the supervision of and certified and sealed by a NM Professional Engineer. However, the requirements do not include the specific area of professional experience.

    Resolution

    Include specific language requiring training and experience in traffic engineering and transportation planning. For example, the Wisconsin DOT requires specific qualifications and certification shown below:



QUALIFICATIONS OF THE PREPARER

A Traffic Impact Analysis *should* be prepared by a transportation professional with training and experience in traffic engineering and transportation planning. It **shall** be prepared by, or under the supervision of, a professional engineer that is registered in Wisconsin and has experience in traffic engineering operations. The study **shall** be signed, sealed and contain the following statement of certification:

“I certify that this Traffic Impact Analysis has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering.”

(Signature)
John Q. Smith, P.E.
Wisconsin Registration #12345
Consulting Firm, Inc.

33. TIA Report Outline

    Issue

    The current TIA standards do not include a specific outline of the TIA report and specific requirements of each section. Several of the analysis requirements shown as bullet points a. through g. are not clear and specific.

    Resolution

    The updated code should reference the ITE guidelines for TIA report outline requirements.

34. TIA Scoping Meeting

Issue

The current TIA standards do not require a TIA scoping meeting, which eliminates a key step that allows the City Staff and the applicant to agree on specific assumptions to be used in the study and could add burden for both the applicant and the reviewer during the review process.

Resolution

Include specific language requiring a TIA scoping meeting between the applicant's engineer and City Staff after the need for a TIA is determined. For example, the City of Frisco, TX requires a pre-submittal meeting as shown below:

> B. Pre-submission Meeting – Prior to the commencement of a TIA, an initial or pre-submission meeting with City staff is required to establish a base of communication between the City and the applicant. This meeting will define the requirements and scope relative to conducting a TIA and ensure that any questions by the applicant are addressed.

35. Traffic Signals

Issue

The current processes are unclear regarding responsibilities and timing for installation of traffic signals.

Resolution

Although specific methodologies and policies are typically established and maintained separate from the code, it may be appropriate to include the following text in the updated code:

> The need for new traffic signals shall be based on warrants contained in the Manual on Uniform Traffic Control Devices. A minimum spacing of one-half (1/2) mile for all signalized intersections shall be maintained, except as allowed by the City Engineer and/or Traffic Engineer. This spacing is desirable to achieve optimum speed, capacity, and signal progression.

36. Streetlighting

Issue

Unlit roadways create unsafe driving conditions for drivers. In addition, discontinuous streetlight canopy, specifically pedestrian-scale lighting, impacts perceived comfort of pedestrian and cyclists and limits the usability of multimodal and active transportation facilities at night and early morning.

Resolution

Identify priority corridors for retrofit projects to add pedestrian-scale lighting in high-impact areas and along existing multimodal and active transportation facilities. Revise lighting standards for arterials utilizing photometric analysis and appropriate standards for local streets, including context-sensitive streetlight fixtures based on existing or intended neighborhood character. Promote continued collaboration with El Paso Electric to retrofit existing streetlights to LED lamps and fixtures. New fixtures shall comply with the City's adopted standard specifications.

37. Streetlighting Installation Requirements

    Issue

    Installation of streetlights is currently only required for new subdivisions. Lighting should be required at all stages of development and redevelopment as a component of standard infrastructure before occupancy.

    Resolution

    Establish criteria for requiring the installation of streetlighting for all types of development that must provide improvements to the public infrastructure. Streetlighting is a component of the public street section and should be required when projects meet thresholds for installing street improvements in areas that lack sufficient lighting.

38. Timing and Responsibility for Streetlighting Installation

    Issue

    Developers currently install bases for streetlights and coordinate with the City to have the streetlight standards installed and powered up at a later date. Streetlighting is needed to protect property and discourage vandalism when lots within a subdivision begin to obtain building permits and initiate construction activities. Staff interpretations in the past have not been consistent about the timing for the City to install the lights and turn on power.

    Resolution

    Include criteria for timing and a process to define the steps needed for getting streetlights turned on within new developments.

39. Outdoor Lighting

    Issue

Outdoor lighting is located on private property and designed to light parking areas, entrances and other private spaces for safety and aesthetic purposes. Existing lighting for private residences is not shielded causing light trespass or glare. New development should provide outdoor lighting that addresses security needs and is also context sensitive.

    Resolution

    Establish a program to encourage private residences to retrofit grandfathered light fixtures for compliance with dark sky policies. Update provisions to require dark sky compliant lighting for new projects, especially those in rural street character zones identified in Elevate Las Cruces.

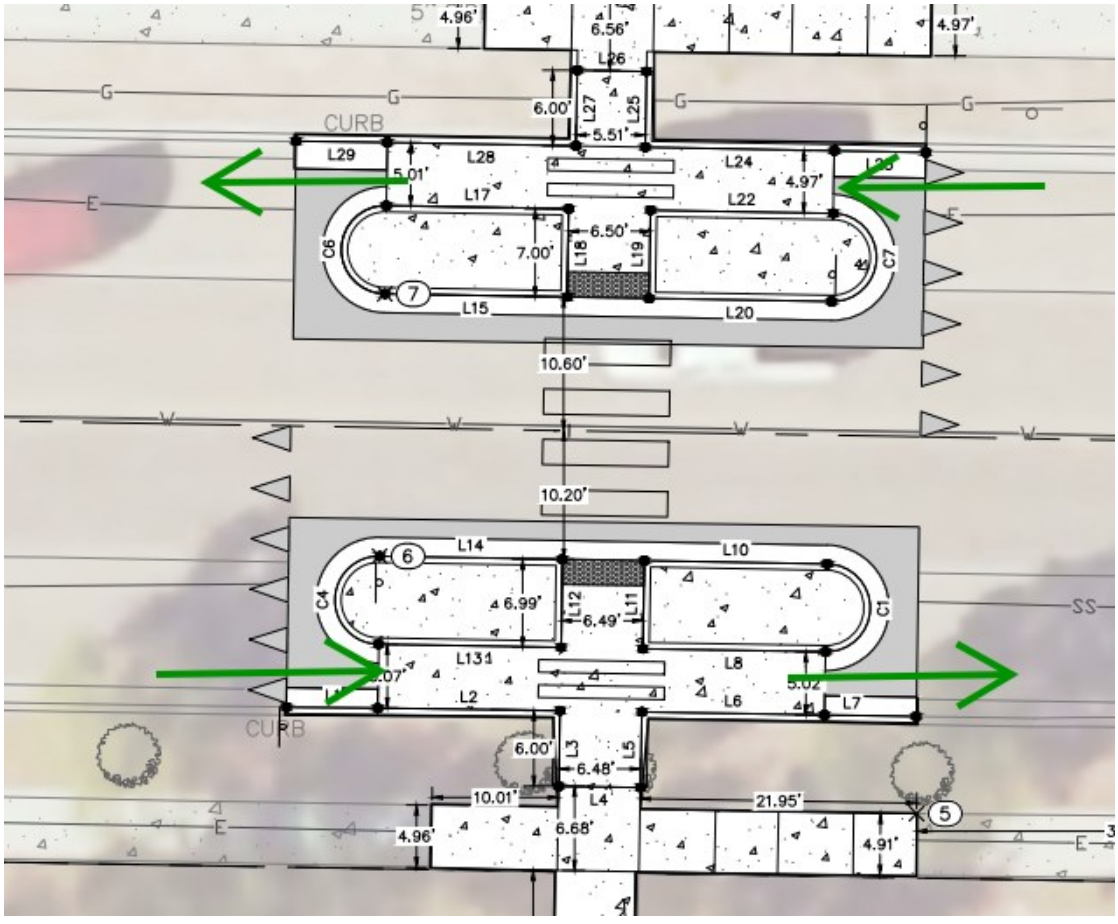
40. Traffic Calming

Issue

A lack of appropriate planning for roadway network requirements in new subdivisions or poor access management requirements in the current code encourages cut-through and speeding, creating dangerous conditions in certain areas and not promoting multi-mode uses.

Resolution

Update code to require that all traffic calming elements implemented along streets identified within the ATP align with the recommended facility type. Develop standard details for various traffic calming elements that incorporate multimodal access and NACTO guidelines, subject to approval by the City Traffic Engineer and Public Works Department based on results of engineering studies and/or input by residents. The NACTO guides can be applied to the analysis of improvement projects within the framework of city, state, and federal rules and regulations. The review of projects can also factor maintenance and other issues identified by the Public Works Department. In addition, a hierarchy for streets can be developed that is dependent on the amount of traffic expected due to the street network layout and thoroughfares to be used by traffic.



Traffic calming element with bike lane access in El Paso

41. Connectivity Index

Issue

The importance of both pedestrian and vehicular connectivity is a major theme throughout the Elevate Las Cruces comprehensive plan; however, the current Development Code does not encourage or require connectivity within new developments.

Resolution

A connectivity index is a tool that quantifies connectivity by assessing the number of roads ("links") divided by the number of intersections ("nodes"). A complete grid network would result in an index of 2.0. Higher index numbers indicate increased connectivity. A minimum index of 1.2 is recommended to promote the community's connectivity goals. City staff discretion could be used to lessen the requirement in unique circumstances in exchange for other connectivity improvements (e.g., a mid-block pedestrian connection).

Comparison of Minimum Connectivity Index Requirements

Buda, TX: 1.6

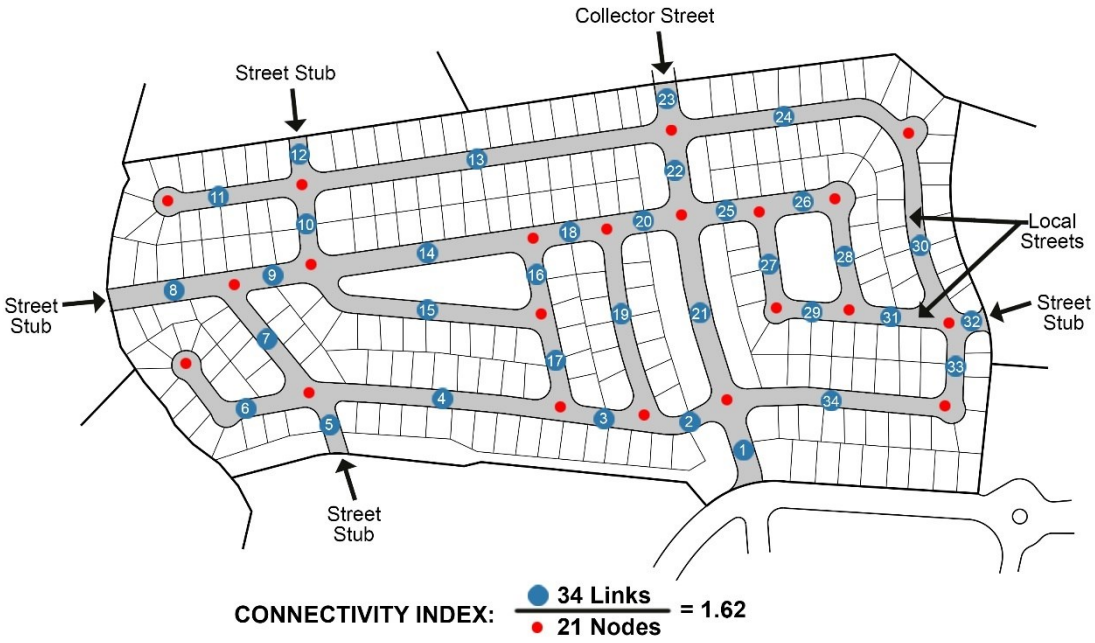
El Paso, TX: 1.4

Orlando, FL: 1.4

Middletown, DE: 1.4

Cary, NC: 1.2

Georgetown, TX: 1.2



42. Cul-de-Sacs

Issue

Cul-de-sacs require additional right of way for roadway development due to emergency access and turnaround requirements, placing additional long-term maintenance burdens on the City due to increased asphalt surface and increased stormwater runoff volumes. Elevate Las Cruces and the ATP place a strong emphasis on connectivity, but cul-de-sacs significantly limit connectivity and increase vehicle miles traveled.

Resolution

Cul-de-sacs should be discouraged in favor or more traditional grid networks to increase connectivity and accessibility. If cul-de-sacs are permitted (for example, if needed to preserve natural features), development standards should mitigate the impacts and loss of connectivity through reduced maximum length limitations, maximum number of cul-de-sacs per acre or road mile, and required interconnectivity through bicycle and pedestrian infrastructure.

Example of Mitigation Measures

A series of cul-de-sacs in Las Cruces that are connected to a neighborhood parks via pedestrian paths

Example from City of El Paso

19.15.090 - Cul-de-sac streets.

Cul-De-Sac Streets. Except where projecting into adjacent unsubdivided areas, any street having only one vehicular access to another street shall be terminated by a permanent turnaround. Standards for both the turnaround and its street approach are set forth within this section. Exceptions to these standards shall be discouraged due to firefighting and solid waste collection requirements. Any turnaround, either temporary or permanent, that does not meet these requirements shall be permanently signed for no parking or marked as a fire lane in accordance with the DSC.

A. That portion of any street extending from an intersection to a turnaround shall be improved and rights-of-way platted with the minimal dimensions provided in Table 19.15-1 below.

Table 19.15-1: Width for Cul-de-sac Streets for Certain Activities

Activity Served	Paving Width*	Right-of-way Width	Additional Requirements
Less than 12 dwellings	32'	52'	300' maximum length
1—25 dwellings	36'	56'	600' maximum length - Single-family, duplex only**
Nonresidential Zoning Districts (except as otherwise specified)	36'	54'	300' maximum length
Heavy Commercial District and Industrial Districts	40'	62'	300' maximum length

* Measured from the front of adjoining curbs.

** Cul-de-sacs (dead end streets) serving triplex, quadraplex and higher density multifamily uses shall be discouraged. Exceptions may be granted by the CPC where no alternative exists and meeting the Heavy Commercial Standard or in infill development situations.

B. The turnaround portion of any cul-de-sac shall be improved, and rights-of-way platted, as prescribed below:

Table 19.15-2: Width for Cul-de-sac Turnarounds for Certain Activities

Activity Served	Paving Width*	Right-of-Way Width	Additional Requirements***
Residential and Nonresidential Zoning Districts (except as otherwise specified)	90' diameter	110' diameter or 100' with 10' utility and sidewalk easement**	Shall be a min. of 10' of ROW or ROW/Easement Combination behind curb
Heavy Commercial District and Industrial Districts	100' diameter	120' diameter	

* Measured to front of adjoining curbs.

** 7 foot to provide room for fire hydrants and other utilities, streetlights and traffic/no parking signs, and still meet ADA compliance.

*** or in accordance with the DSC.

Interconnected grid-style development pattern in East El Paso based on cul-de-sac code provisions.

43. Residential Points of Access

Issue

The International Fire Code requires two points of access into a subdivision with 30 or more homes; however, no additional requirements are in place regarding the minimum number of access points into a subdivision, which can cause congestion, limit connectivity, and create safety hazards.

Resolution

The updated code should include a minimum number of access points for subdivisions based on the number of lots within the subdivision. Access points should be located on different collectors and/or arterials when possible. Cut-through traffic should be minimized with the use of traffic calming measures.

Example of Subdivision Access Requirements

4. Access for Single-Family Developments

a. The minimum number of access points into a single-family development shall be as required by **Table 7**.

(1) When the calculation of access points results in a fraction, the number of required access points shall be rounded up to the next whole number.

Table 7. Minimum Number of Access Points

Number of Lots	Minimum Number of Access Points
20-74	2
75-299	3
300-499	4
500+	1 + Additional 0.7 per 100 lots

b. Access points must be to a collector street or larger facility. Stub outs for connections to future developments are considered access points.

c. Access points must be calculated by each phase.

d. The Planning Commission may require additional access points if the configuration, number of lots, or other consideration creates the need for additional access.

44. Commercial Access Management

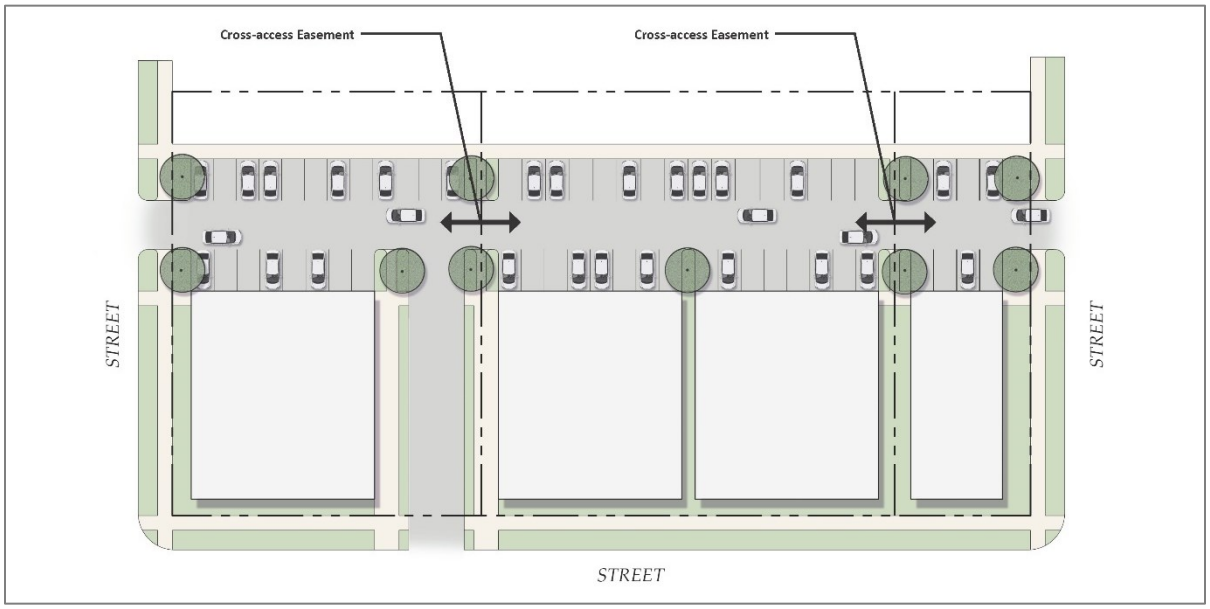
Issue

Access management seeks to promote the efficient flow of traffic by regulating the placement and number of access points (curb cuts and driveways). The current code does not require cross-access between adjacent commercial lots to allow cars to visit multiple locations without having to pull onto the street, which can slow traffic and increase the likelihood of an accident.

Resolution

The updated code should include recommendations from Elevate Las Cruces, the Active Transportation Plan, NACTO, and require cross-access between commercial lots, and review requirements related to driveway spacing, location, and frequency. Driveway throat depth requirements will be included in accordance with NMDOT's State Access Management Manual (SAMM).

Example of Cross Access Easement Requirements



45. Clear Sight Triangle

Issue

The purpose of a clear sight triangle is to ensure that drivers, bicyclists, and pedestrians have a clear line of sight at intersections. Obstacles such as buildings, signs, rock walls, and trees and other landscaping can block the view, creating a safety hazard. The current code includes basic provisions for clear sight triangles; however, the current requirements are addressed in several locations and may be difficult for users to understand.

Resolution

All requirements related to ensuring a clear sight triangle should be in accordance with the latest AASHTO requirements and should be located in the Design Standards, with references to this section in all applicable sections (i.e., landscaping, screening, signs, etc.). Additionally, the code should require

generally straight streets at intersections (e.g., "Streets shall intersect at safe and convenient locations at ninety (90) degree angles, when possible, but in no case less than seventy (70) degree angles."), with requirements for minimum distances approaching intersections.

Example Intersection Sight Distance Criteria from City of Albuquerque Development Process Manual

4. At any intersection of two roadways, a sight triangle shall be provided for an unobstructed path of sight. The sight distance triangle can be defined by connecting a point that is along the minor street's edge of pavement and 15 feet from the edge of pavement of the major street, with a point that is distance (L) along the major street's edge of pavement as shown in FIGURE 7.5.95.
5. TABLE 7.5.60 summarizes the required sight distance (L) along the major road for a stopped vehicle on the minor street to cross the major street. If a roadway is divided with a median width of 20 feet or more for passenger vehicle crossings or 40 feet or more for truck crossings, the required sight distance may be based on a two-stop crossing and consideration given to the width of each one-way section at a time.

TABLE 7.5.60 **Minimum Intersection Sight Distance**

Speed Limit (mph)	Minimum Intersection Sight Distance (ft)					
	2 Lane Undivided		3 Lane Undivided or 2 Lane Divided w/ 12' Median		4 Lane Undivided	
	Left Turn	Right Turn	Left Turn	Right Turn	Left Turn	Right Turn
20	230	200	240	200	250	200
25	280	240	300	240	320	240
30	340	290	360	290	380	290
35	390	340	420	340	440	340
40	450	390	480	390	500	390
45	500	430	530	430	570	430
50	560	480	590	480	630	480

7-5(I)(5)(iv) Mini Clear Sight Triangle

Driveways need to maintain the mini sight triangle as shown in FIGURE 7.5.96. This triangle starts at the sidewalk and measures 11 feet on a side.

FIGURE 7.5.96 **Mini Clear Sight Triangle**

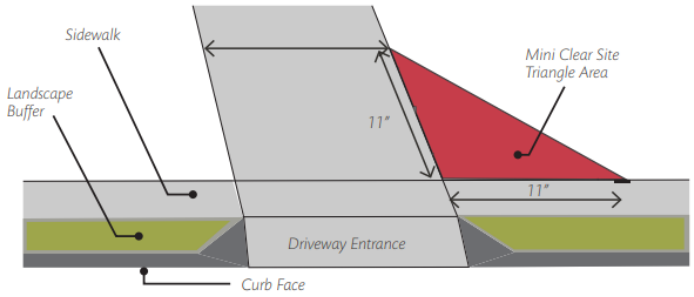
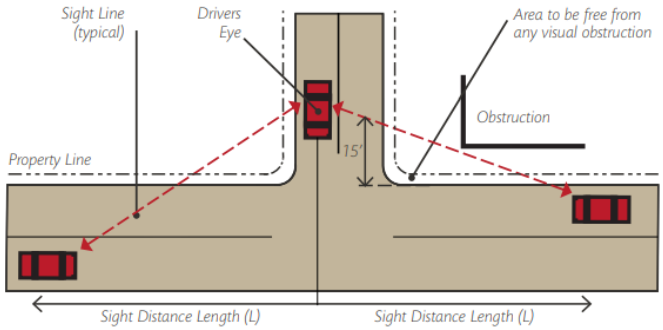


FIGURE 7.5.95 **Intersection Sight Distance**



7-5(I)(5)(v) Visibility for Site Entrances and Driveways

Site entrances and driveways shall be designed to preserve the clear sight triangle free of visual obstruction as described in 7-5(I)(5)(iii) and 7-5(I)(5)(iv) above.

7-5(I)(5)(vi) Sight Distance Note

The following note is required in all site plans: Landscaping, signage, walls, fences, trees, and shrubbery between three (3') and eight feet (8') tall (as measured from the gutter pan) are not allowed within the clear sight triangle.

7-5(I)(5)(vii) Objects Permitted in the Clear Sight Triangle

Objects, that may be located in the sight triangle, include, but are not limited to, hydrants, utility poles, utility junction boxes, and traffic control devices provided these objects are located to minimize visual obstruction. Objects under eight inches (8") wide may be allowed.

46. Block Length

Issue

Block length plays an important role in promoting connectivity. Shorter blocks increase access and walkability. Several overlay zoning districts establish a maximum block length; however, there is no maximum citywide.

Resolution

Block lengths in Las Cruces today typically range from 600' to 1,200', although some exceed 1,800'. A maximum of 1,200' (or less) should be established citywide, with smaller lengths required in denser zoning districts. For comparison, the City of El Paso requires a maximum block length of 800' citywide. The City of Tulsa uses a variable block length based on the zoning district and whether mid-block pedestrian connections are provided (shown below).

Example of Maximum Block Length Requirements

Table 5-1: Maximum Block Lengths

Block Type	Maximum Block Length Without Mid-Block Ped Connection (PL to PL, ft.)	Maximum Block Length With Mid-Block Ped Connection (PL to PL, ft.)
Urban High-Density [1]	600	700
Urban Low-Density [2]	700	900
Suburban [3]	1,000	1,300
Rural [4]	1,500	1,600

Table 5-1 Notes

PL = Property Line (at end of block)

Lot widths must be measured in accordance with the lot width measurement definition of the applicable (city or county) zoning regulations.

[1] Urban High-Density = blocks on which the mean lot width of all fronting lots is less than 50 feet

[2] Urban Low-Density = blocks on which the mean lot width of all fronting lots is least 50 feet but less than or equal to 60 feet.

[3] Suburban = blocks on which the mean lot width of all fronting lots is more than 60 feet but less than or equal to 125 feet.

[4] Rural = blocks on which the mean lot width of all fronting lots is more than 125 feet.

The City of Albuquerque also requires a variable block length based on special area designations within the comprehensive plan (shown below).

Example of Maximum Block Length and Pedestrian Crossing Requirements

Table 5-4-1: Summary of Block Lengths in the DPM

Location	Block Length (ft.)	Signalized Pedestrian Crossing (ft.)	Designated Pedestrian Crossing (ft.)
Streets in Center & Corridor Areas			
Downtown	200-400	≤660	≤400
Urban Center	300-400	≤660	≤400
Main Street Area	300-400	≤660	≤400
Activity Center	400-600	≤1,320	≤600
Employment Center	≤800	≤2,640	As appropriate
Village Center	400-600	≤1,320	≤600
Streets in Other Areas			
Collector, Arterial, or Interstate Highway	Per DPM	Per DPM	Per DPM
Local Street	≤600	≤2,640	As appropriate

47. Driveway Spacing

Issue

The current code uses different requirements for driveway spacing for commercial and residential development, which can cause confusion and inconsistencies.

Resolution

Add clear and consistent requirements for spacing between an intersection and driveways, or between two driveways, such as in the following example:

Example of Driveway Spacing Requirements

Table 2. Minimum Access Distance Between Driveways and Street

		Street on which Driveway is to be Located (Dimension 'A')		
		Freeway Frontage Road	Arterial	Collector
Intersecting Street	Freeway Frontage Road	N/A	400'	300'
	Arterial	400'	300'	250'
	Collector	300'	250'	200'
	Local	230'	200'	100'

Figure 6. Dimension 'A' for Driveway Access

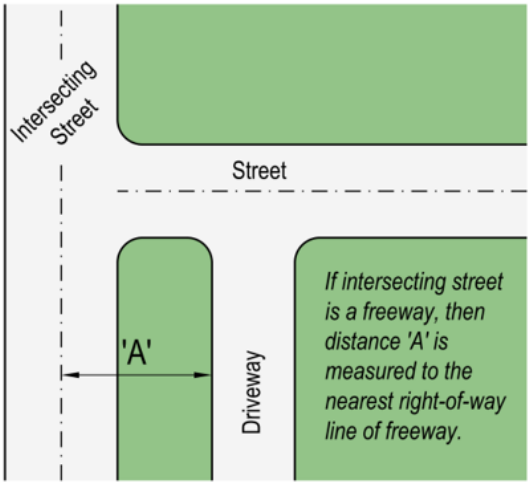
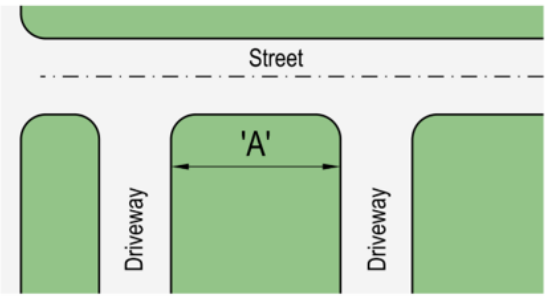


Table 3. Minimum Separation Between Adjacent Driveways

		Street on which Driveway is to be Located (Dimension 'A')			
		Freeway Frontage Road	Arterial	Collector	Local
Posted Speed Limit	0-40 mph	200'	200'	100'	75'
	40+ mph	200'	200'	125'	100'

Figure 7. Dimension 'A' for Driveway/Driveway Separation



Distance "A" minimum separation to be measured from edge of curb to edge of curb.

48. Parking Spaces

Issue

Most codes in the United States include parking minimums (i.e., the minimum number of parking spaces that must be provided based on the use type and building square footage). Many codes have outdated requirements that result in massive paved parking surfaces that are underutilized for much of the year. Overparking often results in several negative impacts:

- Contributes to the urban heat island effect, raising temperatures in the area;
- Increases the amount of stormwater runoff, potentially contributing to flooding;
- Discourages infill development when the lot size does not allow for the minimum amount of parking;
- Increases the cost of development; and
- Creates an unattractive and unwelcoming appearance.

This is particularly important to revisit as the trends of online shopping, rideshares, autonomous vehicles, and other transit alternatives that affect the need for parking.

The current code allows for a reduction in spaces via the variance process (which requires a unique hardship) or the Flexible Development Standards processes. The Flexible Development Standards process authorizes City staff to reduce the minimum parking requirement by up to 50 percent, in exchange for enhancements such as increased landscaping. The Planning & Zoning Commission is authorized to allow parking reductions beyond 50 percent.

Resolution

The current parking minimums should be carefully reviewed to evaluate for appropriate changes – particularly reductions. Additionally, applying consistent ratios across similar uses when possible, helps to support adaptive reuse and infill development allowing uses to change over time.

The Flexible Development Standards process should be retained. The enhancements offered in exchange for parking reductions should be reexamined to include more relevant elements, such as increased bike facilities, pedestrian amenities, and walk-up windows.

Some cities have begun to establish parking maximums to prohibit or discourage the practice of overparking. This can be achieved by replacing minimum requirements with maximums, or by limiting the parking to a certain percentage increase beyond the minimum required (e.g., up to an additional 10 percent of the minimum requirement may be provided). Alternatively, other cities allow overparking to be countered by requiring additional parking to be constructed of permeable surfaces, or to require additional street tree plantings for spaces that exceed the minimum (which is the current practice in El Paso). Nearby on-street parking can also be credited toward parking requirements (example from City of Tulsa shown below).

The current code specifies a modified requirement for shopping centers; however, no specific shared parking provisions are provided. The updated code should include a specific process to allow shared parking and with associated requirements.

Example of Shared Parking Provisions

A. Shared Parking

1) The purpose of shared parking is to allow two or more adjacent land uses that have different peak use periods to share a parking area and reduce the number of required spaces.

2) A shared parking agreement shall be recorded prior to issuance of a Building Permit or a Certificate of Occupancy. If such agreement is revoked by any entity, then the required off-street parking spaces shall be provided according to the standard parking requirements.

3) A shared parking calculation, using the format provided in Table 4.04.1, shall be required to determine the minimum number of spaces.

4) The minimum parking required shall be the highest adjusted total parking for any time period.

5) The percentage of parking used during each time period shall be provided by the applicant and subject to approval by the City Planner.

6) All shared parking spaces must be located within five hundred (500) feet of all shared uses, measured by the shortest legal walking route.

7) Handicapped spaces required by ADA shall be calculated by individual use and not be shared.

8) Table 4.04.1 provides an example of shared parking calculations. This example includes shared parking for two uses – Example Use 1 with a minimum parking requirement of 100 spaces, and Example Use 2 with a minimum parking requirement of 220 spaces. In this example, the minimum parking requirement would be 225 spaces (compared to 320 spaces without shared parking).

Table 4.04.1. Shared Parking Example Calculation

Time Period	Example Use 1			Example Use 2			Adjusted Total Parking Required
	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	Required Spaces	% of Parking Used During Each Time Period	Adjusted Parking Requirement	
Mon-Fri (6am to 6pm)	100	100%	100	220	25%	55	155
Sun-Thurs (6pm to 2am)	100	20%	20	220	50%	110	130
Sat-Sun (6am to 6pm)	100	10%	10	220	50%	110	120
Fri-Sat (6pm to 2am)	100	5%	5	220	100%	220	225
Everyday (2am to 6am)	100	5%	5	220	10%	22	27

Example of On-Street Parking Credit

> **55.050-I On-street Parking**
> Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

49. Parking Design

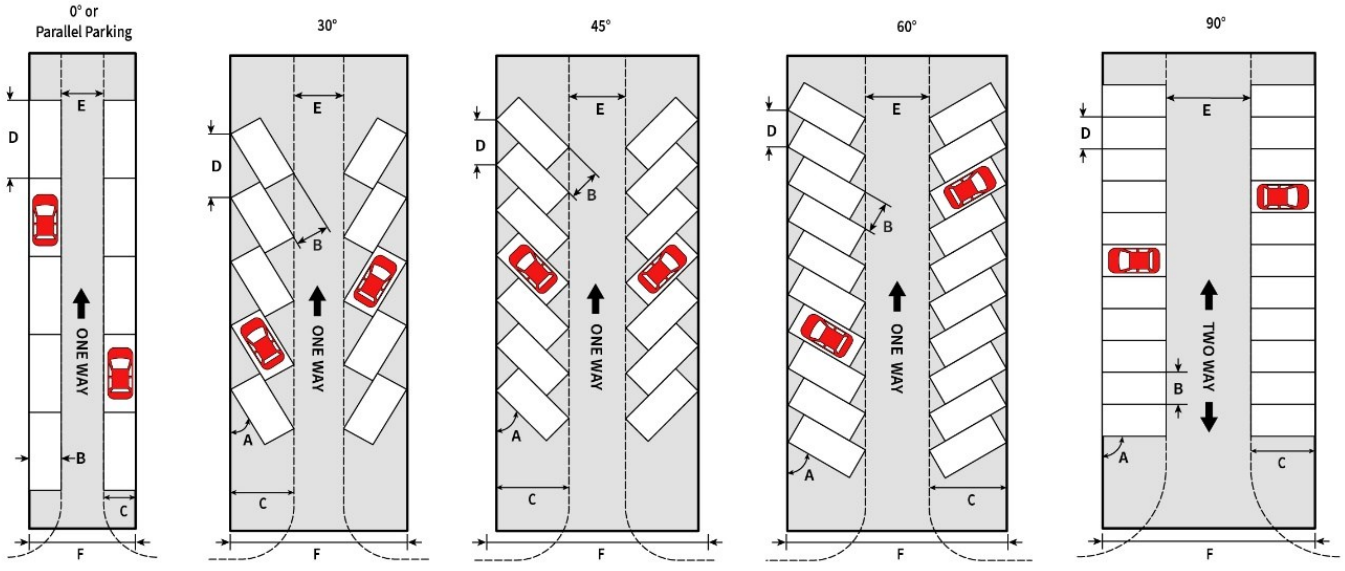
Issue

Parking lot design standards currently require a drive aisle that is 27 feet in width for 90-degree parking spaces for one-way and two-way drive aisles. The City frequently receives requests to reduce this requirement in practice to 24 feet, which is a common standard in many communities.

Resolution

The updated code should include a review of the required parking dimensions to ensure that the codified requirements reflect current needs. Additionally, an improved visual depiction of the requirements should be included to help users to understand the requirements.

Example of Parking Configuration Diagram



Parkland Dedication

The provision of accessible and useable parkland is critical to a community's quality of life. Park access is important to promoting equitable and healthy communities.

The City of Las Cruces adopted its Parks and Recreation Master Plan in 2019, which includes an inventory of existing facilities, a needs assessment, and recommendations for future park planning efforts. The plan specifically addresses the need for parkland dedication and improvement provisions:

- Parkland dedication and improvement provisions allow the governing authority the option of accepting fees-in-lieu of parkland or park improvements. Fees-in-lieu provisions are based on a value per dwelling unit and may affect the way a community calculates impact fees on a case-by- case basis. Parkland dedication and improvement provisions are often added to municipal code as an independent chapter or article with broad applicability to many development types, or simply added to "reservations" of "improvements" sections of a community's subdivision regulations.

  The Las Cruces Land Development Code does not include standardized parkland dedication or improvement requirements. The City's Downtown Development Code does refer to "civic spaces" such as plazas, greens, and squares, but the Code provides no formal implementation measures.

- Ordinances – Parkland Dedication. Amend the Las Cruces Development Code to require the dedication of neighborhood park space as part of new development.

The Parks and Recreation Master Plan also includes the following recommendations regarding trails, in support of the Active Transportation Plan:

- The Las Cruces Land Development Code does not require the dedication of multi-use trail easements, trail construction, or trail access requirements as part of the land development or subdivision process. Trail corridor reservation or construction as part of the development process is currently limited to case-by-case negotiations - predominantly when a developer is engaged in the planned unit development process.
- Multi-use Trail Network. Amend land development regulations to require the dedication of multi-use trail easements as part of new development where a proposed trail route is depicted in the City's Active Transportation Plan or Mesilla Valley MPO's Trails Priorities Plan.

Additionally, the Elevate Las Cruces plan includes the following relevant action item:

- Prepare a parkland dedication ordinance to require park dedication and improvement as part of the land development process.

The following items seek to address these recommendations, along with incorporating best practices from other communities across the country.

50. Parkland Dedication

    Issue

    Parkland dedication is often required by cities in order to ensure that adequate park space is available for the population that is being added by a new subdivision. The City does not have a codified process to require the dedication of parkland.

    Resolution

    Implement a parkland dedication requirement for new residential subdivisions. Alternatively, a fee in lieu of the land dedication may be accepted based on certain circumstances (e.g., park service levels) and at the City's discretion. Smaller parks (i.e., those smaller than two acres) should generally be privately maintained by an HOA unless the park provides unique amenities not available in other City parks. Acceptance of pocket parks should consider the criteria outlined in the Parks and Recreation Master Plan.

    The City currently requires a park impact fee; therefore, any dedicated land or fee in lieu would be credited toward the required impact fee. The requirements should also include a maintenance bond to cover any developer-constructed neighborhood parkland.

    El Paso has a parkland dedication requirement of one acre for every 100 single-family lots. The City of El Paso promotes a mix of park sizes, location criteria, and requirements that all sides of a park larger than an acre be street frontages or open space. The City of El Paso also requires sidewalks and street trees on all sides of the park. Consider provisions that allow open space and linear trails to receive partial dedications, unless other mechanisms are established for open space preservation and trails.

51. Park Improvement Fee

    Issue

    Park improvement fees are often required in addition to parkland dedication requirements to fund the improvement of parks. Examples of such improvements may include play equipment, restrooms, parking areas, or other facilities.

    Resolution

    Establish a requirement for a park improvement fee to ensure that new development helps to offset the cost to provide adequate parks to the added population.

52. Park Characteristics

    Issue

    Parkland should be accessible and useable for the entire community.

    Resolution

    The following characteristics should be required for all dedicated parks:

    - Must have at least 200' of frontage on at least two public streets,
    - Must not be located on a cul-de-sac,
    - Should be centrally located within a development and consider a walkshed analysis of the surrounding development,
    - No homes may back to the park area;

- Must be clear of any potential safety hazards, including natural or constructed hazards, and
- No more than half the area may be on a slope of 20% or greater or within the 100-year floodplain.

53. Trail Dedication

Issue

Trails serve an important connectivity function for bicyclists and pedestrians. However, similar to parks, the City does not have a codified requirement to dedicate land for future trails.

Resolution

The updated code should require trail dedication in accordance with the Active Transportation Plan's Proposed Bikeway Network at the time of platting. Minor alignment adjustments may be appropriate to accommodate site-specific characteristics to achieve the ideal trail alignment. Develop criteria for new development regarding trail dedication and improvements. Provide for partial credits for parkland dedication if a trail is dedicated with certain improvements to promote pedestrian and bicycle usage in a neighborhood.

For reference, the City of El Paso requires the developer to install a trail if the developer is seeking a partial credit for parkland dedication. To qualify for parkland dedication, the developer must install the trail and amenities, such as street trees and landscaping, street furniture, and exercise stations. The City of El Paso will also request dedication of a trail, including improvements, if the trail is designated in the El Paso Bike Plan. The City requires the improvements so that the trail can serve as an amenity for the neighborhood and potentially connect to another trail segment in the future. The City of El Paso is in the process updating street cross-sections to always require an off-street trail on each side of the roadway.

54. Recreational Amenities in Drainage Areas

Issue

Areas designated for drainage infrastructure can provide unique opportunities for recreational amenities, such as trail connections or open space areas. These areas are frequently well-connected and near residential neighborhoods, making them ideal opportunities for recreation. However, many of these areas are included within the jurisdiction of the Elephant Butte Irrigation District (EBID), which can result in conflicts and challenges.

Resolution

The City should continue to work with EBID to establish a policy regarding the use of drainage facilities as recreational areas. The Code update should ensure that the regulations do not prohibit the use of these areas for recreational amenities.

Outdoor Lighting

Outdoor lighting regulations should permit the use of outdoor lighting that promotes safety, security, and productivity; however, lighting should also be used in a way that does not adversely affect others' enjoyment of the night sky due to light pollution or nuisances due to glare. Additionally, outdoor lighting regulations can help to reduce energy consumption and limit impacts on the natural environment and local wildlife.

The Elevate Las Cruces comprehensive plan addresses outdoor lighting, including the following recommendation:

- Limit outdoor lighting and lighting fixtures to those areas that are dark-sky compliant.

"Dark-sky compliant" refers to an approach to outdoor lighting that seeks to minimize light pollution and trespass. More information on the Dark Skies movement can be found at https://www.darksky.org/.

55. Measurements

    Issue

    The Outdoor Lighting and Signs sections include references to the measurement units footcandles and nits, while most of the code uses lumens to measure the brightness emitted by a light source.

    Resolution

    The code should consistently use lumens to measure the brightness of lights.

56. Consolidated Regulations

    Issue

    The Outdoor Lighting regulations currently vary across five lighting zones; however, the location of each zone is not clearly defined. Some of the overlay zoning districts also include lighting standards, which can complicate the development process when trying to meet both sets of standards and allows for potential conflicts.

    Resolution

    All lighting regulations should be included in the Outdoor Lighting section, and the section should clearly define the boundaries of each zone within the text.

Landscaping and Buffering

Landscaping plays several important roles within the Development Code, such as enhancing the aesthetic view from the street, supporting stormwater management, providing shade for pedestrians and reducing urban heat island effects, and serving as a buffer between differing land uses.

The Elevate Las Cruces comprehensive plan addresses landscaping and buffering, including the following recommendations:

- Prepare a compatibility matrix that assists staff in assessing potential land use conflicts resulting from a development proposal and identifies possible mitigation measures.
- Require street trees within parkway medians and between the edge of curb and adjacent sidewalks and trails.
- Encourage use of native and drought-tolerant plants best suited to the Chihuahuan desert including plants that draw pollinators.
- Require the use of native and drought-tolerant plants, including xeriscaping, in all new developments.

57. Landscaping and Open Space

    Issue

    Develop landscape standards that promote quality of life, aesthetics of the community, and environmentally sensitive practices appropriate for the Chihuahuan desert.

    Resolution

    Develop standards similar to other Southwest cities, including frontage area buffers, street trees, parking lot trees, and opportunities to promote orientation of buildings. Required trees within and throughout parking areas.

    A street tree ordinance should be developed for new commercial and residential development, including standards for arterials and local streets.

    Update standards on calculation of the required landscape area. The current code requires a minimum area equal to 15 percent of the total parking area to be landscaped. Review the tree and plant material required for every 1,000 square feet of landscape area, irrigation standards.

    Develop standards for shared open space requirements for developments with a certain number of residential lots/units.

    Reduce the required landscape area and other standards when buildings are oriented towards the street to incentivize street-oriented buildings.

    Review options to promote drought tolerant plant installation. Coordinate with utility companies on standards for trees and other plant materials in City right of way. Collaborate with water utility to incentivize removal of grass lawns via rebates.

58. Compatibility Matrix

Issue

The current buffer zone requirements are lengthy and difficult to interpret, and do not adequately address compatible building form.

Resolution

The updated code should include a compatibility matrix, as recommended by the Elevate Las Cruces plan. The following excerpt from Oklahoma City is an example of such a matrix, indicating the types of mitigation controls (i.e., building scale and site design, traffic, and/or operational impact) that may be important to consider based on the proposed use and its existing neighbors.

LAND USE COMPATIBILITY MATRIX

Review chart for potential conflicts between major land use categories.

B: Building Scale & Site Design T: Traffic O: Operational Impact		EXISTING USE*											
			RESIDENTIAL			OFFICE			RETAIL			INDUSTRIAL	
		Ag	Low Intensity	Medium Intensity	High Intensity	Low Intensity	Medium Intensity	High Intensity	Low Intensity	Medium Intensity	High Intensity	Low Intensity	High Intensity
PROPOSED USE	Agriculture												
	Residential: Low Intensity	B	B									O	O
	Residential: Medium Intensity	T, B	B									O	O
	Residential: High Intensity	B, T, O	B, T	B								O	O
	Office: Low Intensity		B, T										
	Office: Medium Intensity	B, T, O	B, T	B, T									
	Office: High Intensity	B, T, O	B, T	B, T									
	Retail: Low Intensity	T, O	B, T, O	B, T, O									
	Retail: Medium Intensity	T, O	B, T, O	B, T, O	T, O								
	Retail: High Intensity	T, O	B, T, O	B, T, O	T, O								
	Industrial: Low Intensity	T, O	B, T, O	B, T, O	O	B, O	B, O		B, O	B, O			
	Industrial: High Intensity	B, T, O	B, T, O	B, T, O	B, T, O	B, T, O	B, T, O		B, T, O	B, O	B, O		

*or, if undeveloped, use allowed by existing zoning or LUTA designation

(B) BUILDING SCALE AND SITE DESIGN

This factor relates to how an entire site is developed in relationship to neighboring uses, paying particular attention to building height and scale, orientation, and layout. The presence of these triggers in higher intensity LUTAs (UM, UH, DT, UC, RD, and TOD) may not indicate a compatibility concern because larger differences in scale and massing are expected and appropriate in these more urban areas.

TRIGGERS	MITIGATION MEASURES
Projects that meet the criteria below must use mitigation measures to mitigate compatibility issues.	List of potential measures to mitigate issues of compatibility. The list is not exhaustive. Developers are encouraged to propose their own solutions.
1. Residential lot sizes in UL that are less than 60% of directly adjacent residential lots. 2. Residential lot sizes in RM that are less than 40% of directly adjacent residential lots. 3. Setback is significantly deeper or more shallow than predominant pattern of adjacent development. 4. Building's orientation to the street differs from predominant character of adjacent development. 5. Buildings within 40ft of a single-family residential structure that exceed a 3:1 ratio in height from the top of the highest building to the base of the residential structure. 6. Building size or street frontage dramatically differs from that of adjacent uses.	▪ Provide gradual transition between smaller and larger residential lots through the arrangement and scale of lots and/or by providing appropriately scaled buffers. ▪ Minimize the mass of buildings that directly face smaller, pre-existing buildings by: 1) reducing the visual impact with larger setbacks than those prevailing on the street; 2) incorporating design and elevation features that complement adjacent lower-density development; 3) stepping buildings down to a scale (building bulk, footprint size, and height) complementing adjacent development; and/or 4) breaking up massing of buildings. ▪ Design structures in a manner that provides a visual or height transition and complements the scale and form of adjacent development. This can be done through reducing building height, providing step-backs, varying massing, increasing set-backs, and other techniques. ▪ Alternating/undulating facades, especially for buildings longer than a standard block. ▪ Adjust yards, landscaping, and building setbacks to reflect patterns in adjacent, lower-intensity residential areas. ▪ Use drainageways and swales, mature trees, wetlands, prairies, and grassland areas to improve compatibility in building scale. ▪ Locate, design, and manage stormwater management features (including retention and detention basins, swales, surface drainageways, constructed wetlands, and greenways) to provide visual amenities or entryways, or to provide opportunities for passive recreation. ▪ Provide most parking in the interior of multifamily residential projects rather than between buildings and the street,

59. Plant Materials

    Issue

    The approved list of planting materials is currently included within Chapter 32 Design Standards. This limits the City's ability to update the list over time to ensure that the most appropriate plant species are included.

    Resolution

    Remove the plant list from the development code so that it can be maintained administratively. Review the list of approved materials to ensure that permitted plant materials are native and drought-tolerant.

60. Tree Protection

    Issue

    The current ordinance does not include provisions to require protection or preservation of existing trees. Trees are an important component to reducing the urban heat island effect, provide shade for pedestrians, and promote a more attractive view from the street.

    Resolution

    Create and implement a tree protection ordinance to preserve and protect the existing and future tree canopy.

Signs

The Signs section regulates all commercial and residential exterior signage within the City. Sign regulations are important to reduce visual clutter along corridors and to promote a positive image of the community.

61. Sign Types

    Issue

    The current sign regulations do not adequately address modern sign types or notably require quality design techniques.

    Resolution

    The regulations should be expanded to appropriately address modern sign types such as electronic/LED signs, feather signs, multi-tenant signs, and roof signs. Additionally, photo examples of each sign type should be included for clarity. Develop standards that promote monument signs with base materials such as brick, stone, or other natural materials. Review maximum size and height of signs to ensure standards meet current best practices.

62. Sign Placement

    Issue

    The current code does not clearly state that no advertisements are allowed within the right-of-way (except bus benches and shelters with City Manager approval).

    Resolution

    The updated code should state that no private signs are permitted within the right-of-way (except bus benches and shelters with City Manager approval). Possible text could include:

    > "No person shall locate, maintain, or cause to be placed, located, or maintained, or allowed to continue to exist on or extending over onto any right-of-way, whether the right-of-way is owned by the City of Las Cruces, State of New Mexico, or any other public entity, any sign without written permission granting such use. The City reserves the right to remove or order the removal of any such sign."

63. Content Neutrality

    Issue

    The current sign ordinance has some components that might be interpreted to be content-restrictive (e.g., political signs, real estate signs). According to the ruling in the case "Reed et al. v. Town of Gilbert, Arizona et al.", sign regulations should not contain any content-based restriction.

    Resolution

    Review and update the sign ordinance to remove any regulations that may be interpreted to be content-based. Update definitions for signs, on-premise signs, off-premise signs, and noncommercial message to ensure sign regulations meet applicable laws. Ensure all requirements are regulating only size, height, placement of the signs, and other permissible standards.

64. Sign Measurements

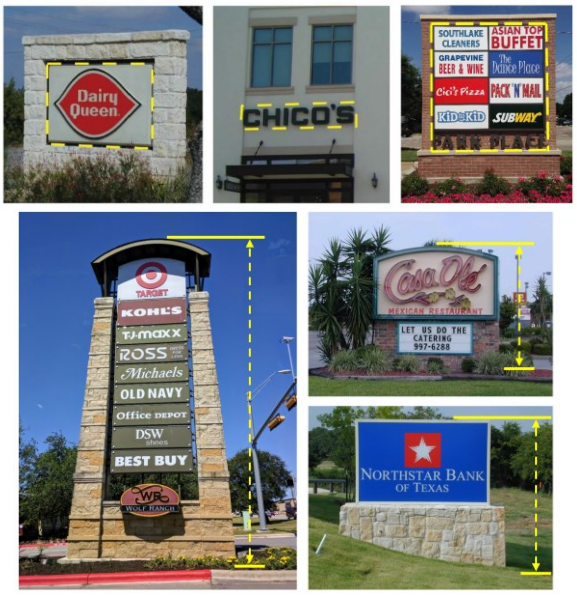
Issue

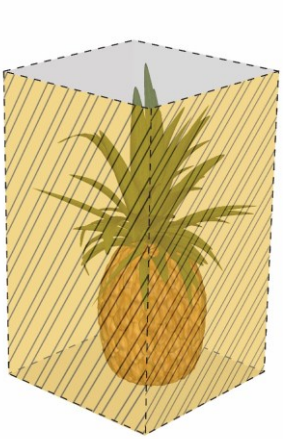
The current code provides minimal guidance on the appropriate methods to measure signage.

Resolution

Include modern, real-life examples of appropriate sign measurements, including situations such as three-dimensional signs or signs on an uneven grade.

Examples of Sign Measurement Graphics





65. Common Signage Plan

Issue

A common signage plan can ensure a consistent and coordinated aesthetic when multiple uses and/or buildings are located on one site or in close proximity. Common signage plans promote the use of shared multi-tenant signs, reducing visual clutter along the corridors. Such plans can require a consistent color scheme, lettering style, lighting, materials, and/or placement of signs.

Resolution

The updated code should require a common signage plan for multiple uses on one parcel. The code should also encourage the voluntary use of common signage plans for adjacent properties, which can be achieved by allowing increased flexibility in sign restrictions in exchange for coordinated signage.

66. Abandoned Signs

Issue

While the code does require the maintenance of signs and removal of nonconforming signs, the code lacks clear direction on the appropriate measures once a space becomes vacant.

Resolution

The code should clearly state the requirements for signs once a business has left the location. Signs should either be completely removed (however no open spaces should be allowed in multi-tenant signs), or the face may be fully painted over.

Permitted

Not Permitted

67. Nonconforming Signs

Issue

Nonconforming signs that do not meet current standards often contribute to blight and negatively impact neighborhoods and viewsheds.

Resolution

Revise standards to promote modification of nonconforming signs to meet current standards. Options include requiring that signs meet current standards due to a change of use or during a period when a sign is abandoned.

68. Off-Site Signs

Issue

The proliferation of off-site signs contributes to blight in a community and negatively impacts neighborhoods and viewsheds.

Resolution

Update off-site sign provisions, including prohibition of new billboard construction, update definitions between on and off-site signs, and develop regulations regarding nonconforming off-site signs.

Zoning

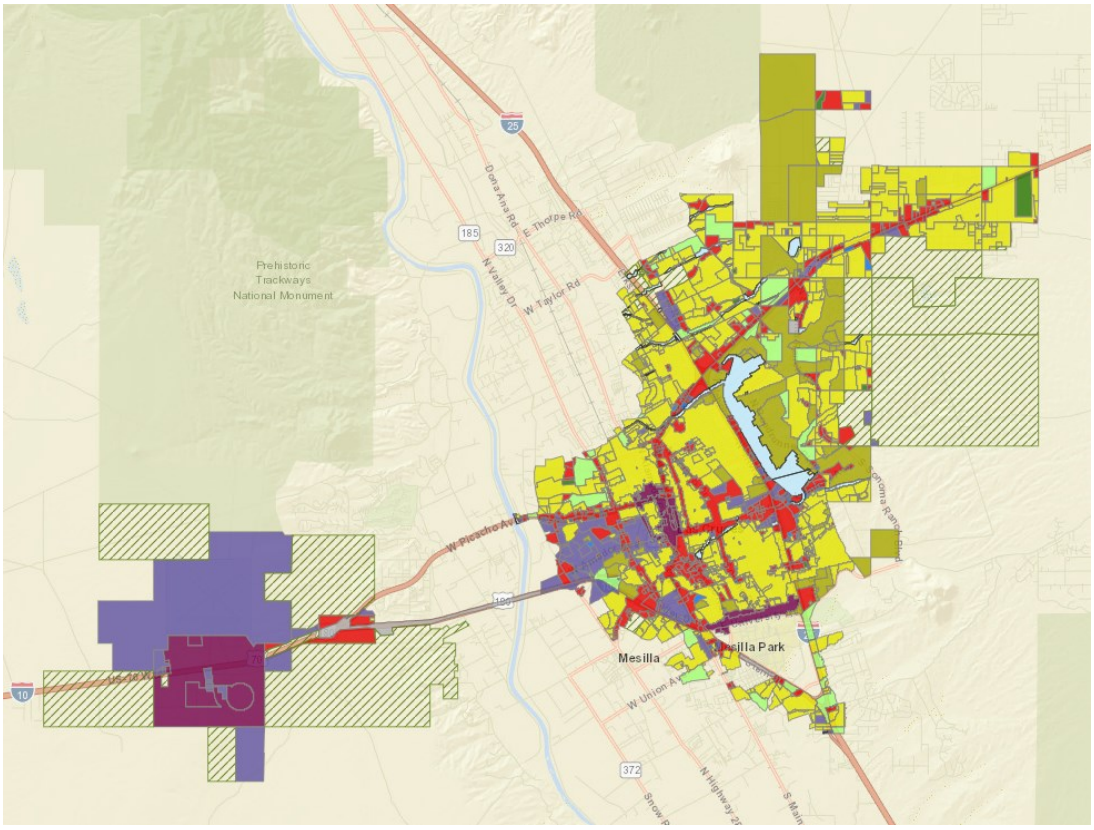
Zoning Districts and Map

A property's zoning district determines the allowable uses, required dimensional standards (e.g., lot size, setbacks, height), and other supplemental standards. The zoning map is the graphic depiction of the districts. A property's zoning district can be changed through initiation by the property owner or by the City through the rezoning process.

The City is divided into 20 base zoning districts and 13 special or overlay zoning districts. This code update will include a review of these districts to ensure that the requirements are simplified and incorporate recommendations from the Elevate Las Cruces comprehensive plan. Highlights of the relevant Elevate Las Cruces action items include the following:

- Incorporate form-based districts or concepts into a refined Las Cruces development code to apply Elevate Las Cruces place type overlays and create consistency between existing city zoning overlays.
- Amend existing corridor overlay districts to correspond with mixed-use corridor zoning standards.
- Prepare urban design guidelines that can be applied to mixed-use centers and corridors, existing overlay areas, and historic districts.
- Amend existing corridor overlay districts to correspond with mixed-use corridor zoning standards.

Current Zoning Map



69. Neighborhood Commercial

Issue

Commercial Low Intensity (C-1) is currently a base zoning district, however it is not frequently used as the current standards and lot sizes are not conducive to small businesses.

Resolution

Neighborhood Commercial should be a land use classification (rather than a zoning district) that is allowed in a variety of districts, including both commercial districts and residential districts with appropriate restrictions to ensure compatibility.

70. Manufacturing Districts

Issue

The M-1 and M-2 Industrial Standard zoning districts were previously separate districts, but have since been combined with a shared purpose statement and identical permitted uses.

Resolution

Rename this district to clarify that it is one consolidated district (e.g., Light Manufacturing) to reduce confusion.

71. Agricultural Zoning Districts

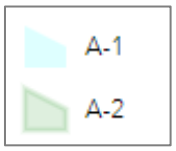
Issue

Two Rural Agricultural (A-1 and A-2) districts are present on the City's zoning map due to previous zoning designations, however these districts are not addressed within the current code.

Resolution

Review the need for these districts and determine whether these areas can be merged into another district. If appropriate to retain, establish standards and permitted uses for these districts.

Zoning Map Legend Excerpt



72. Mobile Home Districts

Issue

The primary difference between several districts (RE vs. REM, R-1c vs. R-1cM, and R-1b vs. R-1bM) is that the districts indicated with an “M” allow for mobile homes. While manufactured homes must be permitted in residential districts and provide affordable housing options, the addition of future mobile homes into the City is not recommended.

It is important to understand the difference between mobile and manufactured homes. The term “mobile home” refers to a factory-built home that was constructed prior to June 15, 1976. Since that time, Housing and Urban Development (HUD) established construction standards and issued certifications for these newer models, now referred to as “manufactured homes”. By allowing mobile homes, the City allows for factory-built units that were constructed prior to 1976 and prior to federal construction standards to be placed on a lot.

Resolution

The City should consider removing the REM, R-1cM, and R-1bM districts and rezoning those areas to the corresponding district that does not permit the addition of pre-1976 mobile homes. Additionally, the allowance for mobile home parks in R-2, R-3, and R-4 should also be removed. Any existing mobile homes would be grandfathered under previous regulations and could continue to exist; however, the placement of future pre-1976 mobile homes would not be allowed except in conformance with the current nonconforming use provisions (i.e., an existing mobile home may only be replaced by a safer mobile home or manufactured home)..

Mobile Home

Manufactured Homes

73. Base Districts

Issue

The current code and zoning districts are not well aligned with the Elevate Las Cruces plan, particularly the Place Types.

Resolution

The updated code should include a matrix to identify appropriate zoning districts that correspond to the Elevate Place Types. The Elevate Plan outlines appropriate land uses, site features, and building design standards that should be incorporated into the corresponding zoning districts.

The example below is based on the direction provided by Elevate, including the City's current zoning districts. Please note that this table is provided as an example only and zoning districts and level of appropriateness may change during the code update process.

		Current Zoning Districts (Example Only)																		
	Elevate Place Types	**EE**	**RE**	**R-1a**	**R-1b**	**R-1c**	**R-2**	**R-3**	**R-4**	**O-1**	**O-2**	**C-1**	**C-2**	**C-3**	**M-T**	**M-1/M-2**	**M-3**	**OS-R**	**OS-NC**	**Downtown**
Rural Place Types	Open Space Reserve																	●	●	
	Rural Reserve	●	●	●	●	●												●	●	
	Rural Neighborhood	●	●	●	●	●						●							●	
Suburban Place Types	Suburban Neighborhood			●	●	●	●	○		○		○								
	Regional Commercial									○	●	●	●	●						
Urban Place Types	Downtown																			●
	Urban Neighborhood				●	●	●	●	●											
Other Place Types	Business Park Industrial										○			●	●	●	●			
	Civic/Institutional									●	●	●	●	●						

● Appropriate

○ Possibly appropriate with conditions

74. Overlay Districts

Issue

The currently zoning overlay districts are lengthy, repetitive, and do not achieve the density and design directives from the Elevate Las Cruces plan.

Resolution

A new overlay district (or districts) should be created to implement the Overlay Place Types (OPT) (i.e., Town Centers, Neighborhood Centers, and Mixed-Use Corridors) recommendations from the Elevate Las Cruces plan. Each overlay district should have a set of permitted building types to achieve the emphasis on building form in these areas (see example excerpt below). These OPTs can also be used to increase density along mixed-use corridors and other activity centers. OPTs could also include density flexibility and reference a future Transfer of Development Rights (TDR) policy developed by the City.

The existing overlay districts should be reviewed to determine whether any of the existing districts could be incorporated into a new OPT district. Initial reviews suggest the following considerations:

Consider for Consolidation into OPT District(s):

- Avenida de Mesilla Gateway Overlay
- Lohman Avenue Overlay
- University District Overlay

Relocate into Historic Preservation Section:

- North Mesquite Neighborhood Overlay
- South Mesquite Overlay
- Alameda Depot Neighborhood Overlay

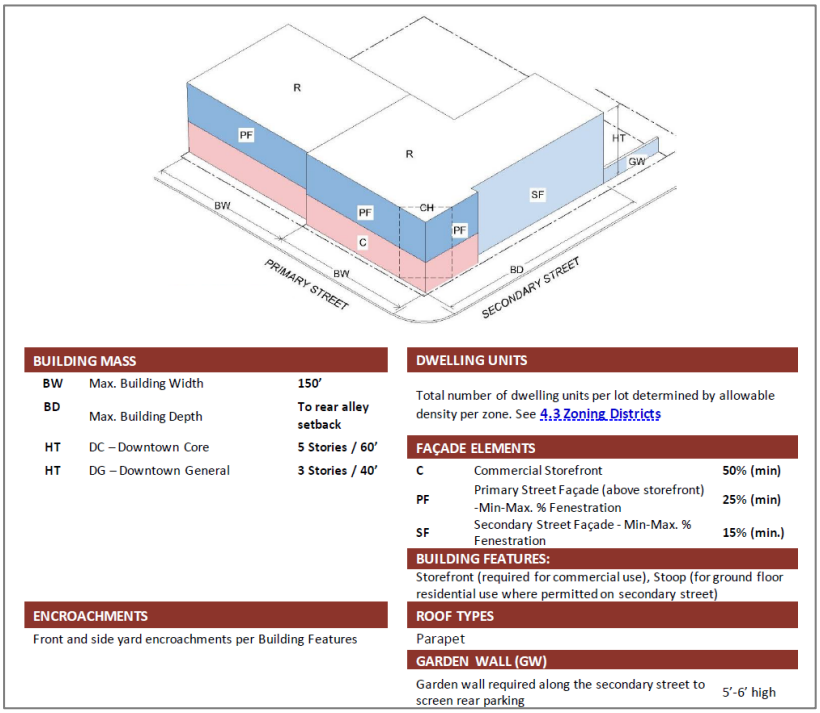
No Substantial Changes Anticipated:

- Downtown Development Code
- West Mesa Industrial Park Overlay

Other Actions:

- Airport Operations District: Consider removing district from the zoning regulations and note that the Airport Manager is responsible for reviews within this area.

Example of Mixed-Use Building Form Standards



75. Infill Flexibility

Issue

Existing zoning tools do not allow customization to achieve Elevate's development goals.

Resolution

Consider making alterations to the Infill Development Overlay district to support use of a pattern book (to be developed separately) and the possibility of relaxing requirements when development proposals address specific goals of Elevate such as residential density near transit or adaptive reuse of existing buildings." This would allow the City to define the desirable outcomes and match them with incentives (e.g., reduced parking, higher density, fast tracked permits, reduced fees).

76. Zoning Map Title

Issue

The current code refers to the zoning map as the "zoning atlas". This is an outdated term, referring to when the map was viewed as a series of smaller maps, compiled into an atlas format. Today, the zoning map is typically viewed on the City's website via the ArcGIS web viewer. Additionally, this term may be confusing to some as it is less commonly used.

Resolution

The map should be retitled to the "zoning map" for clarity, accuracy, and modernization.

77. Zoning Designations

Issue

The current zoning map includes a significant number of parcels that have be designated as more than one base district, informally referred to as "pancake districts". These districts allow any uses that are permitted in any of the listed zoning districts.

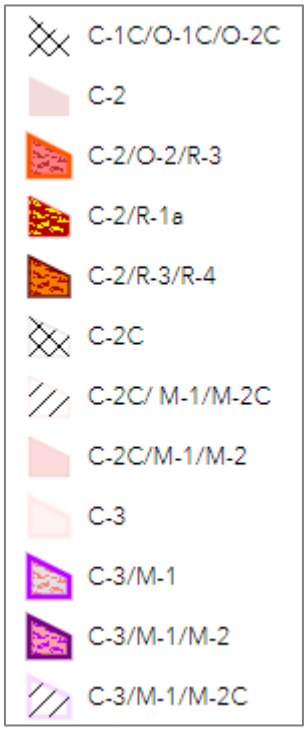
Additionally, the "C" listed at the end of a district indicates that conditional requirements have been imposed on that property. These conditional requirements create inconsistent and unpredictable development patterns. If additional standards are necessary for certain uses (e.g., height restrictions near residential), then such standards would likely be appropriate to require for all similar situations citywide.

Resolution

Evaluate the current use of "pancake districts" to identify the land use classifications that commonly warrant more than one zoning district and determine whether these uses can be allowed by-right or by SUP within one zoning district.

Evaluate the current use of conditional requirements to determine whether frequently imposed conditions would be appropriate to require for all development in similar circumstances citywide.

Zoning Map Legend Excerpt



78. Cluster Development

Issue

Cluster development refers to concentrating residential density in portions of a development while preserving natural areas within the same development. The same overall density is achieved compared to a conventional development. Elevate Las Cruces recommends establishing standards for cluster development that incorporates natural features into developments, particularly for the Rural Place Types.

Resolution

Establish provisions within the Zoning regulations to allow cluster development to occur by-right to support the vision for Rural Place Types and promote the conservation of environmentally-sensitive areas.

Sample Illustration of Conventional vs. Cluster Developments

Use Chart and Conditional Standards

This section of the code will outline the use classifications that are permitted within each zoning district, along with any associated conditional standards. Uses are permitted either by-right or by Special Use Permit, which requires approval by the Planning & Zoning Commission to determine whether the proposed use is appropriate for the particular location. The associated conditional standards include provisions specific to each use type, such as limited hours of operation, additional buffering and compatibility requirements, or design standards.

Highlights of relevant action items from the Elevate Las Cruces comprehensive plan include the following:

- Support home employment opportunities through code amendments that allow home offices in accessory units, the development of live-work units in transitional areas, and the conversion of residential structures in existing neighborhoods into commercial uses with accessory residential units.
- Encourage a range of housing types near the university within the city limits.
- Design new and existing neighborhoods to incentivize the construction of accessory dwelling units.

79. Permitted Use Chart

Issue

The current Development Code addresses permitted land use types in two locations – a permitted use chart in table format, and a list of the permitted uses in each district's section. This approach frequently results in conflicts, as a use may be shown as permitted in the chart but not permitted in the list (or vice versa).

Resolution

The updated Development Code should use only a permitted use chart. The chart format enables users to quickly view the land uses allowed by district or view the districts where a particular land use is allowed.

Sample Excerpt of a Permitted Use Chart

Residential Uses	R-5 Agriculture and Rural Residential District	R-2 Rural Residential District	R-1 Acreage Residential District	R-0 Single-Family Residential District	R-M Multi-Family Residential District	C-R Commercial - Rural District	C-H Commercial - Highway District	C-L Commercial - Limited District	C-G Commercial - General District	I Industrial District	# spaces : sqft, unit, occupants, etc.
Single-Family Residential	P	P	P	P	P						2 : dwelling unit
Two-Family Residential					P						2 : dwelling unit
Multiple-Family Residential: Low Density					P						Studio | 1 : unit 1-2 BR | 2 : unit 3+ BR | 2.5 : unit Guest | 1 : 10 units
Multiple-Family Residential: Medium Density					P						
Multiple-Family Residential: High Density					P						

80. Generalized and Updated Land Use Classifications

Issue

The current code utilizes a "Euclidean zoning" approach, which means the code focuses most heavily on the use of a building rather than the building's form. Use types are very specific (e.g., accounting, credit reporting, graphic design, consulting, legal services). This approach creates challenges when new use types emerge and limits the flexibility of use types. Additionally, the code lacks modernized land use types.

Resolution

The new code should focus more on the form and scale of buildings rather than the use. This approach better accommodates innovative use types and allowed increased flexibility in the users that could occupy a space.

The new code should still consider land use type. For example, potential land use categories could be:

- Office, Regional Scale (25,000+ sq. ft.)
- Office, Local Scale (5,000-24,999 sq. ft.)
- Office, Neighborhood Scale (<5,000 sq. ft.)

This approach groups similar uses and differentiates based on the scale of the building. While some individual uses may need to be called out due to unique characteristics (e.g., medical offices with more frequent visitors), most can be grouped into more generalized categories.

Updated land use classifications should also be addressed (e.g., renewable energy, community gardens, live/work units, and tiny houses).

81. Land Use Classification Definitions

Issue

The definitions of land use classifications (e.g., Single Family Residence or Professional Office) are combined with all other zoning definitions, which can be more difficult to locate and more difficult to ensure that every land use classification has a definition.

Resolution

Land use classifications should be defined following the permitted use chart, while all other definitions (e.g., Setback or Lot Width) should be included in a separate comprehensive list for the remainder of the development code. Terms should be grouped by category (e.g., Residential or Industrial) to help users to navigate the document. Additionally, classifications should use hyperlink functionality to link the use chart to the corresponding definitions for easier access and to ensure that every land use classification has a definition.

82. Mixed-Use Development

Issue

Mixed-use development (i.e., a combination of retail, office, and/or high-density residential dwellings in one building) is strongly supported by the Elevate Las Cruces plan, particularly in Downtown, future town and neighborhood centers, and mixed-use corridors; however, the current code does not clearly address this style of development.

Resolution

The updated code should allow mixed-use development in many locations across the City. The Overlay Place Type (OPT) districts (see item #74) should include a mixed-use building type, and the types of uses permitted within the building would be determined by the use chart. In areas outside of the OPTs, mixed-use buildings could be allowed either subject to the same OPT standards or by SUP. The standards should specify what is considered "mixed-use development" (e.g., vertical configuration and horizonal configuration if located on the same lot with pedestrian connectivity).

83. Home Occupations

Issue

The current code allows Home Occupations by-right in all residential districts and may be conducted in the principal or accessory buildings. Such operations are limited to household residents plus one outside employee, minimal signage, and reduced deliveries from large trucks (six wheels or more). These restrictions are in line with typical requirements across the country, intended to allow home-based businesses as long as the surrounding neighborhood is not negatively impacted.

Some requirements, however, such as the restrictions on selling products without pre-ordering, may be appropriate to review. Additionally, due to the COVID-19 pandemic, many people have transitioned to working from home full- or part-time, which can become confusing in relation to Home Occupations.

Resolution

The Home Occupations section should be reviewed to ensure clarity and compliance with current best practices. For example, the new code should clarify between a person who works from home versus operating a business in terms of when a Home Occupation Business Registration is required. While businesses can generate traffic and require signage, people working from home reduces traffic and have no apparent impacts outside of the home.

84. Accessory Dwelling Units

Issue

The current code allows Accessory Dwelling Units (ADUs) in all zoning districts; however, Guest Dwelling Units (GDUs) are allowed only as a Conditional in the residential districts. The similarity between these two terms can cause confusion for readers. According to the current code, ADUs are allowed to have a kitchen, while GDUs are prohibited to contain a kitchen. Additionally, the code states that these dwellings should not be rented. It can be difficult or impossible for the City to track whether the units are being rented, and the supplemental income could help support housing affordability initiatives.

Resolution

The updated code should consolidate ADUs and GDUs into one term – "ADUs" is recommended as the more common term. The code should also allow for ADUs to include kitchens and remove restrictions against renting the unit or the maximum of 10 percent of single-family homes having ADUs within 500 feet. ADUs should be allowed by-right on larger lots, although City staff review or an SUP may be appropriate on smaller lots where adjacent neighbors may be affected or where parking is a particular concern.

For comparison, the City of Denver allows ADUs on all single-family lots with a varying maximum ADU size based on the lot size:

ZONE LOT OR CARRIAGE LOT SIZE	MAXIMUM FLOOR AREA OF ACCESSORY DWELLING UNIT USE
6,000 ft^2 or less	650 ft^2
Greater than 6,000 ft^2 and up to 7,000 ft^2	864 ft^2
Greater than 7,000 ft^2	1,000 ft^2

The City of El Paso permits accessory dwelling units for all lots with a single-family home. The gross floor area is limited to 800 square feet, except that a lot larger than 8,000 square feet can have an accessory dwelling unit of up to 1,200 gross square feet. An accessory dwelling unit shall not contain more than one bedroom and shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.

20.10.035 - Accessory dwelling unit (ADU).

A. In addition to the regulations in Section 20.10.030, detached accessory dwelling units in residential zoning districts shall comply with the following:

1. The property owner must occupy either the principal unit or the accessory dwelling unit as their permanent residence. An owner of a property containing an accessory dwelling unit who is absent for a period of one year or less may rent the owner's unit as well as the second unit during the temporary absence.
2. Only one ADU is permitted on a lot with a detached single-family dwelling. ADUs are not permitted on lots with a duplex or multi-family units.
3. The minimum lot area is five thousand five hundred square feet.
4. If the lot is designated for on-site ponding, the maximum lot coverage, including all buildings and impervious surfaces, is fifty percent.
5. The ADU shall not exceed eight hundred square feet of gross floor area, except that for lots containing eight thousand square feet or more, the ADU shall not exceed one thousand two hundred square feet gfa.
6. The ADU shall not contain more than one bedroom.
7. The ADU shall comply with all building code requirements for a dwelling unit, including but not limited to, heating and cooling, cooking and bathroom facilities.
8. The ADU shall be located a minimum of ten feet from any property line, except that when the rear property line abuts an alley with a minimum ROW of twenty feet, the rear setback for an ADU may be reduced to zero feet; and when the rear property line abuts an alley with ROW less than twenty feet, the rear setback for an ADU may be reduced to five feet, or less if approved by the traffic engineer.
9. Vehicular access to the ADU is permitted from an abutting alley if on-site parking is provided for the ADU.
10. The height of the ADU shall not exceed the height of the principal unit.
11. Windows shall not be permitted on the wall of an ADU that is within ten feet of the property line abutting a residential use, if the ADU is taller than one story or fifteen feet, unless a minimum fifteen feet buffer of privacy trees (see approved tree list) are planted at fifteen feet on center along the side and/or rear property lines adjacent to the ADU.
12. ADUs shall resemble the principal unit in scale and character.
13. Windows shall be similar to the principal unit in the following ways: Type of window, trim style, proportions.

Building Form

The Building Form standards regulate the look and feel of development. These standards include elements such as building setbacks, height, massing, and other design considerations. This section will be one of the most critical sections of the code update to implement the form- and appearance-based recommendations from the Elevate Las Cruces comprehensive plan. Examples of relevant actions from Elevate Las Cruces include the following:

- Incorporate form-based districts or concepts into a refined Las Cruces land development code to apply Elevate Las Cruces place type overlays and create consistency between existing city zoning overlays.
- Prepare new zoning standards for the mixed-use corridor place type that incorporates the development strategies recommended in the Elevate Las Cruces comprehensive plan.
- Adopt build-to zones to establish minimum and maximum setback requirements for street facing building facades.

85. Encroachments

    Issue

    Encroachments are not addressed uniformly.

    Resolution

    Where encroachments, such as blade signs and balconies are permitted, standards should be codified to reduce reliance on interpretations and to provide uniform guidance for all development within the zoning district.

86. Infill Flexibility

    Issue

    Redevelopment and infill can be a challenge in any community. Common issues include lot sizes, setbacks, parking, landscaping, and overall compatibility.

    Resolution

    The current code's average setback options and the Flexible Development Standards allow for flexibility to address some of these concerns; however, this section should be reviewed for additional opportunities to increase flexibility to support and encourage infill development. Additionally, the applicability of the Flexible Development Standards should be clarified.

87. Residential Density Ranges

    Issue

    The R-4 Multi-Dwelling High Density and Limited Retail and Office district does not establish a maximum density – "a maximum as defined by the developer and accepted/approved by the city". This can result in inconsistent and unpredictable development patterns.

Resolution

The R-4 district should be reviewed for appropriate flexibility in reducing the minimum density in certain circumstances and establishing a maximum density. As the most dense residential district, a maximum density of 40 to 80 dwelling units may be appropriate.

88. Multi-Family Building and Site Design

Issue

The current code's urban design section includes limited requirements related to the design of multi-family building and site design. The current requirements are not specific to multi-family development and also apply to most nonresidential developments.

Resolution

The updated code should include a set of requirements specific to multi-family developments. The standards should address building form, massing, and placement, pedestrian access to and within the site, recreational and common spaces, and architectural features.

89. Missing Middle Housing Types

Issue

The current code includes provisions for duplexes, triplexes, quadplexes, townhomes, and patio homes. However, the code should be reviewed to identify options to allow more "missing middle" housing types – dwellings that range in density between a traditional single-family home and a large apartment building.

Resolution

Introduce additional housing types to support a greater variety of housing types and price points throughout the City, with attention towards small scale single-family residential and cottage courts, small scale multifamily and urban lofts. Include standards to ensure compatibility with surrounding neighborhoods, such as replicating the appearance of a traditional single-family home. As noted in the Elevate Las Cruces plan, these housing types can help to ensure compatible transitions between single-family neighborhoods and neighborhood centers.

Examples of Missing Middle Housing Types

90. Garage Setbacks

Issue

Garages that are located in front of (or flush with) a home's front building line tend to visually dominate the neighborhood.

Examples of Homes with Prominent Garages




Resolution

Residential garages should be required to be at least 5' behind the average setback of the building face. (Exceptions: Townhome garages may be flush with the building face, and carports may extend in front of the building face subject to design standards.)

Examples of Homes with Set Back or Rear-Entry Garages




Subdivisions

State statutes provide enabling legislation empowering municipalities to establish standards governing the approval of subdivision plats. “Such standards may include requirements for placement of utilities, for the location of streets, for minimum lot sizes, for securing safety from fire, flood, pollution or other dangers or other requirements necessary to the orderly, safe, healthy development of the city.”

Subdivision regulations will be incorporated into the Development Code as a dedicated section that addresses requirements for creating legal lots for development. This part of the UDC will outline all required infrastructure and utilities as well as the processes needed to successfully plat property within the City. Issues identified in Elevate that will be addressed in this section include the provision of adequate infrastructure and street design standards for an efficient transportation network that supports desirable development patterns.

General Provisions

General Provisions within the Subdivision section will address the applicability of the section, establish the City’s authority to adopt and enforce the regulations, and describe requirements and exceptions to the Subdivision regulations.

91. Easements for Public Use

    Issue

    Previous court rulings (i.e., City of Rio Rancho v. Amrep Sw., Inc.) have determined that easements required to provide access or public benefit and that will be maintained by a public entity must be specifically designated for public use.

    Resolution

    All required easements shall be labeled on the plat as “easement for public use.”

92. Survey Coordinate System

    Issue

    The current code does not specify the City’s approved coordinate system as a requirement for submitted surveys, resulting in discrepancies.

    Resolution

    The updated code should require that all surveys use the City’s approved coordinate system, as designated by the City Surveyor.

Plat Types

Subdivision of land is accomplished using various types of plats. This section of the Development Code will include an overview of the types of plats and how they may be used to divide property, dedicate public rights-of-way or easements, adjust property lines, consolidate property, and create legal lots suitable for development within the jurisdiction. Plat types existing in Chapter 37 Subdivisions will be retained. This section will address the required steps, notifications, and public hearings required for each plat type.

93. Process Overview Clarification

    Issue

    The process and notification requirements for each type of plat are repetitive and lengthy.

    Resolution

    Provide clear steps and flow charts to guide applicants and staff through the Subdivision process, ensure review criteria are uniform, and concise.

Procedures

Subdivision procedures outline the steps necessary to legally create lots for development and sale. Updates to this section will uniform processes and provide clarity in the application submittal requirements, improvements, inspections, and acceptance of infrastructure, and approvals that are needed to complete the platting process.

94. Substantial Completion Policy

    Issue

    The City Manager's policy addressing substantial completion provides guidance and is generally supported by staff as well as the development community; however, it remains open to interpretation. The UDC should include specific criteria for determining substantial completion to ensure subdivisions have enough working infrastructure to support homes before lots are sold and building permits are issued.

    Resolution

95. The issuance of building permits before required infrastructure and utilities are provided is not desirable and causes problems for the City and for property owners. Codify a requirement that all improvements requiring City acceptance must be installed, inspected, and accepted prior to filing a final plat to create a subdivision of land. Remove the ability to provide a security or guarantee in lieu of accepted improvements. Sidewalk Requirements

    Issue

    Ensure that recommended pedestrian and bicycle projects are incorporated at the earliest possible stage of projects, consistent with the City's Complete Streets Resolution. Consider creating a Complete Streets Checklist to guide projects (also see #25 and 26).

    Resolution

    The Development Code should require sidewalks when new lots are created through a platting (subdivision) process and assign responsibility for sidewalk installation. When residential lots within a subdivision remain unbuilt, sidewalks need to be completed to provide a safe, continuous pedestrian network. Sidewalk improvements may be addressed in the code as a part of the codification of a substantial completion policy. Development that occurs on property that is not platted should be addressed at the time of building permit. A fee in lieu of installed improvements may be appropriate depending on the context and adjacent development, however, any new development that generates foot traffic should be required to install or provide funding for sidewalks.

Other Input Not Addressed By Development Code

The following items have been identified through review of the code and code user input, but are not included within the scope of the code update. However, these items are important for future consideration by the City and have been included here for reference.

A. Technical manuals will need to be prepared with engineering details related to stormwater/drainage, roadway, water, wastewater, and other infrastructure improvements. The Development Code will reference these documents collectively as the "Engineering Design Manual". The technical manuals will remain separate from the Development Code, allowing for minor updates as needed over time to keep the design criteria relevant and up to date.

B. The City may wish to discount or waive impact fees in infill areas to encourage infill development and discourage suburban sprawl.

C. The City may wish to develop pre-designed and pre-approved site plans and building plans that can streamline the development process in targeted areas.

D. The placement of water meters in the center of the lot creates difficulties for driveway placement and often results in additional effort to relocate the water meter. The meters should be placed offset on the lots, near the side lot lines.

E. The Parks Department maintains anything with irrigation or any park/dual use element, and the streets Department maintains regional ponds or any drainage facility element. However, the City lacks the funds to maintain current stormwater facilities and with the desire to introduce green infrastructure, the demand on the City for maintenance will increase. The City should consider a public funding mechanism to fund stormwater infrastructure maintenance and inspection.

F. Establishment of an Open Space Advisory Board may be desirable; see Albuquerque's Open Space Advisory Board ordinance as an example.

G. There is support for adaptive reuse of residential structure to commercial businesses; however, the building codes may limit this ability. The Chief Building Official and Fire Marshal should continue to work with a small committee to conduct research and identify applicable codes (building, fire, plumbing, electrical, mechanical and gas) and any allowable interpretations that may allow incremental improvements or less costly renovations to support small local businesses. ADA is also a consideration that will have to be evaluated. Evaluate options to codify these requirements.

H. Additional study on adaptive reuse barriers and incentives may be appropriate, particularly regarding building, electrical, and related codes. The use of shipping containers as an approved building material should be reviewed against the building code requirements.

I. Code user input indicated that dumpster placement and design standards may be overly cumbersome. Note that the current requirements in the zoning regulations are very common (e.g., screening walls), but the utility requirements (e.g., strengthened pavement) are less common.