

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2025-17
Chapter 14 Rewrite

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2025-17:

REPEALING AND REPLACING SFCC 1987 CHAPTER 14 (“LAND DEVELOPMENT CODE”); CLARIFYING AND CONSOLIDATING VARIOUS REFERENCES TO CODE VIOLATIONS INTO ONE VIOLATIONS SECTION; SPECIFYING THAT THE APPLICANT OR THE PROPERTY OWNER HAVE THE BURDEN OF PROOF FOR ESTABLISHING LEGAL NON-CONFORMITIES; REDUCING THE EARLY NEIGHBORHOOD NOTIFICATION REQUIREMENT FOR CITY CAPITAL IMPROVEMENT PROJECTS TO THOSE EXCEEDING TWO HUNDRED AND FIFTY THOUSAND DOLLARS; RENAMING “SPECIAL USE PERMIT” TO “CONDITIONAL USE PERMIT”; REMOVING HISTORIC DISTRICT REVIEW BOARD’S (“HDRB”) AUTHORITY TO RECOMMEND PERSONAL PROPERTY ACQUISITIONS; REQUIRING ARCHAEOLOGISTS TO HOLD A NEW MEXICO STATE BURIAL EXCAVATION PERMIT FOR CERTAIN WORK; REMOVING WAIVERS OF QUALIFICATIONS FOR ARCHAEOLOGISTS BY ARCHAEOLOGICAL REVIEW COMMITTEE; INCREASING PERMITTED BUILDING HEIGHTS FOR RESIDENTIAL DISTRICTS AND NON-RESIDENTIAL DEVELOPMENT; ESTABLISHING DENSITIES AND HEIGHT BY RIGHT FOR CERTAIN RESIDENTIAL ZONES EXCEEDING TEN UNITS PER ACRE; CREATING A PARKS AND OPEN SPACE ZONING DISTRICT; PERMITTING ADDITIONAL FLEXIBILITY FOR CERTAIN STRUCTURES AND SITUATIONS REGARDING SETBACKS; ELIMINATING RESIDENTIAL SUITE HOTEL/MOTEL AND ECOLOGICAL RESOURCE PROTECTION OVERLAY ZONING DISTRICTS; REDUCING THE LENGTH AT WHICH AN ARCHAEOLOGICAL CLEARANCE PERMIT IS REQUIRED FOR SEWER AND UTILITY MAIN CONSTRUCTION; REMOVING ALCOHOL SALE REGULATIONS IN THE AIRPORT ROAD OVERLAY; IDENTIFYING A STRATEGY TO REVIEW AND APPROVE LAND USES NOT SPECIFICALLY LISTED IN THE “SUMMARY TABLE OF ALLOWED USES”; CLARIFYING THAT DUPLEXES, TRIPLEXES, TOWNHOMES, AND RESIDENTIAL COMPLEXES ARE PERMITTED USES; CREATING USE CATEGORIES AND SUBCATEGORIES AND REORGANIZING SOME EXISTING USES INTO NEW CATEGORIES WITHIN THE TABLE OF ALLOWED USES; REQUIRING TREES TO BE INTEGRATED INTO STORMWATER INFRASTRUCTURE IN THE AIRPORT ROAD OVERLAY DISTRICT; REMOVING CERTAIN PROHIBITIONS FOR VEHICLE PARKING AT RESIDENCES; ALLOWING ACCESSORY DWELLING UNITS TO BE THE MAXIMUM ALLOWABLE HEIGHT OF THE ZONING DISTRICT; ESTABLISHING DESIGN AND DIMENSIONAL STANDARDS FOR RESIDENTIAL COMPOUND DEVELOPMENT; REGULATING IN-GROUND AND ABOVE-GROUND POOLS; REGULATING AGRICULTURAL HOME OCCUPATIONS; REASSIGNING THE USE, “LABORATORY, RESEARCH, OR TESTING” FROM INDUSTRIAL TO COMMERCIAL; REGULATING OUTDOOR DINING; UPDATING TELECOMMUNICATION FACILITIES CODE TO BE CONSISTENT WITH FEDERAL STANDARDS; ESTABLISHING NEW SUBDISTRICT REGULATIONS IN THE HISTORIC DISTRICT OVERLAYS; SPECIFYING PRIMARY

FACADES FOR SIGNIFICANT STRUCTURES AND THE STRATEGY FOR IDENTIFYING PRIMARY FACADES ON CONTRIBUTING STRUCTURES; UPDATING DEFINITIONS FOR FAÇADE AND ELEVATION; PROHIBITING ENCLOSURE OF EXISTING PORCHES AND PORTALS ON PRIMARY FACADES OF CONTRIBUTING STRUCTURES; REQUIRING WINDOW DEPTH AND OTHER CHARACTERISTICS OF WINDOWS AND DOORS BE PRESERVED IN HISTORIC DISTRICTS; INCREASING AFFORDABILITY INCENTIVES, INCLUDING ADMINISTRATIVE REVIEW AND DENSITY BONUSES; SPECIFYING THAT OPEN SPACE REQUIREMENTS IN THE C-2 DISTRICT ARE PER DWELLING UNIT; EXPANDING OPTIONS TO REDUCE ON-SITE PARKING AND EXEMPTING THE BUSINESS CAPITAL DISTRICT FROM PARKING REQUIREMENTS IN TABLE 7-4; REDUCING REQUIRED OFF-STREET PARKING SPACES; REQUIRING ELECTRIC VEHICLE CHARGING STATIONS FOR ALL NEW DEVELOPMENTS; DISTINGUISHING PARKING REGULATIONS APPLICABLE TO BICYCLES FROM THOSE APPLICABLE TO VEHICLES, AND REQUIRING LONG-TERM BICYCLE STORAGE AND PARKING; ELIMINATING CONTENT-BASED SIGN RESTRICTIONS; IMPOSING A VARIETY OF NEW REGULATIONS PROTECTING THE CITY'S TERRAIN AND STORMWATER MANAGEMENT; IMPOSING NEW LANDSCAPING STANDARDS FOR PLANTS AND TREES; ELIMINATING ALLOWANCE FOR HIGH- AND LOW-PRESSURE SODIUM LAMPS AND MERCURY VAPOR, ADDING LED AS THE PERMITTED LAMP TYPE, AND DECREASING THE PERMITTED INCANDESCENT WATTS FROM 160 TO 150; SUNSETTING THE BUSINESS CAPITOL DISTRICT DESIGN REVIEW COMMITTEE AND LONG RANGE PLANNING SUBCOMMITTEE; DEFINING NUMEROUS TERMS; IMBEDDING GRAPHICAL DEPICTIONS OF PROCESSES; AND MAKING NON-SUBSTANTIVE CHAPTER ORGANIZATIONAL CHANGES.

I propose the following amendment(s) to

1. On page 102 of Exhibit A, Section 14-2.1F.4.II(a), “Administrative Review and Approval”, after item 2, *insert* the following paragraph:
 3. Qualifying projects consisting of new building square footage totaling greater than 10,000 square feet in Midtown LINC Overlay District.
2. On page 107 of Exhibit A, Subsection 14-2.1F.4.V(e)(1) “Scheduling and Notice of Public Hearing”, amend the paragraph as follows:
 - e. Scheduling and Notice of Public Hearing
 1. Administrative approval of a development plan by the Planning and Land Use Director for multi-unit dwelling development comprising three or more dwelling units with a gross floor area less than 10,000 square feet or for Santa Fe Homes Program proposals and qualifying projects within the Midtown LINC Overlay District consisting of a new building with floor area of 30,000 square feet or less does not require an ENN meeting, public hearing, or public notice, and is are not required to be filed for record with the county clerk.
3. On page 104 of Exhibit A, Section 14-2.1F.4.III, *delete* the following paragraphs:

- III. Construction of qualifying projects within the Midtown LINC Overlay District, with the exception that:
- a. Approval of a development plan by the Planning and Land Use Director is required prior to, or concurrent with, the issuance of a construction permit for a qualifying project consisting of new building square footage totaling more than 10,000 square feet; and
 - b. Early neighborhood notification is required pursuant to Section 14-2.1B.1.II prior to the issuance of a construction permit for a qualifying project consisting of a new building with floor area of 30,000 or more square feet.
4. On page 187 of Exhibit A, Section 14-3.2.F.2, Table 3-6: High-Density Residential Districts Lot/Building Standards” *delete* Note [2] “[2] Projects that comply with standard setbacks do not require Development Plan approval”.
 5. On page 343 of Exhibit A, Section 14-5.2.D, “Table 5-1: Summary Table of Allowed Uses”, *rename* the row titled “Accessory building or structure” as “Accessory uses and structure”.
 6. On page 355 of Exhibit A, Section 14-5.3.C.1, rename the heading “Accessory Uses and Structure”, rather than “Accessory Building or Structure”.
 7. On page 356 of Exhibit A, Section 14-5.3.C.1.I(b), after “rear yard” *insert* “, and with a five (5) foot rear yard setback”.
 8. On page 499 of Exhibit A, Section 14-7.5.J.4, Table 7-7: Required Bicycle Parking, in the row titled “Multi-unit residential development^[1]”, after “development” *insert* “with five (5) or more units”.
 9. On page 499 of Exhibit A, Section 14-7.5.J.4, Table 7-7: Required Bicycle Parking, in the row titled “Multi-unit residential development^[1]” under the “Long-Term Parking Spaces” column *replace* “0.5 spaces per bedroom” with “0.25 spaces per unit”.
 10. On page 503 of Exhibit A, Section 14-7.5.J.5.II(e), before “Racks” *insert* “Double-loaded bicycle” and after “feet.”; *replace* “six” with “seven”; and *insert* “Single-loaded bicycle racks must be separated by a minimum of 18 inches.”; and replace the “3” (three feet) in the image with “18” (eighteen inches).
 11. On page 507 of Exhibit A, Section 14-7.6.D.1, *replace* “No off-site advertising is allowed except as set forth in Section 14-7.6G, Temporary and Portable Signs” with the following:

No off-site advertising is allowed except in the following circumstances:

 - a. As set forth in Section 14-7.6G, Temporary and Portable Signs.
 - b. Where contiguous lots exist that do not comprise a unified complex, and one or more of the lots does not have vehicular access to any street except via an access easement across a parcel that does have direct access to a street, the indirect-access lot(s) may place a separate, freestanding sign on the direct-access lot in accordance with the restrictions of this chapter. No more than two freestanding signs are permitted on any lot, regardless of the number of individual lots served by common access.
 12. On page 608 of Exhibit A, Section 14-9.A, *rename* “Accessory Building or Structure” as “Accessory Use or Structure,”.
 13. On page 644 of Exhibit A, Section 14-9.3.E, “General Definitions”, under the heading “ELIGIBLE SUPPORT STRUCTURE”, after “communications facility including”, *replace* the following language:

any structure supporting or housing the wireless communications facility or its equipment that has been reviewed, approved and lawfully constructed, in accordance with all requirements of applicable law as of the time it was built,

when the relevant eligible facilities request is filed. The term includes a structure supporting or housing a wireless communications facility even if the structure was not built for the sole or primary purpose of providing such support. The term does not include a structure that does not support or house a wireless communications facility at the time the relevant eligible facilities request is filed

with the following language:

one of the following two structure-types:

1. Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.
 - (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
 - (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in (i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - (iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (i)-(ii) of this section; or
2. Tower. Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

14. On page 652 of Exhibit A, Section 14-9.3.I, after “INGRESS”, **replace** “Building code regulations related to the minimum number, length, width, and type of entrance corridors, doors, and stairways; alternative methods of ingress are often necessary to satisfy those requirements in an existing or historic building or structure” with “The entrance of a building, structure, or land”.

This amendment does change the caption. _____

This amendment does not change the caption. X_____

Respectfully submitted,

Jamie Cassutt, Councilor

Approved as to Form:

Erin McSherry _____
Erin McSherry, City Attorney

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Andréa Salazar, City Clerk