

[bracketed material] = delete

underscored material = new

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2023-26

INTRODUCED BY:

Councilor Signe Lindell

A BILL

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

1 qualities relating to the history of Santa Fe, and a harmonious outward
2 appearance, which preserve property values and attract tourists and residents
3 alike, be preserved, some of these qualities being:

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

6 (b) The continued construction of buildings in the historic styles; and

7 (c) A general harmony as to style, form, color, height, proportion, texture
8 and material between buildings of historic design and those of more
9 modern design.

10 ...

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

14 **(B) Minimum Maintenance Requirements**

15 ...

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

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

20 (Ord. No. 2004-26)

21 ...

22 **[OMITTED TEXT: Subsections 1-4 regarding Purpose and Intent;**
23 **Designation of Significant Contributing, or Noncontributing Status within Historic**
24 **Districts; Review by Historic Districts Review Board Required; and Compliance with**
25 **General and Specific Design Standards Required are not impacted by the bill and are**

1 **omitted for readability.]**

2 (5) Exceptions

3 Staff shall determine ~~[whether]~~ if an exception to this section is required.

4 The historic board may grant or deny an exception to the regulations set
5 forth in this section provided that such exception does not exceed the
6 underlying zoning.

7 (a) Height

8 If the *applicant* requests approval of a height in the historic district
9 that exceeds the underlying zoning district requirement,
10 the *applicant* shall first receive an exception to this Section 14-5.2.
11 If approved by the historic board, the *applicant* shall proceed to the
12 board of adjustment or other applicable *city* body for consideration
13 of the proposed variance.

14 (b) Design Standards and Signage

15 ~~[The board may recommend exceptions to Subsections 14-5.2(D) (1-~~
16 ~~8, 10-11) and 14-5.2(E) through (I) for construction or alterations~~
17 ~~within the historic district. The recommendation for exceptions shall~~
18 ~~be made to the governing body. Procedures for public notice and~~
19 ~~hearing before the governing body shall be as set forth in Section 14-~~
20 ~~3.6(B)(3).] The board is the city administrative board reviewing and~~
21 granting or denying requests for exceptions from standards set forth
22 in 14-5.2(D) (1-8, 10, 11) and 14-5.2(E) through (I), for construction
23 or alterations within the historic districts, and in 14-8.10(H), for signs
24 in historic districts. When requesting exceptions, the applicant shall
25 use the procedures for public notice and hearing set forth

1 in Section 14-3.1(H), Notice Requirements, unless the *applicant* also
2 requests a variance to the underlying zoning. In such a case
3 the *applicant* for the H ordinance exception shall not be required to
4 publish a legal ad in the local newspaper. Exceptions
5 are *project* specific and do not apply to the subject *property* in
6 perpetuity. [~~If approved by the *governing body*, the inspections and~~
7 ~~enforcement *office* shall accept and review an *application* for, and~~
8 ~~issue, as appropriate, a *building permit*. The *applicant* for such~~
9 ~~exceptions shall conclusively demonstrate and]. In order to approve
10 an exception, t[F]he board shall make [a-positive] findings of fact
11 that the *applicant* conclusively demonstrated that requested [such]
12 exceptions comply with all the criteria listed as follows:~~

- 13 (i) Do not damage the character of the district;
- 14 (ii) Are required to prevent a hardship to the *applicant* or an
15 injury to the public welfare; and
- 16 (iii) Strengthen the unique heterogeneous character of the *City* by
17 providing a full range of design options to ensure that
18 residents can continue to reside within the historic districts.

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

20 The board is the *city* administrative board reviewing and granting or
21 denying requests for exceptions from regulations set forth in
22 Subsection 14-5.2(D)(9). When requesting exceptions
23 the *applicant* shall use the procedures for public notice and hearing set
24 forth in Section 14-3.6(B)(3), unless the *applicant* also requests a
25 variance to the underlying zoning. In such a case the *applicant* for the

1 H ordinance exception shall not be required to publish a legal ad in the
2 local newspaper. Exceptions are *project* specific and do not apply to
3 the subject *property* in perpetuity. The board may grant exceptions
4 and impose conditions thereon to Subsection 14-5.2(D)(9) for height
5 of *structures* within the historic districts as specified in Subsection 14-
6 5.2(D)(9)(a). [~~The applicant for such exceptions shall conclusively~~
7 ~~demonstrate and t~~] In order to approve an exception, the board shall
8 make [~~a positive~~] findings of fact that the applicant conclusively
9 demonstrated that requested [~~that such~~] exceptions comply with all the
10 criteria listed as follows:

- 11 (i) Do not damage the character of the *streetscape*;
- 12 (ii) Prevent a hardship to the *applicant* or an injury to the public
13 welfare;
- 14 (iii) Strengthen the unique heterogeneous character of the *city* by
15 providing a full range of design options to ensure that
16 residents can continue to reside within the historic districts;
- 17 (iv) Are due to special conditions and circumstances which are
18 peculiar to the land or *structure* involved and which are not
19 applicable to other lands or *structures* in the
20 related *streetscape*;
- 21 (v) Are due to special conditions and circumstances which are
22 not a result of the actions of the *applicant*; and
- 23 (vi) Provide the least negative impact with respect to the purpose
24 of this section as set forth in Subsection 14-5.2(A)(1).

1 ...

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

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

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

11 (a) Applicability

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

16 (i) Specific Areas

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

21 B. It shall also apply in the historic review district as
22 specified herein. This authority shall apply to the northern
23 and eastern portion of the historic review district as
24 illustrated on the referenced map attached hereto, * and
25 located in the city's planning and land use department.

1 Inclusive under this authority are all properties accessed
2 from Canyon Road, Camino Militar, Apodaca Hill,
3 Camino Ribera, Camino Cabra, Camino Santander,
4 Camino San Acacio, Camino del Monte Sol, Camino
5 Rancheros, Camino Ranchitos, Garcia Street, Old Santa
6 Fe Trail (to the Arroyo de los Chamisos crossing), and
7 Old Pecos Trail (to the southern boundary of the historic
8 review district) as they continue out of the downtown and
9 eastside historic district and terminate in the historic
10 review district. This authority shall also apply to all
11 properties accessed from public rights-of-way that are
12 located east of the western boundary of the historic review
13 district and north of the southern boundary of the historic
14 review district to the intersection of Camino Corrales and
15 Fort Union Drive. (Ord. No. 2007-45 § 30; Ord. #2020-
16 22, § 16)

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

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

1 Blanca and Camino de Cruz Blanca Norte.

2 D. This limitation of applicability shall not affect the
3 authority of the Board with respect to significant or
4 contributing structures as provided in Subsections 14-
5 5.2(F), (G), and (H).

6 (ii) Project Types

7 Planning and land use department staff shall determine
8 the applicability of this section to individual projects and
9 the applicable streetscape as follows: (Ord. No. 2007-45
10 § 30; Ord. #2020-22, § 16)

11 A. If the project location is sited on a street which extends
12 linearly with no interruptions or truncations, the
13 streetscape shall include buildings , yard walls , and
14 fences on both sides of the street on which the proposed
15 building , yard wall , or fence is to be located, for a
16 distance of six hundred (600) feet measured from the
17 midpoint of the street facing façade(s) of the proposed
18 building , yard wall , or fence in both directions parallel
19 to the street centerline. See Illustration 14-5.2-1, "Linear
20 Street - No Interruptions or Truncations."

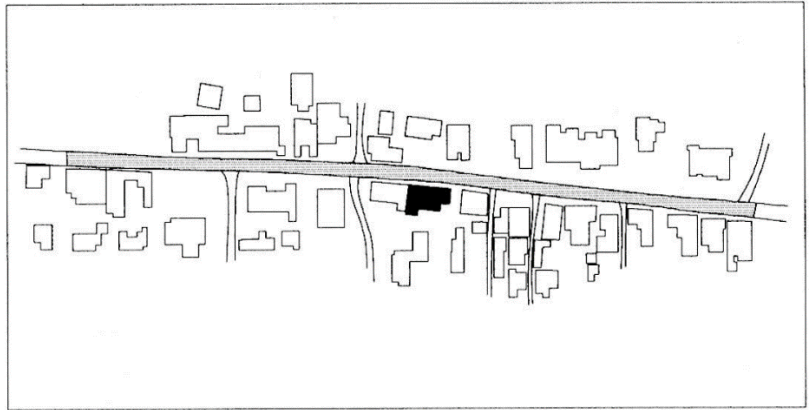


Illustration 14-5.2-1 Linear Street – No Interruptions or Truncation

1
2
3
4
5
6
7
8
9

- 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."

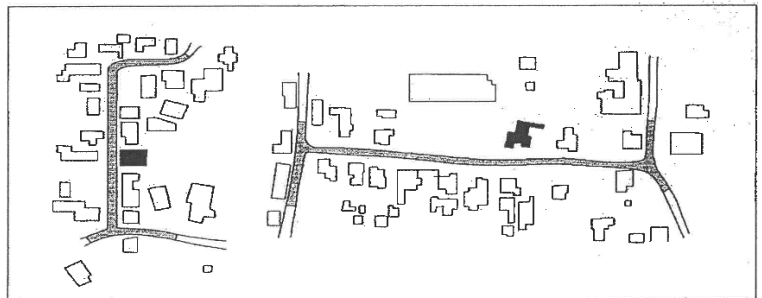


Illustration 14-5.2-2 Truncation by an Intersecting Block or Visual Intersection

10
11
12
13
14

- 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

1

than One Street." (Ord. No. 2002-37 § 24)

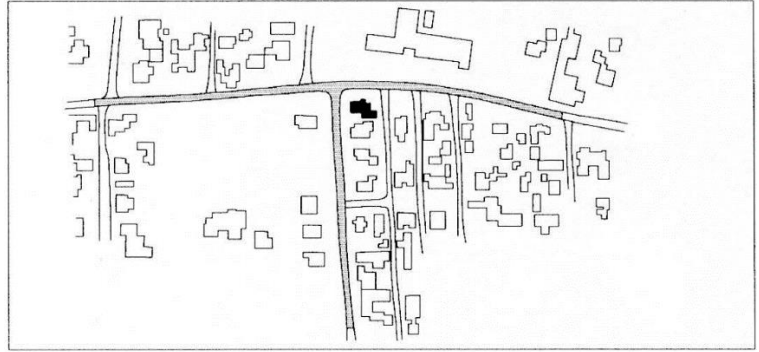


Illustration 14-5.2-3 Frontage on More than One Street

2

3

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."

4

5

6

7

8

9

10

11

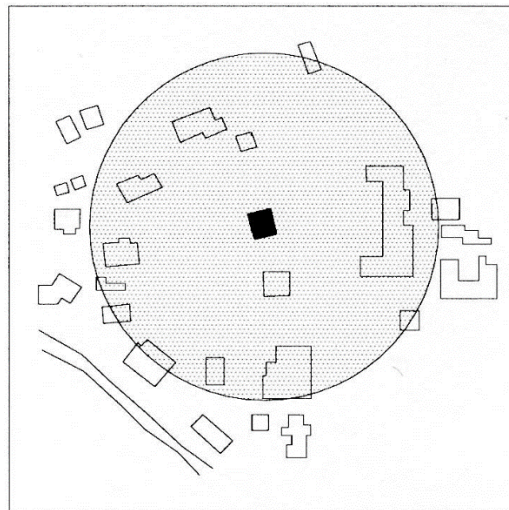


Illustration 14-5.2-4 Interior Lot with No Street Frontage

12

1
2
3
4
5
6
7
8
9
10

11

12
13
14
15
16

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)

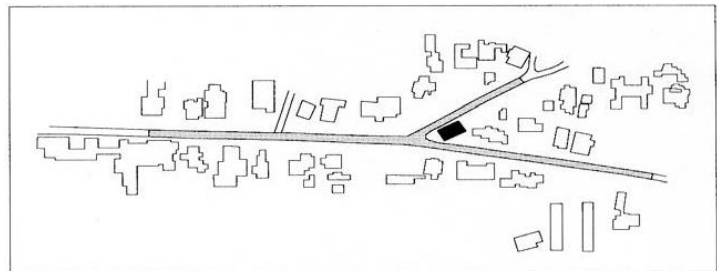


Illustration 14-5.2-5 Location at a "Y" Intersection

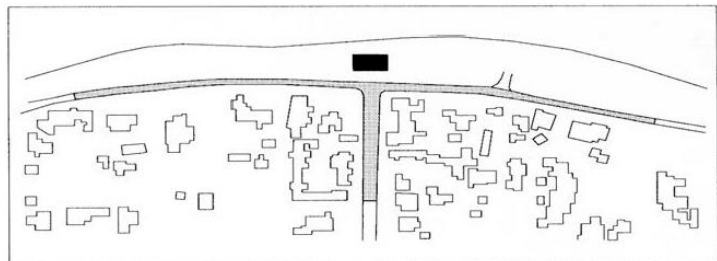


Illustration 14-5.2-6 Location at a "T" Intersection

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

1 this streetscape shall not exceed five (5) feet in height.

2 (b) Streetscape Standards

3 ...

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

7 (10) Signs; Murals

8 *Sign applications* and required submittals shall be reviewed by the
9 planning and land use department. Approval or disapproval shall be
10 indicated by the division on the *application* for the *building permit* and on
11 each of the required submittals. If a proposed mural does not meet the
12 criteria in the historic ordinance, an exception is required.~~[, all of which~~
13 ~~shall be signed by the division staff assigned to the review. The division~~
14 ~~shall report approvals and disapprovals to the board at its next regular~~
15 ~~meeting as an informational item. Murals may be referred to the city arts~~
16 ~~board for an advisory recommendation]. (Ord. No. 2007-45 § 30; Ord.~~
17 #2020-22, § 16)

18 ...

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

21 (E) Downtown and Eastside Design Standards

22 ...

23 [OMITTED TEXT: Introductory sentence and subsections 1 and 2 regarding
24 Old Santa Fe Style and Recent Santa Fe Style are not impacted by the bill and are
25 omitted for readability.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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

...

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

(K) Historic Compounds

1 ...

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

9 (L) Landmarks

10 ...

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

14 (M) State Capital Outlay Projects

15 ...

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

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

21 ...

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2023.

APPROVED AS TO FORM:

Erin McSherry
[Erin McSherry \(Oct 6, 2023 16:33 MDT\)](#)

ERIN K. McSHERRY, CITY ATTORNEY