

STATE OF NEW MEXICO, COUNTY OF LINCOLN:

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Tammie J. Maddox  
Lincoln County Clerk

By: Laura Vallejos, Deputy Clerk  
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**LINCOLN COUNTY**

**NEW MEXICO**



**Lincoln  
Historic Preservation**

**ORDINANCE**

**No. 2004-5**

644



# LINCOLN HISTORIC PRESERVATION

## ORDINANCE NO. 2004-5

AN ORDINANCE ESTABLISHING REGULATIONS TO PROTECT AND PRESERVE THE LINCOLN HISTORIC DISTRICT; ESTABLISHING THE LINCOLN HISTORIC PRESERVATION BOARD AND ITS POWERS; ENACTING ARCHITECTURAL GUIDELINES AND PROVISIONS FOR APPEALS, VARIANCES, VIOLATIONS, AND PENALTIES; GRAND-FATHERING AS TO REGULATION OF STRUCTURES AND CONDITIONS EXISTING PRIOR TO THE ENACTMENT OF ORDINANCE 1984-1; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith AND THE SEVERABILITY OF PARTS HEREOF; PROVIDING AN EFFECTIVE DATE, AND FOR THE REPEAL OF ORDINANCE NO. 1998-9.

**WHEREAS**, the County of Lincoln desires to enact regulations which will protect, enhance, and perpetuate the Historic District of Lincoln; and,

**WHEREAS**, pursuant to Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Lincoln is empowered to enact an ordinance which will regulate the Lincoln Historic District. Such ordinance will serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Lincoln; and,

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN, NEW MEXICO AS FOLLOWS:**

### SECTION I. TITLE

This Ordinance shall be known as the Lincoln Historic Preservation Ordinance.

## SECTION II. AUTHORITY

This Ordinance is created pursuant to the authorities set forth in NMSA 1978, § 3-21-1, *et seq.*, and § 3-22-1, *et seq.* (1953); Lincoln, New Mexico, a Plan for Preservation and Growth; and Lincoln County Ordinance 91-7, Land Use Planning Ordinance.

## SECTION III. PURPOSE

This Ordinance is enacted for the purpose and intent of:

- A. The County of Lincoln has recognized the importance of protecting and preserving places and areas of historic and cultural importance and significance by adopting an Ordinance for the protection of such places and areas.
- B. The Lincoln County Commissioners realize that the area of Lincoln is a focal point in the historic, cultural, and architectural development in New Mexico.
- C. Within the area of Lincoln there are places, buildings, structures, works of art, and other objects which have significant historic, archaeological, or cultural interest and value that reflect the heritage of the County of Lincoln, State of New Mexico.
- D. The rapid changes in population, economic functions, and land-use activities in the area of Lincoln have increasingly threatened to destroy the historic significance of buildings, land, areas, or districts having important historic, architectural, archaeological, or cultural interest and values that reflect the heritage of the area of Lincoln, and, once uprooted or destroyed, their distinctiveness is gone forever.
- E. It is desirable to preserve these reminders of the area of Lincoln's culture and heritage.
- F. Commercial activity and economic prosperity of the area of Lincoln are enhanced by the preservation of Lincoln Town's character as portrayed by its landmarks.
- G. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and general welfare of the people. The purpose of this section is to:
  1. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of Lincoln Town's cultural, social, economic, political, and architectural history;
  2. Safeguard Lincoln Town's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;

3. Foster civic pride in the beauty and noble accomplishments of the past;
4. Protect and enhance Lincoln Town's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;
5. Strengthen the economy of Lincoln Town;
6. Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people;
7. This Ordinance is intended to promote the maintenance of this living environment without creating numerous non-conforming structures or uses.

#### **SECTION IV. DEFINITIONS**

- A. "Adobe" means sun-dried earth brick.
- B. "Agent" means a representative by written proxy of any owner of real property located within the Historic District for the purpose of submitting plans to the Lincoln Historic Preservation Board or one who acts as the representative of the owner when the real property is owned by a trust or corporation.
- C. "Alteration" means any construction, modification, addition, moving or partial demolition which would affect the exterior appearance of a structure or Landmark which is located in the Historic District.
- D. "Application Form" means a compilation of questions used as a basis in reviewing and either approving or denying proposed construction, alteration, or demolition regulated under this Ordinance.
- E. "Architectural Guidelines" means those guidelines set forth in Appendix B to this Ordinance.
- F. "Board" means the Lincoln Historic Preservation Board.
- G. "Board of County Commissioners" means the Board of County Commissioners of Lincoln County, New Mexico, hereinafter referred to as County Commission.
- H. "Building Permit" means a permit for construction issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico.
- I. "Clerestory (Clearstory)" a similar story or elevated part in the roof or other structure. Glass areas of the solar feature are integrated into the structure. (See illustration.)

- J. "Conditional use" is a use which is of an unusual or unique character and which may be offensive or incompatible in some cases within a zoning district. A conditional use requires review and approval by the Historic Preservation Board to determine impacts of the use on the surrounding area, with final approval or denial to be determined by the County Commission.
- K. "Construction" means the alteration, construction, or demolition of any structure on property located within the Historic District.
- L. "County" means the Lincoln County, New Mexico.
- M. "County Clerk" means the County Clerk of Lincoln County, State of New Mexico.
- N. "Demolition" means the removal of a structure or Landmark located within the Historic District.
- O. "Design Guidelines" means a standard of appropriate activity that will preserve the historic and architectural character of a structure or area, as referenced in Appendix B hereto.
- P. "Earth color" means colors found in the earth in the area of the town and may include dull or matte off-white (gesso).
- Q. "Easement" means a right or privilege that a person or persons may have in another's land, such as the right of passage.
- R. "Exterior appearance" means the visual character of all outside surfaces of a structure or Landmark, including the kind and texture of the building material, the type and style of all roofs, windows, doors, signs, fences, driveways, exterior light fixtures, steps or pertinent elements, satellite dish, television antenna, solar collectors or light panels.
- S. "Follow Up Form" means a document to be completed by the Board and kept in a pending file until the project is complete to insure that continuity is maintained between succeeding boards.
- T. "Garage" means a shelter or repair shop for automotive vehicles.
- U. "Gate" is any opening that is created in a fence for the purpose of allowing entrance or exit from the area enclosed by the fence.
- V. "Historic District" means the area designated under the authority of this Historic Preservation Ordinance.

- W. "Landmark" means any improvement, any part of which is fifty years old or older, which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.
- X. "Landmark site" means an improvement parcel, or part thereof, on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part of the premises on which the landmark is situated, and which has been designated as a landmark site.
- Y. "Lease" means to transfer or to offer to transfer the use or possession of realty, when the use or possession of the realty is limited to certain periods of time expressed or implied.
- Z. "Lincoln Town" means that area in Lincoln County which is shown in Appendix A and covered by this Ordinance.
- AA. "Ordinary maintenance" means any work where the purpose and effect of such work is to correct any deterioration or decay of or damage to the structure or any part thereof and to restore the same or to prevent a public hazard or nuisance.
- BB. "Owner(s)" means the owner of any real property, located within a Historic District (see "agent").
- CC. "Person" means any individual, lessor, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other legal entity.
- DD. "Plat" means a map, chart, survey, plan or replat prepared by a Professional Surveyor licensed in the state of New Mexico containing a description of the subdivided land with ties to permanent monuments.
- EE. "Portal/Porch" means a roofed space outside the main walls of a building, usually on the street facade; it is typically at the street level, built over the sidewalk right-of-way, extends the building's full length. Transitional portals or porches may be set back from the sidewalk.
- FF. "Public hearing" means a meeting announced and advertised in advance and open to the public where the public has the right, within prescribed rules, to participate and be heard.
- GG. "Publicly visible" means any exterior feature or structure that is subject to public view from U.S. Highway 380 and is viewable to the eye at any time during the year.

- HH. "Recreational Vehicle" or "R.V." means a vehicle with a camping body that has its own motive power, is affixed to or is drawn by another vehicle and includes motor homes, travel trailers and truck campers.
- II. "Solar Feature" means any greenhouse, trombe wall, clerestory, solar panel or solar collector.
- JJ. "Stop Work Order" means the legal notice issued by the Sheriff's Department, County Manager or his designee, that work being performed on a particular site does not conform with this Ordinance and/or the approved Application.
- KK. "Street" means all property dedicated or intended for public use or access to abutting lands or subject to public easements, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle or however otherwise designated.
- LL. "Structure" means anything constructed, placed, or erected, either temporarily or permanently, above ground level which requires location on the ground or attachment to something located on the ground.
- MM. "Trombe Wall" means a wall constructed behind the glazing for the purpose of absorbing solar heat.
- NN. "Variance" means an adjustment in the strict application of the requirements of this Ordinance involving the physical characteristic(s) or condition(s) of the property or building where strict application of this Ordinance would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the property involved.

**SECTION V. LINCOLN HISTORIC PRESERVATION BOARD**

**A. Creation.**

1. There shall be and hereby is established a Lincoln Historic Preservation Board to administer the provisions of this Ordinance, hereinafter called the Board.
2. The provisions of this Ordinance are to be applied only within the Lincoln Historic District.

**B. Members.**

The Board shall consist of five (5) members appointed as follows in accordance with County Ordinance regarding voter registration and domicile:

1. All five (5) members shall be property owners in the Lincoln Historic District.
2. In order to be eligible for appointment to the Lincoln Historic Preservation Board, the prospective member must be domiciled and registered to vote within Lincoln County.

**C. Appointments.**

All five (5) members shall be appointed by the Lincoln County Commissioners. Each Commissioner shall appoint one member to the Board, which selection shall be approved by a majority of the members of the County Commission. The Commissioners will advertise for nominations in a newspaper circulated in Lincoln County. Nominations shall be made in writing to the Lincoln County Commissioners for appointment to the Lincoln Historic Preservation Board. In making the appointments to the Board, the County Commissioners shall give consideration to maintaining the balance of interests and skills of the Board, and to the individual qualifications of the candidates, including their interest, experience, and knowledge in community and cultural traditions. A prerequisite for Board membership is a demonstrated interest in historic preservation. The Lincoln County Commission will make every effort to insure that the Board contains at least two preservation-related profession members (this includes professions such as architecture, historic architecture, architectural history, archeology, planning, real estate, design, building trades, landscape architecture, law, or finance), or insure that such technical assistance be provided to the Board as needed.

Provided, nevertheless, that the terms of the members of the Lincoln Historic Preservation Board first appointed under this amended Ordinance shall be as follows:

**D. Term.**

The term of each member of the Lincoln Historic Preservation Board shall be for two (2) years. Three (3) Board members will be appointed for terms expiring December 31<sup>st</sup> of even numbered years and two (2) Board members will be appointed for terms expiring December 31<sup>st</sup> of odd-numbered years. Vacancies will be filled in the same manner as original appointments.

1. *Removal.* Removal of a Board member shall be by a majority vote of the County Commissioners unless the member has failed the attendance requirement in Section D(5) in which case removal is automatic, to be followed by formal notification of the County Commissioners and former Board member.
2. *Compensation.* Members shall receive mileage and per-diem in accordance with Lincoln County Policy when approved in advance by the County Manager under special circumstances.

3. *Officers.* Officers of the Board shall consist of at least the chairperson, vice-chairperson, and secretary elected by the Board. Each shall serve for one (1) year and be eligible for re-election.
  
4. *Meetings.* The Board shall meet at a reasonable and regular time and place fixed by the Board. All meetings shall be open to the public. The Board shall keep a record of its proceedings, a signed copy of which shall be on file for public inspection at the Office of the County Commission. The meetings shall be conducted in compliance with the provisions of NMSA 1978, § 10-15-1. The Secretary of the Board shall take minutes of each meeting, regular or special. Within ten (10) days of any meeting, the Secretary shall forward a copy of the minutes to the County Manager. Notices of meetings shall be posted at the Lincoln County Courthouse and in the area of Lincoln on the officially designated bulletin boards, located as follows:
  - a. Bulletin board located in the Administration Building entrance of the Lincoln County Courthouse, Carrizozo, New Mexico.
  - b. Historic District. Notices will be posted on the bulletin board of the Lincoln Post Office.

Notice of Regular Meetings will be posted (72) hours prior to the meeting. An agenda will be available twenty-four (24) hours prior to the meeting.

Notice of Special Meetings will be posted seventy-two (72) hours prior to the meeting. An Agenda will be available twenty-four (24) hours prior to the meeting.

Emergency meetings are meetings called under circumstances which demand immediate action. Although emergency meetings will be avoided whenever possible, such circumstances may occasionally arise. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours notice.

Auxiliary aides for persons with disabilities will be made available by contacting the County Manager at least one week prior to a meeting or as soon as possible.

5. *Attendance Requirement for Board Members.* Any member of the Board who misses three (3) consecutive regular meetings or four regular or special meetings during any calendar year automatically vacates their seat. Former members absent for cause under extenuating circumstances may apply for formal reappointment by the County Commissioners.

6. *Voting.* Three (3) voting members shall constitute a quorum, and any action taken shall require the affirmative vote of a simple majority of voting members present. Board members are required to abstain from voting on any action in which their financial interest or those of their immediate families are directly involved.
7. *Legal Counsel.* The County Attorney or his designated representative shall be the legal advisor to the Lincoln Historic Preservation Board.

**E. Statement of the Board's Powers and Duties.**

Unless otherwise specified herein, the powers and duties of the Board shall be as follows:

1. The Board shall adopt the County of Lincoln's policy for the conduct of its business. The Board shall seek to preserve, protect, and enhance the Historic District and Landmarks lying within the Historic District in accordance with Appendix B, Architectural Guidelines, which is incorporated into and made a part of this Ordinance by reference.
2. Adopt criteria for the identification of additional historic structures and preservation area.
3. Approve or disapprove applications relating to the construction, alteration, and demolition of those exterior features of structures subject to public view from U.S. Highway 380.
4. Increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs and by recommending the update of the preservation program.
5. Make recommendations to the Lincoln County Commissioners concerning the utilization of grants from federal and state agencies, private groups and individuals, and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant structures in the District.
6. Make known standards for architectural review and preservation.
7. Evaluate and comment upon decisions by other public agencies affecting the physical development and land use patterns in the District.
8. Any other functions which may be designated by resolution of the Lincoln County Commissioners.

9. The Lincoln Historic Preservation Board is the County Board responsible for recommending all Lincoln Historic Preservation District activities to the Board of County Commissioners.
10. *Records of Board Meetings.* The Board shall keep minutes and records of all meetings and proceedings including motions, voting records, attendance, resolutions, findings, determination, and decisions. All such material shall be public record. A copy will be filed in the Office of the County Commission.

**SECTION VI. DESIGNATION OF HISTORIC DISTRICT AND LANDMARKS**

- A. The Lincoln Historic Preservation Board shall maintain a list of Landmarks, and Landmark Sites. See Appendix A, which is incorporated into and made a part of this Ordinance by reference.
- B. After public hearing, the County Commission may designate additional landmarks, landmark sites, and historic districts. In addition to the foregoing list, the County Commission shall notify and solicit the views of property owners and residents of structures, sites, and areas proposed by the County Commission to be added.
- C. **Designation of Historic District Areas.**

*HISTORIC AREA A* shall consist of the main part of Lincoln with the east boundary of the cemetery being the east boundary, the east boundary of the Peppin Estate being the west boundary, with the north and south boundaries to be one-half mile either side of the median line of U.S. Highway 380.

*HISTORIC AREA B WEST* shall consist of all the land from the east Fort Stanton boundary on the west boundary of Section 15, Township 9 South, Range 15 East, to the east boundary of the Peppin Estate with the north and south boundaries to be one-half mile either side of the median line of U.S. Highway 380.

*HISTORIC AREA B EAST* shall consist of all the land from the east boundary line of the cemetery to the U.S. Highway 380 bridge crossing the Bonito River in Section 12, Township 10 South, Range 16 East, with the north and south boundaries to be one-half mile either side of the median line of U.S. Highway 380.

SEE APPENDIX A

- D. **Designation of Landmarks.**

The structures identified in Appendix A are hereby established as Landmarks in the Historic District.

## SECTION VII. CONSTRUCTION, ALTERATION, OR DEMOLITION

### A. Submission of Plans to Lincoln Historic Preservation Board.

No person shall construct, alter, or demolish a structure within the Historic District unless he has obtained a building permit from the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico, if required, and has received written approval from the Board. Possession of a building permit from the Construction Industries Division of the State of New Mexico does not equate to approval from the Lincoln Historic Preservation Board to proceed. All applications for construction, alteration, or demolition shall be heard by the Historic Preservation Board, at a regular meeting held pursuant to the Open Meetings Act. Any application involving a variance, conditional use, or zoning change shall thereafter require a final public hearing before the County Commission.

1. General provisions regarding applications.
  - a. The Board shall hold public hearings to consider applications as required under this Ordinance.
  - b. Property owners are encouraged to have an early consultation with the Board during any Board meeting. Owners are encouraged to discuss the parameters of their project before they start preparing their plans. At its meeting, the Board will discuss with owners their plans and make suggestions about the plans that the owner will prepare and submit to the Board. A preliminary discussion is not a substitute for the review required under this section of the Ordinance.
  - c. The owner shall submit six (6) legible sets of plans along with a copy of the building permit, if required, issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico to the County Manager's office ten (10) days prior to the regularly scheduled meetings. One set of plans will be reviewed by the County Manager's Office and five (5) copies shall be forwarded to the Board seven (7) days prior to regularly scheduled meetings. Plans shall be drawn to scale with the size scale identified thereon. Architectural drawings are not required but are recommended.
  - d. Once the plans and application form have been delivered to the Board and reviewed, the application form shall be completed by the Board. A copy of the application form shall be returned to the applicant, along with a letter stating that either the plans are approved or denied, and if denied, the reason or reasons why the Board denied the plans.

- e. Prior to Board or County Commission action, the Board or County Commission shall neither:
  - (1) Communicate directly or indirectly, outside of any publicly scheduled meeting, with any party or his representative in connection with the merits of an issue involved;
  - (2) Use or rely upon communications, reports, or other materials prepared in connection with the particular case unless made a part of the record; nor
  - (3) Inspect the site with any party or his representative unless all parties are given an opportunity to be present.
- f. An advertised hearing may be continued to a time and place announced at the hearing without re-advertising.
- g. Each party or witness testifying with respect to the application shall be placed under oath, affirming to tell the truth, by the Chairman of the Board at the time of speaking, and shall be offered reasonable opportunity to present evidence and argument and to cross-examine witnesses on all relevant issues. The Board or County Commission may impose reasonable limitation on the number of witnesses heard and on the nature and length of testimony and questioning. The Board or County Commission may call witnesses and introduce papers on their own volition.
- h. The Board and County Commission shall make a full record of the hearings by sound recording. Summary minutes shall be kept of all public hearings, and they shall be made available for public inspection. Any person shall have the opportunity to listen to, copy, or transcribe the sound recording of a public hearing at any reasonable time upon reasonable notice to the County Manager.
- i. *Failure to Review Plans in Timely Fashion.* Upon failure of the Board or County Commission to act on an application by the second regular meeting after the submission of plans, the application will be deemed approved.

**B. Public Hearings Involving Construction, Alteration, or Demolition of a Structure.**

- 1. The owner of the property which is the subject of a public hearing, or his authorized agent, should, but is not required to, appear at the public hearing

before the Historic Preservation Board. Failure of the owner or his authorized agent to appear at the public hearing may result in the Board tabling the application to the next meeting.

2. The Board shall act on an application on conclusion of the public hearing or at their next regular meeting following the hearing. The Board shall state for the record the key findings of fact on which the Board's decision is based, and shall forward said findings to the County Commission regarding those applications involving requests for a variance, conditional use, or zoning change.
3. When any application is approved, approved with conditions, or denied, written notification of the Board's action listing any conditions imposed shall be sent within seven (7) days of the Board's action to the applicant and to any other party who has requested to be so informed.

**C. Public Hearings That Require Public Notification To Surrounding Property Owners.**

Any application that involves a request for a variance, conditional use, or a zoning change shall come before the County Commission, after a public meeting before the Historic Preservation Board, for determination. Any such application for variance, conditional use, or zoning change shall require publication of public notice prior to the public hearing. The County Commission shall make the final determination whether to grant or deny the application.

1. At least seven days prior to the County Commission public hearing, notice shall be mailed by the County to each owner of property situated wholly or partly within 200 feet of the property to which the proposed variance, conditional use, or zoning change relates. At least twenty (20) days in advance of any hearing that requires publication of public notice to surrounding property owners, the County Commission shall publish notice of the hearing on the application in a newspaper of local circulation, in accordance with Section V, subparagraph D, 4, of this Ordinance. The notice of public hearing referred to in Section V, subparagraph D, 4, of this Ordinance shall:
  - a. Give the date, time and place of the hearing;
  - b. Contain a statement describing the location of the property and the subject matter(s) of the hearing; and
  - c. Specify how additional information can be obtained.

2. The owner of the property which is the subject of a public hearing that requires public notice to surrounding property owners, or his authorized agent, shall appear at the public hearing scheduled on the matter.
3. The County Commission shall act on an application on conclusion of the public hearing or at their next regular meeting following the hearing. The County Commission shall state for the record the key findings of fact on which the County Commission's decision is based.
4. When any application is approved, approved with conditions, or denied, written notification of the County Commission's action listing any conditions imposed shall be sent within seven (7) days of the County Commission's action to the applicant and to any other party who has requested to be so informed.

**D. Project Completion.**

All projects should be completed within one year. Depending upon the complexity of the project, a time frame longer than one year may be approved. If projects are not completed within the approved time frame, application must be made one month before expiration for extension. It shall be a requirement for all projects which are not completed within the approved time frame that progress reports must be submitted to the Board until the project is complete, the frequency thereof to be determined by the Board.

**E. Demolition.**

Demolition of structures designated as landmarks within the Historic District is to be discouraged. A permit for demolition shall be granted if requirements are met for any one of the following three cases:

1. The applicant can document that the structure does not contribute to the historic and architectural significance or integrity of the Historic District; or
2. The applicant can show through the written judgment of two or more historic preservation professionals. Historic Preservation Division of the State of New Mexico, that the building is in poor condition and cannot be realistically rehabilitated; or
3. The Lincoln Historic Preservation Board or applicant may request an inspection by the Lincoln County Manager or his designee to make the determination that the building is structurally unsafe for public occupancy or is a health menace to the public and cannot realistically be rehabilitated.

Unless one of these cases can be adequately demonstrated by the applicant, the Board shall deny the permit or request. The application can be suspended for 180 days. After that time, the applicant can submit written documentation that there is no adequate alternative use and no market for the sale and subsequent reuse of the structure. If the Board concurs, a demolition permit shall then be granted.

**F. Work Performed Required to Conform with Plans Submitted and Approved.**

It shall be the duty of the Lincoln County Manager or his designee, upon reasonable notice to property owners, to inspect from time to time any work performed pursuant to the approved plans to assure such compliance. In the event work is not performed in accordance with the approved plans or performed without approved plans, the County Manager or his designee shall follow proper legal procedure for the issuance of a stop work order. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. Should changes in approved plans be necessary, the applicant shall apply to the Board for approval prior to continuance of work.

At a meeting of the Board, the County Manager or his designee shall present his review of projects underway. The Board shall discuss the projects where approved work has not been completed or where corrections need to be made in order to comply with the approved project. The County Manager or his designee shall identify, on a follow up form, the properties where additional action by County officials would be appropriate.

**G. Regulations.**

1. All exterior construction shall be earth color, constructed of adobe, appearance of adobe, plastered, stuccoed, rock or of wood construction, with the architectural style being that of the frontier period or territorial period.
2. Doors and windows of wood construction shall be encouraged; however, metal doors and windows shall be permitted. If metal is used and is visible from the exterior then, in that event, they must be framed in wood.
3. All mobile homes with the exception of those already established in this area (Area "A") shall be excluded and prohibited from Area "A." All structures in Area "B" regardless of type of construction, whether custom-built or manufactured shall conform to the appearance and architectural style as required in the Ordinance.
4. R.V. trailers and R.V. parks will be allowed if they are not subject to public view from U.S. Highway 380. Publicly viewable recreational vehicles will be allowed only on a short term basis and shall not be parked in view within the Historic District for more than fourteen (14) consecutive days.

5. Only those businesses and services whose exterior features contribute to the harmony and continuity of the area shall be permitted. Specifically excluded from the Historic District are any businesses whose wares are permanently displayed outdoors, including but not limited to trailer sales, automobile sales, junk yards, wrecking yards, rendering plants, slaughter plants, or heavy industry.
6. Signs shall be limited to those hanging or mounted on walls or posts in the ground. Signs shall be no larger than twenty-four square feet. Signs shall not be illuminated with flashing, oscillating or neon lights. The materials to be used in making signs must be described in the application and approved by the Lincoln Historic Board prior to their use.

Any change in signage shall be submitted to the Board for approval.

All "For Sale" signs will abide by the Ordinance and will carry a visible notation that the real estate for sale is located in the Historic District.

Any existing sign that is no longer being used shall be removed by the owner or owner's agent.

7. All owners of buildings within the Lincoln Historic District shall be responsible for and provide reasonable maintenance to their building or buildings to prevent decay and deterioration. A variance of this requirement may be requested by the owner from the Board.
8. All unsightly accumulation shall not be permitted. No person shall permit to accumulate upon premises owned, leased, or occupied by him, any refuse, solid waste, or litter.
9. A satellite dish will be allowed as long as it is not subject to public view from U.S. Highway 380.
10. **Solar Features.** Solar features shall not be publicly visible from U.S. Highway 380.

## **SECTION VIII. ARCHITECTURAL GUIDELINES**

Appendix B is hereby designated as the Architectural Guidelines for the Historic District.

## **SECTION IX. APPEALS, PENALTIES, NOTICES OF ALLEGED VIOLATION/ STOP WORK ORDERS.**

### **A. Appeals Procedure.**

Any decision by the Board is final unless an appeal is initiated by written application to the County Commission within twenty (20) days of the date the decision of the Board was rendered. After the written application has been received and prior to the consideration of the appeal, the applicant may meet with the Lincoln County Attorney in order to see whether or not a solution may be found for the matter being appealed. If the meeting results in an agreement, the County Attorney shall present the agreement to the Board for its acceptance or rejection. This mediation process may provide a solution to the matter being appealed. If the mediation process is not successful, the appeal shall proceed.

The County Commission shall review and consider the appeal record. The County Commission shall hear the appeal and either:

1. reverse any order, requirement, decision or determination of the Board; or
2. uphold the decision of the Board; or
3. make any change in the order, requirement, decision or determination of the Board.

The County Commission shall review carefully the Board's decision on the matter. The decision of the County Commission shall be following a public hearing and shall state the key findings of fact.

The County Commission shall give written notice of receipt of an appeal to the applicant, a representative of the opponents, if any are known, and to any other parties who have requested to be so informed. If a hearing is scheduled by the County Commission, written notice of the date, time, and place of such hearing shall be given to said parties.

The County Commission's decisions shall be the final administrative appeal. The exclusive remedy for parties dissatisfied with the action of the County Commission shall be filing of an appeal with the District Court within thirty (30) days of the date the decision of the County Commission was rendered, pursuant to Rule 1-074, NMRA 2004.

**B. Penalties.**

Penalties for violation of this Ordinance shall be pursuant to NMSA 1978, § 3-21-13 or § 4-37-3. Violation of this Ordinance is a misdemeanor and shall be prosecuted as other misdemeanors are prosecuted in the Magistrate Court of the County of Lincoln, or in District Court, by the District Attorney, the Board of County Commissioners of the County of Lincoln, or the County Attorney. Every day each such violation shall continue to exist, shall constitute a separate violation.

**C. Notice of Alleged Violation/Stop Work Order.**

1. The Sheriff's Department, County Manager or his designee shall issue a notice of alleged violation/stop work order to a property owner when the Sheriff's Department, County Manager or his designee determines there is cause to believe a violation of this Ordinance has occurred, giving the property owner ten (10) days to provide written notice to the Sheriff's Department, County Manager or his designee as to why he is not in violation of the Ordinance, or ten (10) days within which to remedy the alleged violation. In the event the property owner fails to provide written response to the Sheriff's Department, County Manager or his designee within ten days, or fails to remedy the alleged violation within ten days, of the date of notice of the violation, a criminal complaint shall be filed and served on the individual by the Lincoln County Sheriff's Office.
2. In the event the Sheriff's Department, County Manager or his designee is provided with a written response by the property owner within ten days of the notice of alleged violation/stop work order, the Board shall place the alleged violation on the next regularly scheduled meeting agenda to determine whether or not the noncompliance can be resolved.
3. A stop work order issued pursuant to this Section IX, C, shall remain in effect until a notice to proceed by the Sheriff's Department, County Manager or his designee has been issued.
4. In the event that the Sheriff's Department, County Manager or his designee determines, after speaking with the property owner, that there is no violation of this Ordinance, then the property owner will be provided with written authorization to proceed.

**SECTION X. VARIANCE**

**A. Cause.**

The County Commission may grant a variance to this Ordinance provided, however, the variance in question is not more than a minimum easing of the regulations. Under no circumstance shall a variance be granted that significantly conflicts with or nullifies the objectives, spirit, and intent of these regulations.

**B. Conditions and Limitations.**

A variance shall not be granted which will cause the County to incur any expense. In granting variances, the County Commission may require such conditions as will:

1. substantially secure the objectives of the standards of this Ordinance; and
2. not adversely affect the health, safety, and general welfare of the public, if otherwise consistent with the general purpose and intent of this Ordinance and if not injurious or detrimental to the surrounding area.

**C. Economic Hardship.**

The Board may recommend approval of plans when it finds that the applicant faces economic hardship if the plans are not approved. Final determination of economic hardship shall lie with the County Commission and be based on documented evidence. An economic hardship exists when the application of the Historic Preservation Ordinance is unduly oppressive or arbitrary, and the severity of application shall impose, on a particular case, a basis against application. The burden of proof of economic hardship shall lie with the applicant. Evidence of costs or expenditures alone in determining economic hardship is not sufficient basis for a variance being granted.

**D. Procedures.**

The following procedures and requirements shall apply to all requests for variances under this Ordinance:

1. Requests for variances shall be submitted in writing prior to or at the time of an applicant's request for plan approval.
2. Variance requests shall be reviewed by the Board in public hearings at the same time public hearings are held for approval of the plan. After the matter has been heard, the Board shall make its recommendation to the County Commission regarding any variance requested hereunder and the matter shall be placed on the County Commission agenda. after proper legal notice has been given and publication has occurred
3. Notice of the request for variance shall be given pursuant to Section VII, paragraph C, of this Ordinance. and shall comply with the requirements of the Open Meetings Act of the State of New Mexico.
4. The Board and the County Commission shall make written findings of fact regarding each of the requirements of this Ordinance and shall produce those findings of fact as a portion of its decision and order on each request for variance.
5. The decision and order shall be prepared, signed, and mailed to the applicant within seven (7) working days after the public hearing at which the variance is considered.

**SECTION XI. EXISTING CONDITIONS**

Structures, conditions, and construction which existed on the date upon which the Lincoln Historic Preservation Ordinance 1984-1 became effective are hereby grandfathered and are not subject to the provisions of this Ordinance unless and until such time as any construction, alteration, or demolition of such structures is undertaken.

In the event that any alteration, demolition, or other reconstruction is proposed, any and all changes must be brought before the Board and will be made subject to the requirements and conditions of this Ordinance. In the event of an act of God or other emergency requiring immediate temporary repair to mitigate and/or minimize further damage to any existing structure, said repairs may be effected without complying with the terms and conditions of this Ordinance, provided that final plans for permanent repair of such damage are submitted to the Historic Preservation Board within sixty (60) days of the date of the act of God or other emergency.

**SECTION XII. REPEALER CLAUSE**

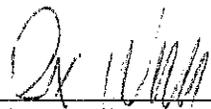
All ordinances, amendments or parts thereof, in conflict with this Ordinance are hereby repealed on the effective date of this Ordinance. This repealer shall not be construed to revive any order, bylaw, resolution or ordinance, or part thereof, heretofore repealed.

**SECTION XIII. SEVERABILITY**

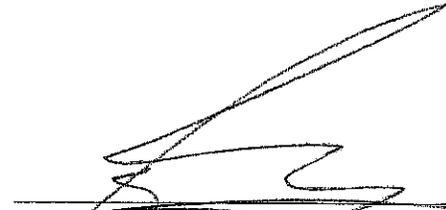
The provisions of this Ordinance are severable, and if any provision sentence, clause, section or part thereof shall be held to be illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to either persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, unconstitutional or inapplicable provisions, sentence, clause, section or part had been included therein and if the person or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted therefrom. Other ordinances or regulations in direct conflict with the provisions of this Ordinance are hereby repealed.

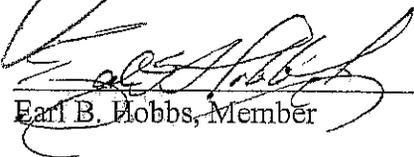
**This Ordinance adopted in regular session of the Board of County Commissioners of Lincoln County, New Mexico, on this the 19<sup>th</sup> day of October, 2004.**

**BOARD OF COUNTY COMMISSIONERS  
OF LINCOLN COUNTY, NEW MEXICO**

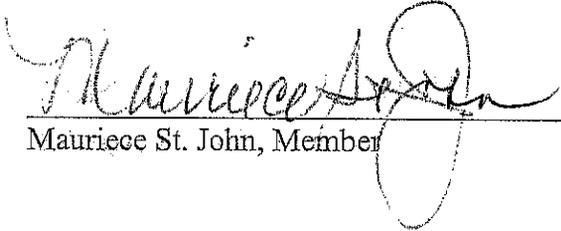
  
\_\_\_\_\_  
Rex Wilson, Chairman



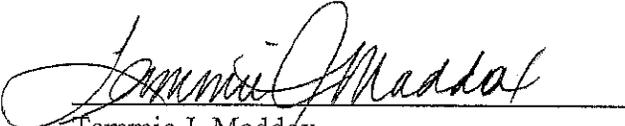
  
Rick L. Simpson, Vice Chairman

  
Earl B. Hobbs, Member

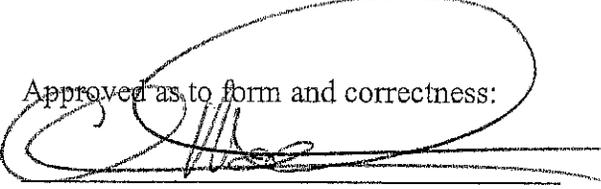
\_\_\_\_\_  
Leo Martinez, Member

  
Mauriece St. John, Member

Attest:

  
Tammie J. Maddox  
Lincoln County Clerk

Approved as to form and correctness:

  
Alan P. Morel  
Lincoln County Attorney

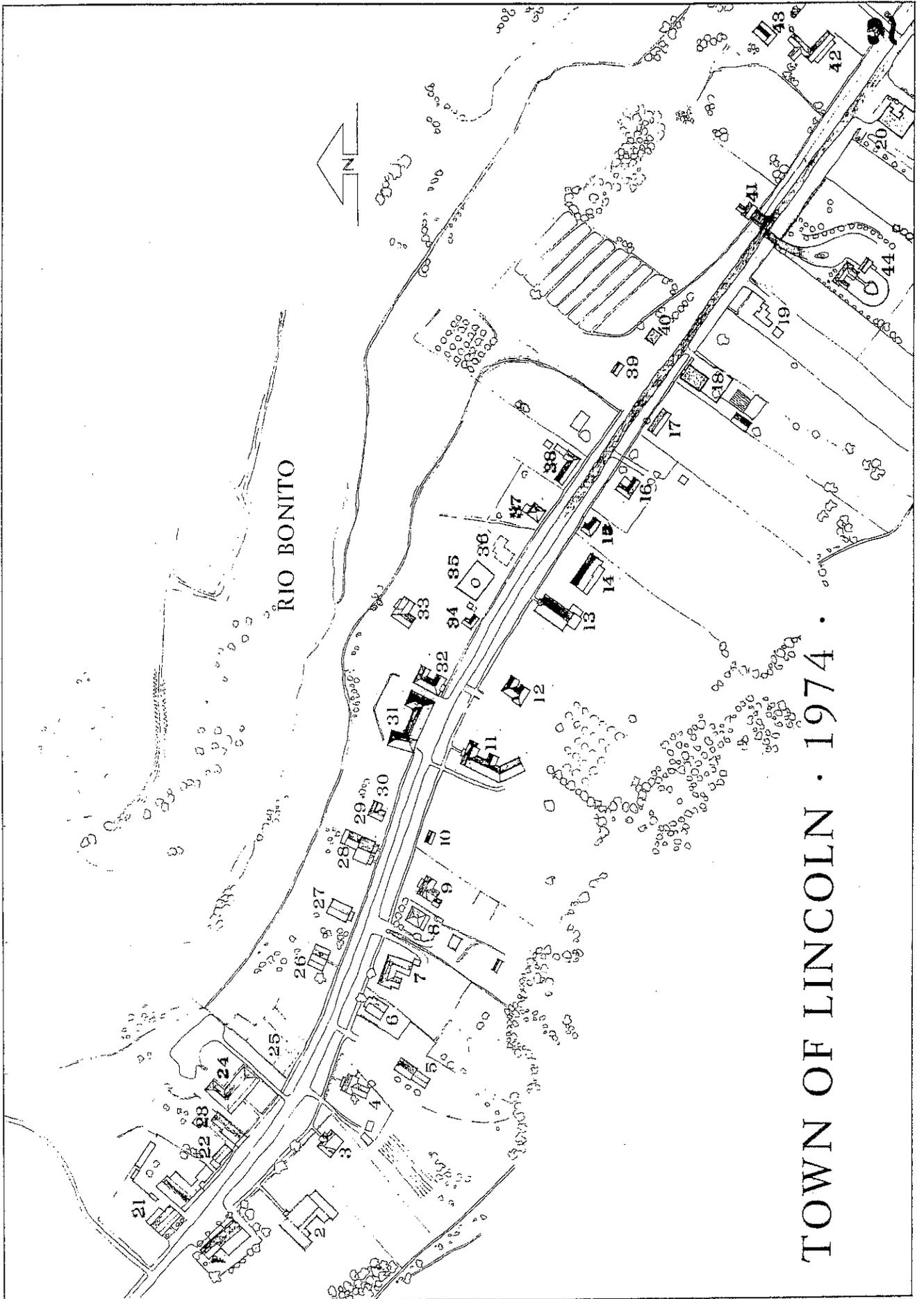
countyatty/wm/ordinances/Historic Preservation 10-12-04.wpd

**APPENDIX "A"**

**Lincoln Historic Preservation Ordinance**

From the book *Lincoln, New Mexico*  
Published by the State Planning Office  
Santa Fe, New Mexico - 1974

Pages 52 through 57



TOWN OF LINCOLN · 1974 ·

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LINCOLN TOWN 1974

- |   |  |   |
|---|--|---|
| 1. Murphy Dolan Store (later called the Old Courthouse). Owned by State of New Mexico | 16. Hall Home  | 31. Tunstall Store 1877 (owned by the State of New Mexico)                      |
| 2. School House   | 17. Montano Store (owned by Robert O. Anderson)  | 32. Penfield Shop and Home  |
| 3. Gibson House   | 18. Al Booky Home (originally the Patron Store)  | 33. Racher Home   |
| 4. Sheriff Brent House, owned by the State of New Mexico                              | 19. M. Perry Home  | 34. Huff House (owned by R. Dunlap; being restored)                             |
| 5. First School House (now the Community Church of Lincoln)                           | 20. Tode's Store (owned by Tode Brennen)   | 35. Torreon (1850's; built by the first Spanish settlers)                       |
| 6. R. Pryor House   | 21. Roman Maes Home  | 36. Baca House (foundation only; under construction; present owner Mr. Locke)   |
| 7. Garcia House   | 22. Maes Museum  | 37. Gallegos House (being restored)   |
| 8. Salas House  | 23. Paloma Bar (Curry Saloon)  | 38. Ramon Luna Sr. Home   |
| 9. James Ramsey Home (Aragon House)   | 24. Wortley Hotel  | 39. Zamora Home   |
| 10. Ramsey Store  | 25. J. Zamora Home and Aragon Store  | 40. Ray Taylor Home   |
| 11. Shrecengost Home (originally Dolan House, later Bonita Inn)                       | 26. Wright House (formerly Dr. Wood's; historically Ellis Hotel)                           | 41. Old Perea House (formerly Red Geranium Shop; owned by Mr. & Mrs. Dockery)   |
| 12. C. Zamora Home  | 27. Dr. Wood's Office (at one time a theater operated by Guy Kebry's father)               | 42. Isaac Ellis & Sons Store 1878 (later a T.B. sanitarium operated by Dr. Law) |
| 13. San Juan Church   | 28. Watson House (owned by the State of New Mexico)  | 43. Old Mill House (later nurses' quarters for sanitarium)                      |
| 14. First Courthouse (later a convent)  | 29. Fresquez House (may have been part of McSween House; owned by the State of New Mexico) | 44. Bob Evans Home  |
| 15. Leyba Home  | 30. Site of McSween House 1977-1878 (owned by the State of New Mexico)                     |   |

## LINCOLN, NEW MEXICO 1878-1881

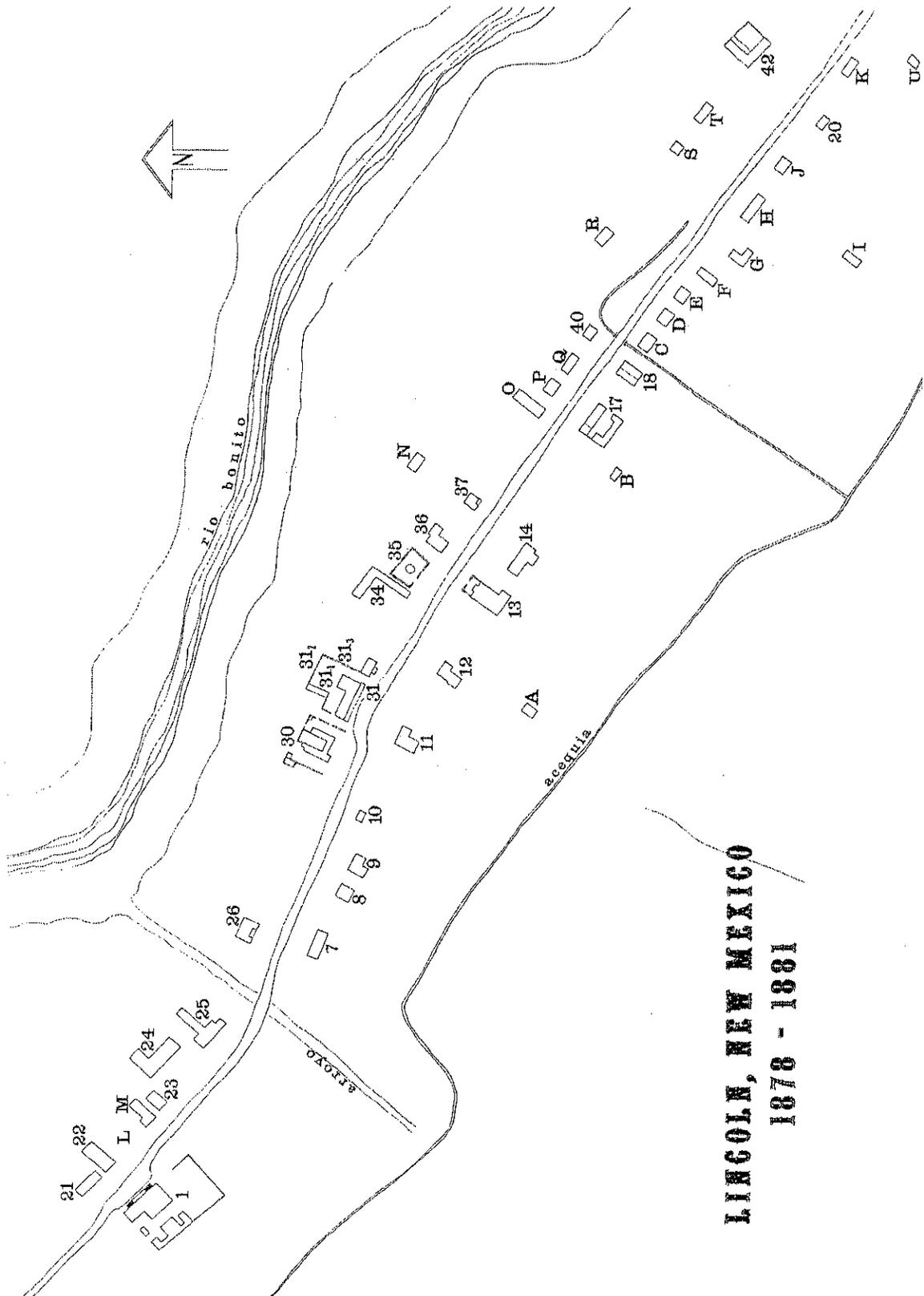
Compiled from the 1950 revision of the map first undertaken in Lincoln in 1916 by R.N. Mullin.  
Buildings there noted a Blevins House, G.W. Peppin and George Curry House are off the map to the northwest.

	July 15, 1878	April 28, 1881	Otherwise (or later) Known As	1974-Present Owner and Condition
1.	Murphy-Dolan Store	Lincoln County Courthouse	Old Courthouse	State of New Mexico
7.			Montano House	Garcia House
8.				Salas House
9.		James Brent	Manuel Aragon	James Ramsey - needs immed. repair
10.			J.Y. Thornton	James Ramsey Store (recently sold)
11.	Vacant	J.J. Dolan House	Bonita Inn	Wm. Shreengost - in good condition with addition
12.		Lupe Cisneros		Zamora House - altered
13.	Vacant	Vacant	Iglesia San Juan	San Juan Church - in use
14.	Court Room	Community Hall	Priest's House	State of New Mexico - restored
17.	Ike Stockton's Saloon Montano Store and Dwelling	Montano Store & Dwelling	Montano Store and Dwelling	R.O. Anderson, weaver's shop building destroyed
18.	Juan Patron Store and Saloon	Juan Patron Store & Saloon	Patron Place	Al Booky Home, extensively modified, excellent condition Probably a part of Tode's Store
20.	Cisneros House			
21.	Emilio Roque House		Guinni House	Roman Maes House
22.	Michaelis House		Malter & Co.	Roman Maes Museum
23.	Mills House			Old Curry Bar - R. Maes

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	July 15, 1878	April 28, 1881	Otherwise (or later) Known As	1974-Present Owner and Condition
24.			Wortley Hotel La Fonda Hotel	State of Mexico
25.			Aragon Store	Ruins, with some parts destroyed
26.	Vacant	Ben Ellis Hotel		Wright House (formerly Dr. Wood dwelling) State of New Mexico. Destroyed 1877 (see reconstruction drawings)
30.	McSween House	Vacant	Vacant	State of New Mexico - originally flat roofed with no west wing; back buildings destroyed
31.	Tunstall Store	LaRue Store	James Dolan Store	Part of fence exists
31.1	Tunstall-McSween Corral			
31.2	Tunstall Grave	Graves of Tunstall, McSween & Morris	Unmarked	
31.3	Adobe wall from behind which Brady & Hindman were shot			
32.	Dwelling (2 front rooms possibly antedating construction of Tunstall-McSween Store		Lawyer's House	Penfield Shop & House; excellent condition
34.			El Chorro	R. Dunlap; plans to restore. Only one room & basement with existing unidentified house to west State of New Mexico
35.	Torreón	Torreón	Torreón	Locke; building in progress
36.	Captain S. Baca			Under restoration
37.			Lucio Gallegos Place	

40.	Carcel: Old Lincoln cellar jail			Destroyed
42.	Isaac Ellis Store & Dwelling	Uncle Ike Ellis's Place Judge Green Wilson	T.B. Sanitarium	Has addition Destroyed
A.				
B.	Grocery Store & Ike Stockton's Dwelling			
C.		Scipio Salazar		Destroyed
D.	Vacant	Captain S. Baca		Destroyed
E.				Destroyed
F.	Major Brady	Francisco Romero		Destroyed
G.				Destroyed
H.	Manuel Romero			Destroyed
I.				Destroyed
J.	Francisco Pacheco			Destroyed
K.				Destroyed
L.	Vacant	Vacant		Roman Maes
M.	Original Fritz-Murphy Store house	Murphy-Dolan Mess (operated by S. Wortley)	La Paloma Bar	Roman Maes
N.	Trujillo House (occupied by McSween family during con- struction of own)	Lucio Gallegos	Lucio Gallegos Place	Under Restoration
O.	Major Dudley's Tent Site	Mrs. McSween (Barber) House		Destroyed
P.				Destroyed
Q.				Destroyed
R.	Fancisco Romeo y Valencia			Destroyed
S.	Casimira Perea			Destroyed
T.	Indicated on Mullin map; no designation			Destroyed
U.				Destroyed



**LINCOLN, NEW MEXICO**  
**1878 - 1881**

**APPENDIX "B"**

**Lincoln Historic Preservation Ordinance**

## **I. History of Lincoln.**

The area of Lincoln is a rarity among villages with an historic past. Today, this Lincoln County settlement is a quiet collection of houses and stores on the road between Roswell and Carrizozo, but 100 years ago, it was the center of contention and violence in the entire southeastern quadrant of the Territory. Settled originally by Spanish Americans and known as La Placita del Rio Bonito, it began as a small farming community. At the time of the creation of Lincoln County in 1869, when it was renamed Lincoln and made the county seat, the town's still relatively small population included several Anglo-Americans who had moved in just previously. The only threat to peace were troubles with Indians.

As the area developed, the ambitions of ranches, bankers, and merchants created tensions that led finally to the Lincoln County War, which lasted with varying levels of hostility from 1878 to 1881. The war, essentially a struggle for economic power, was the bloodiest in July, 1878. John Tunstall and Alexander McSween were the leaders of one faction backed by the powerful ranches John Chisum. Opposing them was a group headed by James Dolan, the economic and political boss of upper Lincoln County. Both Tunstall and McSween were murdered, along with several other men. The best known figure in the trouble, however, was Henry McCarty, alias Billy the Kid.

The town still displays fine examples of its historical architecture. Furthermore, it retains its old open village character. Lincoln has not grown since the 1880's; in fact, it has declined in population, but what with renewed interest in the area's history, and considering its attractive rural atmosphere, rapid growth may be imminent. A plan for growth is therefore in order.

Lincoln's citizens, understanding what they may lose, banded together to preserve Lincoln's old character. Early in the 1930's, restoration was begun by the Museum of New Mexico and the School of American Research.

This Ordinance is a guide for the long-range restoration and maintenance of the historic Area of Lincoln, New Mexico.

## **II. TERRITORIAL ARCHITECTURE.**

### **A. History.**

With the outbreak of the Mexico War, the province was promptly occupied by General Stephen Watts Kearney (in the summer of 1846) and in 1848, the area was officially annexed as a United States territory. The subsequent Territorial period divides into three short phases: early, 1846-65; middle, 1865-85; and late, 1880-1912.

Administrative and economic changes were instituted soon after annexation. An American governor and officials were sent to Santa Fe. United States troops remained in New Mexico, both to insure acquiescence of the Mexican population and to control the movements of the nomadic, non-Pueblo Indians, who, for a century, had harassed the area. To the latter end, a series of military outposts such as Forts Union, Burgwin, Stanton, and Wingate were established. Equally important, the Vatican decided in 1850 to sever New Mexico from the Diocese of Durango and place it under the reform leadership of Father Jean Baptiste Lamy, a French-born priest who, in 1853, became the Bishop of New Mexico. Suspicious of some

of the clergy who carried over from the Mexican administration, Lamy brought in from the Midwest priests and members of several religious orders (the Christian Brothers, the Sisters of Loretto, and eventually a number of Jesuits) to staff churches and found schools. Many of these people were of French origin, and they, as well as the bishop, sought to reform and revitalize the church. Technological innovations were not long in appearing and soon Santa Fe Trail merchants were supplying the local market with new essentials ~ window glass, nails, and metal hardware. Despite these innovations, the architecture of the territory did not change much before the outbreak of the Civil War. Then, building slumped, civilian trade diminished, and most of the army units were called east.

The middle Territorial phase begins with the end of the Civil War and continues until after the arrival of the railroad, when the economic penetration of the area was carried forward in force. Efforts were made to bring the three populations - Mexican, Indian, and American - together under a single set of laws. Land titles were scrutinized and substantiated and taxes imposed under the American system.

#### **B. Architectural Criteria for New Construction.**

There exists today a body of generally accepted criteria, evolved over many centuries, by means of which works of architecture are both produced and evaluated. New buildings which are ancillary to historic sites occupy an extremely specialized architectural category. They are, nevertheless, new buildings and, as such, are subject to the criteria by which all other new buildings are judged. In addition, some of the general disciplines become even more important than usual when a building exists for the specific purpose of helping people to see, experience, and understand the historic buildings and sites to which the new work pertains. The siting of the new building, the clear expression of the era in which it is built, and a complementary response of the new building to the character of the site it serves, demand careful study.

The new building must be located so that the integrity and clarity of adjacent historic site and building is not compromised. The functional demands of automobile and pedestrian circulation, the visibility required for control and protection of the site, the preservation of natural terrain and vegetation must be solved in such a way that the values of the site are not diminished. Imaginative and sensitive solutions to these functional problems can enhance the qualities of the site.

A genuine architectural expression of locality can be a great asset to this category of new construction if such a sense of place can be honestly and simply achieved.

Lincoln and New Mexico have a very rich and varied architectural heritage and as the architectural periods progressed and styles of building changed, terms used to describe the various elements changed, as well. This guide is concerned with those structures built beginning with the Spanish decolonization of the eighteenth century and continuing with the introduction of architectural elements by settlers and military from the East during the mid-nineteenth century which evolved into the Territorial Style.

#### **C. Significance of District Buildings.**

The Lincoln Historic Preservation District contains areas and individual buildings already placed on the National Register of Historic Places for their historic and architectural merit.

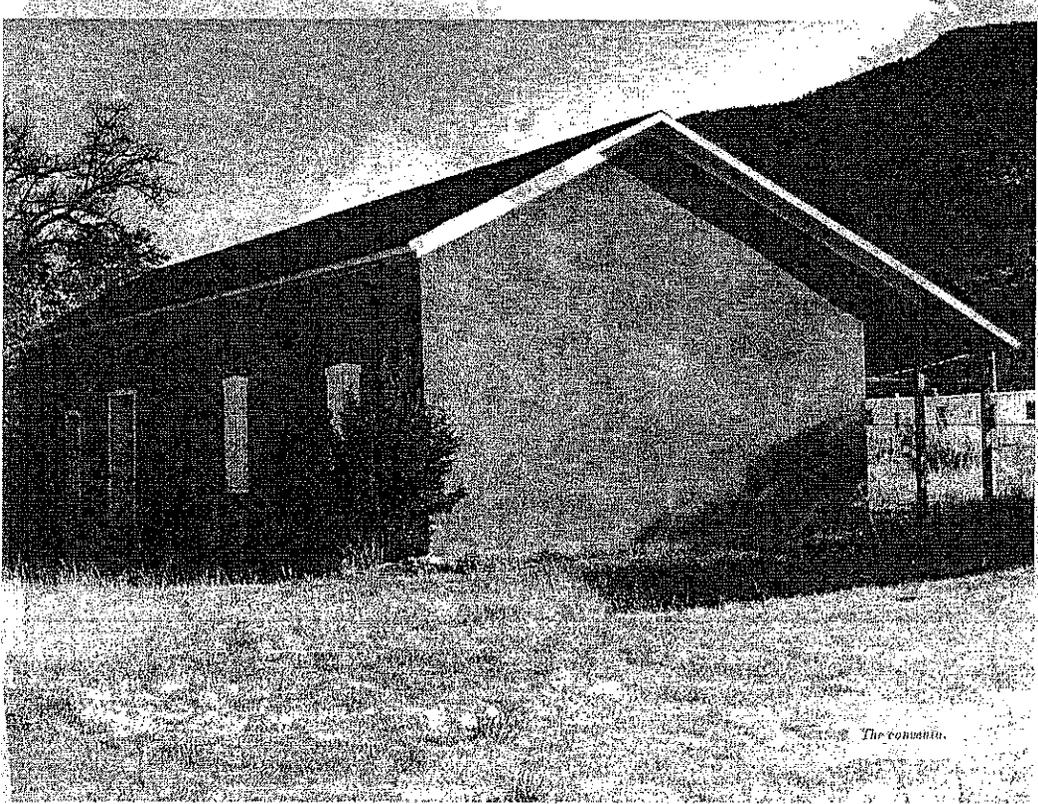
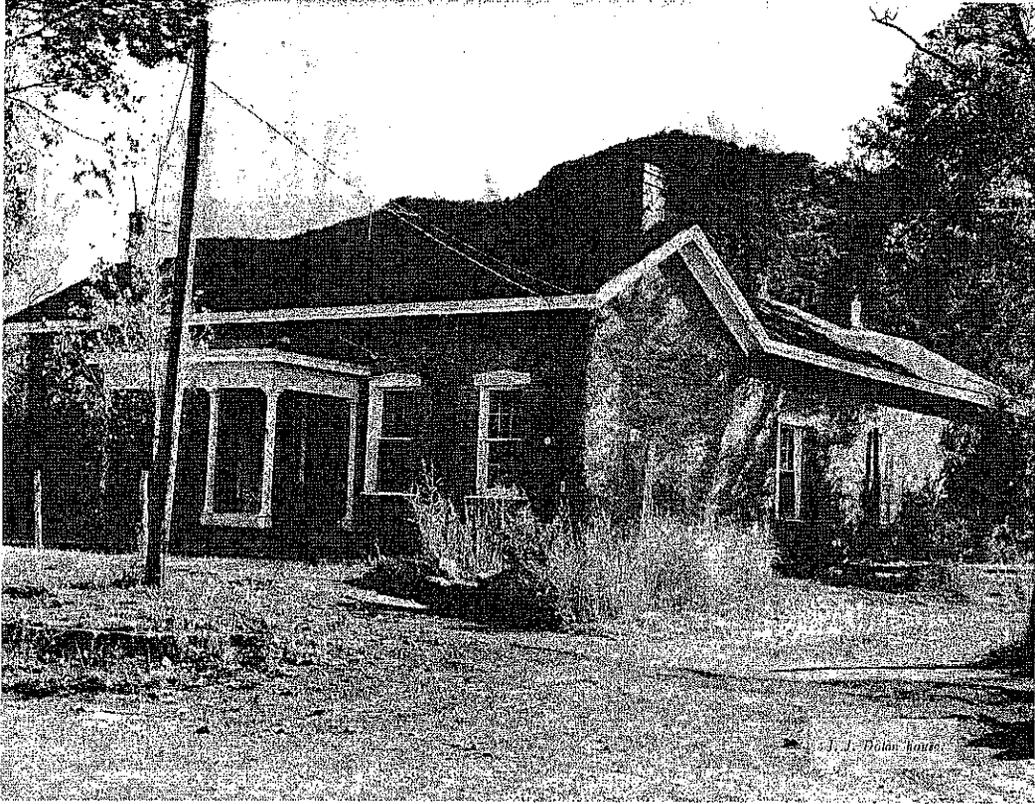
The structures within the proposed District have been divided into four categories:

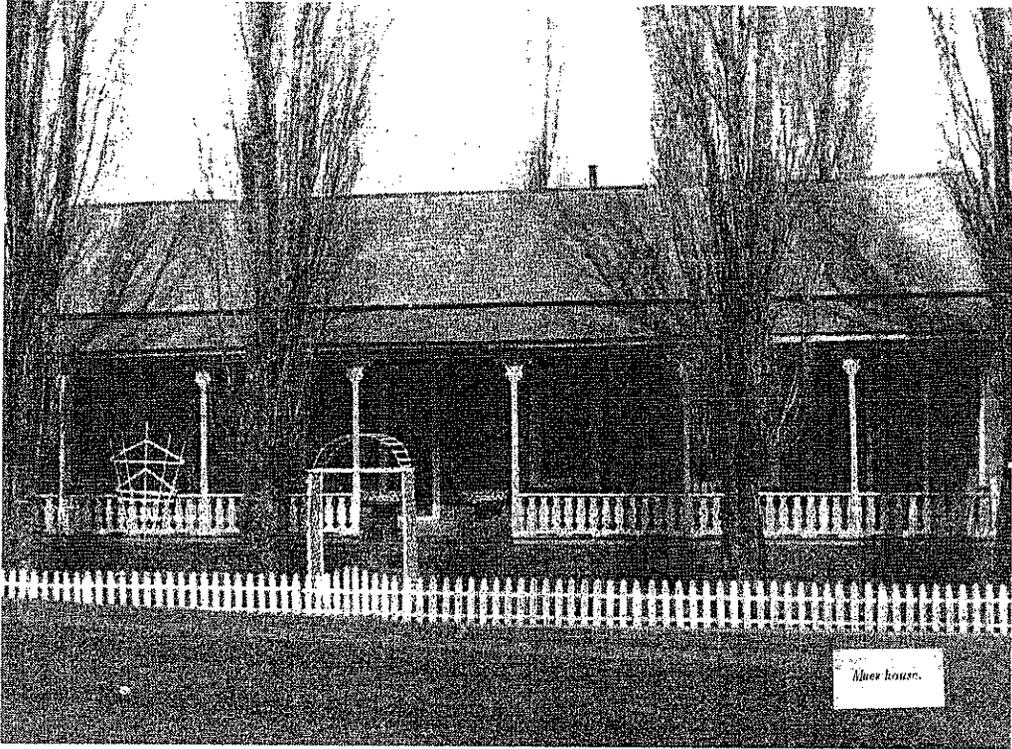
*Pivotal* - Those which are considered excellent examples of an architectural style.

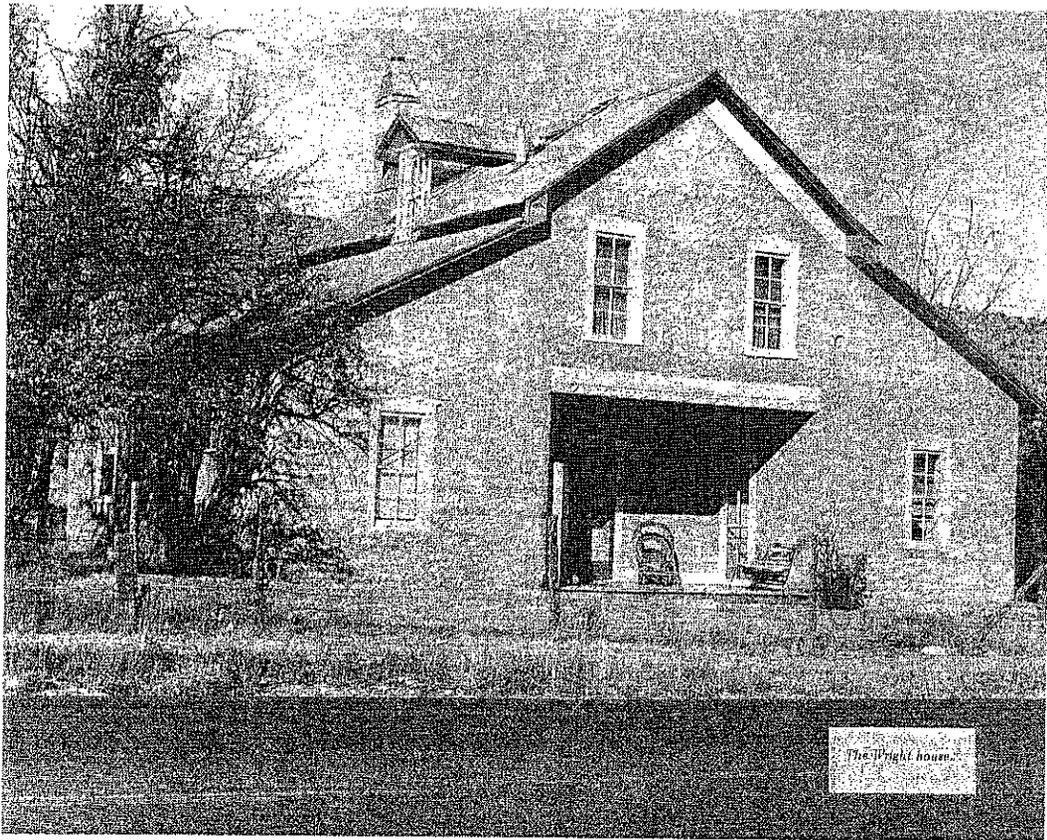
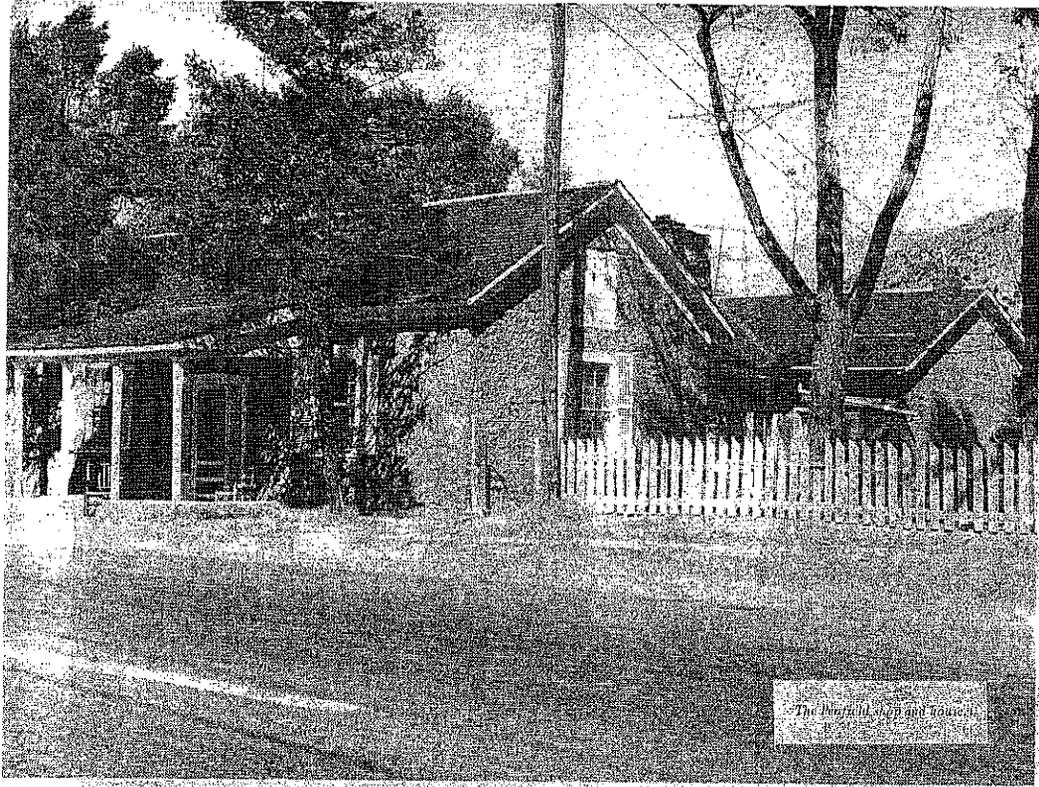
*Supportive* - Those which are contemporary in period and compatible in style and massing, but do not represent outstanding architecture of a high style. This category also includes buildings whose original integrity has been seriously compromised.

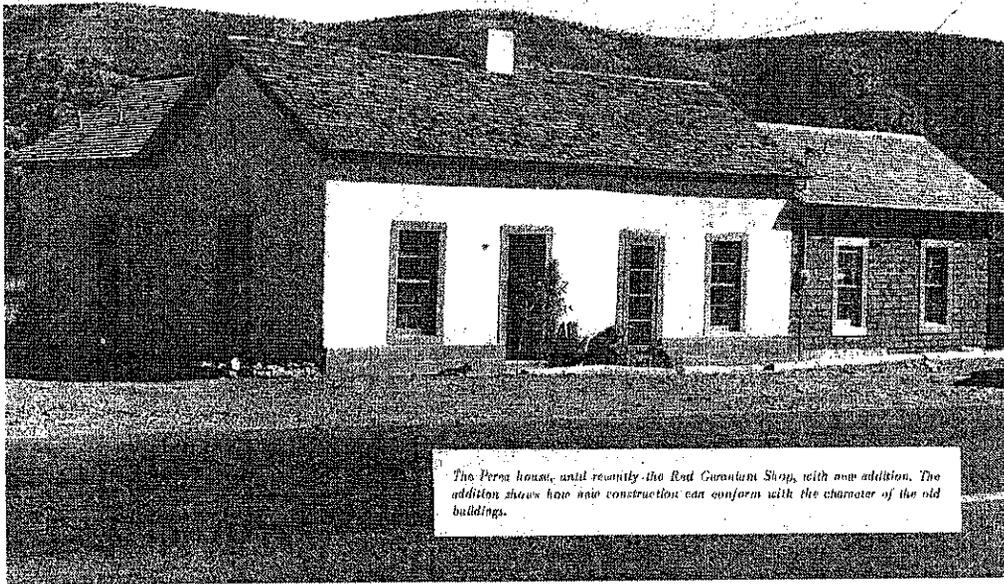
*Non-Contributive* - Those which are not contemporary in period and may be dissimilar in size, massing, or materials.

*Intrusive* - Those which detract from the overall historic character of the area.

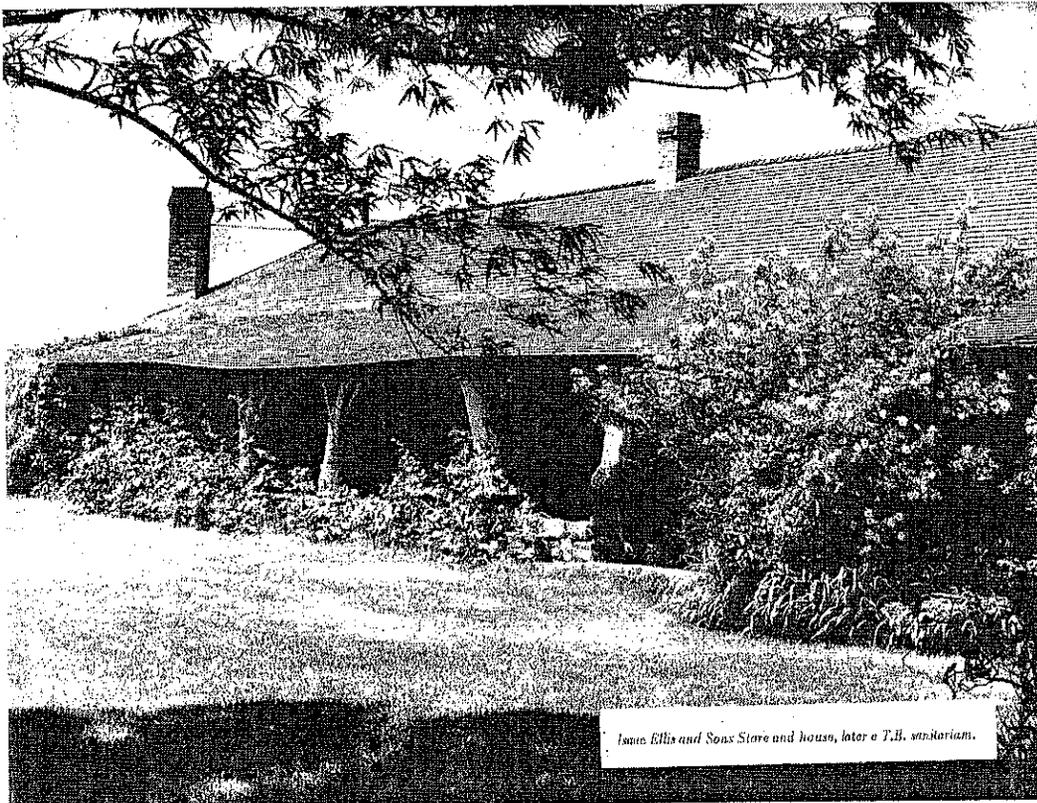








*The Perry house, and recently the Red Curran Shop, with new addition. The addition shows how new construction can conform with the character of the old buildings.*



*Isaac Ellis and Sons Store and house, later a T.B. sanitarium.*

### III. GUIDELINES FOR DESIGN REVIEW.

#### A. Guidelines.

The following guidelines for design review will serve as basis for the decisions in the Lincoln Historic Preservation District. The guidelines define the most important elements of the District's unique physical appearance and state the best means of preserving and enhancing these elements in rehabilitation or new construction. Their purpose is to provide assurance to property owners that permit review will be based on clear standards, rather than the taste of individual commission members. The guidelines will be interpreted with flexibility depending on the particular merit of the building or area under review.

The Lincoln Historic District is architecturally diverse within an overall pattern of harmony and continuity. What is essential for construction restoration or rehabilitation in the District is the maintenance of the scale and quality of design. Guidelines for construction restoration or rehabilitation focus on general, rather than specific, design elements in order to encourage architectural innovation and establish continuity. All construction restoration or rehabilitation is reviewed in terms of materials and detail, building elements, and site. Generally, all structures should be compatible in these categories to surrounding structures.

#### B. Materials and Details.

1. **Exterior Construction.** All exterior construction shall be earth color, constructed of adobe, appearance of adobe, plastered, stuccoed, rock, or of wood construction with the architectural style being that of the Frontier period or Territorial period.
2. **Roofs.** Historically, the earliest buildings in Lincoln were of the Spanish flat dirt roof over vigas and boards with canales to throw the water away from the building faces. The evidence of this is the many buildings with pitched roofs over the older vigas and boards. The pitched roof dates from the eighteen seventies and eighties and consisted of shingles of corrugated metal. The slope or pitch of the roofs were based on the bevel -- that is six inches of rise to twelve inches of run; seven rise to twelve run; eight rise to twelve run; and occasionally pitches up to twelve in twelve.
3. **Windows.** All early windows were double hung. The earliest were four lights over four. Later, six over six, six over nine, etc. After the development of rail west of the village, the two over two lights began to appear. So any of these varieties should be allowed.
4. **Doorways.** Front doors generally should be the single center door with side lights fixed. Some entrances should allow for the transom lights running across the door and side lights. Generally, these were trimmed with casing and head piece. Other doors were shingle in trimmed frame. All doors, except for a few that have now been lost, were of the "colonial" patterns. The common variety is two small top panels, longer mid-panels, and below the lock rail two more vertical panels.
5. **Porches.** Porches should provide protection from the weather and be constructed of turned wood posts and other elaborate wood elements.
6. **Fences.** Fences shall be of adobe, rock, or wood construction.

#### **IV. PLANS.**

The owner shall submit six (6) legible sets of plans to the County Manager's office, along with a copy of the building permit issued by the Construction Industries Division, State Regulation and Licensing Department of the State of New Mexico. The plans will be reviewed by the County Manager's Office, and copies forwarded to the Board two weeks prior to regularly scheduled meetings. Plans shall be drawn to scale with the size scale identified thereon. Architectural drawings are not required but are recommended.

#### **V. SITE.**

##### **A. Setbacks and Side Yards.**

The character of Lincoln is a village road with all houses set along the road. The spacing between existing houses has to be carefully planned. Great care should be used in planning and approving the location of a proposed structure on the land.

##### **B. Garages.**

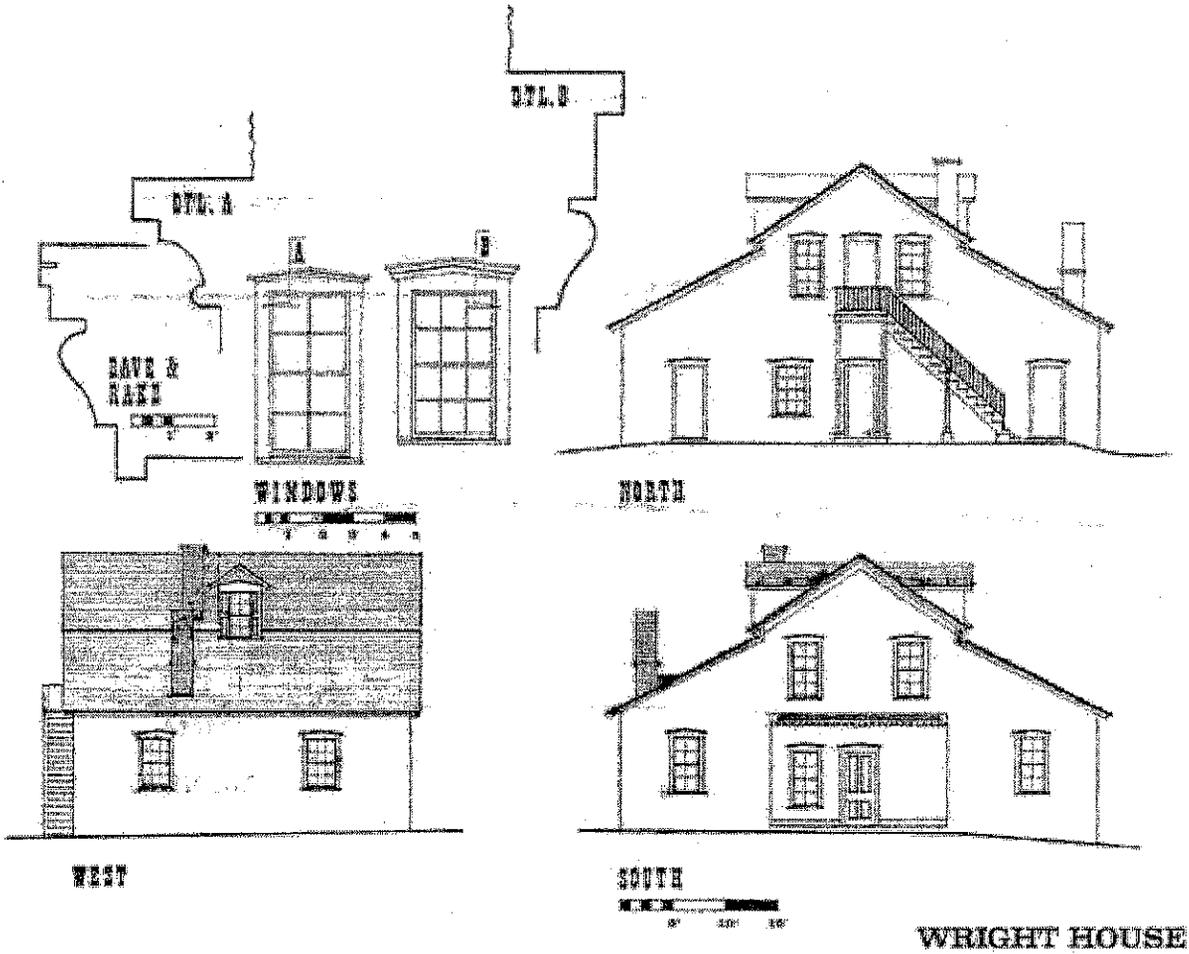
1. Garages that are part of the house plan are allowed, provided doors do not face the street.
2. Garage doors should not face the street. If this is found to be necessary, single garage doors should be used to avoid the horizontal orientation of two-car garage doors.

##### **C. Signs.**

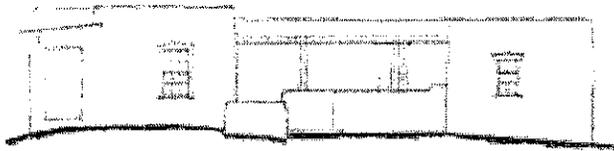
Signs shall be limited to those painted on walls or small hanging signs no larger than twenty-four square feet.

#### **VI. Design Examples.**

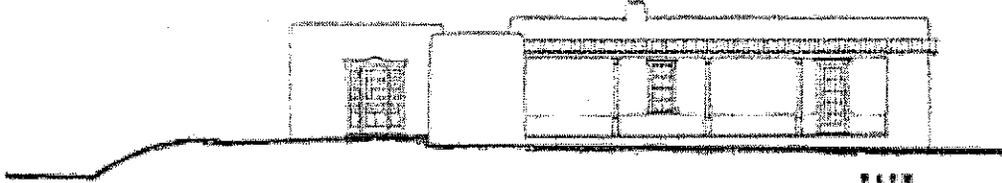
These guidelines are written for the non-architect. In a broad sense, the guidelines are intended to suggest what the finished product will look like. Some examples are shown on the following pages.



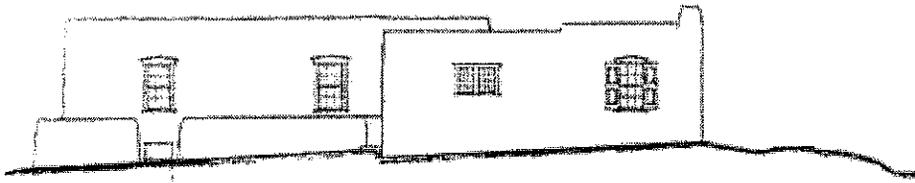
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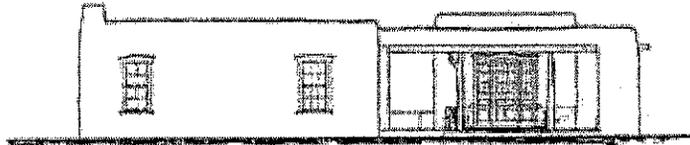
NORTH



EAST



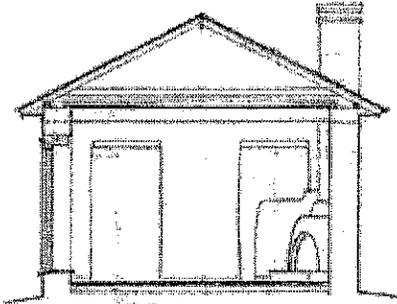
WEST



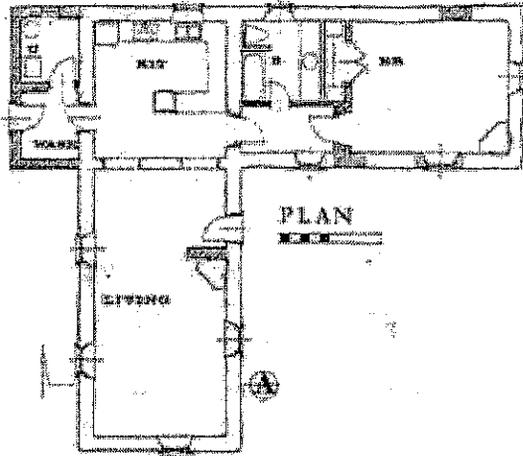
SOUTH

DUNLAP HOUSE

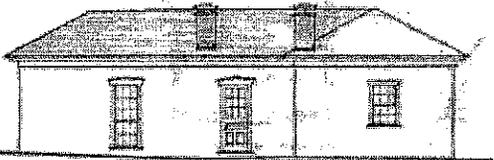
685



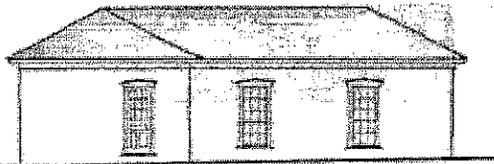
SECTION



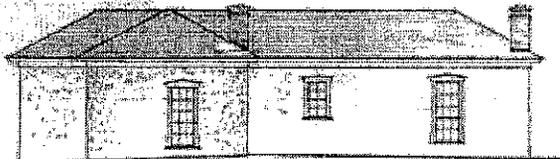
PLAN



EAST



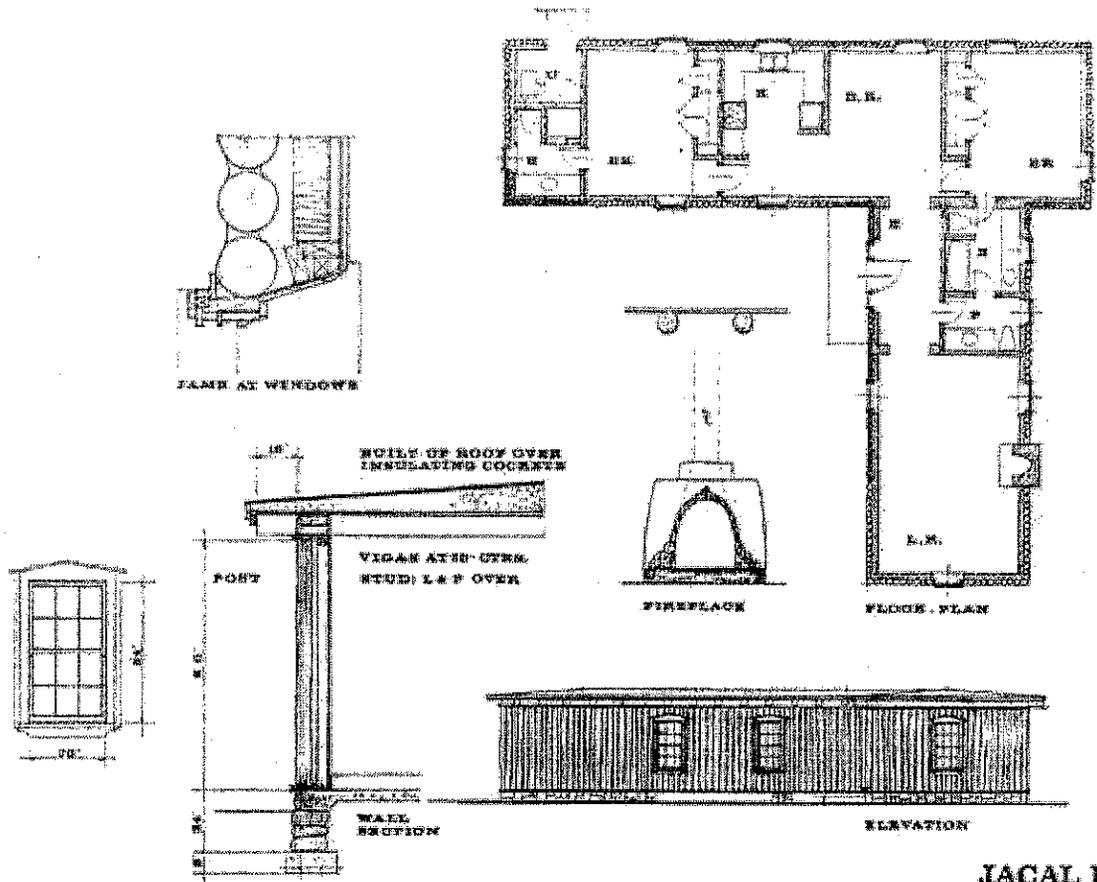
WEST



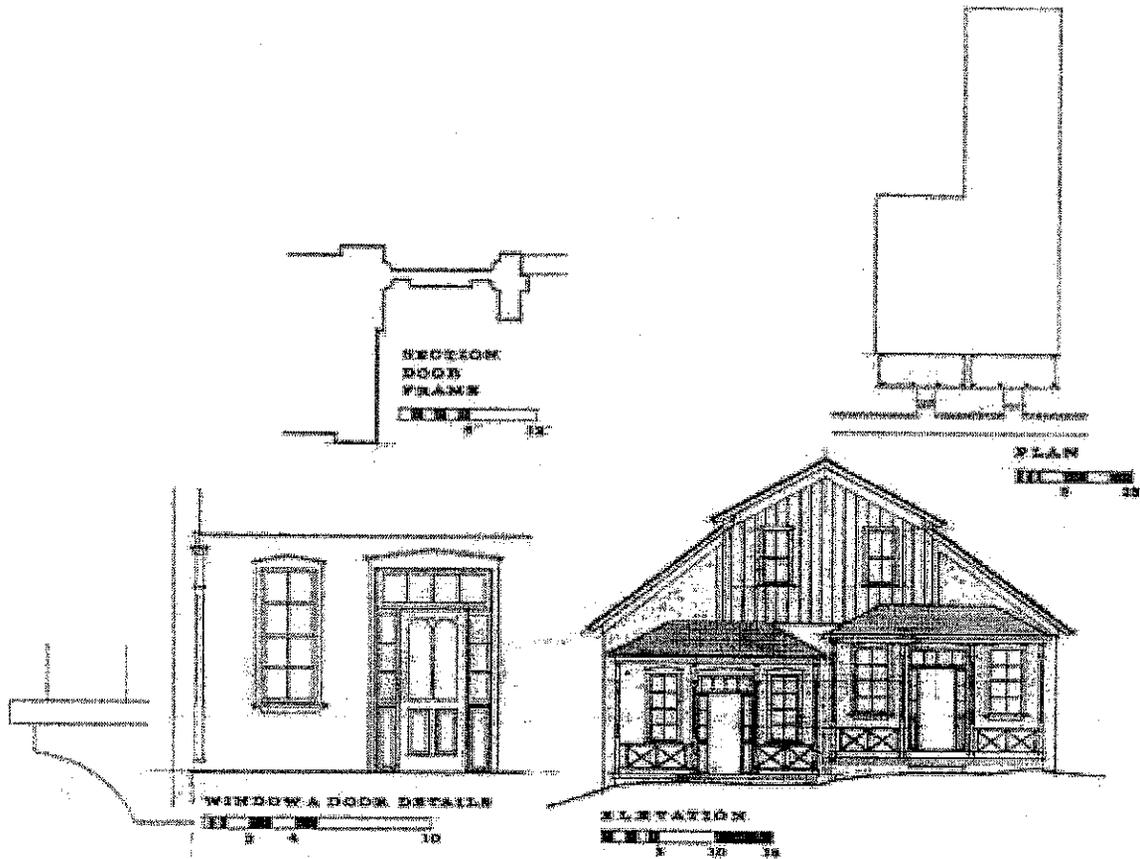
SOUTH

PEPPIN HOUSE

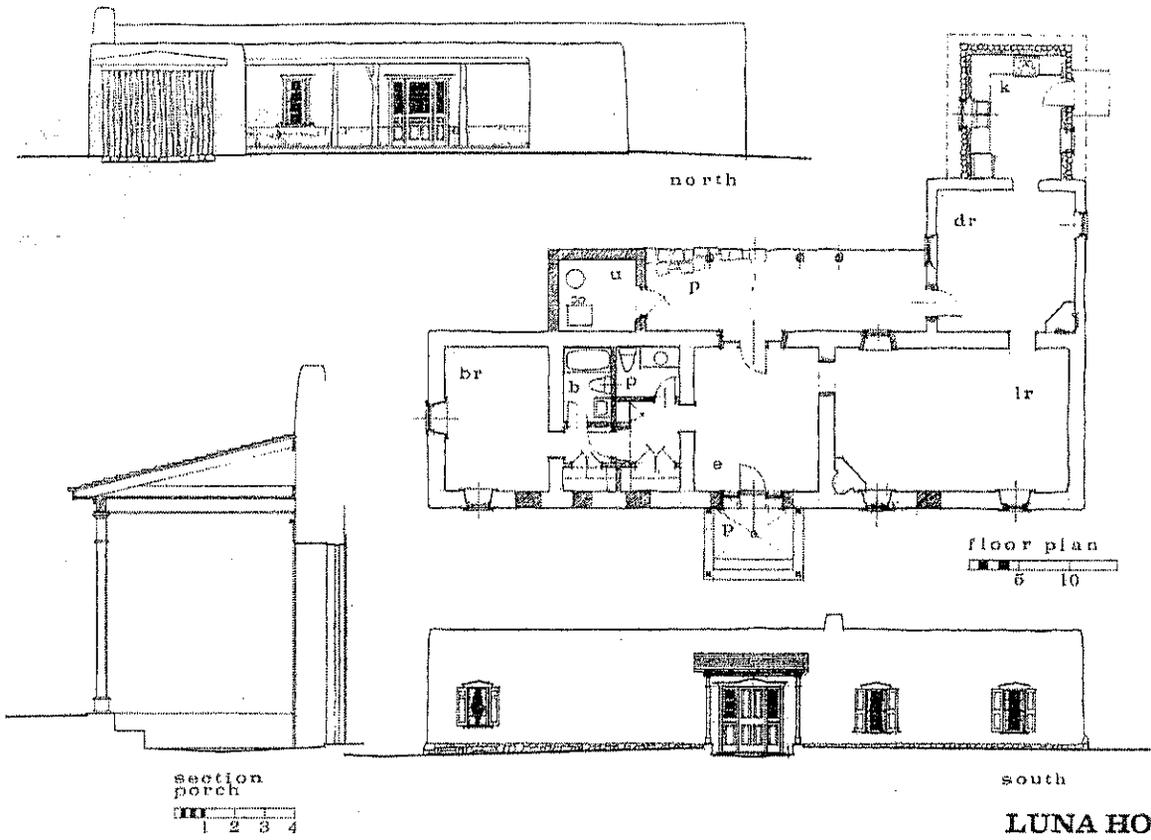
686

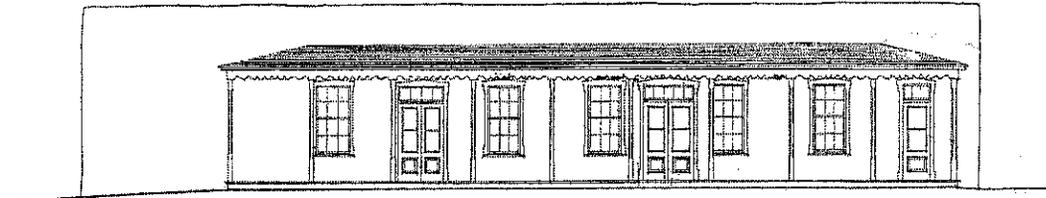


**JACAL HOUSE**

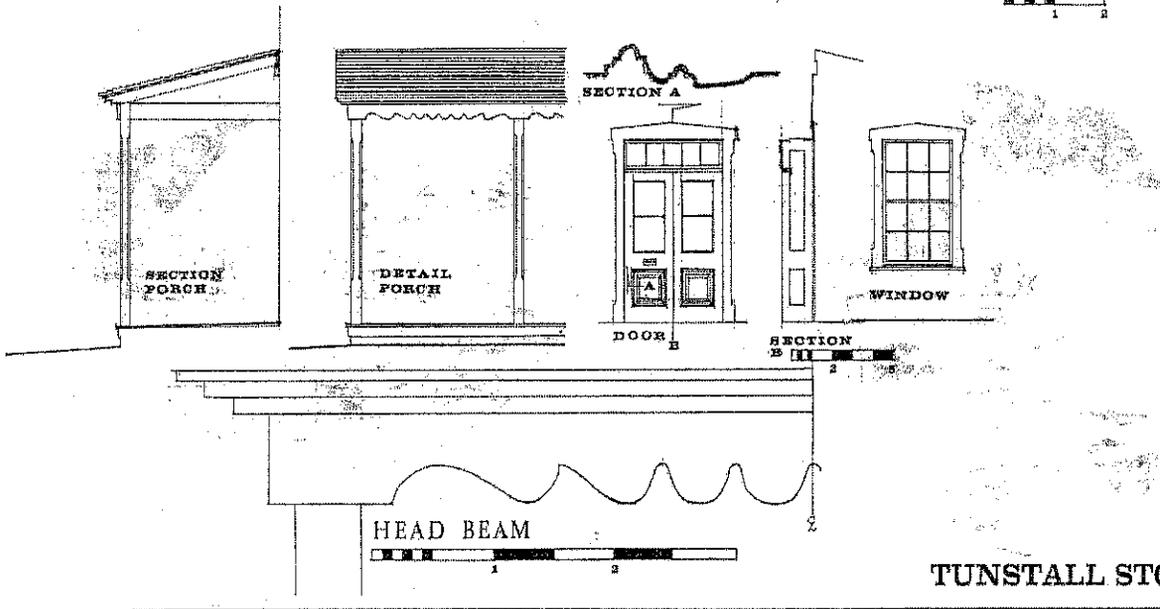


WATSON HOUSE





SOUTH

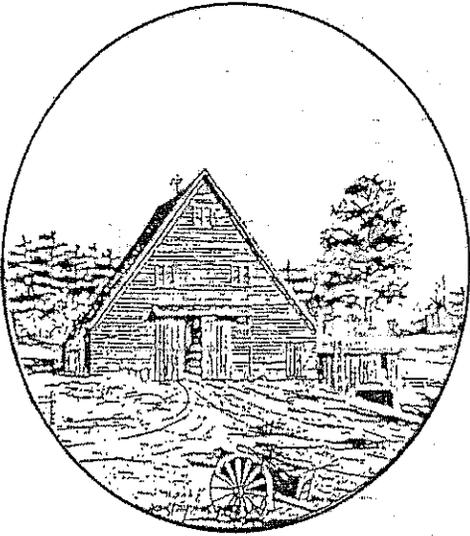


TUNSTALL STORE

(Barn designs)



(Barn designs #2)

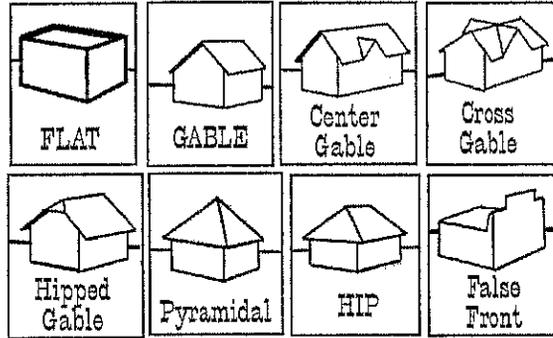


**Roofs**

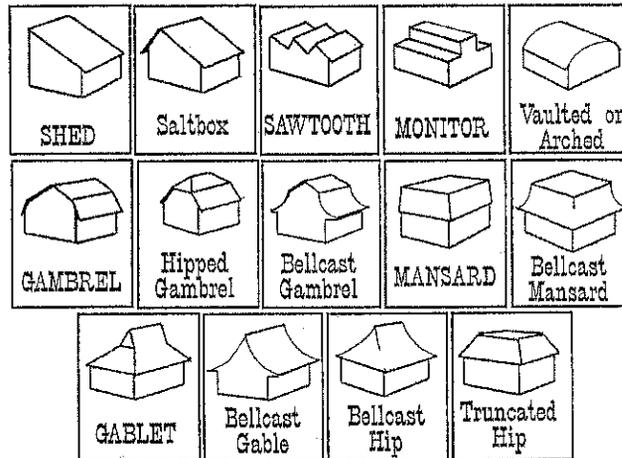
The original roof shape should be preserved.

Original roofing materials should be retained unless deteriorated. When partially re-roofing, deteriorated roof coverings should be replaced with new materials that match the old in composition, size, shape, and texture. When entirely re-roofing, new materials should not be used which differ to such an extent from the old in composition, size, shape, color, or texture that the appearance is altered.

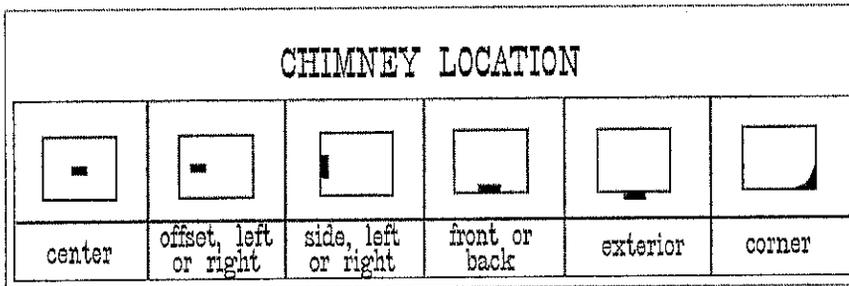
**ACCEPTABLE ROOF SHAPES**



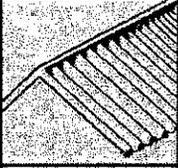
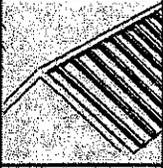
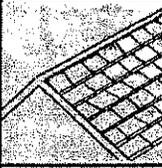
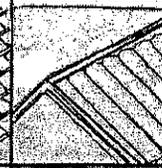
**UNACCEPTABLE ROOF SHAPES**



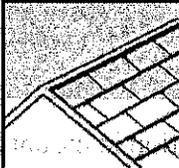
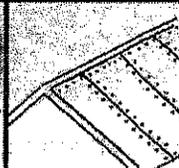
**CHIMNEY LOCATION**



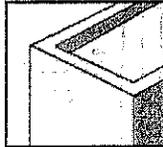
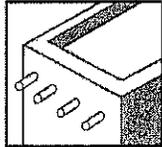
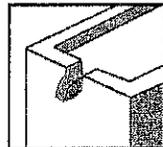
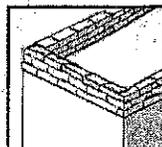
## ACCEPTABLE ROOFING MATERIALS

				
Corrugated Metal	Standing Seam Metal	Shingles - Wood & Asphalt	Board	Earth

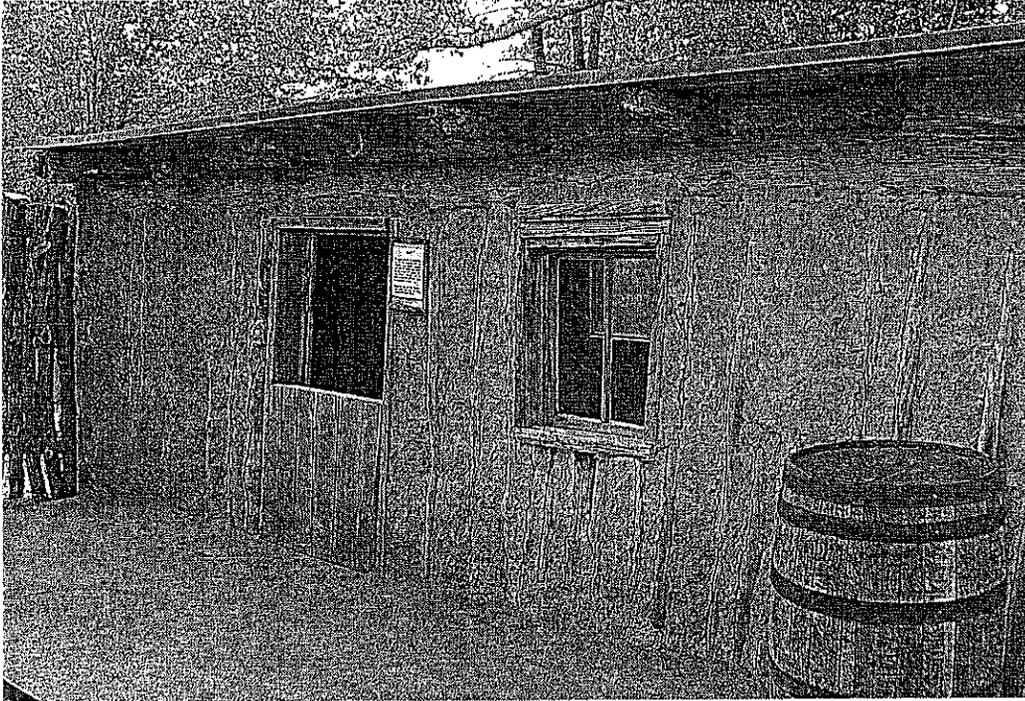
## UNACCEPTABLE ROOFING MATERIALS

			
sheet metal copper, slate or asphalt	Spanish Tile metal/ ceramic	Mission Tile ceramic or metal	Rolled Composition

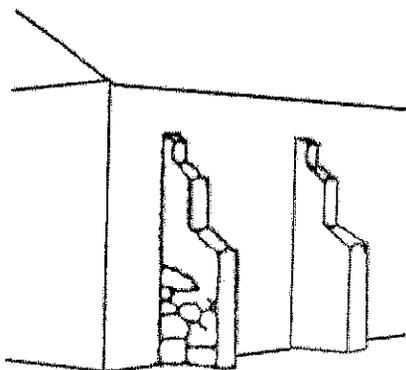
## DETAILS - FLAT ROOF

Parapet	Exposed Viga	Canales	Brick Coping
			
YES	YES	YES	NO

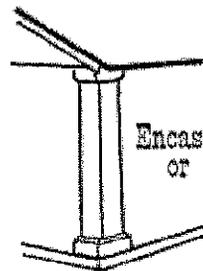
## Wall Detail



Another sectional distinction was the use of jacal construction in mountainous areas on both sides of the Rio Grande Valley. As used in the nineteenth century, jacal is very different from that of the ancient Pueblos. Much sturdier, it made use of large posts (5 to 8 inches in diameter) set contiguously in deep trenches and sharpened in a wedge shape at their upper ends. These were fitted into a groove on the bottom side of a heavy horizontal log which capped the vertical logs and held them in uniform positions. Though resting on vertical poles, this horizontal plate was also supported by still heavier forked posts placed at each corner. The plate supported vigas which carried the usual flat roof covered with earth; it could also support rafters of a ridge roof if such were added above the flat roof to deflect rain.



BUTTRESSES



CORNERS

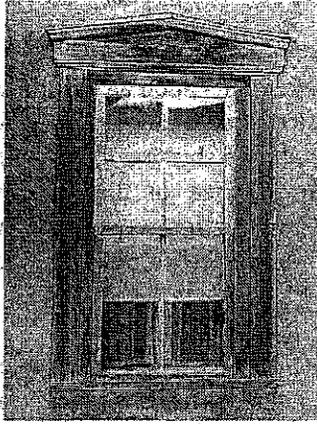


Photo - Dr. Woods 1974

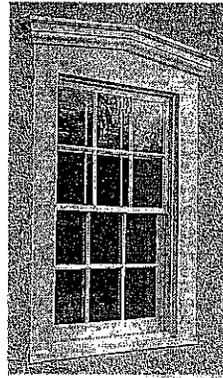
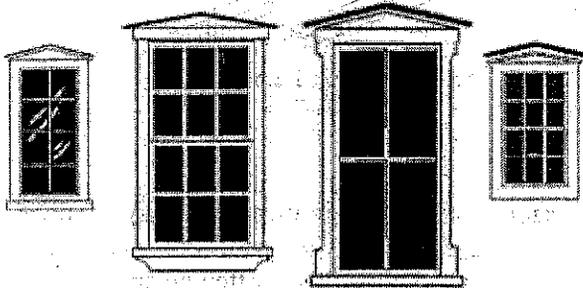
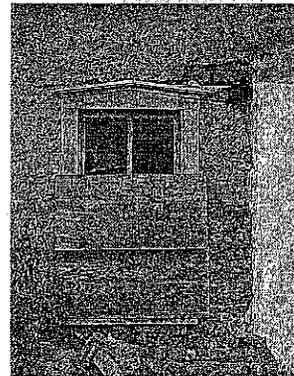
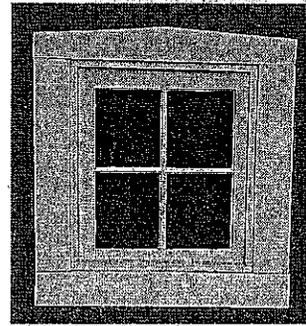


Photo - Dr. Woods after restoration work in 2003

Window shapes, arrangements, and types should be reminiscent of those found in historic structures. Windows shall be vertical in proportion and the frames preferably of wood.

A characteristic trademark of the Territorial style is the sedimented lintel used over doors and windows. The earliest form of this feature may have been fairly simply, lacking moldings.

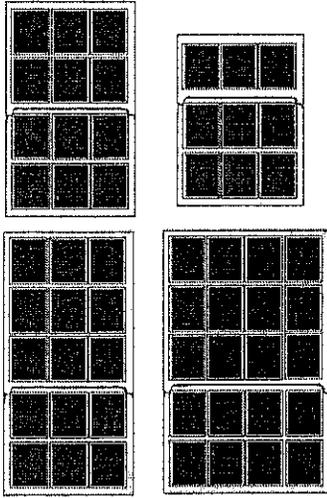
In the early Rio Grande settlement of Lincoln, the windows would have been of very small type with shutters and no glass.



TYPICAL WINDOWS



## Windows

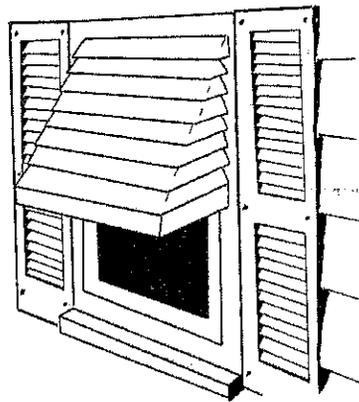
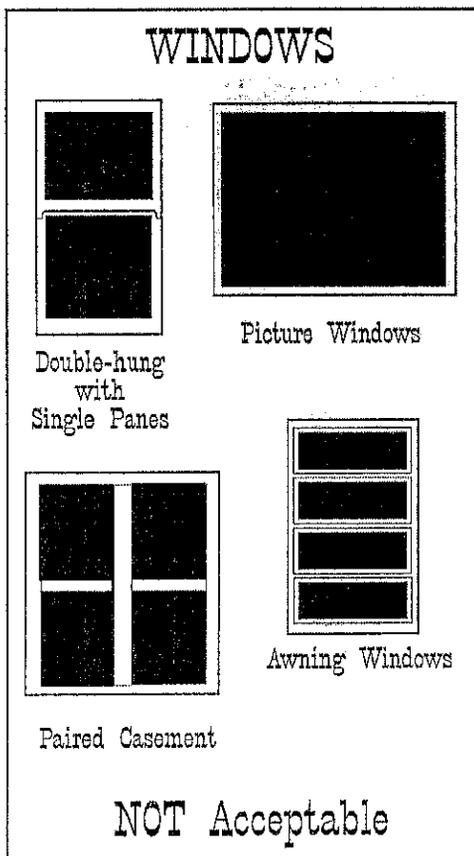


Windows  
Double-Hung

*Inappropriate new windows* - such as aluminum storm and screen window combinations, plastic or metal strip awnings, or fake shutters that disturb the character and appearance of the building should not be used. Combination storm windows should have wood frames or be painted to match trim colors.

Window sash, glass, lintels, sills, architraves, doors, pediments, headings, steps, and all hardware should be retained. Discarding original doors and door hardware when they can be repaired and reused in place should be avoided. The size of window panes or sash should not be altered.

The stylistic period(s) a building represents should be respected. If replacement of window sash or doors is necessary, the replacement should duplicate the material, design and hardware of the older window sash and door.

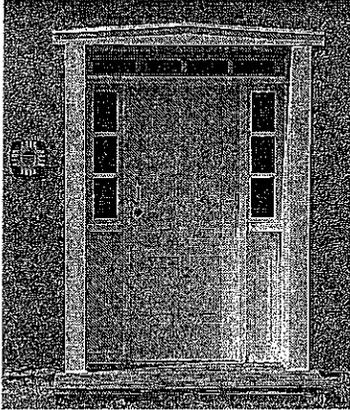


No plastic or metal awnings,  
no fake shutters

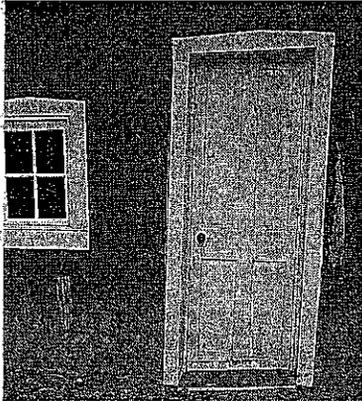
Horizontal sliding windows, horizontally oriented mullions, and awning windows are not common in the District and would most often be undesirable because of their horizontal proportion.

**Retain existing windows, doors, and surrounds.**

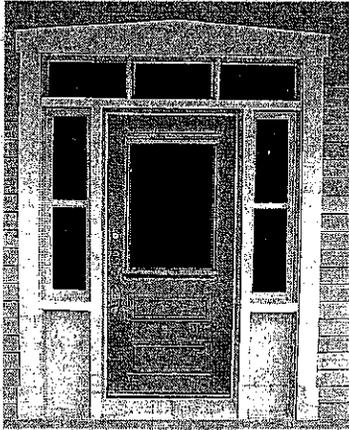
# Typical Doors



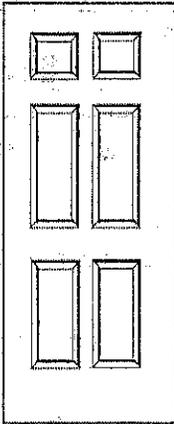
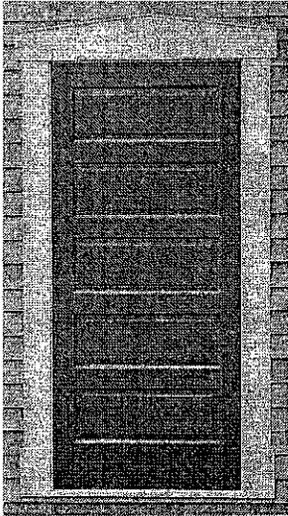
Entry with sidelites



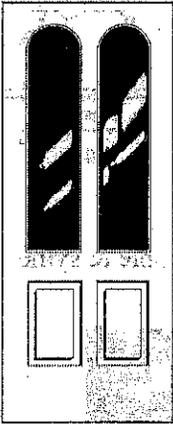
4-Panel



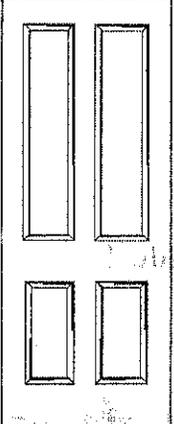
Entry with sidelites



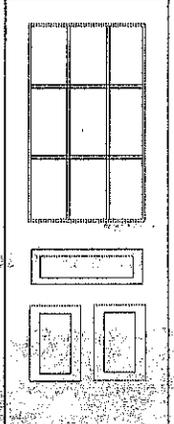
6-PANEL



2 TOP-LIGHTS



4-PANEL



9/3-PANEL

## Porches, Steps and Applied Architectural Features

Porches and steps which are appropriate to the building should be retained. Porches and additions reflecting later styles of architecture are often important to the building's historical integrity, and whenever possible, should be retained.

Porches and steps removed from the building should be reconstructed through photographic documentation and historical research.

Similar materials should be used to repair or replace, where necessary.

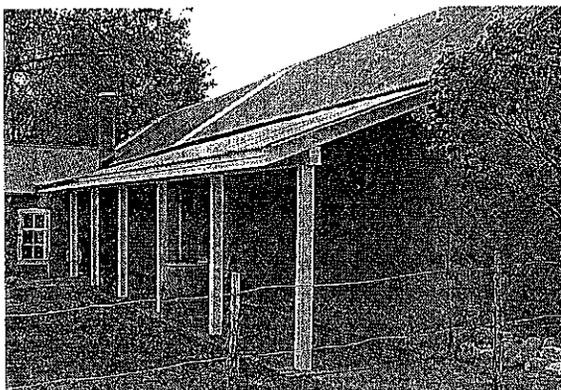
### STEPS

					
STOOP	PORCH	PORTICO	VERANDA	ARCADE	PORTAL
YES	YES	NO	NO	NO	YES

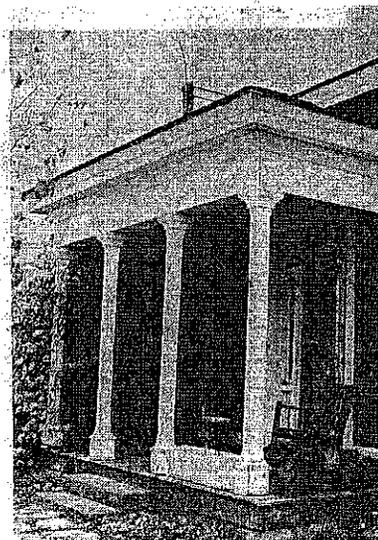
### SUPPORTS

					
Column	Arcade	Support Pier	Balustrade	Post, plain or turned	Post, round or square
NO	NO	NO	YES	YES	YES

**Portales & Facade Treatment** - simple & symmetrical placement of doors and windows.

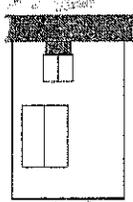


Porches should provide protection from the weather and be constructed of turned wood posts and other elaborate wood elements.



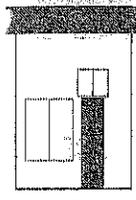
## Garages and Residential Parking

Street parking is required for all new buildings and portions of buildings. Rehabilitation of existing buildings is exempt from this requirement.

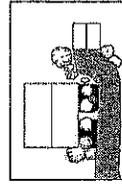


YES  
Garage located off alley.

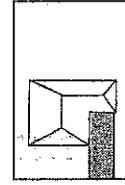
WITH ALLEY



NO  
Garage faces street. Unnecessary curbcut.



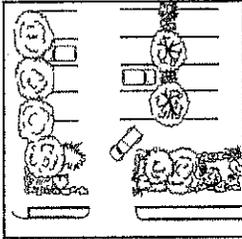
YES  
Garage located in rear, partially behind house. Garage screened from street by landscaping.



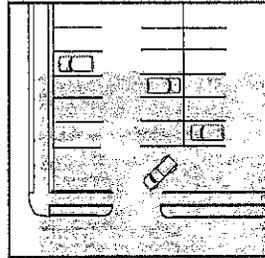
NO  
Garage visible from and too close to street. No landscaping. Incompatible attachment to house.

WITHOUT ALLEY

## PARKING AND LANDSCAPING



-Parking set back from street and sidewalk  
-Parking screened from street by landscaping

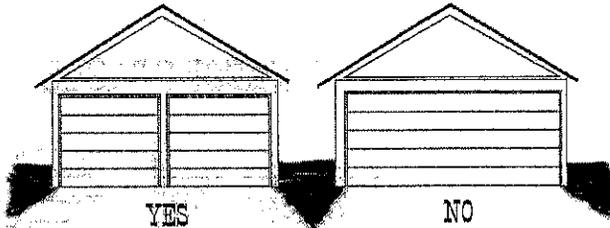


-No Setback  
-Insufficient Landscaping

Parking spaces should be adequately screened from the street and sidewalk by landscaping.

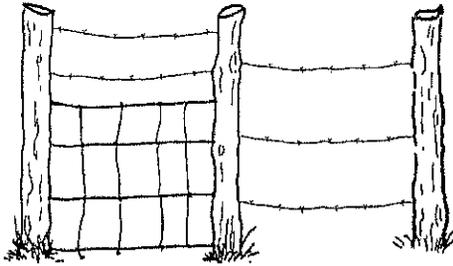
For the intimate space of a shallow setback, ground covers and low shrubs will provide more visual interest and require less maintenance than grass.

## GARAGE DOORS

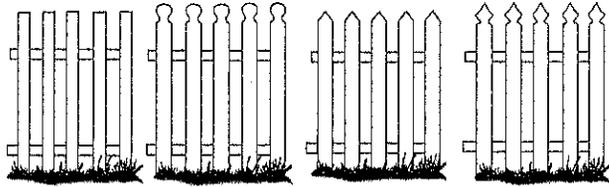


Garage doors should not face the street. If this is found necessary, single garage doors should be used to avoid the horizontal orientation of two-car garage doors.

ACCEPTABLE FENCES

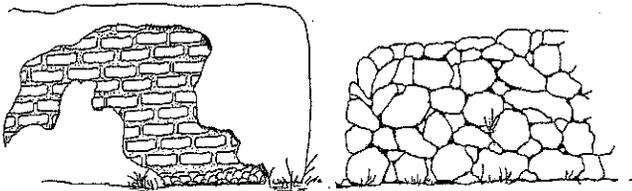


POST AND WIRE

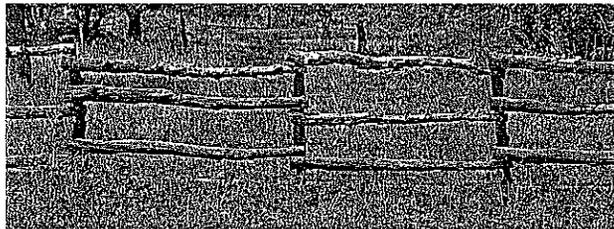
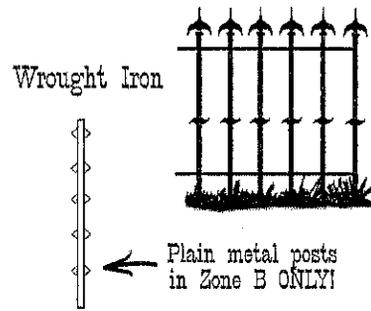


ACCEPTABLE FENCES: PICKET FENCES

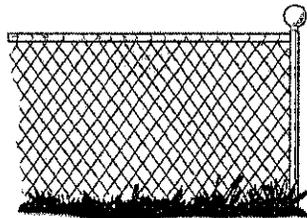
ACCEPTABLE FENCES



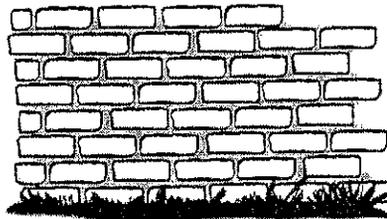
Fences - Adobe and Rock



UNACCEPTABLE FENCES



Cyclone Fence



Brick Wall

# Signs

The sign regulation has the intent of informing the public without diminishing aesthetic quality.

Generally, signs should be compatible with the character of the District and blend with the character of the structures on or near which they are placed.

## SIGNAGE

- Restrained coloring, preferably brown and white or brown and cream
  - Lettering should use fonts reminiscent of the period, Artisan, Art Nouveau and Woodcut.
  - No novelty fonts, ultra-modern or computer lettering
- See examples below of signs and fonts.



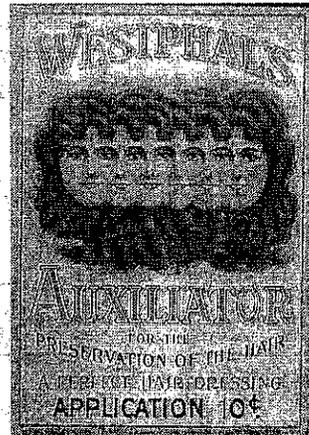
### Acceptable Fonts:

OLD COMMUNITY CHURCH  
 OLD COMMUNITY CHURCH  
 Old Community Church      OLD COMMUNITY CHURCH

### Unacceptable fonts:

OLD COMMUNITY CHURCH      OLD COMMUNITY  
 Old Community      old community  
 OLD Community      OLD COMMUNITY CHURCH

Examples of  
 Fonts and Lettering  
 Styles from the late  
 Nineteenth Century



## VII. Solar Retrofitting Guidelines.

**Background.** The Lincoln Historic Preservation Ordinance was adopted in 1972 at a time when few builders or homeowners were considering solar retrofitting. While the Ordinance does not directly address solar uses, solar retrofitting nearly always alters the appearance of the structure which is being retrofitted, and thus comes within the jurisdiction of the regulations. In addition, window and door placement and size are addressed by the Ordinance, thus affecting the placement and size of trombe walls and greenhouses. In regard to window and door placement and size, it is as follows:

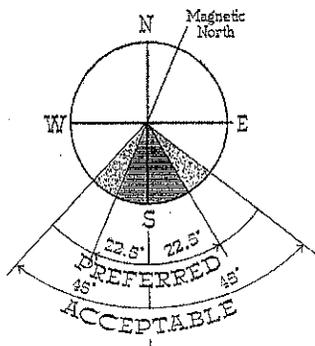
- 1) single panes of glass larger than 30 inches in any dimension are not permissible unless under a portal;
- 2) the combined window and door area in any publicly visible facade shall not exceed 40% of the total area of the facade except for doors and windows located under a portal;
- 3) no door or window in a publicly visible facade shall be located nearer than 3 feet from the corner of the facade;
- 4) flat roofs shall not have more than 30 inches of overhang.

While the Lincoln Historic Preservation Board intends to enforce the Historic Preservation Ordinance, it also wishes to support solar applications within the District. For this reason, the Board is providing guidelines to show ways that property owners can effectively retrofit these buildings and also receive official city sanction.

These guidelines are written for the non-architect. However, they are intended to be formulas. In a broad sense, the guidelines are intended to suggest that the best way to have an acceptable retrofitting design is for the applicant to carefully think about what materials are to be used, and what the finished design will look like.

### Guidelines.

A. **Application.** These guidelines only apply to solar features. To come under consideration as to solar feature, an architectural element must **face** within 45° east or west of true south. It is preferred that the solar element face within 25½° east or west of true south.



This means that adobe walls, greenhouses, or large glass areas not within the acceptable area are not solar features and do not come under the purview of these guidelines.

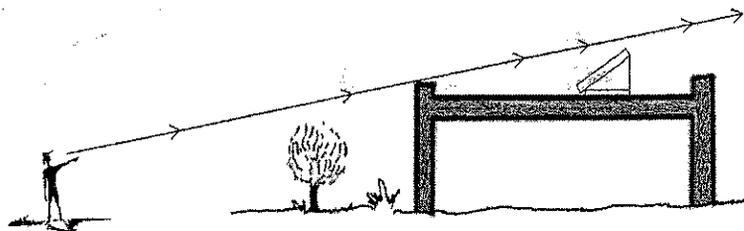
**B. Materials.**

	<u>Suggested</u>	<u>Not Suggested</u>
1. Frame members	Wood Clad wood Anodized or baked Acrylic finished Aluminum	Mill finished aluminum Any flimsy material
2. Walls	Frame with stucco Masonry with stucco	Aluminum siding Unplastered concrete masonry units
3. Roofs	Standing seam non-reflective metal Built-up, gravel surface Shingles, on houses with shingles, shiny sheet or new corrugated metal	Corrugated plastic
4. Glazing	Glass, any type Clear glass-like	Corrugated plastic Roll-type flexible plastic

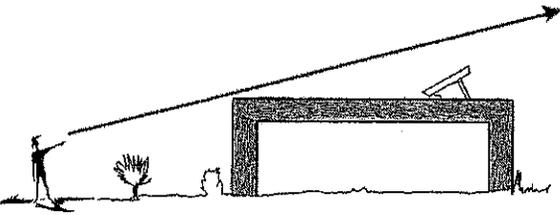
**C. Design Solution -- Hide-It!**

In many cases, solar features cannot be made to comply with the Ordinance. This is particularly true of solar collectors placed on the roof or ground. The best solution to making the collector acceptable is to hide it, either by screening it or by disguising it so that it looks like something else. In considering this solution, it is important to realize that to be acceptable, the collector must be hidden from public view from any street or way to which the public has access. Private driveways do not count, but public streets, alleys, and sidewalks do.

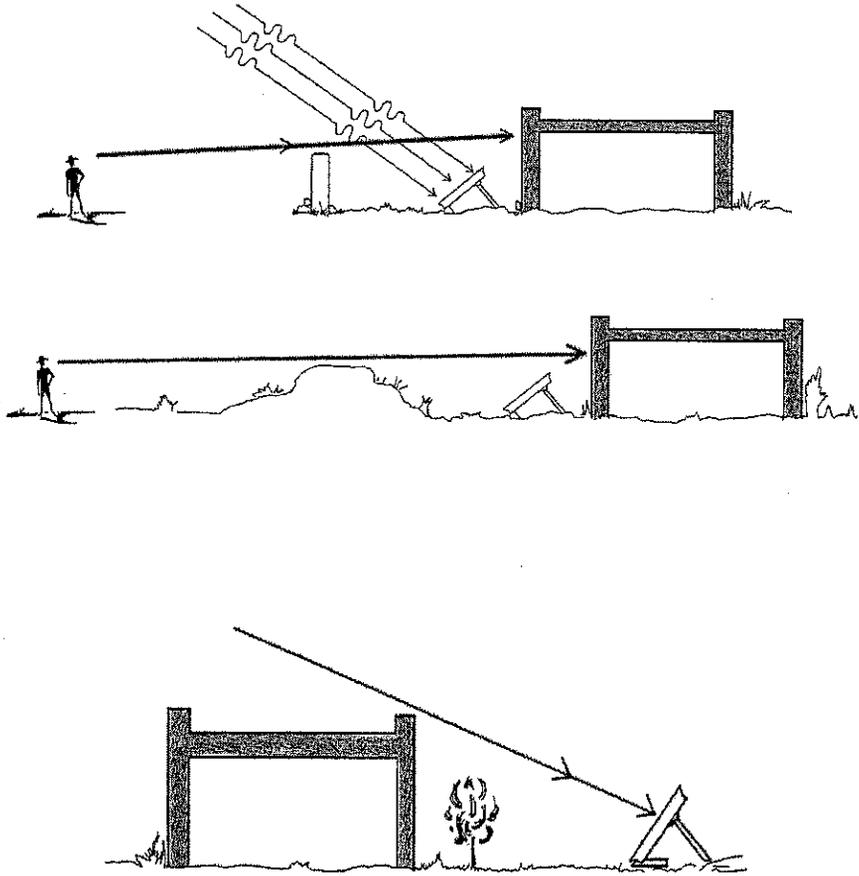
(1) One way to hide a roof top collector is to construct a parapet of sufficient height to conceal it from the street.



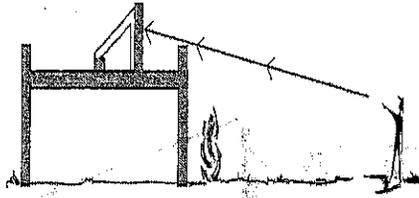
(2) Another method is to set the collector back away from the edge of the roof so that it is not visible.



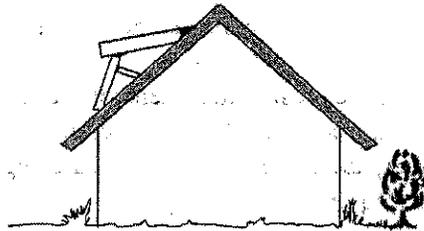
(3) Ground collectors can be effectively screened by a wall or solid fence, by berming or planting, or by placing the collector behind the building.



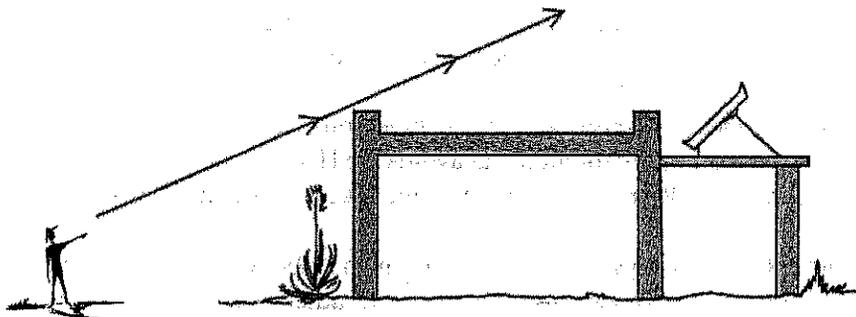
(4) Roof top collectors, particularly those on houses that face north, can be disguised by enclosing or framing them on the sides and back.

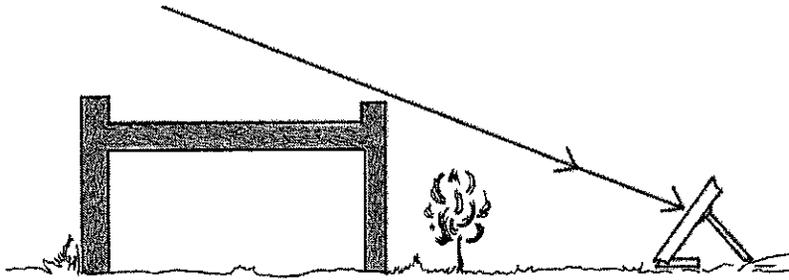


(5) Hiding a collector on a pitched roof is more difficult, though the collector can be disguised as a dormer with a roof and side walls. For the purposes of illustration, the dormer is shown below without the side walls, although these are recommended.



(6) There are some situations where hiding collectors is difficult. For example, when the house faces south, fronts on a street, or where raising the parapet is hard or too expensive. In these cases, the property owner may wish to est the collector on the ground behind the building or build a small porch for the collector on the north side of the building.





(7) Another difficult situation is when the end of a building with a pitched roof faces south and also faces the street. In this case, the two suggestions listed above would also apply.

Note: The applicant should remember that the angle of the collector, and therefore its height, is variable, with certain limits, depending on orientation, purpose, and other circumstances. If there is any uncertainty about what the angle should be, the applicant may wish to consult an expert in solar equipment.

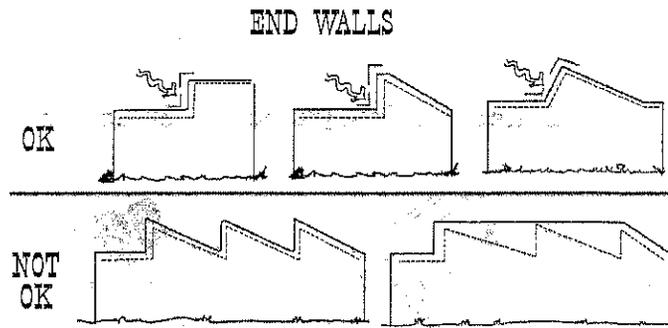
D. Design Solution II -- Integrate It.

Solar features, such as trombe walls, sun spaces, greenhouses, or clerestories can sometimes be hidden, but are best handled if they are integrated into the existing structure.

*Greenhouses.* For greenhouses, integrated into the structure usually means that the end walls are strongly or massively stated and appear to bracket the glazed area. This eliminates a flimsy look and makes the greenhouses appear to be part of the structure. This is easier to achieve in recessed greenhouses or sunspaces because the parts of the building create the enclosure. In the add-on greenhouses, the bracketing end walls must also be added.

Many greenhouse owners wish to include some kind of projection over the glazing as shading during the summer. A solution that avoids the Historic District's prohibition against a roof overhang of greater than 30 inches, is to recess the glazing instead of projecting the roof.

*Trombe Walls.* A suggestion for integrating trombe walls into the structure is to color the wall behind the glazing mid-tone or dark earth color, rather than black. This is less obtrusive and nearly as effective.



*Clerestories.* Clerestories that present a sawtooth effect are usually not acceptable. It is better to ease out any angles to at least 90°.

The back side of the clerestory should be of the same material as the wall that it rests upon, for example, stucco or slump block.

*Other Solutions - Thirty Inches and Three Feet.*

The 30 inch dimension limitation on panes of glass does apply to greenhouses, trombe walls and clerestories. One way to comply with this rule is to place a 30 inch trellis or frame inside the greenhouse or trombe wall glazing. This gives support to the glazing and meets the regulations.

The glazing for greenhouses, trombe walls, and clerestories must be three feet from the end walls unless the glazing is on an inside corner -- that is, the wall extends out beyond the glazing.

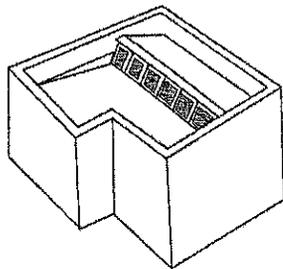
E. *Information Required.*

The applicant must be able to show the Historic Preservation Board where the solar feature will be placed and how it will look. For a solar collector, it is best to take photographs of the place where the collector will be. The photographs should be taken from two or three different angles. To orient the Board, the applicant should also provide a copy of a site plan, showing the location of the structure, the collector, and the public street or way in relation to each other. The dimensions of the collectors and of any screening devices should be indicated on this plan. If the collector itself is to be enclosed or framed, then a drawing of the enclosed collector should be provided.

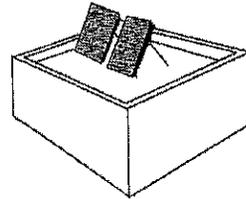
Applications for greenhouses, trombe walls, and clerestories must include a site plan and copies of the architectural plans and elevations drawn to scale. Photographs of the existing structure to which the solar feature is to be added are usually helpful, though are not required.

In all cases, three six copies of the plans and elevations are required for the Historic Preservation Board and the County Manager.

## Collectors Integrated in Structure



YES



NO

**Solar features**, such as trombe walls, sunspaces, greenhouses, or clerestories, should be hidden, and are best handled if they are integrated into the existing or new structure.

Glass areas of the solar features should be integrated into the structure. Greenhouses, trombe walls, sunspaces, or clerestories shall be considered integrated into the structure when the end walls are strongly and massively stated and bracket the glazed area, eliminating a "flimsy" appearance.

Solar hardware, such as collectors, especially water heating collectors, should never appear to just be set on a roof, wall, or the ground as an afterthought; they should be built into the overall building design.

Solar features that do not comply with the above shall be hidden from public view by screening devices or disguised. Screening methods include: sufficiently high parapets to block from public view.

Reflected glare on nearby buildings, streets or pedestrian areas should be avoided.