

ORDINANCE NO. 2023-_____

AN ORDINANCE CREATING A HISTORIC PRESERVATION ADVISORY BOARD; PROVIDING THE MEMBERSHIP OF SAID BOARD; DEFINING ITS DUTIES AND RESPONSIBILITIES; AND REPEALING OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE

WHEREAS, the archeological and historic heritage of the City is one of the City’s most valued and important assets; and

WHEREAS, the City has an interest in the preservation of all prehistoric and historic ruins, sites, trails, primitive, or historic roads and buildings; and

WHEREAS, the City desires to become a Historic Preservation Certified Local Government to be eligible for specially earmarked grants from the State Historic Preservation Office as well as be eligible to receive technical assistance and training to assist in the goal of pursuing the City’s preservation goals and its plans for development; and

WHEREAS, the City recognizes that citizens who can demonstrate positive interest, competence, or knowledge in the historical, architectural, and cultural traditions of the City of Carlsbad or in their area of expertise can advise on future historic preservation landmarks, sites, and structures; and

WHEREAS, the Historic Preservation Advisory Board members appointed by the Mayor will serve in an advisory capacity to the City Council.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO, that the Historic Preservation Advisory Board has the duties and responsibilities as established in the attached Exhibit “A”.

INTRODUCED, PASSED, ADOPTED, and APPROVED this ____ day of _____, 2023

Dale W. Janway, Mayor

ATTESTED:

City Clerk

EXHIBIT "A"

HISTORIC PRESERVATION ADVISORY BOARD ORDINANCE

Sec. ____

This section creates and establishes the Historic Preservation Advisory Board, hereinafter referred to as "the HPAB."

- A. The HPAB shall consist of five members appointed by the Mayor and City Councilors, all of whom have a demonstrated positive interest, competence, or knowledge in the historical, architectural, and cultural traditions of the city. The city shall use its best efforts to ensure that each member possesses a professional background from among several relevant fields, including architecture, history, engineering, law, architectural history, historic preservation, landscape architecture, archaeology, land-use planning, or real estate. Absent any of these professional backgrounds, a potential member may be eligible to serve due to residency within a historic district or as a member of a history-based organization.
- B. Members shall be appointed for staggered terms of two years. Vacancies on the board shall be filled within 90 days the recruitment published in the local newspaper and public service announcements.
- C. The City's Planning Director shall be assigned by the City Administrator with approval by the Mayor to be the liaison and ex-officio member of the HPAB for the City of Carlsbad.

Sec. ____ . Duties and responsibilities of the Historic Preservation Advisory Board.

- A. The HPAB will hold regular meetings on on such days and times as determined by the Board at its initial meeting. An annual calendar will be established thereafter. The agenda will be posted for public information on the city's bulletin board and on the city web page. The minutes will be posted or made available for public review in accordance with the Open Meetings Act.
- B. The HPAB shall serve in an advisory capacity to the City Council and shall have the following functions, responsibilities, and duties:
 - 1. Inspections, investigations, and recommendations regarding any sites, buildings, structures, or areas within the city which the HPAB has reason to believe are or will become important historic, architectural, or cultural landmarks; and
 - 2. Exercise its duties to review and consider the effects on cultural properties significant on the local, State, and/or National level; and
 - 3. Make recommendations on the grant or denial of designation of historic districts and landmarks; and

4. Make recommendations on the grant or denial of historic demolition permits. Consider alternative options and actions when reviewing applications seeking the demolition in part or in whole of designated cultural properties; and
5. Advise the Mayor and City Council on any proposed alterations of historic properties which may impact the exterior appearance of cultural properties and historic districts to avoid any potential adverse effects; and
6. Request information from the Historic Preservation Specialist with regard to ongoing inventories or research, preservation planning practices, and the overall status of historic preservation efforts within the city.
7. Recommend to the Mayor and City Council properties to be designated and entered in the Register of Cultural Properties.
8. Recommend to the Mayor and City Council the adoption of design guidelines to ensure proper restoration and rehabilitation practices for historic building inventory; to ensure architectural and aesthetic compatibility within historic districts and in proximity to cultural properties; and to guide infill development to achieve comparable aesthetics and massing with existing, neighboring buildings, objects, structures, and sites.
9. Assist in the dissemination of information to the public concerning historic preservation and seek input from groups, individuals, and organizations on these matters.
10. Consider methods for encouraging and incentivizing historic preservation efforts and provide recommendations to these ends to the Mayor and City Council.
11. Advise the Mayor and City Council on the relative merits of proposals involving the use of public funds to restore, preserve, and protect historic properties, and to secure state, federal, and/or other grants or assistance in support of such projects, and to monitor and comment on such projects during their duration.
12. Seek any benefits that may be granted under the National Historic Preservation Act, as amended, or any other state or federal legislation, including, but not limited to, the benefits that are received from communities under the Certified Local Government program with regard to training, grant funding, and technical assistance.
13. Prepare an annual report to be presented to the Mayor and City Council of the HPAB's activities and the effects of the historic preservation program on the economic development and general welfare of the city and its residents.
14. Review nominations for listing in the National Register of Historic Places. The HPAB shall review and comment to the State Historic Preservation Officer on all proposed nominations for listing and the National Register for properties within the boundaries of the city when the HPAB considers a National Register nomination which is normally evaluated by a professional in a specific discipline and that discipline is not represented on the board, the board shall seek expertise in that area prior to rendering its recommendation.

- C. The HPAB shall provide citizen input to staff and council on the ways and means for improving the city's historic preservation program. For this purpose, the HPAB shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.

Sec. ____ . Surveys and inventories.

- A. The HPAB may conduct surveys and inventories to identify neighborhoods, areas, sites, buildings, structures, and objects in the City of Carlsbad that possess historic, community, architectural, aesthetic, cultural, archaeological, or traditional importance, interest, or value related to the development of the community.
 - 1. As part of the survey, the HPAB shall review and evaluate prior surveys and studies by any government entity or private organization, and recommend the compilation of appropriate research findings, including descriptions, newspaper accounts, land-use records, maps, deeds, photographs, and/or other useful sources.
 - 2. The survey shall be updated at least every 10 years, or in accordance with state law.
- B. The HPAB may provide input regarding the City's efforts in identifying potential cultural properties and historic districts, and apply procedures to nominate those potential cultural properties and historic districts that are at least 50 years of age based on the following criteria:
 - 1. The potential cultural properties are situated in a single, identifiable neighborhood or distinct geographical area of the community, or;
 - 2. The potential cultural properties are associated with a particular person, event, and/or era of the community's past; or
 - 3. The potential cultural properties are of a particular architectural style, school, or building technique; or of a particular architect, engineer, builder, designer, craftsman, or artisan; or
 - 4. Such other criteria may be adopted by the HPAB to assure systematic surveys and inventories of potential cultural properties and historic districts within the municipal boundaries.
- C. The HPAB shall apply eligibility criteria to potential cultural properties and historic districts and provide recommendations to the Planning and Zoning Commission to nominate such properties as procedurally outlined in this article for inclusion in the City's Register of Cultural Properties.