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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2023-27

AN ORDINANCE

AMENDING SFCC 1987, SECTION 14-5.2, TO AUTHORIZE THE HISTORIC DISTRICTS REVIEW BOARD TO APPROVE ADDITIONAL EXCEPTIONS, INCLUDING EXCEPTIONS FOR SIGNS AND MURALS; AND TO REMOVE CERTAIN ADMINISTRATIVE REQUIREMENTS FOR LAND USE STAFF APPROVALS AND DISAPPROVALS OF SIGNS AND MURALS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 14-5.2 of SFCC 1987 (being Ord. No. 2004-26) is amended to read:

14-5.2 HISTORIC DISTRICTS

(A) General Provisions

(1) General Purpose

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly, and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

- (a) The continued existence and preservation of historical areas and buildings;

- (b) The continued construction of buildings in the historic styles; and
- (c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

...

[OMITTED TEXT: Subsections 2-7 regarding Application to State of New Mexico, Boundaries, Design of Buildings, Zoning District Regulations, Nonconforming Structures, and Electric Facilities, are not impacted by the bill and are omitted for readability]

(B) Minimum Maintenance Requirements

...

[OMITTED TEXT: Introductory sentence and following items 1-13 are not impacted by the bill and are omitted for readability.]

(C) Regulation of Significant and Contributing Structures in the Historic Districts

(Ord. No. 2004-26)

...

[OMITTED TEXT: Subsections 1-4 regarding Purpose and Intent; Designation of Significant Contributing, or Noncontributing Status within Historic Districts; Review by Historic Districts Review Board Required; and Compliance with General and Specific Design Standards Required are not impacted by the bill and are omitted for readability.]

(5) Exceptions

Staff shall determine if an exception to this section is required. The historic board may grant or deny an exception to the regulations set forth in this section provided that such exception does not exceed the underlying

1 zoning.

2 (a) Height

3 If the *applicant* requests approval of a height in the historic district
4 that exceeds the underlying zoning district requirement,
5 the *applicant* shall first receive an exception to this Section 14-5.2.

6 If approved by the historic board, the *applicant* shall proceed to the
7 board of adjustment or other applicable *city* body for consideration
8 of the proposed variance.

9 (b) Design Standards and Signage

10 The board is the *city* administrative board reviewing and granting or
11 denying requests for exceptions from standards set forth in 14-5.2(D)
12 (1-8, 10, 11) and 14-5.2(E) through (I), for construction or alterations
13 within the historic districts, and in 14-8.10(H), for signs in historic
14 districts. When requesting exceptions, the *applicant* shall use the
15 procedures for public notice and hearing set forth in Section 14-
16 3.1(H), Notice Requirements, unless the *applicant* also requests a
17 variance to the underlying zoning. In such a case the *applicant* for the
18 H ordinance exception shall not be required to publish a legal ad in
19 the local newspaper. Exceptions are *project* specific and do not apply
20 to the subject *property* in perpetuity. In order to approve an
21 exception, the board shall make findings of fact that the applicant
22 conclusively demonstrated that requested exceptions comply with all
23 the criteria listed as follows:

- 24 (i) Do not damage the character of the district;
25 (ii) Are required to prevent a hardship to the *applicant* or an

injury to the public welfare; and

- (iii) Strengthen the unique heterogeneous character of the *City* by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

(c) Height, Pitch, Scale, Massing, and Floor Stepbacks

The board is the *city* administrative board reviewing and granting or denying requests for exceptions from regulations set forth in Subsection 14-5.2(D)(9). When requesting exceptions the *applicant* shall use the procedures for public notice and hearing set forth in Section 14-3.6(B)(3), unless the *applicant* also requests a variance to the underlying zoning. In such a case the *applicant* for the H ordinance exception shall not be required to publish a legal ad in the local newspaper. Exceptions are *project* specific and do not apply to the subject *property* in perpetuity. The board may grant exceptions and impose conditions thereon to Subsection 14-5.2(D)(9) for height of *structures* within the historic districts as specified in Subsection 14-5.2(D)(9)(a). In order to approve an exception, the board shall make findings of fact that the applicant conclusively demonstrated that requested exceptions comply with all the criteria listed as follows:

- (i) Do not damage the character of the *streetscape*;
- (ii) Prevent a hardship to the *applicant* or an injury to the public welfare;
- (iii) Strengthen the unique heterogeneous character of the *city* by providing a full range of design options to ensure that residents can continue to reside within the historic districts;

- (iv) Are due to special conditions and circumstances which are peculiar to the land or *structure* involved and which are not applicable to other lands or *structures* in the related *streetscape*;
- (v) Are due to special conditions and circumstances which are not a result of the actions of the *applicant*; and
- (vi) Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2(A)(1).

(D) General Design Standards for All H Districts

...

[OMITTED TEXT: Introductory sentence and subsections 1-9 regarding General; Additions; Remodeling to Increase Height, Rooftop Appurtenances; Porches and Portals; Windows, Doors, and Other Architectural Features; Roofs; Surface Cleaning; and Archaeological Resources are not impacted by the bill and are omitted for readability.]

(9) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, scale, and massing of any structure in an historic district, as defined in this section, shall be limited as provided for in this section, unless further restricted within this chapter.

(a) Applicability

The following sections identify specific areas and specific projects subject to this section. Planning and land use department staff shall determine whether or not properties are included within this section. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

(i) Specific Areas

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A. The authority to limit the height of any structure, as provided in this section, shall apply within the downtown and eastside, Don Gaspar, historic transition, and westside-guadalupe historic districts.

B. It shall also apply in the historic review district as specified herein. This authority shall apply to the northern and eastern portion of the historic review district as illustrated on the referenced map attached hereto, * and located in the city's planning and land use department. Inclusive under this authority are all properties accessed from Canyon Road, Camino Militar, Apodaca Hill, Camino Ribera, Camino Cabra, Camino Santander, Camino San Acacio, Camino del Monte Sol, Camino Rancheros, Camino Ranchitos, Garcia Street, Old Santa Fe Trail (to the Arroyo de los Chamisos crossing), and Old Pecos Trail (to the southern boundary of the historic review district) as they continue out of the downtown and eastside historic district and terminate in the historic review district. This authority shall also apply to all properties accessed from public rights-of-way that are located east of the western boundary of the historic review district and north of the southern boundary of the historic review district to the intersection of Camino Corrales and Fort Union Drive. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

Editor's Note: The map referenced herein adopted by Ordinance No. 1983-69, as amended, is shown on the official zoning map.

C. This authority shall also apply to properties accessed from Camino Lejo, Mt. Carmel Road, and east to the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, inclusive of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, and exclusive of properties east of the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte.

D. This limitation of applicability shall not affect the authority of the Board with respect to significant or contributing structures as provided in Subsections 14-5.2(F), (G), and (H).

(ii) Project Types

Planning and land use department staff shall determine the applicability of this section to individual projects and the applicable streetscape as follows: (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

A. If the project location is sited on a street which extends linearly with no interruptions or truncations, the streetscape shall include buildings , yard walls , and fences on both sides of the street on which the proposed building , yard wall , or fence is to be located, for a distance of six hundred (600) feet measured from the

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midpoint of the street facing façade(s) of the proposed building , yard wall , or fence in both directions parallel to the street centerline. See Illustration 14-5.2-1, "Linear Street - No Interruptions or Truncations."

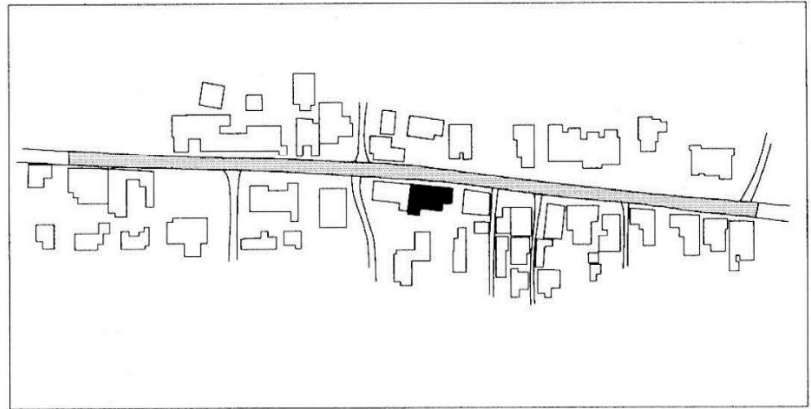


Illustration 14-5.2-1 Linear Street – No Interruptions or Truncation

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B. If the streetscape is truncated by an intersecting block or a visual intrusion (such as a curve or turn in the streetscape) before the six hundred (600) feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See Illustration 14-5.2-2, "Truncation by an Intersecting Block or Visual Intrusion."

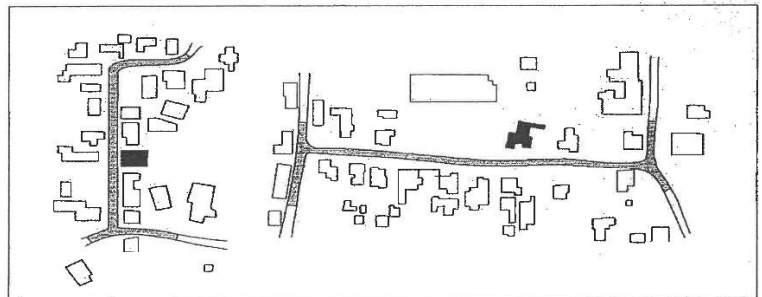


Illustration 14-5.2-2 Truncation by an Intersecting Block or Visual Intersection

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- C. If the proposed building, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in Subsection (ii)A above shall be considered. See Illustration 14-5.2-3, "Frontage on More than One Street." (Ord. No. 2002-37 § 24)

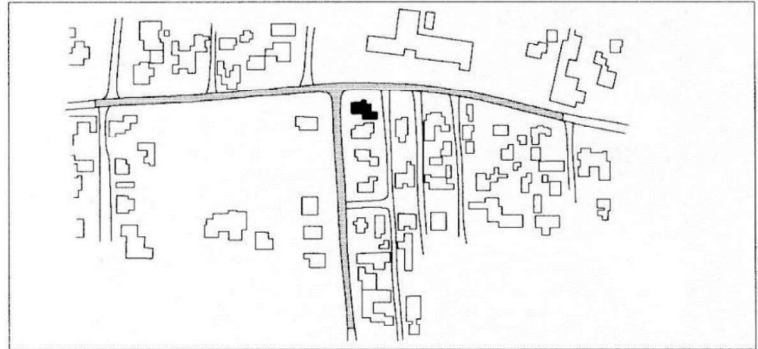


Illustration 14-5.2-3 Frontage on More than One Street

- D. When the proposed building, yard wall or fence is located on a lot with no frontage on rights-of-way, the streetscape is defined by measuring a distance of three (300) feet in all directions beginning from the mid-point of the facade which contains the principal entrance of the building. The height of a proposed yard wall or fence shall not exceed the height of the tallest yard wall or fence within this streetscape. See Illustration 14-5.2-4, "Interior Lot with No Street Frontage."

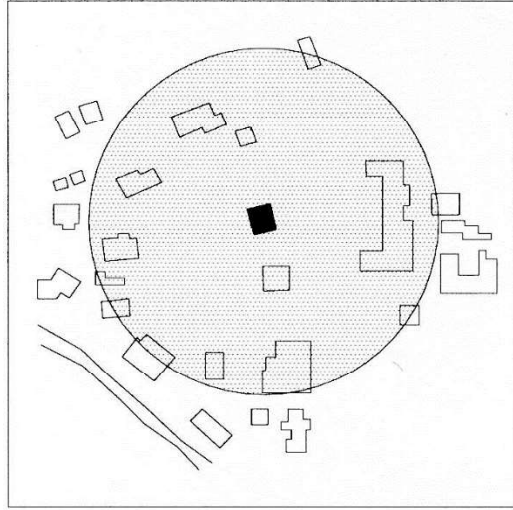


Illustration 14-5.2-4 Interior Lot with No Street Frontage

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- E. When the proposed building , yard wall or fence faces a T- or a Y-intersection, the streetscape shall include buildings, yard walls, and fences as defined in Subsection (ii)(A) above and buildings, yard walls, and fences on both sides of the street creating the leg of the "T" or the arm of the "Y" for a distance of three hundred (300) feet parallel to the street centerline. See Illustrations 14-5.2-5, "Location at a "Y" Intersection," and 14-5.2-6, "Location at a "T" Intersection." (Ord. No. 2002-37 § 25)

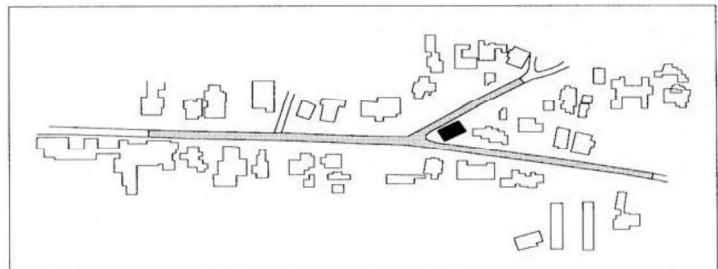


Illustration 14-5.2-5 Location at a "Y" Intersection

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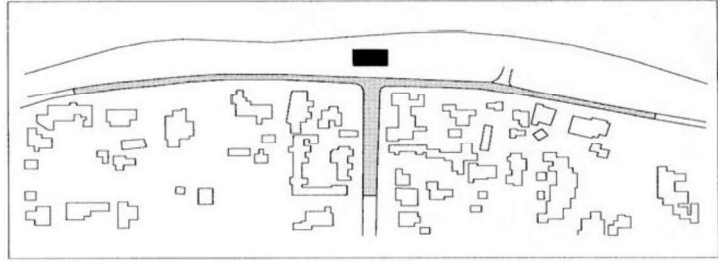


Illustration 14-5.2-6 Location at a "T" Intersection

F. When the proposed building, yard wall, or fence is located in a streetscape that includes no buildings, yard walls, or fences, the height of the proposed building shall not exceed sixteen (16) feet. Yard walls and fences in this streetscape shall not exceed five (5) feet in height.

(b) Streetscape Standards

...

[OMITTED TEXT: subsection numbers i-vi; and subsections c-f regarding Height, Pitch, Scale, and Massing and Floor Stepbacks are not impacted by the bill and are omitted for readability.]

(10) Signs; Murals

Sign applications and required submittals shall be reviewed by the planning and land use department. Approval or disapproval shall be indicated by the division on the *application* for the *building permit* and on each of the required submittals. If a proposed mural does not meet the criteria in the historic ordinance, an exception is required. (Ord. No. 2007-45 § 30; Ord. #2020-22, § 16)

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[OMITTED TEXT: Subsection 11 regarding Walk Areas is not impacted by the bill and is omitted for readability.]

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(E) Downtown and Eastside Design Standards
...
[OMITTED TEXT: Introductory sentence and subsections 1 and 2 regarding Old Santa Fe Style and Recent Santa Fe Style are not impacted by the bill and are omitted for readability.]

(F) Historic Review District
...
[OMITTED TEXT: Subsections 1 and 2 regarding Applicability and District Standards are not impacted by the bill and are omitted for readability.]

(G) Historic Transition District
...
[OMITTED TEXT: Subsections 1-5 regarding Purpose, Applicability, District Standards, Final Review and Property Use and Zoning District are not impacted by the bill and are omitted for readability.]

(H) Don Gaspar Area Historic District
...
[OMITTED TEXT: Subsections 1 and 2 regarding District Standards and Walls; Fences; Solar Collectors Administration are not impacted by the bill and are omitted for readability.]

(I) Westside-Guadalupe Historic District
...
[OMITTED TEXT: Subsections 1 and 2 regarding District Standards and Walls; Fences; Solar Collectors; Administration are not impacted by the bill and are omitted for readability.]

(J) Creation of Historic Districts

1 ...

2 [OMITTED TEXT: Introductory sentences and subsections 1-3 regarding
3 Application, Preliminary Review and Hearing, Final Review and Hearings
4 are not impacted by the bill and are omitted for readability.]

5 (K) Historic Compounds

6 ...

7 [OMITTED TEXT: Ordinance reference and subsections 1-5 regarding
8 Purpose and Intent; Identification of Historic *Compounds*; Board Review of
9 Existing Conditions Assessments and Historic *Compound* Plans; Standards
10 for the Rehabilitation, Demolition, Additions and New Construction in
11 Historic Compounds; and Survey, Recommendation, Approval of Historic
12 Compound Register and Effective Date are not impacted by the bill and are
13 omitted for readability.]

14 (L) Landmarks

15 ...

16 [OMITTED TEXT: Ordinance reference and subsection 1 regarding Official
17 Map of *Landmark Structures* and Procedures are not impacted by the bill and
18 are omitted for readability.]

19 (M) State Capital Outlay Projects

20 ...

21 [OMITTED TEXT: Ordinance reference and subsections 1-4 regarding
22 Purpose, Procedures, Design Standards, Demolition of Historic and
23 Landmark Structures; Minimum Maintenance Requirements are not
24 impacted by the bill and are omitted for readability.]


25 (N) County and Santa Fe Public Schools Capital Outlay Projects

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[OMITTED TEXT: Ordinance reference and subsections 1-4 regarding Purpose, Procedures, Design Standards, and Demolition of Historic Landmark Structures; Minimum Maintenance Requirements are not impacted by the bill and are omitted for readability.]

PASSED, APPROVED, and ADOPTED this 13TH day of December, 2023.


Alan Webber (Dec 26, 2023 21:13 MST)


ALAN WEBBER, MAYOR

ATTEST:


Geraldyn Cardenas (Dec 28, 2023 09:59 MST)

GERALYN F. CARDENAS, INTERIM CITY CLERK

APPROVED AS TO FORM:


Erin McSherry (Dec 26, 2023 18:14 MST)

ERIN K. McSHERRY, CITY ATTORNEY

Bill No. 2023-26

Legislation/2023/Ordinances/2023-27 (O) Grant HDRB Authority to Approve or Deny Exceptions