

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2009-13

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4
5 AN ORDINANCE

6 AMENDING SECTIONS 14-3.14 AND 14-5.2(B) SFCC 1987 IN ORDER TO ESTABLISH
7 PROCEDURES FOR THE DEMOLITION OF LANDMARK STRUCTURES AND TO
8 REQUIRE MINIMUM MAINTENANCE OF LANDMARK STRUCTURES; AND
9 MAKING RELATED CHANGES.

10
11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

12 Section 1. Table 14-2.1-1 SFCC 1987 (being Ord. #2001-38, §2 as amended) is
13 amended to read as shown on the attached Exhibit A.

14 Section 2. Section 14-2.7(A) SFCC 1987 (being Ord. #2001-38, §2 as amended)
15 is amended to read:

16 (A) Powers and Duties

17 The Historic Design Review Board shall have the review and decision-making
18 responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with
19 the terms of this chapter. In addition, the Board shall have the following
20 additional responsibilities under this chapter:

- 21 (1) The Board shall review and approve or deny all applications for new
22 construction, exterior alteration, and demolition of structures, except
23 signs, in the Historic District in accordance with the standards set forth in
24 this chapter. Staff shall review signs in accordance with §14-3.10(D).
25 (2) The Board shall hear appeals of final actions of the Land Use Director as

1 set forth §14-3.17.

2 (3) The Board may recommend to the Governing Body the erection of
3 appropriate plaques and markers designating various historical sites and
4 points of interest in the City.

5 (4) The Board may make recommendations to the Governing Body relating
6 to the purchase, acquisition by gift, grant, bequest, devise, or otherwise,
7 of any real or personal property of historical background and interest;

8 (5) The Board may make recommendations to the Governing Body as to the
9 exercise of the Governing Body's power of eminent domain in the
10 acquisition of real property of historical background and significance and
11 the proposed ways and means of compensation;

12 (6) The Board shall advise and assist officials, committees and commissions
13 of the municipal government in making recommendations to the
14 Governing Body;

15 (7) The Board shall compile and maintain a list of historical sites and
16 structures;

17 (8) The Board shall perform such other acts providing that such acts relate
18 specifically to this section as may be requested by the Governing Body;

19 (9) The Board may conduct field trips upon request of the applicant, or as
20 determined by the chair; and

21 (10) The Board shall review and make a recommendation to the Governing
22 Body regarding all applications for the demolition of landmark structures
23 in accordance with the standards set forth in §14-3.14.

24 **Section 3. Section 14-3.14 SFCC 1987 (being Ord. #2001-38, §2) is amended to**

25 **read:**

1 **14-3.14 DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE**

2 **(A) Summary of Procedure**

3 (1) Upon receiving an application for demolition of a structure within the
4 Historic District the Historic Board shall, within 65 calendar days from
5 the date of application, either grant or deny the application. Ordinarily,
6 the Board will act on an application for demolition at its next regular
7 meeting, if the application is submitted in proper form at least seven days
8 before its next regular meeting; however, the Board may use the entire
9 65 day time period if the Board, on motion duly passed, determines such
10 delay is necessary.

11 (2) Upon receiving an application for demolition of a landmark structure the
12 Historic Board shall, within 65 calendar days from the date of
13 application, make a recommendation to the Governing Body to either
14 grant or deny the application.

15 **(B) Hearing Required**

16 (1) In all applications involving the demolition of a structure, provision shall
17 be made for a hearing, as set forth in the preceding section.

18 (2) The Board or Governing Body, as applicable, shall restrict its review to a
19 consideration of whether the application will be in conformity with the
20 standards established by this section.

21 (3) Notice of the time and place for each hearing shall be sent in writing to
22 each applicant.

23 (4) An agenda of the Board shall be sent to all groups requesting notification
24 and copies of meeting agendas, as set forth in the officially adopted
25 neighborhood planning policies.

1 (5) On-site notice, by a sign of proposed demolition and of the time, date
2 and place of the Board or Governing Body review shall be posted by the
3 City on the affected property 14 days prior to Board or Governing Body
4 review of application for demolition. Such notice shall be prominently
5 displayed, visible from a public street and securely placed on the
6 property.

7 **(C) Staff Review and Report**

8 Before granting approval or denial to a demolition request, City staff shall
9 provide the following information on the structure under consideration.

- 10 (1) A report on the historic or architectural significance of the structure;
11 (2) A report from the City building inspector on the state of repair and
12 structural stability of the structure;
13 (3) If the structure is more than 75 years old, and the entire project of which
14 demolition is a part requires an archaeological clearance permit, a report
15 from City staff for the Archaeological Review Committee on whether the
16 demolition would damage possible archaeological artifacts; and
17 (4) Other information as requested by the Board or Governing Body.

18 **(D) Referral to Archaeological Review Committee**

19 Upon receiving an application for demolition of structure in an historic district or
20 a landmark structure, staff shall refer the application to the Archaeological
21 Review Committee to determine whether damage to archaeological resources
22 may be caused by the demolition and what actions should be taken regarding
23 excavation and the archaeological clearance permit.

24 **(E) Appeals**

- 25 (1) Appeals on final Board decisions on demolition may be taken to the

Governing Body as set forth in this Chapter.

- (2) During the appeal period, the Governing Body, with the advice and assistance of the Board may take such steps as it determines necessary to preserve the structure concerned, in accordance with the purposes of the H District Ordinance. Such steps may include, but not be limited to, consultations with civic groups, public agencies, and interested citizens; recommendations for acquisitions of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or other features.

(F) Denial of Demolition Request

A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under § 14-5.2(B).

(G) Standards

- (1) In determining whether a request for demolition in an historic district should be approved or denied, the Board shall consider the following:
 - (a) Whether the structure is of historical importance;
 - (b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
 - (c) The state of repair and structural stability of the structure under consideration.
- (2) In determining whether a request for demolition of a landmark structure should be approved or denied, the Board and Governing Body shall

1 consider the following:

2 (a) The historical importance of the structure; and

3 (b) The state of repair and structural stability of the structure.

4 **Section 4. Section 14-5.2(B) SFCC (being Ord. #2001-38, §2) is amended to read:**

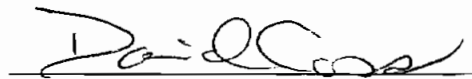
5 **(B) Minimum Maintenance Requirements**

6 All buildings and structures in the Historic District over which the Board has
7 jurisdiction to determine whether a demolition permit should be approved or
8 denied and all landmark structures over which the Governing Body has such
9 jurisdiction shall be preserved against decay and deterioration and free from
10 certain structural defects in the following manner, by the owner thereof or such
11 other person or persons who may have the legal custody and control thereof. The
12 owner or other person having legal custody and control thereof shall repair such
13 building or structure if it is found to have any of the following defects:

- 14 (1) Those which have parts thereof which are so attached that they may fall
15 and injure members of the public or property;
- 16 (2) Deteriorated or inadequate foundation;
- 17 (3) Defective or deteriorated flooring or floor supports or flooring for floor
18 supports of insufficient size to carry imposed loads with safety;
- 19 (4) Members of walls, partitions or other vertical supports that split, lean, list
20 or buckle due to defective material or deterioration;
- 21 (5) Members of walls, partitions or other vertical supports that are of
22 insufficient size to carry imposed loads with safety;
- 23 (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal
24 members which sag, split or buckle due to defective material or
25 deterioration;

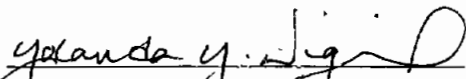
- 1 (7) Members of ceilings, roofs, ceiling and roof supports or other horizontal
2 members that are of insufficient size to carry imposed loads with safety;
3 (8) Fireplaces or chimneys which list, bulge or settle due to defective
4 material or deterioration;
5 (9) Fireplaces or chimneys which are of insufficient size or strength to carry
6 imposed loads with safety;
7 (10) Deteriorated, crumbling or loose plaster;
8 (11) Deteriorated or ineffective waterproofing of exterior walls, roofs,
9 foundations or floors, including broken windows or doors;
10 (12) Defective or lack of weather protection for exterior wall covering,
11 including lack of paint, or weathering due to lack of paint or other
12 protective covering; or
13 (13) Any fault or default in the building or structure that renders the same
14 structurally unsafe or not properly watertight.

15 PASSED, APPROVED and ADOPTED this 29th day of April, 2009.

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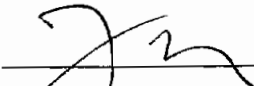
18 DAVID COSS, MAYOR

19 ATTEST:

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22 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

Table 14-2.1-1								
PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	LUD STAFF
Amendments to the General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14.3.4	R/D	R/REC	-	-	-	-	R/REP
Rezoning	14-3.5	R/D	R/REC	-	R (for Redvt. Districts)	R (if referred)	R (if referred)	R/REP
Special Exceptions	14-3.6	A		R/D	-	-	-	-
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	R/D (some)	-	-	R D (some)
Development in Flood Hazard Areas	14-3.9	-	A		-	-	-	R/D (Flood Plain Administrator)
Building Permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D (I&E Office)
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	-
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	-
Demolition of Landmark Structure	14-3.14	R/D				R/REC		R/REP
Minor Modifications	14-3.15							
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	-

Table 14-2.1-1

PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	LUD STAFF
Utility Conformity Review	14-3.18	A	R/D (some) A (some)	-	-	-	-	R/REP (some) R/D (some)

<p>NOTES: GB = Governing Body PC = Planning Commission BOA = Board of Adjustment BCD = BCD Design Review Committee HDRB = Historic Design Review Board AC = Archacological Committee LUD = Land Use Department¹ Staff</p>	<p>“A” = Appeal “R” = Review “R/D” = Review and Decision “R/REC” = Review and Recommendation “ R/REP” = Review and Report</p>
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