



City of Las Cruces®

Realize Las Cruces Ad Hoc Committee Agenda
Wednesday August 17, 2022
700 Main Street, Las Cruces, NM 88001
City Hall Lerdo Room (2007B)

- I. Call To Order
- II. Approval Of Minutes
- III. Conflict Of Interest
- IV. Postponements
- V. Discussion Items
- V.I. Chapter 1. General Provisions
 - Sec. 1-1. Establishment
 - Sec. 1-2. Approval and Appeal Entities
 - Sec. 1-3. Universal Procedures
 - Sec. 1-4. Annexation Process

Documents:

[LCO DEVELOPMENT CODE \(2022.06.06\) - GENERAL PROVISIONS.PDF](#)

- VI. Upcoming Meeting
- VI.I. Chapter 4. Subdivision Regulations
 - Sec. 4-1. General Provisions - September 7, 2022
 - Sec. 4-2. Plat and Plan Types - September 7, 2022
 - Sec. 4-3. Adequate Public Facilities - September 21, 2022
 - Sec. 4-4. Subdivision Procedures - September 21, 2022

VII. Public Participation

VIII. Adjournment

Date Posted: August 12, 2022

Chapter 1. General Provisions

Sec. 1-1. Establishment

Sec. 1-2. Approval and Appeal Entities

Sec. 1-3. Universal Procedures

Sec. 1-4. Annexation Process

Sec. 1-5. Definitions

Chapter 1. General Provisions

Sec. 1-1. Establishment

Sec. 1-1. Establishment

A. Title

This Development Code of the City of Las Cruces, New Mexico shall be known as, and may be cited as, the "Development Code", "Code", or "these regulations".

B. Purpose

The purpose of this Development Code is to unify the City's land development regulations into a single document and to reduce repetition and conflict among various ordinances. Additionally, this Code is intended to implement the Elevate Las Cruces comprehensive plan, Active Transportation Plan, neighborhood blueprints, and all other City-adopted plans.

C. Authority and Jurisdiction

This Code is created and adopted in accordance with NMSA 3-17, 3-19, and 3-21 and shall be applicable to all property within the corporate limits of the City, except for State and Federal land being used for public purposes.

D. Effective Date

The effective date of this Development Code shall be **XXXXXX**.

Note: Effective date will be 6 months after adoption to allow a transition period during which applicants can decide whether to use the previous code or the new code.

E. Technical Manuals

This Development Code references several technical manuals, which are maintained separately from this Code. Technical manuals apply to all development within the City's jurisdiction and include (but are not limited to) the following documents as amended or updated by the City:

1. City of Las Cruces (CLC) Standards for Road Construction
2. [Utility Standards](#)
3. [General Conditions for Construction Contracts](#)
4. [City of Las Cruces Design Standards](#)
5. Thoroughfare design manuals prepared by AASHTO, NACTO, ITE, FHWA, and related entities

F. Fees

All fees shall be paid in accordance with the City's Fee Schedule, as adopted by the City Council. An application may be denied for failure to pay such fees.

G. Violations and Fines

In accordance with NMSA 3-17-1, violations of these regulations shall be punishable by a fine of not more than \$500 or imprisonment for not more than 90 days or both.

H. Interpretations

The Community Development Director is the responsible official for determining interpretations and meanings. The Director's determination may be appealed in accordance with **Sec. 1-3.E.2 Appeal of a Director Decision**.

I. Conflicting Provisions

1. Conflict with State or Federal Regulations

In the event of a conflict with State or Federal laws, the more restrictive provision(s) shall govern to the extent of the law.

2. Conflict with Other City Regulations

In the event of a conflict within this Development Code or with other City regulations, the more restrictive provision(s) shall govern unless otherwise stated.

3. Conflict with Private Agreements

This Development Code does not interfere with, abrogate, or annul any easement, deed restriction, covenant, or other agreement

between private parties. The City's regulations supersede any private agreements and the City will not recognize or enforce any private agreements.

J. Severability

If any chapter, section, paragraph, sentence, phrase, or part of this Code is declared unconstitutional or otherwise invalid, the remaining portions shall not be affected.

Chapter 1. General Provisions

Sec. 1-2. Approval and Appeal Entities

Sec. 1-2. Approval and Appeal Entities

A. City Council

1. Establishment

The City Council is established by the City's Code of Ordinances, Part I Charter, Article II.

2. Authority

Figure 1-2-1 summarizes the City Council's major roles and responsibilities within this Development Code.

B. Planning & Zoning Commission

1. Establishment

In accordance with NMSA 3-19-1, a Planning & Zoning Commission has been created by the City Council as stated in Sec. 2-376 through Sec. 2-383 of the City's Code of Ordinances.

2. Authority

Figure 1-2-1 summarizes the Planning & Zoning Commission's major roles and responsibilities within this Development Code.

C. Development Review Committee

1. Generally

The Development Review Committee (DRC) is a formal group of representatives employed by the City or its representatives empowered to act on behalf of their respective departments on subdivision development related applications.

2. Composition

a) Required Members

Membership of the DRC shall consist of one representative from each of the following departments (or their successor department(s)):

- i) Public Works Department;
- ii) Community Development Department;
- iii) Utilities Department;
- iv) Fire Department; and

v) Parks & Recreation Department.

Department representatives shall be the director or the director's designee(s).

b) Elective Members

The DRC may include representation from regional entities (e.g., the Mesilla Valley MPO or NMDOT). Elective members are invited to attend and provide input; however, elective members are not decision-making members.

Additional departments (e.g., Sustainability, Quality of Life, Transit or Police) may be invited by the Community Development Director to participate as elective members based on the type of application or development proposal.

3. Authority

Figure 1-2-1 summarizes the DRC's major roles and responsibilities within this Development Code.

4. Meetings

- a) The DRC shall meet as needed to review development-related issues and applications as summarized in **Figure 1-2-1**. The notice of the DRC meeting shall appear in the public meeting schedule.
- b) The Community Development Director shall set the agenda for DRC meetings and abide by all notification requirements pursuant to approved policy and the [New Mexico Open Meetings Act \(OMA\)](#).
- c) Each required department shall prepare and submit one set of consolidated comments to the Community Development Director. The Community Development Director shall compile the comments and provide the comments to the applicant for revisions.
- d) Minutes will be taken during DRC meetings pursuant to approved policy and the [New Mexico Open Meetings Act \(OMA\)](#).

- e) When the DRC is providing a recommendation to another entity, the Community Development Director shall compile the comments and provide a summary report for the approval authority(ies).

Chapter 1. General Provisions

Sec. 1-2. Approval and Appeal Entities

D. Summary of Approval Authorities

Figure 1-2-1 provides an overview of the primary roles and responsibilities outlined in this Development Code.

Note: Table to be populated and expanded as code is drafted

Figure 1-2-1. Summary Roles and Responsibilities

Section	Application/Requirement Types	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director
General						
Sec. 1-3.E.2.a)	Appeal of a Director Decision: Planning-Related			Decide		
Sec. 1-3.E.2.b)	Appeal of a Director Decision: Engineering-Related	N/A – Appeals heard by the Arbitration Board				
Sec. 1-3.E.3	Appeal of a DRC Decision		Decide			
Sec. 1-3.E.4	Appeal of a Planning & Zoning Commission Decision	Decide				
Sec. 1-3.E.5	Appeal of a City Council Decision	N/A – Appeals heard by the District Court				
Sec. 1-3.H	Development Code Amendments	Decide	Recommend	Recommend		
Design Standards-Related						
Sec. 5-1.B.2.a)	Minor Waivers			Decide		
Sec. 5-1.B.2.b)	Major Waivers		Decide	Recommend		
Sec. 5-5.F.4.k)	Traffic Impact Analysis			Decide		
Sec. 5-5.B.2.a)	Access/Driveway Permits				Decide (dual with City Traffic Engineer)	Decide
Sec. 5-5.C	Private Street Acceptance	Decide	Recommend	Recommend		
Sec. 5-5.H.5.c)	Streetlights			Recommend (with City Traffic Engineer decision)		
Sec. 5-11.C	Sign Permit				Decide	
Sec. 5-11.J	Common Signage Plan				Decide	
Sec. 5-6.C	Park and Trail Dedication		Decide (Recommendation provided by Parks and Recreation Advisory Board)	Recommend		
Sec. 5-9.I	Landscape Plan				Decide	
Sec. 5-8.D Sec. 5-8.F	Tree Preservation and Replacement Plan				Decide	
Sec. 5-8.E.1	Removal of Protected Trees	Decide		Recommend		
Sec. 5-7.J	Outdoor Lighting Plan		Decide modifications per Sec. 5-7.L		Decide	

Chapter 1. General Provisions

Sec. 1-2. Approval and Appeal Entities

Section	Application/Requirement Types	City Council	Planning & Zoning Commission	Development Review Committee	Community Development Director	Public Works Director
Subdivision-Related						
Sec. 4-4.A.3	Alternate Summary Procedure			Decide		
Sec. 4-4.B.3	Minor Platting Process		Decide	Recommend		
Sec. 4-2.A.4	Master Plan		Decide	Recommend		
Sec. 4-4.C.3	Major Platting Process		Decide	Recommend		
Sec. 4-2.E.4	Construction Plans				Decide	
Sec. 4-3.C	Acceptance of Public Improvements	Decide				Recommend
Sec. 4-4.D.3	Right-of-Way Vacations		Decide	Recommend		
Sec. 4-3.E.2	Authorization of Substantial Completion				Decide (Dual)	Decide (Dual)
Zoning-Related						
Sec. 3-4.A	Zoning Map Amendments	Decide	Recommend			
Sec. 3-4.B	Site Plan with SUP	Decide	Recommend			
Sec. 3-4.B	Other Site Plans			Decide		
Sec. 3-4.D	Planned Unit Development (PUD)	Decide	Recommend			
Sec. 3-4.E	Special Use Permit (SUP)	Decide	Recommend			
Sec. 3-4.F	Flexible Design Standards				Decide	
Sec. 3-4.G	Zoning Variance		Decide		Recommend	
Sec. 3-4.H	Zoning Special Exception		Decide		Recommend	
Historic Preservation-Related						
	Certificate of Appropriateness					
	Historic Landmark Designation					

Chapter 1. General Provisions

Sec. 1-3. Universal Procedures

Sec. 1-3. Universal Procedures

A. Development Process Overview

This section provides a general overview of a typical development process, as well as references to the appropriate sections.

START HERE

1

Pre-Application Meeting

Before submitting an application, all applicants must attend a pre-application meeting with the City staff to become familiar with the City's development process and regulations applicable to the proposed development. See **Sec. 1-3.B** for more information.

2

Zoning Review

A property's zoning designation (such as the permitted uses and dimensional standards) must align with the proposed development prior to platting or submittal of any other development application. If a rezoning is necessary, see **Sec. 3-1.A** for more information about the rezoning process.

3

Subdivision Review

A plat is required when an applicant desires to split lots, combine lots, or move a lot line. See the flow chart in **Sec. 4-1.D** to determine the appropriate approval process. Site work and infrastructure installation may begin during this stage. See **Sec. 4-1.C** for more information.

4

Inspection, Filing, and Acceptance

Once the development is complete and all improvements are installed (or substantially complete in accordance with **Sec. 4-3.E**), the site will be inspected by the City for compliance with regulations and submitted plans. Upon passing inspection, the final plat will be filed, lots may be sold, and the City may formally accept public improvements for maintenance, following a one-year guarantee of the improvements. See **Sec. 4-3** for more information.

5

Site Plan Review

Once the zoning is in place and the lot is properly platted, an applicant may submit an application for a site plan. Site plans are required for all nonresidential, multi-family (3 or more units), mixed-use, PUD, or SUP development. See **Sec. 3-4.B** for more information.

6

Building Plan Review

At this stage, building permits are issued and construction of the development occurs. See **Sec. 3-4.C** for more information.

B. Pre-Application Meeting

1. Purpose
 - a) The pre-application meeting is intended to allow for the exchange of non-binding information between the applicant and City Staff to ensure that the applicant is informed of pertinent City development regulations and processes.
 - b) The pre-application meeting provides an opportunity for the applicant and City Staff to discuss major development considerations such as utilities, roadways/traffic, drainage concerns, Comprehensive Plan conformance, specific neighborhood characteristics, and historic information.
 - c) This exchange of information is intended to promote an efficient and orderly review process.
2. Meeting Required
 - a) Prior to the submittal of any required plan or application, the applicant must consult with Community Development Department staff to determine whether a pre-application meeting is required for the type of application or plan being proposed. The Community Development Department staff will determine the appropriate City staff to attend the meeting.
 - b) When a pre-application meeting is not required, the applicant may choose to participate in a voluntary pre-application meeting.
 - c) If multiple applications are submitted requiring meetings with the same department, the respective department representative may waive the required meeting.
 - d) The applicant may be represented by their land planner, surveyor, engineer, or other designated agent.

3. Review Materials

Although not required (except for a PUD), the property owner is encouraged to submit a conceptual layout of the development for the pre-application meeting so that the Community Development staff can offer guidance and feedback before the submittal of a formal application to the City. Information and questions regarding utilities, roadways, drainage, and other development standards required by this Code should be considered to improve the effectiveness of this meeting.

4. Vested Rights

Pre-application meetings shall not vest (i.e., “grandfather”) a permit, application, or other type of development approval.

C. Application Processing

1. Initiation of Application

- a) Initiation by Owner or Owner’s Agent
 - i) Unless provided by this Development Code, any petition or application may be initiated only by the property owner, owner of an interest in the land, or by the owner’s designated agent.
 - ii) If the applicant is a designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner’s behalf.
 - iii) The Decision-Maker (as identified by **Figure 1-2-1. Summary Roles and Responsibilities**) may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

b) Initiation by City Manager

The City Manager can initiate any application authorized under this Development Code.

Chapter 1. General Provisions

Sec. 1-3. Universal Procedures

2. Application Requirements

a) Universal Application Contents

- i) The City is hereby authorized to prepare application forms that include information requirements, checklists, architectural or engineering drawing sizes, applicant contact information, and any other information necessary to show compliance with City codes.
- ii) All application forms are available from the Community Development Department and/or on the City's website.
- iii) Applications shall be signed by all property owners (including all parties having an equitable interest, trustees of an estate or all persons having a specific power of attorney) for the subject property, as recorded in the county clerk's office.
- iv) Any pending litigation of any final order entered by any court of law regarding the ownership of the subject property shall be disclosed by the applicant at the time that the application is submitted.

b) Universal Application Fees

- i) Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
- ii) Unless waived by City Council, the prescribed fee shall not be refundable unless it was submitted in error.

3. Modification, Addition, or Waiver of Required Submittal Materials

- a) The Community Development Director may require additional or modified information or provisionally waive planning related application requirements following the Pre-Application Meeting.
- b) The Public Works Director and the Utilities Director may require additional or modified information or provisionally waive

engineering related application requirements following the Pre-Application Meeting.

- c) Provisionally waived requirements may be required at a later date.
- d) Examples of possible additional requirements and/or information could include, but are not limited to, a neighborhood group and/or noticed area meeting, traffic impact analysis, environmental analysis, detailed drainage analysis, etc.
- e) Any request for additional or waived submittal requirements shall be justified, in writing, by the requesting entity.

4. Complete Application

- a) Every required application shall be subject to a Determination of Completeness by the Community Development Director. The application shall only be accepted for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Development Code.
- b) A Determination of Completeness of an application shall be conducted in accordance with the following procedures:
 - i) A Determination of Completeness shall be made not later than the 10th business day from receipt, unless otherwise specified.
 - ii) If the submitted application is incomplete, the applicant shall be notified in writing within 10 business days.
 - a. Such notice shall be served by depositing it in the U.S. Postal Service or by electronic mail transmission.
 - b. The notification shall specify the documents or other information needed to complete the application and shall state the

date the application will expire (see **5. Application Expiration**) if the documents or other information are not provided to the City.

- iii) An application shall be deemed complete on the 11th business day after the application has been received if notice is not served in accordance with **ii)** above.
- iv) If the application is determined to be complete, the application shall be processed as prescribed by this Development Code.
- c) A typographical error shall not constitute an incomplete application.
- d) A Determination of Completeness shall not constitute a determination of compliance with the substantive requirements of this Development Code. It is not guaranteed that an accepted, complete application will be approved, if after the application is deemed complete, it is determined that the application does not comply with this Development Code.
- e) If the application is re-submitted after a notification of incompleteness within the time allotted in **5. Application Expiration**, the application shall be processed upon receipt of the re-submittal. If the information or documents submitted are not sufficient to enable the decision-maker to apply the criteria for approval, the application may be denied on such grounds.

5. Application Expiration

An application shall automatically expire at the close of business on the 45th calendar day after the application's Determination of Completeness, if the applicant fails to provide documents or other information necessary to comply with the City's requirements.

6. Application Extension

The Community Development Director may extend the expiration of an application only when unique circumstances are present and additional time is needed for an applicant to provide documents or information to complete an application.

- a) Any extension shall be documented in writing; and
- b) The extension shall not exceed 180 days.

7. Modification of Complete Applications

a) Modifications Requested by the City

If the modification is for revisions requested by the City, and the modification is received at least 10 business days prior to the time scheduled for decision on the application, then the application shall be decided within the period for decision prescribed by this Development Code.

b) Modifications Not Requested by the City

Unless otherwise specified, in all other instances (e.g., when the applicant chooses to submit a revised application of their own accord because of a change in development decisions), submittal of a modified application shall extend the time for deciding the application for a period equal to the time specified in this Development Code to decide the original application. The extension of the time for deciding the application shall commence on the date the modified application is submitted.

8. Official Submittal Date

The Official Submittal Date is the date on which the City officially accepts a submittal for which a public hearing is required. The Official Submittal Date is 35 calendar days prior to the public hearing (or the next business day in the event of a City holiday or other closure). Following a Determination of Completeness, the application will be considered submitted on the next Official Submittal Date.

Chapter 1. General Provisions

Sec. 1-3. Universal Procedures

9. Submittal of Previously Decided Applications

After the final decision on an application, the same (or substantially similar as determined by the Community Development Director) application shall not be submitted again until after six months from the decision-maker's action.

D. Notice of Decision

Upon a final decision by the Planning and Zoning Commission or City Council, the Community Development Department shall promptly:

1. Prepare a written decision that includes an order and a statement of the factual and legal basis for the order and file the written decision with the City Clerk. Also, this document shall state the requirements for filing an appeal.
2. Make the written decision publicly available, which may include posting the document on the City's website.

E. Appeals

1. Application Requirements

a) Who May Appeal

Any person, department, committee, commission, board or bureau that is affected by a decision of an administrative official, committee, or board in the administration or enforcement of this section or any other adopted resolution, rule, or regulation may appeal the decision.

b) Written Statement

All appellants shall submit to the Community Development Department a detailed written statement of the grounds of their appeal, including findings. The appeal shall state all issues to be considered. Only the issues stated shall be considered during the applicable proceeding.

c) Timing for Filing Appeal

An appeal shall be filed no later than 15 calendar days after the decision (or 30

calendar days for appeals to the District Court in accordance with NMSA 39-3-1) and all other procedures established by this Code have been exhausted.

d) Fees

Fees shall be assessed to the appellant person or persons in order to cover the costs of such appeal. Such fees shall be as prescribed in the fee schedule as adopted and amended.

e) Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, committee, or board from whom the appeal is taken certifies that by reason of facts a stay would cause imminent peril of life and property. Upon certification, the proceedings shall not be stayed except by order of District Court after notice to the official, commission, committee, or board from whom the appeal is taken.

2. Appeal of a Director Decision

a) Planning-Related Issues

i) Planning related issues are issues related to, but not limited to: lot configuration, street network, right-of-way requirements, land use, density, phasing of development, suitability of location, or other issues determined by the Community Development Director to be planning-related.

ii) Appeals shall be resolved by the Development Review Committee.

iii) The Community Development Director shall schedule a DRC meeting for review of the appeal within 30 calendar days of the appeal submittal. The DRC may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Community Development Director. A unanimous

vote of the DRC's required members (excluding the Community Development Director) shall be required to overturn the Community Development Director's decision.

b) Engineering-Related Issues

- i) Engineering- or utility-related opinions are related, but not limited, to design specifications for roadways, grading, drainage, utilities, or other issues determined by the Community Development Director and/or the public works director to be engineering-related.
- ii) Appeals of engineering-related issues shall be resolved by arbitration.
- iii) The Arbitration Committee shall review the engineering or utilities related issue under question and any pertinent information within 30 calendar days of the appeal submittal. The appellant shall be responsible for all costs associated with the Arbitration Committee.
- iv) The Arbitration Committee shall consist of three engineers licensed to practice in the state who are not associated with the City but are familiar with its development standards. The City shall choose one engineer, the applicant shall choose the second engineer, and the two chosen engineers shall choose the third.
- v) Action from the Arbitration Committee shall be in the form of approval or disapproval. Action from the arbitration committee shall be final unless appealed to the state board of registration for professional engineers and surveyors or to a court of competent jurisdiction.

3. Appeal of a DRC Decision to the Planning and Zoning Commission

The Planning and Zoning Commission, by a majority vote of a quorum of the commission, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision, or determination of the Development Review Committee.

4. Appeal of a Planning & Zoning Commission Decision to the City Council

The City Council, by a majority vote of all its members, may, after all other procedures established by this section have been exhausted, reverse or affirm any order, requirement, decision or determination of the Planning and Zoning Commission.

5. Appeal of a City Council Decision to District Court

The decision of the City Council may be appealed to District Court in accordance with NMSA 39-3-1.

Chapter 1. General Provisions

Sec. 1-3. Universal Procedures

F. Notice for a Public Hearing

When a public hearing before the Planning & Zoning Commission or City Council is required by these regulations, notice shall be provided as follows.

1. Agenda

The agenda for the public hearing shall be made available no later than 15 calendar days prior to the public hearing.

2. Mailed Notice for Rezoning

a) Certified Mailed Notice for Rezoning of One Block or Less

Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation.

b) Non-Certified Mailed Notice for Rezoning of More than One Block

Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within 100 feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation.

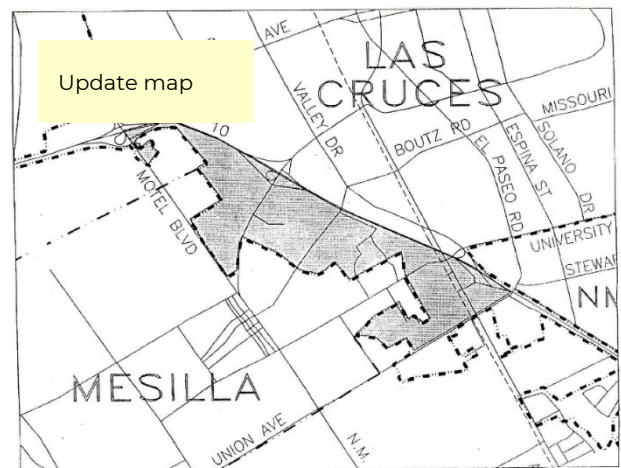
If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

3. Published Notice

Notice of the time and place of the public hearing shall be published at least 15 calendar days prior to the public hearing in a newspaper of general circulation in the City.

4. Special Notice

The Community Development Department shall provide notification, by certified mail, to the Town of Mesilla of all cases presented to the Planning and Zoning Commission. Notification shall be required for only those cases south and west of Interstate Highway 10, north of Union Avenue and east of Motel Boulevard (N.M. State Highway 292). For notification area, see Figure 1: Town of Mesilla Special Notification Area Map.



G. Early Notification and Meeting Requirements

1. Purpose

Early Notification and Meeting Requirements are established to provide a courtesy notice to potentially affected community members regarding a proposed development or action prior to the application's submittal.

2. Applicability

Any application for a rezoning of more than one acre or any development that requires a master plan shall meet the requirements herein.

- a) Exception: Subdivisions that meet all requirements of the Code are not subject to these requirements.

3. Requirements and Notification

- a) The applicant shall be responsible for facilitating a meeting with the public, providing details of the plan or project seeking approval. The applicant is responsible for securing a meeting facility in a location within the City as close as practical to the project site.
- b) Meeting location, date, and time details shall be provided to the City at least 15 business days before the meeting. The City will send mailed notice to all property owners within 500 feet of the subject property at least 10 business days before the meeting.

H. Amendments to this Development Code

1. Planning & Zoning Commission Recommendation

The Planning & Zoning Commission shall provide a recommendation regarding proposed Development Code amendments following a public hearing held in accordance with **F. Notice for a Public Hearing**.

2. City Council Decision

Following Planning & Zoning Commission recommendation, the City Council shall decide proposed Development Code amendments following a public hearing held in accordance with the City Clerk's typical time frames and processes.

3. Zoning Map Amendments

Zoning Map amendments (i.e., "rezonings") follow a different process in accordance with NMSA 3-21-6. See **Sec. 3-4.A. Zoning Map Amendments** for more information.

Chapter 1. General Provisions

Sec. 1-4. Annexation Process

Sec. 1-4. Annexation Process

A. Annexation Purpose

The purpose of an annexation is to redesignate property outside the City as being within the City limits, thereafter. Annexations can be used to maintain a unified urban area and to promote orderly growth utilizing City services.

B. Submittal of an Annexation Application

1. Following a Pre-Application Meeting (see **Sec. 1-3.B. Pre-Application Meeting**) and any required Early Notification (see **Sec. 1-3.G. Early Notification and Meeting Requirements**), an applicant may submit the Annexation application.
2. The Annexation application and supplemental material shall be submitted to the Community Development Department no later than 25 calendar days prior to the day of the next regular meeting of the Planning & Zoning Commission for consideration.
3. Applications shall be subject to a Determination of Completeness as outlined in **Sec. 1-3.C.4. Complete Application**.
4. The applicant shall submit the following items, and all related checklist materials, for consideration of an annexation request:
 - a) An annexation plat meeting the criteria for a final plat (see **Sec. 4-2.C. Final Plat**).
 - b) A **master plan** in accordance with **Sec. 4-2.A. Master Plan** identifying the purpose for which the property is intended to be used (unless waived by the Community Development Director for smaller annexations).

Note: Discussion ongoing whether a generalized concept plan vs. a detailed master plan is needed at this stage

- c) An initial zoning request shall be submitted concurrently with the Annexation application. The initial zoning of land shall occur jointly with the annexation procedures, but shall occur as a separate and distinct action by the City Council.
- d) The City may require the preparation of a cost-benefit analysis to identify the financial impacts of the proposed annexation. The analysis shall be prepared by a third-party professional and shall be at the applicant's expense. The analysis should consider factors such as the need to extend and indefinitely maintain City infrastructure, increased demand on City services, and anticipated revenues generated by the development.

C. Review and Consideration of an Annexation Request

1. DRC Recommendation

Annexation requests shall be forwarded to the Development Review Committee for review, comment and recommendation

2. Planning & Zoning Commission Recommendation

Following Development Review Committee review, the annexation plat, master plan, initial zoning request, and cost-benefit analysis (if applicable) shall be scheduled for a public hearing for Planning & Zoning Commission recommendation.

- a) A written report shall be provided to the Planning & Zoning Commission from the Development Review Committee.
- b) The Planning & Zoning Commission shall recommend either approval, conditional approval, postponement or disapproval of each element of the annexation request.
- c) It is the requirement of the Planning & Zoning Commission that no annexation request shall be reviewed unless either the applicant or the applicant's representative is present at the public hearing. If neither is

present at the public hearing, the request will be postponed until the next regular Planning & Zoning Commission meeting.

3. City Council Decision
 - a) Following recommendation by the Planning & Zoning Commission, the annexation request and the initial zoning request shall be forwarded to the City Council for final action.
 - b) The annexation request and the initial zoning request will be scheduled for the next available regular City Council meeting once staff has received the minutes of the Planning & Zoning Commission public hearing, and all public notice requirements are met.
 - c) The City Council shall approve, conditionally approve, postpone, or disapprove each element of the annexation request.
 - d) A copy of the notice of decisions that include any changes or conditions the Planning & Zoning Commission and City Council made at public hearings shall be provided to all appropriate parties in accordance with **Sec. 1-3.D. Notice of Decision.**