Agenda

Special Meeting of the Governing Body
November 19, 2025 at 7:00 PM
City Council Chambers, City Hall
200 Lincoln Avenue

Procedures for Governing Body Meeting

Viewing: *If the relevant technology is available to record the meeting in City Hall*, members of the public may stream the meeting live on the City of Santa Fe's YouTube channel. The YouTube live stream can be accessed from most smartphones, tablets, or computers.

The video recording*, if created,* of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel. Staff is available to help members of the public access pre-recorded Governing Body meetings online at any time during normal business hours. Please call 955-6521 for assistance.

If relevant technology is available and functioning for City use, the following options may be available:
Virtual Public Comment: To provide public comment during Petitions from the Floor, Public Comment, Final Action on Legislation, or Public Hearings virtually, you must join the Zoom meeting by internet or phone, using the following link: https://santafenm-gov.zoom.us/j/85462762030

- Internet: Join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet. Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.
- Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: 1 (346) 248-7799 - Webinar ID: 854 6276 2030. Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

1. Call to Order
2. Pledge of Allegiance
   a. Councilor Chavez
3. Salute to the New Mexico Flag
   a. Councilor Faulkner

4. Invocation and Rememberances

    a. Councilor Michael Garcia

5. Roll Call

6. Approval of Agenda

7. Action Items: Discussion Agenda

    a. In relation to Bill #2025-22 (“A Bill Amending SFCC 1987, Section 5-2, to Define “Abandonment” and “Unattended Animal”; Section 5-5.4 to Prohibit Keeping an Animal On any Median; and Section 5-8.4 to Specify that Abandoning an Animal Will Incur a Fine; Creating a New Section, 5-8.14, “Unattended Animal”, Prohibiting Unattended Animals and Imposing a Fine; and Amending Table 15-12.1 to Increase the Fine for Abandoning an Animal From $200 to $500, Impose a $200 Fine for a First Unattended Animal Offense and a $500 Fine for Subsequent Offenses, and Impose A $200 Fine for Keeping Animals on Medians.”), Approval of a Waiver of Governing Body Procedural Rule IV.D (Requiring Recommendation to Approve by One Committee Before Bill Publication), Pursuant to Rule VII (Allowing a Waiver of the Procedural Rules with a Vote of Two Thirds of the Whole), to Allow the Publication of the Bill Before Committee Approval and a Public Hearing and Potential Final Approval on December 10, 2025 (if the Bill is Approved by at Least One Committee Before that Date).

8. Final Action on Legislation (Public Hearing)

    a. CONSIDERATION OF BILL NO. 2024-17. ADOPTION OF ORDINANCE NO. 2025-____. (Mayor Alan Webber and Councilor Jamie Cassutt)
    A Bill 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. (Maggie Moore, Assistant Land Use Director; mrmoore@santafenm.gov)

Committee Review:

Governing Body (Introduction): 10/08/2025
Special Governing Body (Public Comment): 10/09/2025
Historic Districts Review Board and Archaeological Review Committee Joint Meeting: 10/14/2025
Planning Commission: 10/16/2025

Public Works and Utilities Committee: 10/20/2025
Quality of Life Committee: 10/22/2025
Finance Committee: 10/27/2025
Governing Body Special Meeting (Public Hearing): 11/19/2025

9. Adjourn

Closed captions are provided for this meeting. Persons with disabilities in need of additional accommodations, contact the City Clerk's office at 505-955-6521, five (5) working days prior to meeting date.

CITY OF SANTA FE

Memorandum

Date: October 8, 2025

To: Planning Commission, Historic Districts Review Board, Archeological Review Committee, Public Works and Utilities Committee, Quality of Life Committee, Finance Committee, and Governing Body

From: Maggie Moore, Assistant Land Use Director

Via: Mark A. Scott, City Manager
Elisa Montoya, Community Development Director
Heather Lamboy, AICP, Planning and Land Use Director

RE: An ordinance to repeal and replace the Land Development Code, (also known as "Chapter 14") as Phase 1 of the Land Development Code Update, focuses on improving the organization, user-friendliness, and clarity of Chapter 14, as well as certain substantive changes as described in this memo and the Disposition Report.

EXECUTIVE SUMMARY:
The Bill proposes to repeal and replace the Land Development Code (the "LDC"), or Chapter 14 of the Santa Fe City Code of Ordinances, with Phase 1 of 3 of the LDC Update (the "Update"). The Update will improve the organization, clarity, and user-friendliness of the LDC, and create the foundation for subsequent updates anticipated in Phases 2 and 3. The Update provides a code that is accessible to the layperson, easy to understand, and simple to administer, with consistent and transparent regulations. In addition to numerous non-substantive changes aligned with those primary goals, the Update includes certain changes characterized as substantive. These substantive changes are described in detail in this memo and highlighted in the attached Disposition Report (the "Report"). The Report serves as a summary table of all changes proposed in the Update and describes the differences between the current LDC and the Phase 1 Update. This memo provides additional context and rationale for the highlighted substantive changes.

BACKGROUND:
The Planning and Land Use department (the "Department) is leading two concurrent strategic planning efforts: the update of the LDC and the update of the City's General Plan ("Santa Fe Forward"). Together, the existing versions of these documents guide planning and development in Santa Fe, but they have not been comprehensively updated since 1987 and 1999, respectively. To address this issue, the Department initiated the multi-phased update of the LDC with consultants Clarion Associates in 2023 and an update of the General Plan with consultants WSP USA in 2024.

The LDC update has three phases:

Phase 1 - LDC Foundations,
Phase 2 – Promoting Key Standards, and
Phase 3 – General Plan Consistency Review.

Phase 1 LDC Foundations identified opportunities to improve the organization, clarity, and user-friendliness of the LDC, creating the foundation for a new LDC that is easy to understand, simple to administer, and that provides consistent and transparent regulations. Through engagement and collaboration with the community and technical working groups, guidance from City staff, and feedback from City leadership, a discrete set of substantive changes are proposed in the Phase 1 Update. These substantive changes are highlighted in the Disposition Report and discussed in detail in this memo.

Completion of Phase 1 of the LDC coincides with the completion of Santa Fe Forward's first major milestone, the General Plan Assessment Report. The report is a deep dive on existing City projects and programs, demographic trends, and economic analysis. The report's findings will help to inform the work of Phase 2 of the LDC update.

Phase 2 of the LDC Update, Promoting Key Standards, will officially begin following the adoption of Phase 1. Building on the foundation of the newly reorganized LDC, Phase 2 may propose significant revisions to review and approval procedures, design and dimensional guidelines, infrastructure standards, architectural design guidelines, additional use regulations, and consolidation of existing zoning districts. Phase 2 is also an opportunity to resolve any remaining inconsistencies that were not addressed or missed in Phase 1.

Finally, Phase 3 General Plan Consistency Review will include additional substantive revisions to implement the land use and growth goals and policies of the soon to be adopted Santa Fe Forward General Plan, and involve a comprehensive review of existing code provisions to resolve any conflicts between the LDC and the goals and policies adopted in Santa Fe Forward.

LDC PHASE 1 PROCESS:

The Phase 1 Update is the culmination of over two years of public engagement, community input, citywide staff review, and direction from City leadership. Public engagement began in the Spring of 2023 with a virtual Open House and an in-person Open House at the Santa Fe Community Convention Center. Following these events, the team solicited input through public surveys, launched the project website, conducted stakeholder interviews, and collected additional contributions from City staff and leadership. The information gathered from these public engagement efforts was documented in the attached LDC Assessment Report, which was released in the summer of 2023. The project team hosted two public engagement events in the Fall of 2023, one at City Hall and one at the Southside Library, to collect feedback from the public on the LDC Assessment Report.

To further support the Update, the project team convened the Citizens Advisory Working Group (CAWG)[1], the Technical Advisory Working Group (TAWG)[2], a Historic Districts Ordinance Advisory Committee, and met with subcommittees of the Planning Commission, Historic District

[1] The CAWG is composed of Santa Fe residents representing community organizations concerned with land use issues. They provide policy-level feedback on the draft.
[2] The TAWG is composed of professionals highly familiar with the current LDC. They provide detailed, technical feedback on the draft.

Review Board, and Archaeological Review Committee. Advisory group membership is provided in Tables 1 – 4. With support from the project team, these diverse advisory working groups met regularly to review the LDC Assessment Report and provided valuable direction and feedback throughout the drafting process.

Table 1. Citizens Advisory Working Group Members	
Jamie Cassutt	City Councilor, D4
Liz Camacho	Hispanic Chamber of Commerce
Mori Vorenberg Hensly	Santa Fe Watershed Association
Jessica Lawrence	Planning Commissioner, D1 (former)
Lisa Gavioli/Anthony Guida	Friends of Architecture
Johanna Gilligan	Homewise
Don Miller	Santa Fe Conservation Trust
Adam Fulton Johnson	Old Santa Fe Association/Santa Fe County Commissioner
Mary Ann Maestes	Earth Care New Mexico
Daniel Werwath	Senior Housing Policy Advisor
Donna Reynolds	Santa Fe Association of Realtors, Board of Adjustment
Glen Schiffbauer	Green Chamber of Commerce
Bridget Dixon	Santa Fe Chamber of Commerce

Table 2. Technical Advisory Working Group Members	
Sheb Mirando	Planning Commissioner, D2, Architect
Miles Conway	formerly of Santa Fe Area Home Builders Association
Brian Nenninger	Orion-West
Joe Simmons	AIA, Architect
Noah Berke	Wilson Engineering
Frank Katz	Old Santa Fe Association
Jennifer Beidscheid	Historic District Review Board, Architect
Jennifer Jenkins	JenkinsGavin
Grant Alexander	Board of Adjustment, Architect
Shawn Evans	MASS Design
David Eck	Archaeological Review Committee
Tim Rogers	Santa Fe Conservation Trust
Carlos Gemora	Sites Southwest, Planner
Eric Faust	Licensed Commercial Contractor

Table 3. Planning Commission Subcommittee
Peter Smith
Sheb Mirando
Jessie Lawrence, former Planning Commissioner

Table 4. Historic Districts Ordinance Subcommittee	
Cecelia Rios	HDRB Chair
Madeline Aguilar- Medrano	HDRB Member
Scott Cherry	AIA Land Use Working Group
David Rasch	Previous City HPD Manager
Frank Katz	Old Santa Fe Association
Nicole Thomas	Wonderstone (Archaeologist)
Richard Martinez	Martinez Architecture Studio
Alexander Dzurec	Autotroph, Architect
Adam Fulton Johnson	Old Santa Fe Association
Gayla Bechtol	GBA, Architect
Anthony Guida	Friends of Architecture
Shawn Evans	MASS Design Group
Joe Simmons	AIA, Architect
Daniel Strongwater	Architect
Aastha Singh	Homewise
Stephanie Beninato	NM Mediate

NON-SUBSTANTIVE UPDATES:
The vast majority of changes proposed in the Update are "non-substantive" in nature, meaning they do not meaningfully change the standards, regulations, or procedures of the LDC, but simply clarify, correct, reorganize, or better illustrate existing language. An example of a significant, but non-substantive, change includes reorganizing the zoning districts to be consolidated into individual pages for each district that include all relevant standards, rather than the current condition where standards are spread across multiple articles in different locations throughout the LDC. The district standards themselves have not changed, but the placement, organization, and presentation of information are new.

Other general improvements include the addition of pictures and illustrations (see Figure 1), approval procedure diagrams, use of terms that are understandable to the lay person, the resolution of inconsistencies between sections, and over 1,000 cross-references that have been reviewed and updated. Furthermore, the processes for Land Use Director and Land Use Board decisions have been outlined to be clearly understandable. A complete summary of all changes is detailed in the attached Disposition Report.

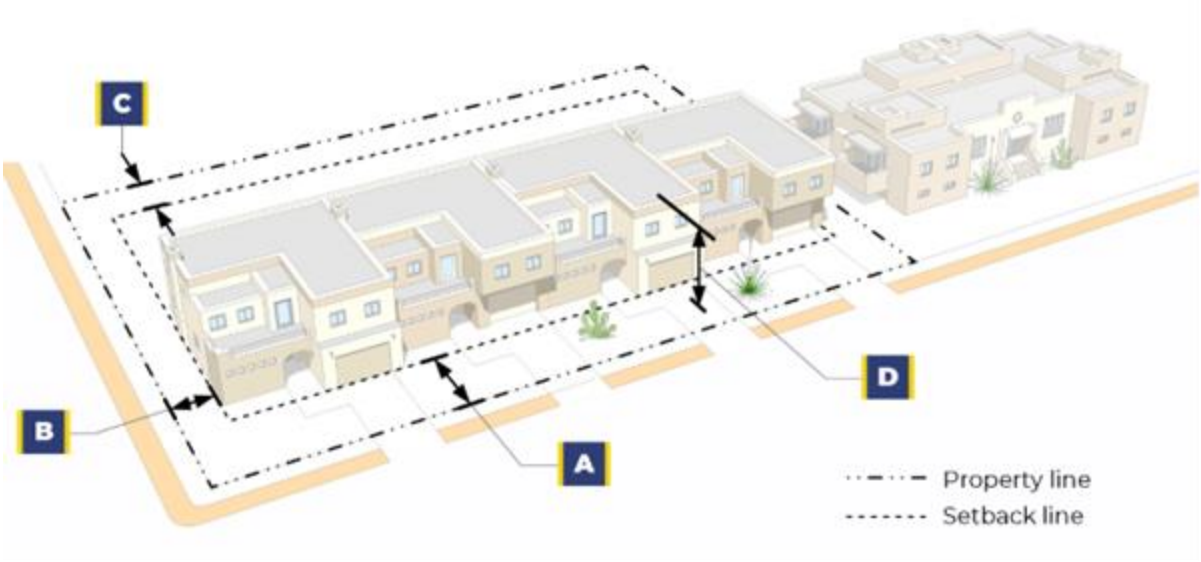


Figure 3.2-3: Moderate-Density Residential Districts

Figure 1. Non-substantive change – district dimensional standard illustrations

SUBSTANTIVE UPDATES:

This memo and the disposition report highlight a number of changes characterized as "*substantive*". Some of the updates may appear more substantial than others, and specific constituencies may identify certain changes as significant, where other constituencies would not. Each of the recommendations were identified through the public engagement process and staff's expertise with the code. The updates were vetted by the CAWG, the TAWG, the Historic Districts Ordinance working group and subcommittees of the Planning Commission, Historic District Review Board and Archaeological Review Committee. The substantive changes also support the overall goals of the Phase 1 Update, including creating a more user-friendly, efficient, and easy-to-administer code. The reasoning behind each substantive update varies and is discussed below and summarized in the Disposition Report. The code citations provided below are the new code sections and correspond with column 2 of the Disposition Report. The order of items 1-41 below generally follows the order in which these highlighted items appear in the Disposition Report.

1. **Section 14-2.2.D Planning Commission.**
   The Update proposes removing the Long-Range Planning Subcommittee from the Planning Commission's "Powers and Duties". The Update retains the "*Ad Hoc Subcommittee*," which provides flexibility for the Planning Commission to assemble committees for long-range planning or for other matters as the Planning Commission may require. This edit resolves a redundancy while preserving the powers delegated to the Commission to assemble subcommittees on an *ad hoc* basis.

2. **14-2.1.B Common Review Procedures**
   The Update proposes to limit the requirement for an Early Neighborhood Notification (ENN) meeting for City capital improvement projects to those exceeding $250,000 in cost; the existing requirement is for any reconstruction or expansion that exceeds $150,000 in cost. Rising construction costs since the last update necessitate this change, while

preserving the original intent of the requirement. The Update establishes a 6-month expiration date for ENNs. If following an ENN, an application hasn't been submitted within a 6-month timeframe, another ENN would be required. Furthermore, after denial of an application, a one-year limitation will be implemented on resubmitting another application of the same project.

3. **Section 14-2.1.D.1 Annexations**
   The Update adds the requirement for a pre-application conference and an ENN for all Annexations, and if denied the applicant must wait 12 months from the date of denial to resubmit, unless the applicant can show a substantial change in circumstances to justify a resubmittal.

4. **Section 14-2.1.F.2 Conditional Use Approval.**
   The proposed name change from "special" to "conditional" is intended to better align with the purpose and intent of a conditional use approval. A conditional use approval process allows the applicable land use board to impose conditions of approval for certain permitted uses, to allow for certain uses at specific sites throughout the community, while minimizing negative impacts on nearby residential uses. These conditions can include limiting hours of operation, enhanced landscape screening, or additional on-site or off-site improvements, among others.

5. **Section 14-4.2.D.4 Archaeological Clearance Permit Required / Utility Mains.**
   The proposal reduces the length of new construction of sewer and utility mains requiring an archaeological clearance permit from 60 to 50 feet within the Historic Downtown Archaeological Review District; from 550 to 100 feet within the Rivers and Trails Archaeological Review District; and from 550 to 200 feet within the Suburban Archaeological Review District. The proposed change will ensure that more sites are assessed for archaeological resources before any ground-disturbing activities take place, leading to fewer construction delays and greater documentation of archaeological resources.

6. **Section 14-3.2 and 14-3.3 Residential Districts and Mixed-Use and Nonresidential Districts Height Increases.**
   An increase in the maximum height in residential districts (from 24 to 26 feet) and mixed-use districts (from 35 or 36 to 38 feet) is needed to accommodate modern "green building" practices. As the climate of Santa Fe warms, the need for HVAC systems and other green building measures, such as higher ceilings and improved insulation, has increased. The proposed height increase will make it easier to meet the standards of the soon-to-be-adopted Green Building Code, which requires extra insulation, ductwork, and other measures, such as rooftop solar panels, which can nominally increase the overall height of structures. Additionally, the increased height will allow more flexibility for screening of rooftop appurtenances (solar panels and HVAC systems) and accommodate rooftop shade structures that can provide for additional outdoor living spaces. The height increase would accommodate 9- and 10-foot ceiling heights, which allow for more passive solar features and are standard in new construction but difficult to achieve under Santa Fe's current height standards. This measure may reduce housing costs by adding flexibility to the design and construction processes. The proposed height increase does *not* supersede additional, more restrictive regulations on height maximums, such as those in the historic districts.

7. **Section 14-3.3C Parks and Open Space Zoning District.**
The Update creates a new Parks and Open Space zoning district, intended to accommodate new and existing parks, trails, and open spaces. Parks and open spaces are currently zoned R-1 (Residential). The new Parks and Open Space Zoning District has not been assigned specific standards or applied to the zoning map as part of Phase 1. The new district will be further developed as part of Phases 2 and 3 of the LDC update project after additional public engagement on the topic is conducted. While the creation of the new district does not rezone existing park properties, it lays the foundation for this change in subsequent phases of the LDC Update to protect and provide stewardship of these valuable community resources.

8. **Section 14-4 Elimination of Unused Overlay Districts.**
As part of the effort to reduce unused overlay districts in the LDC, the Update proposes the elimination of the "RS Residential Suite Hotel/Motel Overlay" and "Ecological Resource Protection District." Neither of these overlays are currently applied to any properties on the zoning map. The RS Residential Suite Hotel/Motel Overlay adds a layer of complexity for a specific use. Generally, use-specific regulations are more effectively applied at the base-zoning level rather than through an overlay district.

9. **Section 14-4.6 Historic District Overlay.**
The Update amends the subdistrict regulations in the Historic District Overlay to focus on defined qualities such as materials, massing, and architectural features, rather than "styles" that are subject to broad interpretation. In 2004, Clarion Associates drafted a rewrite of the Historic code, but the project was never completed. The Historic District Subcommittee determined that some of the Subdistrict Regulations created in the 2004 draft addressed the lack of well-defined regulations in the Historic Districts Ordinance and therefore recommended that they be adopted as part of Phase 1 of this project. The content in specific historic districts has been reorganized to follow a more consistent structure, with each district having the same headings and subheadings. The detailed changes are summarized in items 10-15 of this memo and highlighted in the Disposition Report.

10. **Section 14-4.6E General Design Standards for All Historic Districts.**
The Update adds clarification in several areas of the General Design Standards for all Historic Districts Section 14-4.6E. One example is added clarification that existing porches and portals on significant or landmark structures, and those on the primary façades of contributing structures, shall not be enclosed. It is not the intent for this standard to apply to non-contributing buildings. The current language simply states, "*Existing porches or portals shall not be enclosed.*" This new language clarifies the applicability of this important standard. Consistent with the existing practice for significant structures, language has been added to specify that all facades of significant structures are considered "*primary*" facades. A new provision is proposed to require that window depth and other characteristics of window and door fenestration be preserved. Definitions for *facade* and *elevation* have been updated to provide greater detail.

11. **Section 14-4.6G.2 Downtown and Eastside Design Standards.**
The Update adds Provisions I and II to the design standards for the Downtown and Eastside Historic District. Provision I describes the "architectural character" of the district and Provision II requires that new construction and modifications or alterations to existing

buildings in the district are generally required to be in the Pueblo-Spanish Revival, Territorial-Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style". The descriptions of "old" and "recent" Santa Fe style are removed and replaced with physical categories, including walls, roof, building materials, etc. This section is re-written, including specific permissions and limits such as height limits for fences, 80 percent coverage for plaster, and a requirement for tree preservation.

12. Section 14-4.6G.3 Historic Review District.

The Update proposes edits to Provision II.a 3 to clarify the permitted stucco colors to brown, tan, yeso or local earth tones. Provision II.b.2 modifies requirements to solid wall space; II.c.1, restricts the increase of parapet to two feet to screen solar equipment, II.d adds restrictions on cantilevers to beams, plates, or other projection from a wall.

13. Section 14-4.6G.4 Historic Transition District.

The Update adds a description of the "architectural character" of the district and requires new buildings and alterations to be in the bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style". Provision III changes standards to apply to all buildings, not just publicly visible portions of structures, and removes provisions regarding "size, map, and shape".

Provision II.a.1 allows walls to be more than 80 percent wood; II.d limits fence and wall height; and II.f makes changes to permitted colors, removing the exclusion of chocolate brown and yeso.

14. Section 14-4.6G.1 Don Gaspar Area Historic District.

The Update adds a description of the "architectural character" for the district, describing the state of the district in 2025 and specifies that new construction is required to be in Bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style". New language states that walls may no longer be made of slump block and adds a description of permitted colors for walls. Roofs of new buildings must be consistent in shape with fifty percent of existing buildings in the streetscape. Roof colors and finishes are specified as earth-tone colors, including grays, browns, and reds; wood shingle, asphalt, true standing-seam (non-reflective), and red clay tile roofs, while enamelized metal roofs are limited to non-contributing buildings, so long as the roof profile is that of a standing-seam roof and is non-reflective. The Update proposes to limit the increase to parapets to screen appurtenances, including solar, to two feet, and specifies new height limitations for yard walls and fences. A requirement has been added to retain certain trees and alleys. While the standards permit additional roof styles, the height ordinance will control the placement of the different roof styles based on the height ordinance's streetscape analysis.

15. Section 14-4.6G.5 Westside Guadalupe Historic District.

The Update adds a description of "architectural character" as observed in 2025; limits yard wall materials to publicly-visible walls and fences rather than all walls and fences; prohibits unstuccoed concrete block, chain-link, metal wire, or similar materials" in front yards, rather than when not in the "street frontage;" limits wall and fence heights and colors; removes public view limitation on application of standards in the district; and prohibits parking in required front yards.

16. Section 14-4.2 Archaeological Review Districts.

The threshold for applicability has universally been reduced from 75 to 50 years of age at the request of the Archaeological Review Committee in order to be consistent with the Historic Districts Review Board's practice. A new requirement for an Archaeological Clearance Permit has been added if there is ground disturbance within 25 feet of a known archaeological site. As noted above in item 5, the length of disturbance of utility main construction requiring an archaeological clearance permit has been reduced in each archaeological subdistrict.

17. **Section 14-4.5A Removal of Alcohol-Related Regulations in the Airport Rd Overlay District.**
The Update removes all regulations related to the sale of alcohol in this overlay. While well-intentioned, the regulations have had the unintended deterrent effect on some desirable uses such as grocery stores and restaurants, which thereby creates less walkability to services and entertainment. Additionally, content-based regulations related to the advertisement of alcohol are unenforceable restrictions. Further, these regulations are staff-intensive and difficult to monitor, track, and enforce. Finally, the provision that bans the sale of individual "mini" alcohol products has since been adopted state-wide.

18. **Section 14-5 Use Regulations, Residential Housing Types.**
Several housing types have been added to Table 51, the Summary Table of Allowed Uses, including Compound Development, Live-Work Dwellings, Duplexes, Townhomes, Triplexes, and Quadplexes. These housing types are already allowed under the current code but were not previously included under Residential Uses in the Summary Table. This addition also lays the foundation to establish design standards for each typology in Phase 2 of the Update.

19. **Section 14-5.2B Review and Approval of Unlisted Uses.**
This is a new section replaces a blanket prohibition on unlisted uses, and allows a review and approval process for uses that are not specifically listed in Table 51: Summary Table of Allowed Uses. This new process is needed due to the constantly evolving business and residential uses that arise within the community.

20. **Section 14-5.2D Summary Table of Allowed Uses.**
Thirty years ago, the use categories of outdoor dining, urban farm, tiny homes, breweries, doggy daycare, film production, and mobile food truck courts were not nearly as ubiquitous as they are today. The Update proposes adding several new use categories to Table 51, the Summary Table of Allowed Uses (formerly the Table of Permitted Uses), that have become quite common throughout the community. Adding these "*new*" uses to Table 51 will set the stage for additional use-specific standards in Phase 2 and provide for predictable development standards. Several existing uses have been reorganized, consolidated, and redefined.

21. **14-5.3B Residential Uses.**
The Update removes the unenforceable prohibitions on residential parking, including the prohibitions on parking any vehicle in the front yard setback within three feet from the front property line or blocking or partially or fully obstructing any sidewalk, public street, or other public right-of-way; and parking any vehicle on the side or back yard without being screened from view from the public right-of-way, such as by a wall or solid fence.

The Update also adds a prohibition on the use of any vehicle as a receptacle for the storage of litter or refuse.

22. 14-5.3C Household Living.

The Update adds a requirement for a person who conducts a home occupation and applies for a construction permit to demonstrate that the proposed construction does not violate any provisions of this subsection.

23. Section 14-5.3C.2 Accessory Dwelling Unit.

Accessory Dwelling Units (ADUs) currently cannot exceed the height of the primary structure. The proposed Update aims to remove this restriction, allowing ADUs to reach a maximum height of 26 feet outside of the historic districts. This change will allow for greater design flexibility and encourage the construction of ADUs, such as on top of garage structures. The maximum square footage of an ADU will remain at 1,500 square feet. The Update removes an outdated provision which states, "*nothing herein is intended to supersede private covenants or other restrictions*."

24. Section 14-5.3C.3 Compound Development.

New design standards are proposed to clarify and support the development of compound style residential developments.

25. 14-5.3C.11 Private Swimming Pool.

This new section creates a requirement for fencing and establishes other standards for in-ground and above-ground pools with a depth of two feet or greater.

26. Section 14-5.3G Commercial Uses.

Several new subcategories have been included to better organize uses. The Update adds a section regulating outdoor dining.

27. Section 14-5.3I.3 Telecommunication Facilities.

Significant changes have been made to this section for consistency with current federal requirements regarding the review timeframes for telecommunications facilities. Only requests for new facilities are subject to public hearings. All other requests are administrative decisions to be rendered within the 30-, 60-, or 90-day allowance, depending on the type of request. Definitions have been added for new terminology such as "collocation" and "shot clock" and the section has been reorganized for clarity and conformity with federal regulations.

28. Section 14-5.3E Agricultural Uses.

Regulations are added for workers, structures, signs, and parking for agricultural home occupations.

29. Section 14-3.2F High-Density Residential Districts, By-Right High-Density.

The Update removes the requirement to submit a development plan to Planning Commission for a proposed density over 10-units per acre in the R-12 through R-29 districts (high-density residential). Currently, applicants in high-density residential districts are required to submit a development plan to propose densities over 10-units per acre, despite their zoning district designation of R-12, R-21 or R-29. This requirement adds

uncertainty and significant cost and time constraints on development in these districts, especially for small, infill projects, which are prioritized in the General Plan. The requirement is only applied to the high-density districts while other districts can achieve their density designation "by-right" (*e.g.*, R-5, R-7, and R-9). One example of how the requirement for a development plan for higher density affects development is a recent development application that proposed five (5) affordable homes on a City-owned vacant lot at 635 Alto Street. Despite being zoned R-21, which would allow five units on the approximately 0.25-acre lot, the current code requires the applicant to submit a development plan for approval by the Planning Commission. The development plan requirement has significantly delayed and added costs to this 100% affordable housing project. Eliminating the development plan requirement does *not* remove the requirement for development plans for developments above 30,000 SF, or 10,000 SF that are within certain zoning districts or proximate to residential uses. Rather, the change will streamline the approval process for small-scale infill projects.

30. Section 14-7.4(D) Open Space, Additional District Specific Requirements.

The Update clarifies that, in the C-2 district, 250 square feet of open space is required per dwelling unit. The previous wording was unclear, and could be misinterpreted to require open space for only ground-floor units. The new language aligns with the current interpretation of the code regarding open space requirements in the C-2 district.

31. Section 14-8.2 Terrain and Stormwater Management.

The Terrain and Stormwater Management section has been reorganized with copy edits to correct several existing deficiencies and resolve conflicts. Among the new requirements are: a financial guarantee in a form acceptable to the Director if planting is delayed until the next planting season; a requirement that existing grades beneath native trees and shrubs remain undisturbed; a prohibition of mounding soil, fill dirt, organic materials, or inorganic debris under native plant canopies; and a new requirement that if a property or homeowners association assumed the responsibility for maintenance of stormwater infrastructure, the association may not be disbanded without another party assuming the designated responsibilities for repair and maintenance.

32. Section 14-8.4E Plant Material Standards.

The Update proposes several edits to Plant Material Standards, including to provision 2.I, allowing developments that provide 100 % affordable units to plant smaller, one and one-half-inch caliper minimum deciduous trees; provision 2.VIII, requiring gravel mulch that is used in public rights-of-way to be washed and screened prior to site delivery; provision 2IX, prohibiting all impervious barriers in addition to plastic for weed barriers; provision 2.X, permitting temporary irrigation systems; provision 5.I.f, requiring irrigation for a minimum of three years; and provision 5.VI, adding a requirement for irrigation.

33. Section 14-8-4H Parking Lot Landscaping.

The Update amends the parking lot landscaping requirements and lowers the threshold for applicability of interior parking lot landscape requirements and pedestrian circulation from 40 or more off-street parking spaces to 20 or more off-street parking spaces. The section is also updated to specify when a four-foot berm, a four-foot continuous hedge, a planting strip with trees, or some combination of these is required along the perimeter of a parking lot for screening.

34. Section 14-7.5 Off-Street Parking and Loading, Flexible Parking Requirements.

The Update includes several provisions aimed at increasing flexibility in meeting parking requirements and promoting economic development, including: relocating the parking table, parking design standards, and bicycle parking requirements from the Chapter 14 Appendix, and integrating them into the body of the code; exempting the Business Capital District (BCD) from parking requirements; defining the parameters of a Parking Demand Study; allowing on-street parking to count towards off-street parking requirements; allowing shared parking and off-site parking agreements; and decreasing parking requirements for development in close proximity to a transit stop or multi-use trail, transit facilities, on-site carshare, structured parking, commercial parking facilities; and developments with a certain number of affordable or senior housing units.

35. Section 14-7.5J Off-Street Bicycle Parking Requirements.

The Update changes bicycle parking requirements and introduces new regulations for long-term bicycle parking. The Update separates bicycle parking requirements from vehicle parking requirements, allowing for more context-sensitive and adaptable bicycle parking facilities. Currently, the maximum required number of bicycle parking spaces is 12, which is inadequate for larger developments and those located near multimodal infrastructure. Furthermore, the addition of long-term bicycle parking addresses the increasing use of cargo and electric (E-bikes), which typically require secure ground-floor parking that has access to charging stations.

36. Section 14-7.5G EV Charging Space Requirements.

The Update includes a preliminary set of requirements for the provision of Electric Vehicle charging stations for new developments, including the requirement for a certain number of EV charging facilities and EV-ready parking units, depending on the proposed use.

37. Section 14-8.6 Outdoor Lighting.

The Update adds definitions for light trespass and glare, in anticipation of more specific standards to be included in Phase 2; makes minor updates to existing standards to align with the NM Night Sky Protection Act; eliminates the allowance for high- and low-pressure sodium lamps and mercury vapor; adds LED as a permitted lamp type; lowers the permitted strength of incandescent watts from 160 to 150; and adds a method of measurement for compliance with lighting standards.

38. Section 14-7.6 Elimination of Content-based Regulation of Signs.

The Update removes "content-based" regulations, which are illegal under the First Amendment of the United States Constitution. The First Amendment restricts governments from making laws that abridge the freedom of speech. Courts have applied the First Amendment to conclude that cities cannot regulate the content of signs, but can include content-neutral regulations, such as limitations on their location, size, shape, color, etc. Regulations of obscene signs are allowed and regulations on that topic have been carried forward.

39. Section 14-7.2 Santa Fe Homes Program

The Update adds a provision stating that an applicant who is otherwise bound by a previous agreement, may opt to comply with the SFHP requirements in order to receive the

incentives. This addition resolves an issue wherein properties subject to annexation or other prior written agreements, which contain their own affordable housing requirements, prior to 2005, are not allowed to participate in SFPH and are therefore not eligible to receive the incentives offered under the program. The change would allow developers to comply with their existing agreements and also have the opportunity to participate in the SFHP.

40. **Section 14-7.2E Santa Fe Homes Program Standard Development Incentives.**
New language clarifies that in order to receive the standard 15% density bonus, affordable units must be delivered on-site. Developments which opt for the fee-in-lieu of compliance option will not be eligible for the density bonus.

41. **Section 14-7.2F Santa Fe Homes Program Enhanced Affordability Incentives.**
The Update creates a new enhanced affordable housing incentives program within the existing Santa Fe homes Program, which incentivizes the development of additional Santa Fe Homes Program (SFHP) units and market rate units. Projects must provide at least 30% SFHP qualified affordable units to be eligible for a suite of development incentives including scaled density bonuses; administrative review of development plans and subdivisions; dimensional standard flexibility; and certain fee waivers. The proposed incentives do *not* amend the existing SFHP requirements and are a voluntary option for developers. The Enhanced Affordability Program has no fee-in-lieu option. Participants are required to deliver SFHP qualified affordable units in order to take advantage of the suite of development incentives. See the attached Enhanced Affordability Incentives Report for more information on the proposal.

42. **Section 14-1.13A.4 Determination of Nonconformity Status.**
The Update clarifies that the burden of proof for establishing legal non-conformities rests with the applicant or property owner and Section 14-1.13B.2 reduces the period of inactivity from 365 days to 180 days for re-establishing a non-conforming use.

43. **Section 14-1.12D Violations.**
The Update clarifies and reorganizes various references to violations that are currently found throughout the LDC into a single Violations section. The section states which activities constitute a violation of the LDC and describes the remedies, penalties and hearing proceedings.

EVALUATION CRITERIA:
Section 14-3.3, "Amendments to Text of Chapter 14," outlines the process for amending the text of the Land Development Code. To make a positive recommendation to the Governing Body, the Land Use Director and the Planning Commission must find that a text amendment meets the six criteria set forth in Section 14-3.3(B). The criteria are as follows:

(1) compliance with law;
(2) consistency with the general plan;
(3) ***consistency with other policies adopted by the governing body;***
(4) consistency with the purpose and intent of Chapter 14 and of the section being amended;
(5) consideration of how the amendment relates to other provisions of the Santa Fe City

Code and the avoidance of unintended consequences; and
(6) ***consistency with any approved neighborhood conservation overlay districts.***

RECOMMENDATION:
Because the Update meets the above six criteria (where applicable), the Land Use Director recommends that the Governing Body approve the proposed Update.

ACTION REQUESTED:
Adopt the proposed legislation as presented.

ATTACHMENTS:
LDC Disposition Report
LDC Assessment Report
Enhanced Affordability Incentives Report

THE DISPOSITION REPORT

The Disposition Report (the "Report") describes the differences between the current Land Development Code (the "LDC") or Chapter 14 and the Phase 1 Update. Column 1 follows the section numbering of the current LDC, column 2 describes the proposed location in the Phase 1 Update, and column 3 includes a brief explanation of changes. The formatting criteria are as follows:

- Blank cells in column 3 (Explanation of Changes) signify there is no change.
- Yellow highlights are brief explanations of substantive changes; further explanation for substantial changes is included in the memo.
- Grey cells in column 1 (Current Chapter 14) indicate either:
  - The content in column 2 (Proposed Location) is new; or
  - The content in column 2 has been relocated from a different subsection that is out of sequence with column 1 (Current Chapter 14) numbering.

1. Current Chapter 14	2. Proposed Location	3. Explanation of Changes
14-1: General Provisions	**14-1 General Provisions**	**No substantial changes.**
14-1.1: Title	14-1.1 Title	Adds "LDC", "the Land Development Code (LDC) and "this Code" as short names for Chapter 14.
14-1.2: Authority	14-1.2 Authority	
14-1.3: General Purposes	14-1.3 General Purposes	Removes the following clause: "and to ensure that the regulations adopted pursuant to this chapter are in accordance with the general plan."
14-1.4: Minimum Requirements; Uniform Application	14-1.4 Minimum Requirements; Uniform Application	
	14-1.5 Schedule of Fees, Charges and Expenses	Section is relocated from 14-3.1(D) (Review and Approval Procedures). The Update leaves the current fees in place until amended or replaced by separate resolution.
14-1.5: General Plan	14-1.6 General Plan	
14-1.6: Jurisdiction and Applicability	14-1.7 Jurisdiction and Applicability	Added sentence that where an ordinance does not apply to other governments, they are encouraged to comply.
14-1.7: Conflicting Provisions	14-1.8 Conflicting Provisions	Minor copy edits and renumbering.
14-1.8: Transitional Rules	14-1.9 Transitional Rules	Updated cross-references.
14-1.9: General Rules of Construction	14-9.1 Rules of Construction	Minor copy edits and restructuring.
14-1.10: Interpretations	14-1.9 (F): Interpretations	
14-1.11: Applicability to Owners, Occupants, and Premises	14-1.11: Applicability to Owners, Occupants, and Premises	
	14-1.12 Enforcement	Content relocated from 14-11. Changes in content detailed in 14-11 in Column 1 below.
	14-1.13 Nonconformities	Content relocated from 14-10. Changes in content detailed in 14-10 in Column 1 below.
	14-2 Administration and Procedures	New article title.
14-2: Review and Decision-Making Bodies	14-2.2 Review and Decision-Making Bodies	Article becomes section under new 14-2 Administration and Procedures.
14-2.1: Summary of Ordinance Administration and Review Roles	14-2.1A Summary Table of Review and Approval Procedures	Table information incorporated with other content into Table 02-1. List of table abbreviations moved from beneath table to above it to be more immediately visible to users. List decision makers in order from the director to the governing body, rather than from the governing body to

		the director. Added rows for *construction permit*, *alternative means of compliance*, *administrative deviations*, and *creation of new historic overlay district*.
14-2.2: Governing Body	14-2.2.B Governing Body	Carried forward with minor copy edits.
14-2.3: Planning Commission	14-2.2.D Planning Commission	Carried forward with minor copy edits and some reorganization to reduce repetition. Separates variance and waiver. Removes the long-range planning subcommittee.
14-2.3(F) Long Range Planning Subcommittee		Standing committee removed in favor of the Planning Commission convening ad hoc committees as necessary.
14-2.4: Board of Adjustment	14-2.2.E Board of Adjustment	Carried forward subject to minor copy edits.
14-2.5: Business-Capitol District Design Review Committee		Removes text about this Committee because it no longer exists pursuant to sunset in current code, Section 14-2.5 ("The business-capitol district design review committee ("BCD DRC") shall automatically cease to exist when all BCD development in progress at the effective date of this amendment has received the necessary review and approval or denial from the BCD DRC.).
14-2.6: Historic Districts Review Board	14-2.2.F: Historic Districts Review Board	Minor copy edits and reorganization. Adds "H-Board" as an official short name for the Board. Removes personal property acquisition as being within scope of recommendation authority.
14-2.7: Archaeological Review Committee	14-2.2.G: Archaeological Review Committee	Minor copy edits and reorganization. Adds the requirement to hold a current New Mexico state burial excavation permit for work in any location where human remains of historic age are anticipated to be present for archeologists in "direct charge of studies": Removes "waiver of qualifications" for archeologists and historical archeologists by ARC in its discretion for good cause.
14-2.8: Additional Procedures of Land Use Boards	14-2.2.C: Land Use Boards General Standards and Procedures	Minor copy edits and some reorganization to break up large blocks of text into more easily readable lists.
14-2.9: Santa Fe Extraterritorial Land Use Authority	14-2.2.J: Santa Fe Extraterritorial Land Use Authority	Carried forward with minor reorganization to make headings/subheadings consistent across sections.
14-2.10: Santa Fe Extraterritorial Land Use Commission	14-2.2.K: Santa Fe Extraterritorial Land Use Commission	Carried forward with minor reorganization to make headings/subheadings consistent across sections.
14-2.11: Land Use Director	14-2.2.H: Planning and Land Use Director	Carried forward subject to minor copy edits. Subsection 14-8.11(C) has been relocated from Santa Fe Homes Program to this section, as it is a description of the Land Use Director's responsibilities w/r/t the SFHP. There is a cross-reference from the Authority section of SFHP that leads to this content.
14-2.12: Floodplain Administrator	14-2.2.I.1 Floodplain Administrator/Authority	The content of 14-2.12 is now the Authority statement for the Floodplain Administrator.
	14-2.2.I.2 Powers and Duties	Relocated from 14-3.10(B)(1) and (2). This content was in the section on procedures, but this is a description of the Floodplain Administrator's duties and responsibilities.
	14-2.2.I.2.II Enforcement	Relocated from 14-3.10(C). This content was in procedures, but is a description of the Floodplain Administrator's duties and responsibilities.
14-3: Review and Approval Procedures	**14-2.1 Review and Approval Procedures**	**Significant reorganization of procedural information into a standard format.**

		Public notice requirements have been changed to specify first class mail, not certified, except where required by state law. Combines demolition of historic structure and landmark structure and makes both a decision by the HDRB, appealable to the Governing Body. Substitutes "the City's website" for City hall for posting of the 15 day notice procedures. Clarifies that the 15 day notice does not apply to appeals.
14-3.1(A) Relationships Among Different Applications, Permits and Approvals	14-2.1.B.2.V Application Submittal and Acceptance	
14-3.1(B) Authority to File Applications	14-2.1.B.2.I Authority to File Applications	
14-3.1(C) Form of Application	14-2.1.B.2.II Form of Application	
14-3.1 (D): Schedule of Feels, Charges and Expenses	14-1.5: Schedule of Fees, Charges and Expenses	Relocation moves this to the General Provisions section, will make more intuitive sense and be easier to find.
14-3.1(E-J): General Provisions	14-2.1.B: Common Review Procedures	Provision B.4, Scheduling and Notice of Public Hearing: requirement for mailing changed from certified to first class mail, except where state statute requires certified (rezoning of less than one block). Provision B.6, Post Decision Actions and Limitations / Appeals / Process to File an Appeal: appellant notice of appeal requirement for mailing changed from certified to first class mail. Simplified ENN requirement for City capital improvement projects to those exceeding $250K. Adds a six-month expiration for ENNs and a one-year limitation on resubmitting an application that is denied.
	14-2.1.B.4.c.4: Published Notice	Addition of sentence clarifying that published notice is not required for appeals is new, added to resolve conflicting provisions regarding notice for appeals.
14-3.1(K): Post-Approval Procedures - Rezoning	14-2.1.D: Ordinance Amendments	
14-3.1(L-M): General Provisions	14-2.1.B: Common Review Procedures	
14-3.2: Amendments to the General Plan	14-2.1.C: General Plan Amendment	Reformatted, but no other changes.
14-3.3: Amendments to Text of Chapter 14	14-2.1.D.2: Code Text Amendment	Reformatted and requires a 12-month period between proposals that are substantially similar by parties other than the Governing Body.
14-3.4: Annexations	14-2.1.D.1: Annexations	Adds a requirement for 12 months between requests to annex the same property that are denied and adds a requirement for a Pre Application and ENN meeting for all Annexations.
14-3.5: Rezonings	14-2.1.D.3: Rezonings	Reformatted, but no other changes in this Phase.
14-3.6: Special Use Permits	14-2.1.F.2: Conditional Use Approval	Name changed from special use permit to conditional use approval.
14-3.7: Subdivisions of Land	14-2.1.E: Subdivision Procedures	Provision E.1.XII: requirement for mailing changed from certified to first class mail. Section E.6: Name of summary procedure changed to administrative approval subdivision; reference to NM state statute NM Stat § 3-20-8, Alternate Summary Procedure has been added.

14-3.8: Development Plans	14-2.1.F.4 Development Plans	Reformatted, but no other changes in this Phase.
14-3.9: Master Plans	14-2.1.F.5 Master Plans	Reformatted, but no other changes in this Phase.
14-3.10: Development in Special Flood Hazard Areas	14-2.1.H.1.IV: Waiver for Special Flood Hazard Areas	Because this request is processed according to the Variance procedure, it is now included as a subsection to that procedure (along with other waivers that are processed in the same way).
14-3.11: Construction Permits	14-2.1.F.3I: Construction Permits	Section 14-3.11(C), Architectural Design Review is moved from Construction Permits to Article 14-7 Development Standards in Section 14-7.3 Architectural Design Review. No edits to content.
14-3.12: Certificates of Occupancy	14-2.1.F.1: Certificate of Occupancy	No edits to content.
14-3.13: Archaeological Clearance Permits	14-2.1.G.1 Archaeological Clearance Permit and 14-4.2D: Archaeological Clearance Permit Required	Procedural information related to an archeological clearance permit has been relocated from Section 14-3.13, Review and Approval Procedures, to 14-2.1. There is also a cross reference from Section 14-4.2, Archaeological Review Districts, to the procedure.
14-3.13(B)(1) Historic Downtown Archaeological Review District	14-4.2D.1 Historic Downtown Archaeological Review District	Provision III regarding proximity to a known archeological site is new.
14-3.13(B)(2) River and Trails Archaeological Review District	14-4.2D.2 River and Trails Archaeological Review District	Carried forward subject to minor reorganization.
14-3.13(B)(3) Suburban Archaeological Review District	14-4.2D.3 Suburban Archaeological Review District	Carried forward subject to minor reorganization.
14-3.13(B)(4) Utility Mains	14-4.2D.4 Utility Mains	The length of disturbance for construction of sewer mains or main lines of other utilities requiring an archaeological clearance permit, has been reduced in each Archaeological Review District. The reduction is proposed due to construction delays caused by discoveries. The proposed change will protect discoveries without causing undue delay and overburdening resources. Historic downtown: from 60 to 50 feet. River & trails: from 550 to 100 ft. Suburban: from 550 to 200 ft.
14-3.13(B)(5) Exemptions	14-4.2D.5 Exemptions	Provisions II and V are new.
14-3.13(B)(6) Environmental Assessments or Impact Statements	14-4.2D.6 Environmental Assessments or Impact Statements	This provision has been changed to add the clarification that the ARC gets to review and approve environmental assessments or statements.
14-3.13(C) Procedures	14-2.1G.1 Archeological Clearance Permit	This information has been reorganized into the standard format used in the procedures section, but the procedure itself has not been changed.
	14-2.1G.2 Creation of a New Historic Overlay District	This is not a new procedure, but the description of how such a request is processed has greater detail than the current Chapter 14. This combines the information in 14-5.2(J) into the new format for description of procedure steps and refer to the fact that such a creation is essentially a rezoning. It therefore also cross-references or includes relevant information from the rezoning procedure.
14-3.14: Demolition of Historic or Landmark Structure	14-2.1.G.3 Demolition of Historic or Landmark Structure	New sections including Purpose, Applicability, and Post-Decision information have been added. Existing information has been reorganized and copy edited but there are no substantial changes to the material.
14-3.15: Minor Modifications	14-2.2.H.3.II: Minor Modification	This is a discretionary authority that may be exercised by the Planning and Land Use Director, Planning

		Commission, or Governing Body in reviewing an application; but it is not a separate review procedure per se. Relocated to Review and Decision-Making Bodies / Duties and Responsibilities / Planning and Land Use Director.
14-3.16: Variances	14-2.1.H.1: Variance	Because waiver requests are to be decided in the same manner as variances, the criteria for various types of waiver requests is included here.
14-3.17: Appeals	14-2.1.H.2: Appeal	Rearranged subsections to place "date of final action" as its own subsection before "time limit for appeal".
14-3.18: Utility Conformity Reviews	14-2.1.F.7: Utility Conformity Review	Procedural information is being relocated from use-specific standards into Administration and Procedures; however, no change to the content of these procedures or the decision-making authority is being made.
14-3.19: Expiration, Extension, and Amendment of Development Approvals	14-2.1.F: Development Review Procedures	
14-3.20: Residential Condominiums	14-2.1.F.6: Residential Condominiums	Reformatted, but no other changes in this Phase.
14-4: Zoning Districts	**Article 14-3 Zoning Districts**	**All districts: combined purpose statements (14-4) and dimensional standards (14-7).**
14-4.1 General Provisions	14-3.1 General Provisions	
14-4.1 (A) Purpose of Dividing the City into Districts	14-3.1A Purpose of Dividing the City into Districts	Addition of the following purposes: provide coordinated growth pattern; reduce ecological impacts and greenhouse emissions; and provide multimodal transportation options that improve safety and lesson congestion in the streets and public ways. Removing or modifying prior purposes to lessen congestion in the streets (without tie to multimodal) and public ways, to avoid undue concentration of population, and to prevent the overcrowding of lands.
	14-3.1B Zoning Districts Established	Replaces 14-6.1(C); adds Parks and Open space zone, "POS"; Removes "A-C" arts overlay.
14-4.1 (B) Compliance with District Regulations	14-3.1C Compliance with District Regulations	Carried forward with clarifications regarding temporary structures, overlay districts, exemptions, and nonconformities.
14-4.1 (C) Official Zoning Map	14-3.1D Official Zoning Map	Carried forward without change.
14-4.1 (D) Rezoning Procedure	14-3.1E Rezoning Procedure	Carried forward without change.
14-4.1 (E) Rules for Interpretation of District Boundaries	14-3.1D.2 Interpretation of District Boundaries	Carried forward without change. Moves the annexed land zoning of R-1 to its own subsection.
	14-3.1F Overlay Districts	Adapted from 14-7.2, Table Note 1, applicable to residential, nonresidential, mixed-use, and BCD districts. The note is included here in generally applicable information so that it does not need to be repeated.
	14-1.1G Organization of this Article	New.
14-4.2 Residential Districts	14-3.2 Residential Districts	All residential development: Permitted maximum height increased from 24 feet to 26 feet to accommodate modern building practices.
14-4.2 (A) Purpose, and 14-4.2 (B) Other Structures and Uses	14-3.2A General Standards	

14-4.2 (C) Rural Residential District	14-3.2B Rural Residential District	
14-4.2 (D) R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts	14-3.2C Lower-Density Residential Districts	
14-4.2 (E) R-7, R-8, and R-9 Residential Districts 14-4.2 (F) R-7(I) Single-Family Residential Infill District	14-3.2D Moderate-Density Residential Districts	Did not carry forward provision regarding rezoning; statement is standard across districts, and does not need to be repeated in each one. Now covered in 14-3.1E.
14-4.2 (G) RC-5 and RC-8 Residential Compound Districts	14-3.2E Residential Compound Districts	Carried forward, with edits to Purpose statement; expanded detail of "reflecting historic development patterns" to explain more explicitly what these are.
14-4.2 (H) R-10, R-12, R-21, and R-29 Residential Districts	14-3.2F High-Density Residential Districts	Consolidates standards from several sections that apply to high density residential districts.
14-4.2 (I) RAC Residential Arts and Crafts District	14-3.3A Residential Arts and Crafts District	Combines with existing 14-5.4 and moved to Nonresidential and Mixed-Use District section, to reflect the character of development this district is intended to enable.
14-4.2 (J) MHP Mobile Home Park District	14-3.2G Mobile Home Park District	Cross references Section 14-5.3C.9, Mobile Home, Temporary Placement, for applicable standards. removes rezoning provision that are standard information.
14-4.3 Nonresidential and Mixed-Use Districts	14-3.3 Mixed-Use and Nonresidential Districts	All nonresidential development: Permitted height increased from 35 or 36 feet to 38 feet to accommodate modern building practices. Substitutes "day care" for "child day care facilities". The new definition includes both child and adult care facilities.
	14-3.3A Residential Arts and Crafts District	See 14-4.2 (I) above. Proposed for elimination in Phase 2.
14-4.3(L) MU Mixed Use District	14-3.3B Mixed-Use District	Purpose and goals for mixed use development amended to focus on compact and pedestrian-oriented aspects of mixed-use development. 14-3.3.B.3.IV.b, Residential Uses Changed allowed building height to reflect increases in this draft 25 ft to 26 for residential, and 35 ft to 38 for mixed-use. Adds dimensional standards and "additional regulations" from Table 14-7.3-1.
14-4.3(E) Business-Capitol District	14-3.3C Business-Capitol District	Comparison of overlap between BCD and Historic Districts proposed in Phase 2 to eliminate duplicative or conflicting standards. Adds standards from 14-7.4 with new limitation that Floor area granted as a credit is not eligible for any additional credit. Moved standards for redevelopment subdistricts to follow townscape subdistricts.
14-4.3 (A) C-1 Office and Related Commercial District 14-4.3 (B) C-2 General Commercial District 14-4.3 (C) C-4 Limited Office, Retail and Arts and Crafts District	14-3.3D Office and Commercial Districts	C-1 Purpose: Carried forward with minor copy edits. C-2 Purpose: Carried forward with minor copy edits.
14-4.3 (F) I-1 Light Industrial District 14-4.3 (G) I-2 General Industrial District	14-3.3E Industrial Districts	
	14-3.4 Special Purpose Districts	The districts are not new, but this is a new heading used to categorize them.
14-4.3 (H) BIP Business and Industrial Park District	14-3.4A Business and Industrial Park	No changes in Phase 1. Proposed for elimination in Phase 2.

14-4.3 (D) HZ Hospital Zone Districts	14-3.4B Hospital Zone District	Carried forward with minimal edits. Proposed for elimination in Phase 2.
	14-3.3C Parks and Open Space District	New zone district.
14-4.3 (I) PRC Planned Residential Community District 14-4.3 (J) PRRC Planned Resort-Residential Community District	14-3.4D Planned Community Districts	Since there is an opportunity to create master planned communities using a PUD overlay, there does not appear to be a need to keep these as base districts. Proposed for elimination in Phase 2.
14-4.3 (K) SC Planned Shopping Center District	14-3.4E Planned Shopping Center Districts	Proposed for elimination in Phase 2.
14-4.3 (L) MU Mixed-Use District	14-3.3B Mixed-Use District	See 14-3.3B Mixed-Use District in column 2 above.
	14-3.5 Calculations, Measurements, and Exceptions	Collected and integrated the various measurement-related rules necessary to administer the district lot/building standards tables, along with exceptions to those rules. See 14-7.1 below. Updated language from "required yards" to "required setback". Added swimming pools and other water features to the list of structures that are exempted from required setbacks. Allows limited non-conforming front setbacks when new development is adjacent to existing development without the full setback. Adds roof-mounted HVAC equipment to exempt structures for calculating building height (up to four feet). Adds 2-foot limitation to structure perimeter, accounting for exemption for awning extending into a setback. Adds sixty-day timeline to trigger an alternative process to creation of neighborhood conservation overlay district.
14-5: Overlay Zoning Districts	**Article 14-4 Overlay Zoning Districts**	Eliminated RS Residential Suite Hotel/Motel Overlay, and Ecological Resource Protection District because neither currently exist on the ground. Residential Suites hotels can be addressed by use-specific standards, if need be, and ecological resource protection can be addressed through development standards.
	14-4.1A Creation of New Overlay Districts	Subsection is new, but content is pulled from existing sections (Historic, Neighborhood Conservation, and PUD), and consolidated here.
14-5.1 General Purpose; Relationship to General Use Zoning Districts	14-4.1B Existing Overlay Districts	The order of existing overlay districts has been reorganized alphabetically and removes PUD planned unit development district, RS district, ERP District, and NCO district; adds West Santa Fe River Corridor district to list.
14-5.2 Historic Districts	14-4.6 Historic Districts	Changes to this section update content to follow a more accessible and consistent structure, with each district having the same headings and subheadings to present information. Subdistrict regulations to focus on defined qualities rather than subjective "styles".
14-5.2A General Provisions	14-4.6A General Provisions	Provision 2.II re: Multiple Overlay Regulations is new. Provision 5.II re: Boundaries is new, based on common practice being codified.

14-5.2B Minimum Maintenance Requirements	14-4.6B Minimum Maintenance Requirements	Carried forward with some provisions combined (B4 and 5, 8 and 9) when they addressed the same topic, plus minor additions and copy edits.
14-5.2C Regulation of Significant and Contributing Structures in the Historic Districts	14-4.6C Buildings with Significant or Contributing Historic Status	Provisions (c) / II and III (HDRB Authority to Review Status Designation and Initiation of Review of Status Designation) were edited according to staff feedback regarding actual process for the HDRB specifying which facades of the structure are primary facades when they designate contributing and significant structures.
14-5.2C.5 Exceptions	14-4.6D Exceptions	This section moved up one level in hierarchy because it applies more broadly. Content reflects ORDINANCE NO. 2023-27.
14-5.2D General Design Standards for All H Districts	14-4.6E General Design Standards for All Historic Districts	Per staff direction, all references to H districts are now spelled out as historic districts.
14-5.2D(2)(a) through (d)	14-4.6E.2.I Design and II Size and Location	Addition of heading is new. Design includes (D)(2)(a) and (b). Size and Location includes (c) and (d), with (d) split into several provisions.
14-5.2D(2)(c) and (d)	14-4.6E.2.II Additions, Size and Location	Definitions for façade and elevation have been updated to provide greater detail and edits have been made to the text of this section to reflect current practice, which relies on defining primary facades rather than elevations. No change in practice is proposed at this time.
14-5.2D(2)(e) The height of additions	14-4.6E.2.III.b Height	Change from the current text, which distinguishes between one- and two-story additions. New text matches current practice.
14-5.2D(3) Remodeling to Increase Height; Rooftop Appurtenances	14-4.6 E.2.IV.b Remodeling to Increase Height	Text added based on staff edit and to reflect current practice.
14-5.2D(3) Remodeling to Increase Height; Rooftop Appurtenances	14-4.6 E.2.V Rooftop Equipment	Split (D)(3) into two subsections, and changed Rooftop Appurtenances to Rooftop Equipment.
14-5.2D(4) Porches and Portals	14-4.6 E.3 Porches and Portals	Clarification added that existing porches and portals on significant, or landmark structures, and those on the primary facades of contributing structures, shall not be permanently enclosed.
14-5.2(D)(2)	14-4.6E.3(c)(1)	Specifies that all facades on a significant structure are primary facades
14-5.2D(5) Windows, Doors, and Other Architectural Features	14-4.6 E.4Windows, Doors, and Other Architectural Features	Provision b is new. It adds a requirement that window depth and other characteristics of window and door fenestration be preserved.
14-5.2D(6) Roofs	14-4.6 E.5 Roofs	Carried forward without change.
14-5.2D(7) Surface Cleaning	14-4.6 E.6 Surface Cleaning	Carried forward with minor copy edits.
14-5.2D(8) Archaeological Resources	14-4.6 E.7 Archaeological Resources	Carried forward with additional text, and cross-references.
14-5.2(D)(9) Height, Pitch, Scale, Massing and Floor Stepbacks	14-4.6F Height, Pitch, Scale, Massing and Floor Stepbacks	Section has been moved up one heading level, but otherwise carried forward with only minor copy edits. (ii) Project Types renamed II. Streetscape Standards.
	14-4.6G Additional District-Specific Design Standards	This is a new heading. Individual historic districts have been carried forward, but reorganized alphabetically.
14-5.2E Downtown and Eastside Design Standards	14-4.6G.2 Downtown and Eastside Design Standards	Carried forward with edits as recommended by staff. Provisions I and II are new. Provision I describes the architectural character of the Site and Provision II requires that new construction and changes are "generally required" to be in the Pueblo-Spanish Revival, Territorial-Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style". The descriptions of old and recent Santa Fe style are removed and replaced with physical categories including walls, roof, building

		materials, etc. This section is re-written, including specific permissions and limits, such as height limits for fences, 80 percent coverage for plaster, and a requirement for tree preservation.
14-5.2F Historic Review District	14-4.6G.3 Historic Review District	Provision II.a 3 makes changes to permitted colors. Provision II.b.2 modifies requirements to solid wall space; II.c.1, restricts increase of parapet to 2 feet to screen solar equipment, II.d restrictions on cantilevers are extended to beams, plates, or other projection from a wall.
14-5.2G Historic Transition District	14-4.6G.4 Historic Transition District	Adds description of architectural character of district. Requires new buildings and alterations to be in bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style". Provision III Changes standards to apply to all buildings, not just publicly visible portions of structures. Removes provisions regarding "size, map and shape". Provision II.a.1 allows walls to be more than 80 percent wood; II.d limits fence and wall height, and II.f makes changes to permitted colors, removing the exclusion of chocolate brown and yeso.
14-5.2H Don Gaspar Area Historic District	14-4.6G.1 Don Gaspar Area Historic District	Description of "architectural character" for the district added, describing the state of the district in 2025. Specifies that construction is required to be in "Bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style." but walls may no longer be made of slump block, the description of permitted colors of walls have been updated, and roofs of new buildings Must be consistent in shape with fifty percent of existing buildings in the streetscape. Roof colors and finishes are specified as earth-tone colors including grays, browns, and reds; wood shingle, asphalt, true standing-seam (non-reflective), and red clay tile roofs. Enamelized metal roofs are limited to non-contributing buildings, so long as the roof profile is that of a standing-seam roof and is non-reflective. Limits increases to parapets to screen appurtenances, including solar, to two feet. Specifies new height limitations for yard walls and fences. Adds requirement to retain certain trees and alleys.
14-5.2I Westside-Guadalupe Historic District	14-4.6G.5 Westside-Guadalupe Historic District	Adds description of architectural character; limits the limitation on yard wall materials to publicly visible walls and fences rather than all walls and fences. Prohibits "unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited in front yards" rather than when not in the "street frontage." Limits wall and fence heights and colors. Removes public view limitation on application of standards in district. Disallows parking in required front yards. Carried forward with minor edits as recommended by staff.
14-5.2J Creation of Historic Districts	14-2.1G.2 Creation of New Historic Overlay	See 14-2.1G.2 Creation of a New Historic Overlay District
14-5.2KHistoric Compounds	14-4.6H Historic Compounds	H.5, Survey, Recommendation, Approval of Historic Compound Register and Effective Date, provision III:

		requirement for mailing changed from certified to first class mail.
14-5.2L Landmarks	14-4.6I Landmarks	I.1.I and II: requirement for mailing changed from certified to first class mail.
14-5.2M State Capital Outlay Projects	14-4.6J State Capital Outlay Projects	Carried forward with minor copy edits.
14-5.2N County and Santa Fe Public Schools Capital Outlay Projects	14-4.6K County and Santa Fe Public Schools Capital Outlay Projects	Carried forward with minor copy edits.
14-5.3 Archeological Review Districts	14-4.2 Archeological Review Districts	Relocated information from the Review and Approval Procedures Article, in Section 14-3.13, Archaeological Clearance Permits, to Section 14-5.3, Archaeological Review Districts. .
14-5.3 (A) through (C)	14-4.2A through C	These sections carried forward with minor copy edits.
14-5.3 (D) Archaeological Clearance Permit Required	14-4.2D Archaeological Clearance Permit Required	Content in this section was relocated from 14-3.13, where information was not strictly procedural.
14-5.3 (D) Archaeological Clearance Permit Required	14-4.2D.1.III, Permit Required / Downtown Review District	Requires a permit when there is ground disturbance within 25 feet of a known archaeological site.
14-5.3 (D) Archaeological Clearance Permit Required	14-4.2D.4, Permit Required / Utility Mains	Length of disturbance has been changed in each subdistrict. Change is proposed due to construction delays caused by discoveries. Archeological clearance will be adequate to protect discoveries without causing undue delay and overburdening resources. Historic downtown: from 60 to 50 feet. River & trails: from 550 to 100 ft. Suburban: from 550 to 200 ft.
14-5.4 Arts and Crafts District	14-4.3 Arts and Crafts District	Carried forward subject to minor copy edits.
14-5.5 Highway Corridor Protection Districts	14-4.5 Highway Corridor Protection Districts	These have been reorganized alphabetically in the draft.
14-5.5(A) SCHC South Central Highway Corridor Protection District	14-4.5D SCHC South Central Highway Corridor Protection District	Carried forward subject to minor copy edits.
14-5.5(B) CRHC Cerrillos Road Highway Corridor Protection District	14-4.5B CRHC Cerrillos Road Highway Corridor Protection District	Carried forward with some reorganization of information to reduce repetition. B.5.III.b, Setback from Cerrillos Road: This provision was confusing to staff, as it referred to setbacks for "other front yards." Since there is only one front yard, this was changed to refer to the setback distance for side yards on corner lots.
14-5.5(C) Airport Road Overlay District	14-4.5A Airport Road Overlay District	Removed all regulations related to the limitations on sale of alcohol [(C)(12)] in this overlay. Requires trees to be integrated into and irrigated by stormwater infrastructure.
14-5.5(D) Midtown Local Innovation Corridor (Midtown LINC) Overlay District	14-4.5C Midtown Local Innovation Corridor (Midtown LINC) Overlay District	Carried forward without substantial changes in Phase 1.
	14-4.6 Historic Districts	See above 14-5.2.
14-5.6 Escarpment Overlay District	14-4.4 Escarpment Overlay District	Content has also been re-organized with additional headings/subheadings to make navigation easier. An additional height calculation provision is added regarding stepped rooflines.

		Increased minimum distance of trees from each structure five to ten feet. Substitutes bench requirements based on building square footage with linear distance on Airport Road. Provides more flexibility to address street frontage landscaping Standards when frontage landscaping strip is of greater depth.
14-5.6 (A) Purpose and Intent	14-4.4A Purpose 14-4.4B Intent	Edits to remove general goals that apply throughout the City (promote health, safety, and welfare; preserve the value of land) and instead focus more narrowly on what the overlay is intended to accomplish.
14-5.6 (B) District Boundaries	14-4.4C District Boundaries	
14-5.6 (C) Development and Permit Approval; Required Submittals	14-4.4L Development and Permit Approval; Required Submittals	Condensed 14-5.6(C)(2) and (3), which said the same thing, for different types of development.
14-5.6 (D) Location of Structures; Buildable Site	14-4.4E Location of Structures, Buildable Site	14-5.6(D)(5) – Did not carry forward requirements for posted sign notice. Carried forward subject to minor copy edits.
14-5.6 (E) Subdivision or Resubdivision of Land; Multi-Family Dwellings	14-4.4D Subdivision or Resubdivision of Land	Carried forward subject to minor copy edits.
14-5.6 (F) Architectural and Site Standards	14-4.4F Architectural and Site Standards	Carried forward subject to minor copy edits. New provision specifying allowed stepped rooflines in the foothills subdistrict.
14-5.6 (G) Landscaping	14-4.4G Landscaping	Carried forward subject to minor copy edits. Trees must now be between 10 and 30 feet from walls of each structure, rather than between 5 and 30 feet.
	14-4.4HPermitted Trees	Carried forward subject to minor copy edits.
14-5.6 (H) Terrain Management	14-4.4I Terrain Management	Carried forward subject to minor copy edits.
14-5.6 (I) Utilities	14-4.4J Utilities	Carried forward subject to minor copy edits.
14-5.6 (J) Driveways/Access Alignments	14-4.4K Driveways/Access Alignments	Carried forward subject to minor copy edits.
	14-4.4L Development and Permit Approval; Required Submittals	Recommendation is to remove application specific information from the Code.
14-5.6 (K) Variances	14-4.4M Variance	
14-5.6 (L) Effective Date		Recommendation is to not carry forward.
14-5.7 PUD Planned Unit Development District	14-4.1A.2 PUD Planned Unit Development District	Existing content relocated to new subsection on the creation of new overlay districts.
14-5.8 RS Residential Suite Hotel/Motel Overlay District		Eliminated in Phase 1. This overlay has never been applied in Santa Fe.
14-5.9 ER Ecological Resource Protection Overlay District		Eliminated in Phase 1. This overlay has never been applied in Santa Fe.
14-5.10 Neighborhood Conservation Overlay Districts	14-4.1.A.2: Neighborhood Conservation	Section was proposed for elimination, but due to feedback, it has been restored in final draft.
14-5.11 West Santa Fe River Conservation Overlay Zoning District	14-4.7 West Santa Fe River Conservation Overlay Zoning District	Carried forward with minor reorganization to group similar information together.
14-6: Permitted Uses and Use Regulations	**Article 14-5 Use Regulations**	- Eliminated table notes from the Summary Table of Allowed Uses. -Changed "special use permit" to "conditional use."

		- Reorganized and recategorized uses; none have been consolidated or eliminated; new uses are highlighted yellow. -New permissions for existing uses are shown as green boxes in the Table. They are [insert here]. -Clarified the types of housing that are allowed and included use-specific standards to facilitate their construction. These use types were permitted in the City, but have been more specifically called out to minimize confusion.
14-6.1 Land Use Categories; Table of Permitted Uses	14-5.1 Use Regulations General Provisions	
14-6.1 (A) Land Use Categories	14-5.2.A Table Organization	
	14-5.2B Review and Approval of Unlisted Uses	New. Replaces blanket prohibition on unlisted uses other than when the land use director determines the use is included in an existing use category, in 14-6.1 (B)(6).
14-6.1 (B) Permitted and Prohibited Uses; Explanation of Table Abbreviations	14-5.2C Explanation of Table Abbreviations	Adds a temporary use category and abbreviation, "T".
14-6.1-1 Table of Permitted Uses	14-5.2D Summary Table of Allowed Uses (Table 05-1)	The name of the Table of Permitted Uses has been changed to the Summary Table of Allowed Uses and the following additions and changes have been made: Parks and Open Space (POS) is a new district, so all allowed uses in that district are new. Arts and Crafts (AC) zoning district has been eliminated. Group residential care facility (large or small, not correction) in new code is "permitted/ conditional approval" in all residential districts, current code requires special use permit in all residential districts. Ground level urban farm in new code is subject to use specific standard in residential and commercial districts. Roof level urban farm in new code is subject to use specific standards in residential districts. Religious, educational or charitable institution, in new code, is allowed with a conditional use permit subject to use specific standards in all residential districts except for R7-I. Old code prohibited religious, educational or charitable institutions in all residential districts, except R10-R29 with a special use permit. Police or fire station – in new code, permitted subject to use specific standards in all residential districts, plus MHP and RAC. Old code required special use permits for police and fire stations in all of those districts. Hospital heliport – new code allows only as accessory use and subject to use-specific standards in hospital zones. Old code permitted in Hospital Zone. In-home day care has been added to the residential category, permitted use categories have been retained, and a conditional use has been added for I-1. Daycare facilities (small and large and for children and adults) were separate categories in the old code; in the new code they are one category, Daycare. Human services established – in old code, special use permit required if located within 200 feet of residentially-zoned property unless a qualifying project is located within the Midtown LINC Overlay District; otherwise permitted. (Ord. No. 2013-16 § 29; Ord. No.

		2016-39 § 3); new code removes that requirement in all places where human services establishments are permitted Doggie daycare is new use. Pet grooming is new use. Arts and crafts galleries and arts and crafts schools – in the old code, those two categories were separate. The new code combines them. In old code, in RAC they were the subject 3,000 square foot limit applies to specified uses in RAC district per Ord. No. 2014-31 § 11 under to 14-7.2(H). In the new code, they are subject to use specific standards in RAC instead. Also, in the old code, both facilities had hours of operation limited to 7 a.m. to 10 p.m.in MU districts. In the new code, they are subject to use specific standards in MU districts. Dance studios – in the old code, they were subject to 3,000 SF limit in RAC districts. In new code, they are subject to use specific standards. Film production is new Photography studio – old code limited hours of operation limited to 7 a.m. to 10 p.m. in MU and to 3000 SF in RAC, new code just limits to use specific standards in those districts Reception or event center is new Cannabis producer microbusiness in the new code is "P/C" instead of "P" where allowed Indoor and Outdoor cannabis producers were separated in the old code, combined in the new one. New code combines cannabis research facility and cannabis testing facility; they were separate in the old code. Commercial cannabis retailer – old code subject limited hours of operation limited to 7 a.m. to 10 p.m, new code just use specific standards. Brewery/ distillery etc. is new use. Commissary kitchen – old code required special use permit if located within 200 feet of residentially-zoned property unless a qualifying project located within the Midtown LINC Overlay District where otherwise permitted; new code does away with any conditional use requirement where allowed. Food truck, mobile food court, and outdoor dining are all new uses. Fast food/ drive through restaurants used to be permitted in BCD and MU districts in the old code, now they are prohibited in those districts. Campground/ RV park is new. Banks and credit unions – new code makes them subject to use specific standards in MU, in old code they were subject to limited hours of operation. Laboratory, research and testing – old code prohibited these in C1 and HZ zones, new code allows them in those zones without restrictions. Commercial recreation is new. Outdoor music is new. Theater/ live productions – old code made subject to size limit and hours limit in RAC and MU respectively, new code just directs to use specific standards.

		Seasonal sales is new. Anyplace where the table specified a restriction to under 3000 SF or hours limitations in RAC and MU districts, the new code just references use specific standards in the Code. Tire recapping and retreading – old code permitted in BCD, new code prohibits in BCD Warehouse and distribution is new. Wholesale operations of any size, in new code, are permitted in BCD subject to use specific restrictions. Old code prohibited them in BCD when over 3000 SF Utilities creates a new category of "all, not otherwise listed separately". Telecomm – referenced but no districts listed in the old code. Now telecom is included in the table and permitted everywhere except POS The following uses have been added (as discussed above, the additional housing types are not new, they are just being more explicitly allowed): Compound development, dwelling, live-work, dwelling, single-family attached, dwelling, duplex, dwelling, triplex, dwelling quadplex, tiny home, convent (as part of group living for boarding, dormitory, monastery), agricultural home occupation, farm stand, farmers' market, doggie daycare, boarding facility, pet grooming, film production, reception or event center, brewery, distillery, tasting room, winery, food truck, mobile food court, outdoor dining, campground or RV park, outdoor music, seasonal sales, warehouse and distribution, temporary mobile storage unit, temporary on-site contractor's office. Removes the ability to have principal use by special permit in industrial areas. Separates and distinguishes zones for permitted use for veterinary services and pet grooming. Two sizes of wholesale operations combined as one use type. The Utilities category is broken into types with different zoning permissions.
14-6.2 Use-Specific Standards	14-5.3 Use-Specific Standards	New use categories and subcategories were created, and some uses have been reorganized into these categories.
	14-5.3A General Standards	These provisions come from 14-6.3(A); and 14-6.3(B)(1), with edits.
	14-5.3B Residential Uses	Removes the unenforceable prohibitions on residential parking, including the prohibitions on parking any vehicle in the front yard setback within three feet from the front property line or blocking or partially or fully obstructing any sidewalk, public street, or other public right-of-way; and parking any vehicle on the side or back yard without being screened from view from the public right-of-way, such as by a wall or solid fence. The Update also adds a prohibition on the use of any vehicle as a receptacle for the storage of litter or refuse.
	14-5.3C.1 Household Living	This content came from 14-6.3(B)(2)(b)(i), (ii), and (iii); and 14-6.3(B)(2)(a). The Update adds a requirement for a person who conducts a home occupation and applies for a construction permit to demonstrate that the proposed construction does not violate any provisions of this subsection.

	14-5.3C.2 Accessory Dwelling Unit	This content came from 14-6.3(D)(1), Accessory dwelling unit. Proposes removing limitation that ADU cannot be taller than primary structure, and allowing full 26 feet of permitted height for ADUs. Removal of the provision, "nothing herein is intended to supersede private covenants or other restrictions;"
	14-5.3C.3 Compound Development	New use standards. This is a currently permitted use, but the standards governing its development are new.
	14-5.3C.4 Dwelling, Multi-Family	
14-6.2 (A)(1) Continuing Care Community	14-5.3D.1 Continuing Care Community	Moved under group living, residential uses.
	14-5.3D.2 Foster Care	New; creates City requirement for appropriate licensure by appropriate State agency.
14-6.2 (A)(2) Mobile Home, Permanent Installation	14-5.3C.8 Mobile Home, Permanent Installation	
14-6.2 (A)(3) Mobile Home Park	14-5.3C.10 Mobile Home Park	
14-6.2 (A)(4) Manufactured Home	14-5.3C.7 Manufactured Home	
14-6.2 (A)(5) Short-Term Rental	14-5.3C.12 Short-Term Rental	
14-6.2 (A)(7)	14-5.3C.5 Dwelling, Single-Family	
	14-5.3C.6 Home Occupation	Content from 14-6.2(D)(2) Adds requirement demonstrate that proposed construction does not violate any provisions of this subsection
	14-5.3C.11 Private Swimming Pool	New. Creates fencing and other requirements for in-ground and above ground pools with 2 feet or greater depth
	14-5.3C.13 Tiny Home	New.
14-6.2 (B) Public, Institutional, and Civic Uses	14-5.3F Civic, Public, and Institutional Uses	This section has been reorganized with new subheadings
14-6.2(B)(1) Cemeteries, Mausoleums and Columbariums	14-5.3F.1.I Cemetery, Mausoleum, or Columbarium	
14-6.2(B)(2) Residential Colleges and Universities	14-5.3F.2.I College or University, Residential	
14-6.2(B)(3) Hospitals	14-5.3F.4 Hospital	
14-6.2(B)(4) Human Services Establishments	14-5.3F.5.I Human Services Establishment	
14-6.2(B)(5) Sheltered Care Facilities	14-5.3D.6	Relocated to Group Living
14-6.2(B)(6) Public or Private Utilities	14-5.3I Utilities	Merged into new subsection for Utility uses
14-6.2 (C) Commercial Uses	14-5.3G Commercial Uses	Several new subcategories have been included to better organize uses. Section regulating the locations, hours, size, pedestrian access, sound amplification, planters and/or fencing, parking area use and conditional approval requirements for outdoor dining added.
14-6.2 (C)(1) Adult Entertainment Facilities	14-5.3G.11 Sexually-Oriented Business	Removed requirement for applications to be filed in triplicate and to be filed with accounts receivable.
14-6.2 (C)(2) Apothecary Shops or Pharmacies	14-5.3G.9.XII Pharmacy	
14-6.2 (C)(3) Flea Markets	14-5.3G.9.VI Flea Market	
14-6.2 (C)(4) Neighborhood Grocery Stores and Laundromats	14-5.3G.9.X Neighborhood Grocery Store or Laundromat	
14-6.2 (C)(5) Private Clubs and Lodges	14-5.3G.3.I Private Club or Lodge	Relocated to Commercial Uses

14-6.2 (C)(6) Personal Care Facilities for the Elderly	14-5.3D.5 Personal Care Facility for the Elderly	Relocated to Group Living
14-6.2 (C)(7) Vacation Time Share Projects	14-5.3G.6.I Vacation Time Share	
14-6.2 (C)(8) Veterinary Establishments	14-5.3G.1.IV Veterinarian	In Animal-Related uses subcategory
14-6.2 (D) Industrial Uses	14-5.3H Industrial Uses	
14-6.2(D)(1) Salvage Yard	14-5.3H.1 Automobile Salvage or Wrecking Yard, or Junkyard	
14-6.2(D)(2) Individual Storage Areas Within a Completely Enclosed Building 14-6.2(D)(3) Mini Storage Units	14-5.3H.2 Storage	This combines (2) Individual Storage Areas Within a Completely Enclosed Building and (2) Mini Storage Units under a single heading.
14-6.2(D)(4) Research, Experimental and Testing Laboratories	14-5.3G.7.III Laboratory, Research or Testing	This use is low impact and is relocated to commercial uses
14-6.2(E) Telecommunication Facilities	14-5.3I Utilities I.3Telecommunications Facilities	Combined under new subsection heading for Utilities. Substantial changes to this section have been made so that it complies with current federal requirements regarding timeframe allowed for review. As a result, ONLY requests for new facilities are subject to public hearings; ALL other requests are administrative decisions to be rendered in the 30, 60, or 90 day allowance, depending on type of request. Definitions have been added in §14-9.3 for new terminology (eligible facilities request, collocation, shot clock, etc.) Reorganized section content, and moved waiver review and approval criteria to variances.
14-6.2(E)(8) Waivers	14-2.1H.1.V Waivers for Utilities	Moved waiver review & approval criteria to variances.
14-6.2(F) Electric Facilities	14-5.3I Utilities I.1 Electrical Facilities	Combined under new subsection heading for Utilities. Reorganized section content.
14-6.2(F)(12) Waivers	14-2.1H.1.V Waivers for Utilities	Moved waiver review & approval criteria to variances.
14-6.2(F)(14) Public Notice	14-2.1F.6.III.d Scheduling and Notice of Public Hearing	Moved notice requirements to Utility Conformity Review procedure. waiver review & approval criteria to variances.
14-6.2(G) Underground Electric and Cable Utility Lines	14-5.3I Utilities I.2 Underground Electric and Cable Utility Lines	Combined under new subsection heading for Utilities Reorganized section content.
14-6.2(G)(4) Governing Body Waiver	14-2.1H.1.V Waivers for Utilities	Moved waiver review & approval criteria to variances.
14-6.2(H) Agricultural Uses	14-5.3E Agricultural Uses	Adds regulations for workers, structures, signs, and parking for agricultural home occupations.
14-6.2(H)(1) through (5)	14-5.3E.1 General Standards	Content carried forward with copy edits.
14-6.2(H)(6) Urban Farm, Ground Level 14-6.2(H)(7) Urban Farm, Roof Level	14-5.3E.8 Urban Farm, Ground or Roof Level	In §14-6.2(H)(6) and (7), the standards for ground-level urban farm and roof-level urban farm are identical, so they were combined here.
14-6.2(H)(8) Aquaculture , Aquaponics and Hydroponics	14-5.3E.3 Aquaculture 14-5.3E.4 Aquaponics	Split uses into separate entries with different and specific use-specific standards
14-6.2(H)(9) Farm Stand	14-5.3E.9 Farm Stands	
14-6.2(H)(10) through (12), (14), and (15)		These provisions were not uses, and so they've has been incorporated into the general standards for the Ag subsection.
14-6.2(H)(13) Composting	14-5.3E.5 Composting	Removes ability to have principal use by special permit in industrial areas.

14-6.2 (I) Cannabis Establishments	14-5.3G.4 Cannabis Establishments	
14-6.2 (J) General Provisions	14-5.2.A Summary Table of Allowed Uses	If it is to be retained, it might be better situated in the Administration and Procedures sections
14-6.3 Multiple Principal Uses; Accessory Uses or Structures	14-6.3A General Standards	
14-6.3 (A) Multiple principal Uses	14-5.3A.1	
14-6.3 (B)(1) Permitted Accessory Uses and Structures	14-5.3A.2 and Table 05-1	The general statement about accessory uses is covered in General Standards, while the uses themselves are now listed separately in the Summary Table of Allowed Uses (Table 05-1).
14-6.3 (B)(2) Permitted Accessory Uses and Structures	14-5.3.C.1 Accessory Buildings and Structures	Accessory and Temporary uses are included in the Summary Table Summary Table of Allowed Uses (Table 05-1), while standards are covered in C.1.
14-6.3 (B)(2)(a) Permitted Accessory Uses and Structures	14-5.3.C Household Living	Utility shed was listed separately in 14-6.3(B)(2)(a). In combining it with the broader Accessory Building or Structure use.
14-6.3 (C) Mobile Homes and Recreational Vehicles Prohibited as Accessory Structures	14-5.3.C.1 Accessory Buildings and Structures	
14-6.3(D)(2)(G) Standards for Specific Accessory Uses	14-5.3.C Household Living	Originally, this heading was Notice; Registration; Violations; Complaints; Variances; Appeals. We have split it up into various subsections. Variances and Appeals had no related content in the subsection, so those heading have been deleted.
14-6.4 Temporary Structures or Uses	14-5.3.A: General Standards	
14-6.4A Temporary Structures and Uses Allowed in All Districts	14-5.3A.3	
14-6.4B Mobile Home, Temporary Placement	14-5.3C.9 Mobile Home, Temporary Placement	No changes.
14-6.4C Temporary Structures Treated as Permanent Structures	14-5.3a.4	
14-7: Building Envelope and Open Space Standards and Measurements	**This information has been redistributed to various sections. See below.**	
14-7.1 General Rules of Measurement and Exceptions	14-3.5 Calculations, Measurements, and Exceptions	
14-7.1 (A) General Requirements	14-3.5A General Requirements	Carried forward with edits, except provision 3, which states "Each person engaged in the development of property , and the owner of property that has been developed or that is under development , shall comply with the applicable standards of Chapter 14 and provide documentation of compliance to the land use director as necessary to verify compliance.". This is generally true, and does not need to be repeated.
	14-3.5B Density	14-7.2(B), with edits for concision. Including this information in a section of content that is generally applicable to residential zoning districts allows for elimination of Table Notes 2 and 11.
14-7.1 (B) Dimensional Calculations	14-3.5C Lots 14-5.3F Other Dimensional Calculations (Structure Perimeter, Slope Measurement, Building Frontage, Floor Area Ratio)	

14-7.1 (C) General Height Standards	14-3.5E Building Height	
14-7.1 (D) Required Yards	14-5.3D Setbacks	The current code uses both the terms setbacks and yards interchangeably. For clarity and consistency, this draft uses only the term setback.
14-7.1 (E) Separate Regulations for Properties in Escarpment Overlay District		Did not carry forward. There are also separate regulations for properties in the Historic Districts, BCD, and other districts and overlays. No need to call out only this one.
14-7.1 (F) Visibility at Driveways and Yards	14-3.5.G Clear Vision Area	Renamed from Visibility at Driveways and Yards
14-7.2 Residential Districts	14-3.1 General Provisions	
14-7.2 (A) Table of Dimensional Standards	Article 14-3 Zoning Districts	ALL of the information in these tables, including Table Notes content, has been incorporated in to the respective zoning district in Article 14-3.
14-7.2 (B) Calculation of Allowable Dwelling Units	14-3.5B Density	See above, Calculation, Measurements & Exceptions.
14-7.2 (C) Lot Area Averaging in Single-Family Subdivisions	14-3.5C Lots	Addition of provision regarding multi-family development. The intent is to eliminate the repetition of information in each table, and eliminate Table Note 3.
14-7.2 (D) Minimum Yard Requirements		Because R-10 through R-29 now have standard setback requirements that no longer require a development plan for approval, this section has not been carried forward.
14-7.2 (E) Increase in Maximum Height in R-21 and R-29 Districts	14-3.2F, Table Note 5	
14-7.2 (F) Increase in Maximum Density in R-12, R-21, and R-29 Districts		This provision is not carried forward. These districts are now proposed to allow the density indicated by the numeral in their names by right and not require approval by the Planning Commission for anything over 10 Dwelling units per acre.
14-7.2 (G) Increase in Maximum Density in RR District	14-3.2B Rural Residential District	
14-7.2 (H) Maximum Nonresidential Use Area in RAC District	14-5.3 Use-Specific Standards	This is now covered in use-specific standards, where it applies to a given use.
14-7.2 (I) Mobile Home Park Standards	14-5.3C.10 Use Specific Standards	Combined 14-7.2(I) with the existing use-specific standards for Mobile Home Park
14-7.3 Nonresidential and Mixed-Use Districts	14-3.3(B) Mixed Use Districts	Combined 14-7.3 with 3.3.
14-7.3 (A) Table of Dimensional Standards		ALL of the information in these tables, including Table Notes content, has been incorporated in to the respective zoning district in Article 14-3.
14-7.3 (B) Additional Regulations	14-3.3B Mixed Use District 14-3.4.A Business and Industrial Park	(B)(1) relocated to Mixed Use zoning district standards. (B)(2) relocated to Business and Industrial Park zoning district standards.
14-7.4 Business-Capitol District	14-3.3C Business-Capitol District	This content has been significantly reorganized to improve ease of use and readability, but no major changes have been made to the content.
14-7.5 Open Space Standards	14-7.4 Open Space	This section has been copy-edited and subject to minor re-organization, and some graphics have been included. Otherwise carried forward without major changes.
14-7.5(A) General Provisions	14-7.4A General Open Space Standards	Original provision (A)(3) replaced by 14-7.4B.1.II.a. (Table 14-7.2-1 has been eliminated). Provisions 3 and 4 come from Residential Open Space standards, 14-7.5(B)(1).
14-7.5(B) Residential Common Open Space Standards	14-7.4B.1 Common Open Space	

14-7.5(B)(1)	14-7.5B.1.I Intent	The first sentence has been carried forward with edits. The second and third sentences now appear as 14-7.4A.3 and .4.
14-7.5(C) Residential Private Open Space Standards	14-7.4B.2 Private Open Space	Most content is carried forward with headings/subheadings added, and minor copy edits to content. Private Open Space requirements are relocated to the residential zoning district tables.
14-7.5(D) Nonresidential and Mixed-Use Open Space Standards	14-7.4C Nonresidential and Mixed-Use Open Space	
14-7.5(D)(8) Additional Requirements in BIP, MU, and C-2 Districts	14-7.4D Additional District Specific Requirements	Carried forward with minor reorganization for ease of readability. Removed provision related to C-2 that indicated open space was not required for units above the ground floor. Per staff open space (common or private) must be provided for each unit, regardless of district or building configuration.
14-8: Development and Design Standards	**Article 14-7 Development Standards; Article 14-8 Design Standards**	**This section has been split into two sections: one for Design Standards, the other for Development Standards.**
14-8.1: General Provisions	14-7.1: General Provisions/14-8.1 General Provisions	
14-8.2: Terrain and Stormwater Management	14-8.2 Terrain and Stormwater Management	- This section has been reviewed, some sections re-ordered, and all content copy edited. Adds the requirement that a notice of intent (NOI) for the federal Storm Water Pollution Prevention Plan (SWPPP) is required for projects that disturb one acre or more. Control devices may be removed after a notice of termination is filed for projects that require a SWPPP. No major changes have been made to the content in this Phase 1, as no stakeholder input focused on changes needed to this section. Limits compacting fill slopes in lifts of no more than eight inches with the exception of the top four inches of the slope when required for seeding only. Requires existing grade below native trees and shrubs to be undisturbed throughout the dripline of the plant material and prohibits mounding of soil, fill dirt, organic material, or inorganic debris shall be abandoned under native plant canopies. Requires grading to conform to the approved grading plan. Prohibits mechanical or electrical equipment installation within a setback where there is less than five feet of clearance between the equipment, a structure, or a property line to facilitate proper drainage adjacent to structures. Allow a single cable strung between posts to be constructed in or across an arroyo, stream, or watercourse.

		Requires a financial guarantee in a form acceptable to the Planning and Land Use Director if planting is delayed until the next appropriate planting season. Adds Special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM) to the list of items to submit for minor development. Added requirement that when a property or homeowners association assumes the responsibility for maintenance or upkeep of stormwater or other infrastructure, the association may not be disbanded without another party assuming the designated responsibility for repair and maintenance. Requires requests for a waiver from the standards to be processed by the Planning Commission as a variance.
14-8.3: Flood Regulations	14-8.3 Flood Regulations	This section has been carried forwarded and formatted, with copy edits to text and updates to cross-references.
14-8.3(A) Adoption of Special Flood Hazard Areas	14-8.3A Adoption of Special Flood Hazard Areas	
14-8.3(B) Applicability; Permit Required	14-8.3B Applicability; Permit Required	
14-8.3(C) General Provisions for Development in Special Flood Hazard Areas	14-8.3C Development in Special Flood Hazard Areas	Subheadings have been added, and the order of information has been reorganized. Terminology subsection (C.1) is new, as are the definitions for Zones A and AE. These could be relocated to §14-8.3, General Definitions; however, this section is the only place they appear in the code, so for convenience of users, they could be kept here.
14-8.3(D) Engineering Criteria	14-8.3D Engineering Criteria	Carried forward without change
14-8.3(E) Land Use and Development in Floodway	14-8.3E Land Use and Development in Floodway	Carried forward without change
14-8.3(F) Land Use and Development in Flood Fringe	14-8.3F Land Use and Development in Flood Fringe	Carried forward without change
14-8.3(G) Repair or Replacement of Legal Nonconforming Structures in the Special Flood Hazard Area	14-8.3G Legal Nonconforming Structures in the Special Flood Hazard Area	Content relocated to Nonconformities section in 14-1.13E
14-8.3(H) Amendment to FIRM	14-8.3H Amendment to FIRM	Provision H.2: requirement for mailing changed from certified to first class mail.
14-8.3(I) Warning and Disclaimer of Liability	14-8.3I Warning and Disclaimer of Liability	Carried forward without change
	14-7.2 Santa Fe Homes Program (SFHP)	See 14-8.11 below.
	14-7.3 Architectural Design Review	See 14-8.7 below.
	14-7.4 Open Space	See 14-7.5 above.
14-8.4: Landscape and Site Design	14-8.4: Landscape and Site Design	
14-8.4(A) Purpose and Intent	14-8.4A Purpose	Provisions 1.I and IV are new (heat island effect, and soil health). The second sentence of 1.II (native plants) is new.
14-8.4(B) Applicability	14-8.4B Applicability	
14-8.4(C) Compliance and Enforcement		See 14-7.5(J) below.

14-8.4(D) Landscaping Plan Submittal Requirements	14-8.4C Landscaping Plan Required	
14-8.4(E) Water Harvesting and Irrigation Standards	14-8.4D Water Harvesting and Irrigation Standards	
14-8.4(F) Plant Material Standards	14-8.4E Plant Material Standards	Provision 2.I; Allows Developments providing 100 percent affordable units one and one-half-inch caliper minimum deciduous trees. Provision 2.VIII: Requires gravel mulch used in public right-of-way to be washed and screened prior to site delivery; Provision 2IX: prohibits all impervious barriers in addition to plastic for weed barriers. Provision 2.X: temporary irrigation systems permitted. Provision 5.I.f: 3-year requirement for irrigation is new, per staff. Provision 5.VI: Requirement for irrigation is new, per staff.
14-8.4(G) Street Tree Standards	14-8.4F Street Tree Standards	Provision F.2.III: Changed from "may" to "shall" at staff direction. Provision 3.VII requires 15-foot distance between trees and stop signs. F.3 Minor reordering and copy edits.
14-8.4(H) Open Space Planting Requirements	14-8.4G Open Space Planting Requirements	Provision 4: Changed to add more detail to when allowance is permitted.
14-8.4(I) Parking Lots	14-8.4H Parking Lot Landscaping	Amended standards for perimeter and interior parking lot standards, including new standards for perimeter parking lot landscaping and lower threshold for applicability of interior parking lot landscaping requirements from 40 to 20 or more spaces. - Updated definition of parkway and planting strip, which was limited to parkways but in fact was also used in the context of parking lot landscape islands.
	14-8.4H.2 Applicability: Relocated provision I.7, renamed from Compliance to Applicability, and edited for clarity.	
14-8.4(I)(2), Perimeter Screening	14-8.4H.3: Perimeter Parking Lot Landscaping	This content is new, and replaces 14-8.4(I)(2), Perimeter Screening.
14-8.4(I)(3), Interior Parking Lot Landscape Requirements	14-8.4H.4 Interior Parking Lot Landscaping	Provision i: This is a change from (I)(3)(b), lowering the applicability threshold from 40 to 20 spaces.
14-8.4(I)(4) Stormwater Management	14-8.4H.5 Stormwater Management	Carried forward without change
14-8.4(I)(5) Pedestrian Circulation	14-8.4H.6 Pedestrian Circulation	Provision i: This is a change from (I)(5), lowering the applicability threshold from 40 to 20 spaces.
14-8.4(I)(6) Vehicle Overhang	14-8.4H.7 Vehicle Overhang	Provision 7.I: This is a change from (6)(a), that originally said a minimum depth of 5 feet. Provision H.3 above specifies a minimum width of 6 feet. Assuming this provision references how wide an island must be rather than the depth of planting material, this has been changed to be consistent.
14-8.4(I)(7) Compliance		Relocated to H.2 Applicability
14-8.4(I)(8) Display Lots and Flea Markets	14-8.H.8 Display Lots and Flea Markets	Carried forward without change
14-8.4(J) Screening and Buffering	14-8.4I Screening and Buffering	Provision 2.II.c: requires block walls to be constructed with an aesthetic block cap. New, per staff.

14-8.4(J)(4) Storage, Trash and Equipment	14-8.4I.4 Storage, Trash, and Equipment	Provision 4.I: Deleted "substantially" from "substantially visible" to eliminate vague, subjective requirement.
	14-8.4J Compliance and Enforcement	Relocated from 14-8.4(C), minus provision 1, which duplicated information already stated in applicability; did not need to be repeated.
14-8.5: Walls and Fences	14-8.5 Walls and Fences	A new section on fence materials incorporates the prohibition on barbed wire fencing from Chapter 23-1.5, and at staff suggestion, changes the approval authority for allowing barbed wire from Public Works to City Engineer.
14-8.5(A) Applicability	14-8.5A Applicability	
	14-8.5B Method of Measurement	New
14-8.5(B) Maximum Height of Retaining Walls and Fences	14-8.5C Maximum Height of Retaining Walls and Fences	
14-8.5(C) Additional Fence Regulations for Specified Nonresidential Uses	14-8.5C.4 Additional Fence Regulations for Specified Nonresidential Uses	Carried forward with minor copy edits.
	14-8.5D Fence Materials	New
	14-8.5E Fence Location	New
14-8.6: Off-Street Parking and Loading	14-7.5 Parking and Loading And 14-7.5J Off-street Bicycle Parking Requirements	- Relocated parking table, parking design standards, and bicycle parking requirements from the Chapter 14 Appendix and integrated that content into this section. -Business Capital District (BCD) is exempt from parking requirements in Table 7-4 - Included numerous options to allow greater flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies. - Because this Update proposes several ways to reduce on-site parking, the Update has "untied" bicycle parking requirements from the number of car parking spaces that must be provided. Bicycle parking requirements have been subject to substantial changes. - Including basic ADA requirements. - Requirements for provision of EV parking spaces. - Adds information re how to calculate vehicle parking and loading requirements 14-7.5E3 adds a section adding regulations for on-street parking. Allows on-street parking to be counted toward minimum number of required vehicle parking spaces. 14-7.5E4 Adds provision allowing off-site parking to contribute towards minimum parking requirements 14-7.5E5 adds provision allowing shared parking to contribute towards minimum parking requirements. Also allows land use board to or reduce total number of spaces for all uses (not just BCD) pursuant to a conditional use approval or development plan if the reduction is supported by a parking demand study. 14-7.5E6 allows reduction in required number of on-site parking spaces for proximity to transit and multi-modal infrastructure 14-7.5E8 allows reduction in required minimum parking for each permanent car share space

		14-7.5E9 required number of off-street parking can be reduced by 20% for developments that provides parking structures 14-7.5E10 allows parking in commercial parking facilities to co count towards 10% of total amt of required off-street parking 14-7.5E11 allows for 25% reduction in off-street parking requirements for affordable and senior developments 14-7.5F ADA Accessible Parking – adds requirement that medical facilities for mobility impairment and outpatient hospital care are required to provides a percentage of accessible-designated spaces. Also adds section on accessible space standards. 14-7.5G Adds section requiring EV charging spaces for new development and setting standards. Also adds Table 7-6 which provides minimum EV charging station requirements based on use and size of development. 14-7.5H1 Design and maintenance – removes a 20% limitation on cost of landscaping in parking and loading areas during remodeling. 14-7.5H2 Compliance – new section. Adds a list of types of projects for which design and maintenance standards apply to parking lots. The projects are projects on City-owned land, subdivision plats, development plans, master plans, and certain construction permits and conditional use approvals. For construction permits and conditional use approvals, this section applies to projects with an enclosed floor area of greater than 1000 SF, and for additions or remodeling of existing nonresidential and multi-unit structures where total cost of parking landscaping improvements exceeds 20% of the project's total cost 14-7.5I – removes specification for BCD. 14-7.5J Off-Street bicycle parking – replaces increase of intensity for bike parking by 25% with a certain triggers (increase in floor area, seating capacity, required parking spaces, are addition of dwelling units other than single-family homes.
14-8.7: Architectural Design Review	14-7.3 Architectural Design Review	Content has been carried forward with reformatting and minor edits. No major changes have been made in Phase 1. B. Applicability: Content here has been relocated from the Procedures section, originally 14-3.11(C)(1). E.1 Preliminary Review: Information that referenced paper-based review is eliminated, and the remaining content from that provision related to an itemized score sheet was combined with E.1.I. Specifies the timing of architectural review as part of the review of a development application or, where no

		application is required, as part of construction permit review
	Table 7-4 Vehicle Parking Requirements	Add some new uses to the minimum parking table: Adds one space per each 200 sf of net leasable area for all restaurants, as well as breweries, distilleries, and wineries Removed parking minimums for bowling allies, gyms, auditoriums, and private hobby schools
	Table 7-7 Required Bicycle Parking	Adds minimum long-term parking spaces as a requirement for a variety of types of uses. Also increases minimum number of required spaces for schools. Also alters some calculations for existing minimums. Removes hotel and standard ratios of bike to car spaces.
14-8.8: Supplementary Regulations for Retail Structures Thirty Thousand Gross Square Feet or Larger	14-7.8: Regulations for Retail Structures 30,000 Gross SF or Larger	This section has been carried forward without significant edits.
14-8.8(B)(2) Additions and Table 14-8.8-1	Table 7-8	The text of subsections 14-8.8(B)(2) and (3) in Table 14-8.8-1 repeat the same information. The subsections have therefore been combined, and retained in the Table 07-08, with the following changes: integration into the street network was required for the addition of 10 percent and now is only for 25% of value; integration into street network is added and is applicable to 25% remodeling value; removes "number of spaces"; previously public transit and outdoor storage were applicable for 10 percent additions; screening was previously not applicable to 5% additions. which corresponds to Table 14-8.8-1 to describe applicable requirements.
14-8.8(B)(3) Remodeling and Table 14-8.8-1	Table 7-8	The text of subsections 14-8.8(B)(2) and (3) in Table 14-8.8-1 repeat the same information. The subsections have therefore been combined, and retained in the Table 07-08, which corresponds to Table 14-8.8-1 to describe applicable requirements.
Table 14-8.8-1		The original Table 14-8.8-1 in Chapter 14 has a row entitled Number of Spaces (§147-68.8(E)(5)(c)); however, in the content of the section, there is no such provisions. Subsection 5 only has an (a), Screening, and (b), Surface Parking. Did not carry forward table entry.
14-8.9: Outdoor Lighting	14-8.6 Outdoor Lighting	- Added definitions for light trespass & glare. - Made minor updates to existing standards to align with NM Night Sky Protection Act. - Eliminates allowance for high- and low-pressure sodium lamps and mercury vapor. Added LED as permitted lamp type. Lowered permitted incandescent watts to 160 from 150. - Added method of measurement.
14-8.9(A) Purpose	14-8.6A Purpose	Carried forward without edits.
14-8.9(B) Applicability and General Provisions	14-8.6B Applicability	
14-8.9(C) Submittals	14-8.6F Submittals	
14-8.9(D) General Standards	14-8.6C General Standards	
	Table 8-1	Reduced wattage for lighting types (Fluorescent, quartz-halogen, incandescent) from 160 to 150 watts to comply with NM Night Sky Protection Act.
14-8.9(E) Maximum Illumination Standards	14-8.6D Maximum Illumination Standards	Carried forward with minor copy edits (Commercial is now Nonresidential).

	14-8.6E Method of Measurement	New.
14-8.9(F) Maintenance	14-8.6G Maintenance	Carried forward without edits.
14-8.9(G) Further Restrictions	14-8.6H Further Restrictions	Changed general reference from "the city" to the Planning and Land Use Director.
14-8.10: Signs	14-7.6: Signs	Edits to this section focused on eliminating illegal, content-based regulation, including discriminatory regulations preferring speech regarding home sales, general contractors, professionals, and elections over all other speech. Add size limits and removed "tablets" from memorial signs in Historic Districts. Removed out of date reference to historic style committee.
14-8.11: Santa Fe Homes Program (SFHP)	14-7.2: Santa Fe Homes Program	This section has new affordability housing incentives. - Updates have been incorporated to allow a higher level of density bonus and other incentives for providing additional SFHP units, dependent on zoning district. -For calculating density bonus, the allowance to round down if the result is other than a whole number and the fractions is 0.49 or less has been eliminated. The proposal is that any fraction should be rounded up.
14-8.11(A) Authority	14-7.2A Authority	Combined 14-8.11(A) and 14-8.11(B) since they both reference the same document.
14-8.11(B) Adoption of SFHP		Same reference as above. Combined with 14-8.11(A)
14-8.11(C) Responsibilities	14-2.2H: Planning and Land Use Director	Moved this content to the section that describes the duties and responsibilities of the Planning and Land Use Director.
14-8.11(D) Applicability	14-7.2B Applicability	Re-organized content. Also adds provision stating that an applicant may opt to comply with SFHP requirements in order to receive the benefits for any residential project. This addition resolves an issue wherein properties subject to annexation or other written agreements, which contain their own affordable housing requirements, prior to 2005, are not allowed to participate in SFHP. This change would allow developers to comply with the affordable housing requirements in any applicable written agreement and also have the opportunity to participate in the SFHP.
14-8.11(E) Presubmittal Conference, SFHP Proposals and Agreements	14-7.2C Pre-submission Conference, SFHP Proposal, and Agreement	Carried forward without change.
14-8.11(F) Santa Fe Homes Program Requirements	14-7.2D Santa Fe Homes Program Requirements	Carried forward with minor reorganization.
14-8.11(G) Development Incentives	14-7.2E Standard Development Incentives	Change to (G)(1)(a) / E.1.l . This section specifies that, to get the bonus, all on-site units must be provided. Also adds incentive of reduced fees for development review and permit fees in proportion to "two times the percentage of for-rent unties or manufactured home lots offered as SFHP units"
	14-7.2F Enhanced Affordability Incentives	New Enhanced Affordability Incentives allow a higher level of density bonus and other incentives for providing additional SFHP units.
14-8.11(H) Enforcement	14-7.2G Enforcement	Carried forward without edits.

14-8.11(I) Appeals	14-7.2H Appeals	Carried forward without edits.
14-8.12: Relocation of Gunnison's Prairie Dogs	14-8.7 Relocation of Gunnison's Prairie Dogs	The order of information in the section content has been changed, but otherwise, this content has been carried forward subject only to minor edits.
14-8.12(A) Purpose and Intent	14-8.7A Purpose	Changed from "Purpose and Intent" to just "Purpose" aligned with structure elsewhere in draft; minor copy edits to text.
14-8.12(B) Applicability	14-8.7B Applicability	Second clause regarding cost of relocation has been relocated to 14-7.10F.V, Relocation Costs.
14-8.12(C) Exemptions	14-8.7C Exemptions	Carried forward without edits.
14-8.12(D) Appeals	14-8.7H Appeals	Carried forward without edits.
14-8.12(E) Violations and Penalties		This is generally true, stated in General Provisions, and does not need to be repeated in each section of the code.
14-8.12(F) City-Approved Lands	14-8.7D City-Approved Lands	Carried forward without edits.
14-8.12(G) Certified Trappers/Relocators	14-8.7E Certified Trappers/Relocators	Carried forward with minor copy edits.
14-8.12(H) General Requirements	14-8.7F General Requirements	Carried forward with minor copy edits, and the addition of the second clause from the Applicability statement in 14-8.12(B).
14-8.12(I) Additional Requirements	14-8.7G Additional Requirements	Carried forward with minor copy edits.
14-8.13: Development Water Budgets	14-7.7 Development Water Budgets	- Carried forward with information reorganized and some headings changed. - Eliminated references to Water Conservation Credit Program because it no longer exists; updated to reference Water Bank.
14-8.14: Impact Fees	14-7.9: Impact Fees	Carries forward current 14-8.14, with edits from staff. Added submittal requirements for impact fee evaluations. References statutory provision for amending the service areas for impact fees.
14-8.15: Dedication and Development of Land for Parks, Open Space, Trails and Recreation Facilities	14-6.3: Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities	This section has been copy-edited and subject to minor re-organization, but otherwise carried forward without major changes.
14-8.16: School Requirements	14-2.1B.4.II.e	Because this section deals with notice, it has been relocated to a subsection of Common Review Procedures / Scheduling and Notice of Public Hearings.
14-9: Infrastructure Design, Improvement, and Dedication Standards	**14-6 : Infrastructure Design, Improvement, and Dedication Standards**	**no substantial changes have been made to these sections.**
14-9.1: General Purpose and Applicability 9.1A Purpose 9.1B Applicability	14-6.1 Purpose 14-6.2 Applicability	Sections carried forward with minimal copy editing.
14-9.2: Street Improvement and Design Standards	14-6.5: Street Improvement and Design Standards	Pursuant to staff indicating that this section may be updated as a separate project, this content has been carried forward subject to copy-editing, but without major changes included.
14-9.3: Block and Lot and Design Standards	14-6.6: Block and Lot and Design Standards	The section has been modified to remove the following paragraph about blocks: (5) Pedestrian crosswalks shall not be permitted, except where the planning commission finds that they are essential to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation and other public facilities and, if required, their location and

		width shall be as the planning commission requires to serve these purposes. And the following paragraph about lots: "Depth, width, area and shape of sites or lots shall be adequate, as determined by the planning commission, to allow development in accordance with the applicable standards of Chapter 14, including the provisions of this article for the district in which the subdivision is located." With this paragraph about lots "To the maximum extent possible, the configuration of lots, resulting from the relocation of existing property lines or the creation of new lots through subdivision, shall be regular in shape, typically rectangular, with exception possible for topographical constraints or natural obstructions."
14-9.4: Utility and Storm Drainage Improvement and Design Standards	14-6.7: Utility and Storm Drainage Improvement and Design Standards	There is currently no content in this section. Standards related to utilities and stormwater drainage design will be covered in the forthcoming "Public Infrastructure Development Standards" manual.
14-9.5: Infrastructure Dedication, Completion, and Guarantees	14-6.4: Infrastructure Dedication, Completion, and Guarantees	Content carried forward with minimal edits.
14-9.6: Standards for Inheritance or Family Transfer Subdivisions	14-6.8: Inheritance or Family Transfer Subdivisions	The content in this section has been carried forward subject to copy-editing, but without other major changes.
14-10: Nonconformities	**14-1.13: Nonconformities**	**Content carried forward with edits as noted below. More significant changes are:** ▪ **Decreasing period of inactivity for re-establishment of a nonconforming use from 365 days to 180 days.** ▪ **Removing prohibition against creation of accessory dwelling unit when single-family dwelling is a nonconforming use.**
14-10.1: General Provisions	14-1.13A	
14-10.1 (A) Purpose and Intent	14-1.13A.1 Purpose	Carried forward without change.
	14-1.13A.2 Conflicting Provisions	Provision is new in this location, but the concept of the most restrictive standard prevailing in case of conflict is already in the LDC. See §14-1.8.
14-10.1(B) Construction in Progress	14-1.13A.3 Authority to Continue	Change in heading to reflect that this provision addresses more than "Construction in Progress".
14-10.1(C) Determination of Nonconformity Status	14-1.13A.4 Determination of Nonconformity Status	Added this clause, clarifying that the burden of proof for establishing legal nonconforming status rests with the applicant or property owner. This is standard practice in cases of establishing legality of nonconformity.
14-10.1(D) Change of Tenancy or Ownership	14-1.13A.5 Change of Tenancy or Ownership	Content carried forward without change.
14-10.2: Legal Nonconforming Uses	14-1.13B Legal Nonconforming Uses	
14-10.2A No Increase in Nonconformity	14-1.13B.1 No Increase in Nonconformity	Content carried forward with minor copy edits.
14-10.2B No Relocation on Parcel	14-1.13B.2 No Relocation on Parcel	Content carried forward without change.
14-10.2C Termination of Nonconforming Use	14-1.13B.3 Termination of Nonconforming Use	Reduced period of inactivity for re-establishment of a nonconforming use from 365 days to 180 days. Requires any government enlargement or intensification of a non-conforming use to obtain a conditional use

		permit rather than just "significant" intensifications and enlargements.
14-10.2D No Additional Structures	14-1.13B.4 No Additional Structures	Content carried forward without change.
14-10.2E Change of Use	14-1.13B.5 Change of Use	Content carried forward without change.
14-10.2F Exception for Single-Family Dwellings	14-1.13B.6 Exception for Single-Family Dwellings	Removed provision 4 regarding the prohibition against creation of accessory dwelling unit when single-family dwelling is a nonconforming use.
14-10.3: Legal Nonconforming Structures	14-1.13C Legal Nonconforming Structures	
14-10.3A No Increase in Nonconformity	14-1.13C.1 No Increase in Nonconformity	Content carried forward with minor copy edits.
14-10.3B Reduction in Nonconformity	14-1.13C.2 Reduction in Nonconformity	Content carried forward without change.
14-10.3C Substantial Destruction of Legal Nonconforming Structure	14-1.13C.3 Substantial Destruction of Legal Nonconforming Structure	Content carried forward without change. However, in Phase 2, this provision could be updated to use a different, more easily verified threshold than 66 2/3 percent destruction.
14-10.3D Relocation of Legal Nonconforming Structure	14-1.13C.4 Relocation of Legal Nonconforming Structure	Content carried forward without change. However, in Phase 2, this provision should address what happens if the structure is relocated on the same lot.
14-10.3ERepairs and Alterations	14-1.13C.5 Repairs, Maintenance, and Alterations	Content carried forward without change.
14-10.3F Exception for Single-Family Dwellings	14-1.13C.6 Exception for Single-Family Dwellings	Content carried forward without change.
14-10.4: Legal Nonconforming Lots of Record	14-1.13D Legal Nonconforming Lots of Record	
14-10.4A Use of Legal Nonconforming Lot	14-1.13D.1 Use of Legal Nonconforming Lot	Structure re-organized; content carried forward without change.
14-10.4B Adjoining Lots	14-1.13D.2 Adjoining Lots	Structure re-organized; content carried forward with minor copy edits.
14-10.4C Combination of Lots	14-1.13D.3 Combination of Lots	Content carried forward without change. However, in Phase 2, this provision should be reviewed. Why would combining a lot of 1,900 sq ft or less into a larger lot not be allowed, if the expansion makes it of a size that conforms with Chapter 14 requirements?
14-10.5: Legal Nonconforming Structures in Special Flood Hazard Areas	14-1.13E Legal Nonconforming Structures in Special Flood Hazard Areas	Relocated from 14-8.3(G) so all content on nonconformities is in the nonconformities section. This was originally a single statement with a cross-reference to the content in 14-8.3(G). We moved the cross-reference to that section, and the content from the section here.
14-10.6: Nonconforming Residential Condominiums	14-1.13F Nonconforming Residential Condominiums	
14-10.6A Applicability	14-1.13F.1 Applicability	Content carried forward without change.
14-10.6B Density Exception for Constructed Condominium Units	14-1.13F.2 Density Exception for Constructed Condominium Units	Content carried forward without change.
14-10.6C Unconstructed Condominium Units	14-1.13F.3 Unconstructed Condominium Units	Content carried forward without change. Do such development rights ever expire? This is referring to an entitlement granted over a decade ago. Still valid?
14-10.6D Condominium Units Owned by the Original Declarant	14-1.13F.4 Condominium Units Owned by the Original Declarant	Content carried forward without change.
14-10.6E Condominium Units Constructed without Required Permits	14-1.13F.5 Condominium Units Constructed without Required Permits	Content carried forward without change.
14-10.6F Applicability of Other Regulations	14-1.13F.6 Applicability of Other Regulations	Content carried forward without change.

14-11: Enforcement	14-1.12: Enforcement	Content carried forward with minimal edits
14-11.1: Compliance with Chapter; Questions	14-1.12A Compliance with Chapter; Questions	Content carried forward without change.
14-11.2: Enforcement Officer	14-1.12B Enforcement Officer	Content carried forward without change.
14-11.3: Enforcement Procedures	14-1.12C Enforcement Procedures	Provision C.2: requirement for mailing changed from certified to first class mail.
	14-1.12D Violations	New section. This new section restates what is already accepted practice in Santa Fe; however, there appears to be no language explicitly on point describing what constitutes a violation of the LDC. There are fragmented notes about violations in specific sections (e.g., impact fees), but having this stated once here will allow those various disparate regulations to be deleted.
14-11.4: Remedies and Penalties	14-1.12E Remedies and Penalties	This section has been copy-edited. Provision E.3.III: requirement for mailing changed from certified to first class mail. Provision E.3.IV, Administrative Hearing section: change is that a person who receives a citation may pursue a hearing in civil court of the city does not have or cannot appoint a hearing officer to resolve the administrative hearing request.
14-11.4(D) 14-1.11F Revocation of Approvals	14-1.12F Revocation of Approvals	F.1.I and II: requirement for mailing changed from certified to first class mail.
14-11.5: Enforcement of Santa Fe Homes Program Outside the City Limits	14-1.12G Enforcement of Santa Fe Homes Program Outside the City Limits	Clarification added that this only applies outside city limits if a development project has entered into and SFHP agreement.
14-12: Definitions	**14-9.2 Use Definitions** **AND** **14-9.3 General Definitions**	▪ Definitions have been carried forward, with the following edits: ▪ New definitions : bank or credit union; bar, cocktail lounge, nightclub; children's play area and play equipment; charitable institution; commercial parking lot or garage; compound development; conference or extended stay lodging facility; demolition; demolition by neglect; doggie daycare; dwelling, duplex; dwelling, live-work; dwelling, quadplex; dwelling, single-family attached (townhome); dwelling, triplex; egress; electric vehicle charging station; elevation (of a structure); eligible facilities request (EFR); eligible support structure; farmers' market; film production; fire station; gas station; garage, private; hair salon or barber shop; health care and extended care facilities; historic or historical; historic district; historic material; hospital heliport; in-kind; ingress; in-home day care; intensification; laboratory, research or testing; lintel; long-term bicycle parking; lodging uses; medical or dental office or clinic; monestary or covenant; mutin; neighborhood grocery store; neighborhood or community center; office equipment sales and service; office supply sales; parapet; pediment; pergola; pet grooming; photography studio; picket fence; police or fire station; preschool; reception or event center; recreation and entertainment uses; religious, educational, or charitable

		institution; rehabilitation; renewable energy facility; repair; ▪ Definition of boarding house modified to no longer require owner occupation and expanded to "boarding, dormitory, monastery or convent"; caliper definition expanded to include diameter at breast height; added RV Park to term previously defined as campground; replaces child day care facility with day care facility and expands the definition to include adult day care; removes definition for clinic and its limitations on the number of beds and practitioners in favor of "medical or dental office or clinic"; dwelling unit, multiple family is now "dwelling unit, multi-unit"; adds second meaning to "excavation; defined "convalescent, skilled nursing, or rehabilitation care facility" to have the same definition as "extended care facility"; differentiates large group residential care facilities from small (previously "limited") and correctional residential care facilities; expands definition of kennel to include boarding facility; expands on the definition of personal care establishment; adds apothecary to pharmacy; expands definition of planting strip to include the area between a curb and sidewalk; restaurant, fast service/take-out; restaurant full service; seasonal sales; self-storage units; service and repair garage, including gas station; short-term bicycle parking; shot clock; slump block; small cell facility; springline; tailoring or alteration shop; temporary mobile storage unit; termporary on-site contractor's office; theatre, live productions; tiny home; tire recapping and retreading; transit tranfer facility; trellis; trombe wall; wireless communications facility; ▪ Related terms have been grouped under categorical terms, for example "adult arcade" is placed under "sexually oriented business" along with adult bookstore, etc. ▪ Removes definitions for adult news rack, Filling station, group home, mini-storage units; Motel; nightclub; religious assembly; religious institution; repair garage; residential suite hotel or motel; salvage yard; specified anatomical areas; specified sexual activities; and subdivide.

SANTA FE, NEW MEXICO

Land Development Code

Assessment Report



September 2023

SANTA FE
LAND DEVELOPMENT CODE

CITY OF SANTA FE

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LDC Update Assessment Report September 2023

1: Project Overview

The City of Santa Fe has begun a major project to review and rewrite the City's Land Development Code (LDC), which is officially Chapter 14 of the municipal code. The LDC guides how new development and redevelopment may occur in Santa Fe and thus is an important tool for establishing and maintaining the City's physical character. The LDC establishes zoning districts for different areas of the city, identifies allowed land uses within those districts, sets development and design standards to ensure that development is of high quality, and lays out procedures for considering and approving development applications.

The overall goal of this multi-phase project is to prepare and adopt a new LDC that better supports contemporary planning and land use practices through clear and consistent regulations that are easy to understand and simple to administer.



The project will involve a comprehensive review of regulations that have been amended at various times over the past decades. The update will help ensure that future development aligns with the community's needs and desires for future growth. The new LDC also will be an important tool for implementing the Santa Fe General Plan, which will be updated through a separate concurrent project over the next two years.

The City of Santa Fe Land Use Department is leading this multi-phase project, working with Clarion Associates, a Denver-based land-use consulting firm.

Project Phases

The three stages of this project will include:

Phase 1 – LDC Foundations (2023-2024)

The first phase kicked off in February 2023 and will continue through the fall of 2024. This phase (which includes this report) will focus on improving the organization, clarity, and general user-friendliness of the LDC. This phase will result in adoption of a new LDC that carries forward much of the intent of the current document, but in a new format and organization that will be more accessible, easier to understand, and simpler to administer. This phase has been described as "code housekeeping," as it is intended to focus mostly on non-substantive updates, eliminate inconsistencies and unclear language, and propose a new, more user-friendly organization for the document.

Detailed drafting will begin in the late fall of 2023 following discussion of this report. The new draft LDC will be presented to the general public for review and comment in early 2024. Comments will be collected and addressed, and a revised draft will then be carried into the adoption process for additional review and public comment. Consideration of adoption of the Phase 1 LDC will occur in mid-2024.

Items identified as "Phase 1 issues" in this report may be addressed with non-substantive changes or only modest substantive updates. These edits are primarily aimed at improving the usability of the regulations by restructuring the content into a more logical organization, eliminating inconsistencies and unclear information, adding graphics, charts, and illustrations, and updating some of the standards. A better-organized LDC that is easier to use will be the foundation for more substantial revisions that will take place in Phases 2 and 3.

Phase 2 – Promoting Key Standards (2024-2025)

The second phase will begin in late 2024. Building off the new, reorganized "foundation" LDC adopted in Phase 1, the second phase will focus on more substantive revisions. All parts of the document will be considered for potential updates, including administrative procedures, zoning districts, use regulations, and development standards.

Items identified as "Phase 2 issues" in this report are expected to involve more significant edits and will involve substantial public outreach and discussion before the suggested changes are finalized. While it is possible to anticipate many of the more substantial edits to Chapter 14 in this phase, it is also likely that additional changes will come to light during the Phase 1 work. As such, not every change that will be included in Phase 2 is included in this report, but every proposed substantive change will be subject to public review and the public will be given ample time to review and opportunities for feedback.

Phase 3 – General Plan Implementation (2025-2026)

The third phase will include additional substantive revisions to implement the updated Santa Fe General Plan (particularly the land use and growth goals and policies), which is being prepared as part of a separate, concurrent project. Additional changes to the LDC, beyond those addressed in Phase 2, will be needed to align the LDC with the updated General Plan. For example, it is expected that some changes to Santa Fe's zoning districts may be necessary to align with updated land use classifications in the General Plan. Such potential changes are classified in this report as Phase 3. As the new General Plan comes closer to completion, there will be additional discussions (likely in the fall of 2024 at the start of Phase 2) to refine and expand the Phase 3 topic list, when it is possible to gain a more defined idea which General Plan policies will require code amendments.

How will the Public Be Involved?



There will be extensive opportunities for public review and discussion of the new LDC, as well as all interim work products, during all three phases of the project. A project website (https://www.santafeldcupdate.org/) has been established to provide up-to-date information on project status and opportunities for input. In addition, at defined project milestones, the project team will host in-person and online meetings to present draft work products and receive feedback. A Public Participation Plan has been developed to outline the overall approach for fostering community engagement throughout the LDC update project. The Plan is available online at the project website.

General public outreach also will be supplemented by focused meetings with two working groups established by the City:

- A Technical Advisory Working Group (TAWG) is comprised of professionals who have experience using Chapter 14. This group of frequent code users such as planners, design professionals, and agents will have varying levels of familiarity with Chapter 14, some with greater exposure to and grasp of detail than others, but all members understand how the LDC impacts key issues related to land development in Santa Fe, including housing, open space, affordability, preservation, and more. The TAWG will be most involved with the Phase 1 housekeeping edits.
- The Citizen Advisory Working Group (CAWG) is comprised of community advocates who have interest in and knowledge of Chapter 14, and opinions on how to improve it. This doesn't mean Working Group members are able to cite specific chapters and sections of the LDC, but members all possess an understanding of the key issues regarding land development in Santa Fe. Members of the Working Group have wide-ranging interests and expertise, from housing affordability, to historic preservation, to water conservation, and many other topics.

The role and membership of the working groups is expected to evolve over the three phases of the project. Information about the working groups is available at the project website.



About This Report

This Assessment Report contains recommendations for updates to Santa Fe's current Land Development Code, Chapter 14. The recommendations come from three sources: input collected in stakeholder interviews and from surveys completed during the project kickoff in spring 2023; feedback from city staff who regularly use the regulations; and review and assessment of Chapter 14 by the consultant team.

Following this Project Overview, this report is organized into two main parts:



- Key Areas to Improve the LDC. This section identifies major themes that emerged from the project team's analysis and their experience with development regulations in communities across the nation. The discussion includes recommendations for how the current LDO might be improved or replaced to best address concerns pertinent to that issue. The discussion is organized into categories that reflect the major parts of the LDC, including Document Clarity, Organization, and Format; Zoning Districts; and Development and Design Standards.
- Annotated Outline for a New LDC. This section provides an overview of a proposed structure of a new LDC, assuming the recommendations from this assessment are implemented. This section provides an overview of a proposed structure of a new LDC, assuming the recommendations from this assessment are implemented. This section of the report gives the reader the framework of the new structure and the logical grouping of similar provisions.
- Detailed Review Tables. Separate from this report, a detailed table captures specific proposed edits to Chapter 14 that may not rise to the level of major themes discussed in this report. The table is a working document that captures proposed edits noted so far; additional proposed edits may be added to this working table as the drafting continues.

The recommendations in this Assessment Report will be the subject of public meetings that are scheduled to occur in late September of 2023. Specific dates and times will be published on the Santa Fe LDC Update project website: https://www.santafeldcupdate.org/

Summary of Recommendations

The table below is organized around the major focus areas in Part 4: Areas for Improvements to Chapter 14, of this report and consolidates the recommendations that appear in the separate subsections of this Assessment.

While it is possible to anticipate that some topics in this table, such as equity and sustainability, will be concerns throughout the duration of the LDC project, in most cases it is difficult to discern what changes will extend onto Phase 3, absent information on the updated policies and objectives of the General Plan. For that reason, classification of Phases in the table is limited to Phases 1 and 2, with Phase 3 additions to follow as the Plan update progresses.

Focus Area	Recommendations	Phase
Equity		
	▪ Emphasize increased equity when reviewing and updating the LDC. ▪ Focus on expanding housing affordability through adjustments to the SFHP, if needed, and other means such as incentives. ▪ Assess equity and inclusivity in development review procedures such as public notice requirements. ▪ To the extent possible, ensure that decision-making bodies reflect the diversity of the population of Santa Fe.	All phases
Sustainability		
	▪ Incorporate sustainability principles into the baseline standards in all sections of the code. ▪ In the drafting process, evaluate various organizational options for integrating sustainability-focused standards. ▪ Adopt green building standards for private development, or offer a menu of green design options from which developers must incorporate a certain number into their project.	All phases
Document Clarity, Organization, and Format		
Establish a Clear Organization	▪ Reorganize Chapter 14 as proposed in the Annotated Outline in this report. ▪ Consolidate related information where possible. ▪ Ensure cross-references lead to the exact section or subsection of related information. ▪ Review table notes to remove standards and replace in body of code; reduce number of notes. ▪ Incorporate Appendices into the relevant sections of the body of the code.	Phase 1 for all
Improve Page Layout	Establish a more attractive and user-friendly page format with: ▪ Dynamic headers, showing article, section, and subsection on each page; ▪ Consistent formatting and location of tables and graphics; ▪ Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and ▪ Consistent indentation and nested text.	Phase 1 for all

Focus Area	Recommendations	Phase
Add Tables, Illustrations, and Other Graphics	▪ Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDC.	Phase 1
Use Clear, Plain Language	▪ Rewrite code using plain, clear, gender-neutral language.	Phase 1
Zoning Districts		
General Updates for All Districts	▪ Combine purpose statement and dimensional standards for each district in one location. ▪ Clarify the relationship between base zoning districts and overlay districts in instances where purposes are similar, or geographical areas overlap.	Phase 1 Phase 1
Residential Zoning Districts	▪ Ensure there are no conflicting standards in various overlapping base and overlay districts, and seek opportunities to clarify and streamline the regulations in overlapping areas. ▪ Combine all district information in one location, so purpose and applicable dimensional standards are in one place for each district. ▪ Change allowances so that the higher-density districts allow density greater than 10 dwelling units per acre without the approval of a development plan. ▪ Review dimensional standards to identify opportunities for flexibility, or elimination of overlapping standards to projects that make significant contributions to City housing needs. ▪ Consider alternatives to the current density-based structure of residential zoning districts.	Phase 1 Phase 1 Phase 1 Phase 1 Phase 2
Nonresidential Zoning Districts	▪ Update purpose statements of commercial districts to provide a better description of the kind of development that is desired in the different districts. ▪ Reorganize information in commercial districts so each district explains applicable standards, rather than referencing users to various other locations to find applicable standards. ▪ Create Parks and Open Space District, which includes trails. ▪ Improve and expand mixed-use districts, possibly through the creation of districts that are tailored to scale and intensity of mixed-use development. ▪ Determine proper location and extent for industrial land, and preserve industrially-zoned land for industrial uses. ▪ Assess the need to retain special-purpose base districts such as the HZ Hospital Zone, BIP Business and Industrial Park District, PRC Planned Residential Community District, PRRC Planned Resort-Residential Community District, and SC Planned Shopping Center districts.	Phase 1 Phase 1 Phase 1 Phase 2 Phase 2 Phase 2
Overlay Districts		
Historic Districts	▪ Reorganize information within a logical hierarchy that progresses from general information to more specific information.	Phase 1

Focus Area	Recommendations	Phase
	▪ Include maps that depict district boundaries, and photos and illustrations to help users understand design requirements.	Phase 1
	▪ Standardize the elements of information that are included in each of the sub-districts. These sub-sections should not repeat generally applicable standards, which will be covered in a section of standards that apply to all historic districts and should only contain subdistrict-specific information and regulations.	Phase 1
	▪ Clarify information and codify standard practice for common processes that are not described in the current code.	Phase 1
	▪ Review and clarify historic signs regulations.	Phase 1
	▪ Update standards and materials requirements to reflect contemporary practice.	Phase 2
	▪ Revise procedures, accompanied by review of decision-making authority and H-Board composition and qualifications requirements.	Phase 2
Archeological Review Districts	▪ Relocate substantive information from the Review and Approval Procedures Article, in Section 14-3.13, *Archaeological Clearance Permits*, to Section 14-5.3, *Archaeological Review Districts*. What remains in Section 14-3.13 should focus on the steps of the review process.	Phase 1
	▪ Clarify archaeological subdistrict boundaries with the inclusion of maps that show what areas the subdistricts cover.	Phase 1
	▪ Align conflicting state and local regulations and terminology; augment local regulations as warranted by limitations in state requirements.	Phase 1
	▪ Adjust Archaeological Clearance Permit to include testing more specific areas of lots to be developed, testing a greater extent of the lots, tying permits to projects rather than locations, and relating findings on adjacent lots to one another.	Phase 2
	▪ Review ARC process to ensure emphasis is on preservation of resources, rather than completion of paperwork.	Phase 2
Escarpment Overlay	▪ Revise content to eliminate repetition, use simpler language, and eliminate outdated provisions if applicable.	Phase 1 for all
	▪ Simplify method for measuring height. Ensure that the explanation is clear and can be consistently applied throughout the code.	
	▪ Separate slope screening and revegetation requirements from structure landscaping requirements.	
Other Overlays	▪ Eliminate RS Residential Suite Hotel/Motel Overlay, along with elimination of the base district (Shopping Center) with which it is associated.	Phase 1
	▪ Eliminate the Arts and Crafts Overlay district, which is redundant with the Arts and Crafts base zoning district.	Phase 1
	▪ Carry forward Midtown Local Innovation Corridor (LINC) Overlay without changes (pending further discussion).	Phase 1

Focus Area	Recommendations	Phase
	▪ Revisit the purpose of the highway corridors and assess if they are producing the kind of development the city would like to see within these areas. Revise as warranted.	Phase 2
Land Uses and Use-Specific Standards		
Table Format Updates	▪ Improve formatting, eliminate table notes to the greatest extent possible in the Table of Allowed Uses, change "special use permit" to "conditional use," and ensure that links to use-specific standards lead to precise locations, rather than general categories or subcategories. ▪ Include Accessory and Temporary Uses in the master table and ensure that all permissions for these uses are reflected accurately.	Phase 1 Phase 1
Table of Permitted Uses: Substantive Review/Update	▪ Review existing uses and edit as warranted – recategorize certain uses, consolidate others to streamline table, eliminate obsolete uses. ▪ Review permissions for each use, including whether some uses could be allowed more widely if accompanied by appropriate use-specific standards. ▪ Update existing use-specific standards, including those for ADUs, and include standards to enable particular housing types, such as attached townhomes and duplex/triplex structures.	Phase 2 Phase 2 Phase 2
Expand Residential Building Types to Promote Housing Diversity	▪ Expand the types of housing types that are allowed and include use-specific standards to facilitate their construction.	Phase 1
Add New Uses	▪ Add new uses, accompanied by use-specific standards where appropriate.	Phase 2
Development and Design Quality Standards		
Vehicle Parking	▪ Consolidate Appendix information – especially the parking table – into the body of the code. ▪ Include additional options for allowing flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies. ▪ Expand bicycle parking requirements, and "untie" them from the number of car parking spaces that must be provided. ▪ Include requirements for EV parking spaces. ▪ Update the schedule of required parking.	Phase 1 Phase 1 Phase 1 Phase 1 Phase 2
Landscaping and Tree Preservation	▪ Emphasize the preservation of existing landscaping and mature on-site trees, and offer incentives to encourage it. ▪ Strengthen planting standards through creation of an Approved Plant List (rather than a recommended one), and consider a Prohibited Plant List as well. ▪ Refine interior parking lot landscaping requirements, with emphasis on provision of shade in the parking area. ▪ Clarify and update irrigation standards. ▪ Focus on water conservation in landscaping requirements. Devise an approach on whether potable water use for	Phase 1 Phase 1 Phase 1 Phase 2 Phase 2

Focus Area	Recommendations	Phase
	landscaping is allowed, and the extent to which gray water is available and may be used.	
Screening and Buffering, Walls and Fences	▪ Clarify issues with combination of fences and retaining walls, measurement of fence height, and consider the inclusion of fence material requirements for areas outside historic districts. ▪ Create Residential Adjacency code section that focuses on buffering residential uses from various impacts of more intensive adjacent uses. ▪ Tailor buffering requirements based on intensity of adjacent development.	Phase 1 Phase 2 Phase 2
Building Design	▪ Improve structure of information, add detail and definitions where needed, and simplify language in the section. ▪ Determine areas of the city where form-based standards would be appropriate, and draft standards to apply in these areas. ▪ Consider how form-based standards intersect with the existing Architectural Style Points System requirements.	Phase 1 Phase 2 Phase 2
Signs	▪ Review all sign regulations to eliminate content-based regulation. ▪ Improve the organizational structure of the section, and include graphics, tables, and illustrations to convey information. ▪ Add regulations for new sign types. ▪ Compare regulations for signs in the Historic District with regulations on historic signs; eliminate any discrepancies or conflicting information.	Phase 1 Phase 1 Phase 2 Phase 2
Parks	▪ Review all regulations to update level of service goals and dedication requirements if necessary. ▪ Consider allowing fee-in-lieu of parkland dedication, accepted at the City's discretion, to support maintenance of existing parks, and targeted expansion in areas of the city where more parks are needed.	Phase 2 Phase 2
Open Space	▪ Add more flexibility in options to meet open space requirements for both residential and non-residential projects. ▪ Consider accepting fee-in-lieu, which could support current and future public parks, trails, and open spaces, or accepting alternate amenities that provide community benefit.	Phase 2 Phase 2
Outdoor Lighting	▪ Add detail to standards, and describe method of measurement. ▪ Align lighting regulations with night sky protections enacted by the state or set higher local standards if desired. ▪ Consider removing community street lighting from the zoning code. If retained, clarify new street lighting requirements for subdivisions, and add detail on pedestrian-scale lighting for sidewalks and trails.	Phase 1 Phase 1 Phase 1

Focus Area	Recommendations	Phase
	▪ Update requirements to reflect current best practices regarding elimination of backlight, uplight, and glare (BUG).	Phase 2
Streets and Sidewalks	▪ Review and standardize requirement for sidewalk width, possibly adapting minimum requirement based on development context.	Phase 1
Development Water Budgets	▪ Use procedural requirements to improve awareness of development water budget requirements earlier in the review process. ▪ Emphasize water conservation as part of the effort to integrate sustainable development practices into the LDC. ▪ Integrate water-related requirements in Chapter 25 with those in Chapter 14.	Phase 1 Phase 2 Phase 2
Procedures and Code Administration		
Application Procedures	▪ Review and update common review, application-specific procedures. ▪ Ensure that all steps of the application process are described in the code, including required post-decision actions.	Phase 1 Phase 1
Approval Criteria	▪ Ensure each procedure has specific, objective approval criteria to define the basis for the decision. ▪ Consider exemption or an expedited review process for projects that meet certain criteria or policy goals of the City Council.	Phase 1 Phase 2
Decision-Making Authority	▪ Review and potentially raise thresholds that require applications to be elevated to higher-level review. ▪ Consider decisions that can be delegated to professional planning staff, Boards, and Commissions, on the basis of clearer approval criteria. ▪ Draft call-up procedures to allow staff to pass application review to a Board, Commission, or Council, and to allow the Council to call-up applications on their own.	Phase 1 Phase 2 Phase 2
Application Process	▪ Assess the level of detail that is required in application information, possibly calibrating it to the progress of the review process, with greater detail required later in the review. ▪ Consider whether review for smaller, less impactful requests can be resolved more expeditiously than large projects that must be subject to full review and public hearing.	Phase 2 Phase 2
ENN / Facilitation Process	▪ Clarify the purpose and potential outcomes of the ENN process.	Phase 1
Public Notice / Public Hearings	▪ Add detail to the current notification requirements, so it is more clear to applicants what they must do to fulfill the requirements. ▪ Expand explanation of limits on communication with members of the public when the governing body is acting in a quasi-judicial capacity. ▪ Consider expanding the methods for public notice, either officially or as informal best practices.	Phase 1 Phase 1 Phase 2

Focus Area	Recommendations	Phase
Nonconformities	▪ Clarify terminology used in the section, eliminate inconsistencies between these regulations and other code sections, and establish which regulations take precedence. ▪ Determine overall approach to nonconformities, and whether the objective is to eliminate them, or facilitate their continued operation.	Phase 1 Phase 2
Legal Lot of Record	▪ Consider if there is a simpler process that could be implemented in establishing a legal lot of record, in particular, one that does not require an appearance before the Planning Commission.	Phase 2
Code Enforcement	▪ Ensure that the steps of the enforcement process after issuing a notice of violation are described in the code. ▪ Review enforcement topics in both Chapter 10 and Chapter 14 to see if any topics should be relocated. ▪ Consider expanding the use of fines, rather than taking people to court for non-compliance.	Phase 1 Phase 1 Phase 2
Relocation of Information	▪ Consider locating information that changes frequently or is of a technical nature outside the code.	All phases
Calculations	▪ Review all calculations to ensure method and application are explained clearly. ▪ Where possible, apply consistent standards to the results, such as always rounding up.	Phase 1 Phase 1
Definitions	▪ Review all definitions: add new definitions as needed and clarify existing ones. ▪ Ensure all policies and regulations are clearly explained, and illustrated where that would assist users' understanding.	Phase 1 Phase 1

2: Key Areas to Improve the LDC

Overarching Issues

Equity

While zoning has historically been used as a tool for exclusion, more recently an altered perspective has been brought to bear, which seeks instead to use zoning to support and accomplish social equity goals. Efforts to incorporate equity in zoning aim to eliminate zoning laws and regulations that implement and perpetuate inequitable outcomes, and to remedy the adverse impacts of prior barriers inherent in the regulations. Inclusivity is central to these ideas, and often linked to concerns about affordability. Affordability is certainly inextricable from notions of equity, but it is not the whole of it. There are also ways to advance equity in zoning implementation by encouraging inclusive and representative participation in zoning processes, and facilitating more diverse enfranchisement of the individuals who implement the rules.

As this project progresses, all aspects of the review will be conducted with the objective of improving the equitable outcomes of the regulations and expanding the inclusivity of participation in their implementation. This section looks at a couple of important areas of emphasis the comprise the equity-focused review.

A. Increase Housing Affordability and Reduce Displacement

Santa Fe has an existing inclusionary housing requirement, as described in the Santa Fe Homes Program (SFHP). The program requires 20 percent of all new for-sale development to be priced affordably for purchasers earning 80 percent or less of the Area Median Income. In for-rent projects, 15 percent of rentals must be priced affordably. For both smaller projects (10 or fewer units) and multi-family developments, there is an opportunity to pay a fee-in-lieu, rather than providing units on-site. While the LDC project may involve updating some of the standards or requirements of the SFHP, the fact that the City already has such a program in place is a significant advantage, the more so as the program has been in effect for a number of years already.

Outside of the SFHP, this project can consider other ways of enhancing housing affordability. Approaches that are common in many communities include offering incentives for a project to include a greater number or higher percentage of affordable housing units than the minimum requirement. A common incentive is a density bonus, but other options include reduction of requirements that add time or cost to a project. Reducing parking, open space, or design requirements can reduce cost, while expedited approval of any project below a certain number of units can reduce time until approval. In Phase 2 of this project, we can work with the city and the community to determine what incentives are appropriate in Santa Fe.

B. Assess Equity and Inclusivity in Development Review and Decision-Making

Equity and inclusivity in governance depends on the ability of the public to participate in decision-making. Public notice is one of the most important means cities have to invite inclusive citizen participation in decision-making, and the Procedures section of this report looks at ways to improve the inclusivity of public notice and participation. Though the diversity of decision-makers is, to some extent, beyond the parameters of zoning, there are nevertheless elements that zoning can contribute to improving. It is important for the City's boards, committees, and staff to reflect the diversity of the population they are empowered to represent, and to represent the viewpoints of all constituents, including those who do not routinely participate in traditional public meetings and processes. The

Council is elected, but the numerous City advisory boards and committees should, in their membership, reflect the diversity of the residents of Santa Fe. Professional qualifications are important to be able to serve competently on some boards that require technical expertise, like the Historic Districts Review Board or the Archaeological Review Committee, but that does not preclude considerations of diverse composition in membership. The City already has experience in ensuring representation of diverse voices on account of the historic composition of Santa Fe's population. This experience can help in ensuring those diverse voices and perspectives are represented in the groups that shape policy and make decisions in Santa Fe.

Equity Recommendations

- Emphasize increased equity when reviewing and updating the LDC.
- Focus on expanding housing affordability through adjustments to the SFHP, if needed, and other means such as incentives.
- Assess equity and inclusivity in development review procedures such as public notice requirements.
- To the extent possible, ensure that decision-making bodies reflect the diversity of the population of Santa Fe.

Sustainability

A. Make Sustainable Development Outcomes a Default Setting

Many sustainability goals can be achieved by making climate-resilient development a part of the "core DNA" of the code. This means integrating sustainable development practices into all parts of the underlying foundations of the code. For example, important sustainable outcomes can be well-supported by site layout standards that limit impervious cover, and that require connectivity and promote walkable urbanism in areas such as the downtown, the historic districts, and developing mixed-use centers and corridors, such as the area along South Guadalupe.

The following table offers a framework for thinking about how various sustainable outcomes may be achieved in a zoning code. The left column includes some typical sustainability goals, the middle column identifies development approaches that help achieve those goals, and the third column suggests specific relevant zoning tools. The table is not comprehensive, but merely a way of thinking about how sustainability may be a fundamental consideration in developing all parts of a code.

Sustainable Goal	Development Approach	Zoning Tools
Reduction of Greenhouse Gas Emissions / Healthy Lifestyle Options	▪ Compact, mixed-use development ▪ Connected trails and sidewalks ▪ Limit new auto-oriented development in remote areas ▪ Remove barriers to expanding multi-modal transportation options	▪ Mixed-use and smaller lot residential zone districts ▪ Mobility and connectivity standards ▪ Bicycle parking requirements ▪ Reduced and better calibrated off-street parking requirements ▪ Streetscape, building form and scale, and other pedestrian-focused design standards, especially in Downtown and community centers

Sustainable Goal	Development Approach	Zoning Tools
Efficient Building and Site Design Practices	▪ Adaptive reuse of existing buildings ▪ Energy efficient buildings ▪ Water conservation and management ▪ Green building materials ▪ Waste reduction and management	▪ Applicability of development standards scaled to the scale of development and incentives for adaptive reuse of buildings ▪ Incentives or requirements to design buildings using LEED, ENERGY STAR, or other national green building standards ▪ Increased limitation on impervious surfaces ▪ Water-efficient landscaping standards
Renewable and Alternative Energy	Introduce opportunities for solar and other renewable energy sources	▪ Accessory renewable energy facility standards for ground- and roof-mounted solar, wind energy, and geothermal energy equipment ▪ Electric vehicle parking requirements or incentives
Environmentally Sensitive Lands and Natural Resource Protection	▪ Limit impact of development on natural resources and sensitive lands ▪ Incorporate natural environment into the development process	▪ Comprehensive floodplain, wetlands, stream buffer, wildlife habitat, grading/land disturbance, and other sensitive land protection regulations ▪ Native landscaping standards

As shown in the matrix, some of the basic sustainability work of an updated code can take place in the core zoning district and site layout standards. These standards will encourage compact and walkable development while setting a path for redevelopment that makes the most of existing infrastructure resources and limits residential and commercial encroachment into greenfields and peripheral lands.

Beyond updating basic zoning tools through a sustainability lens, a range of sustainable development topics can be addressed through specific regulations in areas such as stormwater management, green infrastructure, tree protection, community health, local food production, and renewable energy. Some of these topics are already addressed in the body of this report, and others can be included as part of the rewrite if it is determined they are desirable goals to pursue.

B. Consider the Organization of Sustainability Standards

Beyond the content of the standards, discussed above, their organization and placement within the code deserves attention. A frequent issue that comes up in zoning code rewrites is how much of an individual spotlight to shine on sustainability. There are several approaches to consider:

1. Independent "Sustainability" Section

A standalone sustainability section brings sustainability to the forefront, indicating that it is a community priority. This approach can also allow for coordination of all measures that advance sustainability, and

allow more flexibility (e.g., point systems) and incentives (e.g., tying standards to bonuses), which allows for more creativity and getting applicants used to what is wanted. However, because many of the topics tied to sustainability may already be addressed in other dedicated sections of the code (e.g., landscaping, parking, building design standards), a separate sustainability section may result in similar topics being addressed in two places.

2. Integrated Throughout

Most sustainability measures are already tied to topics that are addressed by zoning tools (e.g., landscaping requirements greatly impact water use). Integrating sustainability-related standards throughout the code, rather than consolidating them into a standalone section, can make compliance more straightforward because standards are included alongside similar regulations on a particular topic that an applicant must meet. However, that can also make it harder to build in broad incentives and a more comprehensive approach to sustainability. Having sustainability-related standards located throughout the code reduces their collective emphasis and the sense of community focus on sustainability; this can either make them easier to approve or harder to publicize as a "win," depending on political realities.

3. Hybrid

Many communities end up with a hybrid approach, that includes some sustainability-oriented standards integrated into baseline code requirements and integrated throughout, alongside a freestanding sustainability section that establishes additional sustainability standards above and beyond the baseline. This can be a useful approach when the community wants to make certain standards mandatory (standards integrated within relevant chapters), while others are incentive-based (standalone section where they may be used by a developer to meet a score or unlock an incentive).

C. Consider Green Building Standard Requirements for Private Development

To help achieve Santa Fe's climate action goals, the City could consider implementing green building standards in private development, either as a mandatory requirement, or using an incentive-based program. The effectiveness of incentives depends on knowing the strength of demand for development in the city, and making the incentives meaningful in terms of reducing cost or processing time for development applications. Whether incentive-based or mandatory, the regulations could offer a menu of options, and allow the developer to choose a certain number to meet the requirements, as is done with the Architectural Style Points System. There are any number of options such a menu could include, but common ones that have been adopted by other communities include renewable energy requirements for building heating and cooling, cool or green roof requirements, building orientation to maximize solar gain or cooling, building materials certification, and water capture and conservation elements.

The location of green building standards and/or incentives requires discussion and may be appropriate in a separate document outside the zoning code. If incentives to encourage green-building practices are integrally linked to zoning standards (e.g., more building height when a green roof is provided), that would argue for locating such incentives in the code. But, often, green building standards operate independently of zoning standards and are a better fit alongside other technical and structural specifications in the Building Code.

Sustainability Recommendations

- Incorporate sustainability principles into the baseline standards in all sections of the code.
- During drafting, evaluate various organizational options for integrating sustainability-focused standards.
- Adopt green building standards for private development, or offer a menu of green design options from which developers must incorporate a certain number into their project.

Document Clarity, Organization, and Format

The first major area for improving the LDC is the format and organization of the document itself, beyond the substantive issues discussed later in this report. Many stakeholders said they find Santa Fe's Chapter 14, the LDC, to be difficult to understand and use. Frequent comments noted unclear organization, redundant and occasionally contradictory information, information that is hard to find, and information related to a single topic split across different sections. There are few illustrations, graphics, tables, and images that could help users to visually comprehend many subjects.

These challenges are not unusual in older zoning codes. Many communities find that, as zoning rules are modified and updated over time, they become increasingly complicated and more difficult to navigate and understand. It has been over a decade since the last comprehensive update of the Santa Fe zoning regulations, and during that time many piecemeal code amendments have led to a document with a challenging organization and many redundancies.

A primary objective of Phase 1 of this project is to develop a well-organized, well-illustrated, user-friendly set of regulations for Santa Fe that should be both easier to understand, administer, and enforce. The recommendations in this section describe various ways the update proposes to accomplish that. All topics below will be addressed in Phase 1 of the project.

Establish a Clear Organization

Chapter 14 should be updated and consolidated in a more intuitive, user-friendly manner. The Annotated Outline later in this report suggests an updated organization.

Beyond implementing that outline, other drafting updates can help improve the document's flow. An important first step in reorganization will be to consolidate related information. For example, the zoning district purpose statements and dimensional standards, which currently are spread across articles 14-4 and 14-7. An example of how this information can be consolidated is shown below in the "Page Layout" discussion. Other examples are noted throughout this report and in the separate detailed review of Chapter 14.

Where related information remains in separate locations, better cross-referencing should be included, with the target heading or subheading spelled out after the reference.

- For example, rather than saying "The review of electrical facilities in historic districts shall be limited as set forth in Section 14-6.2(F)(10)" (where only the underlined text is an active link that leads to the beginning of the section), the end of the phrase would be amended to say "… as set forth in Section 14-6.2(F)(10), Application Submittal Requirements." Both of the underlined sections are active links that lead to the exact location of the related information.

Where information in Chapter 14 is presented in tables, these tables often have an extensive list of table notes, in some cases with 15 or more notes attached to a table. This is complicated for users to flip between table content and notes, and also makes important information easy to miss, particularly since some of these table notes are actually standards, as is the case in the Table of Permitted Uses. Standards should be incorporated into the body of the code. While table notes can be useful, Phase 1 of this project will review the current notes with an eye to reducing their use in the updated code.

Finally, we also recommend that all the Appendices be integrated into the body of the code.

Document Clarity, Organization, and Format Recommendations

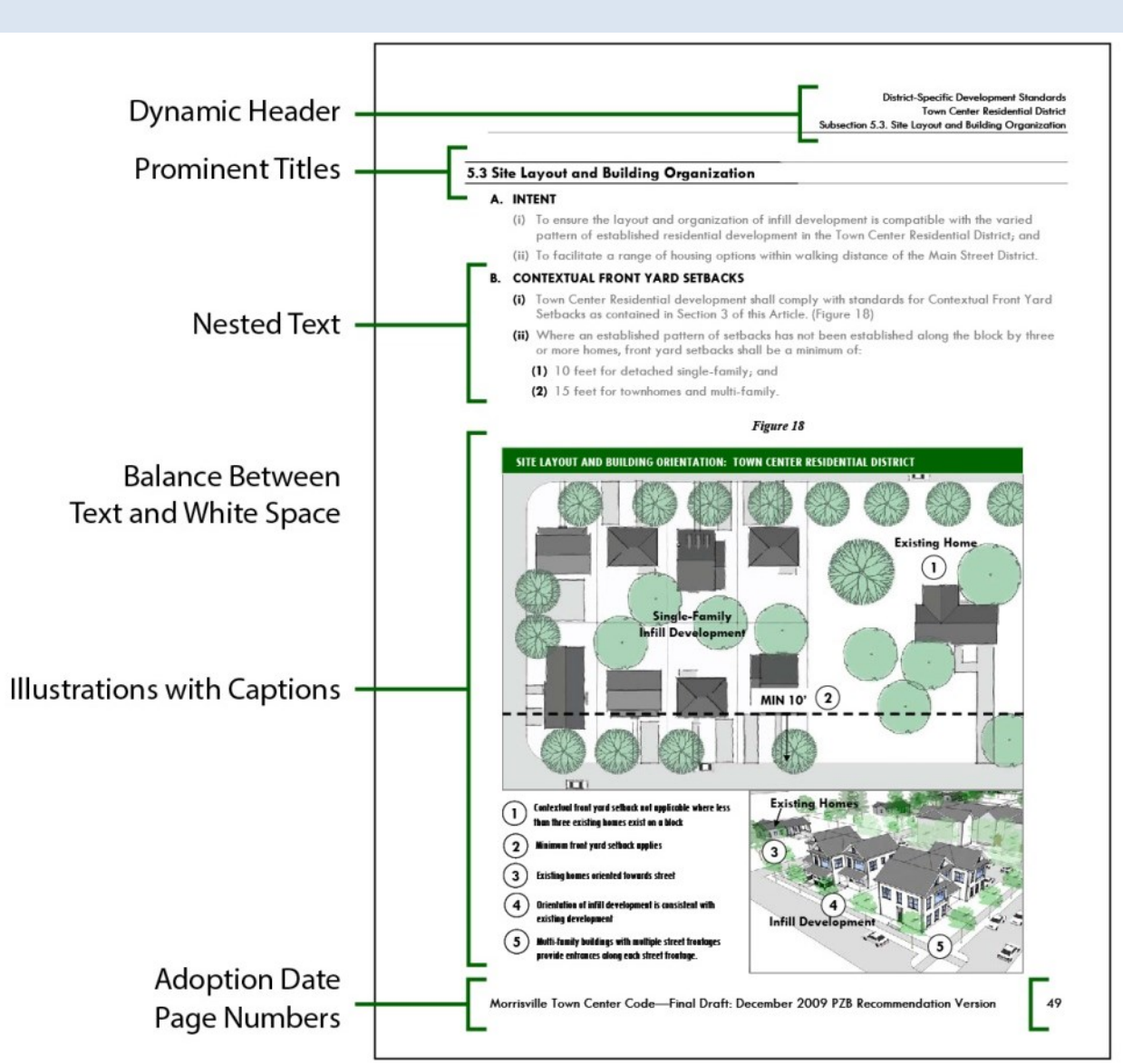
- Reorganize Chapter 14 as proposed in the Annotated Outline in this report.
- Consolidate related information where possible.
- Ensure cross-references lead to the exact section or subsection of related information.
- Review table notes to remove standards and replace in body of code; reduce number of notes.
- Incorporate Appendices into the relevant sections of the body of the code.

Improve Page Layout

The page layout of the new code should be improved to help users quickly find key information. Several types of revisions are necessary.

First, a new document layout with defined headings and subheadings will help establish a clear hierarchy of provisions and enable code users to understand more quickly where in the document a particular provision is located. This new layout also should include dynamic headers, footers, page numbers, and illustrations with captions to make the code more user-friendly.

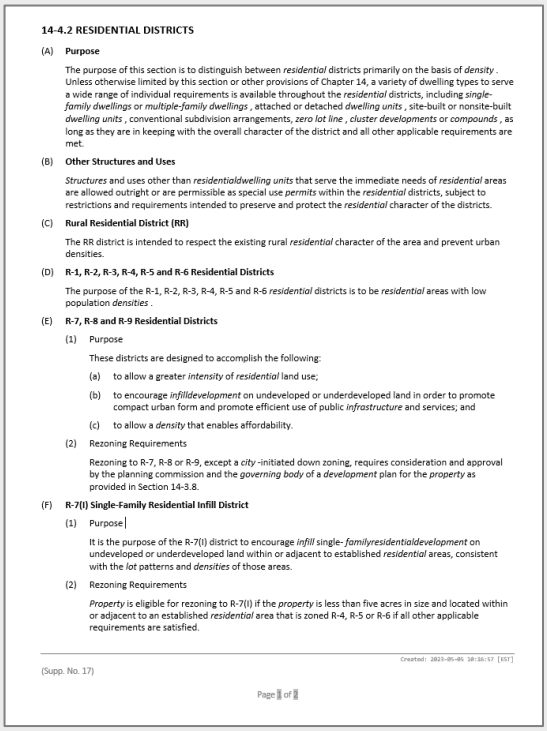
The following graphic illustrates a sample improved layout from another code.



This sample page layout illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

The current Santa Fe LDC is available via the online platform Municode. In addition to an online version of the code, most planning offices also maintain an editable and formatted digital version, usually as a Microsoft Word or PDF file, accessible via the City's website. The digital version allows for enhanced formatting and presents information in a more user-friendly format, enhancing the reader's ability to understand the context for specific provisions. The Word/PDF version also allows staff to keep an internal record of any proposed edits and revisions to the document.

The new LDC will feature a new document layout with dynamic headers (that automatically update) showing section references for that page, footers, page numbers, and illustrations with captions. The following graphic compares a page from the Zoning Districts article in the current Santa Fe LDC to an improved layout from another code Clarion has drafted.



14-4.2 RESIDENTIAL DISTRICTS

(A) **Purpose**

The purpose of this section is to distinguish between *residential* districts primarily on the basis of *density* . Unless otherwise limited by this section or other provisions of Chapter 14, a variety of dwelling types to serve a wide range of individual requirements is available throughout the *residential* districts, including *single-family dwellings* or *multiple-family dwellings* , attached or detached *dwelling units* , site-built or nonsite-built *dwelling units* , conventional subdivision arrangements, *zero lot line* , *cluster developments* or *compounds* , as long as they are in keeping with the overall character of the district and all other applicable requirements are met.

(B) **Other Structures and Uses**

Structures and uses other than *residentialdwelling units* that serve the immediate needs of *residential* areas are allowed outright or are permissible as special use *permits* within the *residential* districts, subject to restrictions and requirements intended to preserve and protect the *residential* character of the districts.

(C) **Rural Residential District (RR)**

The RR district is intended to respect the existing rural *residential* character of the area and prevent urban densities.

(D) **R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts**

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 *residential* districts is to be *residential* areas with low population *densities* .

(E) **R-7, R-8 and R-9 Residential Districts**

(1) Purpose

These districts are designed to accomplish the following:

(a) to allow a greater *intensity* of *residential* land use;

(b) to encourage *infilldevelopment* on undeveloped or underdeveloped land in order to promote compact urban form and promote efficient use of public *infrastructure* and services; and

(c) to allow a *density* that enables affordability.

(2) Rezoning Requirements

Rezoning to R-7, R-8 or R-9, except a *city* -initiated down zoning, requires consideration and approval by the planning commission and the *governing body* of a *development* plan for the *property* as provided in Section 14-3.8.

(F) **R-7(I) Single-Family Residential Infill District**

(1) Purpose

It is the purpose of the R-7(I) district to encourage *infill* single- *familyresidentialdevelopment* on undeveloped or underdeveloped land within or adjacent to established *residential* areas, consistent with the *lot* patterns and *densities* of those areas.

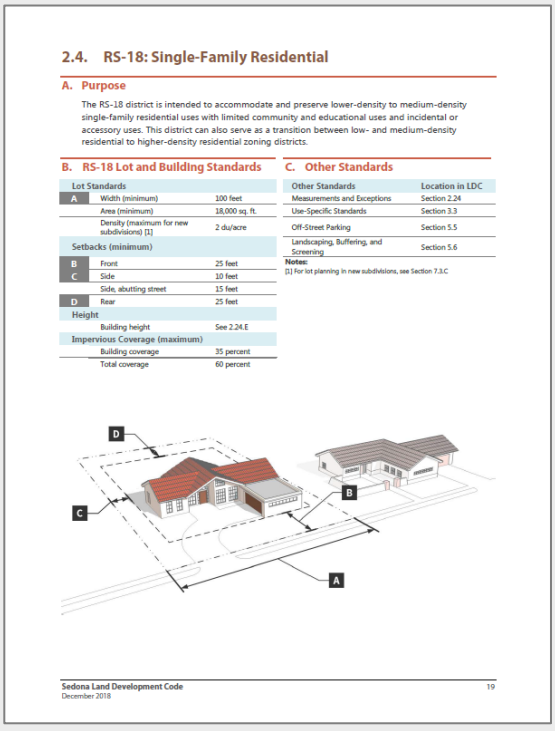
(2) Rezoning Requirements

Property is eligible for rezoning to R-7(I) if the *property* is less than five acres in size and located within or adjacent to an established *residential* area that is zoned R-4, R-5 or R-6 if all other applicable requirements are satisfied.

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2.4. RS-18: Single-Family Residential

A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

B. RS-18 Lot and Building Standards

	Lot Standards	
A	Width (minimum)	100 feet
	Area (minimum)	18,000 sq. ft.
	Density (maximum for new subdivisions) [1]	2 du/acre
	Setbacks (minimum)	
B	Front	25 feet
C	Side	10 feet
	Side, abutting street	15 feet
D	Rear	25 feet
	Height	
	Building height	See 2.24.E
	Impervious Coverage (maximum)	
	Building coverage	35 percent
	Total coverage	60 percent

C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering, and Screening	Section 5.6

Notes:
[1] For lot planning in new subdivisions, see Section 7.3.C

Sedona Land Development Code
December 2018
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A typical page from the Santa Fe LDC (when downloaded from the online version) is shown on the left. Compare this to the sample page layout at the right, which illustrates how headers, text, graphics, and use of page numbers help to modernize a code and make it more user-friendly.

Page Layout Recommendations

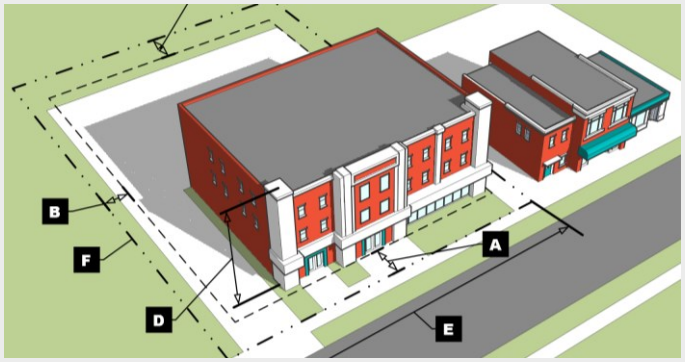
Establish a more attractive and user-friendly page format with:

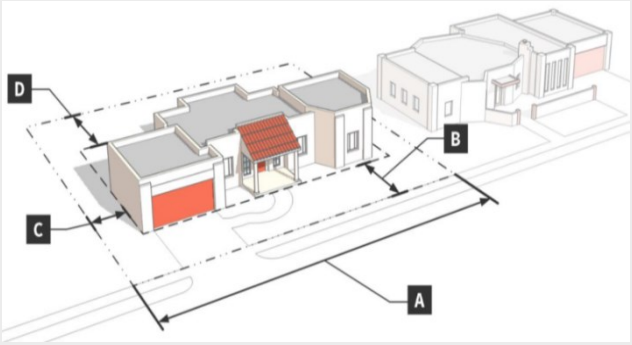
- Dynamic headers, showing article, section, and subsection on each page;
- Consistent formatting and location of tables and graphics;
- Clear and prominent hierarchy of heading titles (using color and/or bold fonts); and
- Consistent indentation and nested text.

Add Tables, Illustrations, and Other Graphics

Illustrations, graphics, flowcharts, and tables should be used frequently throughout the new LDC to explain standards and to summarize detailed information. Sample graphics from other Clarion codes are shown below. These images, from various communities, show a small range of possible topics and formats that can benefit from illustration. Each community is unique in how extensively they choose to illustrate a code, and the extent of detail that is included in the tables and illustrations. We will work with staff during the drafting process to select a consistent style that works best for Santa Fe.

This illustration shows the desired scale and character of a mixed-use zoning district in another community.





Lot Standards		
A	Width (minimum)	145 feet
	Area (minimum)	35,000 sq. ft.
	Density (maximum for new subdivisions) [1]	1 du/acre
Setbacks (minimum)		
B	Front	40 feet
C	Side	20 feet
D	Rear	40 feet
Height		
	Building height	See 2.24.E
Impervious Coverage (maximum)		
	Building coverage	15 percent
	Total coverage	40 percent

These graphics from another community illustrate some of the basic dimensional requirements for a single-family zoning district in another community. Labels (A through D) correlate to a dimensional table that identifies setbacks, height, and lot requirements.

Graphics like these help users identify which sign types are permitted. Graphics can also be customized to identify specific sign standards, such as area, height, placement, etc.





Graphics and Illustrations Recommendation

- Include illustrations and other graphics (summary tables, flowcharts, etc.) throughout new LDC.

Use Clear, Plain Language

The use of clear and precise language is just as important as document organization and format. As part of the rewrite, all content will be reviewed to eliminate unnecessarily complicated and legalistic language, as well as removing gendered language, such as "manmade." Text will be rewritten as necessary to provide greater clarity.

- For example: "The baseline floor-area ratio shall be two and five-tenths to one." This can more simply be stated as 2.5 to one or 2 ½ to one. Though this is a small example, the issue is a prominent one throughout the current regulations.

There are many sections where, in the attempt to add detail or precision to an explanation, the content becomes unnecessarily long and complicated, without really adding the desired clarity.

- An example is the description of how building height is to be measured on the escarpment overlay district (Section 14-5.6(F)(5)), with five increasingly detailed and convoluted paragraphs devoted to explaining a simple measurement. The result, according to stakeholders, is that neither staff nor applicants understand how to apply this in practice, and it creates problems and disagreements.

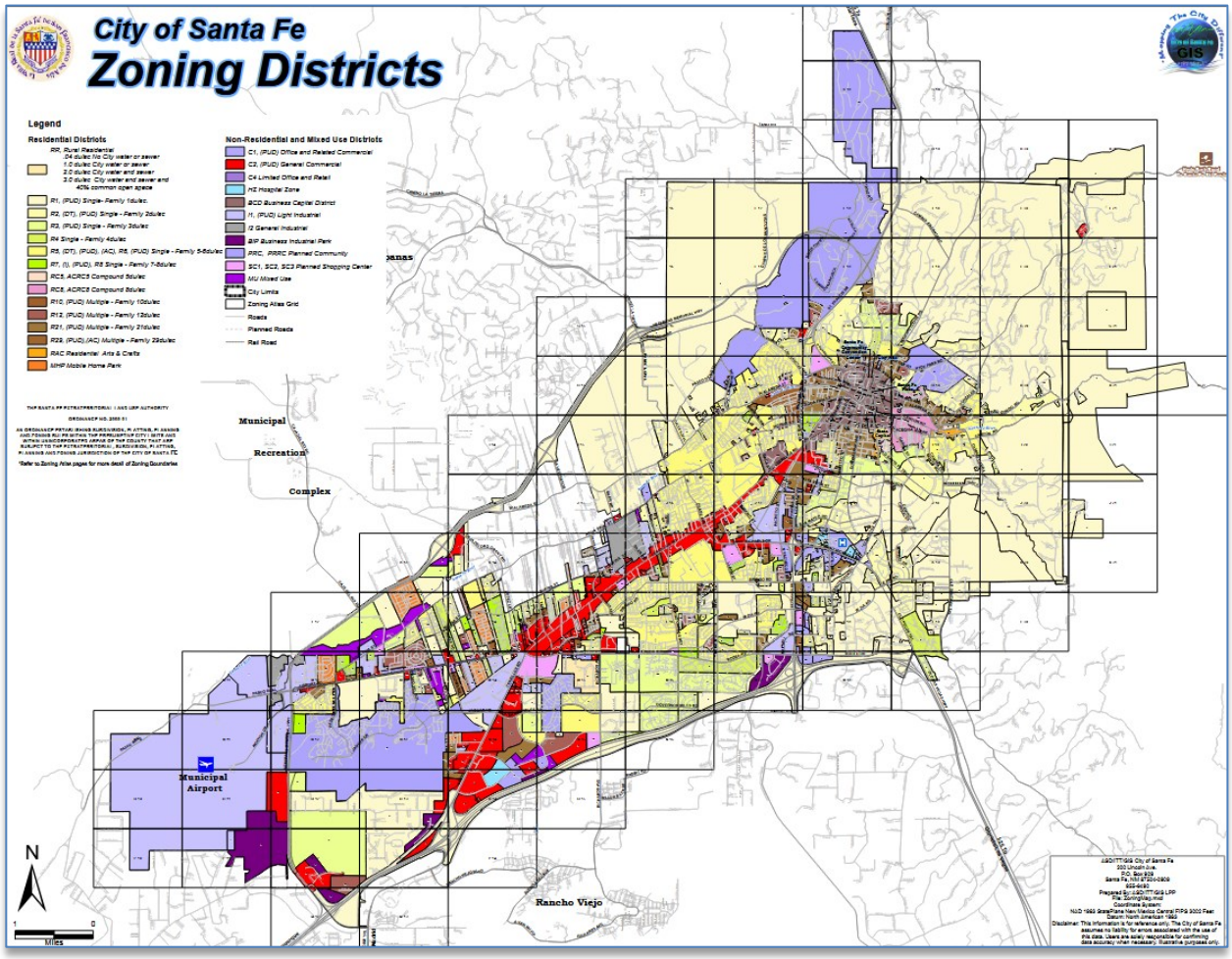
The LDC also contains many instances of vague or subjective language, with qualifiers such as "adequate," "compatible," and "appropriate." These words are not uncommon in codes, but they tend to create uncertainty and time delay by requiring negotiation with applicants on what constitutes meeting the standard, since staff, decision makers, developers, and community members could all interpret the terms differently. This applies equally with architectural design requirements in the case of Santa Fe's approved building colors, where "earth tones" and "high-intensity colors" can be interpreted differently by different readers. Generally, the code should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria.

To the greatest extent possible, the rewrite, especially Phase 1, will replace subjective terms that are open to varying interpretation with clear, objective language, and measurable standards where possible. The rewrite also will eliminate duplicated information and reconcile any internal inconsistencies.

Plain Language Recommendation
• Rewrite code using plain, clear, gender-neutral language.

Zoning Districts

The foundation of any zoning ordinance is the collection of zoning districts into which the community is divided, and the land uses allowed within those districts. The current Santa Fe LDC has 31 established base zoning districts and 8 overlay districts.



In evaluating and updating these districts for the new LDC, it will be important to ensure that the revised zoning districts are appropriate to meet the needs of Santa Fe now and in the future. The zoning districts should be cleaned up by removing unnecessary districts and making any necessary adjustments to current district standards. Also, some new zoning districts may be introduced even if they are not immediately applied to the zoning map. The goal should be to broaden Santa Fe's zoning toolbox, so that more types of projects may be built by-right and fewer projects need to opt for negotiated approvals, and so that additional zoning district options are available for future use as the City updates the General Plan and completes other area-specific planning efforts.

Phase 1 of this project will focus on reorganization and structural improvements (described below) to the existing zoning districts. Substantial changes to existing zoning districts are not contemplated in Phase 1. While some targeted substantive changes may be proposed during Phase 1, they will be clearly highlighted for discussion and will be limited to changes that are considered relatively straightforward

(e.g., the addition of a new Parks and Open Space district).

A more substantive re-evaluation of the districts will occur in Phases 2 and 3. During Phase 2, each zoning district will be evaluated to determine if it is producing the kind of development for which it is intended. If it is not, it may be amended or replaced. Phase 2 will also evaluate the need for new zoning districts, such as a slate of new mixed-use districts to replace the current under-utilized MU district. Phase 3 will involve an additional review of the zoning districts to ensure they are aligned with the updated General Plan, including any updated land use classifications.

The sections below discuss Santa Fe's current districts in light of the following questions:

- Is the intent of each zoning district clear and does the district name match the intent?
- Is the zoning district currently used? If not, is it unnecessary or obsolete?
- Are any districts so similar in purpose and standards that they overlap and could be consolidated?
- Are new zoning districts needed to accommodate development patterns that are hard to achieve with existing districts?
- Are the dimensional standards for each district (setbacks, density, and height) appropriately tailored to the purpose of the district?

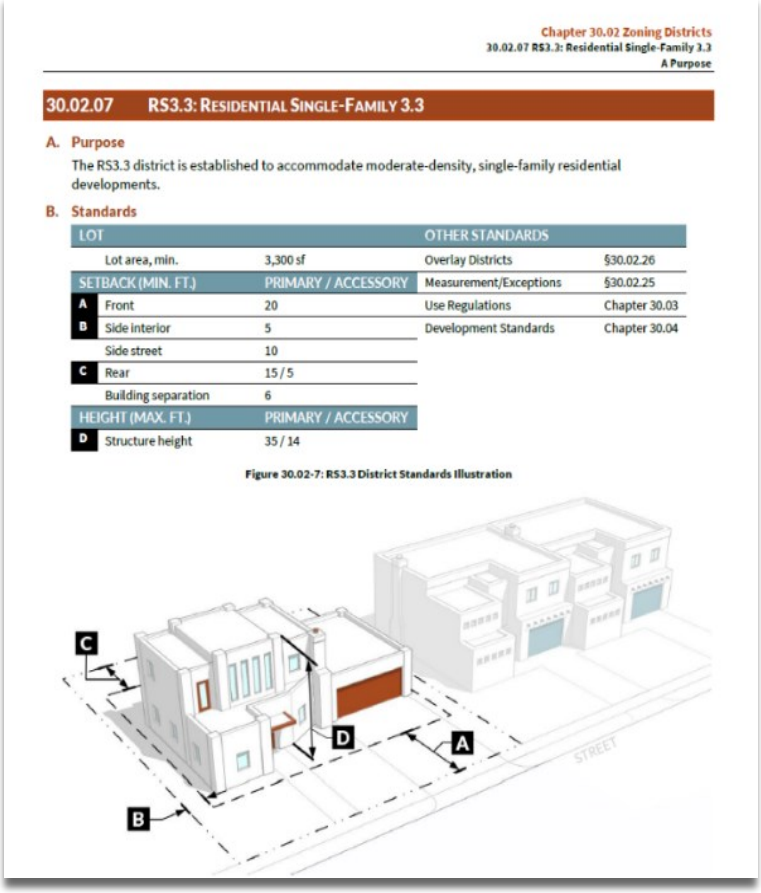
Suggested revisions are noted for all three phases of the LDC update project. General district revisions are noted first, with subsequent sections addressing base residential, base nonresidential, and overlay districts.

General Updates for All Districts

A. Structural Reorganization

As mentioned earlier in the user-friendliness section of this report, the separation of the zoning district purpose statements (Article 14-3) and the respective district dimensional standards (Article 14-7) makes Chapter 14 harder to navigate than it would be if this information were all in one place.

The example at the right shows how a reorganized and reformatted page for a zoning district might look with all information related to a single district in one place. Each district will include a purpose statement, a table with all dimensional standards, and links to other sections with applicable regulations (such as parking requirements or use regulations), and a representative illustration of the kind of development that might occur in the



Chapter 30.02 Zoning Districts
30.02.07 RS3.3: Residential Single-Family 3.3
A Purpose

30.02.07 RS3.3: Residential Single-Family 3.3

A. Purpose

The RS3.3 district is established to accommodate moderate-density, single-family residential developments.

B. Standards

LOT		OTHER STANDARDS	
Lot area, min.	3,300 sf	Overlay Districts	§30.02.26
SETBACK (MIN. FT.)	PRIMARY / ACCESSORY	Measurement/Exceptions	§30.02.25
A Front	20	Use Regulations	Chapter 30.03
B Side interior	5	Development Standards	Chapter 30.04
Side street	10		
C Rear	15 / 5		
Building separation	6		
HEIGHT (MAX. FT.)	PRIMARY / ACCESSORY		
D Structure height	35 / 14		

Figure 30.02-7: RS3.3 District Standards Illustration

district. [1]

B. Clarify Relationship Between Base and Overlay Districts

In reviewing the base districts and the overlays, there are in some cases confusing overlaps. For example:

- The Residential Arts and Crafts District, applied on the map along Alto Street, Canyon Road, and the west side of the Old Santa Fe Trail, is separate from the Arts and Crafts Overlay, which appears to be applied to the east side of Old Santa Fe Trail (among other locations). Both are intended to serve similar purposes, so it is hard to discern why the district applies on one side of the road, and the overlay on the other. Regardless of the original reason for this split on the map, it is possible that, going forward, neither the district or the overlay would be necessary if the City has a neighborhood-scale mixed-use district that permits artisanal manufacturing as a use.
- The BCD Business-Capitol District, and its fourteen street-by-street sub-area standards, overlaps with the Historic District, with its various subdistricts, including the Downtown, and other areas that overlap. Some respondents noted conflicts between the various standards that apply in these districts, sub-areas, and overlays.

Phase 1 will ensure there are no explicit conflicts among existing regulations, while the broader assessment in Phase 2 will seek to disentangle these overlapping districts and overlays, possibly combining some of the elements, or eliminating others, in an effort to reduce repetition and overlap, and clarify the standards that are essential to regulating and maintaining the character of the relevant areas.

General Zoning District Recommendations

- Combine purpose statement and dimensional standards for each district in one location.
- Clarify the relationship between base zoning districts and overlay districts in instances where purposes are similar, or geographical areas overlap.

Residential Zoning Districts

Beyond organizational improvements, the LDC rewrite may also consider improvements to residential district standards.

Density. Santa Fe has numerous residential base districts, which should allow for a variety of lot sizes and development types, but the density-based district structure is confusing. While lot sizes in theory can be relatively small at 3,000-4,000 square feet per unit for single-family dwellings, development capacity is driven by density; the name of each district (R-1 through R-29) represents how many dwelling units per acre are allowed. This density-focused structure is likely to become increasingly cumbersome to implement in a city that is approaching build out, and will pose impediments to creating denser development that the city needs to accommodate growth and address the decreasing affordability of housing. The current density-based districts may also act as barriers to infill and redevelopment.

Phase 2 can investigate alternatives to a density-based system. For example, many communities regulate development based on minimum lot size rather than density; such a system can be easier to administer over the long run. However, any changes to district standards would need to be considered carefully and should minimize the creation of nonconformities. As the project progresses into Phase 2, we will have

[1] This format also would have the advantage of eliminating general references that the standards of one district are the same as those in another, as is currently done in Table 14-7.2-1: Table of Dimensional Standards for Residential Districts, when for example districts R-7 through R-9, among others, simply reference "same as R-1 to R-6" for dimensional standards including minimum lot size, height, and others.

further conversations with the community about alternatives to density-based standards to consider.

Setbacks and Building Height. The LDC update can also revisit other residential dimensional standards besides density. While current setback dimensions are relatively standard in comparison with other communities, there may be some contexts in which they could be more tailored to the kind of development that is occurring in the district, perhaps along transit corridors, where denser development should be brought up to the street through smaller minimum setbacks or perhaps maximum setbacks.

Currently, the height limit for *all* residential districts in Santa Fe – including those that would most likely be used for multi-family development – is 24 feet, or two stories. In the R-21 and R-29 districts, a height up to 36 feet (three stories) may be approved as part of a development plan. While these limits reflect the historically low-rise nature of the City's development, they limit opportunities to consider allowing greater density in certain locations to mitigate housing costs. Many residents expressed general opposition to taller buildings in Santa Fe, and this report does not recommend a unilateral increase to height limits in all districts. However, the rewrite does provide a good opportunity to target certain districts or areas where three-, four- or five-story residential structures may be allowed by right, and ensure that there are districts in place to support that type of development.

Reconsider the Development Plan Requirement. Under Chapter 14's current regulations, it may be possible to eliminate or amend some dimensional standards with approval of a development plan. While this option offers flexibility to consider alternative standards, it also requires approval by the Planning Commission at a public hearing, which prolongs the review process and creates uncertainty. This adds time and cost to these projects, compromising potential affordability gains from higher densities. Depending upon the alternatives proposed, there could also be time-consuming negotiation over the standards. Because Santa Fe has developed as a low-density town, these densities may not seem to "fit" in existing neighborhoods, and such proposals could generate significant opposition among neighbors. So, while the development plan offers an important avenue for flexibility, neither uncertainty nor prolonged processing time is a positive contributor to the cost or timely delivery of more housing. Other alternatives to allow more housing options should be considered.

The threshold for when a development plan is required should be reconsidered in the higher-density districts: R-12, R-21, and R-29. These districts are now limited to ten dwelling units per acre unless they go through the development plan process. A higher threshold before requiring a development plan would allow more density in these districts by right and help provide more housing options. The development plan requirement might also be eliminated altogether, allowing up to the full capacity that these districts can offer, i.e., 12, 21, and 29 dwellings units per acre. New standards in the LDC could be drafted to help ensure that higher-density development meets certain design quality standards. While most items in this section are Phase 2 tasks, this is an example of a targeted substantive change that might be proposed for consideration in Phase 1.

Impact of Standards on Housing. In residential contexts where the lot size and setbacks seem reasonable, the imposition of additional standards can all conspire to limit the possible type of development that can occur on a lot. It is also true that the combination of requirements that apply to a given lot (minimum lot size, minimum yard requirements, maximum height, and maximum lot coverage) all push development to occur on larger lots, even if smaller lots are permitted. This adds costs to the housing that is created on these larger lots, and can preclude housing types like attached townhomes or duplex/triplex structures. This combination of standards can also make higher-density infill, redevelopment, ADUs, and other more compact housing types challenging or impossible in exactly those areas where they are most desired. To avoid maintaining unnecessary barriers to the creation of more housing options, it may be determined

appropriate in Phase 2 to alter or eliminate some of these standards in certain contexts for projects that make substantial contributions to meeting the City's diverse housing needs.

Residential Zoning District Recommendations

- Ensure there are no conflicting standards in various overlapping base and overlay districts, and seek opportunities to clarify and streamline the regulations in overlapping areas.
- Combine all district information in one location, so purpose and applicable dimensional standards are in one place for each district.
- Consider alternatives to the current density-based structure of residential zoning districts.
- Change allowances so that the higher-density districts allow density greater than 10 dwelling units per acre without the approval of a development plan.
- Review dimensional standards to identify opportunities for flexibility, or elimination of overlapping standards to projects that make significant contributions to City housing needs.

Nonresidential Zoning Districts

A. Commercial Districts

Interviewees and survey respondents offered few comments on Santa Fe's existing commercial districts. One stakeholder mentioned that C-2 is often used for multi-family residential, rather than actual residential and mixed-use districts, because it offers more flexibility. Another noted that the C-2 standards are contradictory, though did not offer further detail. Our review focuses on Phase 1 organizational improvements and looks ahead to larger possible changes on Phase 2.

1. Improve Purpose Statements

The purpose statements for these districts should be updated in Phase 1 to provide a clearer idea of the kind of development that is appropriate in each district. The current purpose statements are not consistent in style or level of detail. For example:

- The C-1 purpose statement offers a list of allowed uses.
- The C-2 statement describes the kind of development that is not wanted in the district (strip malls) and that it should "preserve the carrying capacity of the streets and … provide for off-street parking and loading."
- It is not clear from the C-4 purpose statement how the district differs from C-1, except in its focus on "protect[ing] residential property owners who are adversely affected by heavily trafficked city roads."

These statements should be updated to indicate the scale and intensity of appropriate development, though not particular uses, and can describe the level of road classifications that normally serve them; for example, "C-2 is typically located along collector and arterial streets to accommodate the amount of traffic generated by larger-scale commercial uses permitted in the district."

2. Clarify Dimensional Standards

Table 14-7.3-1 (Dimensional Standards for Nonresidential Districts) does not make it easy to understand the applicable dimensional standards for the districts. For example:

- To understand the minimum lot size in C-1, the table says: "Same as R-21 district including residential density and open space requirements." It is unclear if this means the standard ten dwelling units per acre, or the 21 that could be allowed with a development plan (and also whether this applies to commercial development).
- The lot sizes specified in R-21 are 3,000 sq ft for single-family dwellings, or 2,000 square feet with common open space. Does this mean a minimum lot in C-1 can be 3,000 square feet? Or less depending on open space provided? Upon referring to the open space standards in Section 14-7.5, the user finds that there are

different open space standards for commercial versus residential development. At this point, a user has looked in three locations to find one applicable dimensional standard for the C-1 district, and it still not clear how the residential dimensions tie to the commercial open space standards to yield a minimum lot size in C-1.

This sort of multiple cross-referencing that nevertheless does not yield clear information is easy to clear up. As mentioned above for residential districts, each district should have its own one-page description of dimensional and other applicable standards. Even if the standards for a given district are the same as those in several other districts, this is an instance where repeating the information as many times as necessary is preferable to cross-referencing material elsewhere.

B. Mixed-Use Districts

The need for mixed-use development came up frequently in interviews and survey responses. Respondents cited the need to improve the mixed-use district, which has not been particularly successful in allowing such development, with applicants turning instead to C-2 General Commercial.

There are several initial Phase 1 recommendations to make in support of expanding mixed-use development in Santa Fe.

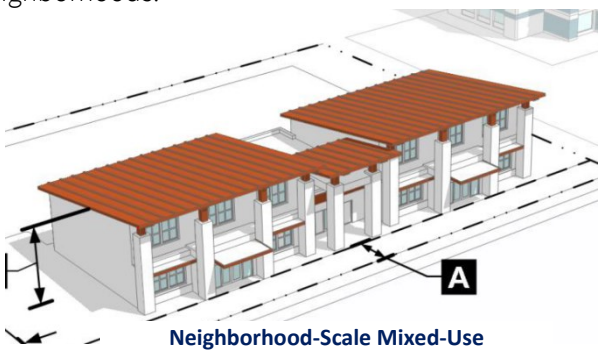
- Amend the purpose statement for the existing district[2], which currently places too much emphasis on mixed-use being infill. Some mixed-use projects will no doubt be infill, but others could be redevelopment, and new greenfield development as well. The important components are the mix of uses, and the creation of compact, walkable, pedestrian-oriented places.
- Eliminate restrictions on Building Tenant Space as described in Section 14-7.3(B)(1)(c), and the floor area and density restrictions applicable to the residential component, as described in (B)(1)(d). The Tenant Space limitation of 20,000 square feet seems like an arbitrary threshold, and would prevent, for example, living units built atop a grocery store, the average size of which is normally closer to 40,000 square feet. Specifying percent requirement of residential development always has a constraining effect on mixed-use development, since a fixed percentage rarely aligns with market demand in various contexts and locations throughout a city. We recommend instead creating more tailored districts (see below), and letting development professionals decide what the market will bear.
- Eliminate the density limitations of 12 dwelling units per acre in buildings of up to 25 feet, and 14 dwelling units per acre in buildings of 25-35 feet. With the exception of the percent residential requirement, all of these requirements appear designed to limit the scale of mixed-use. We suggest that a more effective way to do that is to create districts that reflect the desired scale in relation to context (see below).

In Phases 2 and 3, new mixed-use districts should be considered that calibrate scale to context. While mixed-use development is not appropriate everywhere, it does have advantages that make it a good option for Santa Fe to consider closely in the code update. The mixed-use zones may not be immediately necessary, but they could help provide the tools to encourage further redevelopment consistent with the General Plan. For example, mixed-use zones may be appropriate to help redevelop shopping centers and other secondary centers identified in the plan at nodes where redevelopment and additional density are desired.

Many communities often start with, for discussion, three levels of mixed-use districts: neighborhood, medium, and regional scales. Neighborhood-scale mixed use (i.e., smaller areas of five to 10 acres) could be in local commercial nodes and offer small-scale retail and services with some attached residential units, such as one or two living units atop a commercial storefront. This could be appropriate for allowing

[2] Section 14-4.3(L).

the "corner-store" type development we heard is desired in some of the newer large Santa Fe neighborhoods.

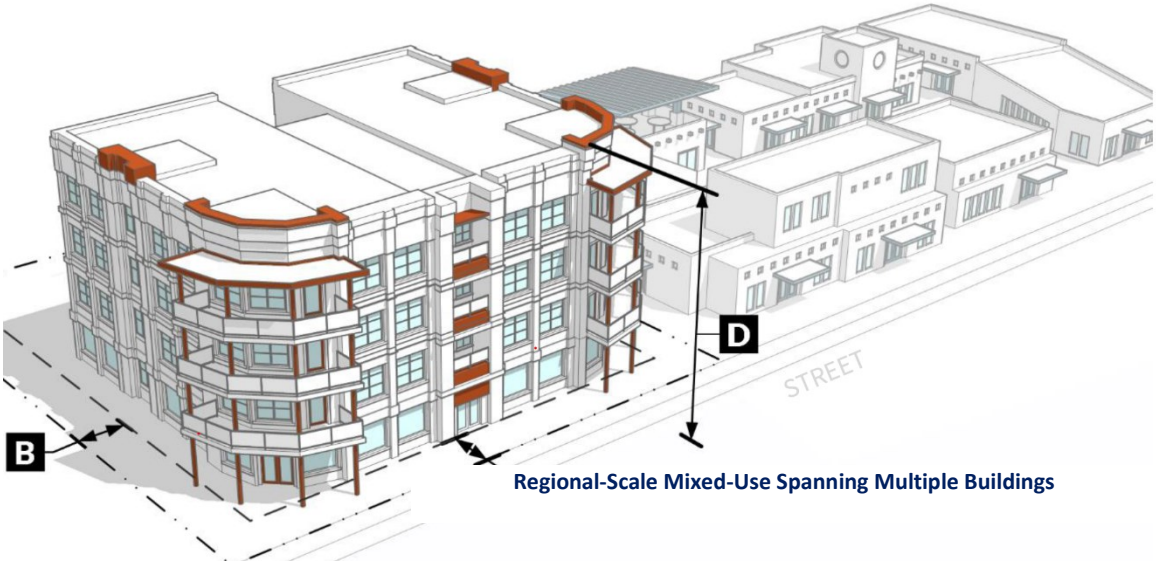


Neighborhood-Scale Mixed-Use



Medium-Scale Mixed-Use

The medium-scale district (i.e., 10 to 30 acres) could allow several stories of dwellings atop a commercial base (which would likely require adjustments to allowed height in Santa Fe). Both are illustrated above. Regional-scale developments could allow even greater height and may have separate structures that may or may not mix development types in individual buildings. This scale of development may not fit in Santa Fe, but it is illustrated below to provide an option for discussion.



Regional-Scale Mixed-Use Spanning Multiple Buildings

All mixed-use districts should be designed to emphasize pedestrian-scale development and the relationship of buildings to the streetscape, and to minimize the presence of off-street parking along street frontages. The focus of these districts should be more on the particular urban form desired, rather than the uses allowed within the districts. Standards should bring buildings to the street, require parking to be located to the side or rear of buildings, and require building designs that support a walkable, pedestrian-friendly streetscape. Illustrations and graphics will help convey the intended character of the districts.

C. Industrial Districts

The general consensus during initial stakeholder interviews was that some industrial land should be maintained in Santa Fe to serve local employment needs and to maintain a diverse economy, though industrial uses are not predominant in the city. Given the acute pressure for residential land development

in Santa Fe, ensuring that industrial lands are protected from alternate development through careful consideration of allowed uses should be one focus area for the rewrite in Phase 2. A second, larger issue is what extent of land should be preserved. As the General Plan progresses, it can provide direction on the extent and location of lands reserved for industrial and other employment uses, and the code can be tailored to support these policies accordingly.

D. Special-Purpose Base Districts

For discussion, this category includes the HZ Hospital Zone, SC Planned Shopping Center, BIP Business and Industrial Park, PRC Planned Residential Community, and PRRC Planned Resort-Residential Community districts. The primary question related to all these districts is: are they still needed?

It is unusual to see zoning districts created for specific uses, such as a hospital or shopping center. While the districts may have been created on account of other available commercial districts being insufficiently flexible to accommodate these uses, a new set of updated districts and use classifications in the new LDC may suffice to accommodate such uses in the future, without the need of specific zoning districts devoted to them.

Given that the PRC and PRRC districts both require a minimum of 160 acres, and Santa Fe does not have vast acreage of unbuilt land within city limits, is it likely that future requests for these districts will come in? For projects like the ones these districts are designed to facilitate, it may be possible to use the existing Planned Unit Development Overlay described in Section 14-5.7, rather than maintaining these districts.

Business and Industrial Park (BIP) districts are becoming less common, as communities recognize they tend to create isolated campuses on the periphery that generate traffic on account of being inaccessible by any other means. Such campuses contribute to a sprawling development pattern, at a time when most communities are switching their focus to encouraging more compact, dense, and walkable development. In lieu of these single-purpose districts, it is possible instead to adapt both light industrial and/or heavy commercial districts to allow the combination of offices, light industrial, and supporting uses that these BIP districts were created to accommodate.

E. Parkland and Open Space District

There is currently no zone for parkland and open space. By default, such lands are zoned R1 Residential, which raises concerns about the potential for development in parks, given the purpose and permitted uses of the R1 district. A new zoning district that can be applied to existing and future parks and open space can be created in Phase 1 to address this concern.

Nonresidential Zoning District Recommendations

- Update purpose statements of commercial districts to provide a better description of the kind of development that is desired in the different districts.
- Reorganize information in commercial districts so each district explains applicable standards, rather than referencing users to various other locations to find applicable standards.
- Improve and expand mixed-use districts, possibly through the creation of districts that are tailored to scale and intensity of mixed-use development.
- Determine proper location and extent for industrial land, and preserve industrially-zoned land for industrial uses.
- Assess the need to retain special-purpose base districts such as the HZ Hospital Zone, BIP Business and Industrial Park District, PRC Planned Residential Community District, PRRC Planned Resort-Residential Community District, and SC Planned Shopping Center districts.
- Create Parks and Open Space District, which includes trails.

Overlay Districts

Overlay districts apply special standards to particular areas, in addition to base zoning standards. They can be important tools to protect unique resources or to allow flexibility in certain areas and development contexts. However, the additional level of regulation they provide can be challenging to administer and enforce, and for the public to understand. Many communities look to fine-tune their overlay districts during code update projects. They update standards to reflect current conditions, and they also investigate whether older overlays can potentially be streamlined or eliminated through updated base zone districts or development standards.

Santa Fe has nearly a dozen overlay districts. While some of these, such as the Historic Districts and the Archaeological Review Overlay, are central to the history and character of the city and will need to be carried forward (with edits), it is possible that others could be eliminated with the application of more flexible, updated base zoning districts. Phase 1 of this project will focus on necessary content reorganization and updates to the existing overlay districts, while Phase 2 will examine broader issues, including whether some existing overlays could be eliminated.

The sections below discuss the overlays that received the most discussion during initial project meetings and stakeholder feedback. The overlays not specifically mentioned here (Planned Unit Development District, Ecological Resource Protection Overlay, Neighborhood Conservation Overlay, and West Santa Fe River Corridor Overlay) will nevertheless be reviewed and updated as part of the overall rewrite, most likely during Phase 2.

A. Historic Districts

In Section 14-5.2, *Historic Districts*, subsections (A) through (D) apply to all historic districts, while subsections I through (I) apply to particular subdistricts. Subsections (J) through (N) are also related to historic districts, but cover various related topics, such as historic compounds, the creation of historic districts, designation of landmarks, plus state and county projects (such as public schools). According to stakeholders, these sections are challenging to navigate and understand. It is not clear how the general requirements in subsections A-D (*General Provisions, Minimum Maintenance Requirements, Regulation of Significant and Contributing Structures in Historic Districts*, and particularly *General Design Standards for All H Districts*) relate to or are superseded by the standards in the individual subsections. Also, the organizational structure for the different subsections is not standard, so that the same information is not necessarily included in each overlay. These issues of structural reorganization, content consistency, elimination of repetition, and other changes for clarity and usability will be addressed in Phase 1 of the rewrite project.

Reorganize Information. Information should be organized from general to specific, and should generally follow the sequencing of activities subject to regulation. Thus, information on creating districts and designating landmarks will precede information on the standards that apply in the districts so created and to the landmarked structures. This will be followed by the standards that apply in all districts, such as the General Design Standards for All H Districts, with the explanation that all standards in this section apply to every subdistrict, and that any additional, district-specific standards are described in the particular district subsection. Finally, information that is currently repeated (though with slightly different variation on phrasing) in various subsections, such as standards regarding solar installations and screening requirements for mechanical equipment, will be relocated to the general standards, to eliminate repetition.

Include Maps, Photos, and Illustrations. As with all parts of Chapter 14, a lack of effective graphics makes understanding of the overlay district regulations challenging. Examples of where text could be conveyed far more effectively through the use of photos, illustrations, or other graphics include:

- A boundary map is missing of the historic district and subdistricts. Currently, Section 14-5.2(A)(3), *Boundaries*, simply says "The boundaries for the historic district are as shown on the map attached hereto and incorporated herein to the historic district ordinance, and as shown on the official map, located in the city planning and land use department." There is an editor's note that the boundary is shown on the official zoning map, though no indication of how a user would access that. The specific subdistricts such as Don Gaspar or Downtown and Eastside do not even have this level of explanation about the areas they encompass. A map should be included for each district and subdistrict. While this may not be practical for historic compounds, it could be done for districts with defined boundaries that are not frequently subject to change. Boundary maps also can be especially helpful in illustrating where more than one overlay applies, such as the BCD, historic, and downtown overlays.
- The acceptable color palette could be depicted with actual colors (and associated RBG values), rather than the vague text description that colors can be "brown, tan, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso).
- Illustrations of what "wall dominated" design, and other design features such as allowed extent of fenestration on a façade, should look like.
- The description of the characteristics that distinguish the Old Santa Fe Style from the Recent Santa Fe Style in the Downtown and Eastside Design Standards would benefit enormously from photos that show and contrast the design features the section describes.

Standardize Information. The information included for each of the sub-districts varies, which is confusing for users who have a difficult time finding all relevant information. This issue is partially because of successive insertions of information into the code that have happened over time, with the result that like information is not grouped together, and there is no standard for what information should be included in each section. This can be standardized as part of Phase 1. One example of a district that can be improved through standardization is the Downtown and Eastside. Unlike other subdistricts, the Downtown and Eastside overlay does define the development characteristics that distinguish it, through definition of Old Santa Fe Style, and Recent Santa Fe Style. It is not clear, however, how much of this is just descriptive content, and how much of it is mandatory standards.

This could be clearer if such information were presented in a standard fashion, as described below. Each of the subdistricts should include:

- Purpose Statement. While there is a general purpose statement for the historic districts, each subdistrict should have an explanation of the distinguishing features or characteristics that the overlay aims to protect. For example, what makes Don Gaspar different from Downtown, to which it is proximate?
- Boundary. A map that shows the extent of the overlay should be included for each subdistrict.
- Applicability. This should explain how the regulations apply to structures within the district. In particular, there is currently no explanation of whether standards apply to non-contributing structures within a subdistrict, or if different standards apply to contributing structures versus significant or landmarked structures.
- What Activity is Regulated. Generally, this will explain that the standards apply in cases of construction or alteration. Since demolition is not subject to the standards, it should be addressed separately.
- Standards. This section should explain what is regulated (windows, doors, height, materials, etc.) in the given district. Standards included are specific to the subdistrict, and not a repeat of generally applicable standards, such as regulations for greenhouses, solar installations, screening requirements for mechanical

equipment, as is currently the case in Chapter 14. Instead, users will be directed to find this information in the general standards that apply to all districts.

Clarify Vague or Confusing Provisions. Interviewees and survey respondents indicated that certain information is unclear in the code, or not included at all, and is applied case-by-case on the basis of staff knowledge. We will work with staff to identify practices where this is the case, and update the code to reflect the practice.

- An example is the designation of "primary façade," which is implemented through practice rather than regulation, and it proves problematic for the designation of contributing buildings. Although the definition of the term does specify it can apply to "One or more principal faces or elevations of a building with features that define the character of the building's architecture," the phrase itself seems to imply to opposite, leading to confusion. The terminology could be amended to eliminate the word "primary," but what constitutes a primary façade, the basis for this determination, and the regulations that apply as a result, needs to be in the code.
- "Non-contributing structure" is a defined term in the code; however, the districts currently do not explain if or how the standards they describe apply to non-contributing structures within a district.
- There are also opportunities for clarification in situations where the code describes actions that will be taken, like determination of the list of eligible historic compounds, or recommendation of a map that designates structures for the purpose of regulating landmark structures. There is no indication of whether these actions have been accomplished. If so, these sections can be eliminated, or replaced with the information resources they created.
- There was also mention among stakeholders of the need to clarify regulations for height and height step backs (both issues that apply generally in the code, and not limited to historic districts). Height regulation is one of the central components in the historic districts, so it is important that its measurement and application be clearly described. Step backs are also mentioned, but need to have specific detail or standards included.
- The Downtown and Eastside Overlay defines both "Old Santa Fe Style" and "Recent Santa Fe Style." It does not include any other information that would be helpful to users trying to understand where and how the old or recent styles apply. This section could benefit from clarification regarding timing or eras when the style was prevalent, as in "Old Santa Fe styles dates from 1600 to 1850, while New Santa Fe style emerged after 1925…" and any explanation of areas where one of the styles is predominant over the other. It would also help to explain when the requirements apply – in the case of construction or alteration, as in the other subsections? Some of this clarification will be provided through the inclusion of standardized information in each of the sections, but in other cases such as this one, additional information may need to be included to make the standards clearer.

These are some examples of information that need to be expanded and clarified. As the review and update proceeds, other items will be added to this list as they become apparent. As many clarifications as possible will be included in Phase 1, but this aspect of the update will likely extend beyond into Phase 2 as well.

Update Standards for Materials and Practice. Interviews and surveys made several mentions of the fact that the code is out-of-date and not kept pace with modern preservation guidelines, such as ADA compliance requirements and allowance for solar installation. Stakeholders also indicated that materials standards should be updated so they are no longer referencing materials common in previous eras and instead reflect contemporary best practice. The need to update materials was accompanied by the suggestion to be more specific about what materials are acceptable (stucco? Or cementitious stucco?), in the hope that more detailed guidelines will be helpful in producing intended development outcomes, and reduce instances of superficial guidelines allowing project design that is more focused on cost than quality.

Revise Procedures. Several aspects of procedures were mentioned as being in need of revision. First, there was a suggestion to revise the designation process. Clarifying the use of historic exceptions – should these be common? Or hard to obtain? – was also mentioned numerous times, as was the possibility of not allowing variances in the historic district (or other overlays either). We propose to undertake these items as part of Phase 2, as we believe it is important to establish clear regulations prior to trying to devise appropriate procedures – and approval criteria – that implement them. It is also possible that improvements to the base regulations may reduce the need to seek exceptions or variances.

Review H-Board Authority and Composition. Concurrent with revising the procedures themselves is the assessment of what decisions the Historic Districts Review Board (H-Board) can make, and what decisions could be delegated to staff, assigned to a Hearing Officer, or reserved for the governing body. This assessment can be part of the larger review described in the Procedures section of this report, where improved approval criteria may lead to delegation of authority, because the clearer standards can produce predictable decisions. As with the revision of the procedures themselves, this assessment is proposed as part of Phase 2 of this project.

If there is support for reviewing the requirements regarding the composition of the board, associated membership qualifications, or reconsidering certain decisions that may beyond the typical authority of such boards (such as appeals of final actions of the land use director interpreting or applying historic district regulations), we suggest those be undertaken in Phase 2 as well. During that phase, suggestions such as imposing term limits for Board members, inviting more organizations to make recommendations for board members, and revising required professional qualifications so the Board's composition is more representative of the City's population, can be undertaken at that time.

Clarify Historic Sign Regulations. Clarifications on historic sign regulations will be included in the Phase 1 review of the Historic Overlay. Examples of clarifications needed include: how to deal with a sign once it becomes historic, and whether black and white should count among the three colors permitted for historic signs.

Historic District Overlay Recommendations

- Reorganize information within a logical hierarchy that progresses from general information to more specific information.
- Include maps that depict district boundaries, and photos and illustrations to help users understand design requirements.
- Standardize the elements of information that are included in each of the sub-districts. These sub sections should not repeat generally applicable standards, which will be covered in a section of standards that apply to all historic districts and should only contain subdistrict-specific information and regulations.
- Clarify information and codify standard practice for common processes that are not described in the current code.
- Update standards and materials requirements to reflect contemporary practice.
- Revise procedures, accompanied by review of decision-making authority and H-Board composition and qualifications requirements.
- Review and clarify historic signs regulations.

B. Archaeological Review Districts

Improve Organization. Section 14-5.3, *Archaeological Review Districts*, actually contains little information about the overlay districts. The majority of information pertinent to this overlay is located in the Review

and Approval Procedures Article, in Section 14-3.13, *Archaeological Clearance Permits*. While information specific to the procedure should remain in that section, a majority of the content should be relocated to the overlay in Section 14-5.3. This includes all of Section 14-3.13 (B), Applicability; information related to treatment in each of the three archaeological review districts; and the information in Section 14-3.13 (D),*Other General Provisions*. That would separate the steps of the review process from the substantial regulatory content that applies in the overlay.

Clarify Subdistrict Boundaries. Similar to the historic subdistricts, there is a need to clarify what the boundaries of the three archaeological subdistricts are. Currently, very general descriptions (e.g., "the center of Santa Fe since 1610" and land along "the primary transportation routes important to the settlement of Santa Fe") are insufficient in defining the parameters where the subdistricts apply. This section does not even include the explanation that boundaries can be seen on a map in the planning office or on the zoning map. While maps with the boundaries should be available in both of those places, they should also be included in this subsection of the code.

Align Conflicting State and Local Regulations and Terminology. Workers in Archaeological Review Districts are required to follow state law, yet the local code is not always in alignment with those regulations. One example is that using a backhoe is in direct conflict with state regulations, where use of power equipment is prohibited, yet is being allowed in Santa Fe. Even if the state does not always enforce this requirement, it would be beneficial to do so locally. In this as in other instances, interviewees suggested that, at a minimum, the local regulations should align with what the state does, and then where those requirements are judged insufficient, the local regulations can supplement with additional regulation. While this reconciliation will begin in Phase 1 of the project, and include reconciliation of terms to align with state and federal terminology, decisions on shortcomings of state regulations and the need to augment local requirements as a result would likely be part of Phase 2.

Re-Examine Clearance Permit Requirements. Stakeholders noted a variety of suggested improvements to the Clearance Permit requirements, listed below. We believe all of these can be proposed in Phase 1 .

In the Historic Downtown Review District, there is a requirement for a test of two percent of the lot area to be done by hand. The rest is allowed to be done by "mechanical equipment." Stakeholders suggested reexamination of this requirement suggested two possibilities for improvement. The first is to require that the test be conducted within the area of the lot where the development is proposed, not just anywhere on the lot. The second suggested improvement is to require that more than two percent of the lot be tested, either a greater expanse in one location (five-ten percent) or that multiple tests be conducted at various locations.

Another suggested improvement to the permit process include tying an Archaeological Clearance Permit to a specific project. Currently, Santa Fe allows the property, once cleared, to go ahead with any kind of development, because the clearance extends in time beyond the specific project. An alternative link the permit to the project, not the piece of land. If a project does not come to fruition, future development proposals for the same piece of property would need to secure a new permit.

It would also be an improvement, in the estimation of the Archaeological Review Committee, to relate findings on adjacent lots to one another, rather than considering them in isolation. This could lead to a requirement that, if remains have been found on a property adjacent to the one where development is being proposed, the test on that property would need to be conducted in a location proximate to where remains were found on the adjacent lot.

Finally, conditions of approval associated with a permit are often not clear, with the result that work is not

being done in compliance with approvals. There is currently no enforcement process for ARC clearance permits, but the presence of a professional archaeologist on staff could help with interpretation and compliance with conditions, and also with compliance issues, should they arise.

Refocus Emphasis on Preservation not Process. In revisiting the process by which ARC permits are issued, Phase 2 of this project can attempt to streamline the procedures. The focus of a review would be to minimize the Committee's burden of reports and paperwork, instead allowing it to focus more of its attention on determining if a site has archaeological resources significant enough to warrant protection. The current procedural emphasis reportedly focuses on bureaucratic aspects of preservation, rather than verifying the presence and preservation of unprotected resources.

Archeological Review District Overlay Recommendations

- Relocate substantive information from the Review and Approval Procedures Article, in Section 14-3.13, *Archaeological Clearance Permits*, to Section 14-5.3, *Archaeological Review Districts*. What remains in Section 14-3.13 should focus on the steps of the review process.
- Clarify archaeological subdistrict boundaries with the inclusion of maps that show what areas the subdistricts cover.
- Align conflicting state and local regulations and terminology; augment local regulations as warranted by limitations in state requirements.
- Adjust Archaeological Clearance Permit to include testing more specific areas of lots to be developed, testing a greater extent of the lots, tying permits to projects rather than locations, and relating findings on adjacent lots to one another.
- Review ARC process to ensure emphasis is on preservation of resources, rather than completion of paperwork.

C. Escarpment Overlay

Streamline and Clarify. A significant amount of the material in this overlay, including three subsections devoted to purpose and intent, one to district boundaries, and the provisions related to location of structures and buildable sites, is unnecessarily long and repetitive. As one interviewee observed, "The policy is simple: we don't want to see your house on the mountain." These sections can be more concise in conveying that essential point. Example clarifications include:

- In Section 14-5.6(D)(1)-(3), the extensive repetition makes these provisions longer than they need to be, when all they are effectively saying is: Development rights granted prior to 2/26/92 are more permissive in the overlay than those granted after; and, buildable sites should be outside ridgetop area. An alternative location on a lot may be approved by staff as the buildable site if the visual impact is the same or less than the original buildable area. ("Ridegtop" and "foothills" are shown on the Escarpment Overlay map, but neither term is defined. "View line" is defined, though by reference to these two undefined terms.)
- Section 14-5.6(D)(4) relates to procedures and should be relocated to that section. We note that the requirement for notice to be posted with a building permit application is unusual. While there may be value in informing neighbors of impending construction, this should be balanced against the potential frustration that there is not really any venue for neighbors to respond to this information. There is no public hearing, and while neighbors can contact staff if they have concerns, it is unlikely their concerns will change building plans or permit approvals. We would like feedback on whether there is value in this notification, and if staff believe the procedure should continue.

Revise Description for How to Measure Height. Few issues surfaced related to the Architectural Standards of the overlay, but Site Standards – height, in particular – was the most frequently cited difficulty in implementing the escarpment overlay regulations. The method for measuring height is described in

Section 14-5.6(F)(4) and (5). This section is complicated, without being precise or comprehensible. The instructions in these sections will be revised for clarity, but an equally important addition will be illustrations, augmented with explanatory captions, that will help to show users how height measurements are applied from differing grades.

Landscaping and Screening Requirements. Most of the information contained in Section 14-5.6(G), Landscaping actually has to do with screening and revegetation for disturbed slopes. It should be labelled as such, with the two provisions that deal with landscaping for structures (provisions (6) and (7)) separated in their own subsection. It is also worth noting that provision (5) of this subsection, exempts "Slopes screened from view from any adjacent public street , way, or place by buildings , walls , or fences are exempt from the provisions of Subsections (2) and (3)." Subsections (2) and (3) are the substantial standards that apply to disturbed slopes. We recommend that these provisions should apply whether the slope is visible or not: the required screening is in some measure related to aesthetics, but a more important consideration would be stabilization and erosion control, which should apply regardless of whether a slope is visible from the right-of-way.

Escarpment Overlay Recommendations

- Revise content to eliminate repetition, use simpler language, and eliminate outdated provisions if applicable.
- Simplify method for measuring height. Ensure that the explanation is clear and can be consistently applied throughout the code.
- Separate slope screening and revegetation requirements from structure landscaping requirements.

D. Other Overlays

1. RS Residential Suite Hotel/Motel Overlay District

With the elimination of the SC Planned Shopping Center district, this associated overlay would also be eliminated. Requests for residential suite hotels can be accommodated in base districts, with associated use-specific standards to mitigate impacts related to scale, location, or traffic generation, as warranted.

RS Residential Suite Hotel/Motel Overlay District Recommendation

- Eliminate this overlay, along with elimination of the base district (Shopping Center) with which it is associated.

2. Arts and Crafts District

This overlay is likely one that can be eliminated with improvements to the base code. The uses allowed in the overlay can either be accommodated through the application of a small-scale neighborhood mixed-use district, permission for certain artisanal manufacturing or "maker" uses in districts where Arts and Crafts are desirable, or expanded allowances and permissions for home occupations. It does not seem that an overlay is necessary to allow or encourage this kind of development.

Arts and Craft District Overlay Recommendation

- Eliminate the Arts and Crafts overlay district.

3. Highway Corridor Protection Districts/Airport Road Overlay

Some of the highway corridor protection overlays came up in stakeholder interviews or survey responses, while others did not. However, in our review, they appear to promote a kind of auto-oriented development that the City does not want to see, particularly in areas closer to downtown, where more walkable, transit-oriented development is desired. Prior to any changes to these overlays in Phase 2, further discussion is necessary on what elements of these overlays and subdistricts that should be retained, and whether some could be replaced by base zoning districts that achieve the same goals the overlay aims to accomplish, or amended to promote denser, more walkable development.

In the Airport Road Overlay in particular, there is an unusual amount of regulation dedicated to Alcoholic Beverage Sales Activities. Some standards seem like they would be laborious to enforce, such as requirements related to how alcoholic beverages should be displayed, and how employees should access these products. Because these prohibitions as written could be preventing desirable uses along this corridor, such as grocery stores or certain restaurants, they will be eliminated in Phase 1.

Finally, beyond alcoholic beverage regulations, some of the other development requirements are unusually prescriptive. Describing what site furnishings must be provided, and where, as is required in provision©(9), is an unusually detailed level of regulation, which may not even serve to accomplish the stated purpose of the Overlay (let alone be enforceable by city staff). The requirement to place a bench along the street frontage of a traffic corridor does not "establish an attractive, street-oriented character," by failing to address whether there is anything sufficiently inviting -- or whether sitting adjacent to traffic feels sufficiently safe – to encourage the use of such a fixture once provided.

Highway Corridor Protection Districts Recommendation
• Revisit the purpose of the highway corridors and assess if they are producing the kind of development the city would like to see within these areas. Revise as warranted.

4. Midtown Local Innovation Corridor (LINC) Overlay

This is one of the City's newest overlays, created as a result of the extensive engagement that went into the creation of the Midtown Master Plan effort. Stakeholders made few comments on, or suggestions for immediate revision to, the overlay beyond some proposals to extend it to other areas of the city, particularly those where redevelopment is desired, or the possibility of converting the overlay into a base district for the area where it applies. We propose to carry forward this overlay with no changes to content in Phase 1, but possible expansions and updates will be considered in Phase 2..

Midtown Local Innovation Corridor (LINC) Overlay Recommendation
• Carry forward LINC overlay without changes (pending further Phase 2 discussion).

Land Uses and Use-Specific Standards

Table of Permitted Uses

A central feature of Article 14-6, Permitted Uses and Use Regulations, is the Table of Permitted Uses (Table 14-6.1-1). While we do recommend changes to the content of the Table (described below), the structure is good, with uses grouped in categories (Residential) and subcategories (Household Living). The table structure will be carried forward in Phase 1, though reformatted to improve usability. Here is a sample from another Clarion code, illustrating how a formatted use table might look.

Table 3.1
Table of Allowed Uses
P = permitted **C** = conditional use permit required **A** = accessory **Blank Cell** = use prohibited

	Residential									Non-Residential						Other			Use-Specific Standards
	RS-70	RS-35	RS-18	RS-10	RS-6	RMH	RM-1	RM-2	RM-3	M1	M2	M3	CO	IN	L	CF	OS	OC	
RESIDENTIAL																			
Household Living																			
Dwelling, Co-Housing							P	P	C	P								P	3.3.A(1)
Dwelling, Duplex							P	P	C	P	P							P	
Dwelling, Live/Work										P	C	P	C	C	C			P	3.3.A(2)
Dwelling, Multifamily							P	P	P	P	P	P	P	P	P			P	3.3.A(3)
Dwelling, Single-Family Attached							P	P	C	P	P		C		C			P	3.3.A(4)
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	C	C								P	3.3.A(5)
Manufactured Home					P	P	C	C	C										3.3.A(6)
Group Living																			
Assisted Living Facility										P	P	P	P		P	P			
Dormitory							C	C	C	C	P	P	C						

A. Table Format Updates

The Phase 1 review will focus on the following format/organization revisions to the table (substantive edits are discussed in the following section).

Special Use Permit. In Phase 1, the name for this procedure will be changed to Conditional Use. This change in terminology recognizes that the procedure and associated approval is not as simple as, for example, review and approval of a building permit. Instead, the procedure considers the appropriateness of a use in a given location, and may require associated conditions of approval to mitigate impacts of the use if it is approved. The name change will be applied in Phase 1, but whether the allowance for such a request changes will be part of the Review of Use Permissions described below, that will be part of Phase 2.

Table Notes. Here as elsewhere, minimizing table notes will be a focus. While including table notes is sometimes useful, the greater the number of them, the easier it is for a user to miss important information. For this use table in particular, these notes should not be used to convey use-specific

standards, as many of them do. For example, Note 2, pertaining to various uses in the mixed-use district, states: "Hours of operation limited to 7 a.m. to 10 p.m." This should be a use-specific standard for each of the uses to which it applies.

Use-Specific Standards. In the far-right column, the current use table contains a cross reference for applicable use-specific standards. This is a good practice. While some of the references in this column are live links in Chapter 14, others are not, or the link only leads to a section, but not a subsection or the specific relevant content. In the updated table, where use-specific standards apply, each of these references will be a live link that takes a user to the exact location of the pertinent use standards.

Accessory Uses. Chapter 14 does have a section dedicated to Accessory Uses, though some of the content in Section 14-6.3(B)(2) does not match the permissions shown in the Use Table (private barbecue pits and private swimming pools are one example). This content should be consistent, or if there is a reason for the difference, that should be explained. The update will reconcile such discrepancies, or add an explanation for them. The update can also consider whether Accessory Uses should be treated in a separate section or integrated into the other categories and subcategories of the table. Such integration can make it easier for users to understand when a use that can be either primary or accessory (outdoor storage) is permitted, and where.

Temporary Uses. There is a code section on Temporary Uses in 14-6.4, but this content does not appear in the table. Generally, these uses should appear in the Table, with common temporary uses added in this category. Common temporary uses often include: special events, seasonal sales, temporary on-site construction buildings, leasing offices, storage pods, and itinerant vendors. If these are not inclusive of all the temporary uses that occur in Santa Fe, we will work with staff to identify any others that need to be included.

Table Format Update Recommendations

- Improve formatting, eliminate table notes to the greatest extent possible in the Table of Allowed Uses, change "special use permit" to "conditional use," and ensure that links to use-specific standards lead to precise locations, rather than general categories or subcategories.
- Include Accessory and Temporary Uses in the master table and ensure that all permissions for these uses are reflected accurately.

B. Table of Permitted Uses: Substantive Review/Update

The Phase 2 substantive review of table content will have three components.

Review Existing Uses. First, a review of existing uses to determine if new uses need to be added (more on this below) or obsolete uses removed. This step will also include determination on whether any of the existing uses should be moved to a different category or subcategory.

- An example of a possible change in use category is the classification of Personal care facilities for the elderly, which is currently listed as a Service Establishment, along with dry cleaners and hair salons. This use likely would be more appropriately categorized as either Group Living, or Hospitals and Extended Care Facilities.

As a final element of this first component of review, we will look for opportunities to streamline the permitted uses, making for a shorter, more usable table.

- The various Retail uses are a good example where the numerous separate varieties of retail use – antique stores, bookshops, furniture stores, grocery stores, etc. – can be collapsed into fewer separate uses. In most cases, what is being sold, is secondary to how large the establishment is, which has a greater bearing on the

impact of the use than whether a book or a shirt is being sold. As such, with the exception of cannabis-related uses, we propose regulation of retail on the basis of the size of the establishment.

Review of Use Permissions. The second review component in Phase 2 will involve reviewing the permissions for all the existing uses. Are there certain uses that should be permitted more widely? Are there some uses that, with the appropriate use-specific standards, could be allowed by right, rather than requiring a special use review? Getting use permissions right can help speed up appropriate development by relying less on individual review, interpretation, and public decision-making.

Revisit Use-Specific Standards. The last element in the Phase 2 review of existing uses is to revisit use-specific standards. As mentioned above, some uses could be allowed by right with the addition of appropriate standards. Others could benefit from updates to the applicable use-specific standards. Here a number of examples where that applies:

- Short-Term Rentals. How to properly regulate short-term rentals is a hot topic in many communities, and particularly those like Santa Fe that have a strong tourism element to their economy. It is an area of regulation that is frequently evolving, and this review can take into account the city's policy approach to short-term rentals and align the regulations accordingly. Here are some elements the review can address:
    - The limit of 1,000 permits for STRs in residential zones may face legal challenge as an arbitrary limit.
    - The limitation on more than 12 STRs in multi-family structures eliminates the possibility of a new type of short-term rental that is becoming increasingly common, where a multi-family structure is professionally managed as STRs. Because the units are professionally managed with dedicated staff on-site, some neighbors find these kinds of rentals more desirable than an absentee corporate landlord renting units in a multi-family structure (regardless of number).
    - Some regulations seem unenforceable, such as the total number of guests that may occupy a short-term rental unit is twice the number of bedrooms, which further does not take into account living areas that may be converted to sleeping areas at night. The host platform regulations also seem like they might be difficult of enforcement. What happens if the host platforms don't comply?
    - The regulation that an owner or operator shall not allow guests to park recreational vehicles on site or on the street could be tailored to allow instances where on a large lot, it may be fine to park on RV on-site.
- Telecommunications / Wireless. The city's existing standards will be reviewed and updated to comply with federal standards for regulating this use.

- Accessory Dwelling Units. ADUs can be an important component in a strategy to expand more diverse, lesser cost housing in the city, and our review indicates that the city has adopted a permissive set of standards that should be helpful in promoting the creation of ADUs. It is a good practice that ADUs do not count towards the zoning district's permitted maximum density, so they are essentially allowed on every conforming lot. It is also a good practice that they can be the same size as the principal dwelling unit, or 1,500 square feet (whichever is less), as this can enable up to two bedrooms. Many communities have much lower maximum floor area limits, which limits who may be able to live in such units. It is also a good practice to allow on-street parking to count as a required parking space (if that parking is available without restriction). However, the city could revisit the requirement that ADUs have to provide dedicated parking. Currently, projects over 1,000 square feet must provide two spaces for the unit. If both spaces must be provided on the lot, in combination with lot coverage limits and open space requirements, larger floor area ADU projects could be rendered impossible. While the definition for ADUs will be updated as part of Phase 1, along with a clarification of how allowable square footage is measured, other potential changes to applicable ADU standards will be considered as part of Phase 2 of this project.

Use Permissions and Use-Specific Standards Recommendations

- Review existing uses and edit as warranted – recategorize certain uses, consolidate others to streamline table, eliminate obsolete uses.
- Review permissions for each use, including whether some uses could be allowed more widely if accompanied by appropriate use-specific standards.
- Update existing use-specific standards, including those for ADUs, and include standards to enable particular housing types, such as attached townhomes and duplex/triplex structures.

Expand Residential Building Types to Promote Housing Diversity

The increasing lack of affordability of housing arose numerous times as a critical concern in Santa Fe. While the city is unusual in, theoretically, allowing multi-family in all residential districts where single-family dwellings are allowed (except R-7(I)), the density limitations built into the districts actually prevents this in most instances. The regulations also mention a very limited number of housing typologies: Multiple-Family, Single-Family, Manufactured Home, Mobile Home, and Short-Term Rental. A manufactured home is a single-family dwelling, and does not need to be listed separately, as long as the definition of single-family dwelling is updated accordingly, and a short-term rental is closer to commercial lodging than housing. This leaves three types of housing, one of which (mobile home) is only allowed with a special use approval.

According to stakeholder feedback, the city should promote construction of a greater diversity of housing types, both in support of enhanced affordability, and to support varying household types (single-person households, housing for aging/elderly residents, intergenerational families) through different housing products. At a minimum, new housing types should be included in the Table of Allowed Uses, including: attached townhomes, 2-4 unit structures (duplex, triplex, and quadplex), tiny homes, and live-work units.[3] While the current code does not preclude these housing types, stakeholders mentioned that the lack of specific standards to enable them makes them particularly hard to build under current regulations.

While merely permitting different housing types will not on its own cause more of them to be built, if there are established permissions and standards for these housing types they will become less risky and time-consuming for developers to propose to build. Over time, the city is likely to see more of them, and with incentives, the expansion of these housing types – all of which are less expensive than single-family homes, and which generate less opposition than large apartment complexes – can occur more rapidly. Standards that are encouraging for smaller apartment structures of 5-10 units are also important. All these housing types make up the "missing middle" that is needed in Santa Fe to expand the options for more affordable housing than detached single family homes. Some examples of this kind of housing already exist as part of Santa Fe's traditional urban pattern, through residential compounds and condos, which fit within the existing character of the city, while allowing added density. Another important consideration is that, because of their modest scale, these types of structures can often be integrated into the existing fabric of neighborhoods and communities without disruption. In communities like Santa Fe that will be seeing an increasing amount of infill, rather than greenfield construction, in the future, making sure somewhat more dense new housing options can fit within the existing fabric if the community is critical.

[3] STAFF: Phase 1 or 2?

Another popular missing-middle housing option the is accessory dwelling unit, discussed above in the use-specific standards section. These are permitted in Santa Fe the city has adopted a permissive set of standards that should be helpful in promoting the creation of ADUs.

Housing Diversity Recommendation

- Expand the types of housing types that are allowed and include use-specific standards to facilitate their construction.

Add Other New Uses

The allowed uses in a modern city are always evolving, with the expansion of previously uncommon businesses (doggie day care), the disappearance of obsolete businesses (video rental stores), and various shifting trends related to technology and demographics. The new LDC should address land uses and use-specific standards for new uses that are increasingly common but are not addressed in Santa Fe's current regulations. Such uses might include:

A. Artisan Manufacturing

These "maker" uses are usually a hybrid between small-scale light industrial, office, and retail uses. For example, an artisan who owns a small welding business where they fabricate metal artwork and sell the products in a retail space, or an artist who fabricates ceramics and sells the products direct to consumers. Some communities establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling.

These "maker" uses are not dissimilar to those that Santa Fe's Arts and Crafts overlay intends to accommodate. Given the products that are created; however, they may be of an intensity that does not work in residential areas. Instead, they might fit better in mixed-use or commercial districts, rather than being relegated to industrial zones. For example, a small-scale distillery would likely not make a good residential neighbor, but also does not need to be confined to industrial zones. In considering these uses, it is important to establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling.

B. Private Art and Event Spaces

Expansion of uses similar to Meow Wolf that combine private arts-based community spaces and event centers are expanding in the community. These uses combine aspects of a museum with an event center, and may require a new use classification and permissions.

C. Conversion of Roadside Motels to Housing

Open space, parking, and kitchen requirements can be impediments to this use. To the extent the city wishes to promote these conversions as a source of affordable housing or transitional housing for previously homeless individuals, standards can be tailored to facilitate this use.

D. Outdoor Dining, Mobile Food Trucks and Food Courts, or other Itinerant Vending

Another area where regulation is evolving to reflect frequently changing business practices, staff have mentioned the need for updated, post-COVID standards for outdoor dining. Standards for similar or related uses, such as mobile food trucks and temporary, fixed-location food courts, can be added as needed, depending on the demand for these uses in Santa Fe.

E. Doggie Day Care

This is a rapidly proliferating use that often does not require the same strict regulation that 24-hour kennels or boarding operations do.

F. Fulfilment Centers and Data Centers

Because of the size of these facilities and their impacts in terms of traffic, and energy/ water use, many communities are adopting design standards, along with more strict regulation on size and operations.

G. New Cannabis Uses

Communities are beginning to regulate for cannabis uses aside from production facilities or retail storefronts. A common concern is the proper allowance and regulation for consumption facilities, such as hookah lounges.

H. Special Events

As a community with many special events occurring year-round, it is reasonable to consider how best to handle the implications of these events on nearby properties.

New Use Recommendation

- Add new uses, accompanied by use-specific standards where appropriate.

Development and Design Quality Standards

Setting a high bar for development aesthetics and quality is important for Santa Fe to protect its neighborhoods and sensitive resources, maintain its cultural, historical, and tourism attractions, and simultaneously allow areas for growth and change . A decades-long tradition of maintaining high standards for the appearance of new development has led to Santa Fe being seen as a positive model of attractive site and building design that sets the city apart from any other community in the state or country.

The LDC's standards regarding development quality range from the broad array of site and building design standards in the historic districts overlay, to freestanding articles that focus on specific topics like grading and drainage. The challenge moving forward will be to take the adopted standards to the next level by:

- Providing more certainty—specifically, by removing vague language and rewriting ambiguous standards, and by clarifying the distinction between standards and guidelines;
- Ensuring that all standards work together, by eliminating repetition and clarifying which standards control in case of conflict; and
- Providing greater flexibility (through menus and options) to achieve compliance with the LDC while still not restricting creativity.

The following sections discuss the major issues that surfaced during stakeholder interviews and our background analysis. Further details are included in the detailed review of current regulations table that accompanies this report.

Vehicle Parking

Parking requirements were mentioned frequently during interviews and in survey responses. Most commenters agreed that a reduction in requirements should be considered, though some thought it should be limited to certain locations, such as those served by transit. In Phase 1, we will undertake a rewrite of the parking standards to enhance clarity and to allow more flexibility in meeting (or reducing) requirements. The opportunities for reduced parking may be narrowly targeted in this phase, applying to on-site ADU parking requirements, or for existing residential units in buildings downtown.

The larger question of whether the city should be requiring parking with development at all can be examined in Phase 2. A growing trend in many locations is to eliminate minimum parking requirements, reasoning that the market and developers will provide parking in an amount that will meet the needs of the project they are developing. Other communities are taking a somewhat more measured approach,

pursuing targeted elimination of parking requirements in downtowns or along high-frequency transit corridors.

A. Consolidate Parking Standards and Update Parking Schedule

In Phase 1, all parking-related information should be consolidated in the main body of the LDC rather than spread across multiple appendices, where it can be difficult to find. Appendices A through D should



be integrated into the main code; they cover parking requirements, parking space standard dimensions, required bicycle parking, and bike rack standards and dimensions.

Phase 2 will include a review of all current parking requirements to compare the current requirements to national standards, similar communities, and our experience in other communities to determine where the current standards may be requiring too many (or too few) spaces. We will then recommend increases or decreases to required parking for each use. The national trend is to move to lower required parking standards since many communities in the past have required an excessive amount of parking. We also recommend consideration of adopting parking maximums, in addition to parking minimums.

B. Offer Options for Flexibility in Meeting Requirements

Another trend nationwide is to provide more flexibility in parking standards and how parking is provided. Santa Fe currently offers limited options for reducing the amount of parking that must be provided on-site. There is a combined use option, where a mixed-use project, for example, can receive a reduction if a parking demand study demonstrates that peak demand for different uses occurs at opposite hours. Reductions are also possible in the BCD and LINC overlay, dependent upon a parking demand study showing lesser parking demand. There is also a possibility for reduction if a property owner grants the right for the City to use a portion of their property for a transit facility.

These are good options and should be maintained. Additional tools for flexibility are proposed below. Parking could be reduced in these pre-defined instances subject to administrative review:

- On-Street Parking. Section 14-8.6(b)(2)(b) specifies that "no required off-street parking space shall be located within the right-of-way…" There is a limited exception to this prohibition in the LINC overlay, but we recommend allowing this more widely. Provided that the on-street spaces are neither metered, time-restricted, or subject to residential parking permit restrictions, on-street parking adjacent to a given use should be allowed to count towards required on-site spaces. While allowing on-street spaces within a

certain proximity to count for required spaces is becoming common practice, it is generally not an option extended to residential development (aside from ADUs).

- Off-Site / Public Parking. Where there is surface or structured parking within a defined proximity of a use, on-site parking requirements can be reduced by a certain percentage.
- Proximity to Transit/Multimodal Trail Network. If there is high-frequency transit within a certain proximity of a use, or if a location is well-connected to the multimodal trail network, the on-site parking required may be reduced by some percentage of the total requirement. Depending on frequency and extent of transit network or proximity to the trail network, some locations eliminate parking requirements altogether along the transit/trail corridor and within a specified distance beyond the transit/trail corridor (extending one or two blocks to adjacent, parallel streets).
- Reduction for Car Share Vehicle Spaces/ Enhanced Bicycle Infrastructure. Where one or more car share spaces are provided on-site, or where accommodation for bicycles is provided beyond the base requirements, these may be counted as a "credit" allowing the reduction of other required vehicle spaces by a defined quantity.

Parking reduction approval is often tied to a parking demand study that demonstrates that fewer parking spaces are needed to meet demand than normally would be required. Santa Fe allows such studies already, but stakeholders indicated the need for improvements; there are not clear definitions or parameters for what information must be included. Many communities require that these studies be prepared by transportation engineers or similarly certified professionals. There is a cost to this requirement, though it is often offset by the reduced cost of providing less on-site parking. Other communities simply require that an applicant who submits a study compile the information based on reliable, recognized sources, such as the Institute of Traffic Engineers (ITE) Parking Demand Calculations. The LDC should identify the situations when parking demand studies can be submitted, by whom they should be prepared, and who is the appropriate decision-making authority to review and approve such requests when they are received.

C. Expand Bike Parking Requirements

Santa Fe has bicycle parking requirements in the current code, but there are opportunities to add detail and strengthen them.

- Standalone Bike Space Requirement. A best practice is to "untie" the number of bicycle spaces required from the number of automobile parking spaces required, as is done in Table 14-8.6-3, General Off-Street Bicycle Parking, where, for example, four bike spaces are required for every 0-5 auto spaces. Because the updated code will likely include reduced base parking requirements, along with various opportunities to request further reduction in required spaces, this prevents the number of bike spaces being reduced when the number of car spaces is reduced. It also avoids complications for any areas, such as the BCD, where the City may decide no parking is required. While the City could specify that reduction in car spaces does not allow reduction in bicycle spaces, we recommend instead requiring bicycle spaces based on square meters of floor area, in the same manner that car space requirements are determined.
- Revisit Base Requirement. The LDC update should take the opportunity to increase the number of bike spaces required to reflect increasing bike usage. Using the current table, a multi-family development with 100 parking spaces would only need to provide 12 bicycle spaces. One approach could tailor the number of bicycle spaces to context, where fewer bike spaces are required in more auto-dependent areas and more in central, bike-accessible areas.
- Differentiate Between Short- and Long-Term Spaces. Most communities differentiate between short-term bicycle spaces, which are generally outdoors, and long-term spaces, which are indoors, or enclosed and secured. Provision of an adequate number of long-term spaces is particularly important in multi-family developments, and also workplaces, so employees who ride to work have a secure place to store their bike.

- Bicycle Space Location and Design. In addition to specifying how many spaces must be provided, the code should require that they be visible and well-lighted, describe how close the bicycle spaces must be to a building entrance and possibly the preferred design (such as a bicycle corral in a parking lot in place of a car space), and require a defined connecting path from the bike racks to the entrance, especially if crossing parking areas or drive aisles. It may also be helpful to specify approved designs for racks to be installed, to reduce the possibility of theft from outdoor, unsecured racks.
- Reduction of Car Spaces. Many communities choose to allow a reduction in the number of car spaces required in exchange for provision of bicycle facilities beyond the minimum. In many cases, this involves not just the number of bike spaces, but that they be long-term, and that supportive facilities (showers, changing rooms) are provided.

D. Include Electric Vehicle (EV) Requirements

With the growing number of electric vehicles available, it has become increasingly common to include standards for provision of EV infrastructure in zoning codes. Many communities start with relatively modest requirements for parking spaces that include full charging infrastructure ("EV-Installed"), but are more aggressive in requiring spaces to be provided with conduits that allow for charging infrastructure to be installed in the future ("EV-Capable"). Below is an example from another community for how EV requirements were included in the code.

Table 30.04-5: EV Charging Requirements by Land Use

Use	Number [1]	Applicability
Single-Family Dwelling	1 Level 2 outlet (240 volt)	N/A
Multi-Family Dwelling	25% EV-Capable, 3% EV-Installed	25 parking spaces or more
Nonresidential – Retail and Services	10% EV-Capable, 3% EV-Installed	100 parking spaces or more
Nonresidential – Resort Hotel, Hotel or Motel, School, Convention Facility, Group Assembly[2], and Recreational or Entertainment Facilities	25% EV-Capable, 3% EV-Installed	50 parking spaces or more
Nonresidential – Warehouse and Distribution, and Manufacturing	5% EV-Capable, 3% EV-Installed	100 parking spaces or more

[1] Based on the required parking spaces for the use, as specified in Table 30.04-2.

While we generally recommend inclusion of EV requirements into the updated code, further consideration will be needed to determine what kind of development will be required to provide the infrastructure (residential, commercial, public facilities), along with the extent required (e.g., 10% EV-Installed for lots of 100 or more parking spaces).

Vehicle Parking Recommendations

- Consolidate Appendix information – especially the parking table – into the body of the code.
- Update the schedule of required parking.
- Include additional options for allowing flexibility in meeting or reducing on-site parking requirements and add detail to requirements for parking demand studies.
- Expand bicycle parking requirements, and "untie" them from the number of car parking spaces that must be provided.
- Include requirements for EV parking spaces.

Landscaping and Tree Preservation

In interviews and surveys, one of the main concerns about landscaping was water consumption. This rewrite offers an opportunity to better align water conservation goals and LDC standards. In this section of the report, a main focus is therefore centered on ways to preserve existing mature plantings, and reduce water use overall in landscaping. The majority of items in this section will be addressed in Phase 1, with the possible exceptions of mandatory tree preservation with incentives, development of an Approved Plant List, and changes to the irrigation requirements of the code.



A. Preserve Existing Landscaping

The purpose statement for the landscaping section of the LDC mentions preserving existing, healthy vegetation: "It is also the purpose and intent of this Section 14-8.4 to preserve existing healthy vegetation to the greatest extent possible as an important cultural, environmental and economic resource." We recommend greater emphasis be placed on preservation of desirable plant species in the updated LDC. Some native plants can establish quickly in the desert environment, but many other plants grow slowly, so the time it takes for new landscaping to become established and offer the same benefits as established plants can be significant.

Section 14-8.4(F)(5), *Preservation of Existing Vegetation*, allows the Land Use Director to require preservation of significant trees (defined as deciduous trees of six inches in caliper or greater, or an evergreen tree eight feet in height or taller). This is a good practice, though it would mainly apply when a proposal for new development or redevelopment comes forward. We suggest that the extent of what is required to be preserved should be expanded, subject either to the decision of the Land Use Director, or adjudication by the Municipal Tree Board. Any request to remove a significant tree could require an assessment by an arborist. If the arborist finds the significant tree is healthy and viable, then removal could be a recommended action by the Tree Board. In addition to preventing significant trees being cut down on a site, preservation requirements could specify that any pruning or trimming of significant trees

requires prior review from staff. If a significant tree is to be replaced, the replacement tree should be a larger caliper than standard planting requirements, and the replacement could be accompanied by a financial guarantee that remains in place during the tree's establishment period, in case the replacement tree dies or becomes diseased, so another tree can be planted if needed.

Preservation could also be extended to include not just smaller caliper or shorter trees, but established drought-tolerant species, and also any significant plantings of established vegetation on a site, including shrubs and native grasses, provided the plants are not invasive or undesirable species. How "significant plantings" is to be defined can be discussed further as the rewrite progresses, but at a minimum, we suggest focusing on mature plants that provide shade and cooling, habitat for native species, or other environmental benefits.

Finally, provision (F)(5)(b) in the preservation section mentions the incentive that preserved pinon trees count for two trees that would otherwise be required on a site. Offering this kind of incentive is a good practice, particularly if the requirements for preservation of vegetation are to be expanded. We suggest expanding the use of such incentives as part of a more formal tree preservation component of the rewrite. Such a program can more actively encourage removal of noxious weeds and undesirable plant species, and can include replacement requirements as well, e.g., if one 12-inch diameter tree is removed, it must be replaced by three 2-inch diameter trees. The example below shows the credit Sedona AZ offers for preserving mature trees against the requirements for new on-site planting. This is a good starting point, but recently more communities, recognizing the numerous benefits of established trees, have increased the credit offered for their preservation.

5. Trees shall be credited according to the following criteria in the quantities shown in Table 5.5.

Table 5.5 Credits for Preserving Trees

Diameter at 4 feet 5 inches above ground	Number of Trees Credited
25 inches or greater	6
13 to 24.5 inches	4
8 to 12.5 inches	3
4 to 7.5 inches	2
2 to 3.5 inches	1

B. Potable Water and Irrigation

Section 14-8.4(C)(E) suggests the use of potable water for irrigation "shall be used only as a back-up or temporary irrigation water source to the greatest extent possible." This is a good practice; however, because we understand that the state of New Mexico, the City, and the Water Department would like to prioritize water conservation and reduce outdoor water usage, the City may want to consider stronger regulation. The City could consider prohibiting the use of potable water for outdoor watering, setting limits for the amount of water that can be used for outdoor watering regardless of the source, and including standards in the code for the use of water catchment and the maintenance of catchment systems. If stricter limitations are imposed, the allowed plant list should reflect these limitations, with increased emphasis on the possibility for xeriscaping or alternative compliance.

The City may also wish to consider stronger language regarding irrigation systems, since one of the most effective ways to reduce water consumption in landscaping is to mandate irrigation drip systems. Currently, the Irrigation Standards in Section 14-8.4(E)(4) "encourage" irrigation designers and installers to use the City Landscape Irrigation System Standards "as a guide to minimum specification for irrigation

systems." These standards could become mandatory, rather than encouraged. The City could also consider a requirement for irrigation designers to be certified, in recognition of that fact that technical knowledge and a basic irrigation plumbing background is necessary to the design of an efficient system.

C. Prohibit or Limit Turf and High Water-Use Plants

Many desert communities are reconsidering allowing turf grass and plants that are not drought tolerant. Clark County, Nevada, bans the use of turf altogether, except in cemeteries, parks, and schools. Existing facilities, such as golf courses, that have extensive areas of turf may maintain them, but no new facilities with this reliance on turf may be constructed. Sedona, Arizona, limits turf to ten percent of a project site, while Tucson only allows non-drought tolerant plants in "oasis areas," which are generally limited to five percent of multi-family sites, and two-point-five percent of other sites.

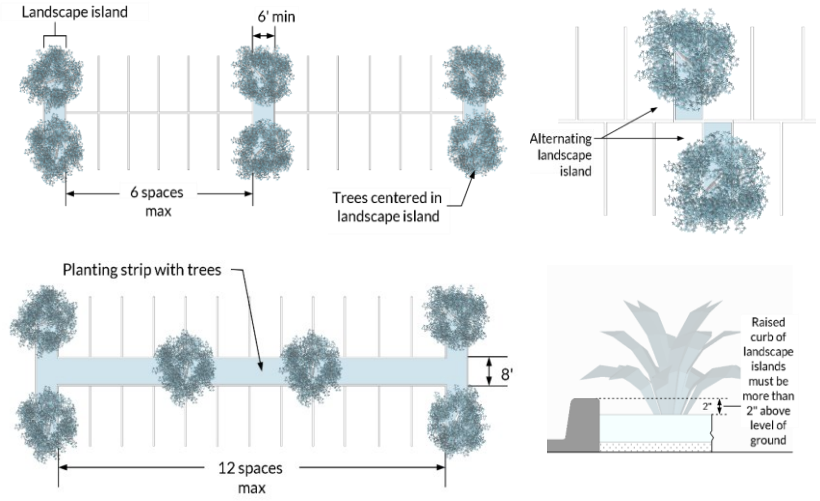
We propose prohibiting future installation of turf in Santa Fe, except in public parks and school or publicly accessible playing fields. A less-stringent alternative would be to ban cool-season grasses, while allowing warm-season grasses for large open space and retention ponds utilizing temporary irrigation, while imposing area limits on how much turf can be installed. Commercial and industrial uses should not be installing any extent of turf to fulfill their open space requirements. Finally, high water use plant species should have limited use in satisfying the requirements of the landscaping section, where they are only included strategically as focal points in landscape areas. Conversely, the rewrite can expand emphasis on xeriscaping (see below, Approved Plant List), which is now only mentioned once in the landscaping section (14-8.4(E), *Water Harvesting and Irrigation Standards*).

D. Approved Plant List

The city has a recommended plant list, but not an approved one that would *require* development to comply rather than recommending it. Given concerns with water usage, it is important to create an Approved Plant List, where the species allowed are primarily low- or very-low-water, drought-tolerant plants that are native to the region, or non-native, non-invasive species that are demonstrably suited to thrive there. The Approved Plant List should include plants that support the possibility of using xeriscaping to meet landscaping requirements, while the code can specify when this option is acceptable to meet those requirements. This list, once created, may be housed outside the code, in recognition of the need to make changes due to the changing environment and global warming. Keeping the list outside the code allows for it to be updated more easily than would be case if a code amendment were needed for each amendment. Secondary to water concerns is availability; the list should take into consideration the kinds of plants that are readily available in area nurseries.

E. Parking Lot Landscaping

Because parking lots are powerful heat generators and contributors to heat island effects, the trend in many communities is to focus on reducing the size of lots, and particularly expanses of unshaded asphalt or concrete (parking lot design and acceptable materials are included in the Vehicle Parking section of this report). We therefore begin by recommending that the requirements for interior parking lot landscaping should be lowered significantly from lots of 40 or more spaces. Many places apply these requirements starting at 10 spaces. Santa Fe currently requires parking lot landscaping using a ratio of 10 square feet of landscape area per parking space, with a minimum of one tree per 90 square feet of landscape area. This is a complicated method for determining how much landscaping must be provided, and the requirement that landscaping shall be "distributed throughout the lot" is vague. In Phase 1, we recommend a change to base landscape island requirements on a certain number of spaces, e.g., one island every 12 spaces, plus islands at the start and end of each row. The illustration below is from another community that adopted similar standards for interior parking lot landscaping requirements.



Further, it is simpler for users to understand and staff to implement when the minimum space for a landscape island is the described in absolute terms (e.g., a minimum of six feet wide, and the length of the adjacent parking space), rather than as square footage.

The emphasis on planting in landscape islands should focus solely on trees and accompanying ground cover, since shrubs and other plantings will not provide shade, even at maturity. The minimum caliper of tree at planting should be specified, along with a requirement that the tree species be selected from the Approved Plant List. As with other landscaping provisions, there should be requirements for maintaining plantings in good condition, and replacing plants that do not survive. To support use of stormwater as an irrigation source for parking lot planting, the section should include low impact development standards. Tree protection standards or screening requirements can be included to prevent landscape island trees from being irreparably damaged by car bumpers. Finally, it is becoming increasingly common to allow the provision of covered parking (either with canopies, or with solar panels) and covered walkways through parking lots to be allowed in lieu of parking lot landscaping, or to be granted some reduction in the live planting requirements. This may be a good alternative to encourage in Santa Fe, where plantings can take a long time to reach a level of growth that would provide sufficient shade.

The improvements above will be part of Phase 1 of the rewrite, along with two items that were mentioned

by stakeholders. One is to clarify whether parking lots adjacent to freeways need to be screened in the same manner as lots along other roadways. The second is to clarify the extent of parking lot buffer required when the lot is set back a significant distance from the roadway.

F. Irrigation and Water Use

While the recommendations of this section focus on using less water in landscaping, there will nevertheless still be instances when irrigation for landscaping is still necessary. Stakeholders had several suggestions for improving the irrigation requirements in the code. One respondent indicated that the irrigation code is written so that it seems acceptable to put trees and shrubs on the same lines, but the City requires the trees and shrubs to be on separate zones. It also requires separation of zones based on water use for each plant type listed; this needs to be clear in the code rules. Another suggested reconciling the inconsistency between landscaping irrigation requirement and the erosion control section: the landscaping section says that irrigation is only needed on seeded areas if the seed mix includes annuals, but the erosion control section says all seed must be irrigated. If the City's pilot projects to establish seed without water continues, this should also be included in the code.

Landscaping and Tree Preservation Recommendations

- Emphasize the preservation of existing landscaping and mature on-site trees, and offer incentives to encourage it.
- Focus on water conservation in landscaping requirements. Devise an approach on whether potable water use for landscaping is allowed, and the extent to which gray water is available and may be used.
- Strengthen planting standards through creation of an Approved Plant List (rather than a recommended one), and consider a Prohibited Plant List as well.
- Refine interior parking lot landscaping requirements, with emphasis on provision of shade in the parking area.
- Clarify and update irrigation standards.

Screening and Buffering, Walls, and Fences

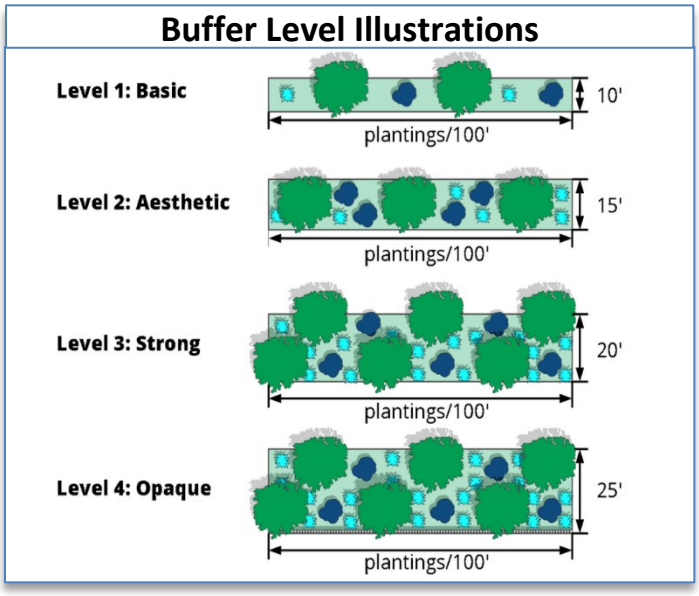
A. Create New Residential Adjacency Section

Screening, buffering, walls, and fences are frequently (though not exclusively) required when more intensive uses share property lines with residential development. To address the issues that such adjacent development can bring, we recommend the creation of a new "Residential Adjacency" section in the new LDC, which would allow a more user-friendly consolidation of this related material. While separate Screening/Buffering and Walls/Fences sections will still exist, any content specifically related to residential adjacency will be relocated into the new section.

For example, Section 14-8.4(J)(3), *Buffer for Non-residential Development Abutting Residential Development*, would be relocated, along with standards applicable in other situations, such as adjacency of uses with drive-throughs, public address systems, or outdoor music; stepback requirements for taller buildings; location of trash and recycling receptacles (Section 14-8.4(J)(4)); signage, noise, and lighting limitations; and other situations that commonly arise.

B. Adopt More Tailored Buffer Options

The existing residential adjacency buffer requirement in Section 14-8.4(J)(3) of 15 feet wide with plantings as required in open space standards (one tree and two shrubs for every 500 square feet) may be adequate for certain adjacent uses, but it may not suffice for others. We recommend a more tailored approach to residential adjacency buffers, such as in example below.



In this example, the intensity of the non-residential use determines the extent of buffering required. A Basic buffer may be required if a residence is converted to a small office, but the neighboring properties remain residential. An Opaque buffer could be required for something like a distribution center, with 24-hour operations, heavy truck traffic, and a lot of loading/unloading activity.

C. Walls and Fences

Few respondents expressed issues with Section 14-8.5, *Walls and Fences*. Further input is needed on what specific changes may be required; however one issue that will be addressed in Phase 1 is a standard method for measuring fence height, accompanied by illustrations. Another possibility is to add information on permitted or prohibited fence materials, which are common in most codes. Including this information could help to address frequent questions on whether and where chain link, barbed wire, or electric fences are permitted in the City. Historic district regulations do specify what materials can be used for fences, but if similar standards would be helpful outside those districts, they can be added in Phase 1.



Screening and Buffering, Walls, and Fences Recommendations

- Create Residential Adjacency code section that focuses on buffering residential uses from various impacts of more intensive adjacent uses.
- Tailor buffering requirements based on intensity of adjacent development.
- Clarify issues with combination of fences and retaining walls, measurement of fence height, and consider the inclusion of fence material requirements for areas outside historic districts.

Building Design

The distinctive architectural character of Santa Fe's downtown and surrounding neighborhoods is one of the city's main attractions, a primary element that makes the "City Different." The LDC's tools for regulating building design, including both the architectural points system and the Historic Overlay standards, have long been important tools for maintaining the City's distinctive character.

The initial survey for the LDC update project generated many comments on such tools. Some stakeholders suggested that all new development and growth should reflect the historic character of Santa Fe. Others emphasized that a variety of architectural styles may be appropriate in different areas, such as the area encompassed by the LINC overlay, where contemporary and mid-century styles should be encouraged.

Some comments specifically focused on the current points system for regulating design, saying it is arbitrary and that any points system is inevitably a "blunt instrument," with superficial descriptions of requirements, that allows bad buildings to be built when they comply, and ultimately is not producing the intended outcomes.

How to approach architectural style requirements outside of Santa Fe's historic districts is likely to be one



of the central focus topics that both the LDC update and also the General Plan rewrite seek to address. Any substantial changes to the existing points system, or introduction of new design standards, should be considered during Phase 2 or 3.

A. Phase 1 Refinements to Architectural Style Point System

There are, however, improvements that can be included in Phase 1 of the LDC rewrite. There are opportunities to clarify information in the section by using simpler language, or adding detail or clearer description in others. One example of vague language is in Section 14-8.7©(2)(d), regarding additions to nonconforming buildings, which states that the points system does not apply to "buildings of unique architectural merit" without any definition or accompanying explanation of what might constitute such a building.

Many improvements can be made to the content, from breaking up long paragraphs of text, to reformatting Table 14-8.7-2 so that LINC requirements are easier to discern by being separated into their own table column. The content in the table would be easier to understand through the addition of photos or illustrations, while definitions for architectural terms of art (articulated lintels, glazing, mullions) should be included to help users understand these terms.

B. Implement Hybrid Form-Based Code

A frequent refrain during stakeholder interviews was that more formally applying form-based standards in certain areas of Santa Fe should be part of the code update. Subject to further discussion on where such form-based controls should apply, and what elements of development they should regulate, these standards can be included in Phase 2 of the project. The incorporation of such standards may supplement or replace reliance on the architectural style points system, or that system could continue to apply in areas that are not regulated by form-based standards.

A more form-based approach would not be entirely new. Numerous sections of the current LDC rely on form-based standards to guide the kind of development that is appropriate in a given area. And many of the historic district overlays reference some standards that are form-based, even if they are mostly rendered through textual descriptions in the code.

Building Design Recommendations

- Phase 1: Improve structure of information, add detail and definitions where needed, and simplify language in the section.
- Phase 2: Determine areas of the city where form-based standards would be appropriate, and draft standards to apply in these areas.
- Consider how form-based standards intersect with the existing Architectural Style Points System requirements.

Signs

A. Remove Content-Based Regulation

A Phase 1 task will be to review for and eliminate content-based regulation that has been rendered illegal by the Reed decision. Since the 2015 U.S. Supreme Court case of *Reed v. City of Gilbert*, nearly every community in the nation has had to evaluate their sign regulations.

Generally, a simple test for content-based regulation is that if someone must read the sign to know if it complies, it is content-based. A review of the City's current regulations, which mostly date to 2001, indicates at least a couple of instances where this would apply. Subsection (G)(28)(e) and (f) refer to Price

Reduction signs and Distress Merchandise Sale signs. Both of these are content-based regulation – one would only know the sign regulates price reduction or going-out-of-business by reading it. These kinds of regulations will be amended or edited to comply with First Amendment requirements.

What sign regulations can still address are the following aspects: where a sign can be (e.g., what zoning district), what type of sign is allowed, how many per lot, and how large it can be, as well as any kind of illumination that is allowed.

Most communities continue to regulate permanent and temporary signs (both on- and off-premises) without reference to their content, in the absence of further decisions limiting such regulations. This is the strategy our review will follow, while also addressing the following issues.

B. Improve Organization and Add Illustrations

The current sign regulation section is quite long, in some part owing to the repetition of information, and also due to the lack of tables, graphics, and illustrations that can better convey the regulations of this section than long blocks of text. The information in the sign regulations should be organized by major topics that make subsections of specific information easier to locate. Information can be conveyed in a consolidated table for each sign type, similar to the example below from another community, rather than relying on text.

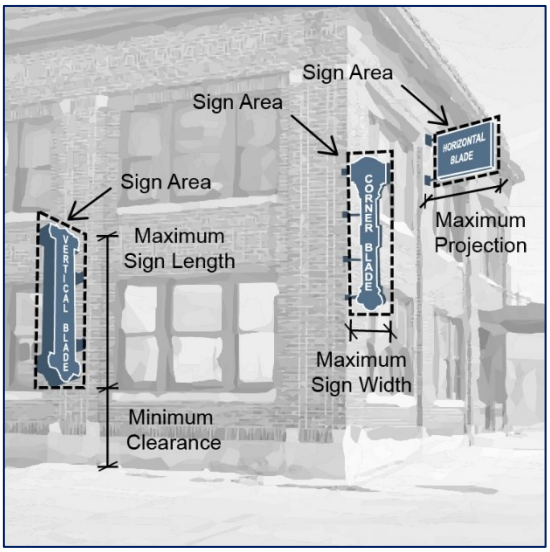
F. Electronic Sign: Animation

Zoning District	RS80	RS40	RS20	RS10	RS5.2	RS3.3	RS2	RM18	RM32	RM50	CN	CP	CG	CC	CU	CR	IP	IL	IH	AG	OS	PF
Animation																P						P

P=PERMITTED **BLANK**=PROHIBITED

Standards	
Maximum Area	Shall not exceed 25% of the sign area
Maximum Number	1 per site
Maximum Height	If wall sign: Shall not extend above the top of the wall where installed If freestanding sign: Same as underlying zoning district
Illumination	Yes
Other requirements	Allowed only in conjunction with a resort hotel. Allowed in conjunction with freestanding, supergraphic, or wall signs.

Also, illustrations can be effective tools for explaining sign regulations, often more so than text. While some text is still necessary, it can be augmented and improved through use of graphics like the one below.

Zoning Code Text	Graphic Depiction
"Projecting sign" means a sign, other than a fascia or canopy sign, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.	

C. Include New Sign Types

The current regulations do allow for electronic messaging signs (though the standards for what is allowed are in the "Prohibited Signs" section), but many other newer sign types are not addressed in the code. Whether the decision is to allow or prohibit them, the update should include new types of signs that are becoming more common, such as supergraphics, projected light displays, animated and video displays, inflated or wind-driven signs, and mobile signs.

D. Signs in the Historic District & Historic Signs

Section 14-8.10(H) describes "Special Sign Regulations in the H Districts." The regulations here are not the same as those that regulate historic signs. This caused some issues and confusion for stakeholders, leading to the following recommendations. While keeping the regulations in the respective sections is preferable to repeating information in two places, these sections should nevertheless reference each other, particularly if overlapping standards apply. The two sections should be compared as part of Phase 1 to ensure there is no contradictory content, and if any is identified, it should be reconciled.

Signs Recommendations

- Review all sign regulations to eliminate content-based regulation.
- Improve the organizational structure of the section, and include graphics, tables, and illustrations to convey information.
- Add regulations for new sign types.
- Compare regulations for signs in the Historic District with regulations on historic signs; eliminate any discrepancies or conflicting information.

Parks

As mentioned in the Zoning Districts section of this report, Phase 1 will include the creation of a Parks and Open Space District, to replace R-1 being applied to the city's parks and trails. Phase 1 can also include any needed updates to "standards based on the average number of persons per housing unit according

to Census 2000, which is two persons per unit for Santa Fe," as stated in the Purpose statement (Section 14-8.15(A)(3)). Level of service goals included in Section 14-8.15(A)(4) and (5) specify three acres per one thousand persons or per five hundred housing units for neighborhood parks, and 12 acres per one thousand persons or per five hundred housing units for regional parks, community parks, open space and trails. Phase 2 can examine whether there is a need to update these dedication requirements.

During interviews, stakeholders indicated that the Parks Department is asking not to assume any more public lands, and instead allowing private parks to be created. There are issues with these parks not being publicly accessible, and also with the quality of the spaces that are being created. While the current regulations allow for the city to determine that impact fees may be submitted instead of parkland if no suitable land is available in a development (Section 14-8.15(C)(2)), perhaps allowing for a development proposal to offer fee-in-lieu of parkland, subject to approval and acceptance by the city, should be considered. These fees could be used to support maintenance and operations of existing parks, and redress the imbalance of park locations, where there are more parks on the north and east side, but not on south and west sides where they are needed.

Parks Recommendations

- Review all regulations to update level of service goals and dedication requirements if necessary.
- Consider allowing fee-in-lieu of parkland dedication, accepted at the City's discretion, to support maintenance of existing parks, and targeted expansion in areas of the city where more parks are needed.

Open Space

Few stakeholders mentioned the open space requirements in interviews or survey responses, except to say that meeting such requirements can be hard for a change of use, such a motel conversion, and that the amount of open space required for multi-family development should be increased, at the same time as features like retention ponds should no longer be allowed to count in satisfying this requirement. An alternative that is becoming increasingly common in many communities is to define a list of amenities that can be provided in a multi-family residential project that can be provided as part of/instead of open space. Such amenities include swimming pools, child playground areas, grilling and outdoor dining areas, indoor or outdoor fitness facilities, and more. The possibility of expanding the options to meet open space requirements for residential development can be reviewed in Phase 2 of the update.

We would also seek input to better understand if the open space requirement as applied to non-residential development is working for the city, and providing useful, usable space in these contexts. It is possible that as vacant, buildable land becomes scarcer, and the price of land increases accordingly, there need to be more options for how a project might comply with the open space requirement. This is another area where the City could consider accepting a fee-in-lieu of on-site open space in commercial development, and devoting the funds to creating and maintaining new parks in areas where they are needed. The LDC update could also consider whether alternate amenities that provide community benefits – public art, space for on-site childcare, fitness facilities for building tenants, publicly accessible plazas or gardens, to name –few -- could be accepted instead of cash or open space.

Open Space Recommendations

- Add more flexibility in options to meet open space requirements for both residential and non-residential projects.
- Consider accepting fee-in-lieu, which could support current and future public parks, trails, and open spaces, or accepting alternate amenities that provide community benefit.

Outdoor Lighting

The city's current outdoor lighting standards are relatively brief, and unusual in including requirements for street lighting, as well as those for private development. Community street lighting provided in the right-of-way is generally regulated outside of the zoning code, which more typically only regulates private property. If street lighting requirements are retained in the zoning code, clarification of new street lighting requirements for subdivisions can be addressed in Phase 1 of the update, along with additional detail on requirements for pedestrian scale lighting along sidewalks and trails.

The current standards will be updated to distinguish standards for types of lighting fixtures, shielding requirements, the illuminance levels of lighting (and how it is measured), glare standards, parking lot lighting, building lighting, and pedestrian lighting. Generally, the lighting standards should reinforce CPTED principles (Crime Prevention Through Environmental Design) and ensure safety for owners and users of the property while minimizing negative impacts associated with spillover lighting. The updated requirements can be drafted to align with the state of New Mexico's Night Sky Protection Act (N.M. Stat. Ann. §§74-12-1 et seq), or exceed those standards if desired.

Outdoor Lighting Recommendations

- Consider removing community street lighting from the zoning code. If retained, clarify new street lighting requirements for subdivisions, and add detail on pedestrian-scale lighting for sidewalks and trails.
- Update requirements to reflect current best practices regarding elimination of backlight, uplight, and glare (BUG).
- Add detail to standards, and describe method of measurement.
- Align lighting regulations with night sky protections enacted by the state or set higher local standards if desired.

Streets and Sidewalks

Staff have indicated that a separate project to address street typology and design in Santa Fe is about to get underway, so this report does not review the current regulations. The Street Design Guide project will take place concurrently with the LDC Update, but because it is of a shorter duration, the results of that project can be incorporated into the LDC update during Phase 2 or 3 of this project.



While the Street Design Guide will also include a Bicycle and Pedestrian Design chapter, Phase 1 of this project will still include a review and standardization of sidewalk width requirements, though this width may not be universal, instead varying according to the development context. The determination of consistent standards may help with consistent implementation of the regulations, which was mentioned as an issue during stakeholder interviews.

Streets and Sidewalks Recommendation

- Review and standardize requirement for sidewalk width, possibly adapting minimum requirement based on development context.

Development Water Budgets

Many conversations centered on the importance of water conservation in Santa Fe, and the need to have stronger links between land use planning and water planning in general, and the code sections that regulate them in particular (Chapters 14 and 25). Discussion of development water budgets had two areas of focus: developers' lack of understanding about water rights, and a lack of awareness of the requirements related to development water budgets until quite late in the development review process, where a project can get the whole way to permitting in compliance with Chapter 14, but then an applicant discovers another set of requirements in Chapter 25 that they had not known or been told about. The LDC update can look at ways to integrate these two components as part of a procedural review, and staff can advise if there is also a need to change what the requirements for water budgets are as part of the review. At a higher level, efforts to emphasize sustainable development in the code can focus on water conservation by rewarding projects that preserve and protect water, and reduce outdoor water use in particular.

Development Water Budget Recommendations

- Integrate water-related requirements in Chapter 25 with those in Chapter 14.
- Use procedural requirements to improve awareness of development water budget requirements earlier in the review process.
- Emphasize water conservation as part of the effort to integrate sustainable development practices into the LDC.

Procedures and Code Administration

Development regulations should clearly describe the procedures by which new development applications are accepted, considered, and acted upon by local officials. A well-written code makes it easy for staff, the development community, and local officials to know exactly what is required for project approval and helps ensure consistent administration over time.

The sections below discuss a variety of recommended strategies and tools that could help improve Santa Fe's zoning procedures to provide more clarity, transparency, and consistency, which stakeholders identified as potential areas of improvement.

Update Common Review Procedures, Application-Specific Procedures

Santa Fe's development regulations call for a number of different permits and approvals, such as rezonings, variances, subdivision plats, and special use permits. The general procedural steps for each of these application types are outlined in a set of common review procedures, described in Section 14-3.1€ through 14-3.1(M). This organizational framework will be thoroughly reviewed as part of Phase 1, to ensure it is accurate and completely describes how the application process is conducted in Santa Fe.

The Phase 1 review will seek to clarify procedures that are not adequately clear and detailed, which contributes to the public's perspective of a lack of transparency and the perception that the process is not

consistent and fair. Clarification will also aim to address developers' concerns that unclear procedural steps contribute to inconsistent interpretations, prolonged processes, and unpredictable outcomes.

The graphic below from another community illustrates how these procedural steps can be rendered visually, and it is generally included in each section describing specific application types to help users understand which steps among the common review procedures apply. In the example below, where an item is greyed out, that means it does not apply to a particular procedure. The steps that do apply have links to the section of the common review procedures that describe that step in the application process.



One component of the application process that came up frequently in survey responses and interviews was a lack of clarity around post-decision actions. Though these are mentioned in the common review procedures, they are not explained in any of the application-specific information. What is required is a matter of staff knowledge, and because the steps are not outlined anywhere, applicants had the perception the requirements were inconsistent. Some of the specific post-decision actions that were unclear or caused confusion include Action Letters for special use approvals, steps for recording post-approval, and problems with infrastructure verification, where clarification is needed regarding what documents the infrastructure is being inspected against. As part of Phase 1 of the LDC Update, we will work with staff to understand what these post-decision action steps are, and ensure they are codified.

Application Procedures Recommendations

- Review and update common review, application-specific procedures.
- Ensure that all steps of the application process are described in the code, including required post-decision actions.

Refine Approval Criteria

Conformity with approval criteria is the basis on which an application is reviewed, then approved or denied. Specific and objective approval criteria are important since they are not only the basis on which staff and the governing body base their decisions, but clear and objective standards also enhance predictability and transparency for applicants. Currently in Santa Fe, approval criteria, and where applicable, potential conditions, are included with each particular application type. In some cases, the approval criteria and overly general, which can render an approval subjective.

- An example is the approval criteria for a Special Use Permit, among which are: "that granting the special use permit does not adversely affect the public interest," and "that the use and any associated buildings are compatible with … the abutting property and other properties in the vicinity of the premises under

consideration." Both "compatibility" and "adverse effect on the public interest" are subjective judgements that may be construed very differently by different people. A way to improve these criteria is to make them more specific, for example, compatibility may be judged on the basis of the scale and characteristics of a use – is any proposed building a similar size to those surrounding it? Are the hours of operation likely to cause disruption for neighbors? Adverse effects similarly can be assessed more precisely – will the potential use generate noise, or traffic, that is disruptive to the surrounding area?

This is one example of the way approval criteria can be refined to be more specific and predictable as the basis for decision-making. The LDC project will review and update all such criteria as part of Phase 1 of the update.

In Phase 2, the rewrite also can evaluate the feasibility of exempting desirable projects, such as housing proposals up to a certain scale of development, such as five or ten units, from certain requirements or establishing an expedited review process with automatic approval if they comply with the approval criteria.

Approval Criteria Recommendations

- Ensure each procedure has specific, objective approval criteria to define the basis for the decision.
- Consider exemption or an expedited review process for projects that meet certain criteria or policy goals of the City Council.

Delegate Decision-Making Authority to Staff, Boards, and Commissions

With less subjective approval criteria established in Phase 1, Phase 2 can investigate opportunities to delegate certain decisions to administrative approval, or approval by a Board or Commission, without the need for governing body review and public hearings. Site plans, and possibly development plans, are examples that could be staff-level decisions, once approval criteria clearly circumscribe an objective basis for approval or denial. Where it is possible to have administrative decisions based on clearly defined approval criteria, it benefits applicants by adding predictability to the decision-making process, and speeding up the application process. When changes such as these are made, they are normally accompanied by a "call-up" procedure, so that staff have the option of referring any application to a high-level decision-making body, or that body may on their own call-up a given application for decision. Some communities allow this call-up to be at the request of the applicant, while others that do not offer this opportunity nevertheless have appeal procedures in the event that an applicant disagrees with a staff decision.

It may also be possible as part of the Phase 1 update effort to increase the thresholds that elevate review of site plans to a higher decision level: currently, the thresholds are low, at three residential units, and 10,000 square feet. As recommended above, housing proposals up to five or ten units could be automatic administrative approval if they comply with approval criteria. For other projects, the 10,000 square foot threshold could be increased to a higher level.

Decision-Making Authority Recommendations

- Consider decisions that can be delegated to professional planning staff, Boards, and Commissions, on the basis of clearer approval criteria.
- Draft call-up procedures to allow staff to pass application review to a Board, Commission, or Council, and to allow the Council to call-up applications on their own.
- Review and potentially raise thresholds that require applications to be elevated to higher-level review.

Clarify and Streamline Processes

A more in-depth reconsideration of the approval process will take place in Phase 2, including an assessment of what information should be required at different steps of the review process.

Particularly with respect to Development Plans, stakeholders believe that too much detail is required too early in the process, requiring significant expenditure by an applicant before they had any idea whether a proposal could be approved or not. This is a common issue in many communities, where the review process tends to be "front-loaded" with a great amount of detail required up front. A possible solution is to divide review according to a concept plan, which has the basic general information about a project, sufficient to enable a judgement that the project can comply with all applicable regulations to secure approval. Then, at a later stage in the process, detailed plans are submitted for review prior to issuance of any required permits. Though there is a risk to the applicant that their detailed plans or studies surface problems that did not arise in the concept plans, many applicants still prefer this kind of two-step process. The onus of ensuring that detailed plans conform to information in concept plans, and can be approved according to regulations, rests with the applicant. This review can also address perceptions of redundancy, and possibly reduce the amount of time that is required for simple reviews.

A second element to Phase 2 updates will focus on calibrating the level of review to the complexity of the request. In some cases, smaller-scale projects can be handled more expeditiously than larger-scale projects that require review by various departments prior to a public hearing process. Multiple layers of review can extend timelines and may be able to be reduced for simpler permit requests, like sign reviews, approvals for accessory structures like a shed, or roofing approvals.

Application Process Recommendations

- Assess the level of detail that is required in application information, possibly calibrating it to the progress of the review process, with greater detail required later in the review.
- Consider whether review for smaller, less impactful requests can be resolved more expeditiously than large projects that must be subject to full review and public hearing.

ENN / Facilitation Process

The city is currently working to revise the Early Neighborhood Notification Process. It will be important to include a clear explanation of any changes to this process in the rewrite. While the option to use a mediator or facilitation services may be one change to the process, another important element should focus on helping the public to understand the purpose of the process, and what expectations of outcomes they should have for it. This clarification can help the developers who conduct the meetings understand what is expected of them as well. The most important element to address here is the extent to which developers are required to respond to residents' input on a project. If there are any requirements or expectations that developers make changes to their proposals to respond to public comments received as part of this process, those requirements should be defined. The lack of clarity on aspects of the process raises false expectations among participants regarding what changes may occur as a result of their input, and also contributes to disillusionment when residents feel their concerns have not been addressed. Clearer delineation of the purpose and expected outcomes of the ENN process can also contribute to less contention as projects proceed through the public hearing process.

ENN/Facilitation Process Recommendation

- Clarify the purpose and potential outcomes of the ENN process.

Public Notice and Public Hearings

A. Public Notice

A respondent in stakeholder interviews stated that the onus for public notice is placed upon the applicant, but the code does not have enough description for what they are required to do. The code specifies that public notice is required typically 15 days prior to a public hearing or ENN meeting, using the following methods:

- Publication in a "local daily newspaper of general circulation"
- Posting the meeting agenda at City Hall
- Emailing neighborhood associations
- Posting signs at the development site, and
- Sending mailed notice within a specified radius (300 feet) of the proposed development.

Phase 1 of the rewrite will add detail and clarify the public notice requirements, and consider the possibility of expanding them, to try to improve the possibility for equitable and inclusive public participation in city decision-making processes. Since equitable public participation depends upon distribution of information and citizen awareness of what decisions are about to be made, notice that limits the distribution of this information can have negative implications for equity and inclusivity in public participation. Most of these suggestions can be implemented as part of Phase 1; however, the possibility of expansion of requirements is likely to extend into Phase 2 of the project as well.

Some areas where additional detail in the requirements could be helpful in expanding the possibility for public participation is to ensure that notice is in both English and Spanish for mailed, posted, and published notification. Posted signs are an especially effective means of notice to reach anyone in proximity to a development location, and the requirements for posted signs should specify not only where and how long the signs must be posted, but also their minimum size, requirement for bilingual information, the necessity of using plain language on the posters, and the possibility of including QR codes that will link to additional information about the development proposal.

The mailed notice requirement specifies that if the property owner's address is different from the physical address of a property within the notification radius, a notice will be mailed to the physical address as well. This is a good practice, as it can potentially notify tenants in proximity to the proposed development, as opposed to just property owners. However, in the case of a multi-unit commercial or residential structure, where a single notice to a physical address would not suffice to notify all tenants or occupants, many communities are deciding to go one step further with mailing requirements, specifying that each individual unit or tenant must receive mailed notice as well. Adopting this requirement does entail additional work in generating mailing lists and sending additional pieces of mail, but it is important in helping to ensure that renters have the same opportunity as property owners to receive notice and participate in the public process. We recommend that Santa Fe more explicitly include this recommendation in the updated LDC.

Recognizing that US mail and newspaper notice may no longer be sufficient as modern means of communication proliferate, communities are also codifying other methods of communication as official and required means of notice. Many of these rely on staff, rather than applicants, so we propose them as

good practice, with the understanding that their codification and implementation depends on staff capacity to consistently ensure they are accomplished. In addition to "traditional" notice, some cities now require:

- Applications and staff reports posted to City website prior to public hearing (sometimes with capacity for community members to submit official comments on the project online)
- Social media announcements on the City's official accounts
- Physical posting information in city building(s)
- Email notification to individuals and groups who request it (beyond homeowners associations)

If staff capacity limits the possibility of making these official methods of notification, they could also be implemented as best practices, pursued outside formal codification, to the extent that staff capacity allows.

B. Public Hearings

A frequent refrain from stakeholders and the public during kickoff interviews related to the public's lack of understanding of the quasi-judicial role of decision-makers when application is in the midst of public process. Though there is an explanation of this in Section 14-2.8(G), *Communication with Members Prohibited*, constituents do not understand that members of the governing body cannot discuss applications that are in the middle of the decision process. This causes problems between elected officials and constituents, and can contribute to public distrust of elected officials, when constituents feel their concerns are not being heard.

In recognition of this issue, a ballot measure related to the topic will appear before voters on the November 2023 ballot. If passed, the measure would require that decision-making bodies must implement "procedural rules stating that they must adhere to established principles of procedural due process and fundamental fairness when functioning in a quasi-judicial role." The ballot measure would not change limitations on the governing body's ability to communicate with the public on development applications when that body is acting in a quasi-judicial capacity, but what the measure could accomplish is to raise citizen awareness of these strictures, and require written explanation of what they are, i.e., when a decision is quasi-judicial, and what the limitations on communication to and from the governing body are in this situation.

The code's current explanation of this limitation can be relocated to a more prominent location in the updated LDC, and if the ballot measure passes, the content can be augmented in support of the decision. Information related to quasi-judicial communication limitations could be included in any required notice that is distributed to members of the public, included on posted signs, or discussed as a requirement at ENN meetings.

The ballot measure may suffice as a means to raise awareness of the quasi-judicial nature of governing body's responsibility during hearings, while the LDC can define what that means in practice for members of the public, and the governing body.

Public Notice / Public Hearing Recommendations
• Add detail to the current notification requirements, so it is more clear to applicants what they must do to fulfill the requirements. • Consider expanding the methods for public notice, either officially or as informal best practices. • Expand explanation of limits on communication with members of the public when the governing body is acting in a quasi-judicial capacity.

Nonconformities

Phase 1 of the project can ensure that terms used in the section are defined (for example, "intensification" is not defined, but should be if it is the basis for limiting expansion or eliminating nonconforming uses), and that there are no inconsistencies between this section and the rest of the code. Stakeholders suggested that this section needs to be better integrated with the historic districts, so the two sets of standards aren't contradictory. Currently, properties in Historic Districts must conform with underlying zoning, but none of the nonconformities in the district are required to comply, so this creates tension over which requirements apply, or which takes precedence in the event of conflicting information.

As a larger question related to nonconformities that this project can investigate in Phase 2, the objective of the section can be clarified. Currently, users feel it is not clear whether the point of this section is to allow nonconformities to be maintained, continue operating, and possibly expand, or whether the objective is to apply stricter limits that can reduce and eliminate them over time. The approach decided in this Phase will have implications for how long-duration nonconformities are treated. Some stakeholders suggested an "amnesty" for long-term nonconforming uses that could be approved administratively, instead of requiring a variance or special use approval.

Nonconformities Recommendations

- Clarify terminology used in the section, eliminate inconsistencies between these regulations and other code sections, and establish which regulations take precedence.
- Determine overall approach to nonconformities, and whether the objective is to eliminate them, or facilitate their continued operation.

Establishing Legal Lot of Record

There is a process for establishing legal lots of record, though stakeholders described it as being complicated. They noted that, in many cases, these lots that have been in existence for years, with all services, but with no legal status. In Phase 2, the project can look at whether there is some possibility to be flexible in establishing legal lot status, without the time and expense of going to the Planning Commission, particularly if the lot owner has been paying taxes for years.

Legal Lot of Record Recommendation

- Consider if there is a simpler process that could be implemented in establishing a legal lot of record, in particular, one that does not require an appearance before the Planning Commission.

Code Enforcement

Code enforcement discussions had two areas of emphasis: compliance issues and procedural issues. Because there are two code articles that address compliance – Chapter 10 and Chapter 14 – there was some discussion of whether compliance issues were addressed in the right article, or if some topics should be relocated. Weeds and junk vehicles, for example, were mentioned as topics that might be relocated to Chapter 14.

There was also a discussion of penalties and remedies. Fines can be issued for any enforcement topic that is covered in Chapter 14 , but that is not true for Chapter 10 topics, which must go through a court procedure. Since a court procedure is more time consuming and slower of resolution than issuing a fine, there was an inclination to rely more on fines as a remedy if possible. There is also the possibility for the

City to apply liens, though there is no real process or method for liens. The LDC review can assess what penalties should be applicable in different circumstances, as well as the procedure by which these remedies should be applied, since stakeholders mentioned that there is no description of the procedure for what happens once a notice of violation has been issued.

Code Enforcement Recommendations

- Review enforcement topics in both Chapter 10 and Chapter 14 to see if any topics should be relocated.
- Consider expanding the use of fines, rather than taking people to court for non-compliance.
- Ensure that the steps of the enforcement process after issuing a notice of violation are described in the code.

Relocate Supporting/Technical Information Outside the Code

The current development regulations contain information that is either technical in nature or otherwise not necessary to carry forward into the new LDC. Examples include application submittal requirements, plan content requirements, and certificates for plats. This information should live outside the LDC in some sort of an administrative manual, guidebook, or dedicated webpage on the city's website. During the drafting process, the consulting team will maintain a separate document including content from the current development regulations that should be considered for relocation. This will make the LDC shorter and more user-friendly, while also allowing staff to update the technical and administrative content over time without requiring a formal code amendment by City Council.

Supporting Information Recommendation

- Consider locating information that changes frequently or is of a technical nature outside the code.

Clarify Methods of Calculation and Definitions

Various issues related to calculations, definitions, and measurements came up during interviews, and in survey responses. Many of these small details, occurring frequently throughout the length of the current code, contribute to perceptions of the regulations being complicated, unclear, and in some cases contradictory. Adding clarity and consistency for all these items will be addressed in Phase 1.

A. Calculations

Users felt that calculations required in the code are explained in ambiguous terms, while at the same time, having explanations that are overly complicated. Each example of a required calculation will be reviewed, with an eye to explaining carefully and in a straightforward manner how the calculation is to be performed and applied. It will also be helpful to have standard approaches for all calculations, such as consistently rounding up the result of any calculation that results in a fraction or decimal.

Recommendations

- Review all calculations to ensure method and application are explained clearly.
- Where possible, apply consistent standards to the results, such as always rounding up.

B. Definitions

The review and updating of definitions will focus on ensuring that definitions exist for all terms and phrases that are used in the code, and that there are no contradictions between defined terms. The updated definitions will be as clear and as specific as possible, so they are not subject to being misconstrued, or in need of interpretation. New definitions will be added as needed. There are, for example, a number of terms of art in the historic preservation section that are unlikely to be familiar to non-professional users of that section, ranging from defining a trombe wall to explaining what slump block is.

Interviewees mentioned several other areas where clarification or addition of definitions is needed. Those include:

1. Terms that are defined by reference to another definition should be clarified. This is true for the definition of building, which mainly relies on the definition of "structure."
2. Public right-of-way as opposed to private property is not defined.
3. There is no definition for notice of violation.
4. Accessory dwelling units need a better definition.
5. Streets and roads are used interchangeably, but each should be clearly defined.
6. In the context of "family transfer," the definition of family may need to be expanded.
7. Cluster housing has no definition.

The updates to definitions will be conducted along with reviews to determine where policies or regulations need greater explanation or clarification. One example is setback policy, where definition of how setbacks apply and are measured will be included, accompanied with illustrations to help explain the requirements. Interviewees and stakeholders also mentioned the need for clarification on measuring building height (particularly in the Escarpment Overlay), and fence height. Section 14-8.5(A)(2) in Fences and Walls does specify that fence height is to be measured "from the finished grade at the base of the fence, excluding the height of any retaining wall upon which it is built," though it does not specify whether this measurement should be taken from interior or exterior grade, if there is a difference.

Recommendations

- Review all definitions: add new definitions as needed and clarify existing ones.
- Ensure all policies and regulations are clearly explained, and illustrated where that would assist users' understanding.

3: Annotated Outline of the Updated LDC

This part of the report provides an overview of what the proposed structure and general content of a new LDC for Santa Fe will look like if the recommendations in the second part of this report are implemented. This outline is structured as a new Chapter 14 in the Municipal Code of Ordinances. It is intended as a starting point for discussion.

The proposed new articles are below. Each proposed article indicates (with blue shading) which articles and sections from the current Code of Ordinances would be folded into the proposed LDC.

Article 14-1: General Provisions

This article will include provisions that are applicable to the LDC as a whole, including:

Title, Effective Date, and Mapping

This section will establish the title of the LDC, its effective date, and describe how the official zoning map and district boundaries are maintained.

Purpose and Intent

This section will describe generally why the LDC is important to the City of Santa Fe and how it regulates land development to protect the public health, safety, and welfare of residents of the city.

Authority, Applicability, and Jurisdiction

This section will describe the LDC's applicability to development or redevelopment (unless otherwise exempted), the LDC's application to governmental agencies, how internal code conflicts are resolved, and a statement on the LDC's relationship to the extraterritorial areas (ETJ) and private covenants.

Transition from Prior Regulations

This section will describe how prior building permits, violations, nonconformities, and development approvals will be processed under the new LDC. It could also include an option for pending applications to be reviewed and decided either under the current regulations or the new LDC for a defined period of time, typically during the period after adoption, but prior to the designated effective date of the new code.

Nonconformities

This section will describe how legal nonconformities are administered and enforced, along with standards for nonconforming uses, nonconforming structures, nonconforming lots, nonconforming signs, and nonconforming site features.

Enforcement

This section will describe how Santa Fe enforces the LDC, including standards for violations, penalties and remedies. As with other sections in the LDC, we recommend relocating specific information that may change frequently outside the code, such as dollar amounts for fees and penalties.

Severability

This section will clarify that any specific standard in the LDC that is invalidated by a court shall not affect the application or validity of any other standard in the LDC not included by that court's judgment.

Current Sections

The following sections of Chapter 14 will be integrated into the new General Provisions article:

Article 14-1 - GENERAL PROVISIONS
- 14-1.1 TITLE
- 14-1.2 - AUTHORITY
- 14-1.3 - GENERAL PURPOSES

14-1.4 - MINIMUM REQUIREMENTS; UNIFORM APPLICATION
14-1.5 - GENERAL PLAN
14-1.6 - JURISDICTION AND APPLICABILITY
14-1.7 - CONFLICTING PROVISIONS
14-1.8 - TRANSITIONAL RULES
14-1.9 - GENERAL RULES OF CONSTRUCTION
14-1.10 - INTERPRETATIONS
14-1.11 - APPLICABILITY TO OWNERS, OCCUPANTS AND PREMISES

Article 14-10 - NONCONFORMITIES
14-10.1 - GENERAL PROVISIONS
14-10.2 - LEGAL NONCONFORMING USES
14-10.3 - LEGAL NONCONFORMING STRUCTURES
14-10.4 - LEGAL NONCONFORMING LOTS OF RECORD
14-10.5 - LEGAL NONCONFORMING STRUCTURES IN SPECIAL FLOOD HAZARD AREAS
14-10.6 - NONCONFORMING RESIDENTIAL CONDOMINIUMS

Article 14-11 - ENFORCEMENT
14-11.1 - COMPLIANCE WITH CHAPTER; QUESTIONS
14-11.2 - ENFORCEMENT OFFICER
14-11.3 - ENFORCEMENT PROCEDURES
14-11.4 - REMEDIES AND PENALTIES
14-11.5 - ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY LIMITS

Article 14-2: Administration and Procedures

This article will describe the review and approval procedures for the various types of development applications, with revisions to the current standards as described earlier in this assessment. This article will address the concerns we heard related to procedures, including codifying current review practices (especially post-approval actions), incorporating more objective approval criteria, re-assessing the level of decision-making authority, and streamlining procedures.

Summary Table of Development Review Procedures

The review and approval procedures summary table in Article 14-2 should be enhanced to provide a better overview of all procedures in the LDC and include more detail, such as public notice requirements. An example from another community is shown below. This table includes the name of each procedure; what forms of public notice are required, and applicable decision-making bodies. The table also shows whether the decision-making bodies are responsible for review or final decision, and if that decision is made at a public hearing. Finally, the column immediately to the right of the procedure name, highlighted in grey, is the active link that takes the user directly to all application-specific information related to that specific procedure.

Table 8.1
Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓ = Required <> =Public Hearing Required

Procedure		Code Reference	Notice			Pre-Application Conference	Review and Decision-Making Bodies				
			Published	Written	Posted		Staff	Historic Prsvtn Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment
Development Permits											
Development Review	Minor	8.4				✓	D [1]		< A >		
	Major	8.4	✓	✓	✓	✓	R	< R >[3]	< D >	< A >	
Conditional Use Permit		8.4.B	✓	✓	✓	✓	R	< R >[3]	< D >	< A >	
Single-Family Residential Review		8.4.C					D				< A >
Temporary Use Permit		8.4.D				✓[2]	D				< A >
Subdivision Procedures											
Preliminary Plat		8.5.A	✓	✓	✓	✓	R		< R >	< D >	
Final Plat		8.5.B					R			< D >	
Land Division or Combination		8.5.C					D				< A >
Reversion to Acreage		8.5.E	✓	✓	✓	✓	R		< R >	< D >	
Ordinance Amendments											
Rezoning		8.6.A	✓	✓	✓	✓	R	< R > [3]	< R >	< D >	
Rezoning to Planned Development (PD)		8.6.B	✓	✓	✓	✓	R		< R >	< D >	
Code Amendment (Text)		8.6.C	✓			✓ [4]	R		< R >	< D >	

Common Review Procedures

Common review procedures identify and describe the steps of the procedures that apply to most development applications, similar to the content included in Sections 14-3.1(A) through (M) in the current code. Any step of an application procedure described in the current code, such as application submittal requirements, public noticing procedures, and hearing procedures, that is generally applicable to many application types will be described once in this section rather being repeated for each application type.

Specific Development Application Types

This section will include any review and approval information that is specific to a given application type, and not covered in the Common Procedures section, including rezonings, text amendments, amendments to the general plan, specific use permits, variances, historic exceptions, and appeals. The section does cross-reference common review procedures, but includes application-specific information such as materials that must be submitted, as well as the approval criteria. In the current code, there are several instances of information that is included in the procedures section that would better be included in the section related to that topic elsewhere in the code. Once example is the extensive description for Archaeological Clerance Permits that is part of the procedures section. Much of the information that describes the purpose of this procedure and the sub-districts should be in the Overlay section of the code.

Review and Decision-Making Bodies

This final section will incorporate the information that is now included in Article 14-2, Review and Decision-Making Bodies, into this chapter. Article 14-2 describes the powers and duties, membership, and basic meeting procedures for the various review and decision-making authorities for development applications.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

ARTICLE 14-2 - REVIEW AND DECISION-MAKING BODIES
- 14-2.1 - SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES
- 14-2.2 - GOVERNING BODY
- 14-2.3 - PLANNING COMMISSION
- 14-2.4 - BOARD OF ADJUSTMENT
- 14-2.5 - BUSINESS-CAPITOL DISTRICT DESIGN REVIEW COMMITTEE
- 14-2.6 - HISTORIC DISTRICTS REVIEW BOARD
- 14-2.7 - ARCHAEOLOGICAL REVIEW COMMITTEE
- 14-2.8 - ADDITIONAL PROCEDURES OF LAND USE BOARDS
- 14-2.9 - SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
- 14-2.10 - SANTA FE EXTRATERRITORIAL LAND USE COMMISSION
- 14-2.11 - LAND USE DIRECTOR
- 14-2.12 - FLOODPLAIN ADMINISTRATOR

ARTICLE 14-3 - REVIEW AND APPROVAL PROCEDURES
- 14-3.1 - GENERAL PROVISIONS
- 14-3.2 - AMENDMENTS TO THE GENERAL PLAN
- 14-3.3 - AMENDMENTS TO TEXT OF CHAPTER 14
- 14-3.4 - ANNEXATIONS
- 14-3.5 - REZONINGS
- 14-3.6 - SPECIAL USE PERMITS
- 14-3.7 - SUBDIVISIONS OF LAND modified
- 14-3.8 - DEVELOPMENT PLANS
- 14-3.9 - MASTER PLANS
- 14-3.10 - DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS
- 14-3.11 - CONSTRUCTION PERMITS
- 14-3.12 - CERTIFICATES OF OCCUPANCY
- 14-3.13 - ARCHAEOLOGICAL CLEARANCE PERMITS
- 14-3.14 - DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE
- 14-3.15 - MINOR MODIFICATIONS
- 14-3.16 - VARIANCES
- 14-3.17 - APPEALS
- 14-3.18 - UTILITY CONFORMITY REVIEWS
- 14-3.19 - EXPIRATION, EXTENSION AND AMENDMENT OF DEVELOPMENT APPROVALS
- 14-3.20 - RESIDENTIAL CONDOMINIUMS

Article 14-3: Zoning Districts

The zoning districts article establishes the base zoning districts and overlay districts, and describes the features and standards for each, and explains how the districts and overlays relate to one another.

Zoning Districts Established

This section will summarize the current list of zoning districts, with a summary table similar to the one excerpted below.

Table 30.02-1: Districts Established

District		Section
RESIDENTIAL DISTRICTS		
RS80	Residential Single-Family 80	30.02.02
RS40	Residential Single-Family 40	30.02.03
RS20	Residential Single-Family 20	30.02.04
RS10	Residential Single-Family 10	30.02.05
RS5.2	Residential Single-Family 5.2	30.02.06
RS3.3	Residential Single-Family 3.3	30.02.07
RS2	Residential Single-Family 2	30.02.08
RM18	Residential Multi-Family 18	30.02.09
RM25	Residential Multi-Family 25	30.02.10
RM50	Residential Multi-Family 50	30.02.11
COMMERCIAL DISTRICTS		
CN	Commercial Neighborhood	30.02.12
CP	Commercial Professional	30.02.13
CG	Commercial General	30.02.14
CC	Commercial Core	30.02.15
CU	Commercial Urban	30.02.16
CR	Commercial Resort	30.02.17

Residential Districts

Each residential district will be described in this section, including a purpose statement, a summary table of dimensional standards (height, setbacks, lot area requirements, etc.), and any other standards applicable to that specific district. We recommend including graphics similar to the ones shown earlier in this report to illustrate the dimensional standards for each district. Some communities also supplement their zoning districts with photographs depicting typical development in each district. This section will also reference residential design standards.

Mixed-Use and Non-residential Districts

This section will include zoning district information for all mixed-use districts and non-residential districts, including commercial, industrial, and parks and open space districts. The same structure and organization as that recommended in residential districts would also apply here. Each district would have its own section describing purpose, dimensional standards, district-specific standards, graphics, and references to design standards and other applicable standards such as parking, landscaping, open space, etc.

Overlay Districts

This section will describe how new overlay districts are created and applied (for example, designation of a new Neighborhood Conservation Overlay or creation of a new Planned Unit Development). It will also carry forward all of the existing overlays that are to be maintained in the LDC, including the accompanying standards and requirements, subject to edits and amendments as determined in the rewrite process.

Measurements and Exceptions

This section describes both methods of measurement – for example, how building height is measured – along with any exceptions to such standards. The exceptions include any structures, building elements, or site features that are not subject to or are exempt from complying with dimensional standards (such as uncovered porches or shade structures), or may encroach into required areas (such as spires, chimneys, and bay windows).

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-4 - ZONING DISTRICTS
- 14-4.1 - GENERAL PROVISIONS
- 14-4.2 - RESIDENTIAL DISTRICTS
- 14-4.3 – NON-RESIDENTIAL AND MIXED-USE DISTRICTS

Article 14-5 - OVERLAY ZONING DISTRICTS
- 14-5.1 - GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING DISTRICTS
- 14-5.2 - HISTORIC DISTRICTS
- 14-5.3 - ARCHAEOLOGICAL REVIEW DISTRICTS
- 14-5.4 - ARTS AND CRAFTS DISTRICT (if retained)
- 14-5.5 - HIGHWAY CORRIDOR PROTECTION DISTRICTS modified (if retained)
- 14-5.6 - ESCARPMENT OVERLAY DISTRICT
- 14-5.7 - PUD PLANNED UNIT DEVELOPMENT DISTRICT
- 14-5.8 - RS RESIDENTIAL SUITE HOTEL/MOTEL OVERLAY DISTRICT (if retained)
- 14-5.9 - ER ECOLOGICAL RESOURCE PROTECTION OVERLAY DISTRICT
- 14-5.10 - NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS
- 14-5.11 - WEST SANTA FE RIVER CORRIDOR OVERLAY ZONING DISTRICT
- Appendix, Exhibit E - Midtown Local Innovation Corridor (LINC) District Boundary

Article 14-7 - BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS
- 14-7.1 - GENERAL RULES OF MEASUREMENT AND EXCEPTIONS
- 14-7.2 - RESIDENTIAL DISTRICTS
- 14-7.3 – NON-RESIDENTIAL AND MIXED-USE DISTRICTS
- 14-7.4 - BUSINESS-CAPITOL DISTRICT

Article 14-4: Use Regulations

This article will contain all of the standards applicable to specific land uses.

Summary Table of Allowed Uses

Similar to Table 14-6.1-1, the summary table of allowed uses will summarize allowable uses by zoning district or sub-district, indicating the level of approval required (by-right, special use permit, or not permitted), and where additional standards apply to a particular use, one column of the table will include a cross-references that leads to those standards. As discussed previously in this assessment, the current list of categories and uses will be reviewed and amended as part of the rewrite.

Use-Specific Standards

This section will incorporate standards that apply to specific land uses, such as telecommunications, home occupations, drive-throughs, outdoor storage, and other uses that have unique impacts or standards associated with them. As described above, use-specific standards will be cross-referenced in the summary table of allowed uses to provide quick access to additional standards for any given land use. As the rewrite proceeds, additional use-specific standards will be added as necessary to address concerns about the impacts of uses in certain locations as these concerns come to light.

Accessory and Temporary Uses and Structures

This section will describe the standards for accessory uses (such as home day care facilities), accessory structures (such as detached garages), temporary uses (such as seasonal sales), and temporary structures (such as produce stands). Accessory uses will be shown in the table of allowed uses, likely marked with an "A," or at the end of the table in its own category of uses. Temporary uses will likely be included at the end

of the allowed uses table marked with a "T." As with primary uses, use-specific standards will apply to accessory and temporary uses where necessary.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-6 - PERMITTED USES AND USE REGULATIONS
- 14-6.1 - LAND USE CATEGORIES; TABLE OF PERMITTED USES
- 14-6.2 - USE-SPECIFIC STANDARDS
- 14-6.3 - MULTIPLE PRINCIPAL USES; ACCESSORY USES OR STRUCTURES
- 14-6.4 - TEMPORARY STRUCTURES OR USES

Article 14-5: Development and Design Standards

Development standards incorporate site layout, building design, and requirements for site features. While the districts and uses articles focus on what a property owner can do with their property, and where they can do it, development standards regulate elements related to how that development should look. These are the standards that make Santa Fe look like Santa Fe.

Site Layout

This section will describe the standards for site layout features, including but not limited to:

- Terrain management and stormwater drainage;
- Infrastructure requirements;
- Access, circulation, and connectivity;
- Open space requirements;
- Landscaping and tree preservation;
- Screening and buffering, and walls and fences; and
- Parking, loading, and stacking.

Each of these components is important to how the physical site is laid out for development, and will be organized in the LDC "from the ground up."

Architecture and Building Design

The section will include building design standards, and the architectural points system, in whatever form the edited program is carried forward. If the City proceeds with form-based standards that apply in more than one district or overlay, those standards will be part of this section, rather than being repeated in each of the individual areas where the form-based standards apply.

Residential Adjacency

This section will consolidate all standards related to residential adjacency that are scattered throughout the current code, and locate them in this one section. These standards will help to address development and redevelopment near existing low-density residential districts, ensuring adequate mitigation of potential impacts. These standards could include building "stepbacks," reductions of light pole height, increased setbacks, additional buffering or screening requirements, and further controls on storage areas or drive-throughs.

Requirements for Site Features

This section will include standards for various elements related to site development, such as landscaping, off-street parking, lighting, and screening and fencing. Performance standards that are more specific to nuisance regulations, such as the noise ordinance, will remain in Chapter 10, Environmental Regulations, though further discussion may cause some sections of that Chapter (weeds, junk vehicles) to be moved over to be regulated in Chapter 14.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-7 – BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS
- 14-7.5 – OPEN SPACE STANDARDS

Article 14-8 – DEVELOPMENT AND DESIGN STANDARDS
- 14-8.1 – GENERAL PROVISIONS
- 14-8.2 – TERRAIN AND STORMWATER MANAGEMENT
- 14-8.3 – FLOOD REGULATIONS
- 14-8.4 – LANDSCAPE AND SITE DESIGN
- 14-8.5 – WALLS AND FENCES
- 14-8.6 – OFF-STREET PARKING AND LOADING
- Appendix, Exhibit A – Table 14-8.6-1 Parking and Loading Requirements
- Appendix, Exhibit B – Illustrations of Parking Space Layout and Dimensional Standards
- Appendix, Exhibit C – Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4, 14-8.6-5, 14-8.6-6
- Appendix, Exhibit D – Bicycle Rack Standards and Dimensions
- 14-8.7 – ARCHITECTURAL DESIGN REVIEW
- 14-8.8 – SUPPLEMENTARY REGULATIONS FOR RETAIL STRUCTURES 30,000 SQ FT GFA OR LARGER
- 14-8.9 – OUTDOOR LIGHTING
- 14-8.10 – SIGNS
- 14-8.11 – SANTA FE HOMES PROGRAM (SFHP)
- 14-8.12 – RELOCATION OF GUNNISON'S PRAIRIE DOGS
- 14-8.13 – DEVELOPMENT WATER BUDGETS
- 14-8.14 – IMPACT FEES
- 14-8.15 – DEDICATION AND DEVELOPMENT OF LAND FOR PARKS, OPEN SPACE…
- 14-8.16 – SCHOOL REQUIREMENTS

Article 14-9 – INFRASTRUCTURE DESIGN, IMPROVEMENT AND DEDICATION STANDARDS
- 14-9.1 – GENERAL PURPOSE AND APPLICABILITY
- 14-9.2 – STREET IMPROVEMENT AND DESIGN STANDARDS
- 14-9.3 – BLOCK AND LOT AND DESIGN STANDARDS
- 14-9.4 – UTILITY AND STORM DRAINAGE IMPROVEMENT AND DESIGN STANDARDS
- 14-9.5 – INFRASTRUCTURE DEDICATION, COMPLETION AND GUARANTEES
- 14-9.6 – STANDARDS FOR INHERITANCE OR FAMILY TRANSFER SUBDIVISIONS

Article 14-6: Rules of Construction and Definitions

Rules of Construction

This section will describe how specific terms are interpreted throughout the LDC, such as lists and examples, computation of time, public officials mentioned in the LDC, and mandatory vs. discretionary.

Definitions

This section will include definitions for all terms in the LDC, including definitions for use categories (e.g., group living, agricultural, utilities), definitions for uses included in the Table of Allowed Uses, acronyms, terms of measurement, procedural terms, and development standards and design terms.

Current Sections

The following sections of Chapter 14 will be integrated into this article:

Article 14-12 - DEFINITIONS
- 14-12.1 – DEFINITIONS

CAN

CREATING AFFORDABILITY NOW

Enhanced Affordability Incentives
Land Code Update Phase 1

Report Produced by Homewise



Paseo Corazon, El Camino Crossing, Santa Fe, New Mexico, 2022

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Overview

This report explores the Enhanced Affordability Incentives (EAI), commonly referred to as Creating Affordability Now (CAN), proposed in Phase 1 of the Land Use Development Code Update. Regulatory barriers have limited the development of affordable housing sufficient to meet the needs of particularly lower-income residents in Santa Fe. EAI seeks to expedite deeply affordable housing through a robust set of incentives, without changing any underlying zoning or making any substantive changes to the code.

Santa Fe Has Become Unaffordable for New Mexicans

- Santa Fe, like much of America, has a severe deficit of affordable and workforce housing. Home prices and rents have skyrocketed in recent years, leaving many long-time city residents with no choice but to move outside the city to obtain housing they can afford.
- Consequently, more than 1-in-3 people employed in Santa Fe live outside Santa Fe County. These commuters spend thousands of dollars and hundreds of hours each year commuting, at enormous cost to them, their families, and the environment.
- Land use rules that mandate low-density housing, convoluted, opaque entitlement processes, and discretionary plan reviews contribute to the worsening housing supply crisis confronting many U.S. cities, including Santa Fe.



Growing the Housing Stock Increases Affordability

- Increasing the supply of housing—both market rate and affordable—is an effective strategy for slowing housing cost growth.
- Cities throughout the US have increased their housing supplies by streamlining their land use processes and implementing inclusionary zoning policies.

The Santa Fe Homes Program is Necessary but not Sufficient to Increase Housing Supply in Santa Fe

- Santa Fe's inclusionary zoning program, the Santa Fe Homes Program, currently requires that at least 15 percent of units in new multifamily rental developments and 20 percent of units in new for-sale developments be affordable to low- and moderate-income households. However, the current incentives have not stimulated sufficient production of affordable housing units.
- According to City building permit data, Santa Fe added 1,982 new dwelling units between 2022 and 2023, of which only 82 (about 4.1%) were affordable.

Long Overdue Land Development Code Updates Can Remove Barriers to Housing

- Santa Fe's Land Development Code (LDC), Chapter 14 of the City's Code of Ordinances, is being updated to better support "contemporary planning and land use practices through clear and consistent regulations that are easy to understand and simple to administer" in a multi-phase process expected to span several years.
- Phase 1 of Santa Fe's LDC update includes changes that will streamline and incentivize the production of affordable housing. These changes, if adopted, can slow housing cost growth and out-migration by expanding the supply of housing.

Enhanced Affordability Incentives in the Santa Fe Homes Program Boost Affordability and Access

- To increase production of affordable units, proposed Phase 1 amendments to the City's LDC include Enhanced Affordability Incentives (EAI). The EAI augments the Santa Fe Homes program (SFHP) by creating a special set of incentives applicable only to "deeply affordable" developments that include at least 30 percent affordable units, twice the number of affordable rental units currently required under SFHP.
- Under EAI, in return for producing more affordable units, developers of deeply affordable projects would qualify for density bonuses, reduced parking requirements, fee waivers, greater dimensional flexibility, administrative review, and 'by-right' approval of development plans that conform to all City standards.
- Unlike the SFHP, which requires participation from developers of projects with 10 or more units, the EAI is optional and only applies to developments in which at least 30% of the units are affordable.



Paseo de Peralta, Casa Pacifica, Santa Fe, New Mexico, 2024

Streamlined Development Review is the Cornerstone of Meaningful Reform

- Although all elements of the EAI package are important, standards-based administrative review is the linchpin. Administrative review makes the entitlement process less contentious and more predictable for all stakeholders by stipulating upfront that a development that meets all the City's objective standards can be approved without lengthy and contentious public hearings.
- The City's current process for approving residential housing development, which is often dominated by adjacent property owners, is unwieldy and inefficient, often requiring multiple public meetings.
- If EAI were adopted, development plans for deeply affordable projects would be reviewed by the Land Use Director and, if found to comply with all development standards, would be approved "by right."
- Community feedback could still be provided to land-use staff and the developer, and administrative approvals would remain subject to the standard appeals process.
- Lengthy and onerous land-use entitlement processes drive up housing costs by extending project timelines, increasing holding costs like property taxes and loan interest, and adding uncertainty that deters investment. These delays are especially detrimental to affordable housing, where thin profit margins cannot absorb prolonged regulatory hurdles, rising financing and construction costs, and neighborhood opposition that seeks to stall projects into infeasibility. Moreover, when approval processes prioritize adjacent neighbors' concerns, higher-density development becomes disproportionately concentrated in politically weaker neighborhoods.
- Housing is expensive and many housing-related government initiatives are costly. Land use reform is a notable exception. Streamlined land use processes are not only low cost to implement but also cost-saving for everyone involved – local jurisdictions, developers, home buyers and renters.
- Without a more streamlined, predictable, and consistent process for approving affordable developments, a small cadre of vocal housing opponents will retain control of land use in Santa Fe and desperately needed new housing will not be constructed.



Enhanced Affordability Incentives are Evidence-Based and Interconnected

- All components of the EAI package have been successfully implemented in other communities, producing meaningful supply increases in cities like Minneapolis and Portland. From 2017-2022 Minneapolis increased their housing stock by 12 percent and were able to stabilize rent rates, which increased only 1 percent over the same period.
- The EAI also have precedent in Santa Fe's current land use code. The Santa Fe Homes program currently provides 15 percent density bonuses and fee waivers proportional to the share of affordable units. Similarly, qualifying projects in the Midtown Local Innovation Corridor (Midtown LINC) Overlay District are eligible for administrative review, fee waivers, and preferential pricing on water purchased from the City's water bank.
- The four major components of the EAI – density bonuses, dimensional flexibility, fee waivers and administrative review - are complimentary and designed to work in tandem. To meaningfully increase housing supply, they must be implemented as a package. To illustrate this interconnectedness: fee waivers and density bonuses can significantly reduce the per-unit cost of development, but developers can't take advantage of higher allowed densities without additional dimensional flexibility. Similarly, higher densities and greater dimensional flexibility can produce more housing at lower cost, but in the absence of administrative review and 'by right' approval, development plans will continue to become mired in protracted disputes with housing opponents and constituencies seeking to keep housing prices high.



Density Bonuses



Dimensional Flexibility and Fee Waivers



Administrative Review

Introduction/Context

Santa Fe has struggled for years with a shortage of affordable housing and currently needs almost 10,000 additional units to balance housing supply and demand.[1] New Mexico's state capitol is a major employment center, with thousands of government jobs and robust hospitality, arts, technology, and healthcare sectors that employ thousands more.[2] But many people who work in Santa Fe simply can't afford to live there. More than one-in-three people employed in Santa Fe commute from outside the county, often from homes in more affordable communities like Rio Rancho to the south and Espanola to the north.[3] Long car commutes contribute to climate change and impose high costs – financial, physical, and social - on workers and their families. People employed in Santa Fe who are unwilling or unable to live far from where they work have no choice but to absorb high housing costs that often leave few resources for other necessities like food and healthcare. According to City building permit data, Santa Fe added 1,982 new dwelling units between 2022 and 2023, of which only 82 (about 4.1%) were affordable.[4] The high cost of housing also makes it increasingly difficult for employers to attract and retain workers, affecting essential sectors like education, healthcare, public safety, and more.

Santa Fe's Land Development Code (LDC), Chapter 14 of the City's Code Of Ordinances,[5] governs all aspects of the City's built environment, including development review and approval processes, zoning districts, building development standards, and urban design. The LDC is being updated to better support "contemporary planning and land use practices through clear and consistent regulations that are easy to understand and simple to administer" in a multi-phase process expected to span several years.[6] This report explores proposed Phase 1 changes to Santa Fe's Land Use Development Code that impact the Santa Fe Homes program. Santa Fe Homes seeks to increase access to affordable housing for Santa Fe residents by incentivizing the development of affordable units.



1 Santa Fe County (2023, March). Santa Fe County Affordable Housing Plan. Retrieved from: SantaFeHousingAction.org
2 https://datausa.io/profile/geo/santa-fe-county-nm
3 US Census Bureau. (2021) Longitudinal Employer-Household Dynamics. Retrieved from: https://onthemap.ces.census.gov/. and Santa Fe Housing Actiony. (2020, September 10). Impact of Affordable Housing on Families and Communities Part One. Retrieved from: https://santafehousingaction.org/wp-content/uploads/2021/01/AFFORDABLE-HOUSING-FAMILIESCOMMUNITIES-CDWhitePaper9.9.2020LMD-1.pdf
4 City of Santa Fe Land Use Department, correspondence October 18, 2024
5https://library.municode.com/nm/santa_fe/codes/code_of_ordinances?nodeId=15537
6 https://www.santafeldcupdate.org/_files/ugd/159463_c2b9f4343ab5437486e0c8aa39530902.pdf

Growing the Housing Stock Increases Affordability

To slow the growth of housing costs and the displacement that results, Santa Fe must increase its stock of affordable and middle housing. "Middle" housing refers to housing that sits in the middle of the affordability spectrum – generally more affordable than single family detached homes, but less affordable than large multifamily complexes. Typical middle housing types include townhomes, duplexes, triplexes and fourplexes.

Increasing the supply of housing, both market rate and affordable, is a proven strategy for slowing the growth of housing costs.[8] Recent research documents a significant decrease in area rents when new market rate units are added in low-income communities.[9] This outcome is consistent with the law of supply and demand but also reflects a "filtering" effect wherein new units attract higher income renters whose old units then "filter down" to lower income households. This supply effect won't solve Santa Fe's housing problems, but it can impose downward pressure on prices.[10]



Paseo Corazon, El Camino Crossing, Santa Fe, New Mexico, 2020

Supply-Side vs Demand-Side Incentives

Housing incentives can be divided into two broad categories: demand side incentives that make it easier or less costly to rent or buy a home and supply-side incentives that make it easier and/or less costly to build a home or offer one for rent. Demand side incentives like the federal mortgage interest income tax deduction, subsidized down payment assistance, and rental vouchers can be very effective when housing inventories are sufficient to absorb the higher demand they produce. However, in the absence of adequate supply, increasing the demand for homes simply drives prices even higher. Supply side incentives, like the federal Low Income Housing Tax Credit, density bonuses for developers, and the land use reforms discussed in this report, make it easier and more cost effective to bring housing units to market. As inventories grow and housing markets loosen, upward pressure on home prices is alleviated and housing starts to become more affordable.

8 Been, V., Ingrid Gould, E. & O'Regan, K.M. (2023, November 10). Supply Skepticism Revisited. NYU Law and Economics Research Paper No. 24-12, Available at SSRN: https://ssrn.com/abstract=4629628 or http://dx.doi.org/10.2139/ssrn.4629628
9 Asquith, B.J., Mast, E. & Reed, D. (2019). Supply Shock Versus Demand Shock: The Local Effects of New Housing in Low-Income Areas. Upjohn Institute Working Paper 19-316. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research. https://doi.org/10.17848/wp19-316
10 Mast, E. (2019). The effect of new market-rate housing construction on the low-income housing market. Working Paper

Regulatory Barriers Impede Housing Supply Growth

Santa Fe's efforts to increase the supply of affordable housing have been stymied by financial and regulatory barriers. Most housing is produced and managed by the private sector and must therefore generate a positive return on investment (ROI) if it is to be built. High costs for land, construction services and financing reduce ROI and render many projects financially unfeasible. Impact and other development-related fees add over $11,000 in cost per market-rate unit. In addition, the City's current process for approving residential housing development is unwieldy and inefficient, often requiring multiple public meetings and quasi-judicial proceedings. Onerous land use processes increase costs by delaying approvals and injecting uncertainty into what could be straightforward and predictable processes.

Developments that include a significant share of affordable units are particularly vulnerable to regulatory delays because they typically operate on thin margins and often layer funding from a diversity of public and private sources, each with their own restrictions, timelines and leverage requirements. Delays and uncertainty about approvals can shift the delicate balance of project funding sources, undermining financial feasibility.

A large and growing body of research shows that regulatory barriers that restrict the intensity of land use contribute to supply shortages. Several recent studies have identified strong correlations between measures of zoning strictness, such as the time required to obtain building permits, and both homelessness[11] and higher housing prices.[12] [13] [14] A 2019 California study found that, in addition to increasing the cost of housing, land use restrictions like single-family zoning and lot size minimums contribute to racial segregation.[15]

Recent research also demonstrates the positive impact that reducing regulatory hurdles can have on housing supply.[16] Using data from over 1,000 US cities, Urban Institute researchers identified a statistically significant association between loosened land use restrictions and increased housing supply within three to nine years of the land use policy changes.[17] Pew researchers found that adoption of more flexible zoning rules may have slowed housing cost growth in several U.S. cities.[18] Six years after a major, citywide upzoning by Aukland NZ researchers found significantly lower rents than would have existed had the up-zoning not occurred.[19]

11 Dawkins, C. J. (2023). Homelessness and housing supply. Journal of Urban Affairs, 1–19. https://doi.org/10.1080/07352166.2023.2168553

12 Glaeser, E.L. & and Gyourko, J. (2003). The Impact of Building Restrictions on Housing Affordability. Federal Reserve Bank of New York. Retrieved from: https://www.newyorkfed.org/medialibrary/media/research/epr/03v09n2/0306glae.pdf

13 Hilber, C. A. L., & Vermeulen, W. (2016). The Impact of Supply Constraints on House Prices in England. The Economic Journal, 126(591), 358–405. http://www.jstor.org/stable/24738168

14 Asquith, B.J., Mast, E. & Reed, D. (2019). Supply Shock Versus Demand Shock: The Local Effects of New Housing in Low-Income Areas. Upjohn Institute Working Paper 19-316. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research. https://doi.org/10.17848/wp19-316

15 Rothwell, J. (2019). "Land Use Politics, Housing Costs, and Segregation in California Cities." Terner Center Land Use Working Paper Series.Terner Center for Housing Innovation at UC Berkeley. Retrieved from: http://californialanduse.org/working-papers.html.

16 Lindberg, R. & Horowitz, A. (2024, August 28). Reforms Spur Faster Housing Approvals in California. Pew Charitable Trusts.

17 Stacy, C., Davis, C., Freemark, Y. S., Lo, L., MacDonald, G., Zheng, V., & Pendall, R. (2023). Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability? Urban Studies, 0(0). https://doi.org/10.1177/00420980231159500.

18 Horowitz, A. & Canavan, R. (2023, April 17). New data from 4 jurisdictions that are allowing more housing shows sharply slowed rent growth. Pew Charitable Trusts. Retrieved from: https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents

19 Greenaway-McGrevy, R. & Phillips,P. (2023).The impact of upzoning on housing construction in Auckland, Journal of Urban Economics, Volume 136. Retrieved from: https://cdn.auckland.ac.nz/assets/business/about/our-research/research-institutes-and-centres/Economic-Policy-Centre--EPC-/WP016.pdf

Supply Side Solutions: Land Use Reform and Inclusionary Zoning

Cities throughout the US are reforming their land use policies and procedures to expedite the development of much-needed housing. Minneapolis' suite of land use reforms, which included by-right development of duplexes and triplexes in single-family zoning, is credited with a large expansion of both affordable and market rate housing while keeping annual rent growth under 1 percent. Unlike Santa Fe, housing in Minneapolis has become relatively more affordable in recent years because incomes have grown faster than housing costs.[20] [21]

In Santa Fe, as in much of the US, the private sector has not delivered the new units needed to bring the supply and demand for housing into equilibrium and slow the rapid escalation of housing costs.

To encourage the development of new affordable units, Santa Fe, like many other communities, has enacted an inclusionary zoning (IZ) program. IZ requires real estate developers to include a certain percentage of affordable housing units within new or redeveloped residential projects and provides incentives to offset the resulting costs. Incentives are critical to IZ, which relies on market rate units to cross subsidize affordable ones. Incentives help ensure that market-rate units produce enough income to offset the costs of the affordable units and make the entire development financially feasible for private developers.



Oshara Blvd, Oshara, Santa Fe, New Mexico, 2016

The Santa Fe Homes Program: Necessary but Not Sufficient

Santa Fe's inclusionary zoning program - the Santa Fe Homes Program,[22] requires that new multifamily rental developments include at least 15 percent affordable units and new homeownership developments include at least 20 percent affordable units. Instead of providing affordable units, multifamily rental developers and for-sale developments of 10 or fewer units may pay a 'fee-in-lieu' into the City's Affordable Housing Trust Fund.[23] In return, builders receive a 15 percent "density bonus" which allows them to build 15 percent more units on a given parcel than would be permitted under existing zoning. Participating developers also qualify for fee waivers proportional to the share of affordable units in their project. While increasing the fee-in-lieu may be warranted, additional incentives are also needed to stimulate production of the affordable units Santa Fe needs.

20 Horowitz, A, Liang, L. & Staveski, A. (2024, Jan 4). Minneapolis Land Use Reforms Offer a Blueprint for Housing Affordability. The Pew Charitable Trusts. Retrieved from: https://www.pewtrusts.org/en/research-and-analysis/articles/2024/01/04/minneapolis-land-use-reforms-offer-a-blueprint-for-housing-affordability.
21 City of Minneapolis. (2024). The Way Home: Safe, dignified, and affordable housing for Minneapolis residents 2021-2023 Progress Report. Retrieved from: Way Home Report - City of Minneapolis (minneapolismn.gov)
22 Section 26-1.2 SFCC 1987
23 For-sale developments with more than 10 units do not have a fee-in-lieu option.

The Proposal: Inclusionary Enhancements for Deeply Affordable Housing

Proposed Phase 1 revisions to the City's Land Use Development Code include several provisions that address the regulatory and financial barriers that impede the development of affordable and workforce housing in Santa Fe.[24]



Oshara Blvd, Oshara, Santa Fe, New Mexico, 2020

Density Bonuses

The EAI provide "deeply affordable" developments, defined as those that provide at least 30 percent affordable units, a robust set of incentives including density bonuses that are larger than those available through the SFHP and that increase with the percentage of affordable units.

Density bonuses are incentives offered by local governments that allow developers to build more housing units or square footage than would otherwise be permitted under existing zoning. In exchange for increased density, developers commit to incorporating features that support the jurisdiction's policy goals. Often those policy goals include increasing the supply of affordable housing, although they may also include objectives such as transit-oriented development, green building, or housing for seniors or other specific populations. Density bonuses are common features of inclusionary zoning programs because they help offset the cost of meeting inclusionary requirements by allowing developers to construct more units on a given parcel of land.

Many cities offer density bonuses and some states including California[25] and Oregon[26] have mandated density bonuses statewide. Density bonuses can take a variety of forms including higher maximum floor area ratios (total building area as a percentage of net lot area), larger height allowances, and, as in the SFHP, additional units beyond the zoned maximum.

The SFHP provides a single 15 percent density bonus, regardless of the percentage of affordable units in a development, providing no incentive for developers to exceed the minimum required number of affordable units. In contrast, the EAI density bonuses increase with the share of affordable units, thereby incentivizing projects with a higher percentage of affordable units.

24 Santa Fe, New Mexico, Land Development Code 468 Phase 1 LDC Foundations | PUBLIC DRAFT September 2024
25 California Government Code. Title 7: Planning and Land Use. Retrieved from: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV
26 Oregon State Legislature. Retrieved from: https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/SB8

The EAI provides tiered density bonuses that become more generous with higher levels of affordability, increasing from 1.5 times the number of affordable units in developments in which 30 to 39 percent of units are affordable to twice the number of affordable units in developments in which 50 percent of more of units are affordable. For example, a developer that builds 3 affordable units on a parcel that would be allowed to include a maximum of 10 units under base zoning would be entitled to build 15 units total, the 10 units allowed under based zoning plus five bonus units (1.5 * 3 = 4.5, rounded up to 5). Similarly, if they built 4 affordable units (40% of the 10 units allowed under base zoning), they could build a total of 17 units - the 10 units allowed under based zoning plus 7 bonus units (1.75*4). Finally, if 5 or more units were affordable, they would be entitled to a density bonus equal to two times the number of affordable units. A 50 percent affordable development on a parcel zoned for a maximum of 10 units could include 20 units total.

30% Affordability

Density Bonus of 1.5x
the # of affordable units

For example, in a project with **10 base dwelling units**, if **3 units are affordable**, there would be a **density bonus of 5 units**, enabling a **total of 15 units**.



40% Affordability

Density Bonus of 1.75x
the # of affordable units

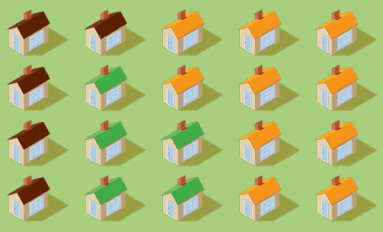
For example, in a project with **10 base dwelling units**, if **4 units are affordable**, there would be a **density bonus of 7 units**, enabling a **total of 17 units**.

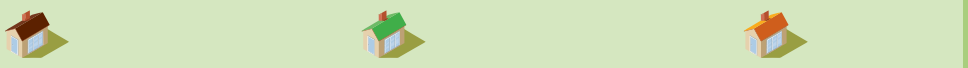


50% Affordability

Density Bonus of 2x
the # of affordable units

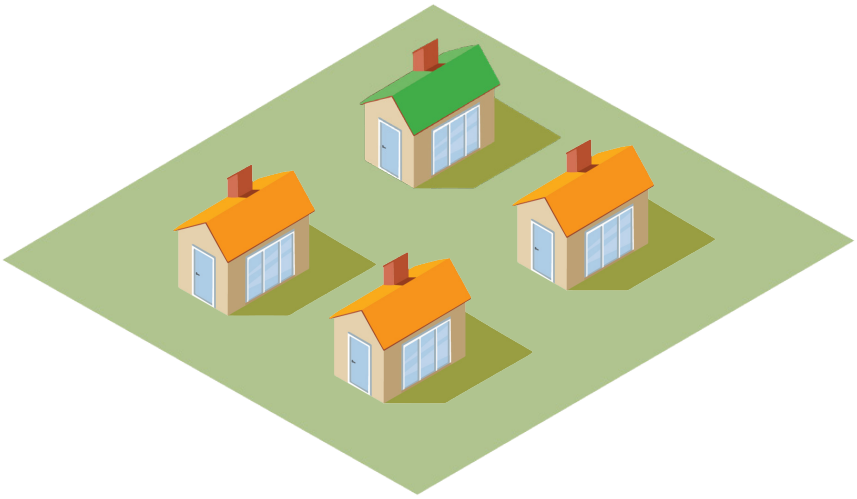
For example, in a project with **10 base dwelling units**, if **5 units are affordable**, there would be a **density bonus of 10 units**, enabling a **total of 20 units**.





Several factors mitigate the actual amount of units a project could deliver; for example, height standards will remain unchanged and would potentially limit a developer's ability to reach the maximum density bonuses, even if they are willing to deliver up to 100% affordable units. Additionally, financial factors affect the project design. Going beyond a 50% affordability commitment will likely prove infeasible unless the developer has significant subsidy.

To better incentivize infill, small projects on less than 2.5 acres in R1 (one dwelling unit per acre) zones would qualify for an enhanced density bonus in which each affordable unit would authorize the construction of three additional market rate units, for a total of 4 units on each one-acre parcel. The dwelling units may be attached or detached single family units or units within a multi-family building. This incentive will enable landowners to develop traditional housing compounds on single family lots, provided that at least one of the units in the compound is affordable.



Affordable Unit

Density Bonus Unit

Precedent:

Density bonus programs are widespread in the U.S. and a common feature of inclusionary zoning programs. As noted previously, the Santa Fe Homes program has offered a 15 percent density bonus in return for 15 to 20 percent affordability or an in-lieu payment since 2011.

Some communities utilized tiered density bonuses to further incentivize development in specific areas. In **Denver**, new market-rate housing developments with ten or more units must provide on-site affordable units or pay a fee in lieu. Denver requires developers to provide a higher degree of affordability in the city's pricier neighborhoods. In exchange, developers receive density bonuses in the form of increased height allowances. **Austin's** density bonus program is also tiered, offering larger bonuses for projects close to public transit.[27]

Sliding scale density bonuses, like those included in the EAI, that increase with the percentage of affordable units and/or the degree of affordability are also popular. **California's** density bonus law guarantees density bonuses of up to 100 percent to developers that include affordable units in their projects pursuant to a sliding scale that increases with both the percent of affordable units and the degree of affordability.[28] For example, developments can qualify for a 20 percent density bonus if 5 percent of units are affordable to very low income (<50% AMI) households or if 10 percent of units are affordable to low income (<80% AMI) households.[29] The more affordable units a developer provides, the higher the density bonus they can claim. Developments that are 100 percent affordable are not subject to density limitations. Many cities, including **San Diego**, **Los Angeles**, and **San Francisco** offer additional density bonuses beyond those mandated by the state. **Portland, Oregon** also offers unlimited density to developments in which all units are affordable for households under 60 percent AMI. **Madison, Wisconsin's** density bonus program allows developments of 10 or more units in which at least 15 percent are affordable to exceed zoning limits on height or unit density. The city uses a point system to determine the size of the density bonus, with greater densities allowed at greater percentages of affordability.

27 City of Austin Planning Department. Downtown Density Bonus Program. Retrieved from: https://www.austintexas.gov/page/downtown-density-bonus-program
28 California Code, GOV 65915. Retrieved from: leginfo.legislature.ca.gov.
29 Goetz, J. & Sakai, T. (2021, January). Guide to the California Density Bonus Law. Retrieved from: https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf

Density Bonus Summary: Treatment of Deeply Affordable Developments: Standard SFHP versus EAI		
	Standard Santa Fe Homes Program (SFHP)	**Enhanced Affordability Incentives (EAI)**
Deeply Affordable Developments (>30% affordable)	15% of total units	30%-39% affordable: 150%*SFHP units 40%-49% affordable: 175%*SFHP >49% affordable: 200%*SFHP units
Infill enhanced bonus for R1 lots of 2.5 acres or less	N/A	3 additional units for every 1 SFHP unit, up to 4 units/acre

Dimensional Flexibility

To take full advantage of density bonuses, developers will need more design flexibility than is provided for under the City's current dimensional standards. Dimensional standards, which are generally based on a property's underlying zoning, include factors such as lot coverage, setbacks, maximum heights, and open space requirements. The EAI includes less restrictive minimum lot sizes, waiver of minimum setbacks and step-backs along internal lot lines, and reduced off-street parking requirements. In addition, under the proposed enhancements, developments that provide at least 250 sq ft of open space per dwelling unit would not be subject to existing lot coverage requirements.

Lot Coverage/Open Space

Lot coverage requirements limit the percentage of a parcel of land that can be covered by buildings or structures. Maximum coverage limits are designed to control the density of development, preserve open space, and manage stormwater runoff. Santa Fe currently limits lot coverage to 40 percent or up to 50 percent if additional private open space is provided.[30] The EAI proposal would eliminate lot coverage maximums if at least 250 sf of open space is provided per dwelling unit and stormwater management standards are met.

Precedent:

Numerous U.S. cities have adjusted their maximum lot coverage requirements to increase housing density and promote the production of affordable housing. The **Minneapolis** 2040 Plan, which allowed by-right development of duplexes and triplexes in single-family zoning citywide, also increased lot coverage allowances to support higher-density housing. In **Salida, Colorado**, residential developments with at least 16.7 percent affordable units may increase the allowed density and are subject to reduced dimensional standards, including smaller minimum lot sizes and higher lot coverage ratios.[31]

Portland's Residential Infill Project (RIP) legalized the construction of two-, three-, and four-unit developments on almost all residential properties and permits up to six units per single family lot, provided that at least three of those units are affordable to households under 60 percent AMI.[32] This density bonus, coupled with new restrictions on the maximum size of new single-family homes, has prompted developers to shift away from building McMansions and toward the development of middle housing (duplexes, triplexes, fourplexes, and ADUs), by making the latter more profitable than the former. RIP went into effect in August 2021 and produced 127 additional units of 'middle'

30 §14-7.5(C)(1)
31 City of Salida. Retrieved from: https://www.cityofsalida.com/media/8581
32 City of Portland. Retrieved from: https://www.portland.gov/bps/planning/rip/about-project

housing in low density zones in just its first six months.[33] **Austin's** Affordability Unlocked program waives certain development regulations, including maximum lot coverage requirements, for projects that meet specific affordable housing criteria. In **Durham, North Carolina**, the Expanding Housing Choices policy allows for increased lot coverage for duplexes, triplexes, and accessory dwelling units (ADUs) in areas previously restricted to single-family homes. **Seattle**, **San Francisco** and **Denver** are additional examples of cities that allow developers to increase lot coverage and density if they provide affordable housing.

Parking

Most U.S. cities have minimum parking requirements that stipulate the number of off-street parking places that must accompany each new dwelling unit. Parking minimums are a barrier to affordable housing because they increase the amount of land needed for a development, which increases the cost of housing and reduces the amount of developable land. In Santa Fe, those limits are currently two parking spaces per dwelling unit for single family homes and multifamily rental projects of five or fewer units. Parking minimums for large multifamily developments are complex and onerous. The EAI proposals would streamline parking requirements, predicating parking minimums on number of bedrooms rather than square footage, with one- and two-bedroom units requiring one parking space and units with more than two bedrooms requiring two spaces. EAI parking minimums also do not differentiate between dedicated and common parking spaces in multifamily developments.

Precedent:

An ever-growing number of U.S. cities have reduced or eliminated parking requirements to increase housing production and affordability. In 2017, **Buffalo** became the first major U.S. city to eliminate all parking minimums.[34] Other cities including **San Francisco**, **Minneapolis**, **Sacramento**, **Cincinnati**, and **Austin** have since followed suit. **Portland** eliminated parking requirements for buildings with fewer than 30 units located near public transit. **Los Angeles** has also targeted parking reductions to transit-adjacent developments. LA's Transit Oriented Communities (TOC) Incentive Program encourages the construction of affordable housing by reducing the need for expensive parking facilities. In **Seattle,** no off-street parking is required for new developments in designated Urban Villages (areas of the city where growth and development are concentrated with the goal of creating dense, mixed-use neighborhoods that are walkable, transit-oriented, and sustainable).



33 Britschgi, C. (2022, June 13). Portland Legalized 'Missing Middle' Housing. Now It's Trying to Make It Easy to Build. Reason Magazine. Retrieved from: https://reason.com/2022/06/13/portland-legalized-missing-middle-housing-now-its-trying-to-make-it-easy-to-build/

34 Orbach, R. & Minott, O. (2023, Sept 14). Eliminating Parking Minimums in Buffalo, NY. Bipartisan Policy Center. Retrieved from: https://bipartisanpolicy.org/blog/eliminating-parking-minimums-in-buffalo-ny/#:~:text=Reforms%20Implemented,off-street%20parking%20minimums%20citywide.

Dimensional Flexibility Summary: Treatment of Deeply Affordable Developments: Standard SFHP versus EAI		
	Standard Santa Fe Homes Program (SFHP)	**Enhanced Affordability Incentives (EAI)**
Minimum net lot area	**Single-family dwellings (if city sewer and water are provided)**: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided **Multifamily dwellings**: 4,000 sf per DU or as required to comply with maximum gross density	The size necessary to comply with the maximum allowed density.
Maximum Lot Coverage & Open Space	40%, up to 50% if additional open space is provided (§14-7.5(C)(1))	Developments that provide at least 250 sq ft of open space for each dwelling unit and meet stormwater management standards are not subject to lot coverage requirements.
Minimum setback and stepback (distance from other properties, streets, and structures)	**Setbacks: R1-R9 Zones** Street: 7 ft Side: 5 or 10 ft Rear: Lesser of 15 ft or 20% of the avg lot depth **Setbacks: Higher Density** Zones established in development plan approved by Planning Commission **Stepbacks** Within 10 ft of side or rear property line 14 ft. Within 15 ft of side or rear property line 24 ft	Minimum setback and step back requirements are waived along internal lot lines.
Parking	Detached and 2-5 unit attached: 2 spaces per dwelling unit Attached >5 units: <800 sf – 1 dedicated, .25 common 800-1200 sf – 1 dedicated, .5 common >1200 sf – 1 dedicated, 1 common	1-to-2-bedroom dwelling units: 1 space Dwelling units with more than 2 bedrooms: 2 spaces (If at least one bicycle parking space is provided in addition to the standard off-street bicycle parking requirements)

Administrative Review

Under Santa Fe's current code, development plans are presented by the developer to the community at an Early Neighborhood Notification (ENN) meeting. They are then reviewed and approved by the Planning Commission over the course of one or more public meetings. Under the EAI proposal, development plans for deeply affordable projects would no longer be subject to review by the Planning Commission. Instead, they would be reviewed by the Land Use Director and, if found to comply with all development standards, approved "by right."[35] Administrative review makes the process less contentious and more predictable for all stakeholders by stipulating upfront that a development that meets all the City's objective standards cannot be denied approval solely based on public input. Cities that streamline their land use decisions shave weeks or even months off approval timelines, which may explain why researchers have found correlations between streamlined land use decisions and lower housing costs.[36] There is also abundant evidence from across the country that the input received at public land use hearings disproportionately reflects the preferences and priorities of residents who are older, whiter and more likely to be homeowners than city residents overall.[37] Typical land use processes provide an outsized voice to these small but vocal and well-resourced opposition groups, often enabling their concerns about property values and parking to trump the community's need for more housing. More efficient local land use processes also have strong public support. A 2023 Pew survey found that 86 percent of American adults favored requiring "local governments to use a quick and clear process for making decisions about building permits."[38]



35 Special use permits, variances, and exceptions to overlay requirements for deeply affordable projects would continue to be reviewed and approved by the Land Use Board, but the development as a whole would be reviewed and approved at the administrative level.
36 Glaeser, E. & Gyourko, J. (2018). The Economic Implications of Housing Supply. Journal of Economic Perspectives 32, no. 1 pp 3-30. Retrieved from: https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.32.1.3.
37 Einstein, K. L., Glick, D. M., & Palmer, M. (2019). Neighborhood Defenders: Participatory Politics and America's Housing Crisis. Cambridge: Cambridge University Press.
38 Horowitz, A. & Kansal, T. (2023, Nov. 3). Survey Finds Large Majorities Favor Policies to Enable More Housing. The Pew Charitable Trusts. Retrieved from: https://www.pewtrusts.org/en/research-and-analysis/articles/2023/11/30/survey-finds-large-majorities-favor-policies-to-enable-more-housing.)

Discretionary land use approvals are a major impediment to the timely development of affordable housing. Lengthy land-use entitlement processes increase the cost of housing by extending project timelines, which leads to higher holding costs, such as property taxes and loan interest. These delays also add uncertainty and risk, making projects less attractive to investors and more costly due to potential redesigns, regulatory changes, and construction cost increases. Additionally, prolonged timelines result in higher financing costs, as developers face increased interest payments and stricter equity requirements to secure funding. Regulatory delays are particularly detrimental to affordable housing projects which have tight margins and are often dependent on time-limited grant funding. The costs imposed on developers by protracted and unpredictable land use processes are ultimately absorbed by homeowners and renters in the form of higher housing costs.[39]

Administrative review by land use personnel rather than discretionary review by elected or appointed officials reduces costs and uncertainty for all participants in the process and brings projects to market faster.

Administrative review provides cities the opportunity to concentrate public input at the legislative level, where it can guide policy and thus have the greatest impact. By actively soliciting public participation and utilizing inclusive and transparent processes in developing and adopting updates to the city's General Plan, Santa Fe can focus public attention on the establishment of community-wide development standards rather than approval of specific projects. More intense community outreach and engagement at the General Plan level can also reduce the public's perceived need to participate in site-specific approvals because they have participated in developing the standards that administrative reviewers must apply.

Precedent:

The City of Santa Fe already requires administrative review of qualifying projects in the City's LINC Overlay.

Many local governments throughout the U.S. have adopted administrative review of housing development plans, improving the speed and predictability of land use approvals by enabling housing projects that meet all objective standards to bypass onerous public hearing requirements.

Pursuant to a 2022 Executive Directive,[40] the City of **Los Angeles** requires administrative reviews of all affordable housing developments that do not require zoning changes, variances, or General Plan amendments, within 60 days of receipt.[41] LA has employed administrative review as a development incentive since at least 2017, when the city's Transit Oriented Communities Affordable Housing Incentive Program (TOC) began allowing administrative review and 'by-right' approval as well as density and parking bonuses for housing developments within a one-half mile radius of a major transit stop. City officials credit this component of the program with significant increases in both affordable and market rate units in TOC areas.[42] The cities of **Oakland**,[43] **San Francisco**, **San**

39 Glaeser, E. & Gyourko, J. (2018). The Economic Implications of Housing Supply. Journal of Economic Perspectives 32, no. 1 pp 3-30, https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.32.1.3.
40 Office of Los Angeles Mayor Karen Bass. (2022, Dec 16). Mayor Bass signs Executive Directive to dramatically accelerate and lower the cost of affordable housing and temporary housing | Mayor Karen Bass (lacity.gov)
41 City of Los Angeles Interdepartmental Correspondence (2023, February 9). Retrieved from: ed-1-implementation-guidelines.pdf (ladbs.org

Diego, and **Redwood City** are some of the other California communities that expedite approval of affordable housing through administrative review.

Legislation adopted by the **State of Washington** in 2023 allows local jurisdictions to exempt residential development plans for "middle"[44] and infill housing from public hearing requirements. The cities of **Seattle**[45] and **Auburn** are two Washington communities that provide for administrative design review, particularly for affordable housing projects, allowing for quicker approvals under certain conditions.

Colorado's Proposition 123 requires expedited review of all development projects in which at least fifty percent of the residential units are affordable. Many Colorado communities, including **Denver**, **Salida**, **Commerce City**,[46] [47] and **Fort Collins**,[48] have adopted administrative review to help speed affordable housing approvals. According to officials in Salida, shifting to administrative review trimmed weeks from the approval process. **Denver** is currently overhauling its permitting process to speed approvals and meet its goal of cutting permit review time by 30 percent[49] and permitting new affordable housing developments in under 90 days.[50]

In **Phoenix**, the city's planning and development department reviews site plans, development plans, land divisions, plats, and plat amendments administratively and can approve them without public hearings or city council approval. These changes have shaved well over a month off the approval process. [51] In **Minneapolis**, streamlined land use approvals, including administrative review, reduced approval time by up to two months.[52]

Finally, **New York City** provides an example of why administrative review is the linchpin of local efforts to increase density and expedite approvals. In 2016, New York adopted the Mandatory Inclusionary Housing Program (MIH), which offered increased density to residential construction projects in exchange for new affordable housing units.[53] The MIH, which is triggered by rezonings for increased density, seeks to capture some of the value that upzoning creates for private developers to increase the city's affordable housing stock. In NYC, rezonings entail review and public hearing at multiple levels of local government (community board, borough president, City Planning Commission, and City Council). Because such hearings give disproportionate voice to well-funded and well-organized opposition from wealthier city residents, upzoning has been limited to lower income areas and even in those areas rezoning proposals that include MIH requirements have faced strong community opposition which has delayed rezonings and slowed housing growth.

42 Terner Center for Housing Innovation (2019, Dec). Lessons in Land Use Reform: Best Practices for Successful Upzoning. Retrieved from: https://ternercenter.berkeley.edu/wp-content/uploads/pdfs/Lessons_in_Land_Use_Reform.pdf
43 City of Oakland Department of Housing and Community Development. 2024 PRO Housing application. Retrieved from: https://cao-94612.s3.us-west-2.amazonaws.com/documents/PRO-Housing-2024-PUBLIC-COMMENT-DRAFT.pdf
44 defined in the WA law as fourplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses with more than four units, and courtyard apartments
45 Seattle Department of Construction and Inspections. 2023 SEPA Exemption for Infill Housing (SB 5412). Retrieved from: FAQSEPAExemption.docx (live.com)
46 State of Colorado Department of Local Affairs. Side-by-Side Analysis of Challenges and Strategies | Department of Local Affairs (colorado.gov)
47 Commerce City Colorado. Expedited Priority Case Review Policy. Retrieved from: 638103263849470000 (c3gov.com)
48 City of Fort Collins. Development Incentives for Affordable Housing - City of Fort Collins (fcgov.com)
49 City of Denver. Citywide Goals 2024. Retrieved from: https://www.denvergov.org/files/assets/public/v/3/mayor/documents/2024-town-hall-6.pdf
50 State of Colorado Department of Local Affairs. Side-by-Side Analysis of Challenges and Strategies | Department of Local Affairs (colorado.gov)
51 City of Phoenix Approves New Streamlined Plat Approval Process
52 New Minneapolis ordinance aims to increase housing downtown | MPR News
53 National Association of Homebuilders. (2015) Development Process Efficiency: Cutting Through the Red Tape. Abt Associates. Retrieved from: https://www.nahb.org/-/media/NAHB/advocacy/docs/top-priorities/housing-affordability/overview-part-2-expedite-approvals-for-affordable-projects.pdf

Administrative Review Summary: Treatment of Deeply Affordable Developments: Standard SFHP versus EAI		
	Standard Santa Fe Homes Program (SFHP)	**Enhanced Affordability Incentives (EAI)**
Review and Approval of Development Plans	Development plans are subject to multiple public meetings and quasi-judicial review by the Planning Commission	Development plans for deeply affordable developments are reviewed by the land use director and, if found to comply with all objective standards, approved 'by right.'



Oshara Blvd, Oshara, Santa Fe, New Mexico, 2016

Three Kinds of Land Use Decisions

Local governments engage in three distinct types of land use decision-making: Legislative, quasi-judicial, and administrative. The three types of decisions differ procedurally and in the amount of discretion afforded the decision-makers.

Legislative decisions entail the most discretion. Legislative decisions produce broadly applicable laws and typically involve public meetings and citizen engagement. The Santa Fe City Council is acting in its legislative capacity when it develops and adopts laws.

Quasi-judicial decisions are made by the City Council and Planning Commission based on the application of pre-existing laws or regulations to specific, individual cases. Quasi-judicial decision-makers can exercise discretion, but it is strictly limited by local ordinance and state law. When making quasi-judicial decisions, the Council and Planning Commission act like courts—evaluating evidence, applying legal standards, and making rulings that affect the rights or interests of specific parties.

Quasi-judicial proceedings typically involve one or more formal hearings and must follow the basic standards of due process, including properly noticed hearings, opportunities for all sides to present their cases, no ex parte contacts (i.e., contact between a party involved in a case and the decision maker(s) without the other parties' knowledge), and impartial decision-makers free from bias and conflicts of interest. Quasi-judicial proceedings create a record consisting of all the evidence, testimony, and documents presented during the hearing that can be used if the decision is appealed in court.

Administrative decisions are typically made by staff, not elected or appointed officials. They involve the application of clear standards set by policies or ordinances and thus allow very little discretion on the part of the decision-maker(s). Strict adherence to objective standards means that administrative decisions are often more predictable, faster, and more likely to conform to the letter of the law than other types of decisions.

Voting to adopt the SFHP Enhanced Affordability Incentives as part of the Phase 1 General Plan amendments would be a legislative decision. Implementing them would shift some decisions currently made in a quasi-judicial fashion by the Planning Commission to administrative review and approval by the Land Use Director.

Eliminating quasi-judicial review of site-specific development for projects that meet all objective criteria and are in full compliance with all development standards:

- Reduces uncertainty and delays
- Expedites the process and reduces administrative cost to taxpayers
- Lowers carrying and other financing costs for developers
- Lowers development costs for the City of Santa Fe because the city is often an investor in affordable housing projects

Fee Waivers and Reductions

Santa Fe charges a variety of development-related fees including impact fees, construction permit fees, plan review fees, development review fees, wastewater utility expansion charges (WW-UEC), and water utility expansion charges (W-UEC). The Santa Fe Homes program currently provides fee reductions proportional to a development's share of affordable units. Applicable fees include development review fees, construction permit fees, impact fees and utility expansion fees. Fee waivers are also a feature of the Midtown Local Innovation Corridor (Midtown LINC) Overlay District. Under the proposed EAI, these fees would be waived for all units, both affordable and market-rate, included in deeply affordable developments. **Table 1** compares the fee waivers and reductions available under the Standard SFHP and the SFHP with EAI.

Table 1. Development Fee Waivers and Reductions

Fee	Santa Fe Homes Program (SFHP)	Enhanced Affordability Incentives (EAI)
Development review	For Sale Units: Reduced by the 1x the % of SFHP units Rental Units: Reduced by 2x the % of SFHP units Manufactured home lots: Reduced by 2x % SFHP lots	For Sale Units: Reduced by the 1x the % of SFHP units Rental Units: No Change Manufactured home lots: Reduced by 2x the % SFHP lots
Construction permit	For Sale Units: Reduced by the 1x the % of SFHP units Rental Units: Reduced by 2x the % of SFHP units Manufactured home lots: Reduced by 2x the % SFHP lots	Project is exempt as set by resolution of the Governing Body
Impact	Reduced at the time of construction permit application for SFHP units	Waived
Wastewater UEC	Reduced at the time of construction permit application for SFHP units	Waived
Water UEC	Reduced at the time of construction permit application for SFHP units	Waived
Water Budget	Reduced at the time of construction permit application for SFHP units	Reduced rate ($12,000/AF)

The City of Santa Fe requires developers to offset any additional demand their project places on the City's water system. Residential developers can satisfy this requirement by purchasing water demand offsets from the City[54] at a cost of $16,600 per acre foot (AF). Single family subdivisions typically require a demand offset of .15 AF per dwelling unit. Developers participating in the SFHP are required to obtain .15 AF for each unit they develop but pay less per AF for affordable units. SFHP water price reductions are determined on a case-by-case basis. The SFHP EAI do not reduce the required water demand offsets but do enable developers of deeply affordable developments to purchase them at the reduced rate specified in §14.07.07E, Dedication of Water to Development, or $12,000/AF for all units in the development.

A market-rate single family home is subject to City fees totaling $11,816. Under the SFHP, fees on a single-family home in a subdivision with 40 percent affordable units would average $8,130. Under the EAI, per unit fees for the same subdivision would average $1,800 per unit (**Table 2**).

Table 2. Example: 30 Unit Subdivision Development Fees

	Fees @ 0% Affordable Units	**Fees @ 40% Affordable Units**	
	All Market Rate	**Standard SFHP**	**SFHP Enhanced Affordability Incentives**
Impact	$107,910	$64,746	0
Building Permit	$50,333	$30,200	0
Building Plan Review	$25,167	$15,100	0
Development Review	$21,015	$12,609	0
Wastewater UEC	$14,970	$8,982	0
Water UEC	$60,390	$45,834	0
Water Budget	$74,700	$66,420	$54,000
Total	**$354,485**	**$243,891**	**$54,000**
Per Unit	**$11,816.00**	**$8,129.70**	**$1,800.00**

Precedent:

Many U.S. cities, including **San Francisco**, **Seattle**, **Los Angeles**, **Boston**, **Austin**, **Denver**, **Miami**, and **Phoenix** waive or reduce development fees for affordable housing. In fact, development fee waivers are one of the common incentives offered to developers to offset the cost of providing affordable housing units under inclusionary zoning programs.[55] Such waivers typically cost the granting jurisdiction between **$5,000 and $30,000** per unit.

54 The City's Water Bank is a repository for transferred water rights and water credits derived from conservation programs. Section 25-10 SFCC 1987

55 Jacobus, R. (2015). Inclusionary Housing Creating and Maintaining Equitable Communities. Lincoln Institute of Land Policy. Retrieved from: https://www.lincolninst.edu/app/uploads/legacy-files/pubfiles/inclusionary-housing-full_0.pdf

Fee Waivers and Reductions Summary: Treatment of Deeply Affordable Developments: Standard SFHP versus EAI		
	Standard Santa Fe Homes Program (SFHP)	**Enhanced Affordability Incentives (EAI)**
Fee Waivers	Development review and construction permit fees prorated by percent affordability for for-sale units and twice the percent affordability for rental units or MH lots. Impact fees, utility expansion charges and water budget fees are prorated by percent affordability.	Development review, construction permit, plan review, impact fees, water and wastewater expansion charges fees are waived for 100% of the project. Projects must obtain water to meet their city-approved development water budgets but are subject to reduced rate ($12k/AF)

Conclusion

The Enhanced Affordability Incentives included in the proposed Phase 1 revisions to Santa Fe's Land Development Code have the potential to meaningfully increase the city's housing supply and improve affordability throughout the city. The new incentives for developments in which at least 30 percent of units are affordable include density bonuses, dimensional flexibility, fee waivers, water fee reductions, and administrative review. These elements are complimentary and designed to work in tandem. To achieve their goals, they must be implemented as a package. Adoption of the package will stimulate the development of infill housing for working families enabling Santa Fe to remain a great place for families to live, work, and grow.



Santa Fe, New Mexico

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2024-17

INTRODUCED BY:

Mayor Alan Webber

Councilor Jamie Cassutt

A BILL

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

underscored material = new [~~bracketed material~~] = delete

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 ARCHAEOLGICAL CLEARNACE PERMIT IS REQUIRED FOR SEWER AND UTILITY MAIN CONSTRUCTION; REMOVING ALCOHOL SALE REGULATIONS IN THE AIRPORT ROAD OVERLAY; IDENTIFIYING 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 ALLOLWED 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.

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

Section 1. Chapter 14 of SFCC 1987 is hereby repealed in its entirety.

Section 2. Chapter 14 of SFCC 1987 is replaced with Exhibit A.

PASSED, APPROVED, and ADOPTED this _____day of _____, 2025.

APPROVED AS TO FORM:

Erin McSherry
Erin McSherry (Oct 3, 2025 21:49:25 MDT)

ERIN K. McSHERRY, CITY ATTORNEY

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Article 14-1 General Provisions

14-1.1 Title

This Chapter 14 of the Santa Fe City Code (SFCC) shall be known as "Chapter 14 " and may be referred to internally as "this Chapter," "the Land Development Code (LDC)," "LDC," or "this Code."

14-1.2 Authority

A. Chapter 14 is adopted pursuant to the enabling authority in N.M. Const. art. X, Sections 6(D), 6(E), the following sections of New Mexico Statutes Annotated (NMSA) 1978, and any other applicable authority:

1. §3-15-1 et. seq., Municipal Charter Act;
2. §§3-17-1 through 3-17-6, *Ordinances;*
3. §3-18-1, General Powers;
4. §§3-19-1 through 3-19-12, *Planning and Platting;*
5. §§3-20-1 through 3-20-16, *Subdivisions;*
6. §§3-21-1 through 3-21-26, *Zoning Regulations;*
7. §§3-21A-1 through 3-21A-8, Manufactured Housing and Zoning;
8. §§3-22-1 through 3-22-6, Historic Districts and Landmarks; and
9. §§3-41-1 through 3-41-5, *Flood Control.*

B. Whenever a provision of Chapter 14 refers to or cites a section of the NMSA 1978 and that section is later amended or superseded, Chapter 14 is deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

14-1.3 General Purposes

The purposes of Chapter 14 are the following:

A. Implement the purposes of the General Plan, including guiding and accomplishing coordinated, adjusted, and harmonious development of Santa Fe that best promotes health, safety, order, convenience, prosperity, and the general welfare, while providing for efficiency and economy in the development review and approval process; and

B. Create conditions favorable to the health, safety, convenience, prosperity, and general welfare of the residents of Santa Fe by coordinating streets within proposed subdivisions with existing or planned streets or other features of the General Plan; providing parks and trails; providing sewer, water, and other infrastructure; providing adequate open space for traffic, recreation, drainage, light, and air; and providing for the appropriate distribution of population and traffic.

14-1.4 Minimum Requirements; Uniform Application

The provisions of Chapter 14 are minimum requirements that apply uniformly to land within the same zoning districts and structures of the same type.

14-1.5 Schedule of Fees, Charges and Expenses

The Governing Body may amend by resolution its schedule of fees, charges, and expenses, and a collection procedure for construction permits, appeals, subdivisions, amendments, and other applications. This schedule of fees, charges and expenses in place in Ordinance 2020-23 shall remain until replaced by resolution and shall be available on the City's web site and may be altered or amended only by the Governing Body. No application shall be processed, nor any permit or approval required under Chapter 14 shall be issued or granted unless and until applicable charges, fees and expenses are paid in full.

14-1.6 General Plan

The General Plan is the basic policy guide for the administration of Chapter 14. The General Plan serves as the statement of goals, recommendations and policies guiding the development of the physical environment of Santa Fe and any other geographic areas specifically addressed by the General Plan. The goals, vision, recommendations, and policies of the General Plan may be amended from time to time to meet the changing requirements of the City. Procedures for amending the General Plan are set forth in Section14-2.1C.

14-1.7 Jurisdiction and Applicability

To the extent allowed by law, the provisions of Chapter 14 shall apply to all land, buildings, structures, and uses, including those owned or operated by local, County state, and federal agencies, within the corporate limits of Santa Fe. Where the provisions of this title do not

apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this title.

14-1.8 Conflicting Provisions

A. Chapter 14 is not intended to interfere with, abrogate, or annul any ordinance, rule, regulation, or permit previously adopted or issued that is not in conflict with any of the provisions of this Chapter 14, or that is adopted or issued pursuant to law and that is, likewise, not in conflict with this Chapter 14. Chapter 14 is not intended to interfere with, abrogate, annul, or enforce any easement, covenant, or other agreement between parties, except those required by this Code. If this Chapter 14 imposes a greater restriction than such an easement, covenant or other agreement, Chapter 14 controls.

B. In the case of a conflict within Chapter 14, or between Chapter 14 and any other ordinance or regulation, the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires:

1. The greater width or size of yards, courts, or other open spaces,
2. The lower height of structure or lesser number of stories,
3. The greater percentage of lot or land to be left unoccupied, or
4. Other higher standards.

14-1.9 Transitional Rules

A. Violations Continue

A violation of the former Chapter 14 continues to be a violation under this Chapter 14 and is subject to penalties and enforcement under Section14-1.12, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this Chapter 14. A civil penalty assessed under the former Chapter 14 must be paid, even if the original violation is no longer considered a violation under this Chapter 14.

B. Approved Projects

As to approved projects:

1. Except as provided in Section14-1.9E, *Specific Findings,* approvals or permits granted under the former Chapter 14 that were valid on [ADOPTION DATE], shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval.
2. A provision of Chapter 14 shall not require any change in the plans, construction, or designated use of any structure for which a construction permit was issued prior to the effective date of this Code.
3. A re-application for an expired project approval shall meet the standards in effect at the time of re-application.

C. Nonconformities Under Prior Ordinance

A legal nonconformity under the former Chapter 14 is also a legal nonconformity under this Chapter 14. If a legal nonconformity under the former Chapter 14 becomes conforming because of the adoption of this Chapter 14, then the use, structure, or lot is no longer a legal nonconformity.

D. Effect of Code Amendments

An amendment to Chapter 14 does not affect the following approvals or permits that are otherwise valid on the date of the amendment, except as otherwise provided in this section:

1. Construction permits;
2. Recorded plats;
3. Recorded development plans; and
4. Permit, plan, or plat applications deemed complete at the time of the effective date of the amendment.

E. Specific Findings

A code amendment may affect projects that otherwise comply with Section14-1.9B.1 if the Governing Body makes a specific finding of such applicability.

14-1.10 Interpretations

The Planning and Land Use Director is responsible for interpreting the provisions of Chapter 14, after consultation with the City attorney, as follows:

A. Interpretations of Chapter 14 shall be made in writing.

B. Interpretations may be made in response to a formal request for interpretation or as the need arises in the administration of Chapter 14.

C. The Planning and Land Use Director shall make all current interpretations available for public inspection.

D. Final action of the Planning and Land Use Director interpreting provisions of Chapter 14 may be appealed pursuant to Section 14-2.1.B.5.IV, *Appeal*.

14-1.11 Applicability to Owners, Occupants, and Premises

A. Responsibility for Compliance

The requirements of Chapter 14 and any development approved under its authority apply to the owners of real property and any tenants or occupants thereon.

B. Applicability to Premises

The requirements of Chapter 14 and any development approval made pursuant to this Code apply to each individual legal lot of record except when the Planning and Land Use Director determines that a recorded easement, enforceable agreement, or the intent of any specific regulation or development approval is such that it applies to premises that include more than one lot, whether owned by different persons or not.

14-1.12 Enforcement

A. Compliance with Chapter; Questions

1. Compliance

   All persons shall comply with the provisions of Chapter 14 and any regulations, orders, or conditions of approval issued by a decision-making body pursuant to Chapter 14.

2. Questions

   Questions of administration and enforcement shall be presented first to the Planning and Land Use Director. Questions shall be presented to the Board of Adjustment only by reference from the Planning and Land Use Director.

B. Enforcement Officer

One or more administrative officials designated by the City Manager shall enforce Chapter 14. The enforcement officer may be provided with the assistance of such other persons as the City Manager directs.

C. Enforcement Procedures

1. Complaints of Violations

   A person may file a written complaint alleging a violation of Chapter 14. The complaint shall state fully the causes and basis of the complaint and shall be filed with the enforcement officer. The enforcement officer shall record the complaint properly, investigate promptly, and take action as provided in this Chapter.

2. Notice of Violations

   If, in response to a complaint or upon the enforcement officer's own initiative, the enforcement officer finds that any of the provisions of Chapter 14 have been violated, the enforcement officer shall issue a written notice of violation that:

   I. Describes the specific violation;

   II. Orders the action necessary to correct the violation;

   III. Establishes a specific and reasonable period for the correction of the violation;

   IV. States that failure to comply with the notice may result in one or more of the sanctions provided in Section 14-1.12E, *Remedies and Penalties*; and

   V. Is posted on the property in a conspicuous place, delivered in person to the property owner and/or tenant if applicable, or sent by first class mail, with a certificate of mailing provided by the U.S. post office, to the last-known address of the property owner and/or to the tenant, if applicable.

3. Alternatives to notice of violation.

   The enforcement officer may proceed with any other lawful remedy in addition to or in lieu of a written notice of violation.

D. Violations

1. Activities Constituting a Violation

   Any person who violates any provision of this LDC or assists in the commission of any violation shall be subject to Section 14-1.12E, *Remedies and Penalties,* up to and including misdemeanor penalties, and fines, as described therein. Each of the following activities constitutes a violation of this LDC:

   I. Activity Inconsistent with LDC

      Any construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this LDC.

   II. Activity Inconsistent with a Permit or Approval

      Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this LDC.

III. Illustrative Examples of Violations

Example violations of this LDC include but are not limited to:

a. Increase the density or intensity of any use or structure except in accordance with the requirements of this LDC;
b. Reduce or diminish the lot area, setbacks, buffers, landscaping, trees, open space, or other standards below the minimum requirements established by this LDC;
c. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;
d. Failure to abide by conditions of any approval or agreements such as annual reporting executed in association with an approval;
e. Failure to comply with applicable requirements for a certificate of occupancy or construction permit; or
f. Failure to obtain any required permit.

2. Continuing Violations

Any violation of this LDC shall be considered a separate offense for each day during any portion of which any violation of this LDC is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with Section14-1.12E, *Remedies and Penalties*.

3. Prior Violations

Violations of the prior development regulations are continued in effect and are not excused by the adoption of this LDC. However, upon adoption of this LDC, if a development or activity that was in violation of the prior development regulations now fully complies with this LDC, that development or activity shall no longer be deemed a violation.

4. Persons Liable

The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this LDC or a permit or approval issued pursuant to this LDC, may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

E. Remedies and Penalties

1. Remedies

I. If a structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of Chapter 14; or a structure or property is used in violation of Chapter 14; or if any other violation of this Chapter 14 occurs, the Governing Body, City attorney, enforcement officer, or other proper City official may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or to mandate compliance.

II. The Planning and Land Use Director may:

a. Withhold or revoke permits that the Planning and Land Use Director is authorized to issue, including construction permits and short-term rental permits, if the applicant or permittee has violated a regulation relating to the granting of the permit, or if in the judgment of the Planning and Land Use Director the public welfare requires that the permit be revoked or withheld;

b. Withhold or revoke certificates of occupancy;

c. Withhold the recording of plats or development plans;

d. Order discontinuance of illegal use of land or structures;

e. Order discontinuance of any illegal work being done;

f. Order removal of illegal structures or alterations;

g. Order that any land or structure modified in violation of this Chapter 14 be restored to compliance; or

h. Order a one-year waiting period for application for a short-term rental permit by a person who has operated a short-term rental unit in violation of the short-term rental ordinance, Section14-5.3C.12, or has failed to pay or report taxes on the short-term rental unit as required by law.

III. The Planning and Land Use Director may use one or more of the remedies and penalties provided in Section 14-1.12, *Remedies and Penalties,* Enforcement without limiting the authority of the Planning and Land Use Director or other officials to take other enforcement actions provided in this Code, including the suspension or revocation of a permit by the building official pursuant to Chapter 7, *Building and Housing,* or the pursuit of other legal remedies.

2. Fines, Imprisonment

Violations of Chapter 14 or of violations of terms of approvals made pursuant to Chapter 14 may be punished as provided in Chapter 1, Section 1-3, *General Penalty*.

3. Civil Penalties

I. Assessment of Civil Fines

In addition to other penalties or remedies, the Planning and Land Use Director may assess civil fine for any of the following:

a. Violation of any provision of Chapter 14;
b. Construction or other development without a required permit;
c. Rental of a short-term rental unit without a permit or registration;
d. Material misrepresentation of fact on an application submitted to the Planning and Land Use Department; or
e. Failure to pay or report fees or taxes owed.

II. Civil Fine Schedule

Each act subject to a civil fine constitutes a separate civil violation. For violations that can be remedied within one day, each day after receipt of notice of violation constitutes a separate civil violation. A civil violation shall subject the applicant, permittee, owner, operator of a short-term rental unit, and/or tenant, as applicable, to civil fines for violations during any consecutive 36-month period as set forth in the fine schedule adopted by the Governing Body.

a. A civil fine of $100.00 for the first offense;
b. A civil fine of $250.00 for the second offense; and
c. A civil fine of $500.00 for the third and subsequent offenses.

III. Civil Citation

If the Planning and Land Use Director determines that a civil penalty should be assessed, the Planning and Land Use Department shall issue a written civil citation.

a. Delivery

The civil citation shall be posted on the property in a conspicuous place; delivered in person; or by sent via first class mail, with a certificate of mailing provided by the U.S. post office, to the last-known address of the applicant, permittee, owner, operator of a short-term rental unit, and/or tenant, as applicable.

b. Form and Contents

The civil citation shall contain the following information:

i. The address, location, or legal description of the parcel where the violation occurred;
ii. A description of the specific violation;
iii. A statement of whether this is the first, second, third or subsequent offense;
iv. Instructions for submitting payment of the civil fine;
v. A statement that within 15 days of issuance of the civil citation the cited person must either pay the civil fine or submit a written request for hearing;
vi. The name and phone number of the City employee from whom the person cited may obtain further information or submit a request for hearing; and
vii. A copy of this subsection.

IV. Administrative Hearing

a. Request for Hearing

A person who is issued a civil citation may request an administrative appeal hearing before a hearing officer, who shall be appointed by the City Manager. If there is no hearing officer, the citation will be heard in civil court. Any request for hearing must be made in writing and must be submitted to the Planning and Land Use Director within 15 days of the date that the civil citation was posted, delivered, or mailed.

b. Deposit Pending Appeal

Payment in an amount equal to the civil fine assessed must accompany a request for hearing. The City shall hold the payment as a deposit until the hearing officer or court makes a decision. The hearing officer shall schedule a hearing within 30 days of the request for hearing. If the hearing officer upholds the civil citation, the City shall apply the deposit toward the civil citation. If the hearing officer or court decides in favor of the requestor, the City shall return the deposit to the requestor.

V. Appeal to District Court

If the hearing officer denies an appeal, the appealing party may file an appeal in the first judicial district court under Rule 1-074 NMRA. If the court rules in favor of the appealing party, the City shall dismiss the civil citation and return the deposit to the requestor.

VI. Revenue

The revenue generated through civil fines shall be retained by the Planning and Land Use Department and shall be used exclusively for enforcement of the land use code.

F. Revocation of Approvals

Land use and development approvals, including but not limited to conditional use approvals, development plan approvals, variances, design approvals by the HDRB, construction permits, or short-term rental permits, may be revoked by whichever body or official approved them, upon determining that there exists a substantial, continuing, or recurring violation of any of the conditions of approval or other provisions of this Code and that revocation is an appropriate remedy given the nature of the violation.

1. The procedure to revoke an approval shall be similar to the procedure for its issuance.
   I. For an approval that was granted by a land use board or the Governing Body, a public hearing shall be required at the same body to consider revocation. The Planning and Land Use Director shall provide public notice of the revocation hearing by publication of the meeting agenda and/or a public hearing notice and by posting the property as required for the approval hearing. The Planning and Land Use Director shall also provide notice 15 days prior to the hearing by first class mail, with a certificate of mailing provided by the U.S. post office, to the permittee and to any person who has filed a written complaint concerning the violation.
   II. The Planning and Land Use Director or other administrative official may revoke an approval that he or she has granted upon written notice delivered to the permittee by hand, by posting a notice on the property where the violation occurs, or by the applicant via first class mail, with a certificate of mailing provided by the U.S. post office.
2. Vacation of recorded subdivision plats shall be as provided in Section 3-20-12 NMSA 1978 and Section 23-1.2 SFCC 1987. Revocation of approved amendments to the General Plan future land use map or the official zoning map shall be as provided for City-initiated amendments to those maps.

G. Enforcement of Santa Fe Homes Program Outside City Limits

This provision only applies to projects outside city limits that have an agreement under the Santa Fe Homes Program. If, after having been given notice as set forth in Chapter 26, Section 26-1.19, *Enforcement of SFHP,* a property owner subject to a SFHP agreement fails to comply with Section 14-7.2, *Development Standards,* or Section 26-1, *Santa Fe Homes Program*, the Office of Affordable Housing may request that the City Manager authorize the City Attorney's office to pursue enforcement of specific performance requirements in accordance with the SFHP agreement.

14-1.13 Nonconformities

A. General Provisions

1. Purpose

   The purpose of this section is to allow legal nonconforming uses to continue until they cease and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their continuance. Nonconforming uses are deemed incompatible with permitted uses. It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.

2. Conflicting Provisions

   Where any applicable provision of this subsection conflicts with the standards and provisions in any other article, section, subsection, or provision of Chapter 14, the standard that imposes the greater restriction or standard controls.

3. Authority to Continue

   Nothing in Chapter 14 requires a change in the plans, construction, or use of a structure on which actual construction is in compliance with all permits and that was lawfully initiated prior to the effective date of adoption or amendment of Chapter 14 that rendered the structure or designated use nonconforming.

4. Determination of Nonconformity Status

   The Planning and Land Use Director shall determine the status of a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign; however the burden of proof for establishing legal nonconforming status rests with the applicant or property owner. For purposes of this section, each sign is treated as a separate structure, including those attached to or painted on buildings.

5. Change of Tenancy or Ownership

   Change in tenancy or ownership of a legal nonconforming lot or a lot containing a legal nonconforming structure or legal nonconforming use without change in the use or structure, does not affect the status of that lot, structure, or use.

B. Legal Nonconforming Uses

A legal nonconforming use may be continued subject to the following provisions:

1. No Increase in Nonconformity

   A legal nonconforming use shall not be enlarged, intensified, increased, or extended to occupy a greater area of land or structure than was occupied at the time the use became nonconforming, and a structure containing a legal

nonconforming use shall be subject to the provisions of Section14-1.13C below, unless and until the legal nonconforming use of the structure is terminated.

2. No Relocation on Parcel

   A legal nonconforming use shall not be moved in whole or in part to any other portion of the parcel occupied by that use at the time the use became nonconforming.

3. Termination of Nonconforming Use

   I. Except as provided for in provision II below in this subsection, a legal nonconforming use of land or use of a structure that ceases for any reason for a period of more than 180 days or is replaced by a permitted use, may not be resumed and any subsequent use of the land or structure shall conform to Chapter 14.

   II. If a legal nonconforming use of land or use of a structure owned by a federal, state, or local governmental entity and used by that entity for governmental purposes ceases, regardless of the length of time for which activity ceases, it may be resumed. Such resumed uses may not be enlarged or intensified, except that in zoning districts where a conditional use approval is required, a conditional use request must be approved before the use is enlarged or intensified.

4. No Additional Structures

   Additional structures shall not be erected in connection with a legal nonconforming use of land or structure.

5. Change of Use

6. A legal nonconforming use may be modified according to the procedure in Section 14-2.1(F)(2), *Conditional Use Approval*.

7. Exception for Single-Family Dwellings

   Notwithstanding the provisions of Section14-1.13B.1 through Section14-1.13B.4 above, a single-family dwelling that is a legal nonconforming use and associated accessory uses may be expanded if:

I. The nonconforming dwelling and associated accessory uses are the only uses on a legal lot of record.

II. The combined gross floor area of the dwelling and accessory uses after expansion does not exceed 2,500 square feet.

III. The expansion will not cause or increase the degree or extent of nonconformity with applicable development standards such as lot coverage, setbacks, or height.

C. Legal Nonconforming Structures

Legal nonconforming structures may be maintained subject to the following provisions:

1. No Increase in Nonconformity

   A legal nonconforming structure shall not be enlarged or altered in a way that increases the degree or extent of its nonconformity; however, this subsection is not intended to prohibit additions or alterations that do not increase the nonconformity.

2. Reduction in Nonconformity

   A legal nonconforming structure that is modified in such a way as to eliminate or to reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with Chapter 14.

3. Substantial Destruction of Legal Nonconforming Structure

   If a legal nonconforming structure is destroyed by any means to an extent of more than 66 and 2/3 percent of the existing building structure and shell (exterior skin and framing, excluding window assemblies and exterior wall and roof coverings), it shall not be reconstructed except in conformity with the provisions of Chapter 14. If any structure containing a legal nonconforming use is similarly destroyed, the legal nonconforming use shall not be resumed.

4. Relocation of Legal Nonconforming Structure

   If a legal nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

5. Repairs, Maintenance, and Alterations

   I. Ordinary repairs and maintenance to the exterior elements of a structure are allowed, including replacement of exterior wall and roof coverings.

   II. Repair, maintenance, or replacement of interior nonstructural elements, fixtures, wiring or plumbing, is allowed.

   III. Alterations to the legally nonconforming portions of the building structure are not allowed except to bring the structure into conformance with the provisions of Chapter 14.

   IV. Nothing in this section prevents alteration or repairs necessary to ensure the safety of a structure that has been declared to be unsafe by an official charged with protecting public safety, on order of such official.

6. Exception for Single-Family Dwellings

   Notwithstanding the provisions of Section14-1.13C.1 through Section14-1.13C.5 in this subsection, a single-family dwelling that is a legal nonconforming structure and associated accessory structures may be expanded as provided in Section14-1.13B.6.

D. Legal Nonconforming Lots of Record

1. Use of Legal Nonconforming Lot

   I. Within a district in which single-family dwellings are allowed, and notwithstanding limitations imposed by other provisions of Chapter 14, a single-family dwelling and accessory buildings may be erected on a single legal lot of record that is nonconforming with regard to minimum lot area or dimensions, maximum density, or the dwelling unit access standards in Table 6-1: *Design Criteria for Street Types*, provided that the lot does not adjoin a lot under common ownership, except as provided in provisions 2 and 3 below in this subsection.

   II. Dimensions of required setbacks, along with all other requirements that do not involve lot area or dimensions of the lot, density, or access standards, shall conform to the regulations for the district in which the lot is located.

2. Adjoining Lots

   I. Within the R-5, R-6, R-7, R-7(I), R-8 and R-9 districts, two adjoining commonly owned legal nonconforming lots may each be developed if each of the lots has a minimum lot area of 4,000 square feet and has a width, depth, and frontage equal to at least 80 percent of the minimum dimensions required by Chapter 14.

   II. Development of one or more adjoining, commonly owned legal nonconforming lots requires a conditional use approval, as described in Section 14-2.1F.2, *Conditional Use Approval.*

   III. Conditional use approval shall depend upon a finding that the proposed development is consistent with the overall lot patterns and development characteristics of the surrounding neighborhood regardless of the area or width of the legal nonconforming lot.

3. Combination of Lots

   Contiguous lots under common ownership may be combined in order to meet the standards of provisions 1 and 2 or this subsection. The boundaries between adjoining commonly owned lots may be adjusted in order to meet the standards of those provisions; provided that no lot with an area of less than 1,900 square feet may be expanded to create an individually developable lot.

E. Legal Nonconforming Structures in Special Flood Hazard Areas

A structure that on June 17, 2008, was legally nonconforming because of its location within a special flood hazard area, and that is substantially damaged by flood, fire or other casualty may be replaced or repaired within the special flood hazard area subject to the following:

1. If there is a site on the property outside the special flood hazard area that will accommodate a structure of the same gross floor area as the legal nonconforming structure, the structure may be reconstructed outside the special flood hazard area, but shall not be repaired or replaced within the special flood hazard area.
2. If the legal nonconforming structure was located within the flood fringe and there is no other site on the property that will accommodate a structure of the same gross floor area, the structure may be repaired or replaced in the flood fringe. The repaired or replacement structure must not exceed the gross floor area or the footprint of the original legal nonconforming structure and the footprint must be sized to minimize flood hazard.
3. If the legal nonconforming structure was located in the floodway but there is a site on the property outside the floodway that will accommodate a structure of the same gross floor area as the legal nonconforming structure, the structure may be reconstructed outside of the floodway, but shall not be repaired or replaced within the floodway. The footprint of the replacement structure must be sized to minimize flood hazard and must not exceed the gross floor area or the footprint of the original legal nonconforming structure.
4. If the legal nonconforming structure was located within the floodway, and there is no other site on the property that will accommodate a structure of the same gross floor area, the structure may be repaired or replaced in the floodway. The repaired or replacement structure must not exceed the gross floor area or the footprint of the original legal nonconforming structure and the footprint must be sized to minimize flood hazard;
5. A structure that is repaired or replaced within the special flood hazard area shall comply with all applicable FEMA requirements and all provisions of this subsection that are more stringent than FEMA requirements.
6. A structure that is repaired or replaced in accordance with this subsection shall not require a waiver to be constructed in a special flood hazard area; provided that any necessary variance to other requirements of Chapter 14, including setbacks and terrain management, is granted; and
7. As a condition of construction permit issuance for a replacement structure, any remaining portion of the original legal nonconforming structure that existed in the special flood hazard area shall be demolished or removed.

F. Nonconforming Residential Condominiums

1. Applicability

   This subsection applies to a condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) if the condominium declarations were recorded prior to May 30, 2012, and:

I. The condominium does not meet the zoning density requirements of Chapter 14; and

II. The condominium did not meet the zoning density requirements of Chapter 14 when the most recent condominium declarations were recorded.

2. Density Exception for Constructed Condominium Units

Constructed condominium units described in provision 1 above are legal nonconforming uses and structures with regard to the zoning density requirements of Chapter 14. A constructed condominium unit as described in provision 1 above that is destroyed by any means may be reconstructed if the reconstructed unit complies with all other applicable provisions of Chapter 14.

3. Unconstructed Condominium Units

Unconstructed condominium units described in provision 1 above that are in the form of reserved development rights in excess of the zoning density requirements of Chapter 14, are not legal and may not be developed.

4. Condominium Units Owned by the Original Declarant

A condominium described in provision 1 above where all condominium units are owned as of May 30, 2012, by the original declarant, or by an entity controlled by the original declarant, are not legal and are nonconforming uses and structures.

5. Condominium Units Constructed without Required Permits

Condominium units described in provision 1 above that were constructed without required construction permits are not legal and are nonconforming uses and structures. Such condominium units must be issued all required construction permits and a certificate of occupancy to legal nonconforming uses and structures subject to provision 2 above.

6. Applicability of Other Regulations

The density exception described in provision 2 above is not intended to provide an exception to the other provisions of this section regarding nonconforming uses and structures.

Article 14-2 Administration and Procedures

14-2.1 Review and Approval Procedures

A. Summary Table of Review Procedures

Table 2-1 shows the review and decision-making bodies for all development approvals authorized by Chapter 14.

Table 2-1: Summary Table of Review Procedures

Table Abbreviations
R = Review
REC = Recommendation
REP = Report
D = Decision
A = Appeal
[ ] = Public hearing
*** = See individual procedures for addtl. detail**

Decision-Making Bodies
PLUD = Planning and Land Use Director
ARC = Archaeological Review Committee
HDRB = Historic Districts Review Board
BOA = Board of Adjustment
PC = Planning Commission
GB = Governing Body
rfrd. = Referred

Procedure	Section	PLUD	ARC	HDRB	BOA	PC	GB
Plan Amendment							
General Plan Amendment	§14-2.1C	R / REP				R / REC	R / [D]
Ordinance Amendments							
Annexation	§14-2.1D.1	R / REP				R / REC	R / [D]
Code Text Amendment	§14-2.1D.2	R / REP	R / REC*	R / REC*		R / REC	R / [D]
Rezoning	§14-2.1D.3	R / REP	R (if rfrd.)	R / REC (if rfrd.)		R / REC	R / [D]
Subdivision Procedures							
Subdivision of Land	§14-2.1E	R / REP R / D*				R / D A*	A
Development Review Procedures							
Certificate of Occupancy	§14-2.1F.1	R / D*					
Conditional Use Approval	§14-2.1F.2	R / REP			R / [D]	R / [D]*	A
Construction Permit	§14-2.1F.3	R / D*					
Development Plan	§14-2.1F.4	R / REP R / D*				R / D A*	A
Master Plan	§14-2.1F.5	R / REP				R / REC	R / [D]
Residential Condominium	§14-2.1F.6	R / D			A		
Utility Conformity Review	§14-2.1F.7	R / REP R / D*				R / D* A*	A
Archaeology and Historic Preservation Procedures							
Archeological Clearance Permit	§14-2.1G.1	R / REP	R / [D]				A
Creation of New Historic Overlay District	§14-2.1G.2	R / REP	R (if rfrd.)	R / REC (if rfrd.)		R / REC	R / [D]
Demolition of Historic or Landmark Structure	§14-2.1G.3	R / REP	R (if rfrd.)	R / [D]			R / A
Flexibility and Relief Procedures							
Variance	§14-2.1H.1	R / REP			R / [D]	R / [D]*	
Minor Modifications	§14-2.2H.3.II	R/D				A	
Alternative Means of Compliance	§14-2.2H.3.I	R/D				A	
Administrative Deviations	§14-2.2H.3.III	R/D				A	
Historic District Exception	§14-4.6D	R/REC		R/D			A

B. Common Review Procedures

This section describes the standard review procedures required for all applications unless otherwise stated in this LDC. Generally, the review procedures include the steps shown below; however, not every application requires every step. Application-specific procedures are described in Sections 14-2.1C through 14-2.1H.

1. Pre-Development Meetings
   I. Pre-Application Conference
      a. Purpose
         The pre-application conference is an opportunity for potential applicants to discuss the proposed development plans, review procedures, submittal requirements, any impact to public facilities, infrastructure needs, and mitigation measures, if necessary. For annexations and rezonings, the purpose of the pre-application conference is to review the proposal for conformity with the General Plan, availability of community facilities and utilities, proposed utilities, street improvements, required park and open space improvements, and other requirements as may be dictated by City ordinance.
      b. Applicability
         1. Pre-application conferences are required prior to submission of applications for:
            i. Annexations;
            ii. Rezonings;
            iii. Subdivisions, unless the Planning and Land Use Director waives, in writing, the requirement for good cause shown; and
            iv. Any residential development request on a lot that is subject to the Santa Fe Homes Program set forth in Chapter 26, Section 26-1, and described in this LDC in Section14-7.2.
         2. The Planning and Land Use Director may determine that a pre-application conference is necessary for other applications to land use boards due to the scope or complexity of the proposed project; and
         3. The Planning and Land Use Director may waive or modify the pre-application conference procedures based on a determination that the purposes of the conference have been achieved by other means or that the limited scope or simplicity of the project does not warrant a formal pre-application conference.
      c. Procedure
         1. Scheduling
            At least 15 calendar days before the application is submitted, the applicant shall request a pre-application conference with the Planning and Land Use Director.

2. Subdivision Preapplication Required Submittals
   i. The applicant shall submit to the Planning and Land Use Director a sketch plan and supplementary data sufficient to determine the feasibility of the proposal. The applicant should employ a competent land planner, professional engineer, architect, or professional land surveyor to assist in the development of the proposed subdivision.
   ii. The Planning and Land Use Director, the public works department and other City departments as appropriate shall advise the applicant as to the appropriateness of the subdivision proposal in relation to the General Plan, utility accessibility, road and street system capacity, terrain management and suitability of the proposed subdivision in relation to present City codes, regulations, and ordinances; and
   iii. For subdivisions comprising fewer than ten lots, the Planning and Land Use Director may waive the requirement to provide the sketch plan and supplementary data at the pre-application conference.

d. Effect of Discussion and Information

Discussions that occur and information that is conveyed at a pre-application conference are preliminary, advisory, and not binding upon the City or the meeting participants. Advice to the applicant does not limit the discretion of any land use board or the Governing Body in making conditions of approval for the proposed development, whether or not anticipated at the time of the pre-application conference.

II. Early Neighborhood Notification Meetings

a. Purpose

Early neighborhood notification (ENN) is intended to provide for an exchange of information between the applicant and residents and property owners in affected neighborhoods before plans become too firm to respond meaningfully to community input and before changes in plans might cause major financial losses by the applicant. Notification set forth in this section is in addition to notification required elsewhere in Chapter 14 unless the other notification procedures are duplicative with the requirements of this section.

b. Applicability to Projects Reviewed by the Board of Adjustment, Planning Commission, or the Governing Body

1. ENN is required prior to submission of applications for the following types of projects when they require public hearings with the Board of Adjustment, Planning Commission, or Governing Body:
   i. Annexations;
   i. Master plans;
   ii. Rezonings;
   iii. Development plans, except final development plans for which ENN procedures were followed at the preliminary development plan review stage;
   iv. Subdivision plats, except final subdivision plats for which ENN procedures were followed at the preliminary plat review stage;
   v. Vacation and dedication of rights-of-way, as described in Chapter 23, *Streets, Sidewalks and Public Places,* Section 23-1.2;
   vi. Conditional use approval, except those for mobile homes;
   vii. Telecommunications facilities as set forth in Section 14-5.3I.3;
   viii. Electric facilities as set forth in Section 14-5.3I.1;
   ix. Amendment to any of the preceding;
   x. Amendments to the future land use map of the General Plan; and
   xi. Variances, except those requesting:
      (a) Construction or modification of an individual single-family dwelling and appurtenant accessory structures;
      (b) A reduction in the total parking requirements of 20 percent or less and
      (c) Variances to Section 14-7.6, *Signs;*
2. ENN is not required in the following circumstances:
   i. Projects or amendments to project approvals that do not require public hearings before the Board of Adjustment, Planning Commission or the Governing Body; and
   ii. Time extensions that do not otherwise modify a project approval.

c. Applicability to City Capital Improvement Projects

ENN is required for any City capital improvement in excess of $250,000.

d. Procedure

1. Scheduling and Notice

ENN meetings shall be scheduled with the Planning and Land Use Director prior to issuing notice. Notice of meeting shall be given in accordance with Section 14-2.1B.3.V, *Notice Requirements.*

2. ENN Meeting
   i. The announced meeting shall take place at least ten days before the development project application is submitted.
   ii. The applicant shall present schematic or preliminary plans for the proposed project and a drawing or other graphical representation suitable to reasonably indicate streets and structures within a 200-foot radius from the perimeter of the property that is the subject of the application.
   iii. A representative of the Planning and Land Use Department shall attend the meeting with the objective of explaining to attendees and the applicant the applicable provisions of City ordinances, City codes, and the development review process.
3. Expiration
   If no application has been filed for the project discussed at the ENN within six months of the meeting date, a new ENN shall be required before an application for substantially the same project will be accepted for consideration.

e. ENN Guidelines
   For any project application required to meet ENN requirements, the guidelines provided in this subsection are adopted for use by applicants meeting with community members, to assist in the discussion of the project. The guidelines are based on the requirements of Chapter 14 and the General Plan and other formally adopted City plans.

   1. Effect on Character and Appearance of Surrounding Neighborhoods
      When applicable, the applicant shall state how existing requirements for architectural design review, historic districts, lighting, signs, telecommunications, open space, landscaping, trails, parks, and the business-capitol district (BCD) regulations are met. Considerations may include:
      i. The number of stories of buildings;
      ii. The building setbacks;
      iii. The mass and scale of the project;
      iv. Architectural style of any construction;
      v. Landscaping;
      vi. Lighting; and
      vii. Access to public places, open spaces, and trails.
   2. Effect on Protection of Physical Environment
      When applicable, the applicant shall state how existing code requirements and adopted plans for terrain management, escarpment, landscape, BCD, architectural design, open space and

trails, and flood management regulations are met. Considerations may include:

i. Existing tree cover,
ii. Existing open space,
iii. Rivers, arroyos, and floodplains,
iv. Rock outcroppings and escarpments,
v. Trash generation,
vi. Lighting,
vii. Fire risk,
viii. Use of hazardous materials, and
ix. Whether the project involves easements, density transfers or other legal mechanisms that result in open space or other environmental protection.

3. Impacts on Prehistoric, Historic, Archaeological or Cultural Sites or Structures, Including Acequias and Historic Downtown
   When applicable, the applicant shall state how existing Chapter 14 requirements for the historic districts and archaeological review are met. Consideration may include the project's compatibility with any historic or cultural sites located on the property where the project is proposed.
4. Relationship to Existing Density and Land Use Within Surrounding Area and With Land Uses and Densities Proposed by the General Plan
   When applicable, the applicant shall state how the application meets requirements for annexation and rezoning and historic district regulations and how the application is consistent with the General Plan future land use map and other policies.
5. Effects on Pedestrian or Vehicular Traffic and Access to Services
   When applicable, the applicant shall state how the requirements for parking, the Americans with Disabilities Act, the General Plan future land use map and other policies and traffic studies are met. Considerations may include:

i. Increased access to public transportation and public transportation corridors,
ii. Effects of design or services provided on traffic in the neighborhood and Citywide,
iii. Whether the project helps in the equitable distribution of traffic Citywide, reduces overall travel distance or encourages alternate transportation modes,
iv. Traffic mitigation measures, including changes in flow of pedestrian and vehicular traffic,
v. Cumulative traffic impacts,
vi. Enhancement of transit options,
vii. Pedestrian access to destinations; and
viii. New or improved pedestrian trails to recreational and cultural activities and human and educational services.

6. Impact on Economic Base of Santa Fe

When applicable, the applicant shall state how the provisions for the City's economic development plan and the General Plan are met. Considerations may include:

i. Availability of jobs to Santa Fe residents,
ii. Whether or how the project promotes and encourages businesses consistent with the City's economic development plan and compatible with neighborhood livability,
iii. Market impacts on local businesses and potential displacement of local property and businessowners, and
iv. How the project supports economic development efforts to improve living standards of neighborhoods and their businesses.

7. Effect on Availability of Affordable Housing and Availability of Housing Choices

When applicable, the applicant shall state how existing requirements for the Santa Fe Homes Program (SFHP) and the policies of the General Plan are met. Considerations may include:

i. Creation, retention, or improvement of affordable housing,
ii. How the project contributes to meeting the needs for various housing types serving different ages, incomes, and family sizes to maintain the unique, heterogeneous character of Santa Fe,
iii. Whether or how the project increases or decreases the supply of housing for which there is an identified need,
iv. Whether the project contributes to a more even distribution of this housing throughout Santa Fe,
v. The creation or retention of affordable business space, and
vi. Whether or how the project increases the availability of all housing types close to the City center or neighborhood centers.

8. Effect On Public Services and Infrastructure Elements
When applicable, the applicant shall state how existing requirements for telecommunications and City and utility company requirements are met. Considerations may include whether or how the project maximizes the efficient use or contributes to the improvement of existing public infrastructure and services.

9. Impacts on Water Supply, Availability, and Conservation Methods
When applicable, the applicant shall state how existing requirements for landscaping, water and sewer availability statements, water conservation and policies of the City's Water Division are met. Considerations may include:

i. Conservation and mitigation measures,
ii. Efficient use of distribution lines and resources, and
iii. Whether or how the construction or use of the project may affect water quality and supplies.

10. Effect on Opportunities for Community Integration and Social Balance
When applicable, the applicant shall state how the existing requirements for community integration are met. Considerations may include how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers or pedestrian-oriented design.

11. Effect on Urban Form
When applicable, the applicant shall state how the policies for urban form are met. Considerations may include:

i. Whether the project promotes a compact urban form through appropriate infill development and consolidation of the City's boundary to avoid leapfrog development; and
ii. The effect of the project on the need for travel between different parts of Santa Fe and between employment centers and areas.

2. Application Submittal and Acceptance

III. Authority to File Applications
a. Unless otherwise specified in Chapter 14, applications for review and approval under Chapter 14 may be filed by:
1. The owner of the property that is the subject of the application,
2. The owner's authorized agent with written authorization,
3. A land use board, or
4. The Planning and Land Use Director.
b. When a land use board files an application, it does so without prejudice to the outcome.

IV. Form of Application
a. Applications required by Chapter 14 shall be submitted in the form and format prescribed by the Planning and Land Use Director.
b. Each application shall include information, plans, calculations, and reports sufficient to clearly demonstrate compliance with all applicable provisions of Chapter 14 and applicable state and federal regulations that are administered or enforced by the City.
c. The Planning and Land Use Director shall provide standardized checklists and format guidelines for each type of application. The Planning and Land Use Director, a land use board, or the Governing Body may waive the submittal of items on the checklist, or require supplemental materials not included on the checklist where such action is necessary to clearly demonstrate compliance with applicable provisions.

V. Schedule of Fees, Charges, and Expenses
The Governing Body shall establish by resolution a schedule of fees, charges, and expenses, and a collection procedure for construction permits, appeals, subdivisions, amendments, and other applications. This schedule of fees is accessible on the City's website and may be altered or amended only by the Governing Body. No permit or approval required under Chapter 14 shall be issued or granted unless and until all applicable charges, fees, and expenses have been paid in full.

VI. Required Submittals
It is the applicant's responsibility to submit all materials necessary to prove that an application complies with the terms of Chapter 14. The Planning and Land Use Director may require additional materials reasonably necessary to determine compliance with the terms of this Chapter 14.

VII. Relationships Among Different Applications, Permits and Approvals

Construction permits and certificates of occupancy are the final forms of approval for most development within Santa Fe. Issuance of construction permits and certificates of occupancy may be contingent on the applicant having previously received one or more other permits or forms of approval, such as a rezoning or development plan approval. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, simultaneous processing of applications for different permits and approvals that may be required for the same development project is allowed to expedite the overall review process for the project.

VIII. Withdrawal

a. A property owner or applicant may withdraw an application at any time, by submitting the withdrawal request in writing to the Land Use and Planning Department; however, no property owner or applicant may request to withdraw an application initiated by the Governing Body or other City or government entity.
b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the City may refund a portion of fees not expended during the first round of staff review if the application is withdrawn within ten days of acceptance and prior to preparation or distribution of any official written comments or notices to the public.
c. Applications withdrawn before any public meetings besides an ENN are held may be submitted for reapplication at any time. the Planning Commission holds a public hearing on it, reapplication may be made at any time.

IX. Applications Previously Denied

An application that is substantially similar to one that was denied shall not be resubmitted within 12 months from the date denial. If there is a question about whether an application is substantially different from what was previously denied, it shall be the responsibility of the Planning and Land Use Director to determine if such an application may proceed.

3. Application Analysis

I. Review for Application Completeness

a. The Planning and Land Use Director shall determine application completeness. An application is complete if it is submitted in the required form; includes all mandatory information, including all exhibits specified by the Planning and Land Use Director; and is accompanied by the applicable fee. If an application is determined to be incomplete, the Planning and Land Use Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected in a future re-submittal.

b. Land Use and Planning Department staff shall review the application and submit recommendations and comments on revisions to the pending application. Such comments and recommendations shall be conveyed to the applicant in a form established by the Department. The application shall not move forward for further review until the applicant has adequately responded to the City's recommendations and comments.

II. Referral to City Departments and Review Agencies

The Land Use and Planning Department shall distribute the complete application to appropriate staff in other City departments, and pertinent reviewing agencies, as appropriate.

III. Application Review and Staff Report

Following application review, the Land Use and Planning Department staff shall prepare a written staff report, stating whether or not the application complies with requirements of this LDC, other relevant Chapters of the City's Code of Ordinances, and any other applicable standards and requirements of the City. The staff report may include recommended conditions of approval for consideration by the decision-making body, and shall include a recommendation for approval, approval with conditions, or denial of the application.

IV. Scheduling Public Hearings

a. Applications subject to a public hearing per Table 2-1: *Summary Table of Review Procedures,* shall be scheduled at a regular meeting of the designated decision-making body, after allowing sufficient time for staff analysis of the plat or development application, and preparation of a staff report.

b. Where required, scheduling shall also allow sufficient time for review and recommendation by decision-making bodies, prior to final decision at a public hearing. This allowance is limited by the provision that if a land use board does not act on an application within 90 days of an application

being deemed complete, the applicant may request review of the application by the Governing Body.

V. Notice Requirements

a. Notice Content

The notice shall be approved by the Planning and Land Use Director. Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the Planning and Land Use Director. The notices required by this section shall indicate:

1. The action proposed (rezoning, conditional use approval, annexation, etc.);
2. The property that will be affected by the action;
3. The time, date, and place of the hearing or meeting; and
4. The deadline for receiving written comments regarding the request, if applicable.

b. General Notice Requirements

The notice requirements below apply to public hearings and ENN meetings, except that:

1. Public hearings concerning development review actions initiated by the City require notification as described in Section 14-2.1B.2.V.d;
2. Public hearings concerning Archaeological Clearance Permits require notification in accordance with Section 14-2.1G.1.lll.c;
3. Public hearings concerning projects heard before the Historic Districts Review Board shall meet the requirements in provisions 1 and 2 below, Agenda Notice and Posted Notice, but mailed notification is not required; and
4. Public hearings concerning appeals must provide notice as described in Section 14-2.1B.5.IV, *Appeals*.

c. Types of Notice

1. Agenda Notice

The Planning and Land Use Director shall post the tentative meeting agenda on the City's website and send a copy to neighborhood associations that are registered with the Planning and Land Use Director, at least 15 days prior to the scheduled meeting.

2. Posted Notice
   i. For all ENN meetings and public hearings required before a land use board, except appeals, the property shall be posted by the applicant with posters obtained from the Planning and Land Use Director at the applicant's expense.
   ii. At least one poster shall be prominently displayed, visible from each public and private street and road abutting the property, and securely placed on the property at least 15 calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.
   iii. The posters shall be removed within 30 days after final action, and failure to do so may result in the City removing the poster and charging the applicant a civil fee of $50.00.
3. Mailed/Emailed Notice
   Except when state law requires certified mailing, notice of a public hearing or ENN meeting shall be sent by the applicant via first class mail, with a certificate of mailing provided by the U.S. post office at least 15 calendar days prior the public hearing or meeting as follows:
   i. To all owners of property within 300 feet of the subject property's boundaries as shown in the records of the county treasurer, and to the physical addresses of such properties where the property's address is different than the address of the owner.

i. To neighborhood associations that have registered with the Planning and Land Use Director and that will be directly affected by the proposed action or that have a boundary within 300 feet of the subject property. Email notices to the neighborhood associations shall be provided on the same day the applicant sends postal notices.

ii. For zoning changes encompassing one block or less, notices to property owners for public hearings before the Governing Body or the Planning Commission shall be sent by certified mail with return receipt requested as required by Section 3-21-6 NMSA 1978.

iii. If a notice by certified mail of a zoning change is returned undelivered, the City shall attempt to discover the owner's most recent address and shall send the notice by certified mail to that address as required by Section 3-21-6 NMSA 1978.

iv. In the case of an application for a telecommunications facility, all property owners within the corresponding setback distances listed in Section 14-5.3I.3,*Telecommunication Facilities,* shall also receive notices.

v. Copies of all required mailing lists, mailing certificates, or return receipts shall be provided to the Planning and Land Use Director prior to the public hearing or ENN meeting.

4. Published Notice
At least 15 days before a public hearing before a land use board, the City must publish a display advertisement in a local daily newspaper of general circulation stating the action that will be considered at the public hearing, as well as the date, time, and place of the public hearing. This publication requirement does not apply to appeals.

d. Notice Requirements for City-Initiated Development Review Actions

1. Agenda Requirement
Agendas must be posted and published as provided in Section 14-2.1B.4.II.c.1.

2. Posting Requirement
For a project that affects one lot or other clearly delineated premises, posting must occur as provided in Section 14-2.1B.4.II.c.2. For a project that affects a larger project area, the City shall securely place in the public right-of-way one poster at each major intersection within or near the plan or project area. There shall also be at least one poster for every 300 acres. Where the City is the applicant and the plan or project area is less than one City block, one poster shall be placed within the public right-of-way at the nearest intersection to the subject property. All posters shall be placed at the appropriate sites at

least 15 calendar days prior to the scheduled public hearing or meeting and shall indicate the nature of the change proposed; identification of the plan or project area; and the time, date and place of the public hearing or ENN meeting.

3. Mailing Requirements
   Mailed notice shall be provided as required in Section 14-2.1B.4.II.c.3.
4. Publishing Requirements
   At least 15 days before the public hearing, the City must publish an advertisement as required in Section 14-2.1B.4.II.c.4.

e. Notice to the Santa Fe Public School District for Certain Residential Development

1. Purpose
   The Governing Body deems it in the best interest of the City and its citizens to assist the Santa Fe Public School District in planning for adequate school facilities and operations in response to residential development.
2. Applicability
   i. This section applies to applications for development approvals or construction permits that create six or more new residential lots or dwelling units.
   i. Nonresidential developments are encouraged to provide notice to the school district as set forth in this section.
3. Notice Requirement
   Prior to submitting an application, the applicant shall provide written notice of the proposed application to the Santa Fe Public School District. The notice shall include:

i. The proposed number, size, and price of dwelling units;
ii. Description of the project's target market;
iii. Proposed timeline for build out of the project; and
iv. Such other information as the school district determines is necessary to evaluate the potential impact of the proposed development on the school district.

4. School District Response
   i. When submitting the application to the City, the applicant shall include a written response from the Santa Fe Public School District acknowledging receipt of the notice of the proposed project as well as written comment from the school district as to potential impacts of the proposed project on its facilities and operations.
   ii. Such written comment shall be included in the materials reviewed by all decision-making bodies.
   iii. If the school district fails to provide written comments to the applicant within 30 days of receipt of the notice set forth above in provision 3, *Notice Requirement,* the applicant may submit the application to the City without the school district's comment.

VI. Postponed or Recessed and Reconvened Public Hearings and Meetings

If a public hearing or ENN meeting is postponed prior to the scheduled meeting, re-notification is not necessary if notice of the new date, time and location of the meeting is clearly posted at the time and place where the original public hearing or meeting was to be held. A public hearing or meeting may be recessed and reconvened without re-noticing if the date, time, and place for the meeting is specified immediately prior to recessing.

VII. Minor Defects in Notice Shall Not Invalidate Proceedings

Minor defects in any notice shall not invalidate the public hearing proceedings if a bona fide attempt has been made to comply with applicable notice requirements.

a. Failure to Receive Notice Shall Not Invalidate City Action

The failure of any person or entity to receive notice sent as set forth in this Chapter shall not constitute grounds to invalidate the actions of the City.

b. Failure in Posted Notice Shall Not Invalidate City Action

Once posted, if a sign is removed, falls down, or becomes illegible due to effects of the elements, this does not constitute a substantial defect in notice, and shall not be sufficient cause on its own to invalidate public hearing proceedings.

4. Hearing, Review, and Decision

I. Public Hearing Procedure

Public hearings shall follow the procedures adopted by resolution of the Governing Body.

II. Conditions of Approval

Applications may be approved with conditions of approval to ensure compliance with the purpose and intent of Chapter 14 or any section of this Chapter 14 and any applicable City land use policy.

III. Alternative Compliance and Minor Modifications

Pursuant to Section 14-2.2H.3, *Approval Authority*, the Planning and Land Use Director shall have the authority to approve alternate means of compliance, administrative deviations, and minor plan modifications to application for which they are the final decision-maker. Likewise, land use boards have the same authority for any applications that appear before them for recommendation or decision at public hearing.

IV. Applications with No Public Hearing

a. Administrative Decisions

If an application is subject to staff review and a final decision by the Planning and Land Use and Planning Director, staff shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

b. Finality of Decision
    1. For any application subject to administrative review and decision, the decision is immediately final.
    2. An applicant who disputes the validity of a staff-level decision or any condition attached thereto may file an appeal as described in Section 14-2.1B.5.IV*Appeals.*

V. Applications with Public Hearings
    a. The application shall be subject to review, recommendation(s), hearing(s), and decision(s) as indicated in Table 2-1: *Summary Table of Review Procedures.*
    b. The decision-making body listed in Table 2-1: Summary Table of Review Procedures shall have the authority to take final action.
    c. The decision-making body shall consider the project application, relevant supporting materials, staff report, recommendations from other reviewing bodies, along with any public comments or public testimony presented at the public hearing.
    d. On the basis of the information in provision c above, and conformity with general and application-specific criteria for approval, the decision-making body may:
        1. Approve the application request as submitted;
        2. Approve the application request subject to conditions of approval (where applicable); or
        3. Deny the application request based on failure to comply with the requirements of this LDO or the applicable approval criteria.
    e. The decision-making body may also continue the hearing, or postpone the item at its own initiative, or at the request of the applicant.

VI. General Review and Approval Criteria and Findings

All applications shall be reviewed on the basis of the following criteria:

a. Compliance with law;
b. Consistency with the General Plan;
c. Consistency with other plans and policies officially adopted by the Governing Body;
d. Compliance with all applicable provisions of Chapter 14 and all other chapters of the SFCC; and
e. Consideration of how the amendment relates to other provisions of the Santa Fe City code and the avoidance of unintended consequence.

5. Post-Decision Actions and Limitations

I. General Provisions

The general provisions of this section shall apply to final actions to approve development pursuant to Chapter 14, including:

a. Conditional use approvals;
b. Development plans, including preliminary and final development plans;
c. Master plans;
d. Variances;
e. Subdivisions, including preliminary and final plats, inheritance and family transfer subdivisions, resubdivisions and other administrative plat approvals; and
f. Development within historic districts or affecting landmark properties.

II. Final Actions

Determination of final actions shall be as provided in Section 14-2.1B.5.IV.a and Section 14-2.1B.5.IV.d, *Date of Final Action.*

For the purpose of computing expirations and time extensions, the date of final action for a development approval that is appealed one or more times pursuant to the provisions of Chapter 14 is the date of final action by the land use board or Governing Body on the last appeal. The date of final action for a development approval that is appealed pursuant to the provisions of Section 3-21-9 NMSA 1978, *Zoning – Appeal,* is the date a written decision is filed pursuant to Section 39-3-1.1 NMSA 1978.

III. Specific Provisions Pursuant to Conditions of Approval

A final action may incorporate conditions of approval that establish shorter time limits than those specified in Chapter 14. Final action to approve a phased development project may incorporate a phasing plan with longer time limits than those specified in Chapter 14.

IV. Appeals

Only final actions may be appealed.

a. Final Action
    1. Final action includes:
        i. Decision of a land use board after a public hearing, including the final approval or denial of a preliminary plat or preliminary development plan.
        ii. Decision of the Planning and Land Use Director, including the written issuance or denial of a permit, approval or denial of an application for a final plat for resubdivisions or administrative approval subdivision, or other approval or denial within the Planning and Land Use Director's jurisdiction.
    2. Final action does not include:
        i. A recommendation;
        ii. A delay in rendering a decision;
        iii. A decision to postpone or remand;
        iv. A decision not to take enforcement action;
        v. An informational response to an inquiry;
        vi. Any action for which an appeal is specifically prohibited;
        vii. Any action regarding procedural matters or requirements, provision of notice, the admissibility, relevance or weight of evidence or the procedure controlling an upcoming public hearing; however, these actions may be raised by parties as part of an otherwise valid appeal.

b. Basis for Appeal

    An appeal may only be filed for the following reasons:

    1. To contest noncompliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978;
    2. To contest the application of Chapter 14; or
    3. To appeal a decision lacking substantial evidence to support it.

c. Standing Required to Appeal

    Appeals of final actions may be filed by the following persons:

1. The applicant when the application is denied or, if approved, the approval included conditions not accepted by the applicant;
2. All persons or neighborhood associations that were required to be mailed notice for the application giving rise to the final action being appealed;
3. Persons or organizations duly organized at the time the decision appealed from was rendered alleging injury to their economic, environmental or aesthetic interests;
4. City staff members acting in their official capacity; and
5. Any person who has a recognized legal interest under New Mexico law.

d. Date of Final Action

The date of the final action shall be deemed to be the date of the final written decision and determined as follows:

1. Final Action by Planning and Land Use Director
   The date of issuance of any written decision, letter, permit (including construction permit) or other document, including recordation of a final plat for resubdivision or summary subdivision, that grants or denies an approval or request for relief; or
2. Final Action by Land Use Board or the Governing Body
   The date the decision-making body adopts a written decision containing findings of fact and conclusions of law; provided that if the decision-making body has not adopted findings of fact and conclusions of law within 35 days of the date the vote deciding the matter was taken, then the date of final action shall be deemed to be the 35th day after the date the vote deciding the matter was taken.

e. Time Limit for Appeal

Appellants shall file an appeal as follows:

1. Final actions by land use boards on subdivision plats, master plans, or development plans: within 30 days.
2. Final action by the Planning and Land Use Director on application for a final plat for resubdivision or summary subdivision: within 30 days.
3. All other final actions: within 15 days.

f. Amended Appeals

An appellant may amend an appeal until the time for appeal has expired.

g. Response

Any party may file a response to the appeal as set forth below in Section 14-2.1H.2.III.e, *Submittals by Parties.*

h. Process to File an Appeal

1. Filing an Appeal
   The appellant shall file the written appeal with the Planning and Land Use Director. The appeal shall be filed on a form provided for that purpose and shall be verified, signed by the appellant under oath and notarized.
2. Receipt of Filing; Service of Appeal
   The Planning and Land Use Director shall initial and enter the date and time of filing on both copies of the appeal and return one copy to the appellant. Within three days of the filing date, the appellant shall hand deliver a copy of the appeal to any appellee or deliver it by first-class mail, with a certificate of mailing provided by the U.S. post office.
3. Appeal Fee
   An appeal fee shall be paid at the time of filing an appeal, according to the fee schedule established by the Governing Body. The Planning and Land Use Director may waive or reduce the appeal fee if the Planning and Land Use Director determines that the appellant would qualify for the City's utility fee poverty exemption set forth in Section 15-1.3, *Utility Billing - Poverty Exemption.*

i. Multiple Appeals and Multiple Jurisdictions

1. An appellant may not appeal any single final action more than once.
2. Every appeal requires an independent basis. Final actions may not be appealed solely on the basis of alleged mistakes in prior stages of the same project, whether or not the prior final actions were appealed.
3. More than one appellant may file an appeal of a final action, and appellants may combine their appeals and share the appeal fee proportionally. All appeals of any single final action shall be consolidated for hearing purposes.
4. Any review by the Governing Body of a Planning Commission decision under Section 14-2.2B.3 shall be combined with the hearing on an appeal of that decision.
5. In the case of an appeal that includes final actions that fall under the jurisdiction of more than one land use board, the Planning and Land Use Director shall determine the appropriate land use board to hear any issue on appeal, except as otherwise provided in this section.

j. Withdrawal

An appellant may withdraw the appeal at any time. A withdrawal does not affect any related appeal. At any time after an appeal has been filed, an appellant and appellee may agree to settle any matters raised in the appeal and the appellant may withdraw the appeal; provided that such

settlement complies with applicable code requirements, including any conditions of approval of the final action being appealed.

k. Conformity of Appeal

The Planning and Land Use Director shall promptly review all appeals for conformity with the requirements of Section 14-2.1.B.5.IV. If the Planning and Land Use Director determines that an appeal does not conform to the requirements, the Planning and Land Use Director shall refer the matter to the City attorney for review.

1. If the City Attorney concurs with the Planning and Land Use Director's determination, the City Attorney's written recommendation shall be forwarded to the Governing Body for discussion. The Governing Body may accept the City Attorney's written recommendation and the decision is final and may be appealed to district court. If the Governing Body does not accept the City Attorney's recommendation, the appeal shall be heard as set forth in Chapter 14.
2. If the City Attorney does not concur with the Planning and Land Use Director's determination, the appeal shall be heard as set forth Chapter 14.

l. District Court Appeals

An appeal of a final action of the Governing Body or a land use board, or of an action of the City Manager, the City Attorney, or the Planning and Land Use Director that is only subject to appeal to district court, shall be to the first judicial district court pursuant to Section 39-3-1.1 NMSA 1978, Rule 1-074, NMRA or Rule 1-075, NMRA, as amended, or other relevant statute or court rule.

m. Stay of Action and Suspension of Permits
   1. Except as otherwise provided in this section, the timely filing of an appeal shall:
      i. Suspend the issuance of a permit or the validity of a permit already issued that is the subject of the appeal;
      ii. Prohibit the recordation of a plat or the filing of a development plan pursuant to that final action; and
      iii. Prohibit the issuance of a permit pursuant to that final action.
   2. The timely filing of an appeal of an enforcement action, including the revocation or suspension of a permit, shall not stop the enforcement action, except as provided in this section or when due process otherwise requires a hearing.
   3. The filing of an appeal shall not limit the ability of an applicant to file other applications.
   4. The filing of an appeal shall not limit the ability of any party to file an appeal of any other final action related to the same project or application provided there is an independent basis for such appeal.
   5. Upon determination by the Planning and Land Use Director that the suspension of a permit or enforcement action would cause imminent peril to life or property, a permit approving only so much of the application as is required to address the immediate danger shall be issued. When reasonably practicable, the Planning and Land Use Director shall give all parties such notice prior to the issuance of the permit as is possible. The Planning and Land Use Director's action related to the issuance of the permit is not subject to appeal to any land use board or the Governing Body and may be appealed only to the district court.
   6. The filing of an appeal of an action of the Planning and Land Use Director revoking or suspending a permit in any matter involving a sexually oriented business shall stop or suspend the action before the appeal is heard, except upon determination by the Santa Fe police department that there is a reasonable expectation that stopping or suspending the Planning and Land Use Director's action would constitute a grave imminent danger to the public welfare, including life or property, in which case the City may exercise its authority to restrain, prohibit or otherwise abate the source of such danger.

n. Communication with Members Prohibited

   Communication regarding an appeal is limited as follows:

   1. Parties

      During the appeal period after a final action is taken or after an appeal is filed, a party shall not communicate with individual

members of a land use board that may hear the appeal or the Governing Body outside an appeal hearing concerning the merits or substance of the appeal, except in writing filed with the Planning and Land Use Director within the prescribed time for inclusion in the public hearing record.

2. Other Persons
   No person other than the City attorney shall communicate outside a public hearing with a member of a land use board or the Governing Body concerning the merits or substance of an appeal to be heard by that body.
3. Site Inspection
   Individual members of a land use board or the Governing Body may not inspect the site of any subject property, except pursuant to a publicly noticed site visit that affords all parties the opportunity to attend.
4. Effect of Improper Communication
   A member of a land use board or the Governing Body receiving a communication in violation of this section shall disclose the substance of the communication on the record, and the member shall recuse themselves if the member cannot be fair and impartial in hearing the appeal.

V. Amendment of Development Approval

a. Minor Amendments by the Planning Commission to Plans Approved by the Governing Body

1. The Planning Commission may approve minor amendments to master plans, preliminary or other development plans approved by the Governing Body, including minor amendments to master plan design standards. Such amendments must be consistent with prior action by the Governing Body, including any specific restrictions, limitations or requirements adopted as provisions of the master plan, preliminary or other development plan, rezoning ordinance, annexation ordinance or annexation agreement.
2. Action by the Planning Commission to approve a minor amendment must be taken at a public hearing with notice.
3. An amendment to significantly increase the density or intensity of development previously approved by the Governing Body may not be approved as a minor amendment and requires amendment of the previous approval by the Governing Body.

b. Master Plans in the MU and BIP Districts
   The Planning Commission may approve amendments to master plans in the MU and BIP Districts.

c. Substantive Amendments

Substantive amendment or revisions to final actions approving development shall follow the same procedure that would apply to a new application, unless a specific alternative procedure is provided in this Article, or elsewhere in Chapter 14.

VI. Expiration of Development Approval

a. Timing

1. Unless a time extension is approved as described in provision VII below or shorter time limits are imposed as part of a condition of approval, development approvals shall expire as indicated in the specific review procedure.
2. Approvals for development not otherwise specified in this Article shall expire three years after final action approving them unless actual development of the site or off-site improvements has begun and is continued pursuant to provision b, or unless a different expiration date is specified elsewhere in other applicable chapters of the City's Code of Ordinances.

b. Continuing Development Activity Required

Approvals for the uncompleted portions of development other than recorded subdivisions expire if, at any time prior to completion of all phases of the approved development, no substantive development progress occurs:

1. For an approved master plan, during any interval of five years; or
2. For a development plan or other development approval as specified in provision 2 above during any interval of three years.
3. Substantive development progress means actual development of the site or related off-site infrastructure, filing for record of a development plan or subdivision plat for a phase of the approved development, or obtaining subsequent development approvals from a land use board, such as a final development plan approval subsequent to a preliminary development plan approval.

c. Effect of Expiration on Partial Development

Development and use of land that occurs prior to expiration of a development approval shall continue to be subject to applicable provisions of that approval until and unless it is amended.

VII. Extension of Development Approval

a. Application Filing

Applications for extensions shall be filed prior to the expiration of the final action for which the extension is requested. The application shall state the reason for the extension request and shall document the progress made

toward completion of the approved development and the proposed time schedule for final completion.

b. Administrative Extensions

1. The Planning and Land Use Director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year.
2. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the Planning and Land Use Director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity.
3. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
4. Administrative time extensions approved by the Planning and Land Use Director, pursuant to this subsection, for development approvals that were granted by the Planning Commission or the Governing Body, are subject to review by the Planning Commission. The Planning and Land Use Director shall identify the action taken and place it on a consent agenda for the Planning Commission. The Planning and Land Use Director shall provide the Planning Commission with the applicant's written application and the Planning and Land Use Director's written proposal. The Planning Commission may accept, reject, or modify the proposal.

c. Time Extensions by Land Use Boards

Extensions of time that do not meet the requirements for administrative approval may be made by following the procedures for amending the type of action for which extension is requested.

C. General Plan Amendment

1. Purpose

   The General Plan is a guide for the City's land use decisions. The regulations, restrictions, and policies of the City affecting development of Santa Fe shall be in accordance with the General Plan as provided in Section 3-21-5 NMSA 1978. When necessary, the General Plan shall be amended in accordance with this section.

2. Applicability

   The General Plan must first be amended before any proposed changes in the City's policies on urban area boundaries, annexation, growth, economic development, special review districts or other long-range planning items not in conformance with the General Plan may be approved. For example:

   I. Annexations must conform to the General Plan. The General Plan must be amended before any annexations not already in conformance with the General Plan may be approved; and

   II. The official zoning map provided for in Section 14-3.1D, *Official Zoning Map,* must conform to the General Plan. The General Plan must first be amended before:

      a. New zoning regulations establishing new land use classifications may be approved; or

      b. Approval of a change in zoning district designation that is inconsistent with the land use classification shown on the General Plan's future land use map. The determination of consistency shall be made based on review of the future land use map and applicable policies of the General Plan, recognizing that there may not be in every case a direct correspondence between the land use classifications in the General Plan and the zoning district designations in Chapter 14.

3. Amendments Not Required

   Changes in the City's specific policies and code provisions that do not conflict with the General Plan do not require General Plan amendments.

4. General Plan Amendment Procedure

   I. Pre-Development Meetings

      No pre-development meetings are required for a General Plan amendment.

   II. Application Submittal and Acceptance

      The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2. An application initiated by the City is exempt from fees.

III. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1D.2.IV.

IV. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to Section 14-2.1B.4.II.

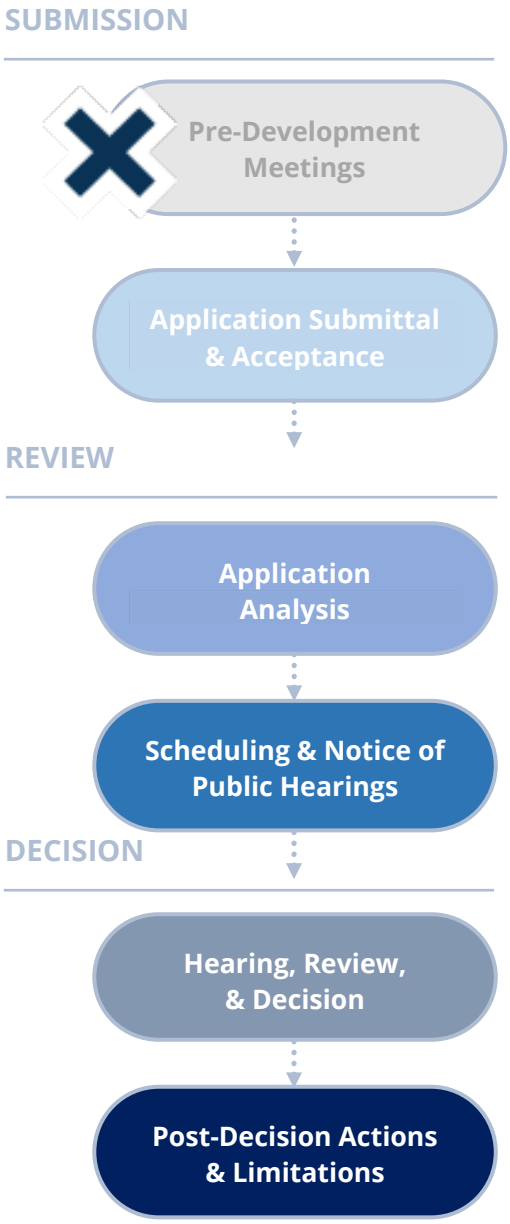


Figure 2.1-1: General Plan Amendment Procedure

V. Hearing, Review, and Decision

a. Planning and Land Use Director Review and Recommendation

1. The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required for applications for annexations, rezonings or other Governing Body or Planning Commission cases.
2. The Planning and Land Use Director shall review applications for amendment to the General Plan for compliance with Chapter 14 and other City land use policies and make a recommendation to the Planning Commission.
3. If an amendment is required, the amendment may be considered by the Planning Commission and the Governing Body concurrently with other applications.

b. Planning Commission Review and Recommendation

1. All proposed General Plan amendments shall be submitted to the Planning Commission for review and recommendation at a public hearing.
2. The Planning Commission shall then transmit the application to the Governing Body, together with a recommendation based on the approval criteria in Section 14-2.1C.5, regarding approval, denial, desirable changes, and special conditions and safeguards.

c. Governing Body Review and Decision

Before acting on a proposed General Plan amendment, the Governing Body shall hold a public hearing. After reviewing the Planning and Land Use Director report, the recommendation of the Planning Commission and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed General Plan amendment.

d. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 14-2.1B.5 shall apply with the following modifications:

1. Expiration
   Once approved, plan amendments do not expire.
2. Denial
   If a proposed plan amendment is denied, no application with a proposed plan amendment that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

3. Appeal
   An applicant who is aggrieved by the denial of a General Plan amendment request may file an appeal as described in Section 14-2.1B.5.IV.

5. General Plan Amendment Approval Criteria

I. Criteria for All Amendments to the General Plan

The Planning Commission and the Governing Body shall review all General Plan amendment proposals based on the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the General Plan:

a. Consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure,
b. Consistency with other parts of the General Plan,
c. The amendment does not:
   1. Allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area, or
   2. Affect an area of less than two acres, except when adjusting boundaries between districts, or
   3. Benefit one or a few landowners at the expense of the surrounding landowners or the public.
d. An amendment is not required to conform with provision c. above if it promotes the general welfare or has other adequate public advantage or justification,
e. Compliance with extraterritorial zoning ordinances and extraterritorial plans,
f. Contribution to a coordinated, adjusted, and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development, and
g. Consideration of conformity with other City policies, including land use policies, ordinances, regulations, and plans.

II. Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in this subsection, amendments to the land use policies section of the General Plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the General Plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision

must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:

a. The growth and economic projections contained within the General Plan are erroneous or have changed,
b. No reasonable locations have been provided for certain land uses for which there is a demonstrated need, or
c. Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.

III. Procedure for Neighborhood Plans

In addition to complying with the general approval criteria for General Plan Amendments set forth in provisions I and II above in this subsection, the adoption of neighborhood plans shall comply with the following:

a. Purpose

The purpose of the neighborhood plan is to record neighborhood-specific policies to promote the well-being of the neighborhood.

b. Definition of Neighborhood

For purposes of neighborhood planning, a neighborhood is defined as the geographic area, people, and facilities that satisfy a household's basic needs for food, shelter, recreation, social identity, security, primary education, and other basic services.

c. Calculations

When calculating the percentages required in this subsection, each parcel is entitled to a single vote no matter how many persons might own the single parcel.

d. Public Information Meetings

The Planning and Land Use Director shall conduct public information meetings regarding the neighborhood planning process.

e. Petition

A neighborhood may petition the Planning and Land Use Director to develop a neighborhood plan. The petition shall contain:

1. A description of the proposed boundaries of the neighborhood,
2. The signatures of forty percent of the property owners of record in the proposed boundaries, and
3. The names and contact information for a steering committee of at least five persons from the neighborhood to work with the Planning and Land Use Director.

f. Acceptance of Petition
   1. The Planning and Land Use Director shall review neighborhood boundaries and recommend changes, if necessary, so that the proposed boundaries adhere to the definition of a neighborhood as set forth in provision b. above.
   2. The Planning and Land Use Director shall verify that the petition has the requisite number of signatures of property owners.
   3. The Planning and Land Use Director may prioritize the processing of neighborhood plans based upon:
      i. Available City resources,
      ii. How the neighborhood plan integrates and potentially furthers broader City planning objectives and projects, and
      iii. Changes in the community.
   4. If, after the Planning and Land Use Director has accepted the petition for the preparation of a neighborhood plan, the City is unable to begin the process for the neighborhood plan within 60 days, a neighborhood whose petition has been delayed may proceed as set forth in Section 14-4.1A.2.VI, *Alternative for Creation of Neighborhood Conservation Overlay District*

g. Preparation of Neighborhood Plan
   1. The neighborhood steering committee is responsible for the preparation of the neighborhood plan with input from the neighborhood and the assistance of the Planning and Land Use Director.
   2. The plan shall respond to and address the General Plan themes set forth in Section 1.7 of the General Plan.
   3. The plan shall include at least these elements:
      i. A description of the neighborhood, including its history, assets, existing conditions, and future challenges,
      ii. A detailed listing of neighborhood issues and concerns,
      iii. A statement expressing a neighborhood vision or goals,
      iv. Neighborhood recommendations outlining actions to be taken to implement plan elements, and
      v. An implementation strategy designed to enact neighborhood priority recommendations.
   4. In addition, the plan may include the following elements:

i. An improvement plan containing an assessment of the physical improvement needs of the neighborhood; and
ii. The characteristics of the neighborhood that are proposed to be regulated within a proposed neighborhood conservation overlay district in Section 14-5.1A.2.

h. Public Meetings
1. The neighborhood steering committee shall hold at least two public meetings at which the proposed neighborhood plan shall be discussed and developed. The meetings shall be coordinated with the Planning and Land Use Director and held at a reasonable time and place to maximize public attendance.
2. Notice for the first public meeting shall follow the requirements for early neighborhood notification in Section 14-2.1B.1.II.d.1, *Scheduling and Notice*. Notice for subsequent meetings shall be determined by the steering committee. If the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addressees as for the first scheduled meeting.

i. Planning Commission Subcommittee
A final draft of the neighborhood plan shall be submitted to a subcommittee of the Planning Commission, such as the long-range planning subcommittee, which shall review and make recommendations regarding the completeness of the plan and its adherence to the General Plan themes.

j. Neighborhood Ballot
1. The steering committee shall send by U.S. mail a ballot to all residents within the plan boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed plan. The steering committee shall include a stamped envelope addressed to the Planning and Land Use Director for returning ballots.
2. If, within 30 days of mailing the ballot, the City receives ballots approving the plan from greater than 50 percent of the residents within the neighborhood plan boundaries, the Planning and Land Use Director shall initiate a General Plan amendment to adopt the neighborhood plan as set forth in this section.

k. Time to Complete Plan
From the date of receipt of petition to initiate a neighborhood plan to the deadline for receipt of neighborhood ballots shall not exceed two years unless a specific time extension is approved by the Planning and Land Use Director.

D. Ordinance Amendments

1. Annexation

I. Purpose

This procedure provides for the possibility of annexing land currently outside the limits of the City of Santa Fe to be incorporated into the boundaries of and become subject to the jurisdiction of the City.

II. Applicability

There are three methods of annexing territory:

a. Arbitration Method

The arbitration method may be used by the Governing Body to annex contiguous territory as authorized by Sections 3-7-5 through 3-7-10 NMSA 1978.

b. Municipal Boundary Commission method

The municipal boundary commission method may be used by the Governing Body or by a majority of landowners of the territory proposed to be annexed, upon petition to the municipal boundary commission as authorized by Sections 3-7-11 through 3-7-16 NMSA 1978.

c. Petition Method

The petition method may be used by a majority of landowners of the territory proposed to be annexed and the petition must be presented to the Governing Body for approval or rejection as authorized by Section 3-7-17 NMSA 1978.

III. Zoning Designation for Newly Annexed Parcels

All newly annexed parcels shall be considered to be in the R-1 district unless otherwise classified by rezoning.

IV. Annexation Procedure

a. Pre-Development Meetings

1. A pre-application conference is required. See §14-2.1B.1.I.
2. An ENN meeting is required. See §14-2.1B.1.II.

b. Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2. An application initiated by the City shall be exempt from fees.

1. Annexation Petitions by Landowners
   i. All annexation requests by petition of the landowners shall be accompanied by a letter of application, a plat of the area proposed to be annexed, a master plan or a concurrent rezoning application, or both, for the area proposed to be annexed, a proposed annexation agreement and other supporting materials required by the Planning and Land Use Director, and shall meet all other requirements of Section 3-7-17 NMSA 1978. When the City is the petitioning landowner, a map showing the City-owned land to be annexed may be submitted in lieu of a plat.
   ii. In the case of an annexation request by petition of landowners brought by municipal boundary commission method, the petition must conform to the requirements listed in Item (i) above as well as those set forth in Section 3-7-13 NMSA 1978.

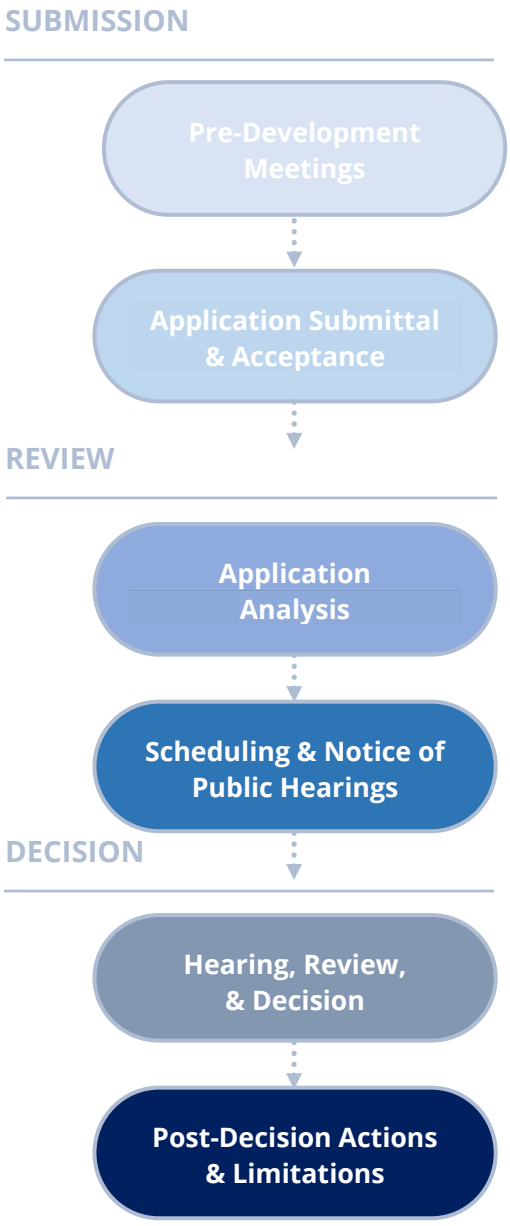


Figure 2.1-23: Annexation Procedure

2. Annexation Requests Initiated by the Governing Body
   When an annexation is initiated by the Governing Body under the arbitration or municipal boundary commission methods, the Governing Body shall provide the information required by Sections 3-7-5 and 3-7-13 NMSA 1978, respectively. In addition, the following shall apply:

i. When annexation is initiated to consolidate City boundaries or services, a plan demonstrating how such consolidation will take place shall be provided; and
ii. When annexation is proposed for purposes other than consolidation of City boundaries or services, a sector plan shall be provided.

c. Application Analysis
1. The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required prior to the annexation proceeding.
2. The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1D.2. V.
3. Application analysis shall include a determination of whether the impacts of potential development on annexed land can be demonstrated to the City's satisfaction as to the assumptions, methodology, and data, with the outcome that:
i. The applicant and the City shall negotiate to offset the increased infrastructure, public facilities, or operating costs to the City due to the proposed development; or
ii. The City shall deny the annexation.
4. If analysis indicates that the annexed area creates a need for additional major public infrastructure expansion, the applicant may be required to contribute a proportional fair share of the cost of necessary expansions.

d. Scheduling and Notice of Public Hearings
The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to Section 14-2.1B.3.V. Additionally:
1. The City shall submit each annexation petition to the board of county commissioners as required by Section 3-7-17.1 NMSA 1978.
2. The City shall notify the school board about the public hearing date for all petition-method annexations over 25 acres at least 15 days in advance of the hearing.
3. The City shall notify the county planning and land use department of all annexations approved by the City.

e. Hearing, Review, and Decision
1. Protest Petitions
If the owners of 20 percent or more of the land included in the area, or within 100 feet, excluding public rights-of-way, of the area proposed to be annexed protest the annexation in writing, the proposed petition-method annexation shall not become effective

unless it is approved by a majority vote of all the members of the Governing Body.

2. Annexation Agreements
   i. For all landowner petition method annexations, an annexation agreement shall be entered into between the City and the applicant.
   ii. The annexation agreement shall be recommended by the Planning Commission to the Governing Body and adopted by the Governing Body as a part of the ordinance setting forth the boundaries of the annexed area.
   iii. The agreement shall include, as appropriate:
      (a) A list of property owners;
      (b) Reference to the way in which the annexation is in conformance with the General Plan;
      (c) Provision for necessary off-site facilities;
      (d) Designation of land uses;
      (e) A phasing and staging plan;
      (f) Land to be dedicated to the City;
      (g) Impact fees;
      (h) Provision of City services, including fire and police protection, wastewater collection and sewer services, refuse disposal and street and road improvements;
      (i) Site design;
      (j) Archaeological site protection;
      (k) Provision of parks and open space and other items as agreed to by the City and the applicant; and
      (l) The provision of water, consistent with adopted policies of the City, shall be addressed.
   iv. A revised annexation agreement must be approved if the master plan approved as part of the annexation application becomes invalid and a new master plan is approved.
3. Planning and Land Use Director Review and Recommendation
   The Planning and Land Use Director shall review applications for annexation for compliance with Chapter 14 and other City land use policies and make a recommendation to the Planning Commission.

4. Planning Commission Review and Recommendation
   i. All proposed petition-method annexations shall be submitted to the Planning Commission for review and recommendation at a public hearing based on the approval criteria set forth in Section 14-2.1D.1.V. In the course of the review, the Planning Commission shall make complete findings of fact on all applications. The Planning Commission shall not rule on the economic feasibility of any development proposed in an annexation master plan.
   i. The Planning Commission shall transmit the application to the Governing Body, together with a recommendation based on the approval criteria in Section 14-2.1D.1.V, regarding approval, denial, desirable changes and special conditions and safeguards.
   ii. If the Planning Commission does not act on a request for annexation application review within ninety days after submission, the applicant may request review of the proposed annexation by the Governing Body.
5. Governing Body Review and Decision
   i. Before taking action on any proposed petition-method annexation, the Governing Body shall hold a public hearing. After reviewing the Planning and Land Use Director's report, if any, the recommendation of the Planning Commission and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed annexation.
   ii. When a proposed petition-method annexation has failed to receive the recommended approval of the Planning Commission, the annexation shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 14-2.1B.5 shall apply with the following modifications:

1. Expiration
   Once approved, annexations do not expire.
2. Denial
   If a proposed annexation is denied, no application that is for annexation of the same property that has been denied shall be shall be eligible for resubmittal for 12 months following denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

3. Appeal
   An applicant who is aggrieved by the denial of a request for annexation may file an appeal as described in Section 14-2.1B.5.IV.

V. Annexation Approval Criteria

The Planning Commission and the Governing Body shall review all petition-method annexation proposals on the basis of the following criteria. The reviewing entities must make complete findings of fact sufficient to show that the criteria provided in this section have been met before recommending or approving any annexation:

a. Annexations must conform to the General Plan. Proposed annexations not already in conformance with the General Plan shall require a General Plan Amendment as described in Section 14-2.1C, before the annexation may be considered and approved.
b. The proposed annexation is within the urban area boundary.
c. In all cases the proposed annexation must be contiguous with existing City boundaries, generally furthering a consolidation of City boundaries and service areas; provided that allowance shall be made for those properties that are prohibited from annexation by charter or other legal instrument.
d. Generally, a proposed development should not impose an economic burden on citizens or result in an indirect subsidy of services by the City. Specifically, evidence shall be provided by the applicant that the existing infrastructure; public facilities, including fire stations and parks; and operating services, such as ongoing garbage collection, police and fire, can accommodate the impacts of the proposed development.
e. The amount of and proposed use for the land to be annexed is consistent with the City's policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of growth of the City. The City has no obligation to annex land if it is determined as a matter of City policy that the inventory of urban land, by land use category, is adequate to meet the projected absorption rates of the City for housing and other purposes for a specified number of years as set forth in that policy.
f. Any proposed development is compatible with the provisions of extraterritorial land use ordinance no. 2009-01 establishing subdivision, platting, planning and zoning rules within the presumptive city limits, as amended.
g. All annexation requests are for areas of no fewer than 25 acres unless the area produces a consolidation of City boundaries or services or is in phase with the staging plan of the General Plan.

2. Code Text Amendment

I. Purpose

This procedure provides for the review and approval of amendments to the text of this Land Development Code (LDC).

II. Applicability

A code text amendment may be proposed by:

a. The Governing Body,
b. The Planning Commission,
c. A department or agency of the City; or
d. Any other person, who must submit a request for a code text amendment, in writing, directly to the Governing Body, or a member thereof.

III. Code Text Amendment Procedure

Figure 2.1-4 identifies the applicable steps from the common review procedures in Section 14-2.1B that apply to the review of code text amendment requests, with additions or modifications noted below.

a. Pre-Development Meetings

No pre-development meetings are required for a code text amendment.

b. Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2. An application initiated by the City shall be exempt from fees.

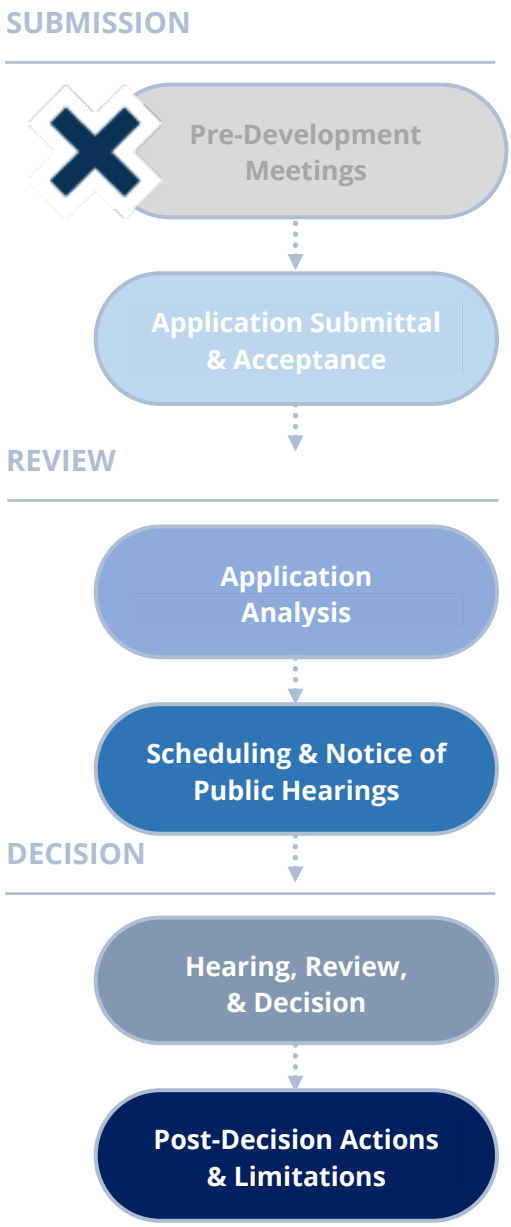


Figure 2.1-4: Code Text Amendment Procedure

c. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1D.2.IV.

d. Scheduling and Notice of Public Hearings
The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to Section 14-2.1B.4.II.

e. Hearing, Review, and Decision
1. Planning Commission Review and Recommendation
i. The Planning Commission shall review the application and forward its recommendation to the Governing Body, except for proposed amendments to:
(a) Section 14-2.2F, *Historic Districts Review Board*, and Section 14-4.6, *Historic Districts*, when the Historic Districts Review Board shall review and issue recommendations;
(b) Section 14-2.1G.1, *Archaeological Clearance Permit*, and Section 14-4.2, *Archeological Review Districts*, when the Archaeological Review Committee shall review and issue recommendations; and
(c) Section 14-7.7, *Development Water Budgets,* when the public works and utilities committee shall review and issue recommendations.
ii. The Planning Commission or other recommending body may recommend edits or amendments to the proposed code text amendment.
iii. The land use board's review and recommendation shall be based on the approval criteria in Section 14-2.1D.2.IV.
2. Governing Body Review and Decision
i. At the public hearing, the Governing Body may review and approve, approve with amendments to proposed text amendment, or deny the application.

f. Post-Decision Actions and Limitations
Post-decision actions and limitations in Section 14-2.1B.5 shall apply with the following modifications:
1. Expiration
Once approved, text amendments do not expire.
2. Denial
Other than proposals by the Governing Body, if a proposed code text amendment is denied, no application with a proposed LDC text change that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

3. Appeal
   An applicant who is aggrieved by the denial of a request for a code text amendment may file an appeal as described in Section 14-2.1B.5.IV.

IV. LDC Text Amendment Approval Criteria

In reviewing a proposed LDC text amendment, the Planning Commission and Governing Body shall consider whether and to what extent the proposed text amendment is:

a. Necessary to correct an error in the text of this LDC;
b. Necessary to address a demonstrated community need;
c. Necessary to respond to substantial changes in conditions and/or policy; and
d. Consistent with the general purpose and intent of this LDC and the section being amended.

3. Rezoning

I. Purpose

The rezoning procedure allows requests to amend the permitted land uses for a property by assigning it to a new zoning classification within the City of Santa Fe that allows for the proposed land use.

II. Applicability

A rezoning, or amendment to the official zoning map, may be proposed by:

a. The Governing Body,
b. The Planning Commission,
c. Any department or agency of the City, or
d. Any other person, who must submit a request in writing to the Governing Body, along with all submissions required by Chapter 14 and any other information requested by the Planning and Land Use Director as reasonably necessary to determine compliance with this Chapter 14.

III. Neighborhood Conservation Overlay District

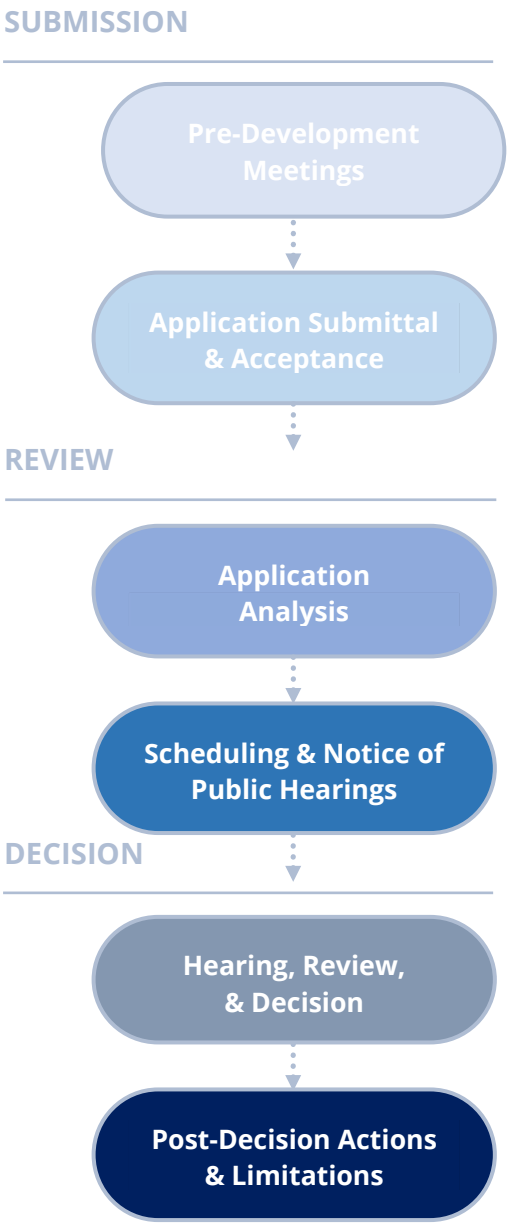


Figure 2.1-5: Rezoning Procedure

Neighborhood Conservation Overlay District.

IV. Plan Requirements

Plan submittal requirements for rezonings are set forth in Article 14-3, *Zoning Districts*, and Article 14-4, *Overlay Districts.*

V. Uniform Zoning Classification for Entire Lot Required

Except where a legal lot of record is divided by a zoning district boundary, no request to change the zoning classification on a portion of a legal lot of record shall be considered unless the change will establish a uniform zoning classification for the entire lot. A new zoning district boundary shall not divide a legal lot of record, except to establish overlay district boundaries based on topography or other physical conditions.

VI. Rezoning Procedure

a. Pre-Development Meeting

1. A pre-application conference is required. See §14-2.1B.1.I.
2. An ENN meeting is required. See §14-2.1B.1.II.

b. Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2. An application initiated by the City shall be exempt from fees.

c. Application Analysis

1. The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required prior to the rezoning proceeding.
2. The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1D.3.VII.
3. If the impacts of the proposed rezoning cannot be accommodated by the existing infrastructure and public facilities, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable City ordinances, regulations, or policies.
4. If the proposed rezoning creates a need for additional streets, sidewalks, or curbs necessitated by and attributable to the new development, the City may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-7.9, *Impact Fees.*

d. Scheduling and Notice of Public Hearing

The application shall be scheduled for public hearings before the Planning Commission and the Governing Body and shall be noticed pursuant to Section 14-2.1B.4.II.

e. Hearing, Review, and Decision

1. Protest Petitions

   If the owners of 20 percent or more of the land included in the area, or within 100 feet of the land proposed to be rezoned excluding public rights-of-way, protest in writing, the proposed rezoning shall not become effective unless it is approved by a majority vote of all the members of the Governing Body.

2. Planning Commission Review and Recommendation
   i. All proposed rezonings shall be submitted to the Planning Commission for review and recommendation at a public hearing. The Planning Commission's review and recommendation shall be based on the approval criteria and balancing test set forth in Section 14-2.1D.3.VII, *Rezoning Approval Criteria.* The Planning Commission shall not consider or rule on the economic feasibility of any development proposed in a rezoning master plan or development plan unless the application is for a public project.
   ii. The Planning Commission shall transmit the application, including any plan, to the Governing Body, together with a recommendation as to findings and conditions, desirable changes and recommendations for approval or denial.
3. Governing Body Review and Decision
   i. Before taking action on a proposed rezoning, the Governing Body shall hold a public hearing. In the course of the hearing, the Governing Body may request other information from the applicant that is reasonably necessary to determine compliance with Chapter 14 and may suggest changes to the application as a condition of Governing Body approval. After reviewing the Planning and Land Use Director report, if any, and the Planning Commission recommendation and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed rezoning. The final action shall be based on the approval criteria and balancing test provided in subsection (C) of this section.
   ii. The Governing Body may approve a rezoning to a less intensive zone district than originally requested by the applicant. In such cases, no re-application or re-processing of the original application shall be required.
   iii. When a proposed rezoning fails to receive the recommended approval of the Planning Commission, the rezoning shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.

f. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 14-2.1B.5 shall apply with the following modifications:

1. Expiration

Once approved, rezonings do not expire.

2. Approved Rezonings to be Reflected on Official Zoning Map
   i. After the Governing Body has approved a rezoning application, the official zoning map shall be amended in accordance with Section 14-3.1D to note the new zoning designation.
   ii. In the case of approval by the Governing Body of a rezoning to PUD, the PUD classification shall be attached to the existing zoning designation on the official zoning map, i.e., "____-PUD" with the underlying zoning district abbreviation indicated in the blank.
3. Post-Approval Procedure
   i. If, in accordance with the provisions of Chapter 14 and Sections 3-21-1 through 3-21-11 NMSA 1978, changes are made in district boundaries or other matter portrayed on the official zoning map, those changes shall be made on the official zoning map within 30 days after the ordinance adopting the change in zoning classification has been approved by the Governing Body.
   ii. A rezoning ordinance shall be published one time either in its entirety or by title and a general summary of the subject matter contained in the ordinance, whichever the Governing Body elects to do at least five days prior to its effective date, unless otherwise provided by law.
4. Denial

   Unless proposed by the Governing Body, if a proposed rezoning is denied, no rezoning application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.
5. Appeal

   An applicant who is aggrieved by the denial of a rezoning request may file an appeal as described in Section 14-2.1B.5.IV.

VII. Rezoning Approval Criteria

a. The Planning Commission and the Governing Body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

1. One or more of the following conditions exist:
   i. There was a mistake in the original zoning;
   ii. There has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
   iii. A different use category is more advantageous to the community, as articulated in the General Plan or other adopted City plans;
2. All the rezoning requirements of Chapter 14 have been met;
3. The rezoning is consistent with the applicable policies of the General Plan, including the future land use map;
4. The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City; and
5. The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

b. Unless the proposed change is consistent with applicable General Plan policies, the Planning Commission and the Governing Body shall not recommend or approve any rezoning, the practical effect of which is to:

1. Allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
2. Affect an area of less than two acres, unless adjusting boundaries between districts; or
3. Benefit one or a few landowners at the expense of the surrounding landowners or general public.

E. Subdivision Procedures

1. Jurisdiction and Applicability

I. These land subdivision regulations shall govern all platting or re-platting of land within the jurisdiction of the City.

II. No person shall subdivide land, nor shall construction of any kind commence on subdivided land, nor shall transfer of ownership be made of subdivided land prior to the approval of a subdivision of the land by the Planning Commission or the Planning and Land Use Director, and prior to the recording of the subdivision in the office of the county clerk. Until the Planning Commission or the Planning and Land Use Director has approved a subdivision, the owner of the land within the subdivision or their agent shall not transfer or sell, or negotiate to or agree to transfer or sell, the land or any part of it by reference to, the exhibition of or any other use of, a plat or subdivision of the land. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transfer shall constitute prima facie evidence of a violation of this section.

III. Conflicts With Other Code Provisions

a. No subdivision plat shall be approved that does not comply with applicable provisions of the Santa Fe City Code that regulate the development and use of land, or that increases the degree or extent of noncompliance with those provisions, unless the appropriate variance or other relief procedure is approved.

b. Whenever there is a discrepancy or conflict between minimum standards or dimensions for subdivisions and those contained elsewhere in Chapter 14, Chapter 7, *Building and Housing,* Chapter 12, *Fire Prevention and Protection,* or other official regulations of the City, the more restrictive standard shall apply as provided in Section 14-1.8, *Conflicting Provisions.*

IV. Acceptance of Improvements

The dedication of any or all of the lands for public use of any nature within the City shall be specifically accepted by the Planning Commission or Governing Body, and such acceptance may be conditioned on a finding by the Planning and Land Use Director of compliance with all conditions of approval of the subdivision plat. Approval of a subdivision by the Planning Commission does not constitute acceptance by the City of the streets, alleys or other public ways or easements and parks or other public lands dedicated on the subdivision plat by the owners.

V. Phasing

Subdivision plats may be approved by the Planning Commission in phases at the preliminary or final plat stage, or the Planning and Land Use Director may approve phases within an approved final plat. Each phase shall include all

infrastructure and amenities necessary and appropriate to the stand-alone operation of that phase and for the orderly development of other properties in the vicinity.

VI. Common Promotional Plans

A plan or scheme of operation undertaken by a single applicant or a group of applicants acting in concert to offer for sale or lease lots where the land is either contiguous or part of the same area of land or is known, designated, or advertised as a common unit or by a common name shall constitute a single subdivision plat.

VII. Subdivision by Court Order

a. Court proceedings must not be used to circumvent the provisions of Chapter 14 relating to the subdivision or resubdivision of property or to create or increase a nonconformity.
b. A legal lot of record that is properly partitioned, partially condemned or otherwise divided or altered by court order as provided in Chapter 42 NMSA 1978 continues to be a legal lot of record.
c. Development of property that is divided or altered by court order remains subject to the standards and requirements of Chapter 14.

VIII. Plats Containing Special Flood Hazard Area Land

A plat showing land all or partly within the special flood hazard area, shall meet the requirements of Section 14-8.3, *Flood Regulations*, and shall be approved and signed by the Floodplain Administrator, in addition to other approval authorities described in this section.

IX. Resubdivision

The Planning and Land Use Director has the authority to review and approve or deny resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots and the resulting lots comply with the approval criteria in Section14-2.1E.3.

X. Serial Subdivisions

a. Except for resubdivisions, a proposed subdivision that occurs within five years after the approval of an earlier subdivision of any part of the affected land shall be subject to the same standards and shall follow the same procedures as though the cumulative number of lots created by the successive plats were created by the currently proposed subdivision.

b. The Planning and Land Use Director may waive provision a above for an administrative approval subdivision within a master planned area that creates legal lots of record that will be further subdivided or developed pursuant to a development plan.

XI. Certificate of Compliance

a. Approval by the Planning and Land Use Director

When the Planning and Land Use Director determines that a single lot not shown on an approved subdivision plat is a legal lot of record, the Planning and Land Use Director may approve and cause to be recorded a certificate of compliance. The certificate of compliance describes the lot, the circumstances of its creation and the documentation and applicable regulations upon which the determination of compliance is based.

b. Approval by the Planning Commission

The Planning Commission may approve a certificate of compliance for a lot or contiguous lots that have been created in violation of the procedural requirements of this section if it determines that the lots comply with all other applicable standards of Chapter 14 or it imposes conditions of approval necessary to ensure such compliance. Upon meeting any conditions of approval and recordation of the certificate of compliance, the lot or lots shall be legal lots of record.

c. Procedures for Approval

Approval of a certificate of compliance by the Planning Commission shall follow the procedures required for a final subdivision plat, including those for any variances requested.

d. No Creation of Nonconformity

A certificate of compliance shall not be granted to divide land in a way that precludes compliance with the provisions of Chapter 14 by any other portion of the previous legal lot of record out of which the approved lots are created.

e. Inclusion on Recorded Plats

A certificate of compliance may be recorded as a separate document or in the form of a statement included on a subdivision plat approved and signed by the appropriate City officials.

XII. Notice of Violation

a. When the Planning and Land Use Director determines that real property has been divided in violation of this section, the Planning and Land Use Director shall record a notice of violation describing the affected property and the nature of the violation and listing any recorded documents upon which the determination of the violation is based. If the owner of record of the affected property can be determined, the name of the owner shall be included on the notice of violation, and a copy shall be sent to the owner at the address on file with the county treasurer via first class mail, with a certificate of mailing provided by the U.S. post office.

b. When the violation has been corrected by means of a certificate of compliance or approved subdivision plat, the notice of violation and correction shall be referenced on the certificate or plat. When the violation is corrected by other legal means, the Planning and Land Use Director shall record a notice of correction referencing the notice of violation and describing the means by which the violation has been corrected.

c. The procedures described in provisions VII and XI of this subsection are in addition to those provided for enforcement of Chapter 14 in Section 14-1.12, *Enforcement,* or elsewhere in Chapter 14.

2. Preliminary Plat Procedure

I. Pre-Development Meetings

a. A pre-application conference is required. See §14-2.1B.1.I.

b. An ENN meeting is required. See Section 14-2.1B.1.II.

II. Preliminary Plat Submittal and Acceptance

a. The applicant shall prepare or cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in checklists issued by the Planning and Land Use Director and in conformance with the standards of Article 14-6, *Infrastructure Design, Improvement, and Dedication Standards.*

b. The plat shall be prepared by a professional land surveyor.

c. Exception

Preliminary plat procedures are not required for inheritance and family transfer subdivisions.

III. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1D.3.VII.

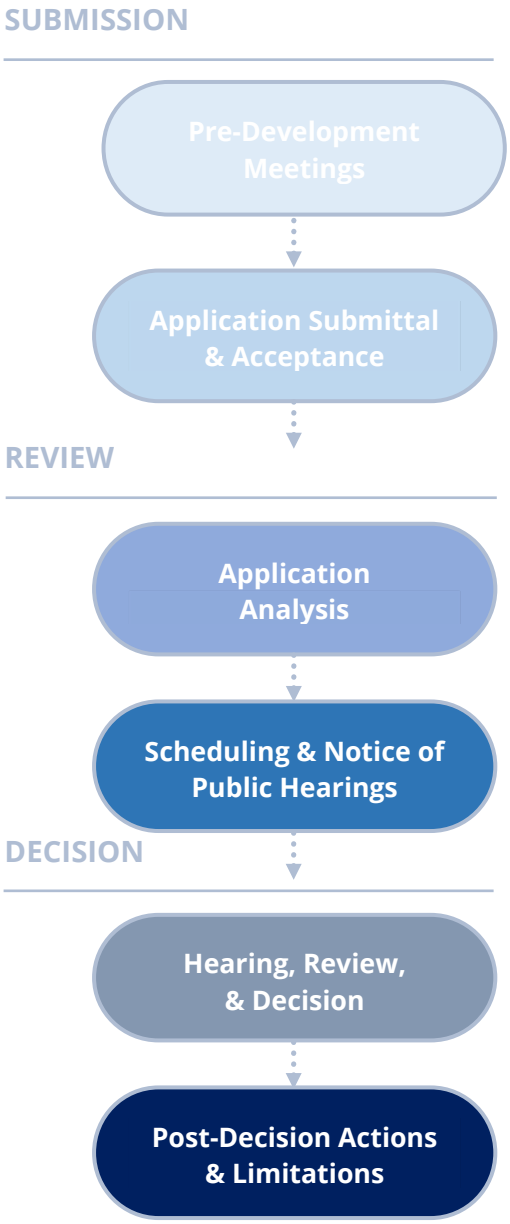


Figure 2.1-6: Preliminary Plat Procedure

IV. Scheduling and Notice of Public Hearings

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to Section 14-2.1B.4.II.

V. Hearing, Review, and Decision

a. Planning and Land Use Director Review

The Planning and Land Use Director shall review the submitted preliminary plat and supplementary materials for conformity to this article. The Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a

recommendation that the preliminary plat be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

b. Planning Commission Review and Decision

The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Planning and Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the applicant. Following this, the Planning Commission shall act on the application within 35 days unless an extension of time is applied for in writing by the applicant and granted by the Planning Commission. The Planning Commission shall approve or deny the application.

VI. Post-Decision Actions and Limitations

a. Effect of Approval

Approval of a preliminary plat does not constitute approval of the final plat; rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted to the Planning Commission for approval and recorded when the provisions of this article and the conditions of preliminary plat approval are met.

b. Expiration

Approval of a preliminary subdivision plat shall expire three years after final action approving it unless the final plat or development plan is approved.

c. Extension

Plat approval may be extended as provided in Section 14-2.1B.5.VII.

d. Denial

If a preliminary plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

e. Appeal

An applicant who is aggrieved by the denial of a preliminary plat may file an appeal as described in Section 14-2.1B.5.IV.

3. Subdivision Approval Criteria

See §14-2.1E.9, *Approval Criteria for All Subdivisions,* below.

4. Final Plat Procedure

I. Conformity with Preliminary Plat Required
The final plat shall conform substantially to the preliminary plat as approved.

II. Final Plat Submittal and Acceptance
a. An application for approval of a final plat shall be filed with the Planning and Land Use Director and shall consist of maps that show the proposed development layout and the related information and drawings specified by the Planning and Land Use Director.
b. The original drawing of the final plat and all other exhibits required for approval shall be prepared as specified by the Planning and Land Use Director.
c. The Planning and Land Use Director shall verify that all required filing and review fees have been paid in full.

III. Application Analysis
The Planning and Land Use Director shall determine whether:
a. Public lands for park and recreation facilities have been dedicated on the final plat or the optional fee in lieu of land dedication for such facilities has been paid in full as required in Section 14-7.9, *Impact Fees,* and Section 14-6.3, *Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities.* Such dedication shall not be recorded, nor take effect, unless the final plat is recorded at the same time;
b. The final plat conforms substantially to the preliminary plat as approved.

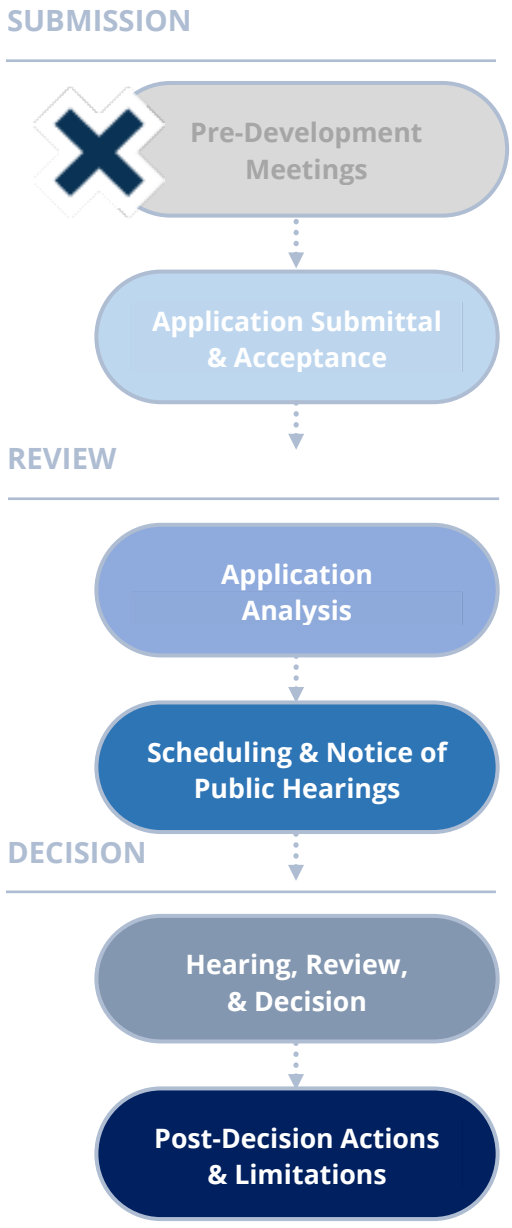


Figure 2.1-7: Final Plat Procedure

IV. Scheduling and Notice of Public Hearing

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to Section14-2.1B.4.II.

V. Hearing, Review, and Decision

a. Planning and Land Use Director Review

The Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a recommendation that the final plat be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

b. Planning Commission Review and Decision

1. The Planning Commission shall approve or deny the final plat within 35 days of the date it first considers the complete submittal of the plat at a public hearing unless an extension of time is agreed to by the applicant and the Planning Commission.
2. If the final plat is approved by the Planning Commission, the approval shall be recorded on the face of the original drawing of the final plat. The approval shall be dated and verified on the original drawing by the signature of the chair and secretary of the Planning Commission in the spaces provided. If the plat is approved, the original drawing shall be used in part for recordation purposes and shall be retained in the files of the engineering division. If the final plat is denied, the original drawing shall be returned to the applicant.

VI. Post-Decision Actions and Limitations

a. Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

b. Expiration

1. Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.
2. All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

c. Extension

Plat approval may be extended as provided in Section 14-2.1B.5.VII.

d. Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

5. Subdivision Approval Criteria

See Section 14-2.1E.9, *Approval Criteria for All Subdivisions,* below.

6. Administrative Approval Subdivisions

I. Authority

According to the delegation authority recognized by NMSA 1978, Section 3-20-8, Alternate Summary Procedure, the Planning and Land Use Director may review and provide administrative approval for the following:

a. Resubdivisions that result in the same or a fewer number of lots; and
b. Subdivisions that result in the creation of one additional lot.

II. Notice Requirement for Subdivisions Creating One Additional Lot

At least 30 calendar days before the Planning and Land Use Director acts on an application for a subdivision that would create one additional lot, the applicant shall provide the following notice:

a. Posted Notice

A public notice poster obtained from City staff shall be posted on the property. The poster shall:

1. Be prominently displayed;
2. Be visible from a public street;
3. Be securely placed on the property; and
4. Indicate the nature of the request, identity of the applicant, property affected, earliest date that a decision will be made, and phone number for the City staff contact.

b. Mailed Notice

Mailed notice to all owners of properties, as shown in the records of the county treasurer, and to the physical addresses of such properties where the property's address is different than the address of the owner, and to all neighborhood associations that are within 300 feet of the property. The

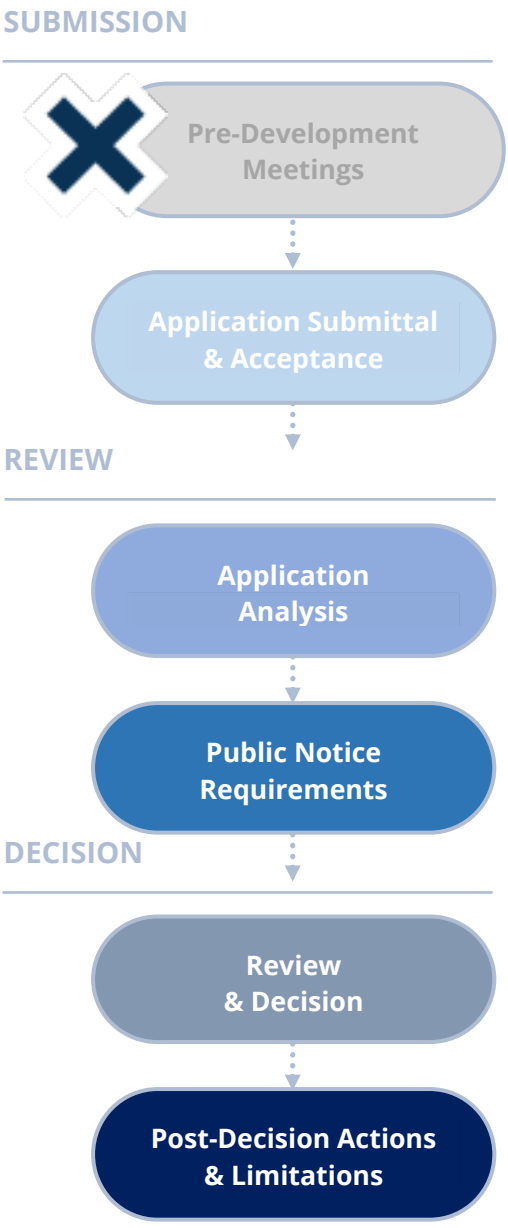


Figure 2.1-8: Final Plat Procedure

notice shall describe how the public may review the application, and how they may submit written comments to the Planning and Land Use Director. A member of the public may also request that the application be referred to the Planning Commission for review and decision.

III. Administrative Review and Decision

a. The Planning and Land Use Director shall not act on an application before the expiration of the 30-day notice period set forth in provision II above in this subsection.
b. Administrative approval subdivisions are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no preliminary plat or hearing is required.
c. The Planning and Land Use Director may defer the construction of public and semi-public improvements required by Chapter 14 until such time as the lots are developed and may waive the requirements of this Chapter 14 for the posting of financial guarantees for the improvements prior to recording an approved plat. Deferral or waiver shall be made only upon finding that the improvements or guarantee is not needed to protect the interests of prospective purchasers of the lots created; to provide for the orderly development of other properties in the vicinity; or to protect the public health, safety, and welfare.
d. The Planning and Land Use Director may opt to refer an application to the Planning Commission for review and decision, either in response to public input received or on the Planning and Land Use Director's own initiative.

IV. Post-Decision Actions and Limitations

a. Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

b. Expiration

1. Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.
2. All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

c. Extension

Plat approval may be extended as provided in Section 14-2.1B.5.VII.

d. Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

e. Appeal

A final decision of the Planning and Land Use Director may be appealed to the Planning Commission within 30 days of the decision.

7. Subdivision Approval Criteria

See Section 14-2.1E.9, *Approval Criteria for All Subdivisions,* below.

8. Inheritance and Family Transfer Subdivision

I. Purpose

The purpose of this section is to support the continuation of traditional patterns of land transfer and division within families and to increase affordable housing within the family group. This section is intended to assist in the transfer of property from parents to children or grandchildren with only those restrictions that are essential to the health, safety, and welfare of the citizens of Santa Fe. There is no intention to promote the resale of such properties outside the family or to create favorable opportunities for developers. Standards for inheritance and family transfer subdivisions have been written to reflect traditional development.

II. Applicability
   a. A subdivision is created by inheritance if it is created by a will or order of court in probate proceedings for the purpose of transmitting property to heirs, but not for the purpose of sale or lease and not creating more than one lot per family member or violating the provisions of this section.
   b. A subdivision is created by family transfer if it is created by a parent or guardian for the purpose of transferring a lot or lots to their children, natural or adopted, or grandchildren, or it is created by a person who has performed the function of father, mother, grandfather or grandmother for the purpose of transferring a lot to a person for whom such person has performed that function; provided that the person proposing to create the subdivision and transfer the lot or lots files appropriate documentation of conveyance along with an affidavit with the County Clerk containing the following:
      1. A legal description of the property being transferred; and
      2. A statement that the transferor has not made any other transfers of any other lots to the person receiving it that would require the filing of an affidavit pursuant to this section.

III. Restrictions and Requirements
   a. Inheritance and family transfer subdivisions are allowed only in residential districts.
   b. In all cases, proof of a legal lot of record shall be required as part of the submission requirement.
   c. Any one person may receive only one lot total by family transfer.
   d. No sale or lease of any lot designated on a subdivision plat creating an inheritance or family transfer subdivision shall occur within three years of the date of the transfer.
   e. The plat shall show the name of each family member to whom a lot is being transferred. Before the final subdivision plat is filed, a copy of the instrument of transfer to the transferee or their authorized representative must be provided to the City. A construction permit shall not be issued to a person other than the transferee or their authorized representative within three years of the date of the transfer.
   f. If the property is transferred to a different family member acceptable under this section within three years, the plat and affidavit must be amended to reflect the different transferee.
   g. If an owner of a lot that was part of an inheritance or family transfer subdivision applies for a subdivision, residential development, PUD or other rezoning, then all the provisions of Chapter 14 shall apply with no special provision for the prior family transfer subdivision.

IV. Procedure

a. Applications for inheritance or family transfer subdivisions that create one additional lot shall follow the procedure described in Section 14-2.1E.6, *Administrative Approval Subdivisions.*
b. Applications for inheritance or family transfer subdivisions that create two or more additional lots shall be follow the procedure described in Section 14-2.1E.4, *Final Plat Procedure*.

V. Application Submittal and Acceptance
a. An application for approval of an inheritance or family transfer subdivision final plat shall be filed with the Planning and Land Use Director and shall consist of maps that show the proposed development layout and the related information and drawings specified by the Planning and Land Use Director.
b. Every final plat for an inheritance or family transfer subdivision shall contain the following legend prominently portrayed:
1. "NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for inheritance and family transfer subdivision improvements are significantly different than for other types of subdivisions. No sale or lease of any lot designated on this subdivision plat shall occur within three years of the date this transfer is legally made. Any person intending to purchase a lot within this subdivision should contact the City of Santa Fe Planning and Land Use Director. Requests for construction permits on illegally sold lots shall be denied."

VI. Development Standards and Required Improvements
Proof of compliance with the following standards is required for the approval of an inheritance or family transfer subdivision:
a. Terrain Management Regulation
Compliance with terrain management regulation submissions as set forth in Section 14-8.2, *Terrain and Stormwater Management,* is required.
b. Design Standards
Subdivision design standards as set forth in Section14-6.5, *Street Improvement and Design Standards*, apply.
c. Required Improvements
Inheritance and family transfer subdivisions shall comply with the required improvements set forth in Section14-6.5, *Street Improvement and Design Standards*, along with all other applicable requirements of Article 14-6, *Infrastructure Design, Improvement, and Dedication Standards.*

d. Density and District Regulations

Inheritance and family transfer subdivisions are required to meet all applicable standards for use, density, building placement, height, open space, and parking, unless otherwise specifically exempt by this LDC.

VII. Post-Decision Actions and Limitations

a. Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

b. Expiration

1. Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.
2. All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

c. Extension

Plat approval may be extended as provided in Section14-2.1B.5.VII.

d. Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

e. Appeal

A final decision of the Planning and Land Use Director may be appealed to the Planning Commission within 30 days of the decision.

VIII. Subdivision Approval Criteria

See Section 14-2.1E.9, *Approval Criteria for All Subdivisions,* below.

9. Approval Criteria for All Subdivisions

I. All subdivision plats must meet the minimum standards for surveying in New Mexico and must comply with plat standards adopted by the Planning and Land Use Director.

II. In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

III. The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety, or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-8.3, *Flood Regulations*.

IV. All plats shall comply with the standards of Article 14-6, Infrastructure Design, Improvement, and Dedication Standards.

V. A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

VI. A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other Chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that Chapter 14 prior to approval of the plat.

F. Development Review Procedures

1. Certificate of Occupancy

I. Purpose

The purpose of a certificate of occupancy is to confirm that a building meets safety standards, adheres to approved plans, and satisfies zoning requirements. Issuance of a certificate of occupancy is required before a building may be occupied.

II. Applicability

a. The Planning and Land Use Director must issue a certificate of occupancy that certifies compliance with all provisions of Chapter 14 before any change in the use or occupancy of land or change of use or occupancy of a building or premises, or part thereof, is created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure, other than the change of residential occupants, or before any new building is occupied for any purpose.

b. The Planning and Land Use Director may require the renewal of certificates of occupancy on an annual or other appropriate basis.

c. The approval of certificates of occupancy shall be coordinated with the approval of permits or certificates required by other agencies, including:

1. When required by the provisions of Chapter 7, *Building and Housing,* the building official shall approve the certificate of occupancy prior to issuance; and
2. When required by the provisions of Chapter 12, *Fire Prevention and Protection*, the fire marshal or other code official shall approve the certificate of occupancy prior to issuance.

d. The Planning and Land Use Director shall maintain for at least 50 years a record of all certificates of occupancy issued.

III. Temporary Uses/Temporary Certificates of Occupancy

a. Temporary uses allowed by Chapter 14 may be approved by obtaining a temporary certificate of occupancy. Such certificates shall be obtained in the same manner as general certificates of occupancy.

b. The Planning and Land Use Director may issue a temporary certificate of occupancy for a use that is not intended to be temporary in the following circumstances:

1. The Planning and Land Use Director determines that it is impossible to fully comply with the provisions of Chapter 14 due to weather conditions or other factors beyond the control of the permittee; or
2. The certificate of occupancy is part of a phased development for which multiple permits are issued or for which one permit comprises multiple buildings or structures.

c. Temporary certificates of occupancy for uses that are not intended to be temporary shall comply with the following provisions:

1. The Planning and Land Use Director shall impose conditions that ensure compliance with the provisions of Chapter 14 and other applicable regulations that protect the public health, safety and welfare;
2. The certificate is subject to an enforceable agreement by the permittee and landowner that:

i. Does not rely on the actions of a person that is not a party to the agreement;
ii. Provides a schedule for meeting all provisions of Chapter 14 within a reasonable time;
iii. Provides a financial guarantee in a form acceptable to the Planning and Land Use Director for completion of all public or quasi-public improvements required by Chapter 14; and
iv. Provides for revocation of the certificate by the Planning and Land Use Director and termination of the approved occupancy by the permittee if the terms of the agreement are not complied with; and

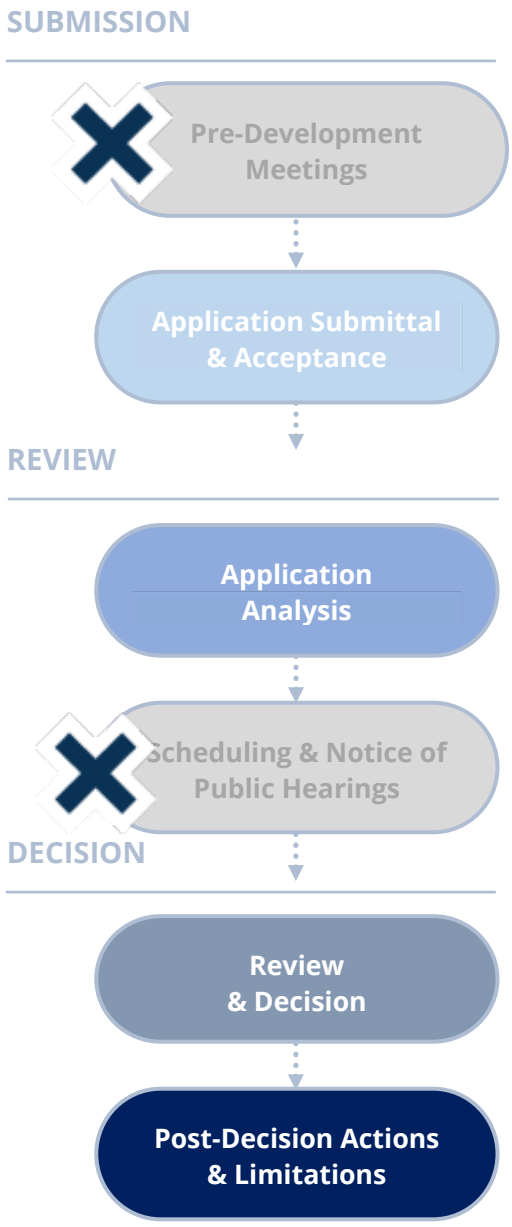


Figure 2.1-9: Certificate of Occupancy Procedure

v. The Planning and Land Use Director may approve a temporary certificate of occupancy for an initial period up to six months. The Planning and Land Use Director may approve extensions not to exceed an additional six months.

IV. Certificate of Occupancy Approval Procedure

a. Pre-Development Meetings

No pre-development meetings are required for a Certificate of Occupancy.

b. Application Submittal and Acceptance
The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2.

c. Application Analysis
The Land Use and Planning Department shall review the application to ensure compliance with all provisions of Chapter 14, and all other applicable regulations and ordinances.

d. Administrative Review and Approval
Administrative approval of a certificate of occupancy by the Planning and Land Use Department does not require public notice or a public hearing.

e. Post-Decisions Actions and Limitations
Post-decision actions and limitations in Section 14-2.1B.5 shall apply with the following modifications:

1. Expiration
A certificate of occupancy, once issued, does not expire.

2. Denial
If a certificate of occupancy is not granted, the developer shall remedy issues identified in the inspection as the basis for the denial, prior to scheduling a new inspection. Provided all identified issues have been adequately remedied and no new issues arise, the certificate will be granted.

3. Appeal
An applicant who is aggrieved by the denial of a request for a certificate of occupancy may file an appeal as described in Section 14-2.1B.5.IV.

2. Conditional Use Approval

I. Purpose

Conditional use approvals are intended to allow flexibility in providing for, regulating, or preventing specified uses within various districts as provided in Table 5-1: *Summary Table of Allowed Uses,* so they are compatible with existing or desired land use patterns. Conditional use approval is required for certain uses so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented.

II. Applicability

When a use in Table 5-1: *Summary Table of Allowed Uses,* has a "C" in a cell, that indicates that the use may be established in the associated zoning district only if reviewed and approved as described in this procedure.

III. Conditional Use Approval Procedure

a. Pre-Development Meetings

An ENN meeting is required. See Section 14-2.1B.1.II.

b. Application Submittal and Acceptance

1. The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2.
2. The application shall indicate the section of Chapter 14 under which the conditional use approval is sought and state the grounds on which it is requested.

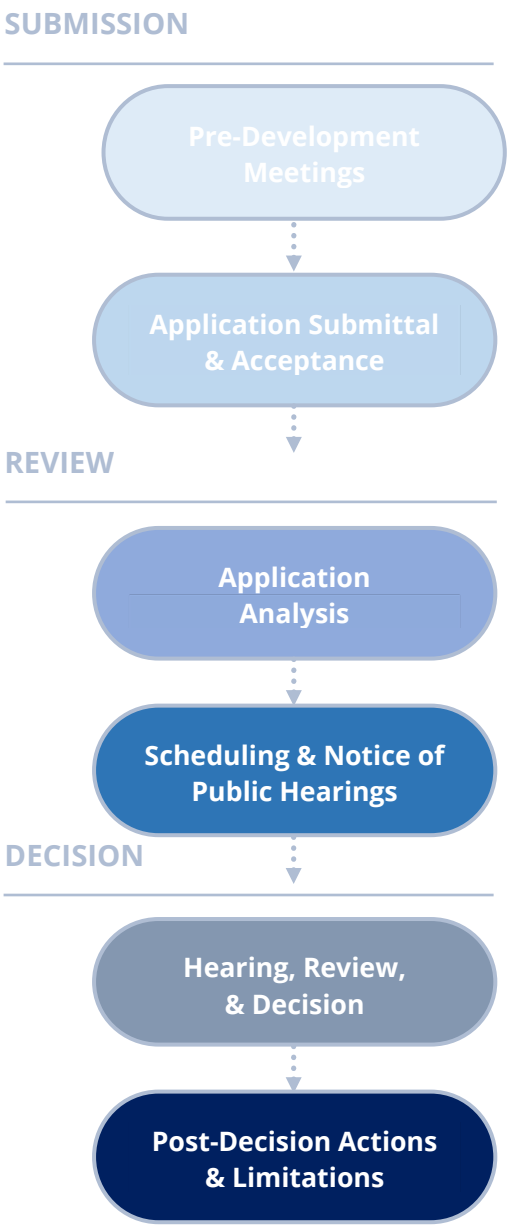


Figure 2.1-10: Conditional Use Approval Procedure

c. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1F.2.IV.

d. Scheduling and Notice of Public Hearing
The application shall be scheduled for public hearings before the Planning Commission or the Board of Adjustment and noticed pursuant to Section 14-2.1B.4.II.

e. Hearing, Review, and Decision
1. Site Plan Approval
Conditional use approvals shall include approval of a site plan and other site development drawings necessary to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards.
2. Planning Commission or Board of Adjustment Review and Decision
At the public hearing, the land use board may review and approve, approve with conditions, or deny the application.

f. Post-Decisions Actions and Limitations
Post-decision actions and limitations in Section 5 shall apply with the following modifications:
1. Approval Limited
i. A conditional use approval is granted for a specific use and intensity.
i. Any request to change to a new or different use that requires a conditional use approval as designated in Table 5-1: *Summary Table of Allowed Uses,* requires a new application, review, and hearing.
ii. A new application, review, and hearing are also required for any significant expansion or intensification of an approved conditional use.
2. Expiration
i. Development associated with an approved conditional use that has not been initiated within three years from the date of the approval expires as provided in Section 14-2.1B.5.VI.*a.*
ii. If the use approved by the conditional use ceases for any reason for a period of 365 days or more, the conditional use approval shall expire except as provided for government uses in Section 14-1.13B.3.II.
3. Extension
Approval of the conditional use may be extended as provided in Section 14-2.1B.5.VII.
4. Denial
If a conditional use approval request is denied, no application with a proposed use that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial,

unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

5. Appeal
   An applicant who is aggrieved by the denial of a request for conditional use approval may file an appeal as described in Section 14-2.1B.5.IV.

IV. Conditional Use Approval Criteria and Conditions

a. Necessary Findings
   To approve a conditional use request, a land use board shall make the following findings:
   1. That the land use board has the authority under the section of Chapter 14 described in the application to grant a conditional use approval;
   2. That granting the conditional use approval does not adversely affect the public interest, and
   3. That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

b. Conditions
   The land use board may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the General Plan, including:

1. Special yards or open spaces;
2. Fences, walls or landscape screening;
3. Provision for and arrangement of parking and vehicular and pedestrian circulation;
4. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
5. Noise generation or attenuation;
6. Dedication of rights-of-way or easements or access rights;
7. Arrangement of buildings and use areas on the site;
8. Special hazard reduction measures, such as slope planting;
9. Minimum site area;
10. Other conditions necessary to address unusual site conditions;
11. Limitations on the type, extent and intensity of uses and development allowed;
12. Maximum numbers of employees or occupants permitted;
13. Hours of operation;
14. Establishment of an expiration date, after which the use must cease at that site;
15. Establishment of a date for annual or other periodic review at a public hearing;
16. Plans for sustainable use of energy and recycling and solid waste disposal;
17. Any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other Chapter 14s of the Santa Fe City Code that regulate development and use of land; and
18. Conditions may not be imposed that restrict the use to a specific person or group.

3. Construction Permit

I. Purpose

The purpose of a construction permit is to authorize a project or development to begin construction. Issuing a construction permit verifies that the project or development as proposed has been reviewed and found to comply with building codes, safety regulations, and zoning regulations, in the interest of protecting public health and safety.

II. Applicability

a. A building or other structure that is regulated by Chapter 14 shall not be erected, moved, added to, or altered, nor shall other development activities described in this section occur, without a construction permit issued by the Planning and Land Use Director or building official. However, no construction permit shall be required for construction, alterations, or other development activities that are specifically exempted from permit requirements by the provisions of Chapter 14 or Chapter 7, *Building and Housing,* or by written policies adopted by the Planning and Land Use Director or the building official for specified minor repairs, minor construction, minor alterations, and minor development activities.

b. The Planning and Land Use Director shall not issue a construction permit except in conformity with the provisions of Chapter 14. When required by the provisions of Chapter 7, *Building and Housing,* the building official shall approve the construction permit prior to issuance. When required by the provisions of Chapter 12, *Fire Prevention and Protection,* the fire marshal or other code official shall approve the construction permit prior to issuance.

III. Combined Permits

The Planning and Land Use Director may require separate construction permits for multiple categories of development or may issue a combined construction permit for two or more categories of development.

IV. Compliance With Permit Requirements

a. No construction or other development for which a permit is required shall occur prior to obtaining the permit. All work shall comply with the provisions of the approved permit.

b. Construction permits issued on the basis of plans and applications approved by the Planning and Land Use Director or building official, and other officers or agencies where additional approval is required, authorize only the use, arrangement, location, and construction set forth in the approved plans and applications and no other use, arrangement, location, or construction. Any use, arrangement, location, or construction that is at variance with that authorized by the construction permit is a violation of Chapter 14 and is punishable as provided in Section 14-1.12, *Enforcement.*

V. Construction Permit Approval Procedure

a. Pre-Development Meetings
No pre-development meetings are required for a Construction Permit.

b. Application Submittal and Acceptance
The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2.

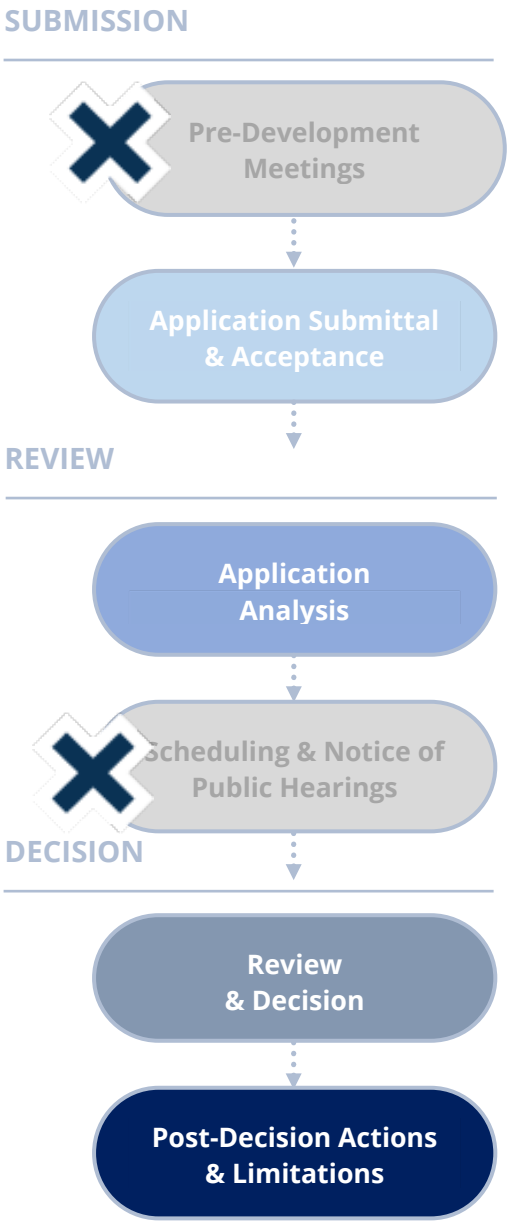


Figure 2.1-11: Construction Permit Procedure

c. Application Analysis
    1. All applications for construction permits pursuant to this section shall include plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of Chapter 14.
    2. The Land Use and Planning Department shall review the application to ensure compliance with all provisions of Chapter 14, and all other applicable regulations and ordinances.

d. Administrative Review and Approval
    1. Administrative approval of a certificate of occupancy by the Planning and Land Use Department does not require public notice or a public hearing.
    2. A construction permit shall not be approved until it is determined that the construction or other development activity authorized by the permit complies with all applicable provisions of Chapter 14 and applicable state and federal laws and regulations.
    3. The approval of construction permits by the Planning and Land Use Director or other City officials shall be coordinated with the approval of permits required by other agencies.
    4. The Planning and Land Use Director shall retain one approved set of plans in the City's records for not less than ten years, use one set of plans for inspections and enforcement and return one set of plans to the applicant after they are reviewed and approved.

e. Post-Decisions Actions and Limitations
    1. Amendments to Applications
    Any change from the approved site plans or floor plans shall first be approved by the Planning and Land Use Director and shall be submitted in writing and approved prior to commencement of any construction related to the proposed amendment.
    2. Posting of Construction Permits
    Within 24 hours after issuance of a construction permit, the applicant shall post the property for which the permit has been issued with posters obtained from the Planning and Land Use Director. One or more posters shall be prominently displayed, readable from each public and private road abutting the property, and securely placed on the property. If the property does not abut a public street or road, the Planning and Land Use Director shall require additional posters within nearby public streets or roads to provide effective notice to the public. Placement of the posters shall be in such a manner as not to compromise public safety. The posters shall remain in place until after the completion and final inspection of all work covered by the permit.

3. Expiration
   For expiration of construction permits see Section 7-1.6 SFCC 1987.
4. Extension and Renewal
   The Planning and Land Use Director may adopt procedures for the extension and renewal of construction permits consistent with the provisions of Section 7-1.6 SFCC 1987.
5. Record of Construction Permits
   The Planning and Land Use Director shall maintain a record of all construction permits, including the person to whom the permit is issued, the address, the date of issuance, the proposed use, the square footage of buildings constructed or altered and the type of construction. The record shall be retained in the City's records for not less than 50 years. Permit copies or summary records for secondary construction permits such as plumbing, mechanical and electrical permits shall be retained for not less than ten years.

VI. Construction Permits for Signs

a. Applicability

1. Construction Permit Required
   Construction permits are required for all signs displayed to be readable from off the premises, unless specifically exempted in this section. All signs shall comply with the requirements of Section 14-7.6, *Signs*.
2. Construction Permit Not Required
   A construction permit is not required for the following:
   i. Changing of the advertising copy or message on an approved painted or printed sign structure or on a marquee or similar approved sign, including the interchange of sign facings; provided that no portion of the size or color of the signor size or color of the lettering or background are changed; or
   ii. Changing the message or display of an electronic messaging sign;
   iii. Painting, cleaning and other normal maintenance and repair of a signor sign structure unless a structural change is made.

b. Permit Applications

New construction permit applications for signs shall contain:

1. The signature of the applicant;
   i. The name and address of the sign owner and sign erector;
   ii. Three scaled lined drawings showing the design and dimensions of the sign and standard sign structure; and
   iii. Three scaled lined drawings of the site plan or building façade indicating the proposed location of the sign and all other existing signs maintained on the premises and regulated by Chapter 14.

VII. Construction Permits for Grading and Drainage

a. Prior to the issuance of a construction permit for grading, all projects shall comply with applicable provisions of Section 14-8.2, *Terrain and Stormwater Management*, and may be subject to an archaeological review under Section 14-2.1G, *Archaeology and Historic Preservation Procedures.*

b. Minimum standards and submittal requirements for construction permits for grading are in Section 14-8.2D.

c. A construction permit for grading shall be required for grading that is not exempt under Section 14-8.2G, including:
   1. Work within an arroyo or drainageway that in the natural course of events may lead to changes in flow characteristics, including earthwork, construction of drainage devices or erosion control devices, removal of significant trees and modifications of arroyo or drainageway banks or bottom, in addition to state or federal permits that may be required;
      i. Grading and paving for driveways and roads;
      ii. Utility trenching for all commercial and public projects; and
      iii. Any of the following individual activities:
      iv. Removal of more than 25 percent of significant trees or grass coverage on a site; or
      v. Clearing and grading of more than 5,000 square feet.

d. A construction permit is not required for the following activities if mature landscaping and natural slopes 30 percent or greater are not disturbed:
   1. Removal, trimming or replacement of streambed vegetation that does not alter the channel shape or flow characteristics and does not require or result in mechanized earth moving;
      i. Refuse disposal sites controlled by other regulations;
      ii. Cemetery graves in approved cemeteries;
      iii. Excavation for wells;
      iv. Exploratory excavations under the direction of archaeologists, soil engineers. Engineering geologists or environmental engineers; and
      v. Grading that is exempt from the terrain and stormwater management standards provided in Section 14-8.2(B)(2).

VIII. Construction Permits for Landscaping and Utilities

A construction permit is required for the following development:

a. Work for which a landscape plan is required by Section 14-8.4, *Landscape and Site Design*; and
b. Site improvements, including private utilities that are subject to the provisions of Chapter 14 but for which a construction permit is not otherwise specifically required, as determined by the Planning and Land Use Director.

IX. Building Codes

For applicable building codes and additional requirements for construction permits, see Chapter 7, *Building and Housing.*

4. Development Plan

I. Purpose

The purpose of the development plan is to:

a. Enable the Planning and Land Use Director and the Planning Commission to verify compliance with Chapter 14;
b. Document compliance with final actions to approve or conditionally approve development applications; and
c. Provide the plans to be followed in construction operations, including phasing.

II. Applicability

A development plan typically encompasses development of one or more parcels under common ownership or unified control that will be planned and developed as a whole.

a. Administrative Review and Approval

Administrative approval of a development plan by the Planning and Land Use Director is required for:

1. Multi-unit dwelling development comprising three or more dwelling units with a gross floor area less than 10,000 square feet; and
2. Santa Fe Homes Program (SFHP) proposals, as described in Section 14-7.2F, *Santa Fe Homes Program (SFHP) Enhanced Affordability Incentives.*

b. Planning Commission Review and Approval

Planning Commission approval of a development plan is required for:

1. Certain districts as provided in Article 14-3, *Zoning Districts*, and Article 14-4, *Overlay Districts,* in conjunction with rezoning applications*;*
2. Gross floor area of 10,000 square feet or more in a residential district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district, and with a property boundary within 200 feet of the boundary (including public rights-of-way) of any RR, R-1 through R-6, R-7, R-7-i, R-8, R-9, RC-5, RC-8, R-10, R-12, R-21, R-29, RAC, AC, PRC, and MH district;
3. Construction of any single-family dwelling that has a gross floor area greater than 10,000 square feet, including accessory buildings;
4. Flea market with 15 or more vendors;
5. Outdoor commercial recreational uses in any zoning district where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds 15,000 square feet; provided that this provision does not apply to temporary carnivals, circuses, and similar short-term entertainment uses required to obtain a permit from the City;
6. Gross floor area of 30,000 square feet or more located within any zoning district of the City; or
7. Cumulative square footage of multiple permits that meets or exceeds the criteria in provisions 2 through 5 of this subsection (or a combination of those subsections) when the permits are for coordinated development of a project comprising multiple buildings or outdoor uses, including phased projects and projects involving development of adjoining commonly owned parcels.

c. Exceptions

A development plan is not required for the following projects:

1. The construction of single-family dwellings, each of which has a gross floor area of 10,000 square feet or less, including accessory buildings, on lots created prior to the effective date of Ordinance No. 1999-13 or on lots within a subdivision that was subject to early neighborhood notification procedures.

2. If the new or changed use or development described in subsections (B)(2) and (3) was part of a development plan approved as part of a rezoning or other action before the Governing Body or the Planning Commission, for which an early neighborhood notification meeting occurred as set forth in Section 14-2.1B.1.II.

III. Construction of qualifying projects within the Midtown LINC Overlay District, with the exceptions 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.

IV. Santa Fe Homes Program developments that are pursuing affordability incentives pursuant to Section 14-7.2.

V. Development Plan Procedure
   a. Pre-Development Meetings
      An ENN meeting is required. See §14-2.1B.1.II.
   b. Application Submittal and Acceptance
      Applicants for developments that require development plans under this section shall submit plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of the Code as provided in Section 14-2.1B.2.II, *Form of Application,* including the following:

1. Existing conditions on the site and within 200 feet of the site;
2. Proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;
3. The types, extent and intensity of land uses that are proposed;
4. Proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities;
5. Documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space;
6. The phases of development, if applicable;
7. For residential development, a proposal for provision of affordable housing as required by Section 14-7.2, *Santa Fe Homes Program (SFHP);*
8. A development water budget as required by Section 14-7.7;
9. For a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met and identify any variance or waiver required,
10. For a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, specific requests for which may be included.

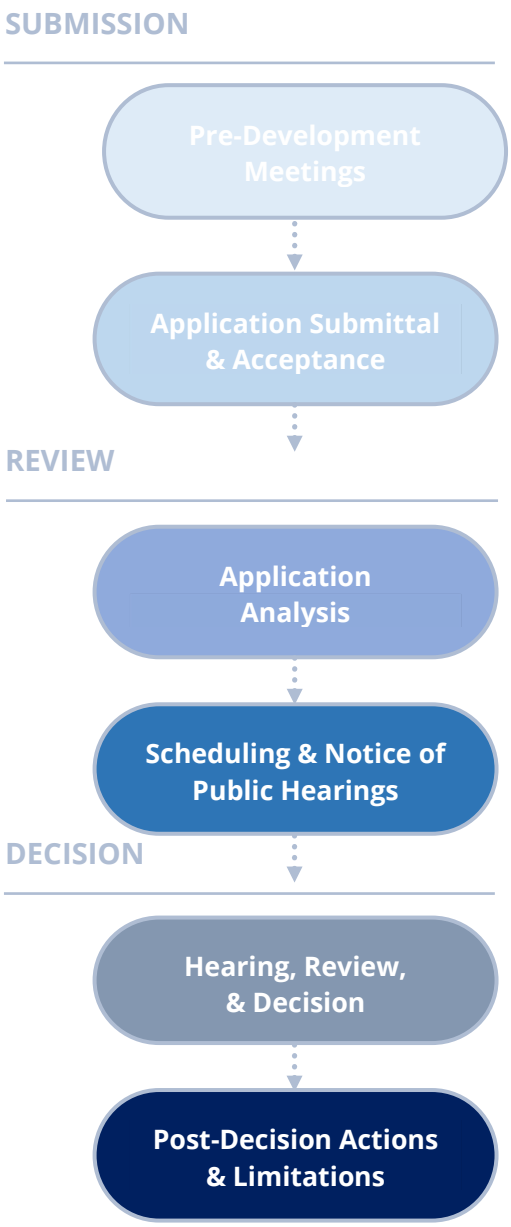


Figure 2.1-12: Development Plan Procedure

c. Coordination with Other Review Procedures

1. Development plans required for rezonings by Article 14-3 *Zoning Districts*, and Article 14-4, *Overlay Districts,* shall be reviewed by the Planning Commission at a public hearing with notice provided as required by Section 14-2.1B.4.II, and then transmitted to the Governing Body with any recommendations, as set forth in Section 14-2.1(D)(3**)**, *Rezoning.*
2. A conditional use approval or variance request associated with a development plan shall be reviewed concurrently and approved or denied by the Planning Commission.
3. Development plans for Santa Fe Homes Program development may receive administrative review and approval; however, standard procedures shall apply if there is an associated subdivision or other land use request that requires the review and approval of a land use board.
4. If review and approval of a development plan by the Planning Commission and the Governing Body is required in conjunction with a rezoning action, the applicant may submit a preliminary development plan for consideration at the time of rezoning. If the rezoning is approved, a separate application for a final development plan must be approved by the Planning Commission prior to development of the affected property.
5. If review and approval of a development plan by the Planning Commission only is required, the applicant may first submit an application for a preliminary development plan. If the preliminary development plan is approved, a separate application for final development plan approval by the Planning Commission must be approved prior to the development of the property.
6. If review and approval of a master plan by the Planning Commission and the Governing Body is required in conjunction with a rezoning action, and if approval of a development plan by the Planning Commission would be required for one or more phases, the applicant may either:
   i. Submit a development plan for the entire affected area for review and approval in lieu of a master plan; or
   ii. Submit a development plan for one or more portions of the affected area for review and approval concurrently with the master plan.
7. Action on a development plan by the Planning Commission must be taken at a public hearing with notice provided as required by Section 14-2.1B.4.II.

d. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1F.2.IV.

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 does not require an ENN meeting, public hearing, or public notice, and is not required to be filed for record with the county clerk.
   2. The application shall be scheduled for public hearing before the Planning Commission and noticed pursuant to Section 14-2.1B.4.II.

f. Hearing, Review, and Decision
   1. Planning and Land Use Director Review
      The Planning and Land Use Director shall review the development plan for conformity to this article.
      i. Where the review applies to a development plan that may be administratively approved, the Planning and Land Use Director shall approve, approve with conditions, or deny the development plan. If conditions are applied, or if the development plan is denied, the Planning and Land Use Director's written response shall explain the reasons for the conditions or the denials.

g. ii. Where the development plan must be reviewed and approved by the Planning Commission, the Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a recommendation that the development plan be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation. Planning Commission Review and Decision
   The Planning Commission shall review the development plan and other materials submitted for conformity to this article, consider the Planning and Land Use Director report and recommendations and require any changes deemed advisable for compliance with the Code and the kind and extent of improvements to be made by the applicant to comply with the Code. Following this, at the public hearing the Planning Commission shall approve, approve with conditions, or deny the development plan.

h. Post-Decision Actions and Limitations

1. Recording of Plans; Infrastructure Construction
   i. The signed original mylars of the development plan and associated engineering and improvement drawings shall be filed with the Planning and Land Use Director and shall be the basis for issuance of construction permits. The development plan shall be filed for record with the county clerk by the Planning and Land Use Director.
   ii. If dedication of public rights-of-way or easements is required, a separate dedication plat shall be recorded concurrently with the development plan.
   iii. Infrastructure improvements shall comply with Article 14-6Infrastructure Design, Improvement, and Dedication Standards.
2. Scope of Amendments to Approved Development Plans
   i. The Planning and Land Use Director has the authority provided in Section 14-2.2H.3.II, *Minor Modifications to Development Approvals.*
   ii. The Planning Commission has the authority provided in Section 14-2.1B.5.V, *Amendment of Development Approval.*
3. Expiration of Final Development Plans
   Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or off-site improvements has begun and is continued pursuant to Section 14-2.1B.5.VI.b. If the final development plan approval expires, approval of any corresponding preliminary development plan expires simultaneously.
4. Extension
   Approval of the development plan may be extended as provided in Section 14-2.1B.5.VII.
5. Denial
   If a development plan is denied, no application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.
6. Appeal
   An applicant who is aggrieved by the denial of a development plan may file an appeal as described in Section 14-2.1B.5.IV.

VI. Development Plan Approval Criteria and Conditions

a. Consistency with Master Plans and Preliminary Development Plans

1. Development plans must be consistent with applicable provisions of approved master plans as provided in Section 14-2.1F.5.II.c.
2. Final development plans within an area that is subject to an approved preliminary development plan must comply with the provisions of the previously approved preliminary plan unless it is amended or repealed. Final actions by the Governing Body, land use boards and the Planning and Land Use Director concerning rezonings, subdivisions, conditional use approvals, development plans and construction permits shall include a specific finding or determination that the action complies with all applicable provisions of the preliminary plan.

b. Necessary Findings

To approve a development plan, the Planning Commission must make the following findings:

1. That approving the development plan will not adversely affect the public interest; and
2. That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

c. Conditions

The Planning Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the General Plan, including:

1. Special yards or open spaces;
2. Fences, walls or landscape screenings;
3. Provision and arrangement of parking and vehicular and pedestrian circulation;
4. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
5. Noise generation or attenuation;
6. Dedication of rights-of-way or easements or access rights;
7. Arrangement of buildings and use areas on the site;
8. Special hazard reduction measures, such as slope planting;
9. Minimum site area;
10. Other conditions necessary to address unusual site conditions;
11. Limitations on the type, extent and intensity of uses and development allowed;
12. Maximum numbers of employees or occupants permitted;
13. Hours of operation;
14. Phases of development, if applicable;
15. Establishment of an expiration date, after which the use must cease at that site;
16. Establishment of a date for annual or other period review at a public hearing;
17. Plans for sustainable use of energy, recycling and solid waste disposal;
18. Any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other Chapter 14s of the Santa Fe City code that regulate the development and use of land; and
19. Conditions may not be imposed that restrict the use to a specific person or group.

5. Master Plan

I. Purpose

The purpose of a master plan is to:

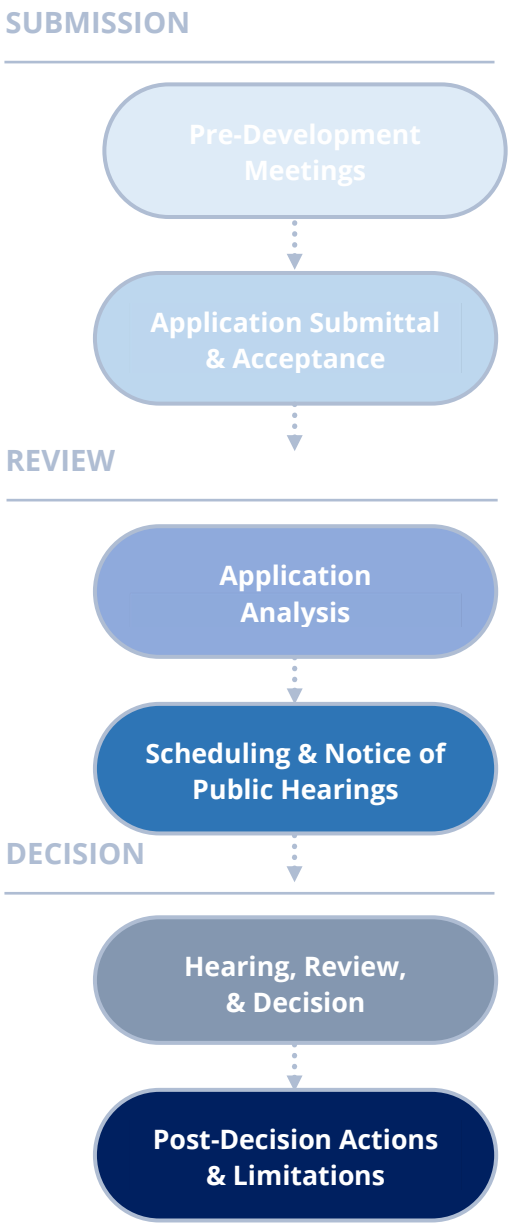


Figure 2.1-13: Master Plan Procedure

a. Provide a comprehensive plan that must be followed during the subsequent review and approval of development plans and subdivision plats for the master-planned area.
b. Enable the Governing Body, land use boards and Planning and Land Use Director to ensure compliance with Chapter 14;
c. Document compliance with final actions to approve or conditionally approve development applications;
d. Provide for comprehensive and coordinated planning for the development of land, often involving multiple phases occurring over a period of several years or more and may also involve multiple developers; and
e. Plan for the funding and phased construction of major public or private infrastructure improvements required to serve the planned development.

II. Applicability
a. A master plan is required in conjunction with rezoning applications in certain districts as provided in Article 14-3 *Zoning Districts*, and may be required in conjunction with specified annexation applications as provided in Section 14-2.1D.1, *Annexation.*
b. A development plan may be submitted in lieu of a master plan as provided in Section 14-2.1F.4.III.c.4.
c. All use and development of land within a master-planned area must comply with the provisions of the adopted master plan. Final actions by the Governing Body, land use boards and the Planning and Land Use Director concerning rezonings, subdivisions, conditional use approvals, development plans and construction permits shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

III. Master Plan Procedure
a. Pre-Development Meetings
An ENN meeting is required. See §14-2.1B.1.II.
b. Application Submittal and Acceptance
Applicants for developments that require master plans shall submit plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of Chapter 14 Form of Application, including plans that show:

1. Existing conditions on the site and within the vicinity;
2. Proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;
3. Proposed changes to the zoning of land within the master plan area and the types, extent and intensity of land uses that are proposed;
4. The proposed boundaries of tracts comprising the various land use areas and development phases,
5. Proposed modifications to the infrastructure serving the site, including locations of utilities and public and private streets and driveways and traffic control measures;
6. Phases of development, if applicable,
7. If public or private infrastructure is proposed to be constructed in phases, a plan for the timing, financing and responsibility for infrastructure construction;
8. For residential development, a proposal for provision of affordable housing as required by Section 14-7.2, *Santa Fe Homes Program (SFHP)*;
9. A development water budget as required by Section 14-7.7*Development Water Budgets;* and
10. For master plans involving five or more acres of land, the Planning and Land Use Director may require an analysis of the fiscal impact to the City of providing utility and other municipal services to the area.

c. Special Development Standards and Design Guidelines
   1. Approval of the master plan may include approval of special development standards or design guidelines to be applied within the master plan area when such regulations are necessary to implement specific goals of the master plan.
   2. Special standards and guidelines must be approved as part of the master plan.
   3. Special standards and guidelines are normally more restrictive than the general standards contained in Chapter 14. All aspects of land use and development within a master planned area that are not addressed by a special guideline or standard are subject to the general standards of Chapter 14.

d. PRC and PRRC Master Plans
   1. The master plan must include a designation of the maximum density allowed for each tract designated for use. Unless special standards are adopted, development standards for each tract shall be those specified for the corresponding zone district.

2. The master plan must include a designation of the type of use and extent of development allowed for each tract designated for nonresidential or mixed-uses. In addition to nonresidential uses allowed in residential districts, such as schools and religious assembly, the development may include:
   i. Neighborhood shopping centers intended primarily to serve development within the PRC district and immediate vicinity as provided in Section 14-3.4E, *Planned Shopping Center Districts*;
   ii. Not more than 35 percent of a planned residential community may be designated for development with mixed-uses consistent with the standards for the MU district; and
   iii. Within the PRRC district, neighborhood centers as provided in Item (i) above, resort accommodations and resort-related commercial services.
3. Unless special standards are adopted, the provisions of Article 14-5, *Use Regulations,* apply within the PRC and PRRC districts.

e. Application Analysis
The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1F.2.IV.

f. Scheduling and Notice of Public Hearings
1. Notice and Action by Planning Commission
Action by the Planning Commission to recommend approval of a master plan, or to approve an amendment as provided in Section 14-2.1B.5.V.b, *Master Plans in the MU and BIP Districts,* must be taken at a public hearing with notice provided as required by Section 14-2.1B.4.II.
2. Notice and Action by Governing Body
Action by the Governing Body to approve or amend a master plan must be taken at a public hearing with notice provided as required by Section 14-2.1B.4.II.

g. Hearing, Review, and Decision
1. Planning Commission Review and Recommendation
The Planning Commission shall review the master plan and other materials submitted for conformity to this article, consider the Planning and Land Use Director report and recommendations, and propose any conditions of approval for the application. Following this, at the public hearing the Planning Commission shall approve, approve with conditions, or deny the master plan.

2. The Planning Commission shall then transmit the application to the Governing Body, together with a recommendation based on the approval criteria set forth in Section 14-2.1F.5.IV regarding approval, approval with conditions, or denial.
3. Governing Body Review and Decision
   The Governing Body shall hold a public hearing on the master plan, to review the Planning and Land Use Director report, the recommendation of the Planning Commission, and any evidence obtained at the public hearing. The Governing Body shall then take final action to approve, approve with conditions, or deny the master plan.

h. Post-Decision Actions and Limitations
   1. Expiration
      Approval of a master plan shall expire five years after all applicable appeal periods, and any appeals of the final action approving it unless:
      i. Approval is granted for a development plan or subdivision plat within the master plan boundaries; or
      ii. Actual development of the site or off-site improvements is begun and is continued pursuant to Section 14-2.1B.5.VI.b.
   2. Extension
      Approval of the master plan may be extended as provided in Section 14-2.1B.5.VII.
   3. Denial
      If a master plan is denied, no application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.
   4. Appeal
      An applicant who is aggrieved by the denial of a master plan may file an appeal as described in Section 14-2.1.B.5.IV(5)(IV).

IV. Master Plan Approval Criteria and Conditions
   a. Necessary Findings
      Approval or amendment of a master plan requires the following findings:

1. The master plan is consistent with the General Plan;
2. The master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts;
3. Development of the master plan area will contribute to the coordinated and efficient development of the community; and
4. The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development.

b. Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of Chapter 14 and implement the policies of the General Plan, including:

1. Requirements for construction and funding of private or public infrastructure, including utilities, municipal buildings, roads, parks and trails;
2. Provisions for the use and protection of areas of special hazards or environmental sensitivity;
3. Modifications to the proposed plan, including changes to the boundaries of land use tracts, patterns of land uses, infrastructure plans, phasing plans and special development standards and guidelines.

6. Residential Condominium Declarations

I. Purpose

The purpose of the residential condominium declaration section is to confirm that a proposed or amended condominium declaration complies with the zoning density requirements of this Chapter 14.

II. Applicability

The provisions of this section apply to residential condominium declarations recorded on or after May 30, 2012, that create a condominium or that amend an existing condominium declaration to change the number of condominium units or reserved development rights.

III. Residential Condominium Procedure

a. Application Submittal

Prior to the recordation of a condominium declaration, the declarant shall submit information to the Planning and Land Use Director sufficient to determine whether the proposed or amended condominium declaration complies with the zoning density requirements of this Chapter.

b. Application Analysis

The Planning and Land Use Director shall determine the sufficiency of the information submitted.

c. Administrative Review and Decision

If the proposed or amended condominium declaration complies with the zoning density requirements of this Chapter 14, the Planning and Land Use Director shall issue a written confirmation to the condominium declarant for inclusion in the contents of the condominium declaration as required

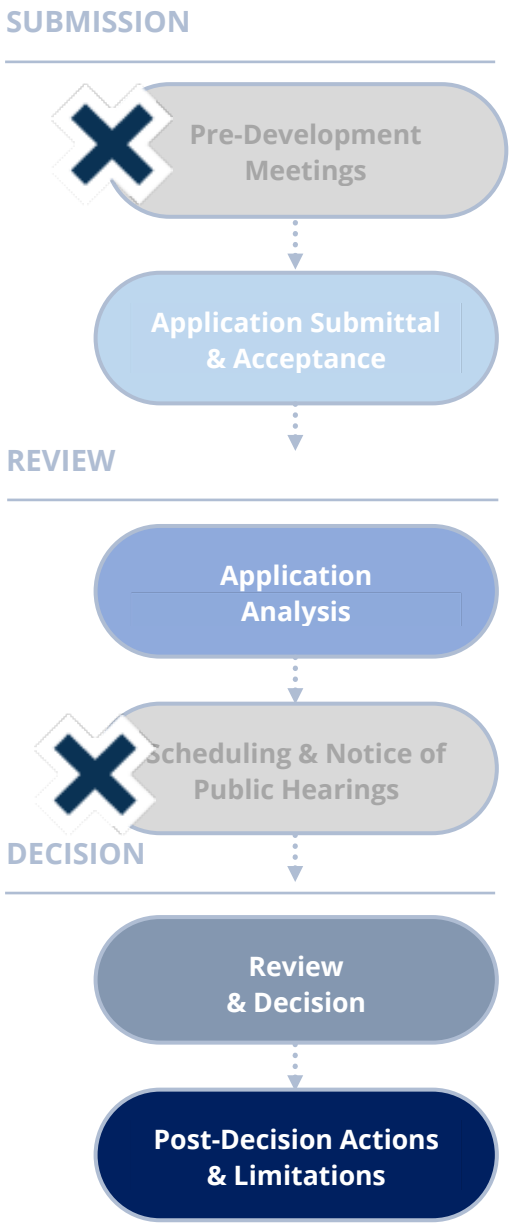


Figure 2.1-14: Residential Condominium Procedure

by 47-7B-5 NMSA 1978. The Planning and Land Use Director shall maintain copies of written confirmations issued pursuant to this section.

IV. Existing Residential Condominiums

a. A condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) is in conformance with the zoning density requirements of Chapter 14 when:

1. The condominium meets the zoning density requirements of Chapter 14; or
2. The condominium met the zoning density requirements of Chapter 14 when the most recent condominium declarations were recorded.

b. A condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) is subject to the provisions of Section 14-1.13F, *Nonconforming Residential Condominiums,* if the condominium declarations were recorded prior to May 30, 2012, and:

1. The condominium does not meet the zoning density requirements of Chapter 14; and
2. The condominium did not meet the zoning density requirements of Chapter 14 when the most recent condominium declarations were recorded.

7. Utility Conformity Review

I. Purpose

Pursuant to Section 3-19-11 NMSA 1978, the Planning Commission shall conduct utility conformity reviews of electrical facilities when administrative approval is not provided as described in "Applicability", below.

II. Applicability

Utility conformity review is required when administrative approval is not permitted, as described in:

a. Section 14-5.3I.1, Electric Facilities;
b. Section 14-5.3I.2, *Underground Electric and Cable Utility Lines*
c. Section 14-5.3I.3, Telecommunication Facilities.

III. Utility Conformity Review Procedure

a. Pre-Development Meetings

An ENN meeting is required. See §14-2.1B.1.II.

b. Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2.

c. Application Analysis

See Section 14-5.3I for information on when an application is required for utility review.

d. Scheduling and Notice of Public Hearing

1. Administrative Approvals

Fifteen days prior to the submittal of an application to the Planning and Land Use Director, the utility service provider shall provide notification by first class mail with mailing certificate, proof of which is to be included with the application, to all property owners within 200 feet of the subject

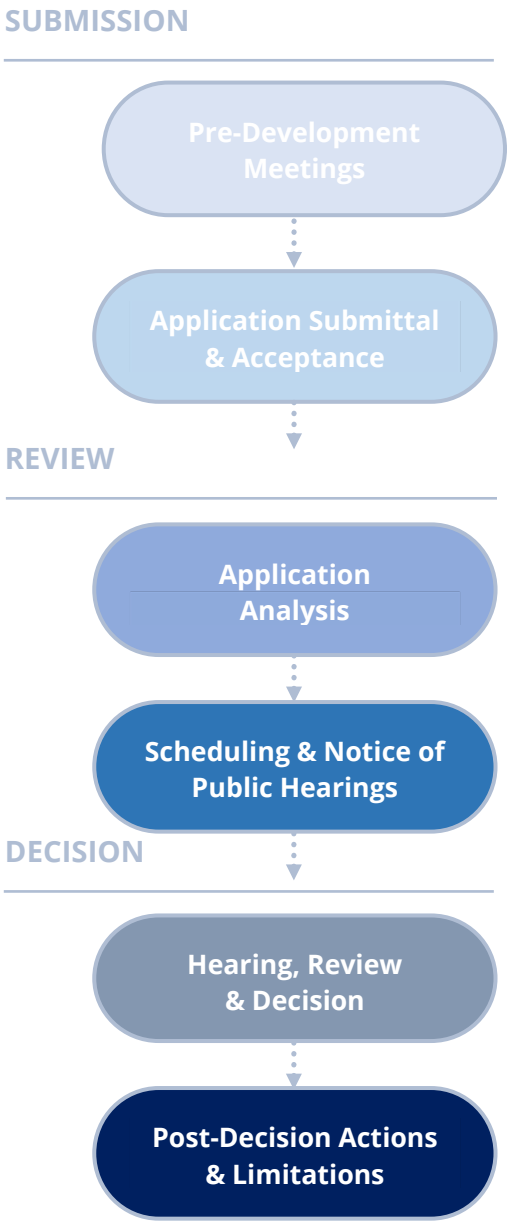


Figure 2.1-15: Utility Conformity Review Procedure

property, exclusive of right-of-way. If the property proposed to be used lies within the boundaries of a neighborhood association that has been listed with the Land Use Director, notice also shall be provided to the neighborhood association.

2. Planning Commission Approval
   For applications requiring Planning Commission approval, the electric service provider shall comply with the provisions of Section 14-2.1B.1.II, *Early Neighborhood Notification Meetings,* and 14-2.1B.4.II, *Notice Requirements.*

e. Post-Decision Actions and Limitations
   1. Appeals
      i. Final actions of the Land Use Director may be appealed pursuant to Section 14-2.1.B.5.IV, *Appeal.*
      ii. For appeals to the Planning Commission, notice shall be given as provided in Section 14-2.1B.4.II.

G. Archaeology and Historic Preservation Procedures

1. Archaeological Clearance Permit

I. Purpose

The purpose of a Archaeological Clearance Permit (ACP) process is to preserve Santa Fe's valuable archaeological resources by providing the means for identifying sites and mitigating adverse effects of development.

II. Applicability

III. Archaeological clearance permits are required as described in Section 14-4.2 for the Historic Downtown Archaeological Review District, River and Trails Archaeological Review District, and the Suburban Archaeological Review District.

IV. Archaeological Clearance Permit Procedures

Provisions a through c below apply to ACP requests in all districts.

a. Pre-Application Conference

A pre-application conference, as described Section 14-2.1(B(1)(I), is required.

b. Initiation of Construction Permit

Application for an archaeological clearance permit is considered to be initiation of application for a construction permit.

c. Scheduling of Hearings and Notice
The Archaeological Review Committee shall make all determinations at a public hearing. The applicant shall be notified, and staff shall post the preliminary Committee agenda at City Hall at least seven days in advance of the meeting.

d. Procedures for Historic Downtown District
The applicant shall meet the following procedures before an archaeological clearance permit is issued for projects in the historic downtown archaeological review districts:

1. Reconnaissance
Reconnaissance shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth in Section 14-2.2G.5. Reconnaissance requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, the reconnaissance shall consist of:

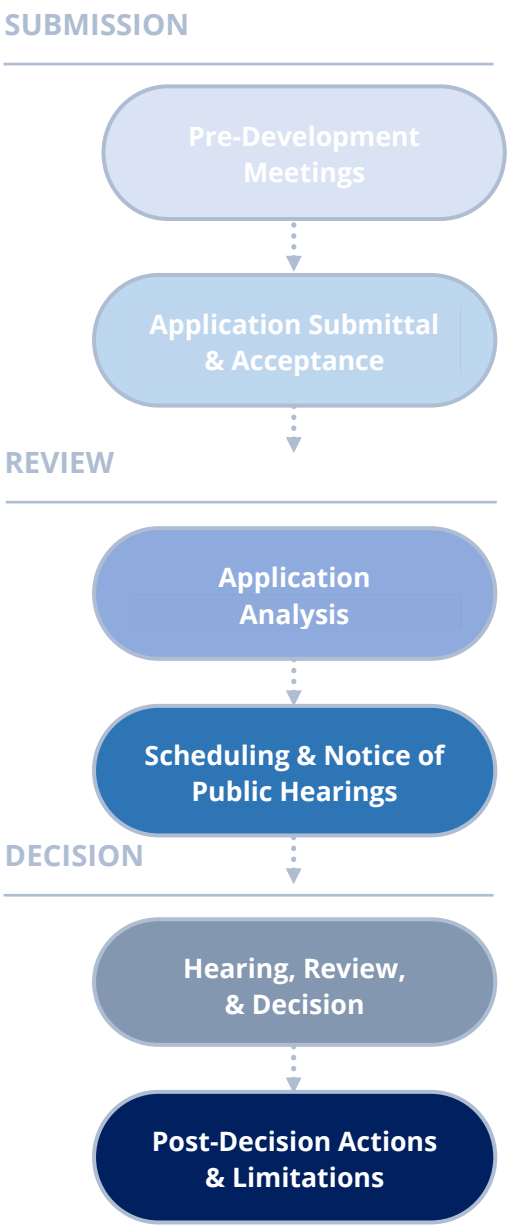


Figure 2.1-16: Archeological Clearance Permit Procedure

i. Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;
ii. Visual examination of the property for evidence of archaeological features, artifacts or culturally altered landscapes at least 75 years old. A sample of surface artifacts shall be recovered; and
iii. Test excavations encompassing a minimum of two percent of the total lot area. At least 18 square feet shall be dug by hand after which further excavations may be made by mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered, or until the maximum depth to which excavations can be safely made.

2. Reconnaissance Report
   Upon the completion of the reconnaissance, a reconnaissance report shall be submitted by the applicant to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.
3. Review and Decision by Committee
   At a hearing the Committee shall review the applicant's reconnaissance report and vote to approve or deny the recommended significance status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance permit and the building or grading permit.
   i. If the project site is determined by the Committee not to be significant, then no further treatment is required, and an archaeological clearance permit shall be issued.
   ii. If the project site is determined by the Committee to be significant and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is required, and an archaeological clearance permit shall be issued.
4. Treatment
   If the project site is determined by the committee to be significant and to contain further potential data, then the recommended treatment shall be reviewed and shall include the following procedures:

i. If additional surface remains exist, then additional collections shall be made; and/or
ii. If subsurface cultural remains do exist then the test pits shall be expanded, artifacts shall be collected, and an excavation shall be made of archaeological features such as hearths, living surfaces, or other non-portable cultural remains. In addition, further archival research shall be conducted concerning human occupation and the land use of the project site; or
iii. The site shall either be treated as a public or private open space or shall be treated in such a way that no subsurface disturbance takes place. The procedure is intended as an alternate to paragraph (ii) above. The choice of alternatives is made by the applicant. The committee may recommend but not require that one alternative rather than another be chosen.
iv. Following implementation of the treatment plan, a treatment report is required containing a description of the collection, excavation, research, and other procedures, and a summary of the findings. The report shall be submitted by the applicant to and approved by the committee before an archaeological clearance permit is issued. A final report is due within one year of the date of the issuance of the clearance permit. Upon request of the archaeologist, the committee may grant a one-year's extension.
v. A mapped and written record shall be kept by City staff of all surveyed areas and test excavations.

5. Maximum Funding Limit
In the historic downtown archaeological review districts, in no case shall the applicant be required to spend more than one percent of the valuation of the property shown on the construction permit in providing reports and other information requested by the Archaeological Review Committee.
6. Maximum Time for Excavations and for Excavation of Significant Sites
In the historic downtown archaeological review district, in no case shall the archaeologist be required to spend more than 15 eight-hour equivalent days in carrying out test excavations, or an additional 20 eight-hour equivalent days in carrying out additional excavation of significant sites.

e. Procedures for River and Trails Area, Suburban Area, and Utility Mains
The following procedures shall be met before an archaeological clearance permit is issued to an applicant in the archaeological review districts for the river and trails district, the suburban district, or a utility main.

1. Reconnaissance
   Reconnaissance shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth in the Archaeological Review Districts Ordinance. Reconnaissance requiring archaeology dealing with historic period sites shall be completed by a person qualified as a historical archaeologist and as a historian. The reconnaissance shall consist of:
   i. Archival research and analysis of land titles, historic maps, ARMS files and other existing data; and
   ii. Visual examination of the property for evidence of archaeological features, artifacts, or culturally altered landscapes at least 75 years old. Linear transects at intervals not exceeding 25 feet shall be walked. If a sample of surface artifacts is recovered during reconnaissance, then the archaeologist in charge of the reconnaissance shall inform the property owner of the desirability of permanently storing the artifacts in a statewide repository such as the museum of New Mexico.
2. Reconnaissance Report
   Upon the completion of the reconnaissance, a reconnaissance report shall be submitted by the applicant to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.
3. Committee Review and Decision
   The Committee shall review the reconnaissance report and vote to approve or deny recommended significance status on an archaeological site by site basis and, if required, the recommended treatment of archaeological resources. The Committee's determination for treatment shall be a condition of approval for the archaeological clearance permits. Treatment shall be completed before approval by the Planning Commission of the final development plan or plat. For phased projects, treatment shall be completed before approval of the final development plan or plat for the phase in question.

4. Treatment
   i. No further treatment is required if the archaeological site is determined by the Committee not to be significant, and an archaeological clearance permit shall be issued.
   ii. If the archaeological site is determined by the Committee to be significant and to contain potential data, then the recommended treatment shall be reviewed and shall meet the following:
      (a) A sample of surface artifacts shall be collected; and
      (b) If there is reason to believe that subsurface remains do exist, then test excavations shall take place. At least eighteen (18) square feet shall be dug by hand, after which further excavations may be made using mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered, or until the maximum depth to which excavation can be safely extended.
      (c) In addition, further archival research shall be conducted concerning human occupation and the land use of the site; or
      (d) Surface artifacts shall be collected and documented. The site shall alternatively be treated as a public or private open space, park or greenbelt or shall be treated in such a manner that no subsurface disturbance takes place. The choice of alternatives is made by the applicant. The committee may recommend but not require that one alternative rather than another be chosen.
   iii. Following implementation of the treatment plan, a treatment report is required containing a description of the collection, excavation, research, and other procedures, and a summary of the findings. The report shall be submitted to and approved by the committee before an archaeological clearance permit is issued and before approval of the final development plan by the Planning Commission. A final report is due within one year of the date of the issuance of the clearance permit. Upon the request of the archaeologist, the committee may grant a one-year's extension.
   iv. A map and written record shall be kept by City staff of all surveyed areas and test excavations.
5. River and Trails and Suburban Area: Funding Limit
   i. In the river and trails area, in no case shall the applicant be required to spend more than $3,000 dollars plus $100 per acre for the treatment of an archaeological site.
   ii. In the suburban area, in no case shall the applicant be required to spend more than $4,000 plus $100 per acre for the treatment of an archaeological site.

iii. The definition of treatment of an archaeological site is as set forth in this Chapter 14. The procedures for treatment are set forth in Section 14-2.1G.1.III.e.4.
iv. The dollar amounts of the cost ceiling shall be reviewed on an annual basis and updated for cost-of-living increases.

f. Procedures for Santa Fe Trail
1. The tracks of the Santa Fe Trail are shown on the map located in the Planning and Land Use Department and incorporated herein by reference.
2. For development within such an area as set forth by Section 14-2.1G.1.III.e.1, the applicant is required to submit a reconnaissance report which identifies on an aerial map of at least a scale of one-inch equals 400 feet the precise location of the tracks, and which recommends measures for the on-site preservation of the tracks. The committee shall approve the reconnaissance report before the issuance of an archaeological clearance permit.
3. In no case shall the tracks of the Santa Fe Trail be disturbed by the development, except upon the approval of the Archaeological Review Committee. Criteria for approval by the Committee for allowing disturbance of the tracks shall be as follows:
i. The tracks have been mapped and photographed and such information has been provided to City staff; and
ii. The portion of the tracks to be disturbed is ten percent or less of the total square footage of tracks on the applicant's site; or
iii. The square footage of the tracks constitutes more than 60 percent of the total square footage of the lot and preservation of all of the tracks would constitute a "taking" of the lot.

g. Appeals
Any aggrieved person may appeal a final action of the Archaeological Review Committee to the Governing Body pursuant to Section 14-2.1.B.5.IV.

V. Other General Provisions
a. Ownership of Artifacts
All artifacts discovered as a result of a reconnaissance or further treatment, with the exception of human remains, are the property of the property owner. Property owners are encouraged to donate artifacts to the museum of New Mexico or a similar repository.

b. Human Remains
If human remains are discovered, compliance with Section 18-6-11.2 NMSA 1978 is required in addition to the requirements of this section.

i. Persons making the discovery shall contact the City police department and the City Planning and Land Use Department to ensure compliance with all applicable local, state, and federal laws.
ii. If the human remains are determined to be prehistoric, or from the historical period and older than seventy-five years, then the site is considered to be significant. For significant sites, the ARC must approve a treatment plan and report for the remains that meets the requirements of this section.
iii. Any treatment plan dealing with human remains shall include consideration of local Native American or other religious concerns, if applicable.

2. If the remains represent an unplatted cemetery from the historical period, they may not be disturbed unless a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

c. Unexpected Discoveries

1. Any cultural remains that are discovered during construction activities shall be reported to City staff. Construction activities shall immediately cease within the area of the discovery for a maximum of 24 hours from time of discovery. Sunday hours may not be included in the 24-hour time period. No construction activity shall continue that in any way endangers the cultural remains. Every effort should be made by the City to prevent unnecessary construction delays. Designated City staff and one archaeologist from the Archaeological Review Committee shall visit the site and shall determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:
   i. Designated City staff and one archaeologist from the Archaeological Review Committee shall determine a buffer area in which construction activities shall temporarily cease; and
   ii. The property owner shall present a treatment plan to the committee for their approval. The treatment plan shall meet applicable requirements of the archaeological district in which the discovery is located pursuant to Sections 18-6-11 and 18-6-11.1 NMSA 1978 as amended.
2. Failure to report such finds can result in a suspension of construction permits.
3. If human remains are discovered:
   i. Persons making the discovery shall contact the City police department d the City Planning and Land Use Department.
   ii. The New Mexico Office of the Medical Investigator determines if it has jurisdiction.

iii. If the remains are determined to be 75 years old or older, consultation with the Archaeological Review Committee shall be undertaken to identify an appropriate treatment plan.
iv. The treatment plan and all treatment activities shall be performed by an archaeologist with a State of New Mexico Permit to Excavate Unmarked Human Burials and shall conform with standards outlined in the New Mexico Cultural Properties Act.
v. The treatment plan shall indicate consideration of local Native American or other religious concerns, if applicable.
vi. If the remains represent an unplatted cemetery, they may not be disturbed unless a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

d. Emergency Actions

Nothing in this section shall be construed as preventing or delaying emergency actions as needed to protect human health or wellbeing, or public or private property. However, if cultural remains are uncovered or disturbed as a consequence of such emergency actions, the disturbed remains will be treated as unexpected discoveries in accordance with Section 14-2.1G.1.IV.c once a state of emergency has ceased to exist.

e. Archaeological Fund and Projects
   1. For the purpose of this section, Citywide significance means:
      i. An outstanding example of a certain category of site or of a type not adequately documented;
      ii. A site associated with a person or event of special historical significance to Santa Fe; or
      iii. A project that contributed to the body of knowledge or archaeological or historical matters.
   2. An archaeological fund shall be established to receive revenue from construction permits, the general fund, and other sources.
   3. The Archaeological Review Committee may recommend expenditure of money from this fund for the following projects:
      i. Additional analysis or other treatment of a site or an unexpected discovery of citywide significance when the funding limit for treatment of a site as set forth in this section has been reached;
      ii. Analysis of artifacts from a site of Citywide significance collected prior to adoption of the Archaeological Review Districts Ordinance; or
      iii. Archaeological surveys or studies of a Citywide scope.

VI. Approval Criteria / Archaeological Significance

Sites identified as significant shall be those that have yielded or may be likely to yield information that is important in the study of prehistory or history. These shall be sites that have:

a. Cultural remains ; and
b. Cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory; or
c. Cultural remains that are directly associated with the lives of persons significant in local history; or
d. Areas where a high frequency, density, diversity, or a substantial number of prehistoric cultural remains are present; or
e. Areas with cultural remains known to rarely occur in the Santa Fe area; or
f. Human remains over 75 years old.

2. Creating New Historic Overlay Districts

I. Purpose

The purpose of the creation of a new historic overlay district is to allow for the recognition and delineation of defined areas of the city so that these areas may be preserved. Historic overlay districts shall be areas of historical, architectural, cultural, or special aesthetic interest.

II. Applicability

This procedure shall apply when the Governing Body on its own motion, on recommendation of the Historic Districts Review Board, or in response to petition, wishes to designate an area as an historic district.

III. Procedure for the Creation of a New Historic Overlay District

The procedure for establishing a new historic overlay district shall be that prescribed for other rezonings, as described in Section 14-2.1D.3, but shall also comply with this section.

a. Pre-Application Conference

A pre-application conference, as described Section 14-2.1B.1.I, is required.

b. Application Submittal and Acceptance

Any petition for designation of a historic district shall be accompanied by an application supporting materials, and any other information requested by the Historic Districts Review Board.

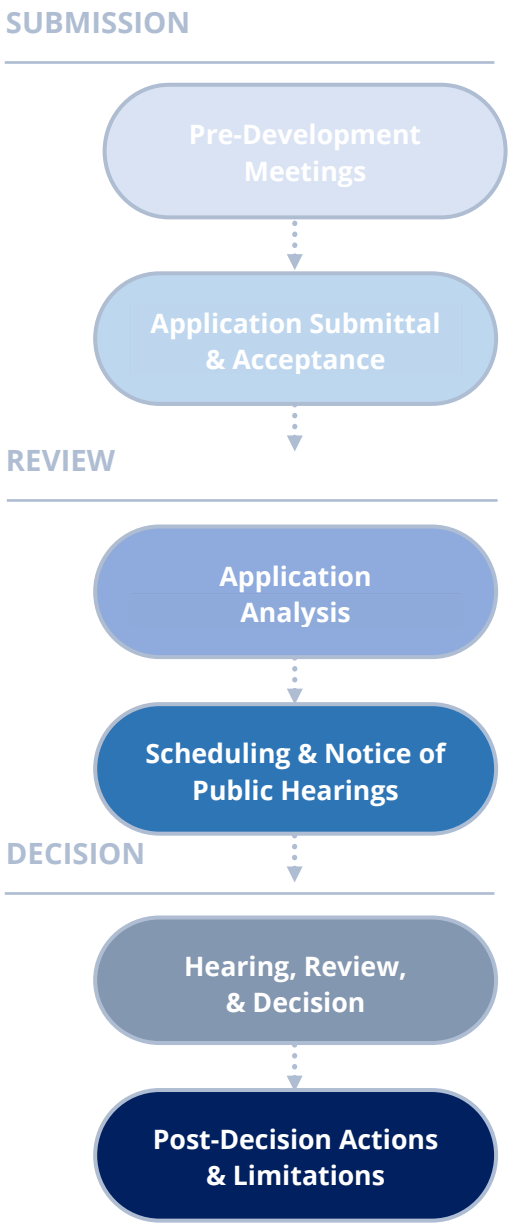


Figure 2.1-17: Creation of a New Historic Overlay District Procedure

c. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1G.2.IV.

d. Scheduling and Notice of Public Hearings

Notice shall be provided and public hearings shall be scheduled following the same procedural requirements for rezoning, as described in Section 14-2.1D.3.

1. Scheduling Preliminary HDRB Review

Notice of the time and place of the preliminary review shall be given to the applicant in writing by the Planning and Land Use Department.

2. Scheduling Final HDRB Review

Notice of the time and place of the final review shall be given to the applicant in writing by the Planning and Land Use Department.

Hearing, Review, and Decision

e. Preliminary HDRB Review and Hearing
   1. In any matter subject to its authority, upon request of the applicant, the HDRB shall provide a preliminary review, that includes an informal determination of whether the proposal is in compliance with the applicable standards.
   2. After review, preliminary approval or denial shall be indicated by the HDRB. If denied, the HDRB shall give the reasons for denial of the required submittals.
   3. Preliminary approval is not a substitute for final review approval. Any subsequent changes to the historic overlay district proposal made prior to final review shall be consistent with the preliminary approval.
f. Final HDRB Review and Recommendation
   1. If the application exhibits are inadequate, the HDRB may postpone action until a date agreed upon by the HDRB and the applicant. Otherwise, the HDRB shall recommend approval or denial of the application.
   2. The Governing Body shall consider the recommendation of the HDRB regarding the creation of a new historic overlay district at the final public rezoning hearing.
   3. If HDRB recommends denial, the HDRB shall cite the reasons for this recommendation.
g. Planning Commission review and recommendation consistent with HDRB review and recommendation.
h. Final Governing Body Review and Decision
   1. Before taking action on the proposed rezoning, the Governing Body shall hold a public hearing. In the course of the hearing, the Governing Body may request other information from the applicant that is reasonably necessary to determine compliance with Chapter 14.
   2. After reviewing the Planning and Land Use Director report, if any, and the HDRB recommendation, and any evidence obtained at the public hearing, the Governing Body shall take final action to approve or deny the proposed rezoning.
   3. When a proposed rezoning fails to receive the recommended approval of the HDRB, the rezoning shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.
i. Post-Decision Actions and Limitations

1. Expiration
   Once approved, rezonings do not expire.
2. Approved Rezonings to be Reflected on Official Zoning Map
   i. After the Governing Body has approved a rezoning application, the official zoning map shall be amended in accordance with Section 14-3.1D to note the new zoning designation.
   ii. Historic overlay districts so classified will be designated for zoning purposes by the existing zone designations at the time of the adoption of this section, plus the suffix "H."
3. Post-Approval Procedure
   i. If, in accordance with the provisions of Chapter 14 and Sections 3-21-1 through 3-21-11 NMSA 1978, changes are made in district boundaries or other matter portrayed on the official zoning map, those changes shall be made on the official zoning map within 30 days after the ordinance adopting the change in zoning classification has been approved by the Governing Body.
   ii. A rezoning ordinance shall be published one time either in its entirety or by title and a general summary of the subject matter contained in the ordinance, whichever the Governing Body elects to do at least five days prior to its effective date, unless otherwise provided by law.
4. Denial
   If a proposed rezoning is denied, no rezoning application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.
5. Appeal
   An applicant who is aggrieved by the denial of a rezoning request may file an appeal as described in Section 14-2.1B.5.IV.

IV. Creation of a New Historic Overlay Approval Criteria
[Reserved]

3. Demolition of Historic or Landmark Structure

I. Purpose

The purpose of the demolition of historic or landmark structure procedure is to provide a mechanism for review and approval prior to the demolition of any historic or landmark structures within the city of Santa Fe.

II. Applicability

A demolition request must receive staff approval prior to the demolition of any designated historic or landmark within the city of Santa Fe. The demolition request shall only be considered upon the written application of the property owner.

III. Demolition Procedure

a. Pre-Application Conference

A pre-application conference, as described Section 14-2.1B.1.I, is required.

b. Application Submittal and Acceptance

1. Referral to Archaeological Review Committee

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

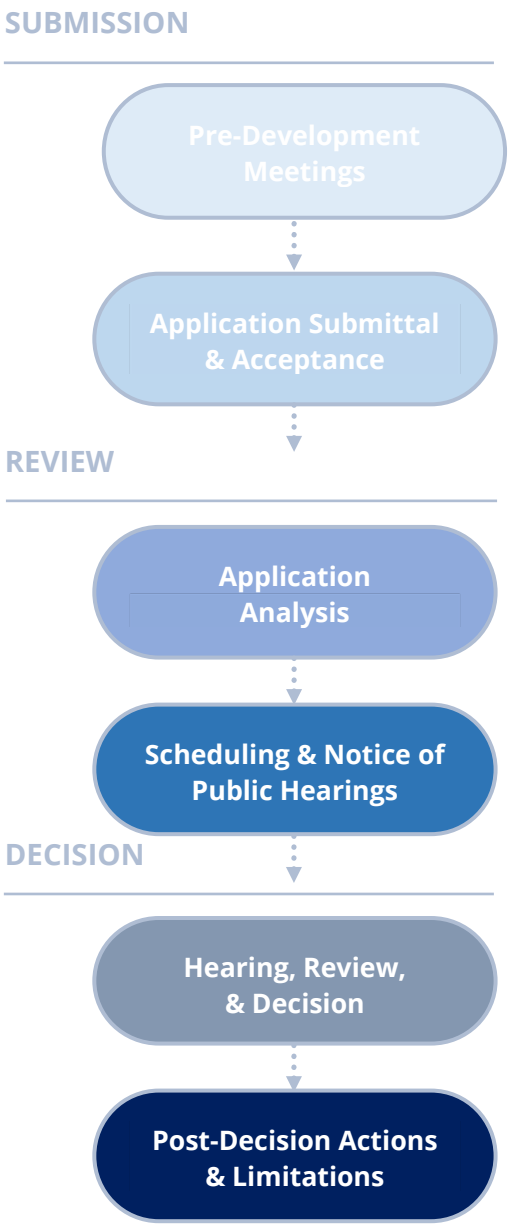


Figure 2.1-18: Demolition of Historic or Landmark Structure Procedure

c. Application Analysis

Before granting approval or denial of a demolition request, the Planning and Land Use Director shall provide the following information on the structure under consideration.

1. A report on the historic or architectural significance of the structure;
2. A report from the City building inspector on the state of repair and structural stability of the structure;
3. If the structure is more than 50 years old, and the entire project of which demolition is a part requires an archaeological clearance permit, a report from the Planning and Land Use Director on whether the demolition would damage possible archaeological artifacts; and
4. Other information as requested by the HDRB or Governing Body.

d. Scheduling and Notice of Public Hearings

1. Notice
   i. At least 14 days prior to any hearing, a sign shall be posted by the City on the site where the demolition is proposed, indicating the proposed action, and the time, date, and location of the HDRB or Governing Body hearing on the application. The posted sign shall be prominently displayed, visible from a public street, and securely placed on the property.
   ii. Notice of the time and place for each hearing shall be sent in writing to each applicant.
   iii. An agenda of the HDRB shall be sent to all groups requesting notification and copies of meeting agendas, as set forth in the officially adopted neighborhood planning policies.
2. Historic Structure Demolition Request Scheduling
   i. Upon receiving an application for demolition of a structure within the historic districts, the HDRB shall, within 65 calendar days from the date of application, either grant or deny the application.
   ii. Ordinarily, the HDRB will act on an application for demolition at its next regular meeting, if the application is submitted in proper form at least seven days before its next regular meeting; however, the HDRB may use the entire 65 -day time period if the HDRB, on motion duly passed, determines such delay is necessary.
3. Landmark Structure Demolition Request Scheduling

   Upon receiving an application for demolition of a landmark structure the HDRB shall, within 65 calendar days from the date of application, make a recommendation to the Governing Body to either grant or deny the application.

e. Hearing, Review, and Decision
The HDRB or Governing Body, as applicable, shall restrict its review to consideration of whether the application is in conformity with the standards established by this section.

f. Post-Decision Actions and Limitations
1. Expiration
Approval of a demolition request shall expire three years after the final action approving it.
2. Extension
Approval of the demolition request may be extended as provided in Section 14-2.1B.5.VII.
3. Denial
A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under Section 14-4.6B, *Minimum Maintenance Requirements.*

4. Appeal
   i. HDRB decisions on demolition of structures may be appealed to the Governing Body pursuant to Section 14-2.1.B.5.IV.
   ii. The Governing Body, with the advice and assistance of the HDRB, may take such steps as it determines necessary to preserve the structure concerned, in accordance with the purposes of the historic district regulations under Section 14-4.6. Such steps may include, but not be limited to, consultations with civic groups, public agencies, and interested citizens; recommendations for acquisitions of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or other features.

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

H. Flexibility and Relief Procedures

1. Variance

I. Purpose

Land use boards may approve variances to the provisions of Chapter 14, granting a landowner relief from compliance with specific provisions of this LDC when strict application of these provisions would result in undue hardship.

II. Applicability
  a. Variances may be granted to provisions regulating:
    1. The size, location, and appearance of structures;
    2. The location and extent of open space;
    3. The extent of grading;
    4. The width and configuration of public and private roads, driveways, and trails; and
    5. Similar standards for development established by this Chapter 14.
  b. A variance shall not be granted:
    1. To provisions that restrict the type or intensity of principal or accessory uses permitted within a district, including limits on maximum residential density; and
    2. To any procedural rule.

III. Height Variances in Airport Area
  a. All height variance requests for lands located within the approach, transitional, horizontal, and conical surfaces as described within the approach and clear zone layout plan of the Santa Fe municipal airport dated February 1980 prepared by PMM and company, adopted in this section by reference and on file in the City public works department shall be reviewed for compliance with federal aviation regulations.
  b. The application for variance shall be accompanied by an approval from the federal aviation administration accompanied by a determination as to the effect of the proposed variance on the operation of air aviation facilities and the safe, efficient use of navigable airspace.
  c. Such variances shall be allowed only upon a finding that granting the variance will not create a hazard to air navigation. Additionally, no application for variance to the height requirements within the area described in this subsection may be considered until a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance.
  d. If the airport manager does not respond to the application within 15 days after receipt, the land use board may act on the application without the airport manager's response.
  e. Any variance granted may be conditioned to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.

IV. Waivers in Flood Special Flood Hazard Areas
  a. The Planning Commission may waive regulations applicable to the development of land in Special Flood Hazard Areas, as described in Section 14-8.3C. Waivers shall be approved by the Planning Commission, according to the variance procedure described in this section, and subject to the following additional standards.

b. Waivers may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
c. Waivers may be issued for development on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in provisions e and f below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the waiver increases.
d. Waivers shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
e. Waivers may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the waiver is the minimum necessary to preserve the historic character and design of the structure.
f. Waivers may be approved for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
g. The prerequisites for granting waivers are:
    1. Waivers shall only be issued upon a determination that the waiver is the minimum necessary, considering the flood hazard, to afford relief;
    2. Waivers shall only be issued upon:
        i. Showing a good and sufficient cause;
        ii. A determination that failure to grant the waiver would result in exceptional hardship to the applicant, and
        iii. A determination that the granting of a waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
    3. These prerequisites shall constitute the approval criteria for waivers, in lieu of those specified in Section 14-2.1H.1.VII for standard variance requests.

h. An applicant to whom a waiver is granted shall be given written notice that the structure may be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

V. Waivers for Utilities

a. Factors to Consider

1. For All Requests

These standards apply to all waiver requests for utilities. The decision-making body shall consider the following when reviewing a waiver request for any type of facility:

i. The nature of uses on adjacent and nearby properties, including proximity to residentially zoned property, the BCD, and Historic, Escarpment and South Central Highway Corridor Overlay Districts;
ii. The surrounding topography;
iii. Improved electrical, cable, or telecommunications service for Santa Fe; and
iv. Such other factors as may be relevant.

2. For Telecommunications Requests

The decision-making body shall consider the following when reviewing a waiver request:

i. The surrounding vegetation;
ii. The proposed ingress and egress;
iii. The design of the proposed telecommunications facilities, with particular reference to design elements that reduce or eliminate adverse visual impact including lighting; and
iv. The availability of existing towers or other structures for co-location or of alternative antenna configurations with less visual impact.

3. For Electric Facilities Requests

The decision-making body shall consider the following when reviewing a waiver request:

i. The general appearance of the facility; and
ii. The proposed ingress and egress.

4. For Underground Electric and Cable Facilities Requests

The decision-making body shall consider the cost of placing the utility lines underground and all associated costs when reviewing a waiver request.

b. Approval Criteria

1. For All Requests

These standards apply to all waiver requests for utilities. The decision-making body may grant a waiver of the applicable standards upon finding that the waiver:

i. Is in the best interest of the community as a whole;
ii. Will not jeopardize public health, safety and welfare; and
iii. Will better serve the purposes contained in Section 14-5.3I.1.I.

2. For Telecommunications Facility Requests

The decision-making body may grant a waiver of the applicable standards upon finding that the waiver:

i. Will expedite the approval of an antenna or tower;
ii. Will either mitigate the adverse visual impacts of antenna and tower proliferation or limit the need for construction of new towers or antennas;
iii. If the proposed site is located in the Escarpment or South Central Highway Corridor Overlay District, that the applicant has demonstrated to the satisfaction of the Histroic Districts Review Board and/or Planning Commission that it has explored all alternatives to the proposed site and to the proposed design and that location outside those Districts is not practicable.
iv. In a Historic District, that the conditions for an Exception as specified in Section 14-4.6D.3.II, except provision d therein, have been met.

VI. Variance Procedure

a. Pre-Application Conference

An ENN meeting, as described in Section 14-2.1B.1.II, is required.

b. Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 14-2.1B.2.

c. Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in Section 14-2.1H.1.VII.

d. Scheduling and Notice of Public Hearing

The application shall be scheduled for a public hearing before the Board of Adjustment or the Planning Commission as indicated in Table 2-1: *Summary Table of Review Procedures* and noticed pursuant to Section 14-2.1B.4.II.

e. Hearing, Review, and Decision

1. Planning and Land Use Director Review
   The Planning and Land Use Director shall provide the decision-making authority with a written report of findings together with a recommendation that the variance be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.
2. Board Review and Decision
   Following a public hearing, the land use board shall, based on the application, input received at the public hearing, and the approval criteria set forth in Section 14-2.1H.1.VII, approve, approve with conditions, or deny the variance application.

f. Post-Decision Actions and Limitations

1. Approval Limited
   A variance applies only to the type and extent of development shown on the plans approved at the variance hearing. All other development on the property shall comply with the terms of Chapter 14 or shall require a new or amended variance.

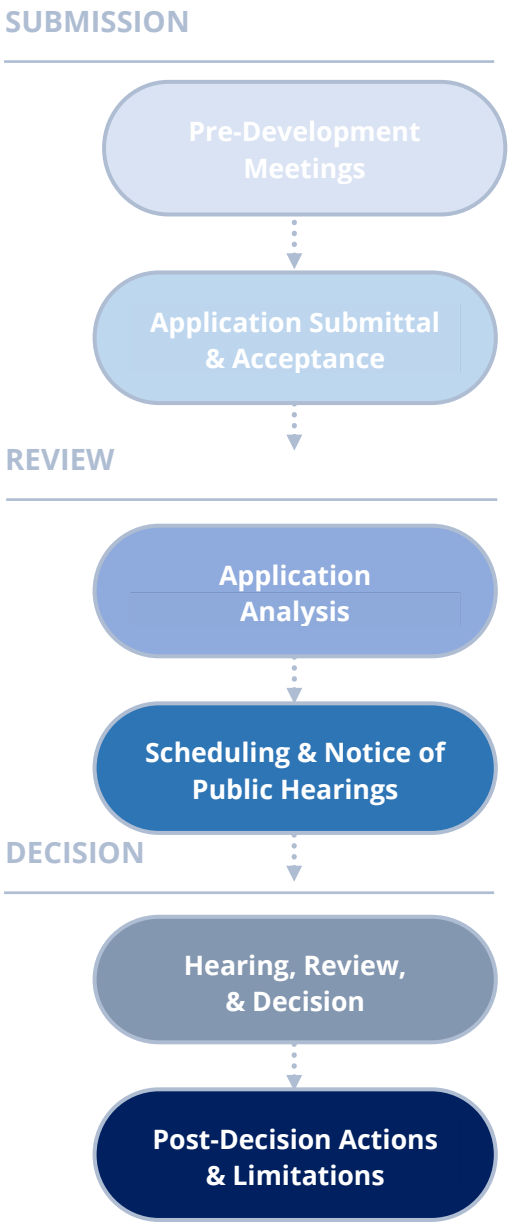


Figure 2.1-19: Variance Procedure

2. Expiration
   i. A variance associated with a subdivision, development plan, or other development approval shall be subject to the expiration of the associated development.
   ii. A variance that is not associated with other types of development approval shall expire three years from the date of the approval as provided in Section 14-2.1B.5.VI.a, unless a different expiration date is specified elsewhere in Chapter 14.
3. Extension
   Approval of the variance may be extended as provided in Section 14-2.1B.5.VII.
4. Denial
   If a variance request is denied, no application with a variance request that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.
5. Appeal
   An applicant who is aggrieved by the denial of a request for a variance may file an appeal as described in Section 14-2.1B.5.IV.

VII. Variance Approval Criteria and Conditions

a. One or more of the following special circumstances applies:
   1. Unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
   2. The parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
   3. There is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.8, *Conflicting Provisions*; or
   4. The land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-4.6, *Historic Districts*.

b. The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

c. The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

d. The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:
   1. Whether the property has been or could be used without variances for a different category or lesser intensity of use;
   2. Consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the General Plan.

e. The variance is not contrary to the public interest.

f. Conditions of Approval

   Variances may be approved with conditions that will assure substantially the objectives of the standards or requirements so varied or modified and that are reasonably related to the approval.

2. Appeal – see Section 14-2.1.B.5.IV.

14-2.2 Review and Decision-Making Bodies

A. Duties and Responsibilities

This section summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of Chapter 14 and, particularly, the procedures set forth in Section 14-2.1, *Review and Approval Procedures.* Other duties and responsibilities of these entities are set forth in the following sections of this article.

B. Governing Body

1. Without limiting any authority granted to the Governing Body by state law or by other ordinances of the City, the Governing Body shall, with respect to Chapter 14, have the powers and duties set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the terms of Chapter 14.
2. In addition, the Governing Body shall receive duly executed copies of the minutes and any other written orders or determinations of the Planning Commission if requested.
3. If, within 30 days of any final order or determination by the Planning Commission, the Governing Body decides to review any such order or determination, notice of such proposed review shall be provided in the manner prescribed in Section 14-2.1B.4 and such notice shall be a stay of action on the final order or determination.
4. In exercising the powers set forth in Chapter 14, the Governing Body, after reviewing the minutes of the Planning Commission meeting, may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination as deemed necessary and to that end shall have, in addition to all other municipal authority, that authority of the Planning Commission.
5. Provisions 3 and 4 above in this subsection shall not apply to appeals heard by the Planning Commission regarding decisions of the Planning and Land Use Director. Such decisions of the Planning Commission are final.
6. The Governing Body delegates its authority for hearing appeals of decisions of the Planning and Land Use Director to the respective land use board as set forth in Table 2-1: *Summary Table of Review Procedures*. Final actions of a land use board on the appeal of a decision of the Planning and Land Use Director shall not be heard by the Governing Body. Any further appeals shall be filed in district court.
7. The Governing Body shall hear appeals of final actions of any land use board except as set forth in provision 6 above in this subsection. The Governing Body shall hold a public hearing de novo on the appeal after notice has been given in accordance with the notice provisions of Section 14-2.1.B.5.IV.
8. The Governing Body by adoption of a resolution may approve the temporary suspension of the enforcement of those sections of Chapter 14 setting forth the expiration of development approvals due to severe economic conditions. This authority shall not be used for specific development projects or individual economic situations but shall apply to all development projects due to broad economic downturns.

9. The Governing Body may request a land use board review for a proposed zoning map amendment or a proposed amendment to this Chapter 14, and the land use board shall issue comments and nonbinding recommendations in response to the request.

10. The Governing Body shall review and grant or deny requests for waivers as set forth in Section 14-2.2D.3.VI.

C. Land Use Boards General Standards and Procedures

Except as otherwise required by state law or provided for by City ordinance, the following procedures apply to each of the land use boards and their standing subcommittees, except the Governing Body, the extraterritorial land use authority, and the extraterritorial land use commission:

1. Number of Terms

   There is no limitation to the number of consecutive terms a member may serve.

2. No Compensation

   Members shall serve without compensation.

3. Residency Requirement

   I. A member of a land use board whose jurisdiction extends to the presumptive city limits as defined in Section 6, Paragraph E of the Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01 shall reside within the presumptive city limits. [Editor's note: as of the date of adoption, includes the Archaeological Review Committee, the Board of Adjustment and the Planning Commission and its subcommittees]; and

   II. A member of a land use board whose jurisdiction does not extend to the presumptive city limits shall reside within the city limits.

4. Officers

   A land use board shall elect a chair, vice-chair and secretary for one-year terms, without restriction as to re-election. In the case of an ad hoc subcommittee that will exist for less than one year, officer terms shall be equivalent to the duration of the subcommittee. The chair shall preside over the administrative body. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair.

5. Meetings

   Regular meetings shall be held at least once a month, unless there are no agenda items, and at such other times as the chair may determine. Except as otherwise provided by the constitution of New Mexico, the New Mexico Open Meetings Act, or City ordinance, all meetings shall be public meetings; all persons so desiring

shall be allowed to attend and listen to the deliberations and proceedings; and public comment at the meetings shall be encouraged.

6. Quorum

   A majority of members constitutes a quorum.

7. Voting

   Action shall be taken by a majority vote of a quorum of members.

8. Communication with Members Prohibited

   A member of a land use board shall not communicate with any interested parties outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming before the board, except in writing filed with the Planning and Land Use Director within the prescribed time period for inclusion in the public hearing record, and with copies distributed immediately to all other known parties-in-interest and all other members of the board. A member also shall not communicate with any other persons outside the planning and land use department outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming before them. Further, a member shall not inspect the site of any subject property, except pursuant to a publicly noticed site visit that affords all parties the opportunity to attend. A member of a land use board who receives a communication in violation of this section shall disclose the substance of the communication on the record, and the member shall recuse if the member cannot be fair and impartial.

9. Written Record; Findings of Fact

   After hearing and considering all the evidence presented, a land use board shall accompany its approval or denial of an application, request or other item with a written statement of the important facts on which the decision is based, including the pertinent provisions of Chapter 14, and a full explanation of why those facts led to the decision made.

10. Minutes of Proceedings; Public Record

    Land use boards shall keep full and complete records in the form of written minutes of all meetings, including the date, time, and place of the meeting; the names of members in attendance and those absent; the substance of the items considered; a record of any decisions and votes taken that show how each member voted, including abstention or failure to vote; and all public comment. After being approved by the relevant land use board, written explanatory findings of fact and conclusions of law shall be adopted and shall be promptly filed with and maintained by the City clerk pursuant to City ordinance and the New Mexico Open Meetings Act. Findings of fact and conclusions of law adopted by the Planning Commission shall be submitted to the Governing Body pursuant to Section 2-1.15 SFCC 1987.

11. Meeting Attendance

Failure of a member to attend three consecutive regular meetings or 33 percent or more of the regular meetings in a year shall constitute an automatic tender of resignation by the member. The Mayor may accept or reject the resignation.

12. Removal of Members

A member of the Planning Commission may be removed for cause as provided in Section 3-19-2 NMSA 1978. A member of any other land use board may be removed by the appointing authority with or without cause.

13. Vacancy

Vacancies shall be filled in the same manner as the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.

14. Records of Membership

Records of membership shall be maintained by the City Clerk.

D. Planning Commission

1. Designation

There is a Planning Commission of the City, which shall be referred to as the "Planning Commission."

2. Delegation of Authority

The Governing Body hereby delegates its authority for planning within the planning jurisdiction of the City, and for approving subdivision plats within the corporate boundaries of the City, as specifically set forth in Section 3-19-1 NMSA 1978 and more generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Planning Commission, except for those powers retained by the Governing Body in the Santa Fe City Code. The Governing Body delegates its authority to the Planning Commission to hear appeals, variances, and conditional use approvals as provided for in Chapter 14.

3. Powers and Duties

The Planning Commission has the review and decision-making responsibilities set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the terms of Chapter 14. In addition, the Planning Commission is the principal City land use administrative board and has the powers and duties specified in this section.

I. Development Plans and Subdivision Plats

Unless otherwise provided in Chapter 14, the Planning Commission shall review and approve or deny various specific development plans, requests, and subdivision plats. When specifically authorized by Chapter 14, the decision of

the Planning Commission is final, subject to any appeal right provided in this Chapter 14. In all other instances, the Planning Commission shall provide advice and nonbinding recommendations.

II. Amendments and Modifications of Approved Plans

The Planning Commission shall review and approve or deny amendments, modifications or time extensions of plans, designs, plats, restrictions, and other matters previously approved by the Planning Commission. Nothing in this section precludes the Planning and Land Use Director from approving minor amendments or modifications as authorized in Chapter 14.

III. Variances and Conditional Use Approvals as Part of Subdivision or Development Plan Review

If a request for variance or conditional use approval is part of a development plan or subdivision request requiring Planning Commission review, the Planning Commission shall hear and decide requests for variances pursuant to Section 14-2.1H.1, *Variance,* and conditional use approvals pursuant to Section 14-2.1F.2, *Conditional Use Approval*.

IV. Appeals

The Planning Commission shall hear appeals of the following:

a. Final actions of the Planning and Land Use Director applying the provisions of Chapter 14 to a request for a development plan or subdivision, including a subdivision that creates one additional lot pursuant to Section 14-2.1E.6.
b. Final actions of the Planning and Land Use Director applying the regulations in Section 14-8.2, *Terrain and Stormwater Management,* and Section 14-4**.**4, *Escarpment Overlay District*.
c. Final actions of the Floodplain Administrator.

V. Variances
a. The Planning Commission shall review and grant or deny requests for variances from:
1. §14-4.4, Escarpment Overlay District;
2. §14-8.2, Terrain and Stormwater Management;
3. §14-8.3, Flood Regulations;
4. §14-7.2, Santa Fe Homes Program (SFHP); and
5. Article 14-6, Infrastructure Design, Improvement, and Dedication Standards.
b. When deciding variances, the Planning Commission shall comply with notice and procedural provisions referenced in Section 14-2.1H.1, *Variance*.

VI. Waivers
a. The Planning Commission shall review and grant or deny requests for waivers as set forth in:
1. §14-2.1H.1.IV, Waivers in Flood Special Flood Hazard Areas;
2. §14-8.3, Flood Regulations;
3. §14-7.8, Regulations for Retail Structures 30,000 Gross SF or Larger;
4. §14-5.3I.3, Telecommunication Facilities; and
5. §14-5.3I.1, Electric Facilities.
b. When deciding waiver requests, the Planning Commission shall comply with notice and procedural provisions referenced in Section 14-2.1H.1, *Variance,* but shall additionally rely on approval criteria in Section 14-2.1H.1.IV.f for flood regulations, Section 14-7.8C for retail structures, and Section 14-2.1H.1.V for telecommunications facilities and electric facilities.

VII. Long-Range Policy Recommendations
The Planning Commission may:

a. Provide to administrative and governmental officials of the city recommendations for public improvements and the financing of such improvements. Public officials shall, upon request, furnish to the Planning Commission within a reasonable time such available information as it may require for its work; and
b. Make reports and recommendations relating to the development of the city to public officials and agencies; public utilities; civic, educational, professional, and other organizations; and citizens regarding the following:
    1. Growth management, land use, transportation, development review procedures, urban design, and capital improvements; and
    2. Neighborhood and community planning and other community issues as they relate to long-term planning.

VIII. Other Recommendations to Governing Body

The Planning Commission shall review and make recommendations to the Governing Body regarding:

a. Adoption of, and proposed revisions and amendments to, the General Plan;
b. Annexations;
c. Rezonings; and
d. Proposed amendments to Chapter 14, except for proposed amendments to:
    1. Section 14-2.2G, Archaeological Review Committee, Section 14-2.1G.1, Archaeological Clearance Permit, and Section 14-4.2, Archeological Review Districts, about which the Archaeological Review Committee shall review and issue recommendations;
    2. Section 14-2.1G.3, Demolition of Historic or Landmark Structure, and Section 14-4.6, Historic Districts, about which the Historic Districts Review Board shall make recommendations; and
    3. Section 14-7.7, *Development Water Budgets,* about which the public utilities committee shall review and issue recommendations.

IX. Other Powers and Duties
a. The Planning Commission may request any other committee or board to review a proposed official zoning map amendment or a proposed amendment to Chapter 14, and that committee or board shall issue comments and nonbinding recommendations in response to the request.
b. In the performance of its duties, the Planning Commission may enter on any land, make examinations and surveys, and place and maintain necessary monuments and markers on land.
c. As authorized by state law and Chapter 14, the Planning Commission may make decisions affecting the physical development of the City, including physical development authorized by a public agency or official not under the jurisdiction of the Governing Body. These decisions shall be consistent with the General Plan and other adopted City policies.
d. The Planning Commission has all powers necessary to enable it to fulfill and perform its functions and carry out the duties authorized in the Santa Fe City Code.

X. Regulations; Planning and Platting; Development Review
a. To carry out the planning and platting duties and development review responsibilities granted to the Planning Commission, including the adoption of an amendment to the General Plan and approval and denial of plats and replats, the Planning Commission may adopt regulations, procedures and a schedule of fees; provided that such regulations, procedures and schedules of fees are consistent with the Santa Fe City Code and do not become effective and enforceable until approved by the Governing Body.

b. Among other regulations, the Planning Commission may adopt flow charts and checklists for matters within the Planning Commission's jurisdiction to provide information and assistance to the general public in complying with the provisions of the Santa Fe City Code.
c. Approved plats and development plans shall be signed by the chair and the secretary of the Planning Commission.

4. Membership and Procedures

I. Composition

The planning commission is composed of nine members who are qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic, and governmental affairs.

II. Membership

a. Two members from each city councilor district shall be appointed to the planning commission; and
b. One at-large member shall be appointed to the planning commission.

III. Appointment and Term

The members of the planning commission shall be appointed by the mayor with the advice and consent of a majority vote of all the members of the governing body. Members shall serve two-year overlapping terms, maintaining the original overlap of planning commission terms. Members shall serve until their successors have been appointed and qualified.

IV. Ad Hoc Subcommittees

a. Delegation

The governing body and the planning commission may delegate their authority to ad hoc subcommittees as specifically provided in this article and more generally in Chapter 3, Articles 19 through 21 NMSA 1978, except for those powers retained by the governing body.

b. Powers and Duties

Ad hoc subcommittees shall gather information for, make recommendations to, and otherwise assist the planning commission in accomplishing its powers and duties, as the planning commission deems appropriate.

c. Membership and Procedures

Pursuant to Chapter 3, Article 19 NMSA 1978, *Planning and Platting,* and Article 2-1 SFCC 1987, the mayor, subject to the advice and consent of the governing body, may appoint ad hoc subcommittees.

1. Pursuant to Chapter 3, Article 19 NMSA 1978, the chair of the Planning Commission may appoint ad hoc subcommittees of the Planning Commission.
2. Ad hoc subcommittees may be composed of volunteer citizens, planning and land use department staff, and planning commission members.

E. Board of Adjustment

1. Designation

There shall be a board of adjustment of the City, which shall be referred to as the "board of adjustment" or the "BOA".

2. Delegation of Authority

The governing body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the BOA as described in this section, except those powers retained to the governing body in the Santa Fe City Code. In addition, the governing body delegates authority to the BOA to hear appeals, variances, and conditional use approvals as provided in Chapter 14.

3. Powers and Duties

The BOA has the review and decision-making responsibilities set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the provisions of Chapter 14 and has the following additional responsibilities:

I. To hear appeals of final actions of the planning and land use director applying the provisions of Chapter 14 unless jurisdiction for such appeals is otherwise specifically reserved to another land use board.

II. To hear and decide applications for conditional use approvals as provided in Section 14-2.1F.2 , *Conditional Use Approval* unless jurisdiction for such conditional use is specifically reserved to another land use board.

III. To authorize in specific cases a variance from the terms of Chapter 14 as provided in Section 14-2.1H.1, *Variance.*

4. Composition

The BOA consists of seven members, two of whom may be planning commission members and at least five of whom shall be members-at-large. Members of the governing body may serve as at-large members.

5. Appointment and Term

Members of the BOA shall be appointed by the mayor with the consent of the Governing Body. Members shall serve three-year overlapping terms, maintaining the original overlap of BOA terms. Members shall serve until their successors are appointed and qualified.

F. Historic Districts Review Board

1. Designation

   There shall be a Historic Districts Review Board of the City, which shall be referred to as the "Historic Districts Review Board," "HDRB," or the “H-Board.”

2. Delegation

   The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the HDRB as described in this section, except those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code. The HDRB shall carry out the City's powers and duties pursuant to Chapter 3, Article 22 NMSA 1978 (Historic Districts and Landmarks).

3. Powers and Duties

   The HDRB has the review and decision-making responsibilities set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the terms of Chapter 14. In addition, the HDRB shall:

I. Review and approve or deny all applications for new construction, exterior alteration, and demolition of structures, except signs, in the historic districts in accordance with the standards and procedures set forth in the following sections:
   a. §14-2.1G.3, Demolition of Historic or Landmark Structure;
   b. §14-4.6, Historic Districts; or
   c. §14-1.13, *Nonconformities*.

II. Hear appeals of final actions of the Planning and Land Use Director interpreting or applying the following historic district regulations:
   a. §14-2.1(F)(3), Construction Permits ;
   b. §14-2.1(G)(3), Demolition of Historic or Landmark Structure;
   c. §14-4.6, Historic Districts; or
   d. §14-1.13, Nonconformities.

III. Upon referral by the land use director, review and make recommendations prior to any hearing before the Planning Commission related to the creation of new historic overlay districts in the City, before the matter goes to the Governing Body for a final decision.

IV. Make recommendations to the Governing Body relating to the erection of appropriate plaques and markers designating various historical sites and points of interest in the City.

V. Make recommendations to the Governing Body relating to the purchase or acquisition by gift, grant, bequest, devise or otherwise of real property of historical background and interest.

VI. Make recommendations to the Governing Body as to the exercise of the Governing Body's power of eminent domain in the acquisition of real property of historical background and significance and the proposed ways and means of compensation.

VII. Advise and assist officials, committees, and commissions of the municipal government in making recommendations to the Governing Body.

VIII. Compile and maintain a list of historical sites and structures.

IX. Perform other acts as requested by the Governing Body, provided that such acts relate specifically to this section.

X. Conduct field trips upon request of an applicant or as determined by the chair.

4. Membership and Procedures

I. Composition

The HDRB consists of seven members who have demonstrated interest and knowledge of the historic character of the City. One member shall be an architect, one member shall be a historian, one member shall represent some aspect of the construction industry, one member shall have a business in one of the historic districts, one member shall be a member of the Old Santa Fe

Association, and two members shall be members-at-large. Members of the Governing Body may serve as members at-large.

II. Appointment and Term

The Mayor, with the consent of the Governing Body, shall appoint each member of the HDRB. Members shall serve two-year overlapping terms, maintaining the original overlap of HDRB terms. Members shall serve until their successors have been appointed and qualified.

III. Recommendations

a. The following organizations are encouraged to recommend to the Mayor up to three persons each for the appropriate position as designated in this section:
   1. Santa Fe Chapter of the American Institute of Architects,
   2. Santa Fe Chamber of Commerce and Hispanic Chamber of Commerce,
   3. Museum of New Mexico, and
   4. Building Contractors Association and Associated General Contractors of America, Building Branch (jointly).

b. A person being recommended is not required to be a member or staff of the organization recommending the person.

c. This provision is in no way intended to prevent other organizations from recommending members or to limit the appointment power of the Mayor.

G. Archaeological Review Committee

1. Designation

There shall be an Archaeological Review Committee of the City, which shall be referred to as the "Archaeological Review Committee" or the "ARC."

2. Delegation

The Governing Body and the Planning Commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the ARC as described in this section, except for those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

3. Powers and Duties

I. The ARC has the review and decision-making responsibilities set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the terms of Chapter 14. In addition, the ARC shall:

a. In accordance with Section 14-2.1G.1, hold hearings to review survey and inventory reports, archaeological monitoring reports and plans, and archaeological treatment plans for their acceptability, determine the significance of archeological sites, and consider requests for listing on the City's list of approved archaeologists and historians. The ARC may review and act on stages or portions of archaeological studies. The ARC shall vote to approve, conditionally approve, or deny requests for archaeological clearance permits.

b. Qualify or disqualify persons for inclusion on the City's list of approved archaeologists, historical archaeologists, and historians upon review and consideration of resumes and related documents as set forth in this section.

c. Establish a City register of recognized archaeological sites and shall establish criteria for such a register.

d. Hear appeals of final actions of the Planning and Land Use Director interpreting or applying archaeological review district regulations pursuant to Section 14-4.2, *Archeological Review Districts*.

II. The ARC may:

a. Advise the HDRB in regard to applications to that board for new construction, exterior alteration, demolition or on other matters relating to archaeology within the historic districts.

b. Direct applicants to the state historic preservation division for information regarding state or federal law and regulations on the tax benefits of donating archaeological properties or easements.

c. Recommend to the Governing Body that land containing archaeological sites of major interest to the City be purchased as part of the City's parks, recreation, and open space system.

d. Recommend the expenditure of money from City archaeology fund for projects that meet archaeological fund criteria set forth in Section 14-2.1G.1, *Archaeological Clearance Permit*. Expenditures of $1,000 or less may be approved by the Planning and Land Use Director. Expenditures over $1,000 must be approved by the Governing Body.

III. When both a HDRB and an ARC review are required of a single project, the reviews may occur at the same time.

4. Membership and Procedures

I. Composition

The ARC consists of five members. One member shall be a historian, three members shall be archaeologists or historical archaeologists, and one member shall be a representative of the construction, development, or real estate community.

II. Appointment and Term

The Mayor, with the consent of the Governing Body, shall appoint each member of the ARC. Members of the ARC serve two-year overlapping terms, maintaining the original overlap of ARC terms.

5. Qualifications

All archaeologists, historical archaeologists, and historians appointed as ARC members shall meet the qualifications set forth in this section.

I. Archaeologists

All archaeologists in actual direct charge of archaeological reconnaissance or treatment required for an archaeological permit shall meet the following minimum qualifications:

a. Hold a graduate degree in archaeology, anthropology, or a closely related field with a specialization in archaeology or have equivalent training or field experience, the sufficiency of which is determined by the ARC;
b. Have at least two years' experience in directing archaeology projects, including at least six months of field experience in the southwestern United States; and
c. Be listed in the state historic preservation division directory of archaeologists as a principal investigator or supervisory archaeologist. This requirement shall not apply to archaeologists who are currently on the City's list of approved archaeologists as of the effective date of Ordinance No. 2007-9 (April 23, 2007) or to archaeologists appointed as members of the ARC.
d. Hold a current New Mexico state burial excavation permit for work in any location where human remains of historic age are anticipated to be present.

II. Historical Archaeologists

All historical archaeologists in actual direct charge of excavation of historic period sites shall:

a. Meet the minimum qualifications for an archaeologist set forth above in subsection I;
b. Have a minimum of one year of experience in directing historical archaeology projects or equivalent training or field experience, the sufficiency of which is determined by the ARC; and
c. Have demonstrated experience in the Historic Downtown Archaeological Review District.

III. Historians

All historians in actual direct charge of archival research and analyses of land titles or historic maps shall meet the following minimum qualifications:

a. Hold a graduate degree in history, or have equivalent professional experience or demonstrate equivalent training, the sufficiency of which is determined by the ARC; and
b. Demonstrate the ability to carry out archival research.

IV. List of Qualified Individuals
a. Archaeologists, historical archaeologists, and historians deemed by the ARC to meet the qualifications provided in this section shall be placed on a list maintained by the Planning and Land Use Director.
b. Guidelines for documenting applicable experience and education for meeting the requirements of this section are available from the Planning and Land Use Director.
c. Archaeologists, historical archaeologists, and historians who wish to remain on the list shall provide updated contact information and resume upon request of the Planning and Land Use Director and shall provide updated contact information any time there is a change in employment.

6. Standards
I. Archaeologists, historical archaeologists, and historians are responsible for reports and performance that exhibit a high standard of professionalism and competence, including the following standards:
a. Any archaeological reports, histories, plans, reconnaissance reports, treatment plans, or final report that are accepted by the ARC with minor typographical, formatting, or content errors constitute a conditional approval for an archaeological clearance permit, and the document shall be returned with corrections to the Planning and Land Use Director within 45 days of the date of final approval. Failure to fulfill this requirement shall result in refusal by the Planning and Land Use Director of any new application for an archaeological clearance permit until a corrected report has been submitted.
b. Archaeological reports, histories, or plans that are not approved by the ARC and resubmitted to the Planning and Land Use Director without the necessary corrections to meet the conditions of the Archaeological Review Committee shall be rejected by the Planning and Land Use Director and no new application for an archaeological clearance permit shall be accepted by the Planning and Land Use Director until a corrected report has been accepted and an archaeological clearance permit has been approved by the ARC.
c. Rejection of three or more reconnaissance reports, treatment plans, or final reports in a 12-month period may result in the ARC removing the archaeologist, historical archaeologist, or historian from the list of qualified archaeologists, historical archaeologists, and historians for 12 months; and

d. Failure to submit a final report within the one-year time limit, or any extension of time provided by the ARC as set forth in Section 14-2.1G.1, may result in the ARC removing the individual from the list of qualified archaeologists, historical archaeologists, and historians.

II. The Planning and Land Use Director shall notify the following, in writing, of the actions taken pursuant to subsection 6.I above:
   a. The state historic preservation officer;
   b. The affected archaeologist, historical archaeologist, or historian; and
   c. The property owner; and
   d. The applicant.

III. The affected archaeologist, historical archaeologist, or historian may submit a written appeal to the ARC of the final actions taken by the Planning and Land Use Director in subsection 6.I above.

IV. Decisions of the ARC may be appealed to the Governing Body as set forth in Section 14-2.1.B.5.IV, *Appeal.*

V. An archaeologist, historical archaeologist, or historian who is removed from the City's list of qualified individuals may re-apply to the ARC for inclusion on the list after previous obligations have been met.

H. Planning and Land Use Director

1. Delegation of Authority

The Governing Body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Planning and Land Use Director as provided in this section and throughout Chapter 14, except those powers retained by the Governing Body or any land use board, by state law, City ordinance or the terms of this Chapter 14.

2. Powers and Duties

The Planning and Land Use Director has the review and decision-making responsibilities set forth in Table 2-1: *Summary Table of Review Procedures*, to be carried out in accordance with the terms of Chapter 14. In addition, the Planning and Land Use Director shall:

I. Administer and ensure compliance with Chapter 14 by:
   a. Organizing the planning and land use department into divisions and delegating functions to those divisions, individual staff members, and other designees under the Planning and Land Use Director's authority;
   b. Publishing and enforcing existing planning and land use department policies and setting, writing, and publishing new planning and land use department policies from time to time, and to inform the public of planning and land use department procedures and processes; and
   c. Publishing and enforcing existing planning and land use department submittal requirements and setting, writing, and publishing new planning and land use department submittal requirements from time to time to assist the public in achieving application completeness.

II. Administer and ensure compliance with the Santa Fe Homes Program, including:
   a. Administer and enforce all planning and land use ordinances that apply to development requests subject to Section 14-7.2;
   b. Require, as part of the development review process, that the applicant prepare and submit a SFHP proposal to the Office of Affordable Housing to ensure compliance with the SFHP Ordinance;
   c. Administer provisions for development incentives in the development review process as set forth in this section;
   d. Record the SFHP agreements with the respective subdivision plat or development plan at the county clerk's office; and
   e. Where applicable, invoke sanctions for noncompliance with SFHP agreements at the request of the City Manager.

III. Render advisory opinions to any land use board or other administrative body.

IV. Interpret Chapter 14 pursuant to Section 14-1.10, *Interpretations.*

V. Determine the status of nonconformities pursuant to Section 14-1.13, *Nonconformities.*

VI. Prepare and publish preliminary agendas for land use boards as provided in Section 14-2.1B, Common Review Procedures.

VII. Prepare notification materials for early neighborhood notification, land use boards and the Governing Body as provided in Section 14-2.1B, *Common Review Procedures*.

VIII. Provide administrative and advisory assistance to the land use boards, conduct site inspections, and carry out reviews.

IX. Take any steps necessary to enforce the provisions of Chapter 14 on behalf of the City, including filing suit for injunctive relief, criminal or civil enforcement and penalties or other remedies authorized by this code, including Section 14-1.12, *Enforcement*.

X. Take any other actions within the Planning and Land Use Director's power to carry out the provisions of Chapter 14.

3. Approval Authority

I. Alternate Means of Compliance

The Planning and Land Use Director may allow alternate means of compliance with the requirements of Chapter 14 when:

a. The proposed alternate means satisfy the intent of this Chapter 14;
b. The requirements include quantitative standards, and those quantitative standards are satisfied by the alternate means of compliance; and
c. Site conditions, including the configuration of the lot, topography and existing vegetation make following the standards prescribed in this Chapter 14 impossible or impractical.

II. Minor Modifications to Development Approvals

The Planning and Land Use Director may approve minor quantitative and qualitative modifications on an approved master plan, development plan, subdivision plat, conditional use approval, or other development approval, subject to the following:

a. Written request by the applicant explaining the need for the modification;
b. Written finding by the Planning and Land Use Director that the modifications do not substantially change the function or appearance of the development, and will not result in any negative health or safety impacts on the community or negatively impact a neighboring property;
c. The minor modification may not allow increased density or allow uses not otherwise shown on the approved plan or plat; and
d. The minor modification complies with all standards and requirements of Chapter 14, except as otherwise allowed by this section.

III. Administrative Deviations

The Planning and Land Use Director may approve minor dimensional deviations of 12 inches or less and minor quantitative deviations from the standards in Chapter 14, including standards for the number of required off-street parking spaces, when it is impossible or impractical to fully comply with the standards. Approval of administrative deviation is subject to the following:

a. Written request by the applicant explaining the need for the deviation;
b. Written finding by the Planning and Land Use Director that the deviation will not result in any negative health or safety impacts on the community or negatively impact a neighboring property; and
c. The administrative deviation is not being used to allow increased density or uses not otherwise permitted in the district.

IV. The Planning and Land Use Director also has the approval authority provided elsewhere in this Chapter 14, including but not limited to the authority to review and approve administrative approval subdivisions pursuant to Section 14-2.1E.6.

l. Floodplain Administrator

1. Authority

The Planning and Land Use Director shall designate a state-certified floodplain manager to be the Floodplain Administrator to administer the city's flood regulations. The Floodplain Administrator may delegate any assigned task as set forth in Chapter 14 to any staff member who is also a state-certified floodplain manager.

2. Powers and Duties

I. Administration

Duties and responsibilities of the Floodplain Administrator shall include the following:

a. Administer and enforce Section 14-8.3, *Flood Regulations,* and other appropriate sections of 44 CFR Part 59 et. seq., National Flood Insurance Program Regulations, pertaining to floodplain management;
b. Establish a floodplain management program to meet the prerequisites for the sale of flood insurance as set forth in 44 CFR part 59.22;
c. Maintain and hold open for public inspection all records pertaining to the provisions of this section and Section 14-8.3;
d. Review and approve or deny applications for a permit, license, or certificate pertaining to the use of land or buildings in any special flood hazard area;
e. Review all permit applications to determine whether proposed development will be reasonably safe from flooding and that public utilities and facilities are constructed to minimize flood damage;
f. Approve or deny all applications for development permits required by this section and Section 14-8.3, *Flood Regulations;*
g. Review applications for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334, from which prior approval is required;
h. Make the necessary interpretation where needed as to the exact location of the boundaries of the flood hazard area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions;
i. In riverine situations, notify adjacent communities and the New Mexico office of the state engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
j. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
k. When base flood elevation data has not been provided in accordance with Section 14-8.3D, *Engineering Criteria,* obtain, review, and reasonably use any base flood elevation data and floodway data available from federal, state, or other sources in order to administer the provisions of Section 14-8.3C, *Development in Special Flood Hazard Areas.*
l. When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, be permitted within Zones A and AE on the City's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation of the base flood more than one foot at any point within the City;

m. Where base flood elevation data are utilized, obtain and maintain records of the lowest floor and flood proofing elevations for new and substantially improved construction;
n. Maintain a record of all appeals; and
o. Report all waivers to FEMA upon request.

II. Enforcement

a. The Floodplain Administrator may make reasonable entry upon any lands and waters within the City's jurisdiction for the purpose of making any investigation, survey, removal, or repair contemplated by this section or Section 14-8.3. An investigation of any obstruction shall be made by the Floodplain Administrator either on the Floodplain Administrator's own initiative or by the written request of any member of the public.
b. Whenever it is necessary to make an inspection to enforce any of the provisions of this section or Section 14-8.3, the Floodplain Administrator may enter such buildings or premises at a reasonable time to inspect the same or to perform any duty imposed upon the Floodplain Administrator by this section; provided that if such building or premises is occupied, the Floodplain Administrator shall first present proper identification and demand entry, and if such building or premises be unoccupied, the Floodplain Administrator shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry.
c. The Floodplain Administrator or their designee shall carry identification indicating the Floodplain Administrator's authority and shall present such identification to the magistrate court or district court for the purpose of this section and to other persons when requested to do so during the performance of the Floodplain Administrator's duty.
d. The powers and duties of the Floodplain Administrator relative to obstructions in a special flood hazard area shall include the following:
    1. Removal of the obstruction to a floodway that has been created by fallen trees, silt, debris and like matter; and
    2. Removal or repair of an obstruction when, after investigation, an order has been issued to the property owner for its removal or repair and the order is not complied with within a reasonable time as may be prescribed by the City or the owner cannot be found or determined; provided that if the City causes the obstruction to be removed or repaired, the reasonable cost of the removal or repairs shall constitute a lien against the lot from which the obstruction was removed or on which it was repaired. The lien shall be foreclosed in the manner provided in Sections 3-36-1 through 3-36-7 NMSA 1978.

J. Santa Fe Extraterritorial Land Use Authority

1. Creation

   The extraterritorial land use authority, also referred to as "ELUA", is created as provided in Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

2. Membership

   I. ELUA shall consist of four county commissioners appointed by the board of county commissioners and three members of the Governing Body, or two members of the Governing Body and the Mayor, appointed by the Mayor with the approval of the Governing Body.

   II. The remaining member of the board of county commissioners shall be appointed as an alternate to the extraterritorial land use authority. The Mayor shall appoint alternates, with the approval of the Governing Body, from among the remaining members of the Governing Body. Alternates shall be notified prior to a meeting of ELUA if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges, and powers as other appointed members.

   III. The term of each member appointed by the City shall be for two years.

3. Powers and Duties

   ELUA has the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or denial as provided in the Santa Fe City Code and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement. ELUA shall approve or deny annexation petitions brought pursuant to Section 3-7-17.1 NMSA 1978 upon review and recommendation of ELUC.

K. Santa Fe Extraterritorial Land Use Commission

1. Creation

   The extraterritorial land use commission, also referred to as "ELUC", is created as provided in Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

2. Membership

   ELUC shall consist of five members of the county planning commission appointed by the board of county commissioners and five members of the City planning commission appointed by the mayor with approval of the governing body.

   Alternates to ELUC shall be appointed by the board of county commissioners from the remaining members of the county planning commission and by the mayor with approval of the governing body frbm the remaining members of the City planning commission. Alternates shall be notified prior to a meeting of ELUC if an appointed

member cannot attend. When replacing a member, an alternate shall have the same duties, privileges, and powers as other appointed members.

I. The term of each member appointed by the City shall be for two years.

3. Powers and Duties

ELUC has the authority to carry out duties and make recommendations related to planning and platting jurisdiction, subdivisions, zoning, and annexations as provided for in Sections 3-21-3, 3-21-3.2 and 3-21-4 NMSA 1978 and as set forth in the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

Article 14-3 Zoning Districts

14-3.1 General Provisions

A. Purpose of Dividing the City into Districts

1. To achieve the purposes stated in Section 14-1.3, the City is divided into zoning districts, each of which has distinct regulations for the development and use of structures and land.
2. The zoning district regulations are made in accordance with the General Plan and are designed to:
   - I. Promote health, safety, and the general welfare;
   - II. Secure safety from fire, panic, and other dangers;
   - III. Provide adequate light and air;
   - IV. Provide for a coordinated growth pattern;
   - V. Reduce ecological impacts and greenhouse gas emissions;
   - VI. Provide for multimodal transportation options that improve safety and lessen congestion in the streets and public ways; and
   - VII. Facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public services.
3. The regulations and restrictions have been made with reasonable consideration for the character of each district and the unique suitability for different types of uses and with a view to encouraging the most appropriate use of land throughout Santa Fe, while conserving the value of buildings and land.

B. Zoning Districts Established

Zoning districts are established as shown in Table 3-1. Zoning districts are established by the City's adoption of the Official Zoning Map pursuant to Section 14-3.1D.

Table 3-1: Zoning Districts Established

Abbreviation	District Name	District Described
Residential		
RR	Rural Residential	§14-3.2B
R-1, R-2, R-3, R-4, R-5, R-6	Low-Density Residential	§14-3.2C
R-7, R-8, R-9	Moderate-Density Residential	§14-3.2D
R7(I)	Single-Family Residential Infill	§14-3.2D
RC-5, RC-8	Residential Compound	§14-3.2E

Table 3-1: Zoning Districts Established		
Abbreviation	**District Name**	**District Described**
R-10, R-12, R-21, R-29	High-Density Residential	§14-3.2F
MHP	Mobile Home Park	§14-3.2G
Mixed-Use and Nonresidential		
RAC	Residential Arts and Crafts	§14-3.3A
MU	Mixed-Use	§14-3.3B
BCD	Business-Capitol	§14-3.3C
C-1, C-2, C-4	Office and Related Commercial	§14-3.3D
I-1 and I-2	Light and General Industrial	§14-3.3E
Special Purpose		
BIP	Business and Industrial Park	§14-3.4A
HZ	Hospital Zone	§14-3.4B
POS	Parks and Open Space	§14-3.4C
PRC and PRRC	Planned Residential Community and Planned Resort-Residential Community	§14-3.4D
SC-1, SC-2, SC-3	Planned Shopping Center (Neighborhood, Community, Regional)	§14-3.4E

C. Compliance with District Regulations

Except as established in Section 14-1.13, *Nonconformities,* no structure (temporary or permanent) or land shall be used or occupied, nor shall a structure or part of a structure be erected, constructed, reconstructed, moved, or structurally altered except in conformance with all regulations of the zoning district in which it is located, unless modified by additional standards of an applicable overlay district, or unless otherwise expressly exempted by this Code.

D. Official Zoning Map

1. Creation and Maintenance of Map

   I. The City is divided into zones or districts as shown on the Official Zoning Map, which, together with all explanatory matter on the map and as amended from time to time, is adopted by reference and declared to be a part of Chapter 14.

   II. The Official Zoning Map shall be maintained in electronic form and depicted in various formats and scales as appropriate to the need. The Planning and Land Use Director is responsible for tracking and maintaining all changes to the map and shall be the final authority of reference as to the current zoning status of lands, buildings, and other structures in the city.

   III. Changes affecting the zoning district designation of any portion of land represented on the Official Zoning Map, including rezonings, annexations and the creation of new zoning districts, shall be made only as the result of action by the governing body related to the zoning change and shall follow the prescribed procedures for such action as set forth in Chapter 14.

   IV. The Planning and Land Use Director may make the following non-substantive changes to the Official Zoning Map at any time:
      a. Revisions of style, format, or layout to enhance clarity;
      b. Additions of explanatory text or labels;
      c. Spelling and grammatical corrections;
      d. Corrections based on oversight or error and to identify official actions that are not reflected or are incorrectly reflected; and
      e. Any other changes affecting the appearance, style, color, or graphic presentation of the map.

   V. A revised Official Zoning Map, including the proposed non-substantive changes, shall be administratively approved by the Planning and Land Use Director in writing.

2. Interpretation of Zoning District Boundaries

   Where the boundaries of districts as shown on the Official Zoning Map are uncertain, the following rules shall apply.

I. District boundaries indicated as approximately following center-lines of streets or alleys shall be construed as following those center-lines;

II. District boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines;

III. District boundaries indicated as approximately following city limits shall be construed as following City limits. If changes in the City limits remove territory from Santa Fe, district boundaries shall be construed as moving to conform with the City limits;

IV. District boundaries indicated as approximately following railroad lines shall be midway between the main tracks;

V. District boundaries indicated as approximately following center-lines of stream beds, other bodies of water or drainage ways shall be construed to follow those center-lines;

VI. District boundaries indicated as approximately following parallel to or extensions of features indicated in provisions I. through V. above shall be construed as such and at such distance from the features as indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

VII. Where natural or man-made features that actually exist are at variance with those shown on the Official Zoning Map or in other circumstances not covered by this subsection, the Governing Body shall interpret the district boundaries.

3. Annexation

In the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified.

E. Rezoning Procedure

Rezoning requirements set forth in this article are in addition to the requirements set forth in Section 14-2.1D.3, *Rezoning,* which apply to all rezonings.

F. Overlay Districts

1. Overlay zoning districts are listed in as described in Section 14-4.1B, *Existing Overlay Districts*, and are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards shall apply.
2. Where overlay districts apply in combination with base zoning districts, the standards of the overlay districts override the standards in the tables of this section. See City of Santa Fe Overlay Districts map.

G. Organization of this Article

1. Content

   Sections 14-3.2 through 14-3.4 of this article follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards.

2. Graphics

   For each base zoning district, this article includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

14-3.2 Residential Districts

A. General Standards

Residential districts are distinguished primarily by density.

1. Range of Dwelling Types Allowed

   Unless otherwise limited by this section or other provisions of Chapter 14, a variety of dwelling types to serve a wide range of individual requirements is available throughout the residential districts, including single-family dwellings or multiple-family dwellings, attached or detached dwelling units, site-built or manufactured dwelling units, conventional subdivision arrangements, zero lot line, cluster developments, or compounds, as long as they are in keeping with the overall character of the district and all other applicable requirements are met.

2. Other Structures and Uses

Structures and uses other than residential dwelling units are permitted as described in Table 5-1: *Summary Table of Allowed Uses*.

B. Rural Residential District

1. Purpose

The Rural Residential (RR) district is intended to allow low-density residential development that respects the existing rural residential character and prevents urban densities.

2. Lot and Building Standards

Table 3-2: RR District Lot/Building Standards

Density and Lots [1]		
Density, max. gross (dwelling units per acre)		2 [2]
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic
Lot size, min. (public water and sewer)		Single-family: 4,000 sq ft (2,000 sq ft if common open space is provided) Multi-unit: as allowed by max. gross density
Lot coverage, max. [3]		40% [3]
Open space, min.		Single-family: None, unless lot averaging. See §14-3.5C.3. Multi-unit: 250 sq ft common and/or private open space per unit
Setbacks, min. (ft)		
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)
B	Side	5
C	Rear	15
Height, max. (ft) [4]		
D	Residential	26
	Nonresidential	38

NOTES

[1] For information on maximum density and minimum net lot area for inheritance or family transfer subdivisions, see §14-6.8.

[2] Three dwelling units per acre are permitted if common open space is provided per §14-7.4B.1, *Common Open Space.*

[3] Lot area may decrease to 2,000 sq ft and lot coverage may increase to 50% if private open space is provided. See §14-7.4B.2, *Private Open Space.*

[4] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure. Also see general height standards and exceptions in Section 14-3.5E, *Building Height*

[5] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.

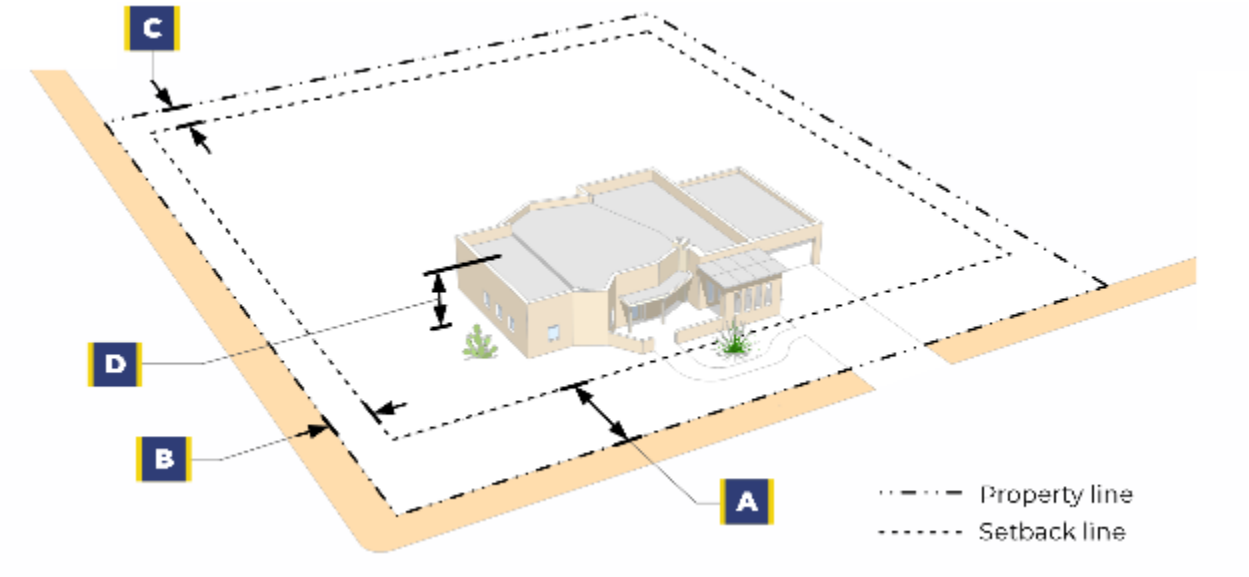


Figure 3.2-1: Rural Residential District

C. Lower-Density Residential Districts

1. Purpose

The lower-density residential districts (R-1 through R-6) are intended to accommodate residential development in areas that maintain low population densities.

2. Lot and Building Standards

Table 3-3: Lower-Density Residential Districts Lot/Building Standards

Zoning Districts		R-1	R-2	R-3	R-4	R-5	R-6
Density and Lots							
Density, max. gross (dwelling units per acre) [1] [3]		1	2	3	4	5	6
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic					
Lot size, min. (public water and sewer)		Single-family: 4,000 sq ft (2,000 sq ft if common open space is provided) Multi-unit: as allowed by max. gross density					
Lot coverage, max.		40% (50% if private open space is provided per Section 14-7.4B.2, *Private Open Space)*					
Open space, min.		Single-family: None, unless lot averaging. See §14-3.5C.3. Multi-unit: 250 sq ft common and/or private open space per unit					
Setbacks, min. (ft)							
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)					
B	Side	5					
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less					
Height, max. (ft)[2]							
D	Residential	26					
	Nonresidential	38					

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure.

[3] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.

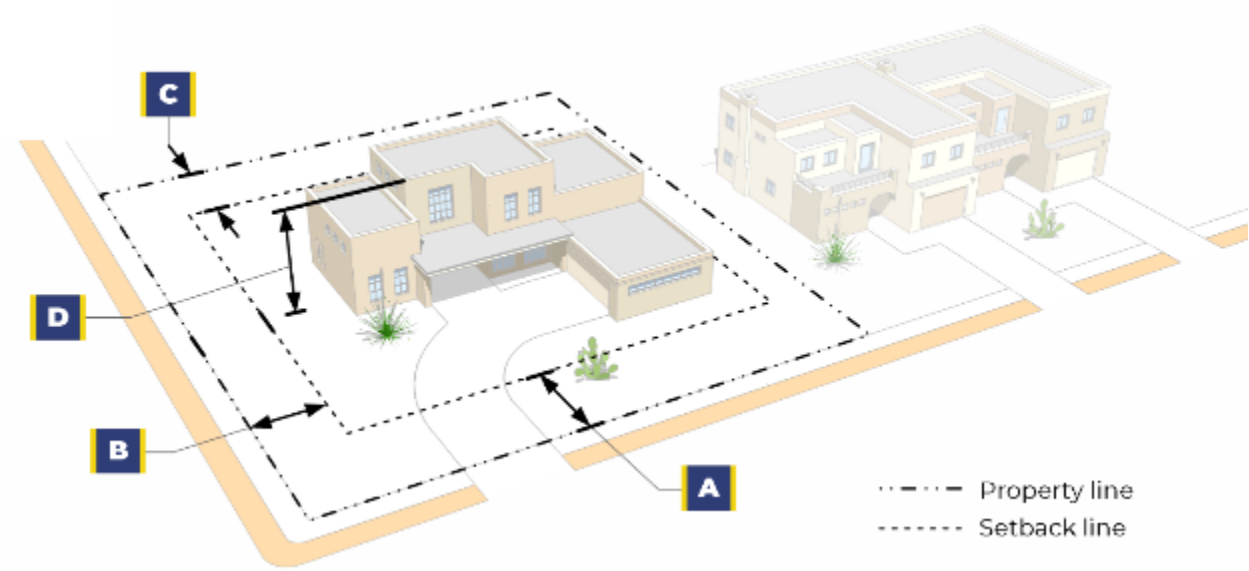


Figure 3.2-2: Lower-Density Residential Districts

D. Moderate-Density Residential Districts

1. Purpose: R-7, R-8, and R-9

   The moderate-density residential districts (R-7, R-8, and R-9) are intended to allow higher-intensity residential development at a density that promotes greater affordability; and to encourage infill development on undeveloped or underdeveloped land to promote compact urban form and promote efficient use of public infrastructure and services.

2. Purpose: R-7(I)

   I. The R-7(I) district is intended to encourage infill single-family residential development on undeveloped or underdeveloped land within or adjacent to established residential areas, consistent with the lot patterns and densities of those areas.

   II. Property is eligible for rezoning to R-7(I) if the property is less than five acres in size and located within or adjacent to an established residential area that is zoned R-4, R-5, or R-6 if all other applicable requirements are satisfied.

3. Lot and Building Standards

Table 3-4: Moderate-Density Residential Districts Lot/Building Standards

Zoning Districts		R-7, R-7(I)	R-8	R-9
Density and Lots				
Density, max. gross (dwelling units per acre) [1] [4]		7	8	9
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic		
Lot size, min. (public water and sewer)		Single-family: 4,000 sq ft (2,000 sq ft if common open space is provided per Section 14-7.4B.1, *Common Open Space* Multi-unit: as allowed by max. gross density		
Lot coverage, max. [2]		40% (55% if private open space is provided per Section 14-7.4B.2, *Private Open Space)*		
Open space, min.		Single-family: None, unless lot averaging. See §14-3.5C.3. Multi-unit: 250 sq ft common and/or private open space per unit		
Setbacks, min. (ft)				
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)		
B	Side	5		
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less		
Height, max. (ft)[3]				
D	Residential	26		
	Nonresidential	38		

Table 3-4: Moderate-Density Residential Districts Lot/Building Standards			
Zoning Districts	**R-7, R-7(I)**	**R-8**	**R-9**

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Lot coverage may increase to 55% if private open space is provided, except in R-7(I), where the lot coverage may increase to 50%. See §14-7.4B.2, *Private Open Space.*

[3] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure.

[4] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.

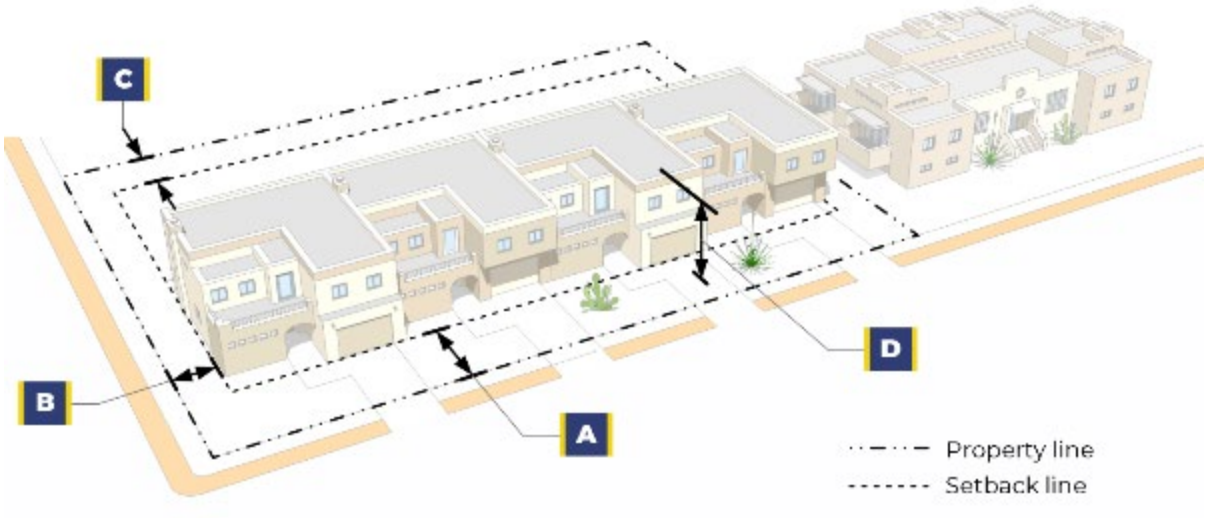


Figure 3.2-3: Moderate-Density Residential Districts

E. Residential Compound Districts

1. Purpose

The residential compound (RC-5 and RC-8) districts are intended to be medium-density residential areas allowing the development of more than one dwelling unit on a single lot, reflecting historic development patterns and in harmony with the existing character of the City's residential compound areas.

2. Lot and Building Standards

Table 3-5: Residential Compound Districts Lot and Building Standards

Zoning Districts		RC-5	RC-8
Density and Lots			
Density, max. gross. (dwelling units per acre) [1] [4]		5	8
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic	
Lot size, min. (public water and sewer)		Single-family: 4,000 sq ft	
Lot coverage, max.		40% (55% if private open space is provided per Section 14-7.4B.2, *Private Open Space)*	
Open space, min.		Single-family: None, unless lot averaging. See §14-3.5C.3. Multi-unit: 250 sq ft common and/or private open space per unit	
Setbacks, min. (ft) [2]			
A	Front	7 (0 if a yard wall between 6-8 ft high is built between building and street)	
B	Side	5	
C	Rear	15 (5 if a wall between 6-8 ft high is built)	
Height, max. (ft)			
D	Building height	26 [3]	

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] No portion of any story above ground-level story shall be closer than 15 ft from property line.

[3] Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.

[4] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.



Figure 3.2-4: Residential Compound Districts

F. High-Density Residential Districts

1. Purpose

The high-density residential districts (R-10, R-12, R-21, and R-29) are intended to allow residential development at medium- and high-density levels.

2. Lot and Building Standards

Table 3-6: High-Density Residential Districts Lot/Building Standards

Zoning Districts		R-10	R-12	R-21	R-29
Density and Lots					
Density, max. gross (dwelling units per acre) [1] [6]		10	12	21	29
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic			
Lot size, min. (public water and sewer)		Single-family: 3,000 sq ft Multi-unit: as allowed by max. gross density			
Lot coverage, max.		40% (55% if private open space is provided per Section 14-7.4B.2, *Private Open Space)*			
Open space, min. (per unit)		250 sq ft common and/or private open space			
Setbacks, min. (ft):[2]					
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)			
B	Side	5			
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less			
Height, max. (ft) [4]					
D	Residential	26	26	26 or 38 [5]	26 or 38 [5]

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Projects that comply with standard setbacks do not require Development Plan approval.

[4] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure.

[5] A development plan or conditional use approval is required for the 38 ft height. See §14-2.1, *Review and Approval Procedures*, for review and approval criteria.

[6] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.

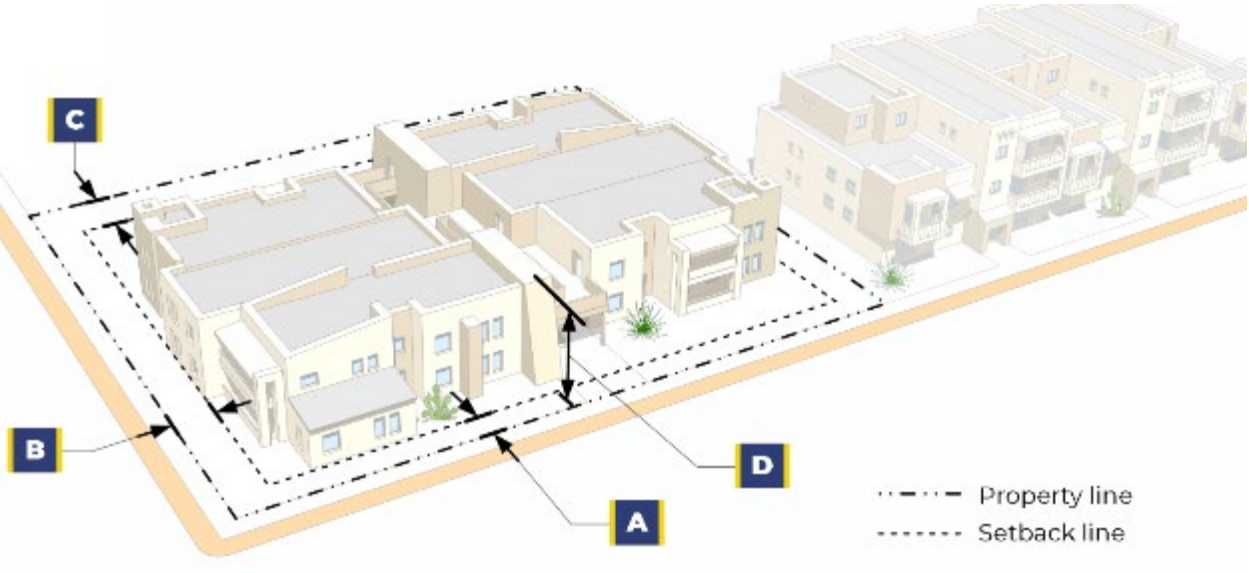


Figure 3.2-5: Higher-Density Residential Districts

G. Mobile Home Park District

1. Purpose

   The mobile home park district (MHP) is intended for mobile home parks in existence prior to December 10, 2012 (effective date of Ordinance No. 2012-37), or for the development of residential subdivisions or attached multiple-family dwellings on parcels of no less than two acres.

2. Lot and Building Standards

   See Section 14-5.3C.9, *Mobile Home, Temporary Placement*, for applicable standards.

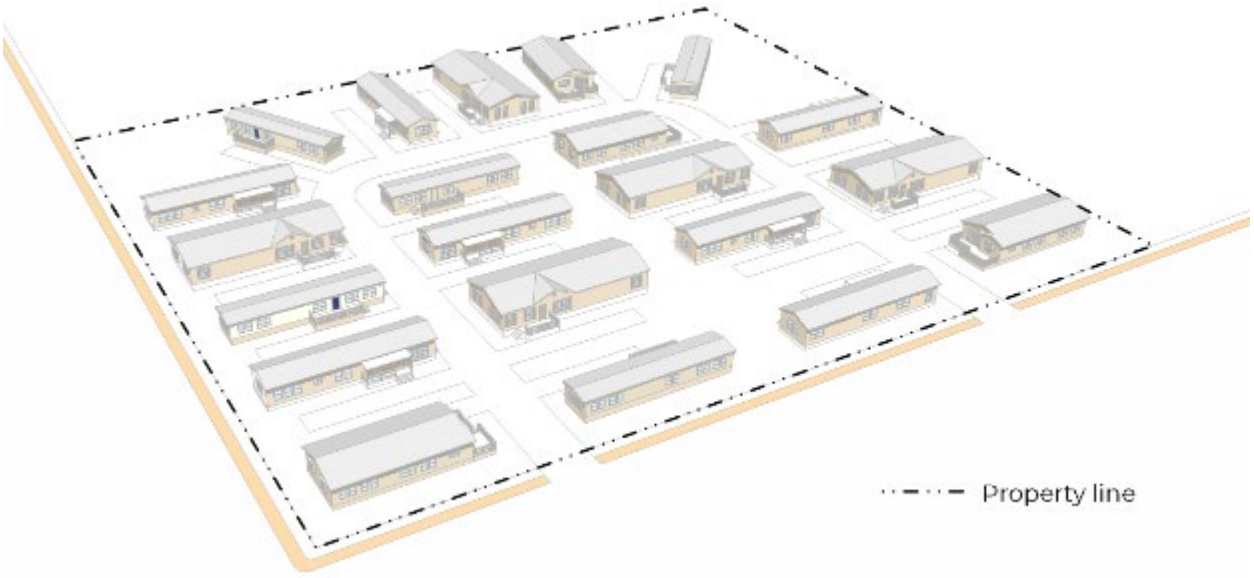


Figure 3.2-6: Mobile Home Park District

14-3.3 Mixed-Use and Nonresidential Districts

A. Residential Arts and Crafts District

1. Purpose

The residential arts and crafts district (RAC) is intended to serve and preserve the prevalent characteristics of certain limited areas of the city where residential uses are intermixed with small arts and crafts shops, studios, and galleries. The goods sold from these establishments are custom-produced in small quantities and often one-of-a-kind; or arts or crafts are taught to a small number of people at one time. This district is not intended to be applied to new areas that do not already possess these characteristics.

2. Lot and Building Standards

Table 3-7: Residential Arts & Crafts District Lot/Building Standards

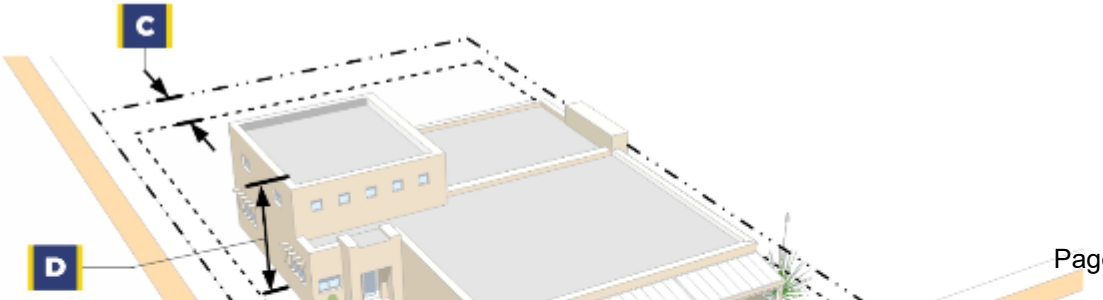
Density and Lots		
Density, max. gross (dwelling units per acre)		10 [1] [2] [3]
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic
Lot size, min. (public water and sewer)		Single-family: 3,000 sq ft Multi-unit: as allowed by max. gross density
Lot coverage, max. [3]		40% (55% if private open space is provided per Section 14-7.4B.2, *Private Open Space)*
Open space, min.		Single-family: None, unless lot averaging. See §14-3.5C.3. Multi-unit: 250 sq ft common and/or private open space per unit
Setbacks, min. (ft)		
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)
B	Side	5
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less
Height, max. (ft) [2]		
D	Residential	26
	Nonresidential	38

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] No taller than 14 ft within 10 ft of side or rear property line; no taller than 24 ft within 15 ft of a property line.

[5] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.



B. Mixed-Use District

1. Purpose

The mixed-use district (MU) is intended to allow for development that contains a combination of office, commercial, and residential uses in the same building or on the same property. This district prioritizes compact development, walkability, good pedestrian connectivity, and pedestrian-scale urban design, with less emphasis on vehicle access and proximity to high-traffic vehicular routes.

2. Lot and Building Standards

Table 3-8: Mixed-Use District Lot/Building Standards [1]

		Adjacent Residential	Not Adjacent Residential
Lots			
	Lot size, min.	None	
	Lot coverage, max.	None	
Setbacks, min. (ft)			
A	Front	7 [2]	None
B	Side	30	5 [3]
C	Rear	30	10 [3]
Height, max. (ft) [4]			
D	All structures	38	

NOTES

[1] Opens space standards apply. See Section 14-7.4, *Open Space.*

[2] This setback applies if no street separates the MU and R districts.

[3] Right-of-way may be counted as part of setback.

[4] Adjacent to residential uses or residential zoning, all buildings and structures within 70 ft of the adjoining residential property line shall not exceed 26 ft in height.

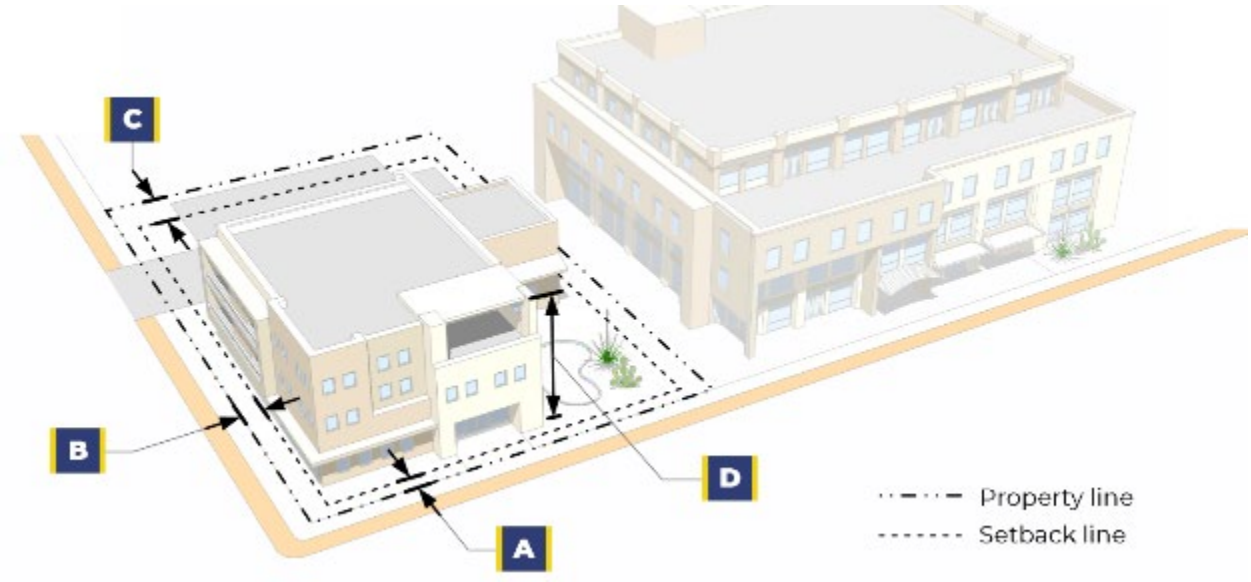


Figure 3.3-2: Mixed-Use District

3. Additional Standards

I. Architectural Step-Backs

Third floors shall have a step-back (balcony or roof area) of a minimum of five feet from all the building's façades at the ground level.

II. Separation of Uses

Group living or household living uses shall be separated from the following uses on an adjoining site by a minimum distance of 50 feet from the shared property line:

a. Any use with a drive-through, including but not limited to car washes, restaurants, and banks;
b. Animal hospitals or clinics with outdoor overnight boarding;
c. Day care facilities with more than 30 attendees;
d. Outdoor storage;
e. Restaurants and bars operating between the hours of 10:00 p.m. and 7:00 a.m.;
f. Liquor stores;
g. Hotels and motels; and
h. Any land use that the Planning Commission determines will produce environmental impacts, processes or products that are incompatible with residential uses, and that is noted on the approved master plan or development plan.

III. Building Tenant Space

No single commercial tenant space shall exceed a total of 20,000 square feet.

IV. Residential Uses

a. Residential uses shall consist of at least 40 percent of the development's total floor area if located adjacent to residentially zoned districts. If not, residential uses shall consist of at least 20 percent of the development's total floor area. The master plan, plat and development plan shall show this residential/commercial mix.

b. Buildings of 26 feet or less in height shall not exceed a maximum of 12 dwelling units per acre. Buildings between 26 feet and up to 38 feet in height shall not exceed 14 dwelling units per acre.

c. Each dwelling unit shall be provided with a minimum of 250 square feet of qualifying private or common open space. See §14-7.4, *Open Space.*

4. Rezoning Limitation

Application for rezoning to MU is not allowed for residentially zoned properties located in historic districts.

C. Business-Capitol District

1. Purpose

   The business-capitol district (BCD) is intended for a mixture of both residential and nonresidential land uses, designed to promote economic well-being while preserving the unique architecture, townscape, and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community, and historical identity in the district and the city.

2. Boundaries

   I. The BCD is comprised of townscape subdistricts and redevelopment subdistricts. The boundaries of the BCD and its subdistricts are defined on the Official Zoning Map.

   II. Changes to boundaries of the townscape subdistricts or redevelopment subdistricts, including designations of new townscape and redevelopment subdistricts, are considered rezonings and shall follow the procedure set forth in Section 14-2.1D.3, *Rezoning.* Designations of new townscape subdistricts are considered Chapter 14 code text amendments and shall follow the procedure set forth in Section 14-2.1D.2, *Code Text Amendment* and in Section 14-3.1(E), *Rezoning Procedure.*

   III. Property is eligible for rezoning to a townscape subdistrict if the land is located within or adjacent to the BCD and meets all other requirements of Chapter 14.

3. Standards for Entire District

   I. Baseline Land-Use Intensity

      For the BCD in general, the baseline floor area to lot size ratio shall be 2.0:1, except for the Plaza/San Francisco, Alameda, redevelopment and Loretto subdistricts, where the baseline floor area ratio shall be 2.5:1; provided, however, that a baseline floor area ratio of 2.5:1 shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or townscape subdistrict. Areas within a structure where the ceiling is below average finished grade, and at-grade parking areas, do not count toward the allowable floor area.

II. Land-Use Intensity Credits
   a. A land-use intensity credit of up to 50 percent of all floor area in a residential use may be granted in conjunction with approval of a master plan, development plan, or conditional use approval, provided that no floor area ratio shall exceed 3.0:1. The additional floor area granted may be used for any permitted use;
   b. Floor area of parking structures above-grade counts toward gross floor area except for the floor area of roof deck parking. Subsurface areas and at-grade parking areas do not count toward the allowable floor area;
   c. The final floor area ratio (FAR) of a project, including land-use intensity credits, shall be limited by infrastructure capacity and townscape standards, where applicable;
   d. Calculation of the floor area to lot size ratio shall include existing structures on a legal lot of record where development is proposed.

III. Drive-In or Drive-Through Facilities
   a. Drive-in or drive-through facilities are permitted as principal or accessory uses when traffic generated by the use will not substantially interfere with existing vehicular and pedestrian traffic. Drive-in and drive-through facilities and structures are allowed in the following subdistricts:
      1. Rosario Boulevard/Northwest Paseo de Peralta;
      2. Sandoval/Montezuma; and
      3. Cerrillos Road.
   b. Drive-in or drive-through facilities are prohibited in the other subdistricts of the BCD.

4. Townscape Subdistricts

I. Intent

The townscape subdistricts are intended to:

   a. Preserve the overall aesthetic quality of the BCD;
   b. Maintain diversity among the various subdistricts; and
   c. Protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.

II. Design Objectives for Individual Townscape Subdistricts

The best existing qualities of the individual townscape subdistricts should be preserved, while encouraging diversity of design in the individual townscape subdistricts. New development should be harmonious with the specific physical characteristics and development and design objectives listed in each district below.

5. Alameda Street

I. Design Objectives

a. Allow more intensive development because of the lack of historical or well-defined townscape characteristics;
b. Strengthen continuity of block forms;
c. Strengthen the built edge of street sections and extend features of the Plaza streetscape to this district;
d. Improve the sense of enclosure to pedestrian spaces;
e. Separate vehicles and pedestrians;
f. Emphasize the river park by allowing relatively dense buildings north of the Alameda in contrast to the park;
g. Recognize the importance of the river as an urban design feature; and
h. Provide some natural landscape on the north side of the Alameda to reflect the natural landscape of the Santa Fe River park.

II. Lot and Building Standards

Table 3-9: Alameda Street Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		None
Lot Coverage, Max.		
Portion of block bounded by Cathedral Place, Alameda, Paseo de Peralta and Palace Avenue		67%
Rest of district		None
Design Standards		
A	Open Space Requirements	**Lots fronting Alameda:** equal to the front footage multiplied by 2.5 ft adjacent to front property line
B	Landscape Treatment in Yards	Required for lots fronting Alameda St [1]
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited in ROW on lots fronting Alameda
Height, Max. (ft)		
E	Building	56 [2]
F	Fence or Wall	3

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] One foot of horizontal stepback is required for every two ft of building height above 36 ft.

6. Barrio de Analco

I. Design Objectives

a. Maintain narrow streets and closely spaced small buildings;
b. Avoid the widening of existing streets;
c. Maintain the historic character and residential scale of buildings; and
d. Maintain and encourage enclosed courtyards.

II. Lot and Building Standards

Table 3-10: Barrio de Analco Lot/Building Standards

		East Portion	West Portion
Building Location			
Placement & Setback Requirements (ft)		No restrictions	Buildings max. 7 ft from property line
Lot Coverage, Max.			
			67%
Design Standards			
A	Open Space Requirements	No requirements	
B	Landscape Treatment in Yards	[Note 1]	
C	Placement of Off-Street Parking	Prohibited in required front yards	
D	Portals	Permitted in ROW w/ Governing Body approval	
Height, Max. (ft)			
E	Building	18	24
F	Fence or Wall	8	8

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

7. Cerrillos Road

I. Design Objectives

a. Recognize this area as one undergoing renewal;
b. Encourage the redevelopment of large parcels;
c. Provide flexible and permissive standards to encourage redevelopment and imaginative design;
d. Develop this area as an entranceway to the downtown with consideration for safety due to high traffic volume;
e. Discourage massive, block-shaped buildings; and
f. Encourage the concept of this area as a gateway to downtown Santa Fe.

II. Lot and Building Standards

Table 3-11: Cerrillos Road Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		15 min. on Cerrillos; lots abutting a residential district other than the BCD shall meet the residential district setback requirement along the common property line
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	[Note 1]
C	Placement of Off-Street Parking	No restrictions
D	Portals	Prohibited in ROW
Height, Max. (ft)		
E	Building	45 [2]
F	Fence or Wall	No restrictions

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] One ft of horizontal stepback is required for every two ft of building height above 27 ft; wall stepbacks shall be a minimum of 10 horizontal ft.

8. Don Gaspar

I. Design Objective

Maintain the small scale and residential character and streetscape.

II. Lot and Building Standards

Table 3-12: Don Gaspar Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		Street: 10 Side: 5 Rear: 15
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	No requirements
C	Placement of Off-Street Parking	Prohibited in required front yards
D	Portals	Prohibited in ROW
Height, Max. (ft)		
E	Building	24

Table 3-12: Don Gaspar Lot/Building Standards		
F	Fence or Wall	No restrictions

9. East Marcy/East Palace

I. Design Objectives

a. Maintain the continuity of block faces, including street trees and yards;
b. Retain the residential scale of the area by limiting building heights and requiring yards;
c. Encourage low walls that are compatible with the characteristic open yards; and
d. Encourage a sense of openness.

II. Lot and Building Standards

Table 3-13: East Marcy/East Palace Lot/Building Standards		
Building Location		
Placement & Setback Requirements (ft)		Street: [Note 1] Side: 5 Rear: 10
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	Min. 10% of the lot area located adjacent to the front property line to serve as yard or courtyard
B	Landscape Treatment in Yards	Required in yards and open space[2] [3]
C	Placement of Off-Street Parking	Prohibited in required front yards
D	Portals	Prohibited in ROW
Height, Max. (ft)		
E	Building	27
F	Fence or Wall	4

NOTES

[1] Ten-ft building setback requirement in the East Marcy/East Palace Subdistrict, except (a) on the north side of Marcy Street between Otero Street and Paseo de Peralta; and (b) both sides of Palace Avenue between Paseo de Peralta and Delgado Street, where a front required yard building setback equal to the average depth of existing front yards on the block is required.

[2] Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip.

[3] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

10. Loretto

I. Design Objectives

a. Encourage the continued redevelopment of this subdistrict; and

b. Provide for architectural harmony within the subdistrict and with adjoining subdistricts.

II. Lot and Building Standards

Table 3-14: Loretto Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		No requirements
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	**Lots fronting Alameda:** area equal to the front footage multiplied by 2.5 feet adjacent to front property line
B	Landscape Treatment in Yards	[Note 1]
C	Placement of Off-Street Parking	None [2]
D	Portals	**Lots fronting Alameda:** Prohibited in ROW; elsewhere permitted w/ Governing Body approval
Height, Max. (ft)		
E	Building	No portion of a building shall exceed 65 feet above a point at grade level at the center of the site[3]
F	Fence or Wall	**Lots fronting Old Santa Fe Trail:** not to exceed 7; elsewhere 8

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] No parking is permitted for a depth of 40 feet from the property line for the portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel.

[3] One ft setback for every 2 ft of building height above 36 ft, measured from each abutting public street right-of-way line.

11. Marcy

I. Design Objectives

a. Maintain street trees and stands of trees as dominant elements in the subdistrict;
b. Maintain avenue features, such as broad streets, planting strips, street trees and wide sidewalks;
c. Maintain a sense of openness to provide occasional view of the mountains;
d. Separate pedestrians from vehicles using planting strips and street trees while providing an enclosed space; and
e. Maintain the relationship between the height and mass of trees and the height and scale of buildings.

II. Lot and Building Standards

Table 3-15: Marcy Lot/Building Standards

Building Location			
Placement & Setback Requirements (ft)			None [1]
Lot Coverage, Max.			
			N/A
Design Standards			
A	Open Space Requirements	Min. 10% of the lot area located adjacent to the front property line to serve as yard or courtyard	
B	Landscape Treatment in Yards	Required in yards & open space.[2] [3]	
C	Placement of Off-Street Parking	Prohibited in front yard	
D	Portals	Prohibited in ROW	
Height, Max. (ft)			
E	Building		42[4]
F	Fence or Wall		4

NOTES

[1] Along the east side of Washington Avenue between Place Avenue and Paseo de Peralta (Hillside), and the west side of Grant Avenue between Place Avenue and Paseo de Peralta, the required front yard shall be equal to the average depth of existing front yards on the block.

[2] Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip.

[3] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[4] One foot of horizontal stepback is required for every one ft of building height above 24 ft; wall stepbacks shall be a minimum of 10 horizontal feet.

12. McKenzie Street

I. Design Objectives

a. Maintain the residential scale;
b. Maintain yards, with or without fences; and
c. Maintain separation of individual structures.

II. Lot and Building Standards

Table 3-16: McKenzie Lot/Building Standards

Building Location			
Placement & Setback Requirements (ft)			Street: 10 Side: 5 Rear: 15
Lot Coverage, Max.			
			N/A
Design Standards			
A	Open Space Requirements	No requirements	
B	Landscape Treatment in Yards	Required in yards & open space.[1] [Note 2]	
C	Placement of Off-Street Parking	Prohibited in front yard	
D	Portals	Prohibited in ROW	
Height, Max. (ft)			
E	Building		24
F	Fence or Wall		No restrictions

NOTES

[1] Street trees and landscape treatment required if planting strip exists. The planting strip should have a minimum width of three feet. Asphalt or concrete pavement prohibited in planting strip.

[2] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

13. Old Santa Fe Trail

I. Design Objectives

a. Maintain the small scale quality of buildings and streets;
b. Maintain the existing width of the old Santa Fe Trail;
c. Maintain the scale of buildings; and
d. Encourage compliance by the state in design of future development.

II. Lot and Building Standards

Table 3-17: Old Santa Fe Trail Lot/Building Standards

Building Location	
Placement & Setback Requirements (ft)	Front: 10
Lot Coverage, Max.	
	N/A

Table 3-17: Old Santa Fe Trail Lot/Building Standards		
Design Standards		
A	Open Space Requirements	None
B	Landscape Treatment in Yards	Required in front yards
C	Placement of Off-Street Parking	Prohibited in front yard
D	Portals	Permitted in ROW w/ Governing Body approval
Height, Max. (ft)		
E	Building	24
F	Fence or Wall	5

14. Plaza/San Francisco

I. Design Objectives

a. Maintain narrow streets and continuous street façades;
b. Encourage additional portals for pedestrian use and provide continuity of building mass;
c. Limit building height to heights characteristic of existing buildings;
d. Encourage high walls to separate open or vacant areas from the public right-of-way and provide continuity of street façade;
e. Except for Plaza and Cathedral areas, confine landscaping to interior patios or walled courtyards; and
f. Emphasize verticality of façades on San Francisco Street.

II. Lot and Building Standards

Table 3-18: Plaza/San Francisco Lot/Building Standards		
Building Location		
Placement & Setback Requirements (ft)		No required yards.[1]
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	No requirements
C	Placement of Off-Street Parking	Off-site or in rear yard, with access from rear
D	Portals	Permitted in ROW w/ Governing Body approval
Height, Max. (ft)		
E	Building	36
F	Fence or Wall	In historic district, as specified in §14-4.5E

NOTES

[1] Buildings fronting San Francisco Street between Sandoval and Cathedral Place shall be built to the street property line. Buildings elsewhere in the subdistrict should also be built to the street property line, but where a building is set back from the street right-of-way, a solid wall shall be built at the street property line unless at least 80% of the yard is paved and designated for public pedestrian use.

15. Rosario Boulevard/NW Paseo de Peralta

I. Design Objectives

a. Recognize the area as one in the process of change;
b. Facilitate the redevelopment of large parcels within single ownership;
c. Provide flexible standards that encourage redevelopment and diversity of design;
d. Emphasize the strategic position of this area as a gateway into downtown Santa Fe; and
e. Provide standards that minimize the impact or height and bulk of structures on the entryways to the downtown.

II. Lot and Building Standards

Table 3-19: Rosario Boulevard/NW Paseo de Peralta Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	**North side of Paseo de Peralta:** set back from sidewalk a min. of 20; residential district setback applies along common property line where lot abuts a residential district.
Lot Coverage, Max.		
		67%
Design Standards		
A	Open Space Requirements	No requirement[1]
B	Landscape Treatment in Yards	Required [2]
C	Placement of Off-Street Parking	No restrictions
D	Portals	Prohibited in ROW
Height, Max. (ft)		
E	Building	36
F	Fence or Wall	No requirement[3]

NOTES

[1] Except to meet yard requirements.

[2] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[3] Except to meet landscape treatment requirements.

16. Sandoval/Montezuma

I. Design Objectives

a. Recognize that the area is in transition;
b. Encourage adaptive reuse of existing buildings on Guadalupe Street and existing bungalows on west Manhattan, Read, Garfield, Montezuma and Aztec Streets;
c. Maintain and strengthen the continuity of the existing street façade on the east side of Guadalupe Street;
d. Encourage access from side streets;
e. Discourage additional curb cuts on main streets; and
f. Encourage redevelopment of under-used property along Sandoval Street and Cerrillos Road.

II. Lot and Building Standards

Table 3-20: Sandoval/Montezuma Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	Residential district setback applies along common property line where lot abuts a residential district.
Lot Coverage, Max.		
		67%
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	Required [1]
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited on lots fronting Guadalupe and Sandoval Streets, elsewhere permitted in ROW w/ Governing Body approval
Height, Max. (ft)		
E	Building	36
F	Fence or Wall	No restrictions

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

17. State Capitol

I. Design Objectives

a. Retain the open "campus" quality of this area as a contrast to surrounding developed areas;

b. Recognize the area as complementary to the Santa Fe River park; and

c. Maintain intensive landscape treatment.

II. Lot and Building Standards

Table 3-21: State Capitol Lot/Building Standards

Building Location			
Placement & Setback Requirements (ft)			Street: min. setback must equal building height Side: 5 min.
Lot Coverage, Max.			
			50%
Design Standards			
A	Open Space Requirements	No requirements	
B	Landscape Treatment in Yards	Required [1]	
C	Placement of Off-Street Parking	No requirements	
D	Portals	Prohibited in ROW	
Height, Max. (ft)			
E	Building		48
F	Fence or Wall		No walls allowed[2]

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft in width measured from the back of the sidewalk, or, in the absence of a sidewalk, from the property line; and planted with plant materials whose mature height is at least 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] Except for retaining walls, existing walls around parking lots, and walls or fences around delivery or trash areas.

18. Westside

I. Design Objective

Maintain the small scale and residential character and streetscape.

II. Lot and Building Standards

Table 3-22: Westside Lot/Building Standards

Building Location	
Placement & Setback Requirements (ft)	Street: 10 Side: 5 Rear: 15
Lot Coverage, Max.	
	N/A
Design Standards	

Table 3-22: Westside Lot/Building Standards			
A	Open Space Requirements	No requirements	
B	Landscape Treatment in Yards	No requirements	
C	Placement of Off-Street Parking	No requirements	
D	Portals	Prohibited in ROW	
Height, Max. (ft)			
E	Building		24
F	Fence or Wall		No restrictions

19. Redevelopment Subdistricts

I. Purpose

Redevelopment subdistricts are intended to provide for:

a. Infill and a limitation of sprawl through the efficient use of land;
b. Optimum use of public infrastructure;
c. A mix of land uses, including residential uses;
d. Comprehensive site planning;
e. Public benefit uses;
f. Urban design innovation;
g. An enhancement of the economic vitality of the district;
h. The preservation and enhancement of the character and quality of the area in which the subdistrict is located through elimination of any potentially significant adverse impacts or potentially irreversible adverse impacts upon the community, surrounding neighborhoods, or other approved project plans; and
i. Redevelopment of areas with weak townscape qualities or of areas that are undergoing change.

II. Redevelopment Requirements
a. Property is eligible for rezoning to a redevelopment subdistrict if:
1. The land is located within or adjacent to the BCD and encompasses at least three acres, exclusive of dedicated streets and rights-of-way, or a complete city block, whichever is smaller; and
2. The existing infrastructure has the capability to support or to be modified to support the allowed floor area ratio set forth in provisions b and c below.
b. The baseline floor-area ratio shall be 2.5 to one; provided, however, that such a floor-area ratio shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or townscape subdistrict.
c. Rezoning to BCD-redevelopment subdistricts requires consideration and approval by the planning commission and governing body of a master plan or development plan for the property as provided
d. Rezoning to BCD-redevelopment subdistrict shall be reviewed and approved as described in Section 14-2.1D.3, *Rezoning*.

III. Rezoning Redevelopment Subdistrict to Townscape Subdistrict
Property is eligible for rezoning from a redevelopment subdistrict to a townscape subdistrict provided that the following criteria are met:

a. Development of the redevelopment subdistrict is substantially complete, which determination shall be made by the Governing Body;
b. The property is located in or adjacent to the townscape subdistrict it will become part of if the rezoning is approved, and
c. All other requirements of Chapter 14 are met.

20. Standards for Redevelopment Subdistricts

I. Land-Use Intensity
a. Transfer of allowed floor area, including land use intensity credits, within a property or between contiguous properties with a single ownership and within a project is allowed; and
b. Public benefit uses shall not count against the allowable floor area for a parcel.
c. The maximum baseline floor area ratio permitted is 2.5:1 unless provided otherwise in the master plan or at the time of rezoning pursuant to Section 14-3.3C.19.II.a.2 above.

II. Maximum Height of Buildings
The maximum building height permitted in a redevelopment subdistrict shall not exceed 65 feet; provided, however, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.

III. Additional Standards
a. Additional standards for redevelopment subdistricts are located in the subdistrict master plan.
b. Development in a redevelopment subdistrict shall comply with the master plan.
c. If no master plan has been approved for a portion of a redevelopment subdistrict, development must conform to the standards of the adjacent or nearest BCD subdistrict.

D. Office and Commercial Districts

1. Purpose: C-1

   The C-1 office and related commercial district is intended for low-intensity commercial and professional uses such as government offices; professional and business offices; medical and dental offices or clinics; personal care facilities for the elderly; hospitals; research laboratories; pharmacies; and related complementary businesses that provide sales or service of office equipment and supplies, medical and dental supplies. This district serves as a transitional buffer between more intense commercial use districts and residential districts.

2. Purpose: C-2

   The C-2 district is intended for a wide range of medium-intensity commercial and professional uses such as lodging, offices, and retail, along with accompanying and accessory uses, generally at a larger scale than transitional commercial districts, and located along streets carrying large volumes of traffic because of the moderate amount of traffic volume the uses generate. Regulations are designed to guide future additions or changes that discourage extension of existing strip development and formation of future strip commercial development, to preserve the carrying capacity of the streets and to provide for off-street parking and loading.

3. Purpose: C-4

   The C-4 district is intended for limited office, retail, and arts and crafts uses that maintain the residential character of the areas where the district applies, and where the scale and intensity of nonresidential uses will not generate heavy vehicular traffic. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

4. Boundaries

   I. Only property within a C-4 zoning eligibility area, as shown on the Official Zoning Map, shall be eligible for rezoning to C-4. Rezoning of individual parcels shall follow the procedures in Section 14-2.1D.3, *Rezoning*.

   II. Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-2.1D.2, *Code Text Amendment.*

5. Lot and Building Standards

Table 3-23: Commercial Districts Lot/Building Standards

Zoning Districts	C-1 [1]	C-2	C-4 [2]
Density and Lots			

Table 3-23: Commercial Districts Lot/Building Standards				
Zoning Districts		**C-1** [1]	**C-2**	**C-4** [2]
Density, residential max. (dwelling units/acre)		10[6]	N/A[3] [6]	10[6]
Lot size, min.		3,000 sq ft	None	Same as adjacent residential development
Lot Coverage, max.				
Residential		40%	N/A	40%
Nonresidential		60%	60%	60%
Setbacks, min. (ft)				
A	Front	10	15	10
B	Side	5	0	5 [5]
C	Rear	10	10 [4]	10 [4]
Height, max. (ft)				
D	Residential	38	45	26 [5]

NOTES

[1] Residential development in the C-1 district is subject to the standards of the R-21 district, except density.

[2] Maximum residential density and minimum residential open space requirements for a C-4 parcel are the same as permitted in the lowest-density contiguous residential district. If there is no contiguous residential district, requirements are the same as for the closest residential district. In no case shall the requirements be more restrictive than for the R-8 district.

[3] Density is determined as a result of maximum height, setbacks, lot coverage, and parking.

[4] When a rear yard abuts a residential district, the setback shall increase to no less than 25 ft or 20% percent of the depth of the lot, whichever is less.

[5] No taller than 14 ft within 10 ft of side or rear property line; no taller than 26 ft within 15 ft of a property line.

[6] Density bonuses may apply pursuant to the Santa Fe Homes Program, Section 14-7.2.

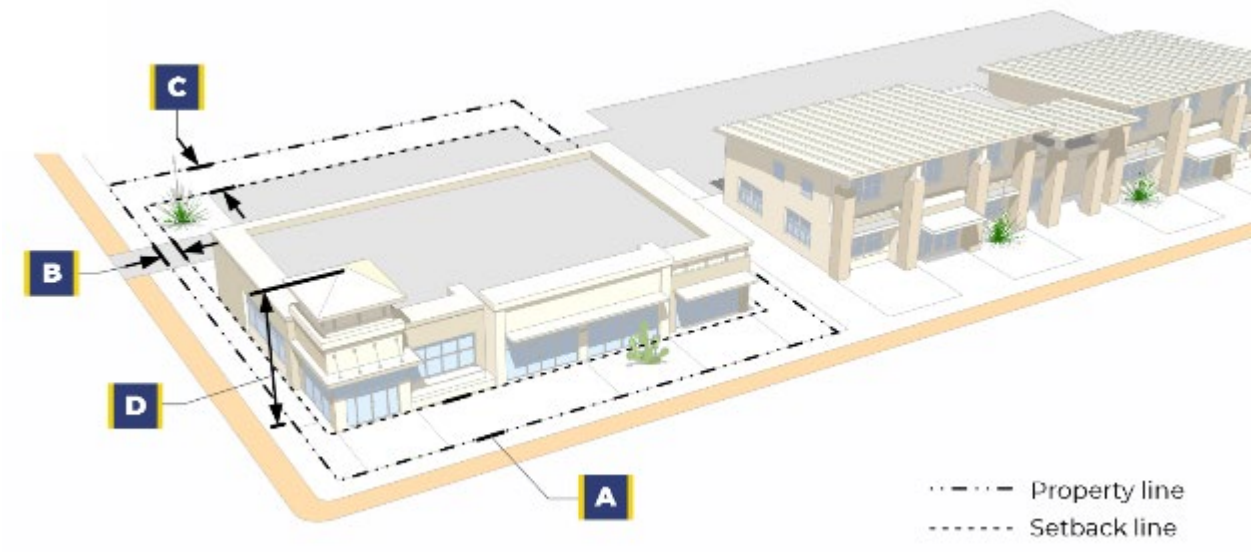


Figure 3.3-3: Office and Commercial District

E. Industrial Districts

1. I-1 – Light Industrial Purpose

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution, and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby residential districts.

2. I-2 – General Industrial Purpose

The I-2 district is intended primarily for general manufacturing and closely related uses and allows limited commercial development. Regulations for this district prevent harmful impacts on adjacent districts through limitations on incompatible industries, while aiming to minimize burdensome regulations on general manufacturing. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

3. Lot and Building Standards

Table 3-24: Industrial Districts Lot/Building Standards

Zoning Districts		I-1	I-2
Lots			
Lot size, min.		None	None
Lot coverage, max.		50%	60%
Setbacks, min. (ft)			
A	Front	15	15
B	Side	0	5 / 10 [2]
C	Rear	10 [1]	10 / 25 [2]
Height, max. (ft)[3]			
D	Building height	65	65

NOTES

[1] When a rear yard abuts a residential district, the setback shall increase to no less than 25 ft or 20% percent of the depth of the lot, whichever is less.

[2] The smaller setbacks apply when not abutting residential district; the larger setback applies when abutting residential district.

[3] Abutting a residential district, any part of a building taller than 38 ft in height shall be set back from each shared property line at least one foot for each two feet of additional building height above 38 ft.

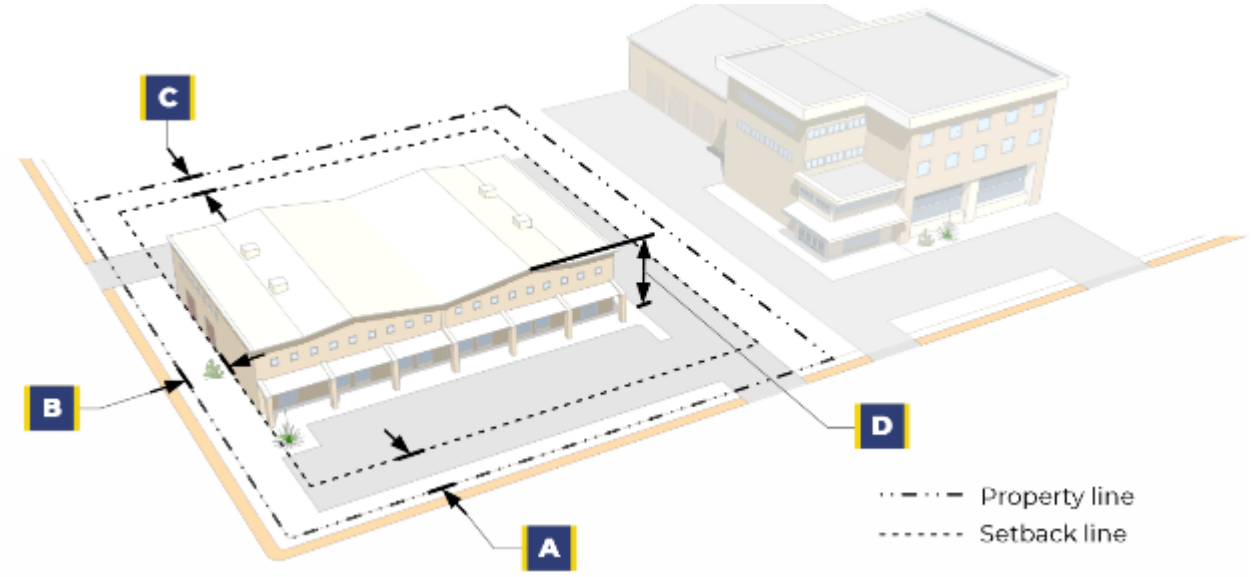


Figure 3.3-4: Industrial District

14-3.4 Special-Purpose Districts

A. Business and Industrial Park

1. Purpose

The purpose of the BIP district is to provide locations for the development of jobs in research and development activities and in offices, institutions and limited light industrial settings. The BIP district regulations intend to ensure that district locations may be adjacent to residential and commercial areas with minimum buffering. It is also the purpose of the BIP district to allow related uses that complement or support the primary employment-based uses to create a functional and pedestrian-friendly development.

2. Lot and Building Standards

Table 3-25: Business and Industrial Park Lot/Building Standards

Lots		
	Lot size, min. [1]	4 acres
	Lot coverage, max.	N/A
Setbacks, min. (ft)[2]		
A	Front	None
B	Side	None
C	Rear	None
Height, max. (ft)[3]		
D	All development	38

NOTES

[1] The four acres may be further divided into individual lots with Planning Commission approval of a master plan that encompasses the entire development.

[2] Adjacent to a residential use or zoning district, no building, parking lot, loading facility, or driveway shall be located less than 50 ft from the shared property line; however, the Planning Commission may allow setbacks to be reduced to 25 ft, depending on the proposed use and site development proposal, topography, proposed fences or walls, or dense landscape separation.

[3] No portion of any structure located within 25 ft of any residential zoning district or residential use shall exceed 26 ft in height, not including measurement of a parapet. Structures over 26 ft and up to 38 ft, exclusive of the parapet, shall be stepped back two horizontal ft for each vertical ft of additional height up to the maximum permitted.

3. Additional Standards for Property Formerly Zoned “Industrial Park”

Any property previously zoned industrial park with development plan or master plan approval on or before the date of adoption of the BIP zoning district shall be governed by and subject to the approved master plan. Where a conflict exists between the approved master plan and the requirements of this section, the more lenient standard shall prevail.

B. Hospital Zone District

1. Purpose for Christus St. Vincent Hospital Zone District

   The Christus St. Vincent HZ district is intended to accommodate medical and dental offices, pharmacies, and continuing care communities in proximity to Christus St. Vincent Hospital, while at the same time maintaining the character of the surrounding areas.

2. Boundaries

   Only properties within the area designated on the Official Zoning Map for Christus St. Vincent HZ rezoning eligibility shall be eligible for rezoning to HZ pursuant to the procedures in Section 14-2.1D.3, *Rezoning.* Amendment to the eligibility area constitutes an amendment to the text of Chapter 14 and shall comply with the procedures in Section 14-2.1D.2, *Code Text Amendment.*

3. Purpose for Las Soleras Hospital Zone District

   The Las Soleras HZ district is intended to accommodate a hospital and business and professional office uses in the Las Soleras Development.

4. Boundaries

   Property within the area defined in the Las Soleras HZ on the Official Zoning Map has already received the HZ zoning designation. It is not intended that this district be expanded.

5. Lot and Building Standards

Table 3-26: Hospital Zone Lot/Building Standards

Lots			
Lot size, min.			1/2 acre
Lot coverage, max.		Christus St. Vincent	30%
		Las Soleras district	1.8:1
Setbacks, Min. (ft)			
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)	
B	Side	5	
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less	
Height, Max. (ft)			
D	Las Soleras		70
	All other HZ districts		38

C. Parks and Open Space District

1. Purpose

The POS district is intended to accommodate new and existing public parks, trails, and open space areas, allowing for the preservation of natural and/or open space areas. This district allows public and quasi-public uses, active and passive recreation uses, and accessory or support facilities customarily associated with parkland and open space, including lodges, pavilions, parking, and restrooms.

2. Lot and Building Standards

Table 3-27: Parks and Open Space Lot/Building Standards		
Lots		
	Lot size, min. [1]	None
	Lot coverage, max.	N/A
Setbacks, Min. (ft)[2]		
A	Front	None
B	Side	None
C	Rear	None
Height, Max. (ft)[3]		
D		None

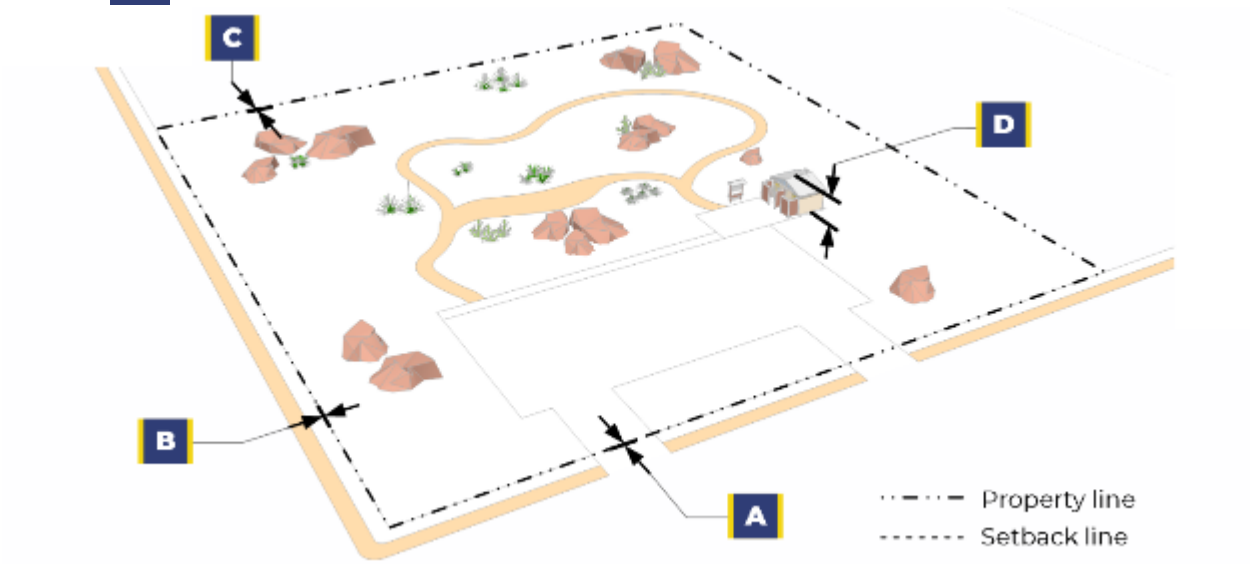


Figure 3.4-1: Parks and Open Space District

D. Planned Community Districts

1. PRC Purpose

   The Planned Residential Community (PRC) district is intended for the comprehensive and coordinated planning of large-scale residential developments on a parcel of at least 160 acres that allows for a phasing of development that will take place over a long period of time. This district allows and encourages single-family residences in conventionally platted subdivisions and clustered residential developments based on a design concept that applies innovative site-planning techniques; a mixture of residential densities intended to achieve a balanced community for all types of families; and neighborhood commercial uses of a type and intensity serving the residents of the PRC and the surrounding areas.

2. PRRC Purpose

   The Planned Resort-Residential Community (PRRC) district is intended for the comprehensive and coordinated planning of large-scale resort-residential developments on a parcel of at least 160 acres that allows for phasing of development that will take place over a long period of time. This district allows and encourages the development of resorts in conjunction with a mixture of residential uses, densities, and building types within the range of the economic market the development proposes to serve.

3. Dimensional Standards

   In both the PRC and PRRC districts, development standards shall correspond to the approved master plan, as provided in Sections 14-2.1F.4.IV.a, *Consistency with Master Plans and Preliminary Development Plans*, and 14-2.1F.5.III.d, *PRC and PRRC Master Plans.*

E. Planned Shopping Center Districts

1. Purpose

   The planned shopping center districts (SC-1, SC-2, and SC-3) districts are intended to:

   I. Provide new neighborhood, community, and regional shopping centers. The SC-1, SC-2, and SC-3 districts are intended for a unified grouping, in one or more buildings, of retail establishments, stores and services that provide for the regular needs and convenience of families residing in the adjacent residential neighborhoods or in the larger community.

   II. Allow accessory uses and structures that are compatible with the character of the district.

2. Types of SC Districts

   The three types of SC districts are distinguished by the scale of development, using trade area, market, and number and variety of retail establishments to determine the appropriate SC district, as follows:

I. SC-1, Neighborhood Shopping Center District:
   a. Radius of trade area is approximately one to one and one-half miles;
   b. Minimum market is approximately 1,000 families; and
   c. Composition of center is five to ten retail establishments, the major store is usually a supermarket or pharmacy; other retail establishments include those offering convenience goods and personal services, not including auto repair, gas stations, or residential uses; and
   d. There is a minimum site area of five to 15 acres.

II. SC-2, Community Shopping Center District:
   a. Radius of trade area is approximately four miles or more;
   b. Minimum market is approximately five thousand families; and
   c. Composition of center is ten or more retail establishments; the major retail establishment is usually a variety or department store, in addition to convenience goods and personal services as in SC-1. Other retail establishments may include gas stations, department stores, discount stores, furniture stores, and other stores and services that provide for the regular needs of families residing in the adjacent residential neighborhoods or in the larger community; and
   d. There is a minimum site area of ten to 40 acres.

III. SC-3, Regional Shopping Center District:
   a. Radius of trade area is approximately one hour drive by automobile;
   b. Minimum market is approximately 150,000 people;
   c. Composition of center is one or more department stores with 80,000-100,000 square feet of gross leasable area each and retail establishments providing convenience goods and personal services; and
   d. There is a minimum site area of 40 acres or more.

3. Rezoning Limitations

   Property is eligible for rezoning to SC if the property has the following characteristics:

I. An addition in depth to lands where frontage is already commercially-zoned;

II. Already commercially-zoned and existing development, if any, can be brought into conformance with the SC district regulations; or

III. Not already commercially-zoned in whole or in part and is not now served by appropriate and convenient shopping facilities;

IV. The shopping center will be convenient to and serve at least one residential area; and

V. The tract proposed for shopping center development is of such size, shape and location as to enable well-organized development of the commercial facilities, with proper access to streets, ingress and egress, off-street parking and loading space and other requirements and amenities.

4. Lot and Building Standards

Table 3-28: Shopping Center Lot/Building Standards

Zoning Districts		SC-1	SC-2	SC-3
Lots				
Lot size, min. (acres) [1]		5	10	40
Lot coverage, max.		N/A	N/A	N/A
Setbacks, min. (ft)				
A	Front	Minimum requirements shall be the same as those in any adjoining zoning district.		
B	Side			
C	Rear			
Height, max. (ft)				
D		38	45	45

NOTES

[1] Within the minimum required acreage, lots may be combined to meet the minimum site requirements or subdivided smaller than the minimum site requirements; as long as shopping center ownership ensures the continued maintenance of private common use areas, including open space, drives, walks and off-street parking and loading facilities. This shall be accomplished by contracts, agreements, deed restrictions, covenants running with the land or other instruments in writing.

14-3.5 Calculations, Measurements, and Exceptions

A. General Requirements

1. Applicability of Other Standards

In addition to the standards in this section, development may be subject to standards in other portions of Chapter 14, including those in Article 14-1, *General Provisions*, Article 14-5, *Use Regulations,* and Article 14-7, *Development Standards.*

2. General Standard for Measurements

Measurement of the standards in Chapter 14 shall be made as accurately as possible with measurement methods and technology commonly used in the construction industry. Where measurements are subject to specific standards contained elsewhere in Chapter 14 or are adopted by state or other regulatory agencies, those standards shall be met.

B. Density

1. Calculation of Allowable Dwelling Units

Prior to any development approval, the maximum allowable number of dwelling units shall be calculated for the site as a whole as follows:

I. Determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer; and

II. Determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer; and

III. Subtract the sum of the flood way acres calculated in provision II above from total site acreage established in provision I above;

IV. Multiply the result of the calculation in provision III, remaining site acreage, by the applicable gross density factor of the zoning district;

V. For any parcel that, in whole or in part, lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter 14, and where 25 percent or more of the parcel has a natural slope greater than 20 percent, multiply the result calculated in provision IV above by 0.75;

VI. The result is the allowable number of dwelling units for the site. If the result is other than a whole number, the number shall be rounded up to the nearest whole number except:

a. If the calculation is for a family transfer subdivision as described in Section 14-6.8, any decimal of 0.5 or more may be rounded up if public water and sewer serve the site; or

b. Calculations that result in other than a whole number may be rounded up for units that meet the requirements set forth in Section 14-7.2, *Santa Fe Homes Program (SFHP),* and Chapter 26-1, *Santa Fe Homes Program (SFHP)* or if it a low-priced dwelling unit that meets the requirements in Chapter 26-2.3, *Requirements for Low-Priced Dwelling Units;*

VII. SFHP development incentives pursuant to Sections 14-7.2E and 14-7.2F may increase the number of dwelling units allowed on any site; however, once a development plan has been approved, in no case shall more dwelling units be constructed than are allowed by the approved development plan.

VIII. The minimum net lot area requirement for single-family dwellings is established in subsection C.3 below; however, the number of dwelling units, and the number of lots occupied by single-family dwellings in a residential subdivision, shall not exceed the allowable number of dwelling units as calculated according to this subsection.

IX. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision or lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by Chapter 14.

C. Lots

1. Lot Depth

The depth of a lot shall be measured between the front and rear lot lines, perpendicular to the front lot line. In the case of irregularly shaped lots, the depth shall be the average of all such measurements along the front lot line.

2. Lot Coverage

Lot coverage is the percentage of the total area of structures on the ground in relation to the total area of the lot. The following are excluded from calculation of lot coverage:

I. The types and portions of structures listed in Section 14-3.5D, *Setbacks;*

II. Eaves and similar roof projections within two feet of the wall of a building;

III. For lots smaller than one acre, the minimum required net lot area for residential subdivisions excludes any portion of the lot devoted to public and private streets and driveway easements such as lot access driveways and fire access roads; and

IV. For single-family residential subdivisions, portions of the lot devoted to common open space or other facilities intended to serve primarily the residents of other lots are also excluded.

3. Lot Area Minimums and Lot Area Averaging

I. The minimum lot area requirement for single-family dwellings is shown in Sections 14-3.2B through 14-3.2F; however the lot area may be reduced to a minimum of 2,000 square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

II. Minimum lot area for multi-unit residential projects shall comply with the applicable density requirement for the zoning district in which the development is located.

D. Setbacks

1. No structure shall occupy a required setback except as permitted in this subsection or elsewhere in Chapter 14.

2. The following structures are exempted and may be constructed within required setbacks if they comply with height and other applicable regulations in Chapter 14 and elsewhere in the Santa Fe City Code, including Chapters 7, *Building and Housing,* 12, *Fire Prevention and Protection*, and 23, *Streets, Sidewalks and Public Places*:

I. Walls and fences;

II. Decks, planters, driveways, walkways, stairways, uncovered porches, and similar structures less than 30 inches above grade;

III. Swimming pools or other water features;

IV. Above-ground and underground facilities of public and private utilities to the extent provided in Section 14-5.3I.2, *Underground Electric and Cable Utility Lines*

V. Above-ground and underground transformers, equipment enclosures or vaults and similar facilities of public or private utilities when located and screened as provided on an approved subdivision plat, development plan or as approved by the Planning and Land Use Director;

VI. Underground pipes, wires, and conduits such as service laterals that provide utility service to the property on which they are located or that interconnect permitted structures and equipment on the property;

VII. Above-ground wires such as service drops that are necessary to connect permitted structures to existing overhead utility distribution facilities; and

VIII. Eaves or other roof projections may extend into required setbacks a distance of two feet or less.

3. Where existing development does not comply with front setback requirements of the zoning district, new development may reduce the front setback to match the average existing front setback of adjacent properties within 150 feet.

4. Setback requirements on corner lots are:

I. One setback shall comply with the zoning district requirement for front setbacks;

II. Other street setbacks shall not be less than seven feet; and

III. The provisions of this subsection do not apply to the BCD.

5. Setback Requirements

Subject to limitations set forth in Article 7-1, *Building Codes; General Provisions* and approval by the Planning and Land Use Director, any required side and/or rear setback may be reduced with the concurrence of adjoining property owners, as shown on a recorded agreement, plat, or other recorded declaration signed by the adjoining property owners. The setback reduction shall be offset by providing a corresponding increase in the setback provided on the adjoining lot.

E. Building Height

The general height limits contained in this article do not apply to structures for which specific standards are provided elsewhere in Chapter 14, including Section 14-8.5, *Walls and Fences*. In addition to the maximum height limits and height calculation methods contained in this article, structures may be subject to height limits and calculation methods in Article 14-4, *Overlay Districts,* or elsewhere in Chapter 14. Unless there is a specific provision to the contrary, the most restrictive height limit is applied as provided in Section 14-1.8, *Conflicting Provisions.*

1. Measurement of Maximum Height

No part of a structure shall be higher than the most restrictive of the following calculations:

I. The maximum height specified in the dimensional tables for each zoning district, as described in Sections 14-3.2 through 14-3.4, measured from the average of the highest point and the lowest point of the finished grade at the perimeter of the structure; or

II. The maximum height specified plus four feet, measured from the finished grade at the closest point on the perimeter of the structure; and

III. Step-back regulations for maximum heights relative to distances from property lines that apply in certain districts as set forth in the tables of dimensional standards.

2. Height of Building Attachments

Except as further restricted by Section 14-4.6, *Historic Districts,* the height limitations set out in Chapter 14 may be exceeded for chimneys, antennas, ventilators, elevator housings, roof-mounted HVAC equipment, or other non-freestanding structures placed on and anchored to the roof of a building and not intended for human occupancy, by up to four feet for residential structures and eight feet for mixed-use and nonresidential structures.

3. Telecommunication Facilities

When referring to a tower or other telecommunications structure, height is the distance measured from the finished grade to the highest point on the tower, antenna or other structure, including the base pad and any antenna.

F. Other Dimensional Calculations

1. Structure Perimeter

Structure perimeter is measured by the projected area of the structure on the ground, including all appurtenances such as eaves extending no more than two feet, bay windows, awnings, and cantilevered decks.

2. Slope Measurement

Slopes are measured at contour intervals of five feet or less. The slope percent is the relation of vertical rise from or to two-foot contour lines calculated as follows:

$$(H-L) \times 100/D$$

where H equals the highest elevation of the portion of the tract measured; L equals the lowest elevation on the portion of the tract measured; and D equals the horizontal distance between H and L.

3. Building Frontage

As used in Section 14-7.6, *Signs,* building frontage is the horizontal distance across the front of a building as near to ground level as possible. In cases where this test is indeterminate or cannot be applied, for example, where there is a diagonal corner entrance or where two or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the Land

Use Director shall select the building frontage on the basis of the interior layout of the building, traffic on adjacent streets, or other indicators available.

4. Floor Area Ratio

The gross floor area of all buildings on a lot, including covered parking structures but not roof deck parking, divided by the lot area; for example: 20,000 square feet of gross floor area on a 10,000 square foot lot is a floor area ratio of 2.0:1.

G. Visibility Triangle Areas

The standards in this section are not intended to limit the authority of the Public Works Director, who may impose stricter requirements pursuant to the authority provided in Chapter 23, *Streets, Sidewalks and Public Places,* of the SFCC. Alternately, the Public Works Director may waive the standards of this Section upon a determination that adequate visibility exists consistent with the standards adopted by the American Association of State Highway and Transportation Officials (AASHTO).

1. Visibility Triangle at Driveways

At driveways that provide access to a public or private street, no parking lot, fence, wall or other structure, hedge or planting that will obstruct drivers' views of traffic shall be erected, placed or maintained within a triangular area on either side of the driveway as follows:

I. For driveways serving nonresidential uses on all streets and roads, and driveways serving residential uses on arterial and collector roads, the required visibility triangles for each driveway are determined by the Public Works Director based on AASHTO standards;

II. For driveways serving residential uses on streets and roads classified as subcollectors or lanes, obstructions between a height of three feet and six feet are prohibited within the required visibility triangles as determined by the more restrictive of:

a. Measurements of five feet along the edge of the driveway and 15 feet along the street property line; and

b. Measurements of 15 feet back from the nearest travel lane along the edge of the driveway and 30 feet along the travel lane.

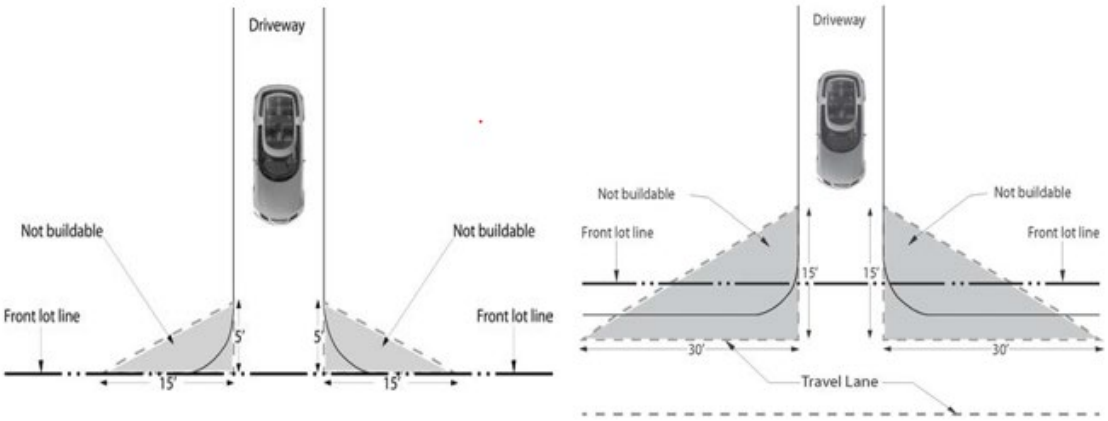


Figure 3.5-1: Visibility at Driveway Intersections

2. Visibility Triangle at Intersections

On any corner lot, no fence, wall, hedge or other planting or structure that will obstruct drivers' views of traffic shall be erected, placed, or maintained within the triangular area as follows:

I. For intersections on streets and roads classified as arterials and collectors, the required visibility triangles for each intersection are determined by the Public Works Director based on AASHTO standards.

II. For 90-degree intersections on streets and roads classified as subcollectors or lanes, obstructions between a height of three feet and six feet are prohibited within the required visibility triangles formed by the right-of-way lines at points that are 25 feet from the intersection of the right-of-way lines. On any corner lot of other than ninety degrees or on corner lots with grade variations, the visibility requirement shall be adjusted by the Public Works Director based on AASHTO standards to ensure public safety.

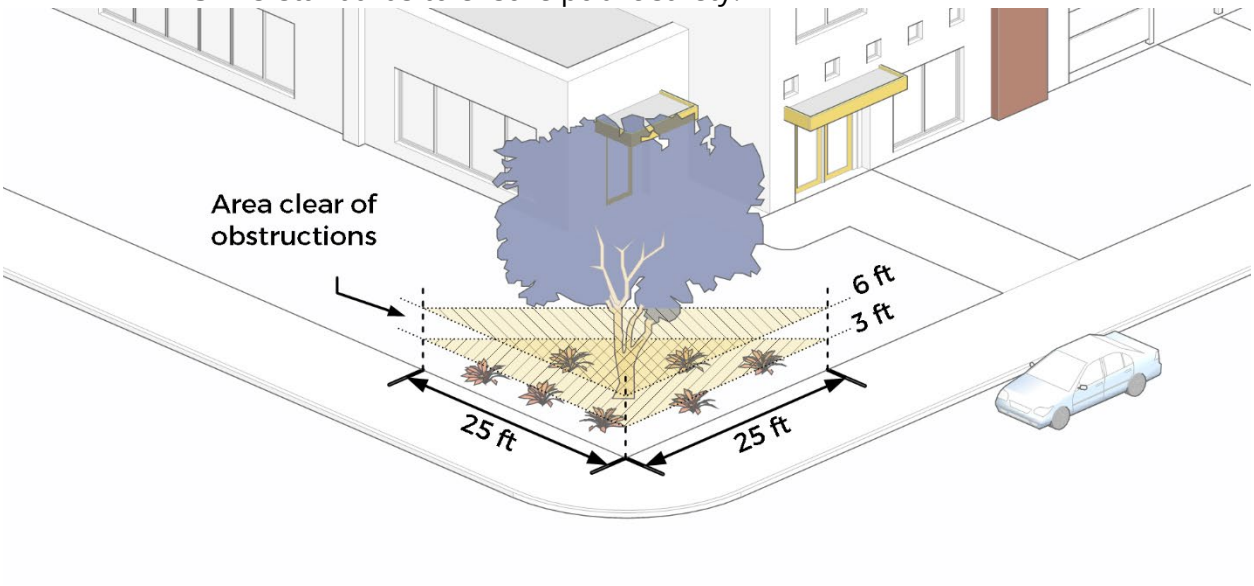


Figure 3.5-2: Visibility Triangle at Intersections

3. Street Setback for Garage or Carport

This subsection applies to public and private streets including lot access driveways, but does not apply to alleys.

I. A garage or carport enclosed on three sides with a vehicle entry facing the street shall be set back at least 20 feet from the street property line as shown in Figure 3.5-3, except as provided in provision II below.

II. An unenclosed carport with a vehicle entry facing the street may be constructed in accordance with the minimum street yard requirements applicable to principal structures for the district within which it is located, provided that:
   a. The carport is set back at least seven feet from the street property line; and
   b. The carport is fully open on three or more sides and is constructed of materials and an architectural style that is the same as, or compatible with, the principal dwelling unit; and
   c. Use of the carport is restricted to temporary parking of currently registered, operable passenger automobiles, light trucks or motorcycles for the non-commercial use of the residents; and
   d. Storage of any material other than personal motor vehicles is prohibited.

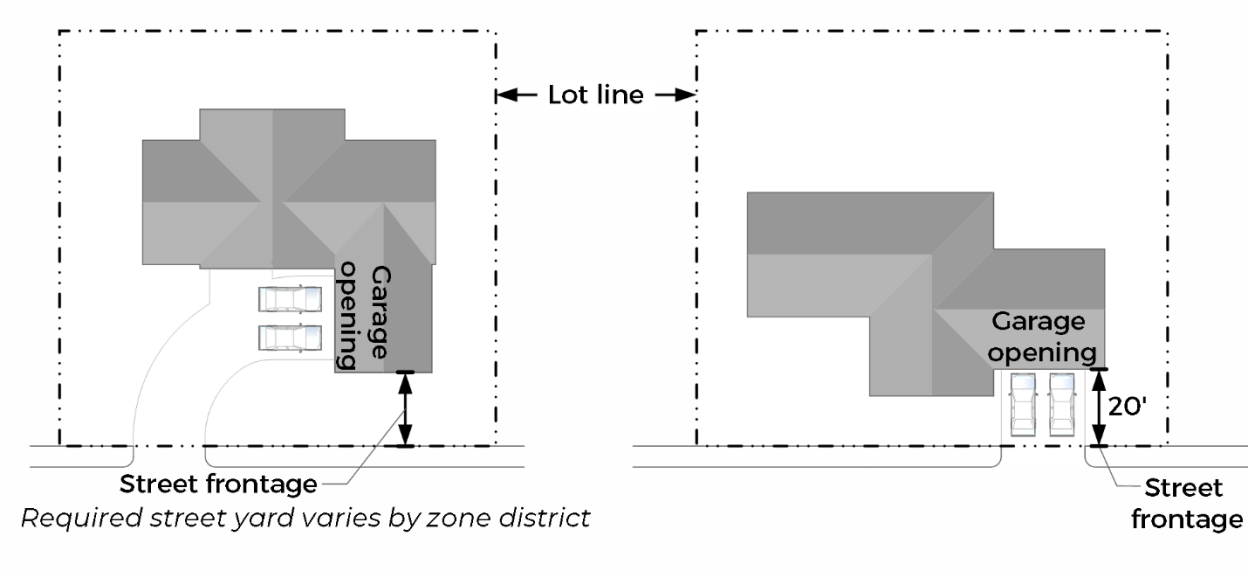


Figure 3.5-3: Street Setback for Garage or Carport

Article 14-4 Overlay Districts

14-4.1 General Provisions

The overlay zoning districts of this article are intended to apply in combination with the underlying base zoning districts of Article 14-3, *Zoning Districts,* to impose regulations and standards in addition to those required by the underlying districts. When the requirements of an overlay district are in conflict with those of the underlying district or those of another overlay district, the more restrictive limitation or requirement shall control, as provided for in Section 14-1.8, *Conflicting Provisions.*

A. Creation of New Overlay Districts

1. Historic Overlay District

   A new historic overlay district may be created following the procedure described in Section 14-2.1G.2. Because the creation of a new overlay district is a rezoning, any such new historic overlay shall also be subject to the standards and requirements described in Section 14-2.1D.3, *Rezoning.*

2. Neighborhood Conservation Overlay District

I. Purpose

This section is intended to provide a mechanism whereby residents of a neighborhood may seek to conserve the unique physical character of their neighborhood by collectively identifying the neighborhood's distinctive physical characteristics, which may include: streetscape, architectural features, lot coverage, setbacks, height, and some property uses. Establishment of neighborhood conservation overlay enables tailored regulations that preserve the attributes of the built environment that make the neighborhood distinctive and promote better harmony between existing structures and new development. The neighborhood conservation overlay shall not be used to resist minor changes in neighborhood character.

II. Additional Overlay District Requirements

If a neighborhood conservation overlay district is contained within one or overlaps with another zoning overlay district, the most restrictive set of requirements shall prevail; however, one neighborhood conservation overlay district shall not be included within or overlap with the boundary of another neighborhood conservation overlay district.

III. Nonconforming Structures and Uses

A structure or use located in a neighborhood conservation overlay district that does not meet the requirements for the applicable neighborhood conservation overlay district shall be considered legal nonconforming and shall comply with Section 14-1.13, *Nonconformities.*

IV. Procedure for Creation of Neighborhood Conservation Overlay District
   a. Except as set forth in Subsection 14-4.1(A)(2)(VI), prior to creating a neighborhood conservation overlay district, a neighborhood plan with an implementation policy recommending the creation of the neighborhood conservation overlay district shall be adopted as a General Plan amendment, as set forth in Section 14-2.1C.
   b. The creation of a specific neighborhood conservation overlay district shall follow the procedures set forth in Section 14-2.1D.3, *Rezoning*.
   c. After a neighborhood conservation overlay district is established, amendments to the overlay's boundaries or requirements shall follow the provisions outlined in this section.

V. Neighborhood Conservation Overlay District Requirements
   a. At a minimum, a neighborhood conservation overlay district shall include all residentially zoned property within an area no fewer than two city blocks or four blockfaces, unless the Planning and Land Use Director determines that the blocks are unusually long or short or that the neighborhood characteristics are significantly different within the blocks.
   b. A neighborhood conservation overlay district may regulate the following:
      1. Building design, including scale, massing, and distinctive architectural characteristics such as front porches, height, or roof styles;
      2. Streetscape, including lot frontage, fences, walls, parking, lighting, and landscaping;
      3. Density, except density bonuses as allowed in the SFHP;
      4. Lot coverage;
      5. Setbacks;
      6. Building height; and
      7. Property use, except as set forth in provision c below in this subsection.
   c. Neighborhood conservation overlay districts shall not restrict the following:
      1. Citywide policies and priorities;
      2. Dwelling units marketed to or occupied by any certain income such as any residential units covered by the Santa Fe Homes Program;
      3. Home occupations as set forth in Section 14-5.3C.6.
      4. Group or foster homes;
      5. Day care facilities;
      6. Public or private elementary or secondary schools;
      7. Religious institutions; or
      8. Other uses determined by the Planning and Land Use Director as necessary for the health and safety of the neighborhood.
   d. Requirements shall be measurable, definitive and uniform and enforceable by the Planning and Land Use Director through the approval procedures set forth in Chapter 14 and the issuance of a construction permit.

e. When a land use application for a property within the boundaries of a proposed neighborhood conservation district has been submitted prior to the date of adoption of a neighborhood conservation overlay district, the regulations of the neighborhood conservation overlay district shall not apply. If a subsequent but separate application for the same property is submitted after the date of adoption of the neighborhood conservation overlay district, the requirements of the overlay district shall apply.

f. It is not the intent of the neighborhood conservation overlay districts to enforce private covenants.

VI. Alternative for Creation of Neighborhood Conservation Overlay District

The procedures set forth in this subsection apply only when the Planning and Land Use Director has accepted the petition for the preparation of a neighborhood plan, but the city is unable to begin the process for the neighborhood plan within 60 days (see Section 14-2.1C.5.III.f.4). For the purpose of calculating the percentages required in this subsection, each parcel is entitled to a single vote no matter how many persons or entities might own the parcel.

a. Petition

A neighborhood may petition the city to develop a neighborhood conservation overlay district. The petition shall contain a description of the proposed boundaries of the neighborhood conservation overlay district and the signatures of 51 percent of the property owners of record in that area. The city may request proof of ownership.

b. Inventory

An inventory of characteristics that are proposed to be regulated within the proposed neighborhood conservation overlay district shall be completed by the neighborhood with assistance from city staff. The characteristics may include some or all of those characteristics described in Subsection 14-4.1A.2.V.b.

c. Public Meetings
   1. Upon verification of the petition by the Planning and Land Use Director, department staff shall hold at least two public meetings at which the proposed neighborhood conservation overlay district boundaries and requirements shall be discussed and developed. The meetings shall be coordinated with city staff and held at a reasonable time and place to maximize public attendance.
   2. Notice for each public meeting shall follow the notice requirements for early neighborhood notification as set forth in Sections 14-2.1B.1.II and 14-2.1B.4.II. In addition to the postal notification, persons required to be notified of the public meetings may request an email notification from the city on the same day that postal notification is mailed for second or subsequent public meetings. In the event that the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addressees as if for the first scheduled meeting.

d. Neighborhood Ballot
   1. When the Planning and Land Use Director has determined that forty percent of the property owners of record within the proposed boundaries in attendance or represented by written proxy at the public meeting agree to the final proposed requirements governing the proposed neighborhood conservation overlay district, the Planning and Land Use Director shall mail a ballot by regular mail to all property owners of record within those boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed requirements. The city shall include a stamped envelope addressed to the Planning and Land Use Director for returning ballots.
   2. If within 30 days of mailing the ballot, the city receives an affirmative vote of the proposed requirements by sixty-seven percent of the property owners within the proposed boundaries, the proposed neighborhood conservation overlay district requirements shall be deemed to be approved by the neighborhood. The Planning and Land Use Director may extend the 30 days for an additional 15 days due to unforeseen circumstances.
   3. If the proposed requirements are not voted on in the affirmative by 67 percent of the property owners, a like or similar petition shall not be submitted within 12 months from the date of verification by the city that the proposed neighborhood conservation overlay district has failed to receive the required affirmative vote.

e. Rezoning Required
   After the proposed neighborhood conservation overlay district requirements have been approved by the neighborhood, the procedure set forth in Section 14-2.1D.3, *Rezoning,* with notice as set forth in Section

14-2.1B.4.II, shall be followed for a rezoning. After a neighborhood conservation overlay district is officially created, amendments to the boundaries or the requirements shall also follow the provisions outlined in this subsection.

3. PUD – Planned Unit Development District

I. Purpose

a. This section is intended to allow the creation of planned districts, each conceived as a unit of cohesive development and integrated uses in either a single development operation or a planned series of development operations that may take place over a period of several years.

b. It is also intended to allow and encourage innovative site planning and design to ensure that each planned unit development compatibly integrates with development on adjoining properties and creates an attractive, healthful, sustainable and stable environment for living and working that is superior to the development attainable under existing zoning regulations.

c. It is further intended that PUD regulations in this section and throughout Chapter 14 accomplish the purposes of land use regulation to the same degree that existing zoning regulations do in cases where planning and development are not on a unified basis.

II. Land Eligible

A PUD district may overlay any zoning district or any portion of a zoning district as long as it is consistent with existing plans for streets, utilities, parks, and other uses and structures.

III. Rezoning Requirements

a. An application for PUD rezoning shall be accompanied by a preliminary Development Plan and other related documents reasonably necessary to determine compliance with Chapter 14 as may be required by the Land Use Director.

b. At the time an application for PUD rezoning is filed, the applicant may submit a proposed final Development Plan and request that the requirement for a preliminary Development Plan be waived. The Planning Commission and the Governing Body may approve or deny the request to waive the preliminary Development Plan as part of their review of the PUD rezoning application.

IV. Uses

Permitted, conditional use approval, and prohibited uses within the PUD are the same as in the underlying zoning district.

V. Standards

a. The development, design and landscaping standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:

1. Meets the PUD purpose set forth in Subsection 14-4.1A.3.I by creating a unified development that is superior to what would otherwise be attainable,
2. Is appropriate in relation to the overall development, and
3. Minimizes the impact on surrounding properties.

b. The density of population and intensity of land use allowed by the underlying zoning district shall be the overall density and intensity in the PUD. As long as the overall PUD density and intensity remain unchanged, the density and intensity of different local sites within the PUD may vary;

c. Examples of the development, design and landscaping standards variable in the PUD include:

1. Lot size;
2. Housing type;
3. Housing configuration;
4. Yards / setbacks;
5. Height;
6. Lot coverage;
7. Distance between buildings;
8. Terrain management; and
9. Mountainous and difficult terrain.

d. Where no variation of a development, design or landscaping standard has been approved, the development, design or landscaping standard at issue shall be the same as in the underlying district.

B. Existing Overlay Districts

1. The following overlay districts are created:

I. Archaeological Review Districts;
II. Arts and Crafts District;
III. Escarpment Overlay District;
IV. Highway Corridor Protection Districts;
V. Historic (H) Districts; and
VI. West Santa Fe River Corridor District.

2. Any rezoning requirements set forth in this article are in addition to the requirements set forth in Section 14-2.1D.3, *Rezoning,* which apply to all rezonings.

14-4.2 Archeological Review Districts

A. Purpose

To promote the economic, cultural, and general welfare of the people of Santa Fe, the Governing Body deems it essential that the qualities relating to the unique cultural traditions, prehistory and history of Santa Fe, which attract tourists and residents alike, be preserved by establishing three Archaeological Review districts. The purpose of these districts is to:

1. Recognize the value of archaeological resources from all periods of history and prehistory, including prehistoric Native American settlements, Spanish colonization and settlement and settlement and development under Mexican and American governments;
2. Provide the means for identifying archaeological sites by requiring surveys and test excavations, depending on the district, through the development review, demolition permit, and construction permit process;
3. Provide the means by which archaeological sites may be evaluated for their potential contribution to cultural, educational, historic, economic and scientific concerns;
4. Establish a procedure for treatment of archaeological resources on private and public land, thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological resources and providing for the treatment of those resources that can be preserved; and
5. Provide methods for the emergency treatment of archaeological resources found through unexpected discovery.

B. Application to State and Its Agencies, Political Subdivisions, or Instrumentalities

Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978, *Historic Districts and Landmarks,* the provisions of this section apply to the state and its agencies, political subdivisions and instrumentalities, as well as to any other entity or activity in the Archaeological Review districts.

C. Establishment of Districts and Boundaries

1. Districts Established

   Three archaeological review districts are established, to be known as the historic downtown, the river and trails, and the suburban archaeological review districts.

2. Boundaries

The boundaries of the historic downtown, the river and trails, and the suburban archaeological review districts are as shown on the Official Zoning Map. The boundaries are determined by the following criteria:

I. Historic Downtown Archaeological Review District

The center of Santa Fe since 1610 and occupied by Native Americans prior to that time, land within the historic downtown archaeological review district has a high potential of containing significant cultural remains and is part of the historic core of Santa Fe;

II. River and Trails Archaeological Review District

An area of prehistoric Native American occupation, settled by early Spanish colonists, and being primary transportation routes important to the settlement of Santa Fe, the river and trails archaeological review district has a high potential of containing significant cultural remains and is part of the Santa Fe river floodplain, escarpment, or ridges above the escarpment, and land adjacent to those areas, and contains historic trails such as Santa Fe Trail, Galisteo Road and Agua Fria;

III. Suburban Archaeological Review District

Land within the suburban archaeological review district has a moderate potential of containing significant cultural remains and is not a part of the historic downtown or the river and trails archaeological review districts.

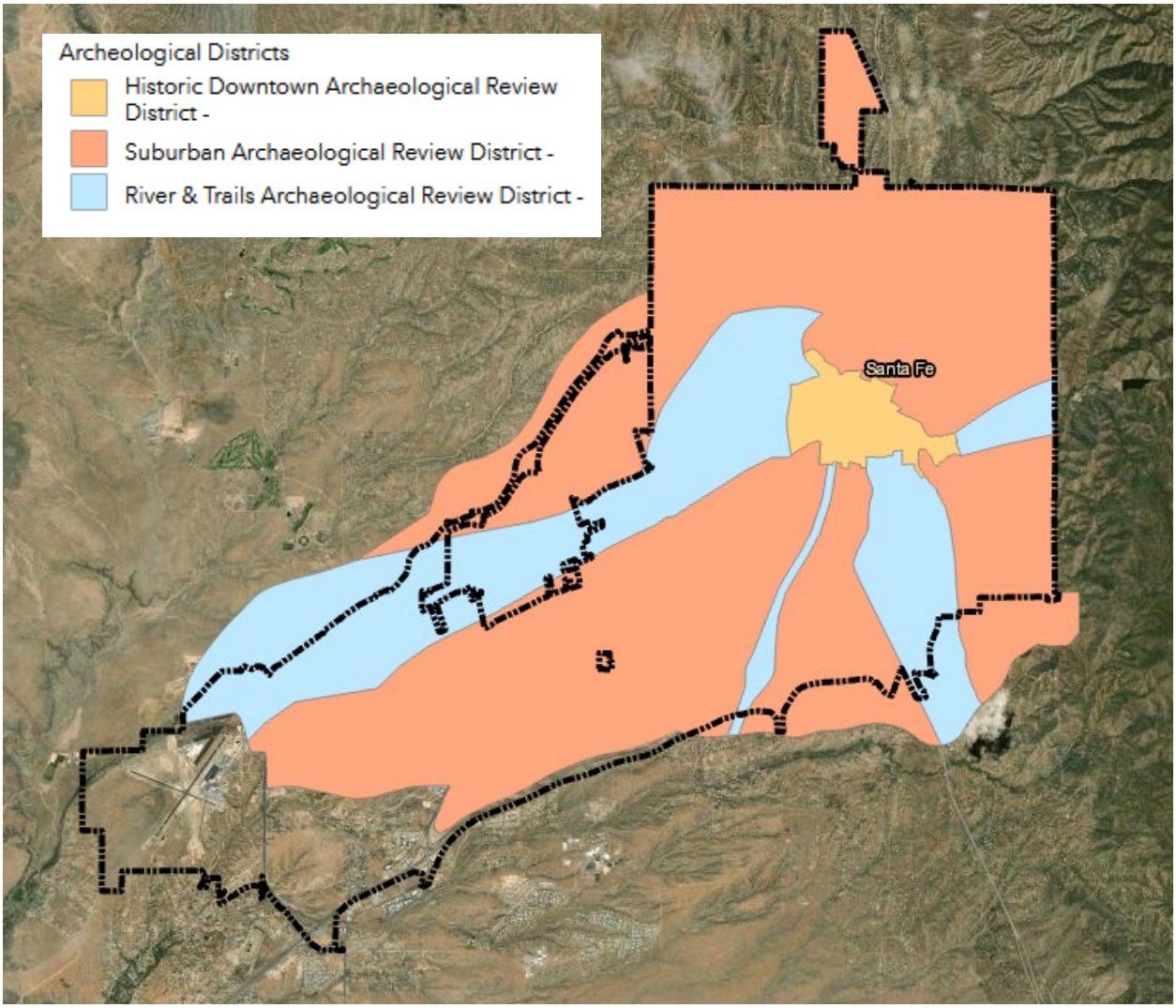


Figure 4.2-1: Archeological Review Districts Boundaries

3. Map Revisions

The archaeological review districts may be revised upon a recommendation of the Archaeological Review Committee as approved by the Governing Body. In revising the district boundaries, the Committee shall follow the criteria set forth in provision 2. above.

D. Archaeological Clearance Permit Required

An archaeological clearance permit is required for certain types of development activity within the archaeological review districts, as described below.

1. Historic Downtown Archaeological Review District

In this district, an archaeological clearance permit shall be required:

I. Prior to issuance of a construction permit for projects with gross lot coverage of 2,500 square feet or more involving new construction, parking lots, and/or alterations.

II. Prior to issuance of a grading permit for projects with 2,500 square feet or more in gross lot coverage.

III. Prior to ground-disturbing work within 25 feet of a known archaeological site.

IV. For all City projects over 2,500 square feet in gross lot coverage.

V. For alterations, if the ground is dug up, graded, or otherwise disturbed.

VI. No archaeological clearance permit is required for a demolition permit except when the request is for demolition of a structure that is more than 75 years old and part of a project requiring an archaeological clearance permit. In that situation, staff for the Archaeological Review Committee shall issue a report to the Historic Districts Review Board as set forth in Section 14-2.1G.3, *Demolition of Historic or Landmark Structure,* stating whether demolition will damage possible archaeological artifacts. If the Board determines that damage may occur, then it may refer the case to the Archaeological Review Committee requesting that requirements for an archaeological clearance permit be met before a demolition permit is issued.

2. River and Trails Archaeological Review District

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

I. All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over two acres, or having any part lying within the area identified as the Santa Fe Trail.

II. All City projects over two acres in size.

III. All City park projects over one acre in size.

3. Suburban Archaeological Review District

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

I. All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over ten acres in size.

II. All City projects over two acres in size.

III. All City park projects over one acre in size.

4. Utility Mains

An archaeological clearance permit is required for new construction of sewer mains or main lines of other utilities such as telephone lines, gas lines, and fiber optics, including the entire construction easement:

I. With an extension of 50 feet or more if the main is in the historic downtown archaeological review district.

II. With an extension of 100 feet or more if the main is in the river and trails review district.

III. With an extension of 200 feet or more if the main is in suburban archaeological review district.

5. Exemptions

No exemptions apply in locations and to projects where there is a known archeological site.

I. Applicants who are requesting archaeological approval from federal agencies are exempted from requirements of the archaeological review districts ordinance, except that applicants must submit evidence to City staff of the application to the federal agency, along with the reconnaissance report and any other reports made to the federal agencies.

II. On projects receiving federal funding, the Archeological Review Committee may not have an advisory role, depending on the terms of the funding.

III. Applicants requesting a lot split subdivision are exempted from the requirement of archaeological review districts and for archaeological clearance permits.

IV. In the river and trails or suburban districts, inheritance and family transfer subdivisions are also exempt.

V. Applicants whose land is in an area where archaeological reconnaissance, excavation, or other treatment has previously been completed and no archaeological resources were found, are exempt from the reconnaissance, excavation, or other treatment, upon submitting evidence of this prior work to City staff. An exemption from any one requirement for an archaeological clearance permit does not exempt the applicant from other requirements of the Archaeological Review Districts Ordinance.

6. Environmental Assessments or Impact Statements

All environmental assessment or impact statements produced by or for the City for City projects shall include an archaeological element containing as a minimum, an archaeological reconnaissance as required for the archaeological review districts in which the project is located.

14-4.3 Arts and Crafts

A. Purpose

The Arts and Crafts (AC) overlay district is intended to allow arts and crafts and other related commercial uses in eligible underlying base districts. Within this overlay district:

1. Residential and limited office and retail commercial uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-produced in small quantities and are often one of a kind;
2. Arts or crafts are taught to small numbers of people; or
3. Small numbers of people are engaged in arts and crafts activities.

B. Applicability

An AC district may overlay any residential base zoning district or any portion of a residential base zoning district.

C. Uses

The allowed principal uses, accessory uses, and special exceptions of the AC district are the same as the underlying residential base zoning district with the addition of those uses specified in Table 4-1 below.

Table 4-1: Additional Permitted Uses in the AC Overlay

Category	Specific Use	Permission
Residential	Accessory building or structure	Accessory
	Children's play area and play equipment	Accessory
	Dwelling, live-work	Permitted
	Greenhouse or plant nursery, non-commercial (accessory)	Accessory
Public, Civic, Institutional	Religious, educational, or charitable institution	Conditional use approval required
	Medical or dental office or clinic	Conditional use approval required
Commercial	Art supply store	Permitted
	Arts and crafts studio, gallery, or school	Permitted
	Antique store	Permitted
	Bar, cocktail lounge, nightclub, with or without outdoor entertainment	Conditional use approval required
	Bookshop	Permitted
	Business or professional office (excluding medical or dental office)	Conditional use approval required
	Cabinet shop, custom	Permitted
	Dance studio	Permitted
	Florist shop	Permitted

Table 4-1: Additional Permitted Uses in the AC Overlay		
Category	**Specific Use**	**Permission**
	Photography studio	Permitted
	Private club or lodge	Conditional use approval required
	Restaurant, full service, with or without incidental alcohol service	Conditional use approval required
	Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area	Conditional use approval required
	Theater, live productions	Conditional use approval required
	Tailoring or alterations shop	Permitted

D. Standards

The development and design standards within the AC district are the same as the underlying residential base zoning district; however, no more than 3,000 square feet of the gross floor area of any building may be used for nonresidential purposes.

14-4.4 Escarpment Overlay District

A. Purpose

The escarpment overlay district is established in order to:

1. Preserve the natural environment, aesthetic beauty, and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community by restricting development in these areas;
2. Protect the mountain views and scenic vistas from the city by limiting development that is highly visible on or about the ridgetop areas of the foothills;
3. Protect land that is environmentally sensitive due to the presence of steep slopes, erosion and drainage problems, and other environmental attributes;
4. Reduce wildfire risk; and
5. Encourage the conservation of water, especially for maintaining landscaping materials.

B. Intent

To accomplish the purposes underlying the creation of the escarpment overlay district, this section:

1. Identifies and delineates the ridgetop and foothills subdistricts;
2. Prohibits development in the ridgetop subdistrict, other than driveway access and utility alignments, for lots created after February 26, 1992, as provided hereinafter;
3. Regulates the permissible color, architectural style, size, and height of structures;
4. Regulates the permissible artificial exterior lighting for structures, streets, and drives;
5. Regulates the permissible locations for placement of all utilities and driveway access;
6. Establishes criteria for landscaping, grading, and revegetation; and
7. Regulates other matters as appropriate to preserve the environment and reduce the visual impact while allowing limited development within the escarpment overlay district.

C. District Boundaries

1. The boundaries of the escarpment overlay district, as well as the boundaries of the ridgetop and foothills subdistricts and the location of the view line, are established and shown on the City's official escarpment overlay district map, available electronically.
2. The Planning and Land Use Department in conjunction with the GIS division shall be responsible for tracking and maintaining all official changes to the map and shall be the final authority of reference as to the current status of lands, buildings, and other structures within the overlay and throughout the city.
3. Except as set forth in provision 4 below, amendments to the escarpment overlay map shall be made by the Governing Body following the procedure described in Section 14-2.1D.3, *Rezoning*. The official escarpment overlay district map shall be updated within 30 days to reflect any such rezonings approved by the Governing Body.
4. Non-substantive changes, as described in Section 14-3.1D.1.V, to the official escarpment overlay map may be made by the Planning and Land Use Department in conjunction with the GIS Division to change the appearance, style, color, or graphic presentation of the map. In addition, the Planning and Land Use Department and GIS may make corrections based on oversight or error, for the purpose of identifying official actions that are not reflected or are incorrectly reflected on the official escarpment overlay map. Such corrections shall be administratively approved in writing by the Planning and Land Use Director and the GIS Manager, unless the Director chooses to submit proposed non-substantive changes to the Governing Body for their advice and consent. Non-substantive changes submitted to the Governing Body for review do not require a public hearing, public notification, or action by the Planning Commission.

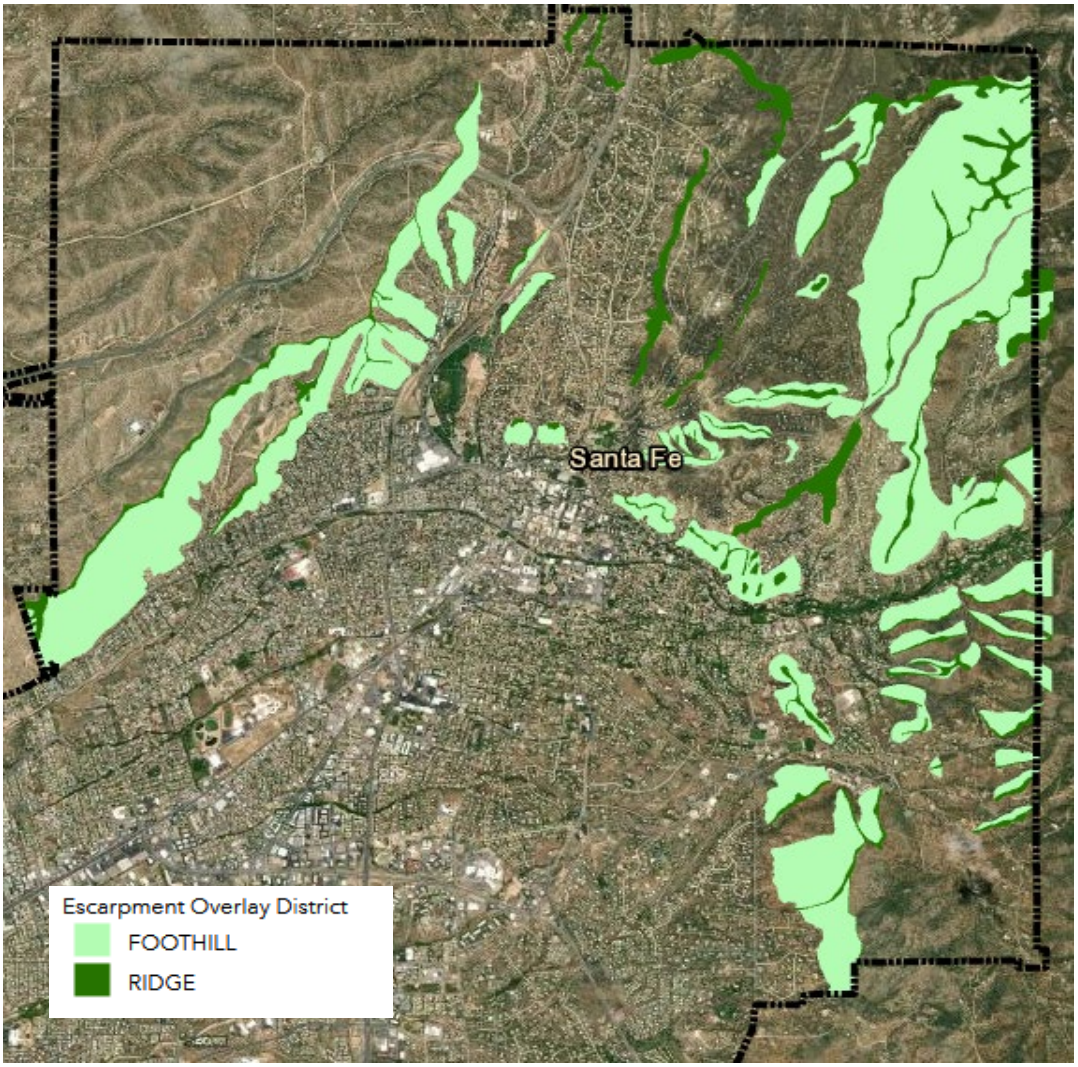


Figure 4.4-1: Escarpment Overlay District Boundaries

D. Subdivision or Resubdivision of Land

1. This subsection applies to lots subdivided or resubdivided after February 26, 1992.
2. No land located in whole or in part in the escarpment overlay district shall be subdivided or resubdivided, nor shall a subdivision or resubdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot, located entirely outside the ridgetop subdistrict, and able to comply with terrain and stormwater management requirements as set forth in Section 14-8.2, *Terrain and Stormwater Management.*
3. The requirement for each lot to have a buildable site outside the ridgetop subdistrict may increase minimum lot size or decrease density beyond what is normally authorized by the underlying base zoning district for the parcel of land, thus serving to further limit the minimum lot size and allowable density.

4. To minimize the impact of density reduction and minimum lot size restrictions caused by the preceding provisions 2 and 3 of this subsection, applicants are encouraged to consider development alternatives such as planned unit developments and cluster developments which site structures in the foothills subdistrict, or outside the escarpment overlay district.

E. Location of Structures; Buildable Site

1. For all lots subdivided or resubdivided on or before February 26, 1992, all structures shall be located within the foothills subdistrict unless the only buildable site is located withing the ridgetop subdistrict. For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict, other than driveway access and utilities, is prohibited.
2. All structures or parts of a structure shall be located inside the approved buildable site as shown on the approved plat. If no buildable site is indicated on the approved plat, the buildable site shall be approved by staff at time of construction permit. Modifications to the buildable site shown on the plat can be made by staff at time of construction permit. In all cases the buildable site shall comply with the following:
   I. Provision E.1 above in this subsection; and
   II. The definition of buildable site as set forth in Section 14-9.3, *General Definitions.*
3. Structures shall be sited as far from the viewline as possible unless staff approves an alternate siting meeting the following criteria:
   I. The alternate siting shall be located within the approved buildable site as set forth in provision 2 above.
   II. In no case shall a structure's alternate siting be permitted in the ridgetop subdistrict for a lot subdivided or resubdivided after February 26, 1992.
   III. For lots subdivided or resubdivided on or before February 26, 1992, with a buildable site in the foothills subdistrict, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. However, upon request of an applicant, staff may:
      a. Approve an alternate siting in the foothills subdistrict if such siting of the structure will decrease the visual impact beyond what would occur if the structure were sited in the foothills subdistrict as far from the viewline as possible; or
      b. Approve an alternate siting in the ridgetop subdistrict if such siting of the structure will decrease the visual impact beyond what would occur if the structure were to be sited in the foothills subdistrict as far from the viewline as possible.

IV. For a lot subdivided or resubdivided on or before February 26,1992, without a buildable site outside the ridgetop subdistrict, the alternate siting may be approved if such siting of the structure will decrease the visual impact of the structure beyond what would occur if the structure were to be sited as far from the viewline as possible.

V. For lots subdivided or resubdivided after February 26, 1992, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. An alternate siting in the foothills subdistrict may be approved if such siting of the structure will decrease the visual impact beyond what would occur if the structure were to be sited as far from the viewline as possible.

VI. In determining the visual impact, staff shall consider the following, and as may be amended by the Governing Body:
   a. The public interest is protected and the modification does not nullify the intent or purpose of this chapter;
   b. Existing topography;
   c. Effect on existing vegetation;
   d. Location of existing infrastructure;
   e. Proposed site improvements; and
   f. Any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

4. Siting of all structures within the escarpment overlay district shall be approved by City staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by City staff.

   I. A pre-application meeting with City staff is required for a construction permit, grading permit, driveway cut, or any other type of development, for any property that is located entirely or partially within the escarpment overlay district.

   II. The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site as defined in Section 14-9.3, *General Definitions.* If the applicant is requesting an alternate location as set forth in Subsection E.3 above, the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and applicable escarpment overlay district regulations will be reviewed.

   III. A construction permit application submittal form will be issued by City staff once all of the prerequisites for the escarpment overlay district construction permit application are reviewed. This form shall be attached to all sets of the building or grading permit submittal. Issuance of this form does not imply preapproval of the construction permit application.

F. Architectural and Site Standards

1. Applicability

   New structures or extensions of existing structures shall be required to comply with all applicable provisions of this section.

2. Permitted Colors
   I. All structures shall be the browns and tans of local earth tones, or darker, within 50 feet of the area immediately adjacent to the proposed structures, as approved by the Planning and Land Use Department.
   II. Stone surfaces shall be left in their natural state.
   III. In no case shall the structures be cream or white except as specifically authorized herein. Entries, portals, and trim may be emphasized by the use of white, off-white, yeso, or other similar accent colors.
   IV. Structures painted or stuccoed with bold repetitive patterns or structures used as signs are prohibited.
3. Roof Style
   I. Only clerestories and flat roofs shall be permitted, except that shed roofs are allowed for portals.
   II. Metal roofs shall be a non-reflective, non-glossy material, of a muted color that matches or is darker than the surrounding earth tones, or vegetation colors on the site, as approved by the Planning and Land Use Department.
   III. Red, yellow, blue, white, black, purple, orange, and related colors are prohibited for roofs.
   IV. All exterior window treatments exclusive of window trim are subject to the same color limitations as stated above for roof colors. All exterior glazing shall be non-mirrored with a reflectance of less than 40 percent.
4. Maximum Height
   I. Ridgetop Subdistrict
      a. No point on the perimeter of any structure shall exceed a maximum height of 14 feet.
      b. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.
      c. The highest point on the structure includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof.

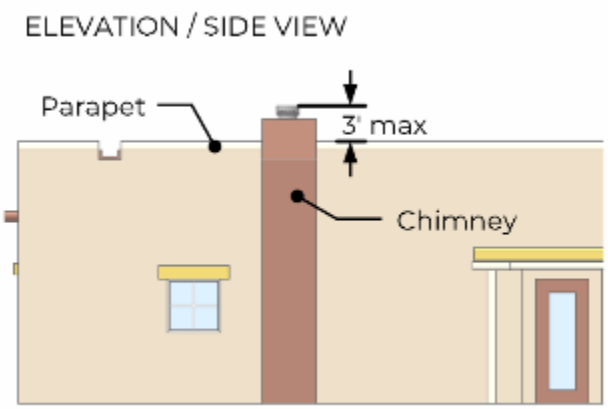


Figure 4.4-2: Maximum Chimney Height

d. Adding fill dirt to the natural grade in order to increase the height of the ridgetop is prohibited.

II. Foothills Subdistrict

The maximum height of any structure shall be determined by the following calculations:

a. The highest point on the structure shall not exceed a maximum height of 14 feet above the highest natural grade at the perimeter of the structure.
b. The highest point on the structure shall not exceed a maximum height of 20 feet above each adjacent point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.
c. The highest point on the structure includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. See Figure 4.4-2.
d. Adding fill dirt to the natural grade in order to increase the height is prohibited.
e. A stepped roofline is permitted, provided the highest point of the structure complies with provision a and extends only as far horizontally as provision b allows to the most restrictive measurement point and the remaining stepped construction is contained within a 20-foot-high tilted diagonal plane from this point to the lowest restrictive point at the bottom of the structure. No interior portion of the structure may exceed the 20-foot maximum allowable height set by the tilted plane. Graphic simulations demonstrating compliance may be requested by staff.
f. No façade shall be more than 50 feet in length in a single plane. A façade with an offset of less than four feet in depth is defined to be a single plane.

5. Cantilevers
   I. Cantilevers greater than three horizontal feet in depth, including cantilevered decks, are prohibited.
   II. Decks greater than three horizontal feet in depth and more than five feet above grade, whether cantilevered or supported, are prohibited.
   III. Decks over roofs of structures and their flat portals are permitted provided that the decks do not exceed the maximum height limit set forth in provisions 4.I and 4.II above.

6. Exterior Lighting
   I. Exterior lighting shall not directly illuminate landscaping or the surfaces of structures.
   II. The maximum allowed height for any indirect exterior lighting shall be three feet or less, and shall be downlit.
   III. The above provisions do not apply to entries, garages, and portals.

7. Maximum Allowed Site Disturbance

I. The maximum disturbance area by all dwellings, accessory buildings, structures, graded land, and the placement of any impervious surfaces shall not exceed 40 percent of the gross area of the lot.

II. Landscaping that does not require grading and stormwater retention or water harvesting areas, whether graded or not, shall not be included as a disturbed area.

8. Site Plan and Drawings Required

Drawings shall be submitted of all exterior elevations of all structures showing building materials, colors, length, and heights; a minimum of two cross sections from the highest point of natural grade or finished grade, whichever is more restrictive, showing how the existing and proposed contours relate to the building and the plans required pursuant to Section 14-4.4I below; a site plan; and a floor plan, all showing compliance with the standards of this section. All floor plans, elevations, and cross section shall be drawn to a minimum scale of 1/8th inch equals one foot.

G. Landscaping

1. Landscaping in the escarpment overlay district shall be required to comply with all provisions of this section, in addition to all applicable requirements as set forth Section 14-8.4, *Landscape and Site Design.*
2. Landscape and irrigation plans shall be submitted by the applicant showing compliance with the provisions of this section. When planting is proposed within a public road right-of-way, landscape and irrigation plans shall be stamped by a licensed landscape architect or architect. The landscaping and irrigation plan shall meet the standards set forth in Section 14-8.4, *Landscape and Site Design.* If the applicant requested an alternate buildable site as set forth in Section 14-4.4E and the alternate site was approved based upon existing vegetation, the landscape and irrigation plan shall include such vegetation.
3. Except as set forth in provision 4 below, all cut and fill slopes and retaining walls more than four feet high and with a backfill and/or retained slope of 3:1 or steeper shall have screening vegetation planted and maintained at the base of the slope. Those with a grade less steep than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope as follows:
   I. Screening vegetation shall be planted and maintained in addition to revegetation materials required in Section 14-8.2H.2, *Submittal Requirements For All Other Development* shall be selected from a City-approved list of appropriate tree species.
   II. No vegetation is required for exposed rock surfaces in the naturally occurring location.
   III. All evergreen trees shall be a minimum of six feet high at the time of planting. Deciduous trees shall be a minimum two-inch caliper at the time of planting and shall be tall enough so that the foliage provides the desired screening effect at the time of planting.
   IV. All vegetation shall be planted and maintained at a density commensurate with the adjacent existing natural landscape, up to a maximum of 60 basal area as approved by the city. The density may be further reduced when deemed necessary to reduce wildfire risk. The commensurate density shall be determined by an inventory of existing natural trees and shrubs of four feet or greater in height in a 50 by 50-foot square within the cut or fill area prior to excavation. An inventory of the existing natural trees and shrubs within the cut and fill area shall be shown on the landscape and irrigation plan.
   V. Existing trees over six feet high and located within six feet of the base of the cut and fill slope may be counted toward fulfilling the number of trees required for screening.

VI. Cut slope with a slope or retaining wall closer than six feet from the edge of a road or driveway may be screened with a trellis supporting planted vegetation or some other similar means which creates a natural screened effect.

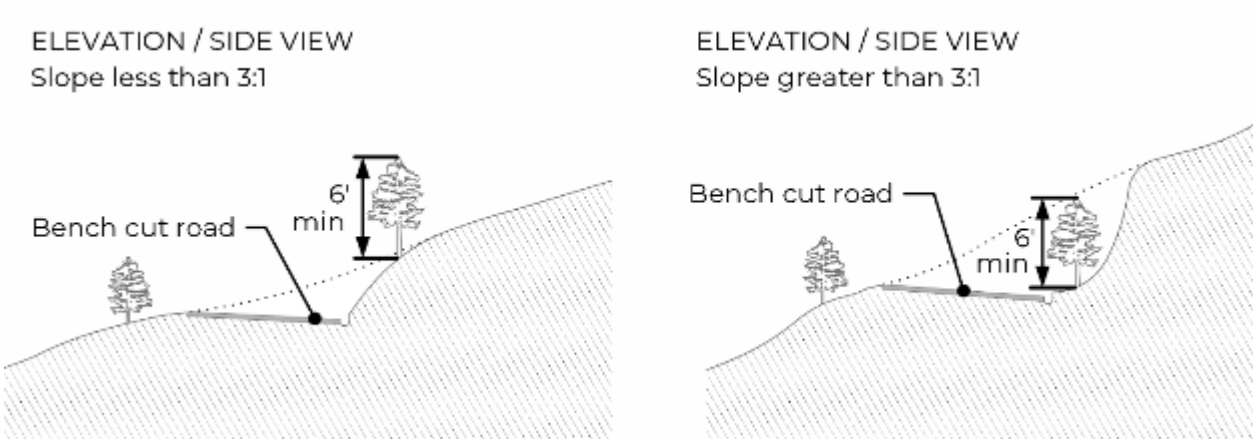


Figure 4.4-3: Planting on Slopes

4. For public or private roads and driveways having individual cut and fill slopes and retaining walls over four feet high and combined roadway cut and fill slopes with a height of at least eight feet, but not more than 12 feet, landscape screening as set forth in provision 3 above, is required for the fill slopes only. If combined slopes are greater than 12 feet, then the cut and fill slopes shall be screened individually as set forth in provision 3.
5. For public or private roads and driveways within the ridgetop subdistrict, revegetation shall meet or exceed the preconstruction vegetation density outside the roadbed. All requirements of provision 3 above shall apply. Alignment of the driveway will be in accordance with Section 14-4.4K, *Driveways/Access Alignments*
   I. The owner of the property is responsible for reseeding and maintaining all disturbed areas at the approximate original ground cover density and the approximate original height.
   II. All graded areas shall approximate the original terrain conditions and be revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of sixty basal area as approved by the City, including but not limited to planting trees with a minimum height of six feet for evergreen and two-inch caliper for deciduous, and reseeding to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk.
6. Slopes screened from view from any adjacent public street, way, or place by buildings, walls, or fences are exempt from the provisions 3 and 4.
7. At least 25 percent of structure-screening trees shall be evergreen. The remaining screening vegetation shall be deciduous trees that provide the desired screening effect year-round. All structure-screening trees shall leave exposed no more than 50 percent of the structure from the highest point on the structure to the top of the tree at the time of planting.
8. There shall be one tree, existing or planted meeting minimum height and size requirements, for every 15 linear feet of wall surface of each structure, located no closer than ten feet and no further than 30 feet from such wall. Escarpment screening trees shall not exceed sixty basal area.
9. No retaining walls shall be greater than six feet in height. Where a retaining wall greater than six feet would be required, the retaining wall shall be set back a minimum of six horizontal feet from face-of-wall to face-of-wall. Setback area grading shall not exceed a one percent cross slope and all walls shall be screened in accordance with provision 3 above.

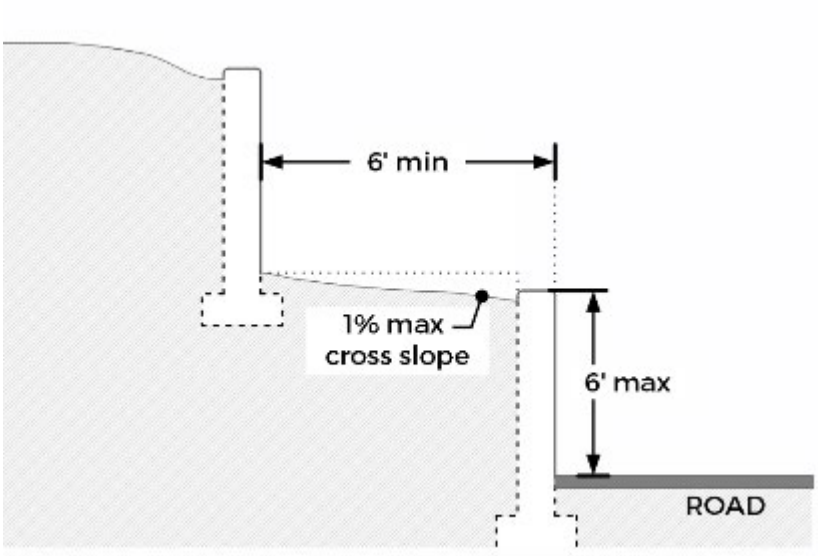


Figure 4.4-4: Retaining Wall Requirements

10. All vegetation indicated on the landscape and irrigation plan, existing or proposed, for the purposes of screening or stabilization as required by this section shall be maintained or replaced if necessary.
11. Plantings should be consistent with wildfire safety guidelines recommended by the City's Fire Department.

H. Permitted Trees

The City-approved list of appropriate tree species will be maintained and updated periodically by the Planning and Land Use Department.

I. Terrain Management

Plans depicting natural topography, storm drainage, grading and erosion control shall be submitted by the applicant showing compliance with the terrain management requirements of Section 14-8.2, *Terrain and Stormwater Management.*

J. Utilities

1. All new and replacement water, gas, electric, telephone, television, and all other utilities, including both main and service lines, shall be placed underground within or adjacent to roads. Utilities shall be located in the following priority:
   I. Within a dedicated public road right-of-way;
   II. Within an easement adjacent to a dedicated public right-of-way that is of sufficient width to provide ingress and egress for maintenance purposes; or
   III. Within a private road right-of-way.
2. Water service mains may be located outside road rights-of-way if required by change in water-pressure zone.
3. Sewer lines outside road rights-of-way for both public and private use shall be located to minimize tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads, and to prioritize gravity flow over lift stations. Public sewer line easements outside road rights-of-way are permitted when required by the City utility. The owner of the property is responsible for reseeding and maintaining all disturbed easements outside the road rights-of-way at the approximate original ground cover density and the approximate original height.
4. All utilities shall be installed and maintained in accordance with the prevailing standards and practices of the City utility or other companies providing such services.
5. Lots which abut existing easements, private road rights-of-way, or public rights-of-way where supply lines and service connections have previously been installed may be supplied with service from those lines, but new service connections from such utilities shall be installed in accordance with the requirements of this section. In the case of existing utilities, if a road widening, an extension of service, or other similar condition occurs as a result of a subdivision or other new development and necessitates the replacement or relocation of such utilities, such replacement or relocation shall be located, installed, and maintained in accordance with provisions 1 through 4 of this subsection, and paid for by the applicant;
6. The location of water, gas, and sewer lines, and relocation of three phase 12.5 KV electric feeder lines, in a manner different from the requirements of this subsection is permissible if:
   I. The applicant provides plans and reports certified by a licensed engineer showing the need to locate utilities in a manner different from the requirements of this section in order to protect the public health or safety; and
   II. Approval is granted by the appropriate utility.
7. For service lines outside a right-of-way in or adjacent to a road, the placement of utilities shall be designed to lessen the visual impact, as follows:

I. The utility alignments shall be carefully routed to avoid locations perpendicular to the horizons;

II. All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of sixty basal area as approved by the City, including but not limited to planting of trees and large shrubs with a minimum height of six feet and reseeding to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk; and

III. All revegetation shall be maintained and replaced if necessary.

8. Any utility apparatus (telephone junction boxes, gas pressure valving, satellite dishes, etc.) three feet or higher above finished grade (excluding utility poles), and all above ground water tanks, shall be screened year-round from the adjacent public street, way, or place. The screening to be utilized shall be shown on the landscape and irrigation plan.

9. All streetlighting in the district shall be cut-off luminaires with a maximum pole height of 28 feet.

10. Water tanks are only permitted in the ridgetop subdistrict if they are placed below natural ground level. Water tanks located outside of the ridgetop subdistrict shall comply with the regulations of Sections 14-7.1, *General Provisions,* and 14-8.2, *Terrain and Stormwater Management.*

11. Access or service roads shall comply with landscape standards in Section 14-4.4G above.

K. Driveways/Access Alignments

All driveway/access alignments within the ridgetop subdistrict shall be located in the following priority:

1. Within a dedicated public road right-of-way;
2. Within a private road right-of-way;
3. Carefully routed to avoid locations perpendicular to the horizons; and
4. Located to minimize tree removal.

L. Development and Permit Approval; Required Submittals

1. No approval of a single-family dwelling, or any other structure or type of development, shall be granted for land situated in whole or in part in the escarpment overlay district unless all of the applicable requirements of this section are satisfied.
2. Each parcel of land proposed for subdivision or resubdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development, located in whole or in part in the escarpment overlay district, shall be shown on the plat and on the plans that:
   I. Shows the location of the escarpment overlay district, the ridgetop subdistrict, the foothills subdistrict and the viewline;
   II. Shows the location of all buildable sites located within the escarpment overlay district in compliance with Section 14-4.4E;
   III. Includes a landscape and irrigation plan to demonstrate compliance with Section 14-4.4G;
   IV. Includes natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with subsection I above; and
   V. Shows the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable requirements of this section.
3. Siting of all structures within the escarpment overlay district shall be approved by City staff, with no building or grading permit issued until City approval has been granted.
   I. A pre-application meeting with City staff is required for a construction permit, grading permit, driveway cut or any other type of development, for any property that is located entirely or partially within the Escarpment Overlay District.
   II. The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site. If the applicant is requesting an alternate location as set forth in Section 14-4.4E, the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and Escarpment Overlay District regulations will be reviewed.

III. A construction permit application submittal form will be issued by City staff once all of the prerequisites for the Escarpment Overlay District construction permit application are reviewed. This form shall be attached to all sets of the building or grading permit submittal. Issuance of this form does not imply preapproval of the construction permit application.

4. A grading permit or construction permit for a single-family dwelling, or any activity that requires either a grading permit or construction permit, shall be issued for land located in whole or in part in the escarpment overlay district only upon compliance by the applicant with all of the relevant requirements of this section and this chapter including but not limited to requirements of the underlying zone, and any conditions on development previously imposed by the City. No grading permit or construction permit shall be issued unless the grading permit or construction permit application is accompanied by a plan, which may incorporate by reference approved plans previously submitted to the City in connection with any subdivision, resubdivision, planned unit development, cluster, or other development approval, and which sets forth or incorporates by reference the following information described in Section 14-4.4L.2 above, along with a site plan, floor plan, and exterior building elevations that demonstrate compliance with Section 14-4.4F above;

5. If a grading permit or construction permit is sought for the purpose of remodeling or extending an existing structure lying in whole or in part within the escarpment overlay district, a construction permit shall be required and will be issued only upon compliance with this section. Any remodeling or extensions of the roofline or footprint shall be located and designed to comply with this section. All other requirements of this section, including, but not limited to, the location of the extension and criteria governing height, architecture, landscaping, terrain management, and utilities, shall be applicable to such remodeling or extension.

M. Variance

1. Where extraordinary hardship may result from strict compliance with these regulations, the property owner may request a variance, as described in Section 14-2.1H.1.

14-4.5 Highway Corridor Protection Districts

A. Airport Road Overlay District

1. Purpose

The Airport Road overlay district is intended to accomplish the following purposes:

I. Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;

II. Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;

III. Promote a healthy and safe environment through the development of walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms;

IV. Incentivize certain uses that are absent or deficient along Airport Road.

2. Applicability

I. The provisions of this section apply to all legal lots of record, any portion of which directly abuts the Airport Road right-of-way.

II. The provisions of this section do not apply to single-family dwellings and detached multi-unit dwellings except as provided in site design standards in Section 14-4.5A.5.XI of the following subsection, and the landscaping standards of Section 14-4.5A.7.V.

III. Additions to or remodeling of existing buildings shall comply with the provisions of this subsection to the extent practical or feasible as determined by the Planning and Land Use Director.

3. Boundaries

The Airport Road overlay district begins at the intersection of Airport Road and NM 599 and extends east along Airport Road to the intersection of Airport Road and Cerrillos Road.

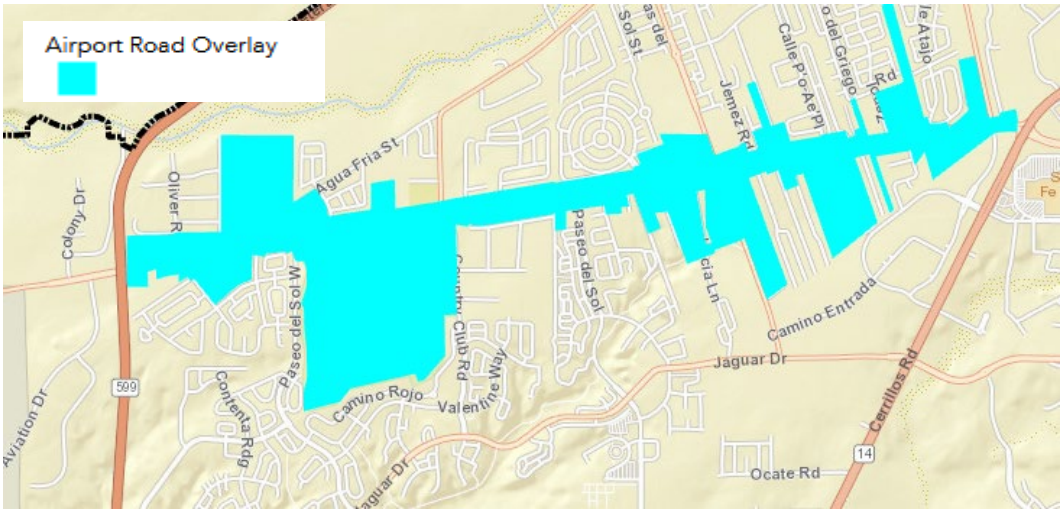


Figure 4.5-1: Airport Road Overlay Boundaries

4. Standards

I. Unless otherwise specified, permitted uses and development standards within the Airport Road overlay district shall conform to the requirements of the underlying zoning district of a property.

II. The Planning and Land Use Director may permit alternate means of compliance with the provisions of this subsection as provided in Section 14-2.2H.3, *Approval Authority.*

III. In the event of conflicts between the requirements of this subsection and platted building setback for existing easements, the requirements of this subsection shall apply.

5. Site Design, Circulation, and Parking

I. New buildings or additions to existing buildings shall be oriented so that their primary façades face Airport Road or integral courtyards face Airport Road.

II. No more than one single-loaded row of parking is permitted adjacent to Airport Road.

III. Perimeter screening of parking lots shall be in accordance with Section 14-8.4H.3 except that screening walls, hedges, or berms shall not exceed four feet at maturity and shall be provided with openings adjacent to the Airport Road right-of-way to allow multiple points of pedestrian access to Airport Road.

IV. Sidewalks adjacent to Airport Road shall be provided in accordance with Section14-6.5G.

V. New buildings shall have accessible pedestrian connections to Airport Road.

VI. Direct vehicular access to Airport Road shall be prohibited where feasible as determined by the Planning and Land Use Director in consultation with the Public Works Director.

VII. Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from Airport Road. The screening shall be integrated with the building architecture, materials, and construction.

VIII. Vehicular access between and among adjacent lots shall be provided where feasible as determined by the Planning and Land Use Director.

IX. Electrical transformers and water system backflow preventer cabinets shall be screened from view of public roadways and sidewalks by walled enclosures or landscape screening. Water system backflow preventer cabinets and wall-mounted utility boxes shall be painted the same color as the closest building on site.

X. New development of the following uses or categories of uses, as defined in Table 5-1: *Summary Table of Allowed Uses*, shall be set back a minimum of 100 feet from the Airport Road right-of-way and shall be separated from the Airport Road right-of-way by development not containing these uses:

a. Electrical substations or switching substations;
b. Sexually-oriented business;
c. Telecommunications towers, but not tower alternatives;
d. Vehicles and equipment-related uses;
e. Industrial;
f. Self-storage and outdoor storage; and
g. Warehouse and freight movement.

XI. The following provisions shall apply to new development of single-family dwellings and detached multi-unit dwellings on lots adjacent to the Airport Road right-of-way:
a. Buildings shall be set back a minimum of 20 feet from the Airport Road right-of-way.
b. A six-foot-high, color-coated, masonry wall shall be constructed along the entire length of the common property line at the Airport Road right-of-way.

6. Architecture

In addition to requirements found in Section 14-7.3, *Architectural Design Review,* the following provisions shall apply:

I. The primary entrance to any new building shall be visible from Airport Road.

II. The finished floor elevation of the primary entrance to any new building shall not be three feet higher or lower than the elevation of the adjacent sidewalk within the Airport Road right-of-way.

III. Lot configuration permitting, the longest façade of all new buildings shall be aligned with Airport Road.

IV. No garage doors shall face Airport Road.

V. The square footage of retail building facades that face Airport Road or any abutting street shall be comprised of between 30 and 60 percent transparency. Storefront glazing systems may be used to meet this requirement and shall not exceed 50 percent of the façade.

VI. A façade exceeding 100 feet, measured horizontally, shall incorporate wall plane projections or recesses of at least 24 inches in depth encompassing at least 50 percent of the façade length.

VII. A façade exceeding 100 feet, measured horizontally, shall be of at least two different colors or materials with each color or material applied to an entire projection or recess.

VIII. Except when covered by a portal or other permanent shade structure, windows shall be recessed a minimum of eight inches.

IX. With the exception of buildings constructed for industrial uses in I-1 and 1-2 zoning districts, no portion of any building wall facing Airport Road or any street shall extend more than 20 feet, measured horizontally, without openings. Doors, windows or display windows are considered openings.

X. Rooftop equipment shall be fully screened so that the equipment is not visible from the public right-of-way. The screening shall be integrated with the building architecture, materials, and construction. Rooftop solar equipment shall be screened to the extent that the screening does not impair the performance of the solar equipment.

XI. Drive-through and drive-in facilities shall be located to the rear of buildings.

XII. Enclosures required for trash receptacles and compactors shall be:
   a. Located to the rear of buildings; and
   b. Sized to include commercial recycling space sufficient to accommodate the commercial recycling generated by a development.

7. Landscaping Standards

In addition to requirements found in Section 14-8.4, *Landscape and Site Design*, the following provisions shall apply:

I. On-site storm water detention or retention facilities:
   a. Shall be integrated with the required landscaping on the site;
   b. When located adjacent to the Airport Road right-of-way, shall not be wider than ten feet measured perpendicular to the Airport Road right-of-way; and
   c. Shall not create a physical barrier to pedestrian access from the Airport Road right-of-way to the site.

II. Street trees shall be planted at a minimum of 20 feet on-center adjacent to the Airport Road property line. Where possible, trees shall be integrated into and irrigated by stormwater infrastructure. Street trees shall be 2½ inches minimum caliper at time of planting and a minimum mature height of 30 feet. The location and minimum mature height of street trees may be adjusted where conflicts with overhead utility lines exist.

III. A minimum of 30 percent of required plant material shall be evergreen.

IV. The area between the Airport Road curb and the Airport Road sidewalk adjacent to the development site shall be landscaped as part of the required landscaping of the development site.

V. The following provisions shall apply to new development of single-family dwellings and detached multi-unit dwellings on lots adjacent to the Airport Road right-of-way:
   a. The 20-foot setback area between buildings and the Airport Road right-of-way shall be planted with trees in accordance with provision II above of this subsection.
   b. Trees shall be maintained and replaced when necessary by the property owner.

8. Signage

In addition to the requirements found in Section 14-7.6, *Signs,* the following provisions shall apply:

I. Pole-mounted signs are prohibited.

II. Monument signs shall not exceed eight feet in height.

III. Signs shall be set back a minimum of ten feet from any public right-of-way.

IV. Wall or building-mounted signs shall not extend above the roofline or parapet.

V. Roof-mounted signs are prohibited.

9. Site Furnishings

I. A minimum of one bench per 100 linear feet or portion thereof of street frontage along Airport Road is required on the site and shall be located adjacent to the Airport Road sidewalk, or to the primary building entrance, or to a public or private amenity provided by the development.

II. At least one bench per development shall be shaded by a tree or a shade structure.

III. Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.

IV. All site furnishings on a development site, including bicycle racks, benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

10. Outdoor Lighting

In addition to compliance with Section 14-8.6, *Outdoor Lighting,* the following provisions apply:

I. Pole-mounted lights shall not exceed 20 feet in height.

II. Lamps of building-mounted light fixtures shall not be placed more than 12 feet above the exterior grade at the perimeter of the building.

11. Incentives

I. Fee Incentives

Development of the following uses are exempt from the payment of construction permit fees, plan review fees, and development review fees as set by resolution of the Governing Body, as may be amended from time to time, and are exempt from the payment of impact fees as described in Section 14-7.9H.9, *Exemptions, Waivers, and Reimbursements:*

a. Grocery stores;
b. Farmer's markets;
c. Medical offices or clinics for physicians, dentists, chiropractors, alternative medicine providers (not including cannabis dispensaries);
d. Schools, day-care centers for children or adults, youth or senior centers;
e. Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers, and miniature golf courses; and
f. Restaurants without drive-through or drive-up service, including bakeries, coffee shops, and other shops selling food for on-site or take-away consumption, provided that food and beverage services constitute the primary use of the establishment.

II. Public Art; Active Play Opportunities

Applicants for a permit for new construction, redevelopment or additions who provide public art or active play opportunities accessible to the public shall have their total construction permit fees reduced in an amount equal to the cost of the public art or active play amenity provided.

III. Community Gardens and Orchards

Applicants for a permit for new construction, redevelopment or additions to a multi-unit residential development who provide a community garden or orchard space for use of the residents of the development shall have their total construction permit fees reduced in an amount equal to the cost of the community garden provided.

IV. Review

This subsection regarding Incentives shall be reviewed by the Governing Body five years after the date of its adoption.

Cerrillos Road Highway Corridor (CRHC) Protection District

12. Purpose

Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of the primary entranceways to the city, and one of the community's major commercial strips. For these reasons, it is the purpose of the Cerrillos Road Highway Corridor (“CRHC”) district to assure that Cerrillos Road:

I. Accommodates, in a safe and efficient manner, both through and local traffic;

II. Provides for a visually attractive and aesthetically appropriate introduction to Santa Fe;

III. Allows for clear identification of, and easy access to, all commercial and institutional establishments;

IV. Provides for a gradual transition between the rural character of the county and the urban character of the city; and

V. Accentuates, to the greatest extent possible, architecture and landscaping rather than parking lots and commercial signage.

13. Applicability

The provisions of this section apply to all legal lots of record, any portion of which directly abuts the Cerrillos Road right-of-way.

14. Boundaries

The CRHC district begins at the intersection of Cerrillos Road and St. Francis Drive and extends southwest along Cerrillos Road to the southern City limits. The CRHC district is further subdivided into the following four zones:

I. Zone One: St. Francis Drive to St. Michael's Drive;
II. Zone Two: St. Michael's Drive to Calle del Cielo;
III. Zone Three: Calle del Cielo to Airport Road; and
IV. Zone Four: Airport Road to the southern City limits.

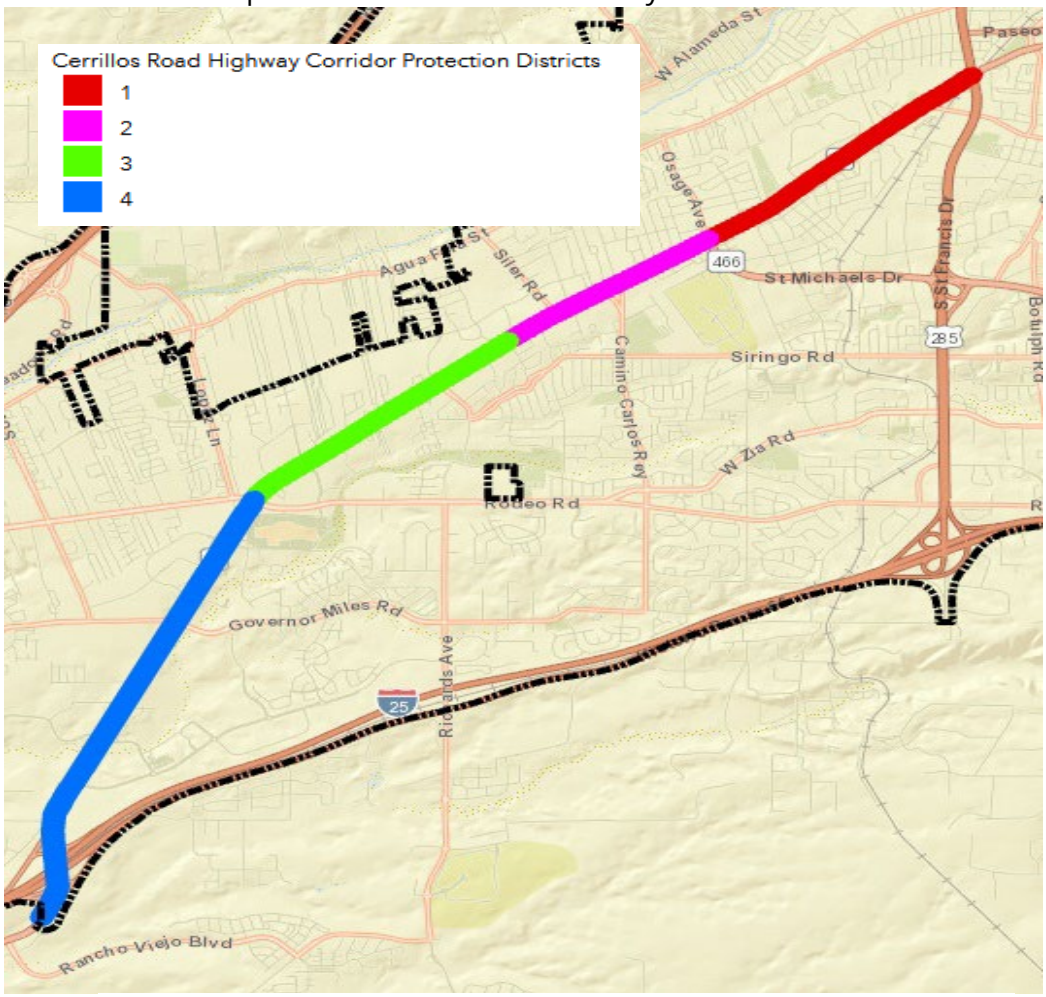


Figure 4.5-2: Cerrillos Road Highway Corridor Zones One through Four

15. Uses

The uses permitted in the CRHC district are the same as those permitted in the underlying zoning district.

16. Development and Design Standards

The standards in the CRHC district are the same as those in the underlying zoning district with the addition of the following standards that apply to all new development and not, unless otherwise indicated, to existing buildings and structures:

Table 4-2: CRHC Development and Design Standards

Min., ft	Zone One	Zone Two	Zone Three	Zone Four
Lot Depth	75	125	175	225
Setback from Cerrillos[1]	15	25	35	45
Street Frontage Landscaping Depth	10	15	20	25

NOTES:

[1] Setback as indicated, or 20% of the lot's depth, whichever is less.

I. Lot Depth

New legal lots of record created abutting Cerrillos Road right-of-way shall have no less than the minimum lot depth indicated in Table 4-2.

II. Height

The maximum height of structures in the CRHC overlay district shall be the same as that allowed in the underlying district, but in no case shall the height of any portion of a building exceed 45 feet or exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right-of-way.

III. Setback from Cerrillos Road
   a. The minimum building setback shall be measured from the front property line abutting and parallel to Cerrillos Road right-of-way and extending extend inward onto the lot.
   b. On corner lots, setback requirements for street side yards shall be one-half the depth required for front yards in the underlying zoning district.

IV. Lot Coverage
   a. The maximum lot coverage by buildings and structures in the CRHC district shall be that allowed by the underlying zoning district, but in no case greater than 60 percent.
   b. The areas of all buildings and structures, both existing and new, shall be included in the calculation of maximum lot coverage.

V. Street Frontage Landscaping Standards
   a. The street frontage landscaping strip of the depth required in Table 4-2 shall be measured from the front property line abutting and parallel to Cerrillos Road right-of-way, and extending extend inward onto the lot.
   b. Where adjacent lots in the same CRHC zone have a frontage landscaping strip of greater depth than required by Table 4-2, the subject property shall provide a landscaping strip equal in depth to the average depth of all properties within 150 feet. In no case, however, shall the required frontage landscaping strip depth exceed:
      1. Zone One: 15 feet.
      2. Zone Two: 25 feet.
      3. Zone Three: 35 feet.
      4. Zone Four: 45 feet.
      5. Or, 20 percent of the lot's depth in all Zones.

VI. Screening

Any new loading docks, storage facilities, or trash disposal areas shall either be located at the rear of the property or be entirely screened from public view by an opaque wall or fence of no less than six feet in height.

B. Midtown Local Innovation Corridor (LINC) Overlay District

1. Purpose

The Midtown Local Innovation Corridor (LINC) overlay district is intended to:

I. Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the Midtown Planned Unit Development (previously the campus of the Santa Fe University of Art and Design and the College of Santa Fe) and surrounding uses to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the east;

II. Incentivize multi-unit residential development, complementary nonresidential uses that support the needs of nearby residents, and an enlivened, street-oriented pedestrian environment by prioritizing qualifying projects, while allowing existing uses to continue as redevelopment occurs;

III. Allow for innovative development and redevelopment of the district while providing buffering between the district and existing residential development outside of the district by the application of amended land development regulations and fees and by establishing conditions precedent for future infrastructure enhancements and the application of other redevelopment and financing tools;

IV. Promote a more healthy, safe, and enjoyable environment within the city's midtown area through the enhancement of pedestrian and bicycle accessibility and safety, landscaping, and other street-related amenities and the eventual reduction of traffic speeds and provision of on-street parking, bicycle lanes, and improved crosswalks; and

V. Provide flexibility in sign design and location to maintain effective communication, business identification, and wayfinding for existing buildings whose visibility may be reduced by new development.

2. Applicability

I. The provisions of this subsection apply to all land within the boundaries of the Midtown LINC overlay district, and shall supersede the provisions that apply to any other overlay district(s) that overlap in whole or in part with the Midtown LINC overlay district, including, but not limited to, the South Central Highway Corridor Protection District as set forth in Section 14-4.5D.

II. New development shall comply with the provisions of this subsection.

III. Alterations to existing structures shall comply with the provisions of this subsection to the extent practical or feasible, as determined by the Planning and Land Use Director.

3. Boundaries

The Midtown LINC overlay district includes land in the vicinity of the St. Michael's Drive from the eastern edge of the Cerrillos Road to the western edge of St. Francis Driv, and additional land in the vicinity of the campus of the Midtown Planned Unit Development as shown on the Midtown LINC Overlay District Map.

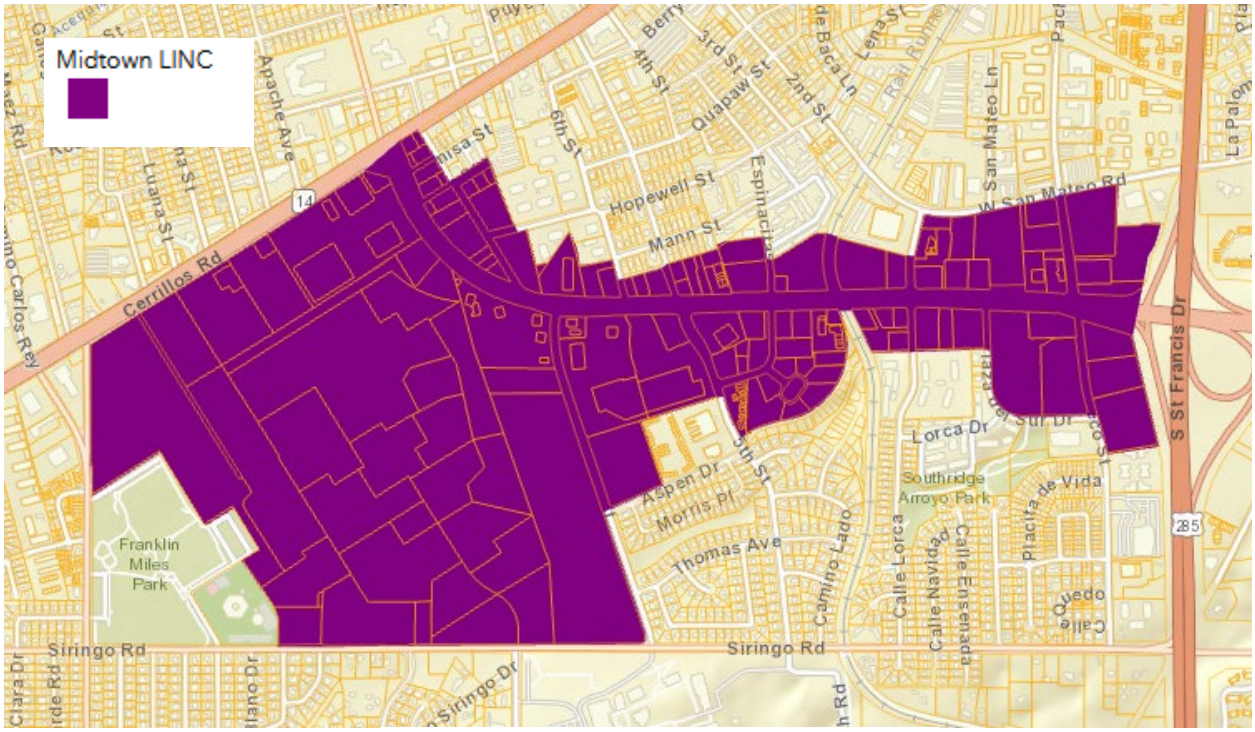


Figure 4.5-3: Midtown LINC Boundaries

4. Qualifying Projects

I. As used in this subsection, a qualifying project means a new development within the Midtown LINC overlay district that complies with the requirements of this subsection and that is either a qualifying residential project or a qualifying nonresidential project as defined in this subsection.

a. Qualifying residential project means a new development that is composed solely of new multiple-family dwellings, or results in a development that is a mix of primarily new multiple-family dwellings and any lesser amount and combination of the eligible nonresidential uses listed in Table 4-4 as measured by gross floor area.

b. Qualifying nonresidential project means a new development that is composed of a new building or buildings, or of alterations to an existing building or buildings, for the eligible uses identified in Table 4-4.

II. Development projects not meeting the definitions of this subsection are permitted as provided in this subsection, but are not qualifying projects.

III. The Land Use Director may adopt submittal requirements and review policies as necessary to verify that qualifying projects meet the requirements of this subsection.

5. Uses

I. Additional Permitted and Prohibited Uses

Permitted uses and structures within the Midtown LINC overlay district are the same as those permitted in underlying zoning districts, except as provided in Table 4-3, and as permitted for qualifying projects as defined in this subsection. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts.

Table 4-3: Additional Permitted & Prohibited Uses

Additional Permitted Uses	
Category	**Specific Use**
Residential	Dwellings, multi-unit
Commercial	Laboratory, research or testing
Prohibited Uses	
Category	**Specific Use**
Residential	Manufactured home park
	Mobile home
Commercial	Outdoor storage
	Self-storage facility [1]
	Sexually oriented business
	Vehicles and equipment [2]
Industrial	Warehouse & freight movement

NOTES

[1] Individual storage areas enclosed within a building and that are part of a qualifying residential project are permitted.

[2] Parking lots and garages are permitted as accessory uses when associated with a qualifying project.

II. Additional Uses: Qualifying Projects

Eligible uses listed in Table 4-4are permitted uses when part of a qualifying project. See Table 5-1: *Summary Table of Allowed Uses* for a complete listing of use categories and permitted uses in underlying zoning districts.

Table 4-4: Nonresidential Uses Eligible for Qualifying Projects

Uses/Use Categories	For Inclusion in Qualifying Residential Projects	As Qualifying Nonresidential Projects
Pre-school, Daycare	X	X
Educational (including Libraries)	X	X
Community centers & institutions	X	X
Parks and open space [2]	X	X
Arts activities	X	X
Assembly	X	
Food and beverage[3]	X	X
Medical	X	X
Public transportation	X	
Recreation and entertainment	X	X
Retail sales and services	X	X[8]
Service establishments	X	X
Storage[4]	X	
Vehicles and Equipment[5]	X	
Industrial[6]	X	X
Manufacturing and Production[7]	X	X

NOTES

[1] Eligible uses listed in this table are permitted uses when part of a qualifying project.

[2] Except cemeteries, mausoleums & columbaria.

[3] Except restaurants with drive-through/drive-up service.

[4] Only individual storage areas completely enclosed within a building and that are intended to serve the associated qualifying residential project.

[5] Only parking lots and garages that are intended to serve the associated qualifying project.

[6] Research, experimental and testing laboratories only.

[7] Light assembly and manufacturing (including "maker" spaces) only.

[8] Neighborhood grocery stores and laundromats only.

III. General Standards

a. Unless otherwise specified in this subsection, permitted uses and development standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.
b. The Planning and Land Use Director may permit alternate means of compliance with the provisions of this subsection as provided in Section 14-2.2H.2.X, *Approval Authority*.
c. Approval Authority.
d. In the event of conflicts between the requirements of this subsection and the requirements of underlying zoning districts, platted building setbacks or existing easements, the requirements of this subsection shall apply.

IV. Building Envelope Standards and Measurements

Table 4-5: Midtown LINC Dimensional Standards

Development Type	Gross Density (Dwelling units/ Acre), Max.	Lot Size, Min.	Height, Max. (ft)[1]	Yard Requirements, (ft)	Lot Coverage, Max. (%)	Required Open Space, Min.
Qualifying Residential Projects	N/A	Same as C-2 District. See §14-3.3D	52 [2]	Minimum Street: 0 [3] Side: 5 Rear: 10 [4] Maximum Street: 5 [5]	None	Same as C-2 District. See §14-3.3D
All Other Development	Same as C-2 District. See §14-3.3D	Same as C-2 District. See §14-3.3D	Per Underlying District Standards; Santa Fe University of Art and Design Campus (SFUAD): 62	Per Underlying District Standards except as noted below Maximum Street: 5 [3], [5]	Per Underlying District Standards	Per Underlying District Standards

Table 4-5: Midtown LINC Dimensional Standards						
Development Type	Gross Density (Dwelling units/ Acre), Max.	Lot Size, Min.	Height, Max. (ft)[1]	Yard Requirements, (ft)	Lot Coverage, Max. (%)	Required Open Space, Min.

NOTES:

[1] Elevator "over-runs" and renewable energy generating equipment less than ten feet high (such as solar photovoltaic panels and wind turbines) mounted on buildings shall not be included in the calculated height of a building.

[2] Maximum height of structures 52 feet, except where any portion of a structure associated with a qualifying residential project will be located within 150 feet of an existing residential development located outside of the Midtown LNC overlay district, in which case the maximum height of a structure associated with a qualifying residential project within the above limits shall be 38 feet.

[3] Except that 4th stories along street-frontage façades shall be set back a minimum of ten feet from the story below.

[4] Rear yard ten feet, except at the rear of a lot abutting an existing residential development, in which case there shall be a required read yard of not less than 25 feet.

[5] Maximum Street yard five feet, except that: (a) up to 30 percent of a street-frontage façade may be set back greater than five feet for entryways and integral courtyards, or to accommodate other aspects of a building's design, and (b) street-frontage façades may be set back greater than five feet in locations where existing utility easements prevent compliance with this requirement.

V. Site Design, Circulation and Parking

a. New buildings or additions to existing buildings shall be oriented so that their primary façades face St. Michael's Drive, Cerrillos Road, or other street frontages as applicable.

b. Perimeter screening of parking areas shall be in accordance with Section 14-8.4H.3, *Perimeter Parking Lot Landscaping,* except that screening walls, hedges or berms shall not exceed four feet at maturity and shall have multiple openings adjacent to street frontages to maximize pedestrian access from parking areas to sidewalks.

c. Sidewalks along the street frontages of St. Michael's Drive and Cerrillos Road shall be provided in accordance with Section 14-6.5G*, Sidewalks,* and shall be a minimum of 15 feet wide. Where existing sidewalks are widened to meet this requirement, the widening shall occur on the building side of the existing sidewalk.

d. Vehicular access shall be from the side or rear of the lot to the extent possible.

e. Vehicular access between and among adjacent lots shall be provided where possible.

f. New buildings shall have accessible pedestrian connections to St. Michael's Drive or Cerrillos Road as applicable. Building entrances shall have the same general elevation as the street frontage sidewalks adjacent to the entrance. Site grading shall not result in the need for steps or ramps from the street frontage sidewalk to the building. Visual and physical barriers to building entrances shall be minimized.

g. Sidewalks and other pedestrian pathways connecting building to the street and to parking areas shall be a minimum of six feet wide and shall be clearly defined.

h. Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from St. Michael's Drive or Cerrillos Road as applicable. The screening shall be integrated with the building architecture, materials and construction.

i. Electrical transformers and trash enclosures shall be located at the side or rear of buildings and shall be screened from view of public roadways and sidewalks by walled enclosures or landscape screening. Wall-mounted utility boxes shall be painted the same color as the nearest building on site.

j. Water system backflow preventers shall be located inside buildings. Where it is not feasible to locate a water system backflow preventer inside a building, the backflow preventer shall be located at the side or rear of buildings and shall be screened from view of adjacent public roadways and sidewalks by walled enclosures or landscape screening.

k. The amount of off-street bicycle parking required is 25 percent more than the amount required by Section 14-7.5(J), *Off-Street Bicycle Parking Requirements*.

VI. Architecture

In addition to the requirements of Section 14-7.3, *Architectural Design Review,* the following provisions shall apply.

a. Lot configuration and available street frontage permitting, the longest façade of all new buildings on lots abutting St. Michael's Drive or Cerrillos Road shall be aligned parallel with the street frontage of St. Michael's Drive or Cerrillos Road as applicable.
b. The primary entrance to any new building on a lot abutting St. Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as applicable.
c. Building walls along street frontages shall not extend more than 20 feet, measured horizontally, without openings. Doors, windows or display windows are considered openings.
d. Doors intended for vehicular access to buildings on lots abutting St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as applicable.
e. Except as noted in this subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent public rights-of-way. Screening shall be integrated with the associated building's architecture, materials and construction. Screening of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on buildings is not required; however such equipment shall be incorporated into the architectural design of a building to the extent possible.

VII. Landscaping Standards

In addition to the requirements found in Section 14-8.4, *Landscape and Site Design*, the following provisions shall apply.

a. On-site storm water detention or retention facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an active water harvesting system, in which case the active water harvesting system shall be incorporated into the architectural design of a building to the extent possible.
b. Qualifying residential projects shall provide a minimum five-foot wide landscaped area around the base of exterior building walls, except for qualifying residential projects within the Midtown Planned Unit Development, which do not have a required minimum landscaped area.
c. Street trees shall be planted at a maximum spacing of 30 feet on-center along the street frontages of development sites on St. Michael's Drive or Cerrillos Road as applicable. Existing street trees within the above areas may be counted toward this requirement. Street trees shall have a minimum four-inch caliper at time of planting and shall have a minimum mature height of 25 feet. The required spacing of street trees may be adjusted to allow for the clustering of trees as part of a development's landscape design as determined by the Land Use Director. The location and minimum mature height of street trees may be adjusted where conflicts exist with overhead or underground utility lines, wall- or building-mounted signage, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.
d. A minimum of 30 percent of required plant material shall be evergreen.
e. Areas of the parkway that are located along the street frontages of development sites, and that are not developed with sidewalks as required by subsection V., *Site Design, Circulation and Parking,* above, shall be landscaped as part of the required landscaping of a development.
f. Qualifying nonresidential projects and other nonresidential development adjacent to existing residential development located outside of the Midtown LINC overlay district shall provide a continuous landscaped buffer strip of not less than 15 feet where abutting the existing residential development. Plant material in the landscaped buffer strip shall conform to the requirements for open space provided in Section 14-8.4(G), *Open Space Planting Requirements.*

VIII. Signage

In addition to the requirements found in Section 14-7.6, *Signs,* the following provisions shall apply in the Midtown LINC overlay district.

a. Pole-mounted signs are prohibited.
b. Monument signs shall not exceed four feet in height.
c. Signs shall be set back a minimum of 15 feet from any public right-of-way unless wall- or building-mounted signs or directional signs.
d. Wall- or building-mounted signs shall not extend above the roofline or parapet.
e. Roof-mounted signs are prohibited.
f. The provisions for color and lettering of signs, as provided in Section 14-7.6E.4, do not apply.
g. The provisions for sign surface area, as provided in Section 14-7.6E.5, do not apply to signs mounted on the building walls of qualifying projects.
h. Wall signs associated with a qualifying project and whose sign faces are mounted perpendicular to a building wall may extend up to five feet from the wall, including signs that project over a front property line, providing that such a sign shall not impede or endanger pedestrian or vehicular traffic.

IX. Site Furnishings

a. A minimum of one bench per 10,000 gross square feet of ground-floor building area is required, located adjacent to the street frontage of the development, or to the primary building entrance, or within a public or private amenity provided by the development.
b. At least one bench per development shall be shaded by a tree or a shade structure.
c. Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.
d. All site furnishings on a development site, including bicycle racks required by Section 14-7.5(J), *Off-Street Bicycle Parking Requirements,* benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

X. Outdoor Lighting

In addition to compliance with Section 14-8.6, *Outdoor Lighting*, the following provisions apply.

a. Pole-mounted lights shall not exceed 20 feet in height and shall not be placed within buffer strips as required by provision VII.f above, in *Landscaping Standards.*
b. Lamps of building-mounted light fixtures shall not be placed more than 12 feet above the exterior grade at the perimeter of a building unless the outdoor lighting is part of the illumination of a wall-mounted sign in accordance with provision VIII.g above, in *Signage.*

XI. Additional Requirements for Qualifying Projects

In addition to the requirements of this subsection qualifying projects shall comply with the following requirements:

a. Qualifying projects shall utilize a detailed alternative development water budget ("Option B" water budget) in accordance with Section 14-7.7(D)(2)(II), and applicable adopted administrative procedures.
b. Qualifying projects shall utilize the following water-saving fixtures, appliances, and systems where applicable, throughout all new construction:
    1. Waterless urinals;
    2. Dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);
    3. EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);
    4. ENERGY STAR® compliant clothes washers;
    5. Active water harvesting systems.
c. The Land Use Director shall not issue a construction permit for a qualifying project until a restrictive covenant is recorded by the owner of the development at the office of the County Clerk that requires that the development will contain no uses that do not meet the requirements for a qualifying project for a period of at least ten years from the completion of the project's construction. The covenant shall be in a form approved by the Planning and Land Use Director and the City Attorney and shall be notarized prior to recordation. The covenant shall be considered part of a development plan approved pursuant to Section 14-2.1(F)(4)(II)(c)(3). The Planning and Land Use Director shall maintain copies of recorded covenants pursuant to the provisions of this subsection.

XII. Fee Waivers for Qualifying Projects

The following fee waivers and incentives apply to qualifying projects within the Midtown LINC overlay district.

Table 4-6: Midtown LINC Fee Waivers
Construction Permit Fees; Plan Review Fees
Qualifying projects are exempt from the payment of construction permit fees and plan review fees as set by resolution of the Governing Body, as may be amended from time to time.
Development Review Fees
Qualifying projects are exempt from the payment of development review fees as set by resolution of the Governing Body, as may be amended from time to time.
Development Water Budget Fees
Qualifying projects shall obtain water to meet approved development water budgets through the water credit program at the reduced rate specified in Section 14-7.7E, *Dedication of Water to Development.*
Impact Fees
Qualifying projects are exempt from the payment of impact fees in accordance with Section 14-7.9H.9, *Exemptions, Waivers, and Reimbursements.*
Wastewater Utility Expansion Charge (UEC)

The wastewater utility expansion charge (UEC) is waived for qualifying projects in accordance with Article 22-6.6, Exhibit A, Section 7.
Water Utility Expansion Charge (UEC)
Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with Article 25-4.2, Exhibit B, Rate Schedule 8.

XIII. Review

This subsection shall be reviewed by the Governing Body three years after the date of its adoption.

C. South Central Highway Corridor (SCHC) Protection District

1. Purpose

Because openness, quiet, and continuity adjoining the highway corridors in the south central section of the city is considered a special asset that should be retained as the area develops, it is the intent of the SCHC district to:

I. Establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe;

II. Protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant, low maintenance trees, shrubs and groundcovers;

III. Ensure that landscaping provides an appropriate and attractive visual buffer, compatible with neighborhood landscaping character; conserves water by use of stormwater collection and infiltration, and drip irrigation systems; and screens transformers and loading areas or outdoor storage;

IV. Encourage the use of architectural style and scale that is representative of Santa Fe; and

V. Preserve clean air and a sense of quiet and reduce the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site, or other nuisances on adjoining properties.

2. Boundaries

I. The SCHC district encompasses the land within 600 feet of the edge of the right-of-way on both sides of the following streets designated as special review districts in the General Plan and shown on the Official Zoning Map in the south central section of Santa Fe:

a. St. Michael's Drive;
b. Old Pecos Trail;
c. St. Francis Drive;
d. Rodeo Road; and

e. Interstate 25 and its frontage roads.

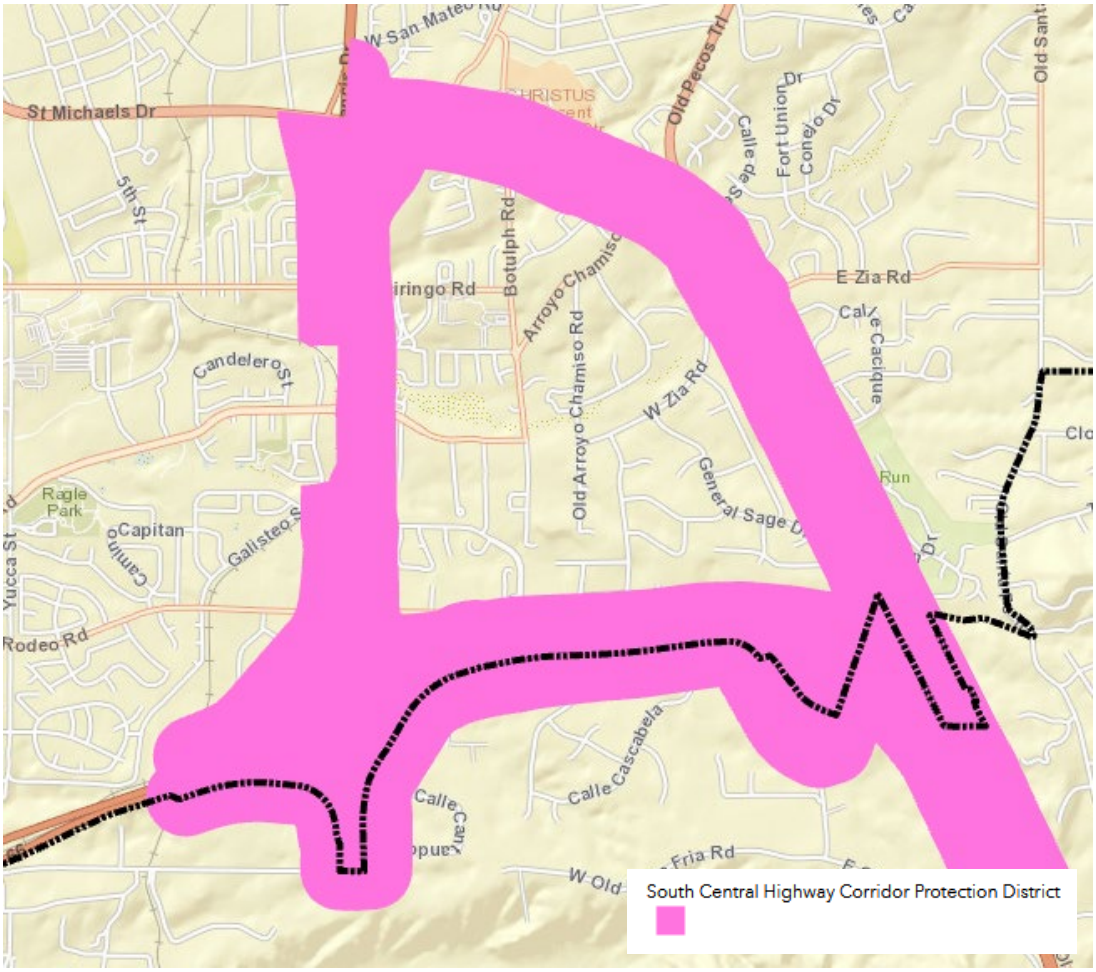


Figure 4.5-4: South Central Highway Corridor Overlay District

II. Persons with property divided by the SCHC district boundary are required to comply with the SCHC district standards only for that segment of the property within the boundary. In cases where the rear lot line depth exceeds the 600-foot boundary, property owners have the right to petition the Governing Body in the form of a rezoning application at any time for inclusion of the remainder of their property in the SCHC district.

3. Uses

The uses allowed in this district are the same as those allowed in the underlying district.

4. Standards

The standards applicable to development within the SCHC district are the same as the underlying zoning district and, in addition, any new development in the SCHC district shall comply with this paragraph.

I. Development and Design Standards

a. Density

The density for residential development shall be the same as in the underlying district, but in no case shall it exceed a maximum density of 21 units per acre.

b. Height

The maximum height of structures shall be 26 feet, not including a parapet.

c. Setback or Yard

The minimum building setback from the edge of the right-of-way shall be 50 feet except that the minimum building setback from Old Pecos Trail between I-25 and St. Michael's Drive shall be 75 feet.

d. Floor Area Ratio

The maximum floor area ratio for office uses allowed in the district is:

Table 4-7: Maximum Floor Area Ratio

Use	Building Size	Maximum Ratio
Professional and Other Office	One story	0.25
	Two story	0.35
Medical Office	One Story	0.20
	Two story	0.30

II. Landscaping Standards

a. Existing Landscaping

To the greatest extent possible, existing natural landscaping shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures or parking are allowed in this setback.

b. Plant Material

Plant material shall be provided in the open space setback where that area has been disturbed and shall be provided for surrounding buildings and parking areas at a minimum width of five feet.

c. Parking and Loading Area Screening

If parking is provided in the required front yard, it shall be effectively screened by earth berms or landscaping that shall be at least four feet above parking lot grade. Loading areas shall be screened and located on side or rear yards.

d. Arroyos and Floodplains

In order to preserve natural landscaping on the banks of the arroyos, an undisturbed setback of ten feet shall be retained next to the major arroyos where one percent chance flood events have been recorded.

e. Open Space
For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use, a minimum of 50 percent of the lot shall be open space.

f. Outdoor Storage
Outdoor storage is not allowed.

III. Additional Standards
When nonresidential uses abut R-1 through R-7 residential densities:

a. All nonresidential structures shall be set back 50 feet from the residential property line, and have a 25-foot landscape buffer meeting the standards set forth above in subsection II, *Landscaping Standards,* located between the residential and nonresidential uses; or

b. All nonresidential structures shall have a 25-foot landscape buffer meeting the standards set forth above in subsection II, *Landscaping Standards,* and a masonry wall or a fence as approved by the Land Use Director, located between the residential and nonresidential uses.

14-4.6 Historic Districts

A. General Provisions

1. Purpose

In order to promote the economic, cultural, and general welfare of the people of Santa Fe and to ensure the harmonious, orderly, and efficient growth and development of the City, the Governing Body deems it essential to preserve the qualities relating to the history and culture of Santa Fe, maintain a harmonious outward appearance in order to preserve property values, and attract residents and tourists alike. The specific purposes of this section are to preserve qualities relating to the history of Santa Fe, such as the following:

I. Continue the existence and preservation of historic areas and buildings;

II. Continued construction of buildings in Santa Fe's historic styles; and

III. General harmony as to architectural style, form, color, height, proportion, texture, and material between buildings of historic design and those of more modern design.

2. Conflicting Standards

I. Zoning District Regulations

All designated landmarks and all properties located in historic districts shall be subject to the regulations of the base zoning district in which they are located, except for height as regulated in Section 14-4.6(E), *General Design Standards for All Historic Districts.* When the requirements of the base zoning district are in conflict with the requirements of this Section 14-4.6, *Historic Districts,* the more restrictive standard shall apply.

II. Multiple Overlay Regulations

When a designated landmark or property located in a historic district is also located within another overlay and there is a conflict between the requirements of the historic district and the other applicable overlay district, the more restrictive standard shall apply.

3. Building Code

[RESERVED]

4. Applicability to the State of New Mexico

Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978, it is the intent of the City that the provisions of this section shall apply to the State of New Mexico and any of its agencies, political subdivisions, or instrumentalities, as well as to any other entity or activity in the historic districts.

I. Section 3-22-6 NMSA 1978 applies to state capital outlay projects in historic districts as provided in Section 14-4.6(J) concerning the design, construction, alteration, additions to, or demolition of the exterior features of state buildings.

II. Section 14-4.6(K) applies to county and Santa Fe public school capital outlay projects in historic districts concerning the design, construction, alteration, additions to, or demolition of the exterior features of county and Santa Fe public school buildings.

5. Boundaries

I. The boundaries for the historic districts are as shown on the Official Zoning Map and incorporated in this Code by reference.

II. If the boundary line of a historic district bisects or crosses a property without encompassing the entire lot, the applicable requirements of the historic district shall be as determined by the Planning and Land Use Director.

6. Design of Buildings

Full responsibility for the design and development of structures is upon the applicant. The case file of any prior application related to a propertyis available for review by the applicant upon request.

7. Nonconforming Buildings and Structures

Any building or structure in the historic district that does not meet the standards for architectural style set forth in this section shall be considered nonconforming, and subject to the provisions of Section 14-1.13(C), *Legal Nonconforming Structures,* unless given special approval by the HDRB for architectural or historic interest, or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register.

8. Utility and Telecommunications Facilities

The review of electric or telecommunications facilities in the historic districts shall follow the procedures set forth in Sections 14-5.3(I).1 and 14-5.3I.3, respectively.

B. Minimum Maintenance Requirements

All historic landmarks and all buildings and structures in the historic districts shall be preserved against decay and deterioration and maintained free of structural defects. The owner or other person having legal custody and control of the building or structure shall repair such building or structure if any of the following defects are found:

1. Parts attached to a building or structure in a manner that they may fall and injure people or property;
2. Deteriorated or inadequate foundation;
3. Defective or deteriorated flooring or floor supports or flooring for floor supports of insufficient size to carry imposed loads safely;
4. Walls or parts of walls, partitions, gates, fences, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration or that are of insufficient size to carry imposed loads safely;
5. Ceilings or parts of ceilings, roofs, ceiling and roof supports, or other horizontal components that sag, split, or buckle due to defective material or deterioration, or that are of insufficient size to carry imposed loads safely;
6. Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration, or that are of insufficient size or strength to carry imposed loads safely;
7. Deteriorated, crumbling, or loose plaster or stucco;
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
9. Lack of weather protection or defective weather protection for exterior wallcovering, including lack of paint, or weathering due to lack of paint or other protective covering; or
10. Any fault or default in the building or structure that renders it structurally unsafe or not properly watertight.

C. Buildings with Significant or Contributing Historic Status

1. Purpose

   Historic designation is intended to address the following:

I. Recognizing each structure as a physical record of its time, place, and use.

II. Preventing changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings;

III. Preserving and retaining changes to structures that have acquired historic importance in their own right, recognizing that most structures change over time;

IV. Preserving distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure; and

V. Avoiding making new additions and related or adjacent new construction in such a manner that, if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

2. Designation of Significant, Contributing, or Noncontributing Status

I. Status Designation

Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing," as defined in Section 14-9.3, *General Definitions.* Staff shall maintain a record as to the current status of structures located in the historic districts.

II. HDRB Authority to Review Status Designation

a. The HDRB may change the status of a structure or to designate a status for a structure that has no status designated.

b. A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing."

c. When the HDRB designates a structure as contributing, it shall also specify which facades of the structure are primary.

III. Initiation of Review of Status Designation

The Board may review the status designation in response to the following: :

a. An application for construction or demolition as set forth in Section 14-5.2 as follows:

1. Prior to the application being placed on a board agenda or prior to issuance of a construction permit, if Board approval is not required, staff shall determine whether the board should review the status of the structure. Staff's determination shall be made within thirty days of submitting the application. If staff's determination is not completed within thirty days, the application shall be forwarded to the board. Review by the board as to the structure's status shall be made at the earliest practicable date. The board or staff (as applicable) may consider the application immediately following the determination of

status. The application shall be reviewed based upon the status of the structure following the determination of status.

2. Prior to action by the board on the application, the board itself may decide to review the status of the structure. The board's determination as to the status shall be made within forty-five days of the decision of the board to review the status. The board or staff (as applicable) may consider the application immediately following the determination of the status. The application shall be reviewed based upon the status of the structure following the determination of status.

b. Request from the property owner;

c. A request initiated by the city. Staff shall notify the property owner prior to initiating the request.

IV. Notice of HDRB's Review of Status

Unless the review is requested by the property owner, staff shall mail notice to the property owner of the subject property no less than 15 days prior to the HDRB's review of a change in or designation of status.

a. In addition, staff shall send notice, by first class mail, to all property owners within one hundred (100) feet of the subject property no less than fifteen days prior to the board's review of a change in or designation of status if the review may result in the lowering of the structure's status. Staff shall retain an affidavit of mailing.

b. With the consent of the property owner, the city shall have posted on the property a poster obtained from the planning land use department. Otherwise, the city shall post the poster on the nearest place available to the city. Such poster shall be securely posted, prominently displayed, visible from a public street , at least fourteen days prior to the scheduled board hearing. The posting shall indicate the nature of the application, identification of the property affected and the time, date and place of the hearing. The poster shall be removed within thirty days of final action. Failure to do so may result in the city removing the sign at the applicant's expense. A civil fee of fifty dollars ($50.00) will be charged.

V. Restoration of Status

If a property owner makes changes to a structure without the proper City approvals which result in the lowering of the structure’s status, staff or the Board may require the property owner to restore the structure such that its former status is restored.

VI. Report to the Governing Body

Staff shall report annually all decisions made by the HDRB regarding a structure’s status.

3. Review by Historic Districts Review Board Required

I. Except where this chapter provides for review by staff, the HDRB shall review all applications for new construction, alteration, or demolition in the historic districts, and of landmark structures throughout the city, based on the standards set forth in this section.

II. The HDRB may approve, deny, approve with conditions, or, with the consent of the applicant, postpone an application.

a. For applications approved with conditions, no permit shall be issued until the HDRB conditions have been met.

b. An application that is postponed shall be heard at a date agreed upon by the HDRB and the applicant.

III. No permit shall be issued until the time for appeal to the Governing Body has expired.

4. Compliance with General and Specific Design Standards Required

All development located within the historic districts and subject to this section shall comply with all applicable general development standards set forth in Section 14-4.6(E), *General Design Standards for All Historic Districts,* as well as any applicable specific development standards set forth in Section 14-4.6(G), *Additional District-Specific Design Standards.*

D. Exceptions

The HDRB may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning except when the board of adjustment grants a variance. Staff shall determine whether an exception to general design and preservation standards described in Section 14-4.6(E) is required and shall recommend the HDRB approve, approve with conditions, or deny the exception.

1. Height

If an applicant requests approval of a height in the historic district that exceeds the underlying zoning district requirement, the applicant shall first receive an exception to this section. If the HDRB approves a requested height exception, the applicant shall proceed to the Board of Adjustment or other applicable city body for consideration of the proposed variance, as described in Section 14-2.1(H)(1).

2. Design Standards

The HDRB may review and grant or deny requests for exceptions to all provisions of Section 14-4.6(E), *General Design Standards for All Historic Districts* (except provisions regarding Height, Pitch, Scale, Massing and Floor Stepbacks), Section 14-4.6(G) for construction or alterations within the historic districts, and Section 14-7.6(I) for signs in historic districts. Exceptions are project-specific and do not apply to the subject property in perpetuity.

I. Procedure

When requesting exceptions, the applicant shall use the procedures for public notice and hearing in Section 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*, unless the applicant also requests a variance to the underlying zoning. In such a case the applicant for the historic ordinance exception shall not be required to publish a separate legal ad in the local newspaper. Publication of the agenda is still required.

II. Approval Criteria

In order to approve an exception, the HDRB shall make findings of fact that the applicant conclusively demonstrated that the requested exceptions comply with all the criteria listed as follows:

a. Do not damage the character of the district;
b. Are required to prevent a hardship to the applicant or an injury to the public welfare; and
c. Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

3. Height, Pitch, Scale, Massing, and Floor Stepbacks

The HDRB is responsible for reviewing and granting or denying requests for exceptions from regulations in Section 14-4.6(F). The HDRB may grant exceptions and impose conditions thereon to Section 14-4.6(F) for height of structures within the historic districts as specified in Section 14-4.6(F)(1). Exceptions are project-specific and do not apply to the subject property in perpetuity.

I. Procedure

When requesting exceptions, the applicant shall use the procedures for public notice and hearing in Section 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*, unless the applicant also requests a variance to the underlying zoning. In such a case the applicant for the historic ordinance exception shall not be required to publish a separate legal ad in the local newspaper. Publication of the agenda is still required.

II. Approval Criteria

In order to approve an exception, the HDRB shall make findings of fact that the applicant conclusively demonstrated that requested exceptions comply with all the criteria listed as follows:

a. Do not damage the character of the streetscape;
b. Prevent a hardship to the applicant or an injury to the public welfare;
c. Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;
d. Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;
e. Are due to special conditions and circumstances which are not a result of the actions of the applicant; and
f. Provide the least negative impact with respect to the Purpose of this section as set forth in Section 14-4.6(A)(1).

E. General Design Standards for All Historic Districts

These standards shall apply to all additions or alterations to existing structures in the Historic Districts. Contributing, significant and landmark structures may be subject to specific additional restrictions, and district-specific standards in Section 14-4.6(G).

1. General

I. The historic status of a property with a historic status designation of significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a property to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status is prohibited.

II. If a proposed alteration or new construction will cause an adjacent property to lose its significant, contributing, or landmark status, the application may be denied.

III. For the purposes of the regulations of this subsection, all facades of a significant structure are primary facades.

2. Building Additions

I. Design

a. Building additions that meet the standards of Section 14-4.6(G)(2), *Downtown and Eastside Historic District,* shall continue to meet those standards, in addition to the standards set forth in this section.

b. Building additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall be distinguishable from and not attempt to duplicate the existing structure.

II. Size and Location
   a. Building additions are not permitted to primary facades.
   b. All building additions shall be set back a minimum of ten feet from the primary facade.
   c. Building additions shall not exceed 50 percent of the square footage of the building's historic footprint and shall not exceed 50 percent of the historic length in linear feet of the primary façade.
   d. To the extent architecturally practicable, new building additions shall be attached to any existing non-primary façade of a structure rather than attaching them to the primary facade of a structure.

III. Height
   a. The maximum height of building additions to significant and landmark structures shall be at least six inches lower than the parapet or equivalent roof feature of the existing adjacent connecting facade.
   b. Building additions to contributing structures shall be no more than one additional story higher than the existing structure. To the extent architecturally practicable, two story additions shall be set to the rear or the side rear of the structure. When an additional story is to be placed upon an existing contributing structure, that footprint may be no greater than fifty percent of the footprint of the existing structure, subject to the provisions of Subsection A(1) above. For the purposes of this paragraph, an additional story shall not exceed twelve (12) feet from the existing rooftop to the highest point of that story.

IV. Remodeling to Increase Height
   a. For remodeling of an existing significant or landmark structure, no increase in height of the structure is permitted.
   b. For remodeling an existing contributing structure, a height increase may be permitted through approval of an exception, as described in Section 14-4.6(D).

V. Rooftop Equipment

   Rooftop equipment, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, may only be installed on contributing and noncontributing structures and shall not be publicly visible, nor shall a parapet be raised to conceal such equipment.

3. Porches and Portals

   Existing porches or portals on significant and landmark structures, and on primary facades of contributing structures shall not be permanently enclosed.

4. Windows, Doors, and Other Architectural Features

   I. For all facades of significant and landmark structures and for the primary facades of contributing structures:

      a. Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double-pane glass may be used. No window opening shall be widened or narrowed.
      b. Window depth and other characteristics of window and door fenestration shall be preserved.
      c. No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.
      d. No historic opening shall be closed.

   II. For all facades of contributing, significant, and landmark structures:

      a. Architectural features, finishes, and details other than doors and windows shall be repaired rather than replaced.
      b. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities.
      c. Replacement or duplication of missing features shall be substantiated by documentation, physical, or pictorial evidence.

5. Roofs

   The existing historic roof styles and materials shall be maintained or replaced in kind if necessary. The addition of dormers or other roof features should only be considered when they are an existing historic feature of the structure.

6. Surface Cleaning

   The surface cleaning of structures shall employ the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials are not permitted.

7. Archaeological Resources

   Discovery of archaeological resources made during development of a historic property shall be referred to the Archaeological Review Committee. See Section 14-2.1G.1.IV.c, *Unexpected Discoveries*.

8. Signs

   Sign applications and required submittals shall be reviewed by the Planning and Land Use Department. Approval or denial shall be indicated by the department on the application for the construction permit and on each of the required submittals.

9. Murals

   If an application impacts a mural funded through the art in public places program or is otherwise within the scope of the arts commission's enabling responsibilities,

the HDRB may refer the application to the City Arts Commission. If a proposed mural does not meet the criteria in the historic ordinance, an exception is required.

10. Pedestrian-Oriented Areas

I. The HDRB shall recommend to the Governing Body appropriate streets or portions of streets within the historic district to be set aside for pedestrian-oriented areas.

II. The Governing Body may set aside the areas recommended, provided that three-fourths of the property owners adjoining the street or portion of street affected have given consent thereto.

III. Such pedestrian-oriented areas shall be closed to vehicular traffic, and any improvements made by the City in the public right-of-way within the area shall be for pedestrian purposes.

IV. No pedestrian-oriented area shall be set aside unless there is adequate space available conveniently related to the area for vehicle parking. The HDRB's recommendation to the Governing Body shall include a statement of the available parking spaces.

F. Height, Pitch, Scale, Massing and Floor Stepbacks

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

1. Applicability

The following sections identify specific areas and specific projects subject to this section. The Planning and Land Use Director shall determine whether or not properties are included within this section.

I. Specific Areas

The height limitations in this subsection F apply:

a. Within the following historic districts:
    1. Downtown and Eastside;
    2. Don Gaspar;
    3. Historic Transition; and
    4. Westside-Guadalupe.
b. In the Historic Review district, as specified herein. This authority shall apply to the northern and eastern portion of the Historic Review district, as illustrated on the map adopted by Ordinance No. 1983-69, and as amended, incorporated by reference, and shown on the Official Zoning Map. Inclusive under this authority are all properties accessed from Canyon Road, Camino Militar, Apodaca Hill, Camino Ribera, Camino Cabra, Camino Santander, Camino San Acacio, Camino del Monte Sol, Camino Rancheros, Camino Ranchitos, Garcia Street, Old Santa Fe Trail (to the Arroyo de los Chamisos crossing), and Old Pecos Trail (to the southern boundary of the Historic Review district) as they continue out of the Downtown and Eastside historic district and terminate in the Historic Review district. This authority shall also apply to all properties accessed from public rights-of-way that are located east of the western boundary of the Historic Review district and north of the southern boundary of the Historic Review district to the intersection of Camino Corrales and Fort Union Drive.
c. To all properties accessed from Camino Lejo, Mt. Carmel Road, and east to the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, inclusive of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, and exclusive of properties east of the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte.
d. The limitation of applicability shall not affect the authority of the HDRB with respect to significant or contributing structures as provided in Section 14-4.6G.1, *Don Gaspar Area Historic District*, Section 14-4.6G.3, *Historic Review District,* and Section 14-4.6G.4*, Historic Transition District.*

II. Streetscape Standards
a. Streetscapes shall not extend beyond the outer boundaries of the historic districts.
b. When determining streetscape, the following structure types shall be excluded: institutional structures, buildings originally constructed to house a hotel, multi-unit residential, buildings with non-historic multiple stories, non-historic pitched roof, auxiliary outbuildings such as sheds, existing structures approved by way of a variance or exception, and yard walls and fences whose height is inconsistent with the predominant height of yard walls and fences on an applicable streetscape.
c. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height.

d. If a portion of a structure falls within the measurement of an applicable streetscape, such structure shall be considered as part of the applicable streetscape.
e. If the determined allowable height of a proposed residential building or addition does not meet the minimum construction standards related to height set forth in the international building code (IBC), then the IBC shall prevail.

III. Project Location

Planning and Land Use Department staff shall determine the applicability of this section to individual projects and the applicable streetscape as follows:

a. If the project is located on a street that extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed building, yard wall, or fence is to be located, for a distance of 600 feet measured from the midpoint of the street-facing façade(s) of the proposed building, yard wall, or fence in both directions parallel to the street centerline. See Figure 4.6-1.



Figure 4.6-2: Linear Street - No Interruptions or Truncations

b. If the streetscape is truncated by an intersecting block or a visual intrusion, such as a curve or turn in the streetscape, before the 600 feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See Figure 4.6-2.

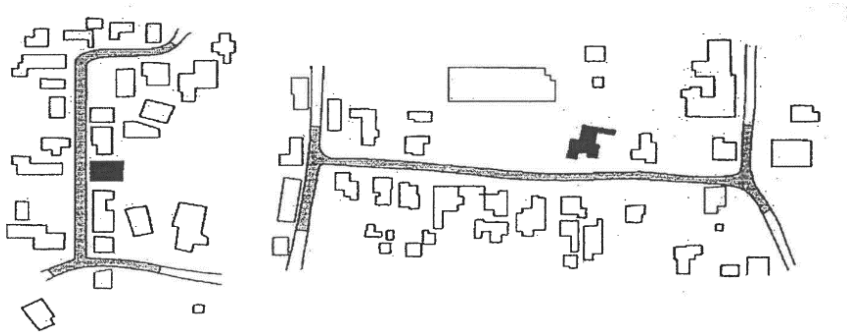


Figure 4.6-1: Truncation by an Intersecting Block or Visual Intrusion

c. If the proposed building, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in provision 1 above in this subsection above shall be considered. See Figure 4.6-3.

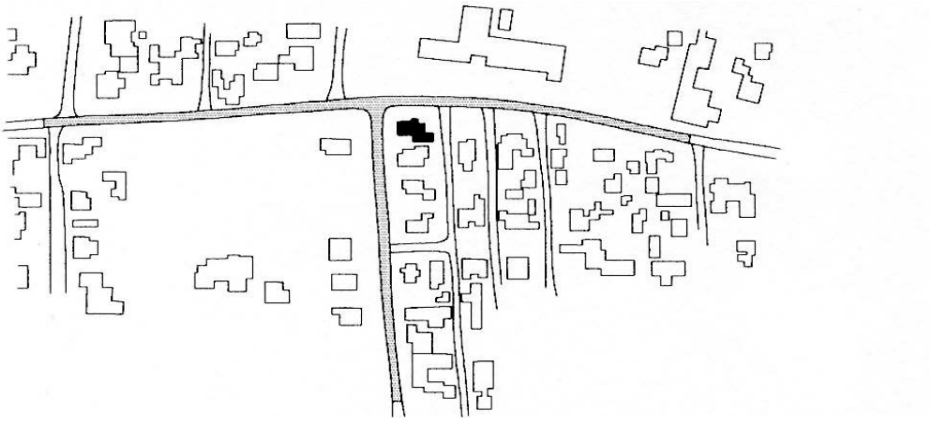


Figure 4.6-3: Frontage on More than One Street

d. When the proposed building, yard wall, or fence is located on a lot with no frontage on rights-of-way, the streetscape is defined by measuring a distance of 300 feet in all directions beginning from the mid-point of the facade which contains the principal entrance of the building. The height of a proposed yard wall or fence shall not exceed the height of the tallest yard wall or fence within this streetscape. See Figure 4.6-4.

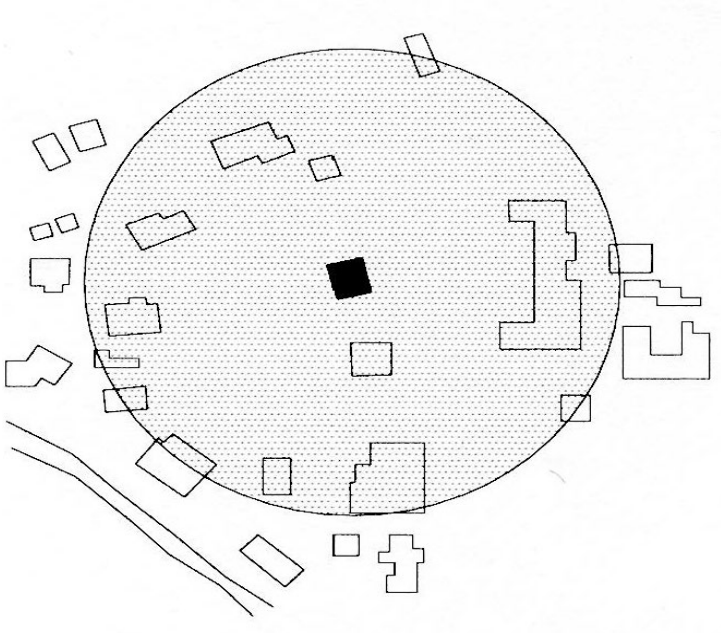


Figure 4.6-4: Interior Lot with No Street Frontage

e. When the proposed building, yard wall or fence faces a T- or a Y-intersection, the streetscape shall include buildings, yard walls, and fences as defined in provision 1 above this subsection, and buildings, yard walls, and fences on both sides of the street creating the leg of the "T" or the arm of the "Y" for a distance of 300 feet parallel to the street centerline. See Figures 4.6-5 and 4.6-6.

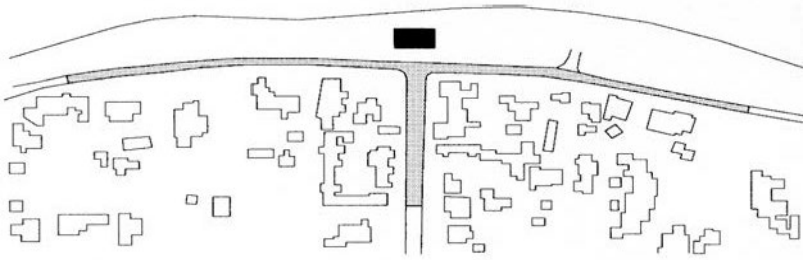


Figure 4.6-5: Location at a "T" Intersection

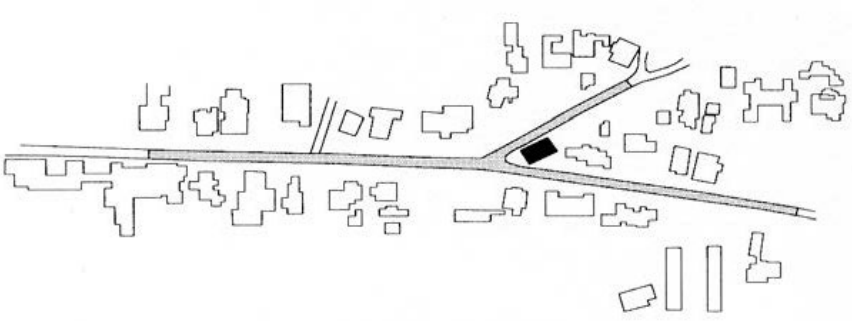


Figure 4.6-5: Location at a "Y" Intersection

f. When the proposed building, yard wall, or fence is located in a streetscape that includes no buildings, yard walls, or fences, the height of the proposed building shall not exceed 16 feet. Yard walls and fences in this streetscape shall not exceed five feet in height.

2. Height

I. Official Map of Building Heights in the Historic Districts – Procedures

a. The HDRB shall recommend the adoption of an official map reflecting building heights in the historic districts to the Governing Body. This map shall be used to regulate building height in the historic districts. The official map, adopted January 2010 inclusive of amendments, is hereby adopted by reference and incorporated as if set out herein.

b. The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, postmarked at least 15 days prior to the public hearing. The official map shall be adopted by the Governing Body by ordinance.
c. The official map of building heights in the historic districts may be amended from time to time. The HDRB shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing.
d. The Governing Body shall hold a public hearing on any amendments to the official map. Such public hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, postmarked at least 15 days prior to the public hearing.
e. The official map is available in the Planning and Land Use Department and is accessible at all reasonable times for inspection.

II. Height Limitations

The HDRB shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

a. If a proposed building has a parapet, the façade shall not exceed two feet of the average of the height of the façades in the streetscape.
b. If the proposed building has a pitched roof, the ridge height of the proposed building shall not exceed two feet of the average of the ridge height of the pitched roofs in the streetscape.
c. Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.
d. The height of any other structure shall be limited to the allowable building height within the applicable streetscape, as defined in this section.
e. The height and dimension of signage are as set forth in Section 14-7.6(I), *Sign Regulations in the Historic Districts.*
f. The HDRB may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two feet. In no case shall the height of a façade exceed four feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building setbacks from the street.

III. Height Measurement

a. In historic districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the street-facing facade, excluding rooftop appurtenances, the increased height of walls or fences over pedestrian and vehicular openings, and gates (either in opened or closed position).
b. For structures that do not have street frontage, height shall be determined by the facade that contains the tallest vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive. The height of walls and fences is measured from the street-facing side of the wall or fence.

IV. Pitch

If the determined streetscape includes over 50 percent buildings with pitched roofs, the proposed building may have a pitched roof. A pitched roof is defined as a gable, shed, or hipped roof. The pitch of the roof shall match the predominant pitch extant in the streetscape.

V. Scale

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

VI. Massing and Floor Stepbacks

The HDRB may require that upper floor levels be stepped back, to carry out the intent of this section; provided that the HDRB in making such determinations shall take into account whether the height of the proposed building, yardwall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The HDRB shall also require that the publicly visible façades of the structure be in conformance with Section 14-4.6(G), *Additional District-Specific Design Standards,* and in meeting those requirements, may require that different floor levels be stepped back.

G. Additional District-Specific Design Standards

1. Don Gaspar Area Historic District

I. Description of Architectural Character in 2025

This district is notable as an early-twentieth century planned residential neighborhood that reflects a unique blend of Anglo-American house forms with traditional Santa Fe Design elements. Several Pueblo-Spanish and Territorial adobe-constructed houses dating from the nineteenth century are extant. Residential development of the area began in the 1890s and continued through the 1920s. While one and two-story bungalows predominate in this district, a number of other house types are in evidence, including Italianate, Four Square, Mission Revival, Colonial Revival, Northern New Mexico Vernacular, Pueblo-Spanish Revival, and Territorial Revival. The relative diversity of architecture reflects the stylistic influence of eclecticism popular throughout the United States during the late nineteenth century and promoted in Santa Fe following the arrival of the railroad in 1881. The rise of the "Santa Fe Style" movement beginning with the publication of the 1912 Planning Board's report (which called for the preservation of the indigenous styles of architecture), saw the construction and remodeling of buildings in a manner more consistent with the Pueblo-Spanish and Territorial. Today, the district survives as an outstanding example of an early planned residential neighborhood containing a blend of traditional, eclectic, and traditional-revival architecture.

II. Exterior Design Elements and Standards

New construction and modifications or alterations to existing buildings in this district generally shall be in the Bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style," and specifically shall meet the standards set forth below. Compliance with the following standards shall occur wherever those exterior features of buildings and other structures subject to public view from any public street , way, or other public place.

a. Exterior Wall Finish Materials
    1. Stucco, brick, stone, or wood shall be used as exterior wall finish materials.
    2. Aluminum or vinyl siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete are prohibited as exterior wall finish materials.

b. Roofs
    1. Shape
        i. Roofs shall be flat, gabled, shed, or hipped.
        ii. Folded plate or hyperbolic roofs are prohibited.
        iii. For new construction within the district, the roof shape of a building shall be similar to the roof shape of at least 50 percent of the historic buildings within the streetscape.
    2. Roof Color/Finish
        i. Roofs shall be earth-tone colors and may include grays, browns, and reds.
        ii. Wood shingle, asphalt, true standing-seam (non-reflective), and red clay tile roofs are permitted.
        iii. Enamelized metal roofs shall be permitted on non-contributing buildings, so long as the roof profile is that of a standing-seam roof and is non-reflective.
        iv. Descriptions of acceptable roof materials described here are available from the Planning Office upon request.

c. Solar Energy Systems

    The use of solar and other energy collecting and conserving strategies is encouraged. The use of large, glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

    1. Raising the parapet up to a maximum of two feet;
    2. Setting back from the edge of the roof;
    3. Framing the collector with wood;
    4. In pitched roofs, by integrating the collector into the pitch;
    5. In ground solar collectors by a wall or vegetation;
    6. In wall collectors or greenhouses, by enclosing end or other walls;
    7. Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

d. Rooftop Appurtenances

    Rooftop appurtenances shall be architecturally screened by opaque materials by raising the parapet up to a maximum of two feet, framing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems.

e. Walls/Fences
   1. Walls and fences shall be constructed of brick, adobe, stone, masonry, wood, coyote fencing, concrete block, or similar materials.
   2. Wrought iron fences, braided wire fences, and slump block walls are allowed.
   3. Walls of unstuccoed concrete, chain-link, welded metal wire, or similar materials are prohibited, except where the wall or fence is not publicly visible.
   4. The maximum height of yard walls and fences in this district shall be four feet on the front of the property and six feet on the side and rear. Side walls or fences shall step down to the intersection with lower front walls or fences incrementally over a run of 15 feet. Walls and fences on corner lots shall be a maximum of four feet on all sides that face streets.

f. Parking
   1. For residential uses, paving with asphalt is not allowed in the front yard except in the sidewalk or driveway. No required front yard shall be used for off-street parking.
   2. For commercial uses zoned C-1, front yards shall be landscaped, and no required front yard shall be used for off-street parking.

g. Greenhouses
   1. Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to-effect.
   2. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited.
   3. Greenhouses with slanting sides shall be bracketed at the ends, and greenhouses made from enclosed porches or portals shall maintain the shape of the porch or portal.

h. Tree Preservation

   Existing trees over 12-inch caliper shall be preserved to the maximum extent feasible. Existing trees over 12-inch caliper that are removed during the development process shall be replaced with two trees of two-inch caliper from the approved tree list maintained by the City.

i. Historic Alleys

   An alley or lane that has been in existence for at least 50 years shall be retained.

j. Exterior Building Colors
   1. The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones, and soft pastels. However, trim colors may be more vibrant.
   2. Surfaces of stone or brick shall be in the natural color.

2. Downtown and Eastside Historic District

I. Description of Architectural Character in 2025

a. Often referred to as the "core historic district," the Downtown & Eastside Historic District comprises just over 1,400 acres and represents the highest concentration of historic residential, institutional, and commercial architecture in the city.

b. The downtown portion of the district is ringed by Paseo de Peralta and contains the remnants of seventeenth-century Santa Fe, including the Plaza, the Palace of the Governors, and Barrio de Analco neighborhood. The state of New Mexico Capitol complex is located at the south-central end of the downtown area. In general, the buildings located downtown are one to three stories in height and are designed (or have been remodeled) in the Pueblo-Spanish Revival or Territorial Revival styles during the twentieth century. While the Santa Fe Style predominates downtown, there are many important historic buildings in this area that represent other stylistic influences, including the Santa Fe Cathedral (1869-80), the Loretto Chapel (1878), and the Scottish Rite Temple (1912).

c. The Eastside neighborhood extends north, south, and east from Paseo de Peralta and represents a semi-rural residential area that has evolved over the course of four centuries. Geographically, the area is dominated by the eastern canyon, the Santa Fe River, and the Acequia Madre, which still provides irrigation water for properties adjacent to it. Architecturally, one-story Pueblo-Spanish, Pueblo-Spanish Revival, Territorial, Territorial-Revival, and Northern New Mexico Vernacular architecture predominates. However, other historic architecture including Queen Anne, Four Square, and bungalow is in evidence, especially along Palace Avenue and Alameda.

II. Exterior Design Elements and Standards

New construction and modifications or alterations to existing buildings in this district generally shall be in the Pueblo-Spanish Revival, Territorial-Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style," and specifically shall meet the standards set forth below.

a. Exterior Wall Finish Materials
    1. On any elevation of a building or adjoining wall that is publicly visible, at least 80 percent of that wall shall be finished in a mud-based plaster, lime-based plaster, or Portland cement-based or synthetic-based stucco.
    2. The balance of a publicly visible elevation of a building or adjoining wall may be finished with natural river stone, brick, tile, terra cotta, wood plank, clapboard, or hewn logs.
    3. Aluminum or vinyl siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete are prohibited as exterior wall finish materials.

b. Roofs
    1. Roofs on Pueblo-Spanish Revival and Territorial Revival buildings shall be flat and surrounded on at least three sides by a parapet. Roofs may be slightly pitched so long as the pitch is concealed by the parapet.
    2. Flat roofs may have no more than a 30-inch overhang.
    3. Northern New Mexico Vernacular buildings with gabled or hipped roofs may be constructed, provided that at least 50 percent of the roofs in the defined streetscape are pitched.
    4. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels.
    5. Rooftop appurtenances other than chimneys, flues, or vents, are not allowed if publicly visible. Skylights shall be lower than a building's parapet and are not allowed on buildings with pitched roofs.

c. Building Massing and Building Details
    1. Buildings generally shall be long and low, with length exceeding height by a factor of two to one.
    2. Window and door space combined shall not exceed 40 percent of any publicly visible elevation, except for doors and windows located beneath a portal.
    3. On Pueblo-Spanish Revival-style buildings, in order to simulate adobe construction, no window or door on any publicly visible elevation shall be located within three feet from the corner of the building. The exception to this requirement is enclosed portals, which may have windows located less than three feet from a corner, but shall not be located on a building's street-facing elevation.
    4. On Pueblo-Spanish Revival-style buildings, edges and corners of publicly visible buildings or structures shall be rounded to simulate weathered adobe construction. Windows and doors should be inset a minimum of two inches to simulate adobe construction.

5. The primary elevations of all new buildings or additions to non-contributing buildings shall be flat, varied by inset portals, projecting portals, projecting vigas or rafter tails, canales or waterspouts, flanking buttresses and wooden lintels, architraves, and cornices.
6. Windows on elevations of publicly visible buildings and structures shall be double-hung or casement with divided light glazing not exceeding 30 inches in any dimension. Snap-in or applied muntins are prohibited if publicly visible.
7. Doors on publicly visible elevations of buildings and structures shall have divided lights not exceeding 30 inches in any dimension. Snap-in or applied muntins are prohibited if publicly visible.
8. Glassed areas exceeding 30 inches and publicly visible are permitted, provided they are located beneath a portal.

d. Walls/Fences
   1. Walls and fences shall be constructed of brick, adobe, stone, masonry, wood, coyote fencing, concrete block, or similar materials.
   2. Wrought iron fences, braided wire fences, and slump block walls are allowed.
   3. Walls of unstuccoed concrete, chain-link, welded metal wire, or similar materials are prohibited, except where the wall or fence is not publicly visible.
   4. The maximum height of walls and fences located between buildings and street frontages in the Eastside area shall be five feet in height, and in the Downtown area, four feet.

e. Portals

   In the Downtown area, one-story Pueblo-Spanish Revival or Territorial-Revival inspired portals shall be constructed on the street-facing elevation of all commercial buildings.

f. Tree Preservation

   In the Eastside portion of the district, existing trees over 12-inch caliper shall be preserved to the maximum extent feasible. Existing trees over 12-inch caliper that are removed during the development process shall be replaced with two trees of two-inch caliper from the approved tree list maintained by the City.

g. Exterior Building Colors
   1. Any publicly visible elevation of a building shall be of one light or dark earth color, matte, or dull finish, and of a relatively smooth texture.
   2. Building trim and building elevations located beneath portals may be of contrasting or complimentary accent colors.

3. Historic Review District

I. Applicability
   a. The Planning and Land Use Department shall review and approve or deny all applications for new construction, exterior alteration, and demolition of structures in the historic review district in accordance with the standards set forth in this section.
   b. The Historic Districts Review Board shall review and approve or deny new construction of commercial, residential multi-unit, public structures, and those structures requiring the Board's review as specified in Section 14-4.6(F)(2). Approval, denial, or referral shall be indicated on the application for the construction permit.

II. Exterior Design Elements and Standards

Compliance with the following structural standards is required when exterior features of buildings and other structures that are visible from any public street, way, or other public place, are erected, altered, or demolished.

a. Exterior Wall Finish Materials
    1. Slump block, stucco, or stone shall be used as exterior wall materials. Wood and other materials may be used for details.
    2. Aluminum siding, metal panels, mirrored glass, and unstuccoed masonry units or unstuccoed cement shall not be used as exterior wall materials; and
    3. The color of stuccoed buildings shall predominantly be brown, tan, yeso, or local earth tones. Stone surfaces shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting buildings with bold repetitive patterns, or using buildings as signs, is prohibited.

b. Roofs and Building Massing
    1. Buildings shall be designed to be "wall dominated," which means that the building's geometry is more defined by walls than by roofs.
    2. In order to emulate traditional Santa Fe architecture and construction traditions, structures shall be designed to appear essentially as structures with massive walls which are defined as being built or appearing to be built of adobe construction, wall thickness appearing massive in relation to wall height, and where applicable, the depths of windows, doors and entry opening showing the massiveness of the structure. Structures shall be wall-dominated, except under portals.
    3. The mass elements that make up the building composition shall appear as single blocks. Buildings with ground coverage of over 20,000 square feet and over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.
    4. Buildings with flat, gabled, shed, and hipped roofs can be designed as "wall dominated" solutions and are allowed. However, gabled, shed, and hipped roofs are only allowed if sufficient evidence is provided by the applicant showing that there are pitched roofs within the related streetscape, as viewed when standing in the public street in front of the site.
    5. The height of the roof above the wall shall be no greater than the height of the walls.
    6. Folded plate, hyperbolic, mansard, or red tile roofs are not allowed. Roofs in local earth tones are preferred.
    7. Roof-mounted mechanical, electrical, and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment or other appropriate means. The equipment shall be of a low profile to minimize the screening problem.

c. Solar Energy Systems

The use of solar and other energy collecting and conserving strategies is encouraged. The use of large, glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

1. Raising the parapet up to a maximum of two feet;
2. Setting back from the edge of the roof;
3. Framing the collector with wood;
4. In pitched roofs, by integrating the collector into the pitch;
5. In ground solar collectors by a wall or vegetation;
6. In wall collectors or greenhouses, by enclosing end or other walls;
7. Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

d. Cantilevers

No cantilever or beam, plate or other projection from a wall that is unsupported at the other end are allowed except over the projecting vigas, beams, or wood corbels or as part of the roof. The use of arches is discouraged except in free-standing walls.

e. Walls/Fences

Walls and fences visible from the street shall be built of brick, adobe, rock, masonry, wood, coyote fencing, wrought iron, slump block, or similar materials. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, metal wire, or similar materials are prohibited, except where the wall or fence is not visible from the street.

f. Parking

When parking spaces are required for commercial or multi-unit residential buildings, they shall be placed to the rear or side of the building. When parking areas are visible from the street, they shall be screened from view by walls, fences, vegetation, planters, earth berms, or other means.

4. Historic Transition District

I. Description of Architectural Character in 2025

The 26-acre Historic Transition District represents Santa Fe's earliest platted neighborhood, located just east of the railyard. Subdivided in a grid in anticipation of a need for housing and commercial space with the arrival of the Atchison, Topeka, and Santa Fe Railroad to the city in 1881, the area only grew slowly through the late nineteenth and early twentieth centuries. The buildings constructed in the district during this period were primarily Anglo-American in inspiration and included Queen Anne, Second Empire, and Bungalow stylistic influences not native to Santa Fe, but a result of a concerted effort that was made by businessmen and politicians to "Americanize" the city prior to statehood in 1912. During the post-1920 period, the area became more

commercial and a location for car dealerships, auto repair shops, and light industrial activities (many constructed in the Pueblo-Spanish Revival idiom and still extant). While the district today contains an eclectic blend of building types and styles, it is unified by its original layout and acts as an important transition zone between the Downtown & Eastside Historic District, the Westside-Guadalupe Historic District, the Don Gaspar Area Historic District, and the Santa Fe Railyard.

II. Exterior Design Elements and Standards

New construction and modifications or alterations to existing buildings in this district generally shall be in the Bungalow style or the Pueblo-Spanish Revival, Territorial Revival, or Northern New Mexico Vernacular sub-types of the "Santa Fe Style," and shall meet the standards set forth below.

a. Exterior Wall Finish Materials
    1. Stucco, brick, slump block, wood, and stone are allowed exterior wall finish materials.
    2. Aluminum siding, metal panels, mirrored glass, unstuccoed masonry units and unstuccoed concrete siding are not allowed.

b. Roofs
    1. The height of the roof shall be no greater than the height of the wall measured from the ground.
    2. Folded plate, hyperbolic, and mansard roofs are not allowed.
    3. Roofs in muted colors are preferred.

c. Solar Energy Systems

The use of solar and other energy collecting and conserving strategies is encouraged. The use of large, glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

1. Raising the parapet up to a maximum of two feet;
2. Setting back from the edge of the roof;
3. Framing the collector with wood;
4. In pitched roofs, by integrating the collector into the pitch;
5. In ground solar collectors by a wall or vegetation;
6. In wall collectors or greenhouses, by enclosing end or other walls;
7. Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

d. Walls/Fences

1. Publicly visible walls and fences shall be built of brick, adobe, rock, masonry, wood, coyote fencing, braided metal wire, wrought iron, slump block, or similar materials.
2. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, welded metal wire, or similar materials are prohibited, except where the wall or fence is not publicly visible.
3. The maximum height of yard walls and fences in the district shall be four and one-half feet on the front of the property and six feet on the side and rear. Side walls or fences shall step down to the intersection with lower front walls or fences incrementally over a run of 15 feet. Walls and fences on corner lots shall be a maximum of four feet on all sides that face streets.

e. Cantilevers

Cantilevers are prohibited except over projecting vigas, beams, or corbels or as part of the roof. The use of arches is discouraged except in freestanding walls.

f. Exterior Building Colors
    1. The color of stuccoed buildings shall be predominantly browns, tans, or other earth tones.
    2. Stone and brick shall be left their natural color.
    3. Entries and portals may be emphasized by the use of white or other muted colors.

III. Remodeling and Alteration
    a. Persons requesting approval for construction permits for remodeling or alteration of nonconforming structures shall not be required to bring the total structure into conformance with the standards for the historic transition area. However, the portion of the building that is remodeled or altered shall conform to those standards. Remodeling of structures of architectural and historic interest or individually entered on the state register of cultural properties or national register of historic places or designated as significant on either register shall be related to and compatible with the structure. "Related to and compatible with" means existing together with unity and coherence.
    b. Final Review
        1. All applicants for final review shall submit digital building elevations meeting the requirements of the Planning and Land Use Department.
        2. The Planning and Land Use Department shall make a determination of whether the plans and elevations are in compliance with the requirements of this section within five working days from the date of the application to the city. If the submitted information is inadequate, the Planning and Land Use Department may postpone action until a date agreed upon by the Department and the applicant.
        3. Final approval, denial, or conditional approval shall be granted by the Planning and Land Use Department. If conditional approval is given, the list of conditions shall be attached to the application. If the application is denied, the sections of the historic transition district with which the application did not comply shall be noted.
        4. No approval by the Planning and Land Use Department shall be required for repairs that do not in any way alter any exterior feature in view from any public street, way, or public place, or for repainting it the same color.

5. Westside-Guadalupe Historic District

I. Description of Architectural Character in 2025

a. The 169-acre Westside-Guadalupe Historic District is an intact, traditional Hispanic residential neighborhood that developed primarily during the Great Depression of the 1930s. Geographically, the area is relatively flat and defined by the Santa Fe River and Agua Fria, which was, until the mid-nineteenth century, the El Camino Real (Royal Road) linking Santa Fe and Chihuahua, Mexico. The earliest buildings in the district, dating from the late eighteenth century, are located along West San Francisco Street between Agua Fria and Alto Streets, and were originally associated with the agricultural use of the land.

b. Growth of the neighborhood was slow and use of the area largely agricultural until the 1920s when an influx of population from rural Northern New Mexico resulted in the subdivision of land, the construction of small, one-story, owner-built houses, and the growth of many dense family compound properties. Architecturally, the majority of buildings in the district today are one-story vernacular with Pueblo-Spanish Revival, Territorial Revival, or eclectic elements. Roughly one-third of the buildings have pitched roofs, and the remainder are flat.

II. Exterior Design Elements and Standards

New construction and modifications or alterations to existing buildings in this district shall be in the Pueblo-Spanish Revival, Territorial-Revival, or Northern New Mexico Vernacular sub-types of the “Santa Fe Style” and shall meet the standards set forth below.

a. Exterior Wall Finish Materials
    1. Slump block, stucco, brick, or stone shall be used as exterior wall finish materials. Wood and other materials may be used for details.
    2. Aluminum or vinyl siding, metal panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall finish materials.

b. Roofs and Building Massing
    1. Buildings shall be designed to be "wall-dominated." For purposes of this subsection, "wall-dominated" means that the building's geometry is more defined by walls than by roofs.
    2. Solid wall space shall be greater in any elevation than window and door space combined. Exceptions may be allowed for south-facing walls for solar equipment, and under portals.
    3. The height of the roof above the wall shall be no greater than the height of the wall.
    4. Buildings with flat, gabled, shed, or hipped roofs can be designed as "wall-dominated" solutions and are allowed.
    5. Folded plate, hyperbolic, or mansard roofs are prohibited.

c. Solar Energy Systems

    The use of solar and other energy collecting and conserving strategies is encouraged. The use of large, glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

1. Raising the parapet up to a maximum of two feet;
2. Setting back from the edge of the roof;
3. Framing the collector with wood;
4. In pitched roofs, by integrating the collector into the pitch;
5. In ground solar collectors by a wall or vegetation;
6. In wall collectors or greenhouses, by enclosing end or other walls;
7. Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

d. Walls/Fences
   1. Publicly visible yard walls and fences shall be of brick, adobe, masonry, stone, wood, coyote fencing, or similar materials.
   2. Wrought iron fences and slump block walls are allowed.
   3. Walls of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited in front yards.
   4. The maximum height of walls and fences in the district shall be four and one-half feet on the front of the property and six feet on the side and rear. Side walls or fences shall step down to the intersection with lower front walls or fences incrementally over a run of 15 feet. Walls and fences on corner lots shall be a maximum of four feet on all sides that face streets.
   5. The colors of stuccoed walls and fences shall be limited to soft pastels and earth tones.

e. Parking
   When parking spaces are required for commercial or multi-family residential buildings, they shall be located to the rear or side of the building. Parking is not allowed in required front yards.

f. Greenhouses
   1. Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to effect.
   2. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited.
   3. Greenhouses with slanting sides shall be bracketed at the ends and greenhouses made from enclosed porches or portals shall maintain the shape of the porch or portal.

g. Porches and Portals
   Porches and portals are encouraged.

h. Exterior Building Colors

1. The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones, and soft pastels. However, trim colors may be more vibrant.
2. Surfaces of stone or brick shall be in the natural color.
3. Entryways and portals or porches may be emphasized by the use of white or other colors.

H. Historic Compounds

1. Purpose

I. Historic compounds shall be recognized as historic places and that the identifiable historic, physical, and spatial elements comprising them shall be preserved.

II. Character defining architectural, landscaping, spatial features and contexts in a historic compound shall be preserved.

III. The buildings, structures, landscaping, and open spaces comprising a compound change over time. Changes to a compound may have acquired historic significance and, if so, shall be retained and preserved.

IV. Additions to existing buildings and new construction and landscaping in a historic compound shall be undertaken in such a manner that, if removed in the future, the historic form and integrity of the historic compound would be unimpaired.

2. Identification of Historic Compounds

In reviewing applications for compliance with Section 14-4.6, staff shall evaluate whether the subject property is located in a historic compound. Identification of a historic compound shall be accompanied by a written analysis and justification as to why the compound is historic. Historic compounds shall be comprised of a group of at least three buildings that are historically, physically, and/or spatially related. In order for a compound to be considered historic, at least 50 percent of the buildings in the compound shall be designated contributing, significant or landmark. Designation of all buildings, structures, and objects in a compound shall be reviewed upon application. Four general types of historic compounds are found in Santa Fe, the family, the rental, the placita, and the commercial.

3. HDRB Review of Existing Conditions Assessments and Historic Compound Plans
   I. For any proposed substantive change to a historic compound, the property owner or representative shall submit an existing conditions assessment for review and approval by the HDRB.
   II. For compounds that have one owner, the HDRB may also require a proposed historic compound plan for review and approval. If a historic compound plan is required, a permit for substantive change in the historic compound shall not be issued until final review and approval of the document by the HDRB.
   III. An existing conditions assessment and/or historic compound plan shall not be reviewed until all exhibits, as specified by city policy, have been submitted.
   IV. Review of the existing conditions assessment and historic compound plan by the HDRB shall include the historic, physical, and spatial character including scale and development pattern of the historic compound.
4. Standards for the Rehabilitation, Demolition, Additions and New Construction in Historic Compounds
   I. General
      a. If proposed changes will significantly alter the historic, physical, or spatial character of the historic compound as a whole, the application shall be denied.
      b. If the proposed changes will result in a resource located in the historic compound losing its contributing, significant, or landmark status, the application shall be denied.
   II. Rehabilitations of Contributing, Significant, and Landmark Resources
      In rehabilitating contributing, significant, and landmark resources, the standards as set out in Section 14-4.6(E) shall be met.
   III. Additions
      Additions to contributing, significant, or landmark buildings or structures shall meet the standards as set forth in Section 14-4(6)€(2).

IV. Height
   a. Additions to contributing, significant, or landmark buildings shall be a minimum of six inches lower than the parapet or ridge of the historic building. Additions to contributing, significant, or landmark structures other than buildings shall be a minimum of six inches lower than the highest point of the historic structure. This requirement shall supersede Section 14-4(6)(E)(2)(III).
   b. In addition to the height requirements set forth in Section 14-4(6)(H)(4)(IV)(a), new buildings shall be at least six inches lower than the calculated average height of all contributing, significant or landmark buildings in the historic compound.
   c. New walls, fences, or gates shall not exceed the average height of existing walls, fences, or gates in the historic compound. No wall or fence that significantly changes the spatial character of the historic compound shall be constructed.

V. New Free-Standing Construction and Landscaping
   a. New buildings shall not exceed in size the average historic footprint of all contributing, significant or landmark buildings in the historic compound.
   b. The total footprint of new free-standing building construction approved under this ordinance shall not exceed 50 percent of the combined historic footprint of contributing, significant or landmark buildings.
   c. New construction shall use similar materials, building forms and stylistic elements as found in the historic compound.
   d. New construction shall be visually distinct from, but compatible with, contributing, significant, or landmark architecture in the historic compound.
   e. New construction shall not damage, block, or obscure historic, physical, or spatial character defining features of the historic compound including but not limited to courtyards, roads, paths, walls, fountains, curbing, and vegetation.
   f. The location of new construction shall be considered so that its physical relationship to other buildings is similar to the spatial relationships of existing contributing, significant, or landmark buildings in the historic compound.
   g. Addition of a new object shall not be considered new construction.

VI. Demolitions
   a. Any demolition in a historic compound shall be reviewed as per Section 14-2.1G.3.
   b. The effect(s) of the demolition on the character of the historic compound as a whole shall be taken into consideration when reviewing the application.

5. Survey, Recommendation, Approval of Historic Compound Register and Effective Date

   I. A survey of the historic districts shall be completed to determine a list of eligible historic compounds.

   II. The Historic Districts Review Board shall make a recommendation to the Governing Body as to which properties shall be registered as historic compounds.

   III. The Governing Body shall approve the historic compound register after conducting a public hearing. Notice of the public hearing shall be given to the owner of record of each property considered for the historic compound register by first class mail, with a certificate of mailing provided by the U.S. post office, no less than 15 days prior to the hearing.

   IV. Subsection 14-4.6**(**H**)** shall become effective 30 days after the approval of the historic compound register by the Governing Body.

I. Landmarks

1. Official Map of Landmark Structures-Procedures

   The Historic Districts Review Board shall recommend to the Governing Body an official map designating the status of structures for the purpose of regulation of landmark structures.

I. The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, with a certificate of mailing provided by the U.S. post office, mailed at least 15 days prior to the public hearing.

II. The Historic Districts Review Board shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners shall be notified of the public hearing by first class mail, with a certificate of mailing provided by the U.S. post office, mailed at least 15 days prior to the public hearing. With the consent of the property owner, the City shall post on the property a poster obtained from the Planning and Land Use Department. If the poster cannot be placed on the property, it shall be posted in the closest location available to the city. Posters shall be securely posted, prominently displayed, visible from a public street, at least 14 days prior to the scheduled HDRB hearing. The poster shall indicate the nature of the application, identification of the property affected and the time, date and place of the hearing. The poster shall be removed within 30 days of final action. Failure to do so may result in the city removing the sign at the applicant's expense. A civil fee of $50.00 will be charged.

III. The Governing Body shall hold a public hearing on a recommendation by the Historic Districts Review Board for an official map. Any official map shall be adopted by the Governing Body by ordinance.

IV. The official map of landmark structures, with referenced property addresses, is amended from time to time. The same is hereby adopted by reference and incorporated as if set out herein. The official map shall be poste on the city's website.

J. State Capital Outlay Projects

1. Purpose

I. Recognizing the fragility of the city's historic heritage, the purpose of this subsection is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the city and the state will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

II. State capital outlay projects in historic districts shall be carried out pursuant to the procedures set forth in Section 3-22-6 NMSA 1978 and subsection 2 below and in a manner that is harmonious and generally compatible with the design standards set forth in subsection 3 below. These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

2. Procedures

I. Before commencing with the design phase of a capital outlay project, the state and the Historic Districts Review Board shall consult as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The Historic Districts Review Board shall work collaboratively with the state to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The state shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

II. After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital overlay project, the state shall submit the plans to the Historic Districts Review Board for review and comment. The Historic Districts Review Board in conjunction with the state shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

III. Within 60 days after the public meeting the historic districts review board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the state. The state shall consult with the historic districts review board or other entity to resolve any issues raised. If at the end of the sixty-day period unresolved issues remain, the city may within five days after the end of the period, notify the state that the issues remain unresolved and these issues shall be finally determined as set forth in Section 3-22-6(G) NMSA 1978, provided that if notice is not timely given, the state may, after incorporating those provisions to which the state and the city have agreed, proceed with the project.

IV. The state shall not take any irrevocable action on the capital project in reliance on the plans until the procedures set forth in Section 3-22-6 NMSA 1978 have been followed.

3. Design Standards

I. General Standards

A state capital outlay project shall be designed appropriate to the seat of government and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in Section 14-4.6(F)(1)(II) and Section 14-4.6(F)(1)(III). A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and

massing of the existing building. The dominating effect is to be that of adobe construction as follows:

a. Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of 30 inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air-conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the parapet from any public way.

b. Walls and Windows

The combined door and window area in any publicly visible façade generally shall not exceed forty percent of the total area of the facade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three feet from the corner of the facade except in circumstances where the unique purpose of the space may warrant special design considerations. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

c. Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than eighty percent of the non-fenestration surface area of any publicly visible façade shall be adobe finish, stucco or other material simulating adobe finish. The balance of the publicly visible façade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

d. Colors

The publicly visible facade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. However, facade surfaces under portals or inset panels in

a wall under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

e. Other Features

Facades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curb line.

f. Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the streetscape. The Planning and Land Use Department staff shall determine the applicable streetscape as set forth in Section 14-4.6, subparts (F)(1)II and (F)(1)(III). Height shall be measured as set forth in Section 14-4.6(F)(2). Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the state shall submit a statement from a NM licensed surveyor of the actual height. No building facade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements.

4. Contributing, Significant and Landmark Buildings

State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-4.6. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

5. Demolition of Historic and Landmark Structures

I. A request for demolition of a historic or landmark structure shall include a staff report and comply with the approval criteria set forth in Section 14-2.1(G)(3)(IV). If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.

II. The minimum maintenance requirements for historic or landmark structures set forth in Section 14-4.6(B) shall be met.

K. County and Santa Fe Public Schools Capital Outlay Projects

1. Purpose

I. Recognizing the fragility of the city's historic heritage, the purpose of this section is to establish a procedure under which the city, the county and Santa Fe Public Schools will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

II. Preserving and protecting the historic districts as well as contributing, significant and landmark structures promotes economic welfare, preserves property values and attracts businesses and tourists thus benefiting the entire Santa Fe community including the city, the county and Santa Fe public schools. By establishing up front procedures to ensure cooperation between the city and the county and the public schools, unnecessary costs and delays for capital outlay projects will be avoided. Specific design requirements that acknowledge necessary building functions and budgets will result in harmonious yet responsive public projects.

III. County and Santa Fe public schools capital outlay projects in historic districts or involving landmarks located outside historic districts shall be carried out pursuant to the procedures set forth in subsection 2 below and in a manner that is harmonious and generally compatible with the design standards set forth in subsection 3 below. These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

2. Procedures

I. Before commencing with the design phase of a capital outlay project, the county or the Santa Fe public schools shall consult with the historic districts review board as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The historic districts review board shall work collaboratively with the county or the Santa Fe public schools to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The county or the Santa Fe public schools shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

II. After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital outlay project, the county or the Santa Fe public schools shall submit the plans to the historic districts review board for review. The Historic Districts Review Board shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

III. Within 60 days after the public meeting the historic districts review board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the county or the Santa Fe public schools. The county or the Santa Fe public schools shall resolve any issues raised and submit the project to the historic districts review board for final approval.

3. Design Standards

I. General Standards

A county or Santa Fe public schools capital outlay project shall be designed appropriate for the public use and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in Section 14-4.6, subparts (F)(1)(II) and (F)(1)(III). A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows:

a. Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported

by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of 30 inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the parapet from any public way.

b. Walls and Windows

The combined door and window area in any publicly visible façade generally shall not exceed 40 percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three feet from the corner of the façade except in circumstances where the unique purpose of the space may warrant special design considerations. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

c. Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than 80 percent of the non-fenestration surface area of any publicly visible façade shall be adobe finish, stucco or other material simulating adobe finish. The balance of the publicly visible façade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

d. Colors

The publicly visible façade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. However, façade surfaces under portales or inset panels in a wall under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

e. Other Features

Facades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curb line.

f. Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the streetscape. The land use department staff shall determine the applicable streetscape as set forth in Section 14-4.6, subparts (F)(1)(II) and Section (F)(1)(III). Height shall be measured as set forth in Section 14-4.6(F)(2). Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the county or Santa Fe public schools shall submit a statement from a New Mexico licensed surveyor of the actual height. No building façade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements.

II. Contributing, Significant and Landmark Buildings

County of Santa Fe public schools capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in Section 14-4.6. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

4. Demolition of Historic and Landmark Structures

I. A request for demolition of a historic or landmark structure shall comply with the provisions of Section 14-2.1(G)(3).

II. The minimum maintenance requirements for historic or landmark structures set forth in Section 14-4.6(B) shall be met.

14-4.7 West Santa Fe River Corridor District

A. Purpose

Because openness, visual integrity, scale and harmony are vital assets in implementing the West Santa Fe River Corridor Master Plan, it is the intent of the West Santa Fe River Corridor Overlay Zoning District to:

1. Maintain a clear sense of visual openness along the river corridor and promote its restoration, in part, by minimizing the negative impacts of adjoining land development;
2. Regulate land development, including site and building design, so that new development reflects the scale of the surrounding neighborhoods while meeting City development standards.

B. Boundaries

The West Santa Fe River Corridor Overlay Zoning District includes lands bounded by West Alameda Street to the north, La Joya Road to the east, Agua Fria Street to the south and the Agua Fria Traditional Historic Village/City of Santa Fe corporate limit boundary to the west.

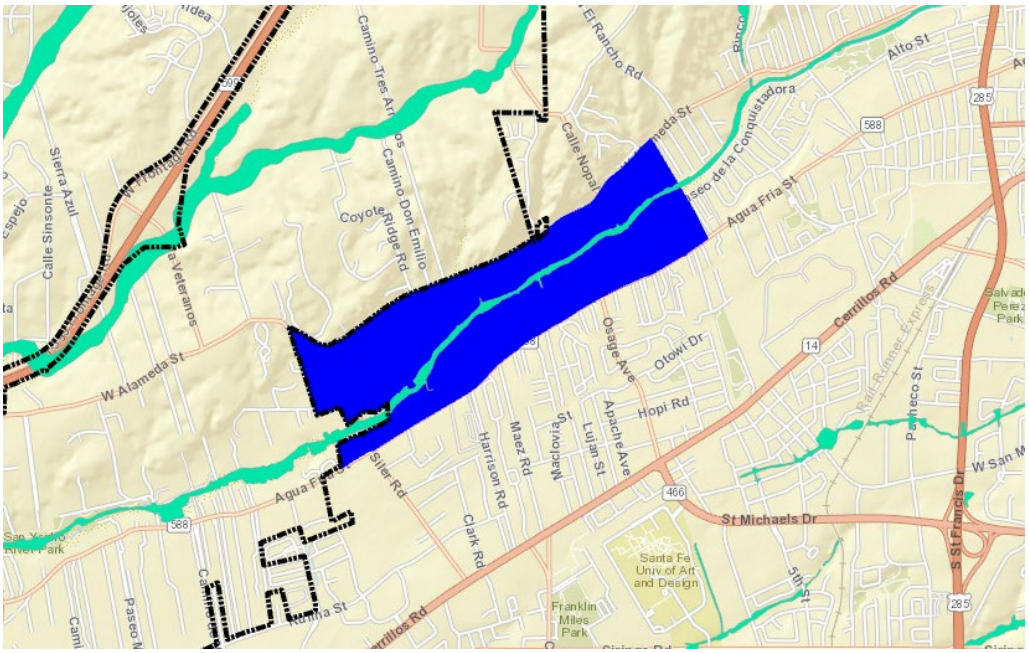


Figure 4.7-1: West Santa Fe River Corridor Overlay Boundaries

C. Building Height

Maximum building height shall not exceed 28 feet, as defined in Section 14-3.5(E)(1, *Measurement of Maximum Height.*

D. Building Setback from Santa Fe River

A minimum of 15 feet from whichever one of the following is the most restrictive:

1. River Greenway Boundary, or
2. 100-year Floodplain Boundary (FEMA), or
3. City code setback measurement for streams and watercourses, Section 14-8.2(E)(5), *Arroyo, Stream, and Watercourse Standards.*

E. Building Setback from Street

In the case of residential development, the setback applies when proposing a minimum of two lots or two housing units. Minimum setbacks from the street for new developments and new subdivisions fronting:

1. Agua Fria Street: 30 feet, or 20 percent of lot depth, whichever is less, from the Agua Fria Street frontage property line.
2. West Alameda Street: 50 feet from the West Alameda Street frontage property line.

F. Minimum Frontage Width for Development along West Alameda Street

Minimum street frontage width of 250 feet along West Alameda Street is required for any subdivision, unless approved by the traffic engineer.

G. Common Area Open Space

In lieu of park dedication to the City, residential subdivisions or developments with a density of five dwellings per acre or greater, or a minimum of 25 total housing units or lots, shall have a minimum of ten percent of the total land area of the proposed subdivision or development reserved as common open space. See also Section 14-7.4(B), *Residential Open Space.*

Article 14-5 Use Regulations

14-5.1 General Provisions

A. The City's land use boards may further regulate uses in planned districts or impose conditions on those uses when it approves a conditional use approval, master plan, or development plan.

B. Additional regulations concerning uses may be located in the conditional use approval, master plan or development plan for a particular property.

C. More than one type of principal use may be located within the same building or on the same premises, if each use complies with all applicable provisions of Chapter 14.

14-5.2 Summary Table of Allowed Uses

The Summary Table of Allowed Uses sets forth the uses allowed or prohibited within the City's base zoning districts, as described in Table 3-1: Zoning Districts Established, and the AC overlay district.

A. Table Organization

1. In Table 5-1, land uses and activities are classified into general use categories and subcategories, which then contain lists of specific uses. These groupings are generally based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the use category "Residential" contains two use subcategories, "Household Living" and "Group Living," each of which is followed by an alphabetized list of uses that comprise the category.
2. This classification system does not list every use or activity that may exist within each use category and is not intended to be an exhaustive or mutually exclusive description of all possible specific uses. For unlisted uses, see Section 14-5.2(B), *Review and Approval of Unlisted Uses,* below.
3. These regulations are based on the patterns of development and physical activities that comprise the principal and accessory uses of land, rather than on whether the activity is conducted for profit, not for profit or other purposes.

B. Review and Approval of Unlisted Uses

1. General Standards

   The following procedure shall apply if an application is submitted for a use that is not specifically listed in Table 5-1. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

2. Procedure

I. The Planning and Land Use Director will review the proposed unlisted use to determine if it is materially similar to a listed use by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; transportation requirements; and other elements of the use that might impact surrounding uses.

II. If the Planning and Land Use Director determines that the proposed unlisted use is materially similar to a listed use, the proposed unlisted use shall be treated the same as the listed use to which it is materially similar.

III. If the Planning and Land Use Director determines that the proposed unlisted use is not materially similar to any listed use, the applicant may request that the proposed use be included in the code, by way of a code text amendment, as described in Section 14-2.1(D)(2).

IV. The Department shall review such requests and offer recommendations regarding the classification of the use within a category/subcategory, as well as the following:

a. In which zoning district(s) the use should be allowed;
b. What parking ratio, existing or new, should be applied to the use type;
c. How the use should be defined; and
d. Any other conditions or use-specific standards that should be adopted to ensure the proper development of the use type.

C. Explanation of Table Abbreviations

1. Zoning Districts

The zoning district abbreviations listed in the use table are explained in Table 3-1: Zoning Districts Established.

2. Permitted Uses

A "P" in a cell indicates that the use category is permitted by right in the respective zoning district, either as a primary or as an accessory use, subject to compliance with any applicable Use-Specific Standards cross-referenced in the right-hand column of that row of the table.

3. Conditional Use Approval

A "C" in a cell indicates that the use is permitted only if reviewed and approved as a conditional use approval, in accordance with the review procedures of Section 14-2.1F. 2, *Conditional Use Approval.*

4. Accessory Uses

An "A" in a cell indicates that a use category is permitted as an accessory use.

5. Temporary Uses

   A "T" in a cell indicates that the use is permitted as a temporary use.

6. District-Related Use-Specific Standards

   An asterisk "*" next to a letter in any of the cells of the table indicates that there are Use-Specific Standard that apply to the use in the zoning district where it appears.

7. Prohibited Uses

   A blank cell indicates that the use type is prohibited in the zoning district. A use or structure that is not specifically listed or included in Table 5-1 is prohibited, unless the Land Use and Planning Department Director determines it is included in an existing use category or it is approved through the procedure described above in Section 14-5.2(B), *Review and Approval of Unlisted Uses*.

8. General Use-Specific Standards

   Use-specific standards apply to the use if there is a cross-reference in the right-hand column of the table. These use-specific standards apply in all districts where a use is permitted, unless otherwise specified, and regardless of whether the use is permitted by right or as a conditional use approval.

D. Summary Table of Allowed Uses

Table 5-1: Summary Table of Allowed Uses

P = Permitted use **C** = Conditional use approval required **A** = Accessory use **T** = Temporary use **Blank Cell** = Prohibited use

	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Residential																						
Household Living																						
Accessory building or structure	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A		A	A	A	§14-5.3C.1
Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					§14-5.3C.2
Compound development		P	P		P	P	P		P	P	P	P	P									§14-5.3C.3
Children's play area and play equipment, private	A	A	A	A	A	A	A	A	A	A	A	A	A				A	P				
Dwelling or residence ancillary to another approved use		A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	
Dwelling, live-work		P	P		P	P		P	P	P	P	P	P									
Dwelling, multi-unit	P	P	P		P	P	P	P	P	P	P	P	P				P		P	P	P	§14-5.3C.4
Dwelling, single-family attached townhome	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P				P					§14-5.3C.5
Dwelling, duplex	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, triplex		P	P	P	P	P		P	P	P	P	P	P									
Dwelling, quadplex		P	P	P	P	P		P	P	P	P	P	P									

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	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Greenhouse or plant nursery, non-commercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	§14-5.3C.6
In-home daycare	P	P	P	P	P	P	P	P	P	P	P	P	P	C		P	P		P	P	P	
Manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P				P					§14-5.3C.7
Mobile home, permanent installation	C	C	C	C	C	C		C			C		C				C					§14-5.3C.8
Mobile home, temporary installation	C	C	C	C	C	C		C			C		C				C					§14-5.3C.9
Mobile home park							P															§14-5.3C.10
Private barbecue pit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private garage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A					§14-5.3C.11
Short-term rental unit																						§14-5.3C.12
Tiny home	P	P	P	P	P	P		P	P	P	P	P	P									§14-5.3C.13
Group Living																						
Boarding, dormitory, monastery, or convent	C	C	C	C	C	P		P	C	P	P	C	P			C	C					
Continuing care community	C	C	C	C	C	C		C	P	P	P	C	P			C	P					§14-5.3D.1
Foster home	P	P	P			P		P	P	P	P		P				P					§14-5.3D.2

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Group residential care facility, correctional			C		C	C		C	C	C	P*	P*	P*			C	P*					§14-5.3D.3
Group residential care facility, large or small	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P	P	P	C	P			C	P					§14-5.3D.4
Personal care facility for the elderly						C		C	P	P	P	P	P	P		P	P		P	P	P	§14-5.3D.5
Sheltered care facility	C	C	C		C	C		C	C	P	C	C	C				C					§14-5.3D.6
AGRICULTURAL																						**§14-5.3E.1**
Agricultural home occupation	A	A																				§14-5.3E.2
Aquaculture											C	C	C	C	C				C	C	C	§14-5.3E.3
Aquaponics											C	C	C	C	C				C	C	C	§14-5.3E.4
Composting facility														C	C							§14-5.3E.5
Farm stand																						§14-5.3E.6
Farmers' market																						
Hydroponics											C	C	C	C	C				C	C	C	§14-5.3E.7
Stable, commercial	C																					
Urban farm, ground level	A*	A*	A*	A*	A*	A*					P*	P*	P*	P	P			C	P*	P*	P*	§14-5.3E.8
Urban farm, roof level, open air	C*	C*	C*	C*	C*	C*					C	C	C	C	C				C	C	C	§14-5.3E.8
CIVIC, PUBLIC, AND INSTITUTIONAL																						

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In home Community and Cultural Centers or Facilities																						
Cemetery, mausoleum, or columbarium	C	C	C							P	C	C					C					§14-5.3F.1.I
Museum		C	C		C	C		P	P	P	P	P	P	P		P			P	P	P	§14-5.3F.4.II
Neighborhood or community center, including youth or senior centers	C	C	C		C	C		C	P	P	P	P	P			P	P	P	P	P	P	
Public park, playground, or playfield	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious, educational, or charitable institution	C*	C*	C*		C*	C*		C*	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	§14-5.3F.1.III
Educational Facilities																						
College or university, nonresidential									P	P	P	P	P	P		P	P		P	P	P	
College or university, residential	C	C	C		C	C		C	C	P	C	C	C			C	C					§14-5.3F.2.I
Elementary or secondary school, public or private	C	C	C		C	C		C	P*	P*	P*	P*	P*	C		P*	C		C	C	C	§14-5.3F.2.II

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Vocational or trade school, light industrial										P*				P	P	P*						§14-5.3F.2.III
Vocational or trade school, non-industrial								P	P	P	P	P	P	P		P			P	P	P	§14-5.3F.2.IV
Emergency Services																						
Police or fire station	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P		P	P	P	§14-5.3F.3.I
Health Care and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facility	C	C	C	C	C	C		C	P	P	P	P	P			P	P					
Hospital										P	C	C				P	P/C					§14-5.3F.4.I
Hospital heliport																	A*					§14-5.3F.4.I
Medical or dental office or clinic								C	P*	P	P	P	P	P*		P	P		P	P	P	§14-5.3F.4.II
Human Services																						
Day care facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C		P	P		P	P	P	
Human services establishment									P	P		P		P					P	P	P	§14-5.3F.5.I
Public Transportation																						
Transit transfer facility									C	P		C		P	P	C	C		C	P	P	
COMMERCIAL																						
Animal-Related																						

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Doggie daycare	P								P*	P*	P*	P*	P*	P	P				P*	P*	P*	§14-5.3G.1.I
Kennel or boarding facility	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	§14-5.3G.1.II
Pet grooming	P								P*	P	P	P	P	P	P				P	P	P	§14-5.3G.1.III
Veterinarian	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	§14-5.3G.1.IV
Arts Activities																						
Arts and crafts studio, gallery, or school								P*	P*	P	P	P	P	P		P			P	P	P	§14-5.3G.2.I
Dance studio								P*	P*	P	P	P		P		P			P	P	P	§14-5.3G.2.II
Film production								T	P/T	P/T	P/T	P/T	P/T	P/T	P/T							§14-5.3G.2.III
Photography studio								P*	P*	P	P	P		P		P			P	P	P	§14-5.3G.2.IV
Assembly																						
Reception or event center									P	P	P	P	P									
Private club or lodge	C	C	C		C	C		C	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	§14-5.3G.3.I
Cannabis Establishments																						**§14-5.3G.4**
Cannabis consumption area																						
Cannabis manufacturing, heavy														P	P	P						
Cannabis manufacturing, light										P		P		P	P	P						
Cannabis producer microbusiness												P/C		P/C	P/C	P/C			P/C	P/C	P/C	§14-5.3G.4.X

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Cannabis producer												C		P/C	P/C	C						§14-5.3G.4.XI
Cannabis research or testing laboratory										P		P		P	P	P						
Commercial cannabis retailer									P*	P		P		P	P	P			P	P	P	§14-5.3G.4.XII
Food and Beverages																						
Bar, cocktail lounge, nightclub, with or without outdoor entertainment								C*	P*	P		P*		P	P				P*	P*	P*	§14-5.3G.5.I
Brewery, distillery, tasting room, winery								C*	P*	P*	P	P	P	P	P				P	P	P	
Commissary kitchen											P											§14-5.3G.5.II
Food truck								P*	P	P	P	P	P	P	P	P	P		P	P	P	
Mobile food court																						
Outdoor dining								A*	A	A	A	A	A	A		A			A	A	A	§14-5.3G.5.III
Restaurant, fast service/take-out								C*	P*	P	P*	P	P*	P	P	C			P	P	P	§14-5.3G.5.IV
Restaurant, full service, with or without incidental alcohol service								C*	P	P		P		P	P	C			P	P	P	§14-5.3G.5.V
Restaurant with bar, cocktail lounge or nightclub comprising								C*	P*	P*		P*		P	P				P*	P*	P*	§14-5.3G.5.VI

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more than 25% of total serving area																						
Restaurant, with drive-through/drive-up												P*		P*	P*	C			P*	P*	P*	§14-5.3G.5.VII
Lodging																						
Bed and breakfast inn										P		P		P		P					P	
Campground or RV park	C																					
Conference or extended stay lodging facility										P		P		P		P						
Hotel, motel, or residential suite hotel										P		P				P					P	
Vacation time share										P		P		P								§14-5.3G.6.I
Office, Business, and Professional																						
Bank or credit union									P*	P	P*	P*		P*		P*			P*	P*	P*	§14-5.3G.7.I
Business or professional office (excluding medical or dental office)								C	P*	P	P	P	P	P	P	P	P		P	P	P	§14-5.3G.7.II
Laboratory, research or testing										P	P	P		P	P	P	P					§14-5.3G.7.III
Temporary on-site contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	

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Recreation and Entertainment																						
Commercial recreation									C	P		P		P	P				P	P	P	§14-5.3G.8.I
Outdoor music									C	P		P							P	P	P	
Theater, live productions								P*		P		P		P	P	P			P	P	P	§14-5.3G.8.II
Retail Sales and Services																						
Antique store								P*	P*	P		P		P					P	P	P	§14-5.3G.9.I
Art supply store								P*	P*	P		P		P					P	P	P	§14-5.3G.9.II
Bookshop								P*	P*	P		P		P					P	P	P	§14-5.3G.9.III
Cabinet shop, custom								P*	P*	P		P	P	P	P	P						§14-5.3G.9.IV
Department or discount store									P*	P		P		P						P	P	§14-5.3G.9.V
Flea market										P		P		P								§14-5.3G.9.VI
Florist shop								P*	P*	P		P		P		P	P		P	P	P	§14-5.3G.9.VII
Funeral home or mortuary										P	P	P		P								
Furniture store									P*	P		P		P	P					P	P	§14-5.3G.9.VIII
Laundromat	C	C	C		C	C		C	P*		C	P	C				C					§14-5.3G.9.IX
Neighborhood grocery store	C	C	C		C	C		C	P*		C	P	C				C					§14-5.3G.9.X
Office equipment sales and service; office supply sales									P*	P		P		P	P					P	P	§14-5.3G.9.XI

Table 5-1: Summary Table of Allowed Uses

P = Permitted use **C** = Conditional use approval required **A** = Accessory use **T** = Temporary use **Blank Cell** = Prohibited use

	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Pharmacy or apothecary shop									P*	P	P	P		P			P		P	P	P	§14-5.3G.9.XII
Retail establishment not listed elsewhere									P*	P		P		P	P				P	P	P	§14-5.3G.9.XIII
Retail and service uses intended to serve the primary uses and that do not exceed 5,000 square feet									P*	P				P	P	P						§14-5.3G.9.XIV
Retail sales accessory to any permitted use									P*							A						§14-5.3G.9.XV
Seasonal sales								T	T	T	T	T	T	T					T	T	T	
Sign shop									C	P		P	P	P	P							§14-5.3G.9.XVI
Service Establishments																						
Exercise, spa, or gym facility									P*	P		P		P	P				P	P	P	§14-5.3G.10.I
Hair salon or barber shop									P*	P	P	P	P	P					P	P	P	§14-5.3G.10.II
Personal service establishment									P*	P		P		P					P	P		§14-5.3G.10.III
Tailoring or alterations shop								P	P*	P	P	P	P	P		P			P	P	P	§14-5.3G.10.IV
Sexually-Oriented Business																						
All														P	P							§14-5.3G.11

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	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Vehicles and Equipment																						
Commercial parking lot or garage										P		P		P	P	A	P		P	P	P	
Garage, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Service and repair garage, including gas station										P		P		P	P					C	C	
Tire recapping and retreading												P		P	P							
INDUSTRIAL																						
Automobile salvage or wrecking yard, or junkyard															P							§14-5.3H.1
Light assembly and manufacturing										P		P		P	P	P						
Warehouse and Storage																						
Outdoor storage lot or yard														P	P	A						§14-5.3H.2.I
Self-storage facility										P		C		P	P	P*			P	P	P	§14-5.3H.2.II
Temporary mobile storage unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	§14-5.3H.2.III
Warehouse and distribution														P	P							
Wholesale operation										P*		P*		P	P							§14-5.3H.3
UTILITIES																						

Table 5-1: Summary Table of Allowed Uses

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	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
All, not otherwise listed separately	C	C	C		C	C		C	C	P	C	P	C	P	P		C					
Electrical distribution facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§14-5.3I.1
Electrical substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§14-5.3I.1
Electrical switching station	P	P							P	P	P	P	P	P	P	P			P	P	P	§14-5.3I.1
Electrical transmission line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§14-5.3I.1
Telecommunications facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§14-5.3I.3

14-5.3 Use-Specific Standards

A. General Standards

1. More than one type of principal use may be located within the same building or on the same premises, provided that each use complies with all applicable provisions of Chapter 14.
2. In addition to the principal use or uses allowed by Chapter 14, accessory uses and structures on the same premises are permitted as shown in Table 5-1.
3. The following temporary structures and uses are allowed in all districts: temporary structures in connection with and on the site of construction or land development projects, including the construction or installation of field offices; grading, paving, and installation of utilities for such structures; and the construction or installation of structures for storing equipment and building materials. A permit for these structures and uses shall not be for a period of more than 12 months, renewable for periods of not more than six months. In addition, the area occupied by the temporary structures and operations shall be screened against fumes, noise and unsightliness.
4. Structures that remain in place for longer than 90 days, other than temporary structures, are subject to the same provisions of Chapter 14 as permanent structures, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

B. Residential Uses

The following activities are prohibited within residential zoning districts:

1. Storage or parking, either continuous or intermittent, of commercial or industrial vehicles, except for those vehicles that are authorized by a conditional use approval or other permitted nonresidential use.
   I. Commercial or industrial vehicles include:
      a. Vehicles requiring a commercial driver's license to operate;
      b. Tour buses or school buses;
      c. Concrete mixer trucks or concrete pumper trucks;
      d. Towing or flatbed vehicles;
      e. Earthmoving or grading equipment;
      f. Trailers or tractors (except lawn trailers or tractors)
      g. Motorized construction or agricultural equipment;
      h. Cranes;
      i. Roll-off trash containers (except as related to an active construction permit); or
      j. Any other vehicles designed by the manufacturer for business purposes.
   II. Commercial or industrial vehicles do not include:
      a. Recreational vehicles or trailers related to recreational vehicles that are used for personal purposes; or
      b. Passenger vehicles, pickup trucks or small trailers that may be used for business purposes related to a registered home occupation business.
2. Outdoor storage of construction materials, except in connection with active construction activities on the premises;
3. Storage of mobile homes or commercial shipping containers;
4. Vehicles, tents, or other structures that do not comply with this chapter or other applicable codes, used as dwellings;
5. Storage of PODS® or similar style moving/shipping containers for more than 30 days;
6. Storage or parking within any portion of a street yard other than a driveway of a noncommercial vehicle used for storage of goods, materials or equipment other than those items considered to be a part of the vehicle or essential for its immediate use; and
7. Use of any vehicle as a receptacle for the storage of litter or refuse as provided by Chapter X, *Environmental Regulations,* subsections 10-1.13 and 10-1.14 SFCC 1987.

C. Household Living

1. Accessory Building or Structure
   I. In all zoning districts, accessory uses and structures shall:
      a. Be located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership; and

b. Permit storage and/or utility sheds with a roof area of 120 square feet or less only in the rear yard.

II. In all residential districts, accessory uses and structures shall:
   a. Not involve the conduct of business on the premises, except home occupations;
   b. Not be likely to attract visitors in larger numbers than would normally be expected in a single-family residential neighborhood.

III. In the BIP zoning district, accessory uses and structures:
   a. The accessory uses and structures permitted in a BIP district are those that support the operation of a permitted principal use. Such uses may exceed the floor area of the permitted principal use.
   b. Examples of permitted accessory uses and structures for the BIP district include:
      1. Dwelling units for owners, tenants or employees;
      2. Warehouses and storage buildings; provided that such buildings shall be incorporated into the primary building design and shall be constructed of materials of comparable quality and appearance;
      3. Outdoor storage lots and yards; provided that areas for outdoor storage, trash collection and loading shall be fully screened and constructed of materials of comparable quality and appearance to the principal use structure; and provided further that materials stored in outdoor storage lots and yards shall not exceed the height of the enclosure; and
      4. Parking structures.

IV. This subsection does not apply to telecommunication facilities that are regulated pursuant to Section 14-5.3(I)(3).

V. In the C-2 and I-1 Districts, permitted accessory uses and structures are:
   a. Dwelling units for occupancy only by owners or employees of owners, including live/work spaces, but not recreational vehicles;
   b. Outdoor storage areas, subject to compliance with the standards of Section 14-5.3(H)(2)(I);
   c. Telecommunication facilities as set forth in Section 14-5.3(I)(3).
   d. Other uses and structures that are customarily accessory and clearly incidental to permitted or permissible uses and structures.

VI. In the I-2 zoning district, permitted accessory uses and structures permitted are:
   a. On the same premises as the permitted principal uses and structures and only as required for the conduct of the operation;
   b. Dwelling units for occupancy only by owners or employees, but not including recreational vehicles;
   c. Telecommunication facilities as set forth in Section 14-5.3(I)(3).

d. Other uses and structures incidental and subordinate to the principal use or structure and otherwise meeting the applicable requirements of the district.

2. Accessory Dwelling Unit

Accessory dwelling units located on residentially zoned property:

I. Are required to meet parking standards as set forth in Section14-7.5, *Off-Street Parking and Loading,* except that the parking requirement may be met with on-street parking as follows:
   a. Any legal on-street parking space abutting the subject property may be counted as one required off-street parking space if:
      1. The street does not have residential parking permit restrictions;
      2. The street measures a minimum of 35 feet in width from face of curb to face of curb; and
      3. There are no posted restrictions prohibiting on-street parking.
   b. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot;
   c. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements; and
   d. On-street parking spaces credited to a specific property shall not be reserved for the exclusive use by occupants of that property, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces is allowed.

II. Shall be subject to City regulations and policies regarding City utilities;

III. Are exempt from the density restrictions set forth in this Chapter 14; provided, however, that only one accessory dwelling unit shall be permitted per legal lot of record and provided further that nothing herein is intended to supersede private covenants or other restrictions;

IV. Shall be no taller than 26 feet;

V. Shall not exceed either the gross floor area of the principal dwelling unit or 1,500 square feet, whichever is less;

VI. May reduce rear setbacks to 5 feet if the structure is 14 feet or less in height and separated from the principal structure on the same lot by at least 10 feet.

VII. Shall not include the use of mobile homes (except structures that meet the definition for manufactured home) or recreational vehicles as accessory dwelling units;

VIII. Shall not exceed the limits established by the building envelope of the principal structure if created within or attached to the principal structure, or setbacks for accessory structures;

IX. Shall meet existing design requirements applicable to the lot, including the requirements of any applicable overlay district as described in Article 14-4, *Overlay Districts;*

X. May be rented as follows:

a. By the owner-occupant, who may rent either the principal dwelling unit or the accessory dwelling unit as a short-term rental unit but not both, as a short-term rental unit pursuant to Section 14-5.3C.12 during which time, the owner-occupant shall occupy either the principal dwelling unit or the accessory dwelling unit; or
b. By the property owner, who may rent the principal dwelling unit and/or the accessory dwelling unit for periods of not less than 30 days;

XI. Shall not be subdivided from a principal dwelling unit or sold under separate ownership from a principal dwelling unit unless the accessory dwelling unit meets all applicable requirements for a principal dwelling unit; and

XII. Shall remain in continuous compliance with the provisions of this section to maintain the validity of the certificate of occupancy of the accessory dwelling unit. The certificate of occupancy of an accessory dwelling unit may be revoked for noncompliance with this subsection as provided in Section 14-1.12, *Enforcement.*

3. Compound Development

I. Setbacks and Building Separation
a. Setbacks shall apply to the outer boundaries of the project site, rather than to each individual unit, and comply with the setback requirements of the underlying zoning district.
b. Internally, there shall be a minimum of 10 feet between dwelling units, measured by the shortest distance between any parts of the two adjacent structures.
c. The parking lot for the development shall be a minimum of 20 feet from the right-of-way.

II. Common Open Space
a. Each compound development shall include at least one shared open space area equal to at least 15 percent of the total site area.
b. Parking areas and drainage easements shall not be counted toward the common open space requirement.
c. The design and location of common open space shall meet the standards described in Section 14-7.4, *Open Space.*

III. Parking and Access
a. Parking shall be designed to limit curb cuts and most efficiently park vehicles.
b. Parking may be in a shared, paved parking lot or in shared driveways.
c. Shared driveways may access individual garages.
d. Project perimeter sidewalks are required, and internal walkways shall connect each unit to the project perimeter sidewalks.

e. Efficient internal circulation shall be provided; private streets, gates, and accommodation for solid waste pickup and emergency access shall conform to all applicable requirements.

4. Dwelling, multi-unit

I. Multi-unit dwellings in the RR district are limited to four per lot.

II. See standards below in provision 5 for additional regulations for principal dwelling units in the C-2 and SC districts.

5. Dwelling, single-family

In the C-2 and SC Districts, dwelling units that do not include mobile homes or recreational vehicles shall be one of the following:

I. Accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

II. Part of a planned development;

III. Part of a use for which a Development Plan or conditional use approval is required; or

IV. Part of a qualifying residential project within the Midtown LINC overlay district.

6. Home Occupation

I. Purpose

The purposes of these standards are to increase the economic vitality of Santa Fe; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion through the enhancement of community; increase the safety of the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in the same environment; protect the stability and character of the neighborhood; and encourage neighborhood participation in the determination of a successful balance between neighborhood residents and home-based businesses.

II. General Standards

a. Home occupations are permitted on all property, including residential or mixed-use residential/commercial, if the standards of this section are met.

b. The home occupation shall involve the primary sale of goods or services in connection with the home occupation, including:

1. Goods that are prepared, produced, or grown on the premises;
2. Services that are developed on the premises and provided on or off the premises;
3. The sale of goods that are not produced on the premises and that are only distributed off the premises; or
4. Repair services that take place solely within the home.

c. The home occupation shall be located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

d. The home occupation shall be conducted by the businessowner who resides continuously for a substantial period of time at the premises in which the home occupation is conducted. Continuous residence is determined by the Land Use Director by review of relevant factors. The address listed on a driver's license, voter registration or tax return may not be sufficient to establish continuous residence.

e. Not more than two persons, other than members of the family who reside on the premises, shall be regularly engaged in the home occupation.

f. Except for on-street parking, as set forth in this section, a home occupation shall be completely contained within the property lines of the lot on which the home occupation is located. A home occupation shall be in compliance with the performance standards set forth in Chapter 10, Section 10-4 , *General Environmental Standards*; not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare or electrical interference; or otherwise create a risk to health, safety or property of residents and occupants of adjacent and neighboring properties. The possession, storage, stocking or transfer of firearms, ammunition, fireworks or similar explosives for sale or service is prohibited as a home occupation accessory use. Mechanical or electrical equipment that is incidental to the home occupation may be used if it does not create visible or audible interference in radio, computer or television receivers or cause fluctuation in voltage of the premises or neighboring premises. Depending upon the nature of the home occupation, the Land Use Director may require proof of compliance with these restrictions prior to issuance of a business registration.

g. Employees, customers, clients, or deliveries shall not enter the premises between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m. weekends. Depending on the nature of the home occupation, the Land Use Director may reduce the hours of operation. Deliveries are limited to vehicles that do not exceed 11 feet in height and 20 feet in length.

h. No cannabis establishments or commercial cannabis activity may be conducted as a home occupation.

III. Structural Standards

a. Not more than 25 percent of the gross floor area of the dwelling unit, including accessory buildings, shall be used to conduct a home occupation. In determining the gross floor area of an accessory dwelling unit, no more than 1,000 square feet shall be used.

b. Nothing incidental to the conduct of a home occupation shall be constructed, installed, placed, parked or stored on a residentially zoned lot on which a home occupation is being conducted if it is visible from any adjacent or neighboring property and if it is not in keeping with the residential character of the neighborhoods surrounding the lot, except for signs and parking set forth in provision IV, Parking Standards, below.

c. No more than one sign is permitted, and the area of the sign shall not exceed one square foot.

d. A person who conducts a home occupation and applies for a construction permit shall demonstrate to the Land Use Director that the proposed construction does not violate any provisions of this subsection.

IV. Parking Standards

a. Depending on the nature of the home occupation, the following parking spaces shall be provided on the lot:

1. If there are no employees who reside off the premises and customers or clients do not come to the premises, only parking for the dwelling required;
2. If there are no employees who reside off the premises and customers or clients come to the premises, at least one parking space shall be provided on the lot for every 400 square feet of the gross floor area of the premises used for the home occupation, in addition to that required for the dwelling unit;
3. If there are any employees who reside off the premises and customers or clients do not come to the premises, at least one parking space shall be provided on the lot for every employee simultaneously working, in addition to that required for the dwelling unit;
4. If there are employees who reside off the premises and customers or clients come to the premises, at least one parking space shall be provided on the lot for every employee simultaneously working and at least one parking space shall be provided on the lot for every 400 square feet of the gross floor area of such premises used for the home occupation in addition to that required for the dwelling unit.

b. No more than one vehicle relating to a home occupation may be parked at any one time on the streets adjacent or proximate to the lot on which the home occupation is being conducted; however, in light of the character of the surrounding neighborhood, the Planning and Land Use Director may prohibit any vehicles used in connection with a home occupation from parking on the street. This item regulates parked vehicles not associated with the residential use of the dwelling unit.

V. Other Requirements; Inspections

a. Inspections by the City are required prior to issuance of the business registration for the home occupation only for those home occupations in which the following occur:
   1. Employees reside off the premises come to the premises;
   2. Customers or clients come to the premises; or
   3. Goods for sale are prepared, produced, grown or stored on the premises.

b. The City reserves the right to inspect all home occupations for code compliance any time the City receives a complaint or has reason to believe that any applicable City code may be violated.

VI. Notice

a. A person proposing to conduct a home occupation that will have more than one employee who will reside off the premises or that will have customers or clients coming to the premises, shall as part of the application be required to give notice, by first class mail with mailing certificate, of the home occupation application to all residents, property owners, and neighborhood associations within 150 feet of the premises.

b. The notice shall include the nature of the home occupation, the number of employees, whether customers or clients will be involved, the willingness of the applicant to meet with the neighboring residents and property owners and that the neighboring resident and property owner may review the application at the City offices.

c. The neighboring residents and property owners have 15 days from the date the notice was mailed to review and comment on the application.

d. The Land Use Director shall collect and evaluate this public comment that shall be used in determining whether the home occupation shall be approved and what restrictions, if any, shall be placed on it.

VII. Registration

Each person who engages in a home occupation shall register the home occupation with the City on forms designated by the City, providing all information required to verify compliance with applicable regulations, obtain a business license, and renew the license annually.

VIII. Violations

A person shall not conduct a home occupation in violation of this section. In addition to any other remedies available, the City may revoke the business registration for the home occupation or the certificate of occupancy for any building in which a home occupation is being conducted in violation of this section. A person who fails to comply with the provisions of this section is subject to a penalty as provided in Section 14-1.12, *Enforcement*.

IX. Complaints

A person who is aggrieved by an approved home occupation business may file a complaint with the City. Within 30 calendar days of the City's receipt of the complaint, the City shall investigate the complaint and issue a written decision as to whether the home occupation against which the complaint was filed violates or complies with this section. If a violation is found, the Land Use Director shall determine the actions that have been or should be taken to address the violation. Complaints shall be kept on file and be open to the public. When investigating complaints, the Land Use Director shall review the file for prior complaints.

7. Manufactured Home

I. Is permitted in any district in which site-built, single-family dwellings are allowed;

II. Shall meet all requirements of other site-built, single-family dwellings in the same district, and all applicable historic or architectural standards set forth in Chapter 14; and

III. Shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

IV. Is subject to the provisions of Section 14-5.3(C)(5) if located in the C-2 district.

8. Mobile Home, Permanent Installation

In any district in which permanent single-family occupancy of a mobile home on an individual lot is allowed as a conditional use approval by the Board of Adjustment, the following minimum standards apply:

I. The mobile home shall be anchored to a concrete foundation and skirted as specified by the Land Use Director;

II. The rental or lease of mobile homes used as single-family residences on individual lots is prohibited; and

III. Minimum requirements for lot size, front, side, and rear yards, and all other standards pertaining to single-family residential land use set forth in Chapter 14 apply.

9. Mobile Home, Temporary Placement

I. In a district where temporary, single-family occupancy of a mobile home on an individual lot is permitted with conditional use approval by the Board of Adjustment, the following minimum standards apply:

a. The mobile home unit shall be skirted; and

b. Minimum requirements for lot size, front, side, and rear yards and all other standards pertaining to single-family residential land use set forth in Chapter 14.

II. Upon approval of a conditional use approval by the Board of Adjustment, a temporary permit may be issued by the inspections and enforcement office for a period of 12 months, subject to demonstration of satisfactory compliance with all applicable requirements. The permit may be renewed one time only for a period of up to 90 days by the Planning and Land Use Director.

10. Mobile Home Park

I. Applicability

The provisions of this subsection apply to mobile home parks in existence prior to December 10, 2012. New mobile home parks were prohibited as of December 10, 2012. In a district where mobile home parks are allowed, the minimum standards set out in this section apply.

II. Standards

a. Qualifying open space shall be provided as required for development in the R-7 district as provided in Section 14-7.4, *Open Space.*
b. The site shall be graded to ensure proper drainage.
c. The mobile home park shall provide spaces that are well defined and delineated. Minimum lot size per mobile home unit shall be 4,000 square feet.
d. Each mobile home space shall provide a mobile home stand of concrete footing adequate to support a mobile home. The stand and space shall be graded to provide adequate storm drainage away from the mobile home.
e. A maximum of seven mobile home spaces per acre shall be allowed in any mobile home park.
f. There shall be at least a 20-foot clearance between mobile homes. No mobile home shall be located closer than ten feet to any building or to any property line. Accessory structures such as decks and stairways may be attached to the mobile home to which they provide access, but shall be separated from other buildings and structures by ten feet.
g. Each mobile home space shall be provided with two off-street parking spaces, which shall be paved or covered with crushed stone or other suitable material. No on-street parking shall be allowed.
h. Walkways not less than three feet in width shall be provided from all mobile home spaces to all service buildings.
i. All driveways and walkways within the mobile home park shall be hard-surfaced and well-lighted.
j. All private subcollector, lane, and place streets within the mobile home park shall have a minimum pavement width of 24 feet. Private collector streets within the mobile home park shall have a minimum pavement width of 30 feet. All public streets shall comply with the right-of-way requirements and subdivision design standards set forth in Section 14-6, *Infrastructure Design, Improvement, and Dedication Standards,* except as specified in this section.
k. The perimeter of the mobile home park shall be landscaped and fenced. Landscaping shall consist of deciduous canopy trees spaced no more than 20 feet apart, having a minimum two-inch caliper at the time of planting. Fencing shall consist of either a six-foot tall solid wall or fence constructed of opaque materials.
l. All mobile home park signs shall conform to the requirements of Section 14-7.6, *Signs.*

III. Service Buildings

a. If provided, service buildings that house sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
b. Service buildings shall be:
    1. Well-lighted at all times of the day and night;
    2. Well-ventilated with screened openings;
    3. Constructed of moisture-proof material, which may be painted woodwork, that allows for repeated cleaning and washing;
    4. Maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1; and
    5. Constructed with floors of water-impervious material.
c. All service buildings and the grounds of the mobile home park shall be maintained in a clean, sightly condition and kept free of any condition that menaces the health of any occupant or the public or constitutes a nuisance.

IV. Solid Waste Containers

Solid waste containers shall be provided, maintained, and emptied in accordance with applicable regulations and as approved of the Solid Waste Division.

V. Fire Protection

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the mobile home park as to satisfy applicable reasonable regulations of the fire department.

VI. Supervision

An attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for violations of any provision of this to which the permittee is subject.

VII. Manufactured Homes in Mobile Home Parks

Manufactured homes are permitted in mobile home parks existing prior to December 10, 2012.

VIII. Licensing

A mobile home park owner or operator must obtain a business license from the City under the provisions of Article 18-1 SFCC 1987 prior to operating a mobile home park.

a. Transfer of License

The City may issue a transfer of the license only after:

1. Receiving an application in writing for transfer of a license and payment of the transfer fee;
2. Submitting an inspection report by the Land Use Director to the Governing Body, stating conformance or nonconformance with the provisions of this section; and
3. Governing Body approval.

b. Revocation of License
The Governing Body may revoke a license to maintain and operate a mobile home park, as provided in Article 18-1 SFCC 1987 when the licensee has violated any provision of this section.

c. Posting
The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

d. Inspection
The City may inspect a mobile home park for conformance with the provisions of this section.

11. Private Swimming Pool

I. Permanent Swimming Pools
The following requirements apply to both in-ground swimming pools, and above-ground pools with a water depth of two feet or greater.

a. Swimming pools shall be completely enclosed by opaque fencing or other approved screening barrier of at least six feet in height.
b. Fences or screening barriers shall constructed of a noncorrosive material, and shall be designed so that they may not easily be climbed.
c. All gates or openings in the fence or screening barrier shall be equipped with self-closing or self-latching devices only accessible from within, or on the pool-side of the fence or barrier.
d. Self-closing and self-latching devices shall be placed equidistant from the top and bottom of the fence or screening barrier, to prevent a person reaching over or under the barrier to unlatch the device.
e. The latching device shall be childproof from the inside of the fence or barrier.
f. All fence or screening barrier supports shall be decay- or corrosion-resistant and shall be set in a concrete base, or other suitably permanent material.
g. The opening between the bottom of the fence or screening barrier and the ground shall be no more than four inches.

II. Exceptions
The fencing requirements above do not apply to temporary “kiddie” pools that hold less than a two-foot depth of water, and outdoor hot tubs on private property.

12. Short-Term Rental Unit
    I. Purpose
        a. Ensure that the operation of short-term rental units does not disrupt the character of the city's residential neighborhoods or affect the quality of life of neighboring residents;
        b. Prevent speculators from purchasing multiple homes for the purpose of operating multiple short-term rental units, thereby reducing the availability of long-term housing;
        c. Allow residents who comply with the City's short-term rental unit regulations the option of utilizing their homes and accessory dwelling units as short-term rental units to create wealth and generate supplemental income;
        d. Minimize public safety risks associated with short-term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and
        e. Ensure that an owner or operator of a short-term rental unit follows applicable regulations, including the payment of all applicable fees and taxes.
    II. Short-Term Rental Permit or Registration Required
        a. An owner of a short-term rental unit must have a City-issued business license and either a short-term rental permit or a short-term rental registration, as set forth in Section 14-5.3(C)(12)(III) and Section 14-5.3(C)(12)(IV).
        b. An owner or operator shall not operate, rent, offer to rent, or advertise a short-term rental unit without a valid permit or registration.
        c. A City-issued permit or registration number must be included in all advertising of a short-term rental unit, including listings on a host platform.
    III. Permit; Residentially Zoned Property
        a. Permit Required
            A short-term rental unit on residentially zoned property requires a City-issued permit.

b. One Thousand Permit Limit
    1. The Land Use Director shall issue a maximum of 1,000 short-term rental permits.
    2. The land use department shall process applications in the order of receipt and shall issue new permits in the order that complete applications are received.
    3. If the number of permits reaches the 1,000 permit limit, then the Land Use department shall stop processing applications and shall add applicants to a waiting list until a permit becomes available.
    4. If an applicant waits on the list for a year or longer, the Land Use Director may require the applicant to indicate a continued interest in remaining on the list.
c. One Permit per Natural Person Limit
    1. The Land Use Director shall issue permits to natural persons only, and each natural person may possess a maximum of one permit.
    2. If the subject property is owned by a legal or business entity, the permit must be held in the name of a person with legal authority to act on behalf of that entity. The fact that a permit must be issued to a natural person does not mean that the property cannot be titled in such entities as a revocable trust, an LLC, or a corporation.
    3. The Land Use Director shall not issue permits to dwelling units that are comprised of multiple, time-divided ownership interests, provided, however, that certain dwelling units may be eligible to maintain short-term rental registrations, as set forth in Section 14-5.3(C)(12)(XVI).
d. Permit Not Transferrable
    1. A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the Planning and Land Use Department.
    2. If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department.
    3. A transfer that does not result in new ownership of the property, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the property, does not constitute a transfer for purposes of this subparagraph.

4. Upon the death of the permitholder, the permit may be transferred to the permitholder's spouse or domestic partner if the spouse or domestic partner submits a written request to the Planning and Land Use Director within 90 days after the permitholder's death, owns or will own the property upon the settlement of the permitholder's estate, and does not already hold a short-term rental permit.

e. Frequency of Rental

A permitted short-term rental unit shall not be rented more than once within a seven-day period. The limitation set forth in this subparagraph shall not apply to rentals that begin between November 15 and January 15.

f. Proximity

Subject to the exceptions listed below, the Planning and Land Use Director shall not issue a new permit for a short-term rental unit if the subject property, as identified in the application, is located within a 50-foot radius of a residentially zoned property that has a permitted short-term rental unit. The radius shall be measured from the permitted property's boundary. This limitation shall not apply to the following:

1. An application for a short-term rental unit that complies with the requirements set forth in the accessory dwelling units, Section 14-5.3(C)(2);
2. An application for a short-term rental unit in a multiple-family dwelling development that contains four or more dwelling units, provided, however, that the Land Use Director shall not issue short-term rental permits for more than 25 percent of such dwelling units, rounded down to the nearest whole number, and shall not issue more than 12 short-term rental permits within a single building within a multiple-family dwelling development.

IV. Registration for Property with Nonresidential Zoning

a. Registration Required

A short-term rental unit on property with nonresidential zoning requires a City-issued registration.

b. Proximity

The Planning and Land Use Director shall not issue more than 12 short-term rental registrations within a single building within a multiple-family dwelling development.

V. General Provisions

Unless otherwise stated, the following general provisions apply to all short-term rental units.

a. A short-term rental unit must have a local operator that is available 24 hours per day, seven days per week, to respond to complaints regarding the operation or occupancy of the short-term rental unit. The operator must be accessible by telephone and able to be physically present at the short-term rental unit within one hour of being contacted.
b. An owner of a short-term rental unit shall provide off-street parking on site as follows:
    1. One parking space for one bedroom; and
    2. Two parking spaces for two or more bedrooms.
c. A short-term rental unit must meet all applicable building, fire, and safety codes, and all toilets, faucets, and shower heads must meet the water conservation requirements described in Section 25-2.6.
d. Prior to issuance of a permit or registration, a short-term rental unit must have a certificate of occupancy to ensure compliance with all applicable codes.
e. At or before the time of application for a permit or registration, the owner of a short-term rental unit must also apply for and obtain a business license under Article 18-1.
f. An owner or operator shall not allow guests to park recreational vehicles on site or on the street.
g. Short-term rental units located on residentially zoned property shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of two times the number of legally allowed guests in the short-term rental unit, unless the activity or event is otherwise permitted by the City.
h. The total number of guests that may occupy a short-term rental unit is twice the number of bedrooms.
i. Noise or other disturbance emitted from a short-term rental unit is prohibited after 10:00 p.m., including noise or disturbances emitted from decks, portals, porches, balconies, or patios.
j. The owner or operator of a short-term rental unit shall notify all guests in writing of relevant City ordinances, including the City's nuisance and water conservation ordinances. All guests shall comply with all relevant City ordinances.
k. The owner shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax.

VI. Application for a Short-Term Rental Permit or Registration

An applicant shall submit an application for a short-term rental permit or registration that includes the following information and documentation:

a. The name and phone number of the local operator;
b. Owner and operator, affirming that they will operate the short-term rental unit in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, City codes, and private covenants; and that no private covenants prohibit the operation of the short-term rental unit; and
c. Additional information, documentation, and submittals as required by the Planning and Land Use Director.

VII. Permit and Registration Renewals

a. Unless revoked pursuant to Section 14-1.12(E), an owner may renew a short-term rental permit or registration annually.
b. An application filed on or after January 1, 2022 for renewal of a permit or registration shall include the records required by Section 14-5.3(C)(12)(XI) for the previous one year.
c. An owner must renew a short-term rental permit or registration and the associated business license by March 15 of each year. If a permit or registration is not renewed by March 15, the owner may pay a late fee of $50 to extend the time for filing to renew to April 15. If a permit is not renewed by its expiration date, including any 30-day extension, then the permit will revert to the land use department and will become available to the next eligible applicant on the waiting list, if any. An owner whose permit or registration has expired may submit a new application for a short-term rental permit or registration to the Planning and Land Use Director. Issuance of a new permit is subject to the availability of permits.

VIII. Fees for Short-Term Rental Units

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18, which address applicable licenses and taxes.

a. Application Fee

An application for a new short-term rental permit or registration shall be accompanied by a one-time non-refundable application, processing, and inspection fee of $100.

b. Business License Fee

A short-term rental unit is subject to an annual business license fee of $35.

c. Permit Fee

A short-term rental unit on residentially zoned property is subject to an annual permit fee of $290.

d. Registration Fee

A short-term rental unit on property with nonresidential zoning is subject to an annual registration fee of $290.

IX. Inspections

The City shall perform an inspection prior to the issuance of an initial permit or registration to ensure compliance with Section 14-5.3(C)(12) and all applicable fire, health, and safety requirements; and may, upon notice to the owner, perform additional inspections as warranted. To obtain a short-term rental permit or registration, a dwelling unit must meet the following requirements:

a. Fire evacuation plan;
b. Carbon monoxide detection;
c. Smoke alarms in all bedrooms;
d. Fire extinguishers on each floor;
e. No storage of combustible materials in mechanical, boiler, or electrical rooms;
f. Fireplace or wood stove must have non-combustible ash receptacle outside the dwelling unit; and
g. Address numerals must be at least four inches tall, with one-half inch stroke width, in contrasting color, visible from the street.

X. Required Notice for Short-term Rental Permits

a. Within ten days after the issuance or renewal of a short-term rental permit, the owner or operator shall mail notices by first-class mail to:
    1. The homeowners' association within which the unit is located (if applicable);
    2. Owners of residentially zoned property within 200 feet of the subject property, exclusive of rights-of-way, as shown in the records of the county assessor;
    3. The physical addresses of such properties where such address is different than the address of the owner; and
    4. The planning and land use department.
b. The notices shall be on a form approved by the Planning and Land Use Director.
c. The notices shall contain the name and phone number of the local operator. Within ten days after any change in the contact information for the local operator, the owner or operator shall mail a new notice to all parties entitled to notice.
d. Within ten days of the mailing, the owner or operator shall provide the Land Use Director with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

XI. Records

Each owner or operator shall maintain records for the short-term rental unit for at least the most recent three years and shall make such records available to the City for inspection upon request. The records that must be maintained for each short-term rental unit include the following:

a. For a short-term rental unit located on residentially zoned property, the starting date of each reservation and the number of nights rented for each reservation;
b. For all short-term rental units, the amount of rent guests paid by month and the amount of each type of tax and fee the owner paid to the City in connection with rental of the unit by month.

XII. Violations and Penalties

If an owner or operator fails to obtain the necessary permit or registration before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of Section 14-5.3(C)(12), the owner or operator shall be subject to the enforcement provisions set forth in Sections 1.3 and Section 14-1.12, *Enforcement*, and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental permit or registration.

XIII. Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit short-term rental units.

XIV. Real Estate Disclosure

A real estate broker listing property in Santa Fe shall provide prospective buyers with a current copy of this ordinance.

XV. Host Platforms

a. A host platform shall require an owner or operator of a short-term rental unit to include a City-issued permit or registration number in all listings or advertisements for a short-term rental unit.

b. Upon notice from the City that a permit or registration number on a short-term rental unit listing is invalid, the host platform shall deactivate that listing within five business days.

c. A host platform shall provide a monthly report to the City that includes the web address (URL) for each property listed on the host platform, together with the permit or registration number associated with that URL.

XVI. Existing Short-Term Rental Permits and Registrations

a. Short-term rental permits and registrations held at the time the ordinance amending Section 14-5.3B (Ordinance No. 2020-35) was adopted remain valid to the extent they have been consistently renewed and they are not subject to the limitations on proximity set forth in Section 14-5.3(C)(12)(III) or Section 14-5.3(C)(12)(IV) or the limit of one permit per natural person set forth in Section 14-5.3C.12.III.c. Upon expiration, and in subsequent years, the owner is eligible to timely renew the permits or registrations pursuant to Section 14-5.3(C)(12)(IX), subject to compliance with applicable requirements of Section 14-5.3C.12, and payment of required fees.

b. A short-term rental unit that is validly permitted or registered at the time the ordinance amending Section 14-5.3(B) was adopted and that either is located within a development containing resort facilities or is comprised of multiple, time-divided ownership interests, may continue to operate as a short-term rental unit as provided in this subparagraph. Such units are not subject to the limitations on proximity set forth in Section 14-5.3(C)(12)(III) or Section 14-5.3(C)(12)(IV) or the limit of one permit per natural person set forth in Section 14-5.3(C)(12)(III)(c). Upon expiration of the existing permit or registration and in subsequent years, the owner is eligible to timely file a renewal application and to obtain a short-term rental registration for the following year. Eligible units shall be issued a short-term rental registration, not a permit, regardless of whether the unit is located on residentially or non- residentially zoned property, subject to ongoing compliance with applicable requirements of Section 14-5.3C.12, and payment of applicable fees.

XVII. Effective Date

a. Short-term rental unit owners who possessed a valid short-term rental permit when Ordinance 2016-20 was adopted were considered to possess a valid permit under the new regulations and did not need to renew their permit until the following year.

b. Short-term rental unit owners who possessed a valid short-term permit for a contiguous property issued prior to Ordinance 2016-20 were deemed as a "residential" permit holder upon the adoption of the ordinance and were eligible to renew their permit as a "residential" permit in following years.

13. Tiny Home

I. Individual tiny homes may be installed on any lot in any zoning district that permits single-family dwellings.

II. Tiny homes may be used as an accessory dwelling unit on any lot where an ADU is permitted, subject to the standards for ADUs described in Section 14-5.3C.2.

III. Any tiny home that is to be occupied for more than 30 consecutive days shall:

a. Meet all applicable requirements of the International Residential Code for detached dwellings;

b. Be installed on a permanent foundation; and

c. Connect to City water, sewer, and electric utilities before occupancy.

D. Group Living

1. Continuing Care Community

I. Density

Independent dwelling units are subject to the density standards of the district in which the continuing care community is located.

II. Compliance with state and federal law

Continuing care communities must comply with all applicable state and federal laws and regulations.

2. Foster Home

A foster home shall be licensed by the appropriate state agencies.

3. Group Residential Care Facility, Correctional

In the C-1, C-2, C-4, and HZ zoning districts, a conditional use approval is required if located within 200 feet of a residentially zoned property, unless the use is a qualifying project located within the Midtown LINC overlay district.

4. Group Residential Care Facility, Large or Small

I. In all residential zoning districts and the RAC district, a large group residential care facility requires conditional use approval.

II. In the C-2 and BIP districts, any size group residential care facility requires conditional use approval.

5. Personal Care Facility for the Elderly

All state and federal laws and regulations governing the facility shall be complied with prior to issuance of a certificate of occupancy.

6. Sheltered Care Facility

I. The ratio of floor area to lot area shall not be greater than 0.4.

II. The required yard on all sides is 25 feet; provided, however, if a solid masonry wall is built around the perimeter of the property, then the yard may be five feet.

III. Open space shall equal 100 percent of the heated floor area. Open space does not include parking area, streets, driveways, heated space, garages, carports or accessory buildings. Open space shall not measure less than 15 feet in any of its dimensions, shall be noted as open space on the plat, and shall meet all other requirements for common open space as provided in Section 14-7.4, *Open Space.*

IV. No more than one sign, one square foot in area, hung flush to the fence or wall of the structure is allowed.

V. Complaints about operation shall be investigated by the Land Use Director and, if a complaint is valid, the facility shall be given 30 days' written notice to remedy the complaint. If the operator fails to remedy the complaint within 30 days after written notice, the Governing Body, after providing notice to the operator and an opportunity of the operator to be heard, may revoke the license to operate the facility.

VI. All sheltered care facilities shall be licensed by the State.

E. Agricultural Uses

1. Standards for All Agricultural Uses

I. Any agricultural use dedicated to growing cannabis shall additionally be subject to the standards of Section 14-5.3(G)(4), *Cannabis Establishments.*

II. Agricultural uses for noncommercial purposes that are accessory to a permitted principal use are permitted in all zoning districts but shall not create a public nuisance, subject to Subsection 10-9 SFCC 1987, *Nuisance Abatement Ordinance*, and shall meet all other applicable City codes.

III. Agricultural uses for commercial purposes are permitted as set forth in Table 5-1, however, the following commercial agricultural uses are specifically prohibited:

a. Animal production;
b. Slaughterhouses and slaughtering of livestock; and
c. Any other use prohibited by Chapter 5-7.1, Possession, confinement and impoundment of animals.

IV. Applicability

a. No agricultural activity shall be conducted, or farm structure erected, except in compliance with the provisions of this Section 14-5.3(E) and shall not supersede the rights of homeowners' associations (HOAs) or any existing covenants, conditions and restrictions of HOAs or other neighborhood associations.
b. The provisions of this subsection shall apply to all agricultural activities, whether such activity is a primary use or an accessory use, except for:
    1. Gardens as accessory to residential uses, for the personal noncommercial use of residents.
    2. Community gardens located on city-owned property and regulated by written policies and procedures of the City of Santa Fe.
    3. Community gardens for noncommercial purposes permitted as an accessory use.
    4. The growing of cannabis for personal use, as permitted by the Lynn and Erin Compassionate Use Act, NMSA 1978, Sections 26-2B-1 to -10 NMSA 1978; and the Cannabis Regulation Act, NMSA 1978, Sections 26-2C-1 to -42.

V. Approval Procedures
a. Agricultural uses are allowed as an accessory use; with a conditional use approval; or permitted by right, all as shown in Table 5-1.
b. Except as otherwise provided in this subsection, the procedural and other requirements for Home Occupation, as described in Section 14-5.3(C)(6), conditional use approvals and development plans apply to agricultural uses and structures.
c. Agricultural uses and structures shall comply with all other applicable provisions of SFCC 1987, including Chapter VII, *Building and Housing*, and Chapter XII, *Fire Prevention and Protection*.
d. The Governing Body may adopt by resolution guidelines for the development and operation of agricultural uses, which shall guide the Planning and Land Use Director in the administration of this subsection.

VI. Screening and Buffering
a. Any composting, loading, or disposal areas within or adjacent to a residential or commercial zoning district shall be screened from view by a wall, fence, berm or vegetative screen, or combination thereof. Fencing shall be constructed of opaque materials and shall comply with the standards and requirements of Section 14-8.5, *Walls and Fences*.
b. Any material or equipment stored outdoors within a residential or commercial zoning district shall be surrounded by a wall or fence or vegetative screen not less than six feet high, to screen such material or equipment from view from any public street or public open space.

VII. Maintenance and Operation

Urban farms, cannabis producers, and cannabis producer microbusinesses shall at no time be used or maintained to constitute a nuisance or hazard to the surrounding neighborhood.

VIII. Soil Safety

All urban farms, cannabis producers, and cannabis producer microbusinesses using conditioned soil shall comply with the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48 NMSA 1978.

IX. Water

a. Urban farms, cannabis producers, and cannabis producer microbusinesses are allowed to use the following water resources:
   1. Captured rainwater on-site meeting the requirements of the New Mexico State Engineer's Office (OSE) and Section 14-8.4(D), *Water Harvesting and Irrigation Standards;*
   2. Passive water harvesting designed to infiltrate water, control runoff and erosion;
   3. Gray water or treated effluent from permitted on-site sources adhering to the requirements of Section 20-7-3 NMAC and Section 14-8.4(D)*;*
   4. Well water from existing on-site wells, provided that such wells are permitted by the OSE for agricultural use, are metered, and tested annually by a laboratory certified by the New Mexico environment department to ensure that the well is bacteria-free and that the levels of arsenic, fluoride, nitrate, and uranium are compliant with EPA primary drinking water standards (maximum contamination levels, or MCLs), and such lab reports shall be sent to the Planning and Land Use Director;
   5. Municipal water system; or
   6. Stormwater infiltration where permitted by the OSE.

b. Any constructed water catchment systems shall meet all permitting requirements of the Planning and Land Use Department.

c. Water supplied through the municipal water system shall be charged at the rate applicable to the meter size, and shall comply with all applicable requirements of Section 14-7.7, *Development Water Budgets.*
   1. Separate meters shall be required for irrigation in commercial and industrial zoned areas unless the total farm area on the lot is less than 500 square feet, and meter data denoting monthly and annual water use shall be sent to the Planning and Land Use Director for monitoring purposes;
   2. Water efficient irrigation systems are required to be installed and used when water from the municipal water system is used for irrigation.

d. Irrigation systems shall comply with Section 14-8.4(D)(4), *Irrigation Standards,* including installation of an approved backflow prevention device.

e. Watering times shall comply with the outdoor conservation regulations pursuant to Section 25-2.7, *Water*.

f. The use of other water efficient technologies and water management best practices, such as use of ollas or other water-holding materials, are allowed. The Land Use Director shall provide all urban farms with City-authored water efficient irrigation guidelines and low-water use landscape literature, such as landscape irrigation design standards.

X. Abandonment

a. If an agricultural use ceases for any reason for 365 consecutive days without the prior written approval of the Land Use Director, the use shall be deemed to be abandoned.

b. Any property used for agricultural purposes pursuant to this section shall be cleared and restored to the state in which it existed prior to commencement of the agricultural use. The property owner shall remove from the property all farm structures within 90 days after the date the agricultural use is discontinued. Site clearing shall consist of:

1. Physical removal of all farm structures, farm equipment and machinery; and
2. Disposal of all composting and agricultural waste in accordance with local and state waste disposal regulations; and
3. Stabilization of the site's vegetation as necessary to minimize erosion and invasive species encroachment. The Land Use Director may allow the owner to leave landscaping in order to minimize erosion and disruption to vegetation.

c. If the applicant fails to remove farm structures, farm equipment, and farm machinery in accordance with the requirements of this subsection within 90 days of the date the agricultural use is discontinued, the Planning and Land Use Director shall proceed with enforcement actions as provided for in Section 14-1.12, *Enforcement*.

2. Agricultural Home Occupation

Agricultural home occupations shall comply with Home Occupation standards described in Section 14-5.3(C)(6), except that:

a. Up to five people, other than members of the family who reside on the premises, may be employed for urban farms with up to 10,000 square feet of production area. An additional person may be employed as part of the urban farm operations for every additional 10,000 square feet of the production area, up to a total of ten people.

b. A farm stand and other farm structures shall not be included in the calculation of maximum permitted floor area.

c. Agricultural home occupations are not subject to the signage limitations for non-agricultural home occupations, and instead signage is permitted as provided in Section 14-7.6, *Signs.*

d. On-site parking is required as follows:

1. One parking space for each worker who resides off- premises working simultaneously; and
2. If applicable, three parking spaces on the lot available to farm stand customers during farm stand open hours.

3. Aquaculture

I. Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

II. The size of the operation is limited to 750 square feet or less.

4. Aquaponics

Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.

5. Composting
   I. General Standards
      a. Composting is accessory to an urban farm, cannabis producer, or cannabis producer microbusinesses and shall be used only on-site where any ground level urban farm or roof level urban farm, cannabis producer, or cannabis producer microbusiness is permitted.
      b. Composting shall occupy no more than ten percent of the farm area.
      c. Cooked food, raw animal matter, animal waste, and human waste shall not be used in the creation of compost.
   II. Maximum Height
      a. Maximum height of composting structures or bins shall not exceed the maximum height permitted for fences and walls in the zoning district where the property is located.
      b. On a roof level urban farm, any composting must be contained within a fully enclosed inflammable bin that does not have direct contact with flammable materials.
   III. Setbacks
      a. Accessory structures, compost bins, and windrows shall comply with the applicable setback requirements in all zoned districts.
      b. Compost bins, structures, and windrows located in a required yard or street frontage in all residential and commercial zoned districts must be screened from street view and set back a minimum of ten feet from the property line.
6. Farm Stand
   I. An urban farm may include a farm stand.
   II. Farm stands located in zoning districts which otherwise prohibit retail sales shall:
      a. Only sell agricultural products that are grown on the premises;
      b. Be no larger than 48 square feet; and
      c. Be erected only during business operating hours and during the farming season.
   III. Operation of a farm stand requires a home occupation permit or other type of business license issued by the City of Santa Fe Business Licensing Division.
7. Hydroponics

   Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

8. Urban Farm, Ground or Roof Level
   I. The principal activity to be performed on a ground- or roof-level urban farm shall be the cultivation of agricultural crops.
   II. In all residential districts, a ground-level urban farm greater than 10,000 square feet in area requires a conditional use approval.
   III. In the C-1, C-2, C-4, SC-1, SC-2, and SC-3 districts, a ground-level urban farm greater than 1 acre in area requires a conditional use approval.
   IV. In all residential districts, a roof level, open air urban farm greater than 1,000 square feet in area is not permitted.
   V. In no district may a roof level, open air urban farm be larger than 5,000 square feet.

F. Civic, Public, and Institutional Uses

1. Community and Cultural Centers or Facilities
   I. Cemetery, Mausoleum, or Columbarium
      The total lot area shall not be less than ten acres.
   II. Museum
      In the RAC district, this use is limited in area to 3,000 square feet.
   III. Religious, Educational, or Charitable Institution
      a. This use does not include schools or religious assembly uses.
      b. In all nonresidential and mixed-use districts, and the AC overlay, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

2. Educational Facilities
   I. College or University, Residential
      The total lot area shall not be less than ten acres. Minimum street frontage shall not be less than 300 feet.
   II. Elementary or Secondary School, Public Or Private
      In the C-1, C-2, C-4, BCD, BIP, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
   III. Vocational or Trade School, Light Industrial
      In the BCD and BIP districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
   IV. Vocational or Trade School, Non-Industrial
      In the RAC district, this use is limited to 3,000 square feet.

3. Emergency Services

I. Police or Fire Station

In all residential zoning districts, a police or fire station with seven or more staff requires a conditional use approval.

4. Health Care and Extended Care Facilities

I. Hospital

a. Business and Industrial Park District

Hospitals in the BIP District shall be located no less than 50 feet from the boundary of a residential use or residential zoning district.

b. Las Soleras Hospital Zone District

1. A heliport serving a hospital is a permitted use.
2. Prior to the submittal for Development Plan approval for each phase of development within the Las Soleras HZ district, the applicant shall conduct and submit a market analysis and fiscal impact analysis that analyzes in detail the need for the proposed hospital. The market analysis shall address demand, projected service capacity and build-out; identify primary and secondary market area; estimate projected revenue and expense; and identify the scale and extent of local competition. The fiscal impact analysis shall contain an estimate of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project. Additionally, as a condition for and prior to the granting of Development Plan approval, any new hospital to be constructed shall participate in meetings at which the Santa Fe County health policy Planning Commission, Christus St. Vincent Hospital and interested local and regional health care providers have been invited to attend to address impacts of dual hospitals in the community.

c. Christus/St. Vincent Hospital Zone District

In the Christus/St. Vincent Hospital Zone District, hospitals require a conditional use approval.

II. Medical or Dental Office or Clinic
   a. In the RAC district, this use is limited to 3,000 square feet.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

5. Human Services

I. Human Services Establishment
   a. In all districts where a human service establishment is permitted, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
   b. Open space is required as described in Section 14-7.4 for each dwelling unit that contains kitchen facilities.

G. Commercial Uses

1. Animal-Related Uses

I. Doggie Daycare
   a. In the C-1, C-2, C-4, BCD, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

II. Kennel or Boarding Facility
   In the C-1, C-2, C-4, and BIP districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

III. Pet Grooming
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

IV. Veterinarian
   a. In the C-1, C-2, C-4, BIP, SC-2, SC-3, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
   c. Except in an RR district, the following shall apply:
      1. The facilities provide treatment for animals of a non-agricultural, domestic household nature only, including dogs, cats, caged birds and other animals typically capable of being housed within a family dwelling unit;
      2. The facilities contain no external kennels or areas of boarding, training, breeding or exercising of animals;
      3. Overnight boarding of animals for medical purposes is only accommodated by soundproof rooms contained within the facility;
      4. Continuous or repetitious noise or odors discernible at the lot line are cause for investigation by the Land Use Director, potentially leading to revocation of the occupancy permit; and
      5. Any treatment facility for large or typically farm animals, including horses, cows, sheep, chickens and pigs, are excluded from the list of permitted uses.

2. Arts Activities

I. Arts and Crafts Studio, Gallery, or School
   a. In the RAC district, this use is limited in area to 3,000 square feet.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

II. Dance Studio
   a. In the RAC district, this use is limited in area to 3,000 square feet.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

III. Film Production
[reserved]

IV. Photography Studio
a. In the RAC district, this use is limited in area to 3,000 square feet.
b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

3. Assembly

I. Private Club or Lodge
a. This use type does not include uses customarily carried on as a business, including private lounges or other areas devoted to cannabis consumption.
b. In all residential districts except R-10, R-12, R-21, R-29 and RAC, the following additional standards apply:
1. The facility shall not have a lot area of less than two acres; and
2. A structure in connection with the facility shall not be closer than 25 feet to any lot line.
c. In all nonresidential and mixed-use districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
d. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

4. Cannabis Establishments

I. Applicable Law
Cannabis establishments are subject to applicable sections of the Land Development Code, as set forth in Chapter 14 of the SFCC 1987; other applicable City ordinances, as set forth in the SFCC 1987; and applicable state laws and regulations. Applicable provisions include, but are not limited to, the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 to 26-2B-10 NMSA 1978; the Cannabis Regulation Act, Sections 26-2C-1 to 26-2C-42 NMSA 1978; the Dee Johnson Clean Indoor Air Act, Sections 24-16-1 to 24-16-20 NMSA 1978; the Santa Fe Smoke Free Ordinance, Section 10-6 SFCC 1987; the Nuisance Abatement Ordinance, Section 10-9 SFCC 1987; and the Business License Ordinance, Section 18-1 SFCC 1987.

II. Enforcement
A person who fails to adhere to the provisions of this Chapter 14 shall be subject to the enforcement provisions set forth in Sections 1.3 and Section 14-1.12, *Enforcement*, and all other legal remedies and enforcement actions available under the law.

III. Prohibited in Residential Zoning Districts
The conduct of any business as a cannabis establishment or for a commercial cannabis activity is not allowed in any residential zoning district.

IV. Permitted Uses
Cannabis establishments are permitted only as set forth in Table 14-6.1-1 and this subsection. A vertically integrated cannabis establishment or integrated

cannabis microbusiness is permitted only if all uses licensed by the licensee are permitted in the zoning district.

V. Minimum Distance from Schools

A cannabis establishment is not a permitted use if the cannabis establishment would be located within a 300-foot radius of an existing preschool, daycare center, elementary school, or secondary school. The radius shall be measured from the subject property boundaries.

VI. Retail Establishments

a. Density Limitations

1. A commercial cannabis retailer is not a permitted use if:

i. When retail sale of cannabis is the primary use, the main entrance of the retailer is within a 400-foot distance of an existing cannabis retailer; or

ii. The closest point of the commercial cannabis retailer's licensed premises is within 300 feet of a religious institution.

b. Density Limitation exemption. A cannabis retailer that is wholly owned by a tribe, as defined in Section 11-13A-2(D) NMSA 1978, is a permitted use within four hundred (400) feet of the main entrance of a retailer that initiates its application for a cannabis retailer license to the State of New Mexico after the retailer wholly owned by the tribe initiates its application for such a license.

c. Operating Hours

Permitted hours of operation are between 7:00 a.m. and 12:00 a.m. (midnight).

VII. Odors and Ventilation

a. All cannabis establishments must comply with applicable state and City laws and regulations concerning odors and ventilation, including building and fire codes.

b. Cannabis producers, cannabis producer microbusinesses, and cannabis manufacturers must use industry standard techniques such as activated carbon filtration and regular maintenance of HVAC systems to minimize odorous, toxic, or noxious matter.

c. Cannabis producers, cannabis producer microbusinesses, cannabis manufacturers, and cannabis consumption areas must obtain City approval of an odor control plan addressing these laws, prior to the issuance of a construction permit or certificate of compliance.

VIII. Safety and Security

All cannabis establishments must comply with state law and regulations concerning safety and security, in addition to applicable provisions of SFCC 1987.

IX. Cannabis Producer Microbusiness

In all districts, outdoor growing requires a conditional use approval.

X. Cannabis Producer

In the I-1 and I-2 districts, indoor cannabis cultivation is permitted by right. In all other districts, a conditional use approval is required.

XI. Commercial Cannabis Retailer

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

5. Food and Beverages

I. Bar, Cocktail Lounge, Nightclub, With or Without Outdoor Entertainment

a. In the RAC district, this use is limited to 3,000 square feet.
b. In the RAC district and the AC overlay, amplified live entertainment or amplified music for dancing is prohibited after 10 p.m.
c. In the C-2, SC-1, SC-2, and SC-3 districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
d. Additionally, with outdoor music, in the BCD, I-1, I-2, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
e. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

II. Commissary Kitchen

A conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

III. Outdoor Dining

a. Applicability

The standards of this section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to review and approval by the Department of Public Works, as specified in the City's Code of Ordinances.

b. Accessory Use

Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

c. Hours of Operation

The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.

d. Standards for Operation
   1. In the RAC district, this use is limited in area to 3,000 square feet.
   2. Public outdoor dining areas shall be at least 100 feet from residentially zoned property.
   3. If alcohol is served:
      i. Outdoor dining areas shall be at least 500 feet from the closest residential structure or zone.
      ii. The outdoor area where alcohol is served must be segregated using 4-foot-high planters or fences to close off the area to unauthorized access.
      iii. Access to outdoor areas where alcohol is served shall only be from within the main restaurant or tavern structure. However, the perimeter fence or planters shall have an emergency exit gate, operable only from within the outdoor dining area.
   4. If the outdoor dining space is adjacent to or within a pedestrian sidewalk, a minimum width of five feet free and clear space shall be maintained at all times between the edge of the dining area and the back of the curb.
   5. If a fence is used for separation rather than planters, the fence must be decorated to be aesthetically appealing to the outdoor dining area as viewed by neighboring properties, or planters and/or landscaping may be installed in front of the fence, subject to pedestrian clearance requirements described in provision h.
   6. Music or other outdoor sound amplification must be kept at a level so that it does not create a nuisance beyond the property line.
   7. Portions of parking areas may be used for outdoor dining; however, in no case may spaces needed to meet the minimum requirements specified in Section 14-7.5D be used.
   8. In the BCD, if the distance separation cannot be met, the Governing Body may approve a conditional use.

IV. Restaurant, Fast Service/Take-Out
   a. In the RAC district, this use is limited to 3,000 square feet.
   b. In the RAC district, amplified live entertainment or amplified music for dancing is prohibited after 10 p.m.
   c. In the C-1 and C-4 districts, gross floor area shall not exceed 1,000 square feet, and the sale of alcohol is prohibited.

V. Restaurant, Full Service, With or Without Incidental Alcohol Service
   a. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m. in the RAC and AC districts.
   b. In the RAC district, this use is limited to 3,000 square feet.

VI. Restaurant with Bar, Cocktail Lounge or Nightclub Comprising More Than 25% of Total Serving Area

a. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m. in the RAC and AC districts.
b. In the RAC district, this use is limited to 3,000 square feet.
c. In the AC overlay, and the C-2, BCD, SC-1, SC-2, SC-3, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
d. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

VII. Restaurant, with Drive-Through/Drive-Up
a. In all districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

6. Lodging- Vacation Time Share

The provision of operating or management services to single or multiple owners of vacation time share projects is a commercial use whether or not the management services are provided on the same site as the timeshare units, and operators and managers are required to obtain a business registration from the City.

7. Office, Business, and Professional

I. Bank or Credit Union
a. If there is a drive-through, in the C-1, C-2, I-1, BIP, SC-1, SC-2, and SC-3 districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.
b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

II. Business or Professional Office Excluding Medical, Dental, and Financial Services
a. In the RAC district, this use is limited to 3,000 square feet.
b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

III. Laboratory, Research or Testing

A laboratory shall comply with the performance standards of Section 10-4 SFCC 1987 and shall not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical interference, radiation exposure, or otherwise create a risk to health, safety or property of residents or occupants of adjacent or neighboring residential properties.

IV. Temporary On-Site Contractor's Office

A temporary building used by a contractor as an office or for storage of tools or other construction items shall be removed no later than the completion or abandonment of the construction work.

8. Recreation and Entertainment
   I. Commercial Recreation
      In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
   II. Theater, Live Productions
      a. In the RAC district, this use is limited to 3,000 square feet.
      b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
9. Retail Sales and Services
   I. Antique Store
      a. In the RAC district, this use is limited to 3,000 square feet.
      b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
   II. Art Supply Store
      a. In the RAC district, this use is limited to 3,000 square feet.
      b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
   III. Bookshop
      a. In the RAC district, this use is limited to 3,000 square feet.
      b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.
   IV. Cabinet Shops, Custom
      In the RAC district, this use is limited to 3,000 square feet.
   V. Department or Discount Store
      In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

VI. Flea Market

a. Such uses shall:

1. Meet the requirements of Section 14-7.5, *Off-Street Parking and Loading,* and Section 14-7.6, Signs. For the purposes of implementing sign regulations, a flea market constitutes one business establishment;
2. Meet the requirements of the garbage, litter and weed ordinances;
3. Not operate as a campground;
4. Not be located on open space or landscaping areas required by Chapter 14 for another building or use;
5. Be located on parking areas only so long as enough area remains to meet all parking required by Chapter 14 for both the flea market and the other building or use. This cumulative parking requirement may be reduced pursuant to one of the options described in Section 14-7.5E, *Parking Alternatives;* however, if a development plan is required, the reduction may be approved concurrently with the development plan; and
6. Be required to obtain a certificate of occupancy whether or not a construction permit is required.

b. For flea markets with 15 or more vendors, development plans showing parking, vendor area and landscaping as set forth in Section 14-2.1F.3, *Construction Permit.*

c. For flea markets with fewer than 15 vendors, a site plan showing parking, vendor area and landscaping shall be approved by the planning and land use director. Fewer than five individual vendors located on a property does not constitute a flea market.

d. Complaints about flea market operation shall be reviewed by the Land Use Director and, if valid, the facility shall be given one to five days written notice to remedy the complaint. If the operator fails to remedy the complaint within the time provided in the written notice, the governing body may set a public hearing to consider revocation of the operator's license. The operator shall be given notice of the public hearing and an opportunity to be heard.

e. These provisions do not apply to markets located on city property that are subject to an alternate approval process.

VII. Florist Shop

a. In the RAC district, this use is limited in area to 3,000 square feet.

b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

VIII. Furniture Store

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

IX. Laundromat
   a. A solid masonry wall not less than six feet in height shall be erected along side and rear lot lines of laundromats adjoining residential lots;
   b. No more than one wall sign of not more than 20 percent of the front wall area, excluding doors and windows, is allowed; and
   c. The maximum floor area ratio is 3.0:1. The maximum floor area is 3,000 square feet.
   d. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

X. Neighborhood Grocery Store
   a. A solid masonry wall not less than six feet in height shall be erected along side and rear lot lines of a neighborhood grocery store adjoining residential lots;
   b. No more than one wall sign of not more than 20 percent of the front wall area, excluding doors and windows, is allowed; and
   c. The maximum floor area ratio is 3.0:1. The maximum floor area is 3,000 square feet.
   d. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XI. Office Equipment Sales and Service; Retail Sale of Office Supplies
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XII. Pharmacy or Apothecary Shop
   The business shall be confined principally to the compounding and dispensing at retail of drugs and medicines and the sale of medical and dental supplies and devices.
   a. This use does not include the compounding, blending, extracting, infusing, or sale of cannabis.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XIII. Retail Establishment Not Listed Elsewhere
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XIV. Retail and Service Uses that are Intended to Serve the Primary Uses and That Do Not Exceed 5,000 Square Feet
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XV. Retail Sales Accessory to Any Permitted Use
   a. The retail sales use shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use.
   b. In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

XVI. Sign Shop
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

10. Service Establishments

I. Exercise, Spa, or Gym Facility
   In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

II. Hair Salon or Barber Shop

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

III. Personal Service Establishment

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

IV. Tailoring or Dressmaking Shop

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

11. Sexually Oriented Business

I. Purpose

In adopting this section, it is recognized that businesses providing certain types of adult entertainment, wherever and by whomever provided, may provide services or goods that can have deleterious effects on the public health, safety or general welfare. It is further recognized that the location of adult entertainment, whether in commercial buildings or private homes, is of interest to the City because there may be exposure of such adult services or goods to minors. It is further recognized that many persons are offended by the display of certain sexual acts or materials, by the appearance of nude or partially nude persons exposing parts of the body that customarily would be covered in public and that include private body parts of either males or females and the female breast portion showing the areola; and that persons are providing adult entertainment services or material. Regulation of adult entertainment through the police power of the municipality is reasonable, necessary, and appropriate for the benefit of the public welfare and to ensure that adverse effects do not contribute to the blighting or downgrading of neighborhoods, commercial districts, or public facilities and do not adversely affect minors. It is not a deprivation of property to prohibit, limit, or otherwise regulate adult entertainment as provided in this ordinance.

II. Location of Sexually Oriented Businesses

a. A sexually oriented business shall not be located or presented in a residential district, even temporarily; within 1,000 feet of a district zoned for residential use or a district in which single-family dwellings or multiple-family dwellings are allowed as principal uses and structures; or within 1,000 feet of any parcel of real property on which is located any of the following facilities:

1. A school, academy, center, or other entity that provides instruction primarily for and attended by minors;
2. A religious institution that conducts religious services, education classes or other gatherings for minors;
3. A public park, playground, or public recreation facility;
4. Eating and drinking establishments;
5. Hotels, motels, rooming and boarding houses;
6. Commercial recreational uses and structures such as theaters and bowling alleys;
7. Private day-care nurseries and kindergartens; or
8. Libraries.

b. This subsection does not apply to sexually oriented businesses existing on February 9, 2000. Such businesses shall be considered nonconforming uses and structures and shall be governed by Section 14-1.13, *Nonconformities.*

III. Public Display of Certain Material Prohibited

Materials offered for sale from adult news racks shall not be displayed or exhibited in a manner that exposes to public view any pictures or illustrations of adult human genitals or specified sexual activities in a manner that exposes the material to the view of persons outside the building in which the adult bookstore or adult motion picture theater is located.

IV. Adult News Racks, Book Stores, and Motion Picture Theaters; Violations; Impoundment of News Racks

a. The provisions of Section 14-1.13, *Nonconformities,* pertaining to nonconforming uses are applicable to adult news racks, adult bookstores, and adult motion picture theaters and they are required to comply with the provisions of this section.

b. An adult news rack that violates this section may be impounded by a city police officer or the planning and land Use director after:

1. A notice of violation has been affixed to the adult news rack stating the provision of this section that has been violated and stating that the adult news rack will be impounded if the violation is not abated within three days;
2. The violation is not abated within three days of the posting of the notice of violation;
3. The police department presents to the municipal court affidavits or other evidence sufficient to show a prima facie violation of this section; and
4. The municipal court issues a written order for the impoundment of the adult news rack pursuant to this section.

c. When an adult news rack is impounded, a complaint for violation of this section shall be filed within fourteen days of the impounding; if such action is not commenced within fourteen days or if a final appealable decision in such action is rendered more than sixty days from the filing of the action, the adult news rack, together with its contents and all money, if any, shall be released to the person who provides sufficient proof of ownership of the adult news rack, without requiring the payment of an impound fee. No adult news rack shall be released because a final appealable decision was not rendered within sixty days of the filing of the action if the claimant of the adult news rack is responsible for extending the judicial determination beyond the allowable time limit.

d. The person who provides sufficient proof of ownership of the adult news rack may have the adult news rack, together with its contents and all money, if any, returned upon paying an impound fee of $25 or upon order of the municipal court, if any, that authorized the seizure of the adult news rack, or pursuant to the terms of item (iii) of this section. Should there be a dismissal of the action charging a violation of this section or an acquittal of the charges, the court ordering the dismissal or entering the acquittal may provide for the release of the adult news rack and its contents impounded or the return of an impound fee paid for the release of the adult news rack impounded pursuant to such charges.

e. All adult bookstores and adult motion picture theaters as defined in Chapter 14 that were lawful before the effective date of Ordinance 2002-37 and that violate any provision of this section shall have ninety days from the effective date of Ordinance 2002-37 within which to terminate the violation. If the violation is not terminated within ninety days, the adult bookstore or adult motion picture theater shall be subject to the penalties set forth below and, in addition, the city attorney may apply to the district court for an injunction to prohibit the offending adult bookstore or adult motion picture theater from operating its business until the violation is terminated.

V. Penalty

Notwithstanding any other provision of this section, a person who violates this section may be punished as follows:

a. By imprisonment in the county jail not to exceed 90 days;
b. By forfeiture of the adult news rack impounded pursuant to the provisions of IV above in this subsection, providing a reasonable value of the adult news rack does not exceed $300;
c. A fine not to exceed $300; or
d. A combination of imprisonment, forfeiture, and fine; provided that in no event shall a fine imposed, when added to the reasonable value of the impounded adult news rack that is forfeited, exceed the sum of $300.

VI. Licensing of Sexually Oriented Businesses

a. No sexually oriented business shall be operated or maintained in Santa Fe without first obtaining a license to operate issued by the city.
b. A license may be issued for only one sexually oriented business located at a fixed and certain place. A person who desires to operate more than one sexually oriented business must have a license for each business.
c. A license or interest in a license is not transferable to any other person.
d. A person desiring to secure a license shall make application to the city. A copy of the application shall be distributed promptly to the Santa Fe police department and to the applicant.
e. The application shall be on a form provided by the accounts receivable office. An applicant, which includes all partners or limited partners of a partnership applicant; all officers or directors of a corporate applicant; and all stockholders holding more than five percent of the stock of a corporate applicant; or any other person who is interested directly in the ownership or operation of the business, shall furnish the information requested on the accounts receivable office form, which shall include the following information under oath:
    1. Name and address, including all aliases;
    2. Written proof that the individual is at least eighteen years of age;
    3. Whether the applicant previously operated in this or any other county, city, or state under a sexually oriented business license or similar business license;
    4. Whether the applicant has ever had a sexually oriented business license suspended or revoked and the reason for such suspension or revocation and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
    5. All convictions of criminal statutes, whether federal or state or City ordinance violations, forfeiture of bond and pleadings of nolo contendere on any charges except minor traffic violations;
    6. The address of the sexually oriented business to be operated by the applicant and a full description of the nature of the business; and

7. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in the corporation and all officers and directors of the corporation.

f. Within 21 days of receiving an application for a license, the accounts receivable office shall notify the applicant whether the license is granted or application denied.

g. If application is denied, the applicant shall be advised in writing of the reasons for the denial. If the applicant requests a hearing within 30 days of receipt of notification of denial, a public hearing shall be held in accordance with Section 14-2.1.B.5.IV, *Appeal.*

h. Failure or refusal of the applicant to give requested information or the giving by the applicant of false or misleading information relevant to the application constitutes an admission by the applicant that they are ineligible for a license and is grounds for denial of a license.

VII. Standards for Issuance of License

To receive a license to operate a sexually oriented business, an applicant must meet the following standards:

a. If the applicant is an individual:
   1. Must be at least 18 years of age;
   2. Shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application;
   3. Shall not have been found to have previously violated this section within five years immediately preceding the date of the application and the municipal court shall provide disposition of all ordinance violations at the request of the accounts payable office.

b. If the applicant is a corporation:
   1. All officers, directors and stockholders required to be named under Section 14-5.3(G)(11)(VI)(f) shall be at least 18 years of age;
   2. No officer, director or stockholder required to be named under that subitem shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application; and
   3. No officer, director or stockholder required to be named under that subitem shall have been found to have previously violated this section within five years immediately preceding the date of this application.

c. If the applicant is a partnership, joint venture, or any other type of organization in which two or more persons have a financial interest:
   1. All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age;
   2. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application; and
   3. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have previously violated any provision of this section within five years immediately preceding the date of this application.

VIII. Display of License

The license shall be displayed in a conspicuous public place in the sexually oriented business.

IX. Renewal of License

a. Every license issued pursuant to this paragraph terminates at the expiration of one year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year.
b. An operator desiring to renew a license shall make application to the city. The application for renewal must be filed not later than 60 days before the license expires. A copy of the application for renewal shall be distributed promptly to the police department and to the operator.
c. The application for renewal shall be upon a form provided by the accounts receivable office and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
d. A renewal fee shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the renewal fee shall be returned.
e. If the police department is aware of any information bearing on the operator's qualifications, the department shall file that information in writing with the accounts receivable office.

X. Revocation of License

a. The governing body shall revoke a license for any of the following reasons:
    1. Discovery that false or misleading information or data was given on any application or material facts were omitted from an application;
    2. The operator or any employee of the operator, violated any provision of this section or any regulation adopted by the governing body pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the governing body finds that the operator had no actual or constructive knowledge of the violation and could not by the exercise of due diligence have had actual or constructive knowledge;
    3. The operator becomes ineligible to obtain a license;
    4. Any cost or fee required to be paid by this section is not paid; or
    5. Any intoxicating liquor or cereal malt beverage is illegally served or consumed on the premises of the sexually oriented business.
b. The governing body, before revoking or suspending a license, shall give the operator at least ten days written notice of the charges and the opportunity for a public hearing before the governing body, as provided in this subsection.
c. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

d. An operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as a sexually oriented business for six months after the date of revocation of the license.

XI. Physical Layout of Sexually Oriented Businesses

A sexually oriented business that has available for customers, patrons, or members a booth, room, or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

a. Access

Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented establishment and shall be unobstructed by a door, lock or other control-type devices.

b. Construction

Every booth, room, or cubicle shall meet the following construction requirements:

1. Each booth, room, or cubicle shall be separated from adjacent booths, rooms, and cubicles and any nonpublic areas by a wall;
2. Have at least one side totally open to the public lighted aisle so that there is an unobstructed view at all times of any occupants;
3. All walls shall be solid and without any openings, extended from the floor to the height of not less than six feet and be light colored, nonabsorbent, smooth textured, and easily cleaned;
4. The floor must be light colored, nonabsorbent, smooth textured and easily cleaned;
5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured at the floor.

c. Occupants

Only one person shall occupy a booth, room, or cubicle at any time. An occupant shall not engage in any type of sexual activity or cause any bodily discharge or litter while in the booth. A person shall not damage or deface any portion of the booth.

XII. Responsibilities of the Operator

a. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, telephone numbers, social security number, date of employment and termination and duties of each employee. The information on each employee shall be maintained in the register on the premises for a period of three years following termination.
b. The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the police department at all reasonable times.
c. Every act or omission by an employee constituting a violation of the provisions of this paragraph shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct. The operator is punishable for an employee's act or omission in the same manner as if the operator committed the act or caused the omission.
d. Any act or omission of an employee constituting a violation of the provisions of this paragraph shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
e. An employee of a sexually oriented business shall not allow any minor to loiter around or to frequent the sexually oriented business or to allow any minor to view the sexually oriented activities, performances, materials or other related matter or act as defined in the City Code.
f. The operator shall maintain the premises in a clean and sanitary manner at all times.
g. The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times.
h. The operator shall ensure compliance of the establishment and its patrons with the provisions of this paragraph.

XIII. Administrative Procedure

A person aggrieved by a final action of a city official, officer, or department may file an appeal contesting the final action of the city relating to denial, renewal, nonrenewal, revocation, or suspension of a license for a sexually oriented business pursuant to Section 14-2.1(H)(2), *Appeal.*

XIV. Exclusions

All accredited and duly licensed private schools and public schools in Santa Fe are exempt from obtaining a license pursuant to this paragraph when instructing pupils in sex education as part of their curriculum.

XV. Enforcement

The planning and land use department may enter any sexually oriented business at all reasonable times to inspect the premises and enforce this paragraph. If, during the inspection, circumstances indicate a violation of an ordinance or other law, the code enforcement officers shall report their findings to the police department for further investigation or other response as indicated.

H. Industrial Uses

1. Automobile Salvage or Wrecking Yard, or Junkyard

I. Front yards and yards adjoining residential districts shall have a minimum depth of 50 feet. The yards may be used for customer parking or for landscaping and shall not be used for storage or display.

II. Yards shall be enclosed by solid walls or solid fences at least six feet in height, with access only through solid gates that are kept closed when not in use.

III. No objects shall be stacked or stored higher than the height of the enclosing wall.

IV. All uses shall conform to performance standards as set forth in Section 10-4.

2. Storage

I. Outdoor Storage

a. The outdoor storage area shall be enclosed by solid walls at least six feet in height, with access only through solid gates that shall be kept closed when not in use.

b. No objects shall be stacked or stored higher than the height of the enclosing wall.

II. Self-storage

a. Individual Storage Units Within a Completely Enclosed Building

In the BIP district, self-storage is only permitted if individual units are contained completely within an enclosed building, and not directly accessible from outside a building. Such units are subject to the following limitations:

1. The operation of the storage area is compatible with other permitted uses existing in the vicinity;
2. The storage area shall not unreasonably interfere with permitted uses because of glare, traffic congestion or any similar nuisance; and
3. An individual storage unit shall not exceed two hundred square feet.

b. Individual Storage Units Directly Accessible from Outside a Building

Storage units that can be accessed directly from outside a building are subject to the following limitation:

1. A wall or fencing plan shall be submitted for staff review and approval prior to issuance of a construction permit. Walls or fences shall provide a visual buffer or screen and be constructed of opaque materials;
2. A landscape plan meeting all the requirements of Section 14-8.4, *Landscape and Site Design*, shall be submitted to the Land Use Director for approval prior to issuance of a construction permit;
3. The architecture shall be compatible with the zoning district as approved by the Land Use Director. One dwelling unit is allowed as part of the storage unit development and it must be architecturally compatible with the storage units. No portion of the storage units or the dwelling unit shall exceed one story in height;
4. Lighting shall comply with the standards described in Section 14-8.6, *Outdoor Lighting*;
5. Outdoor storage is prohibited on the site if the site is located within a C-2 district or the BCD.
6. Unless approved prior to July 25, 2007, mini-storage units shall also comply with the following:
   i. A building shall not be located less than 100 feet from a residentially zoned property unless the required landscaping buffer adjacent to the residentially zoned property is twice the otherwise required width; and
   ii. An eight-foot masonry wall, either stuccoed on the outside or made of decorative block, is required along any property line abutting a residentially zoned property.

III. Temporary Mobile Storage Unit

a. Applicability

1. On private property, a temporary mobile storage unit are limited to no more than eight feet in width, eight feet in height, and 16 feet in length and are permitted for no more than 30 days in a calendar year unless ownership of the property has changed, the property is being remodeled, or there is a change in occupancy of a rental unit on the site.
2. If site configuration or topography make placement of the mobile storage unit on the site impossible, the mobile storage unit may be placed in the right-of-way against the curb, the same as parking an automobile, and subject to the same time limits.

b. Standards

1. Parking

A temporary mobile storage unit shall not be placed in any parking space required for a nonresidential use on the site.

2. Location
   i. Placement of the temporary mobile storage unit shall not impede the sight visibility areas, as described in Section 14-3.5G.
   ii. A temporary mobile storage unit must be located a minimum of 100 feet from flammable or combustible liquid or fuel storage and dispensing structures.
3. Utilities
   i. No permanent water, sewer, electric, fuel, or phone facilities may be connected to the temporary mobile storage unit.
   ii. Any use of extension cords must be no longer than a maximum of 50 feet, including multiple cords. A maximum of two cords may be utilized.
   iii. Extension cords may not cross an area designated for vehicular traffic.
4. Signage
   No signage may be attached to the storage unit, other than the brand or manufacturer's pre-existing name or logo on the container.

3. Wholesale Operation

   In the C-2 and BCD districts, wholesale operation is limited in area to 3,000 square feet.

I. Utilities

1. Electric Facilities

   I. Purpose

      The purposes of this section are to:

a. Identify and, to the extent reasonable and practicable, reduce negative impacts on Santa Fe residents due to new and expanded electric facilities;
b. Ensure that electric service providers can continue to provide safe and reliable electric service that meets both the current and future needs of Santa Fe;
c. Promote planning and regulatory certainty;
d. Ensure the highest degree of coordination between the city, its residents and electric service providers to achieve the objectives of both the providers and the public;
e. Encourage thoughtful design of electric facilities through careful siting, landscaping, and architectural enhancements consistent with local, state, and federal requirements and recognize the need for an electric service provider to operate and maintain the electrical system safely;
f. Support the joint use of electric facilities and distribution facilities; and
g. Ensure compliance with Section 3-19-11 NMSA 1978 (Legal Status of Master Plan) and all other controlling regulatory requirements under state and federal law and such other laws and regulations that may be applicable.

II. Electric Facilities Plan

The Governing Body shall adopt an Electric Facilities Plan as an amendment to the General Plan by passage of a resolution.

III. Annual Informational Meeting for Proposed Electric Projects

Notwithstanding any other process contemplated by this section, an electric service provider shall provide a list of proposed electric projects and request an annual meeting for an informational presentation with the planning and land use director, the planning commission, the historic districts review board and the public works and utilities committee. The electric service provider, if requested, shall provide an informational briefing to the governing body.

IV. Applicability

a. This subsection applies to electric projects located within the city limits whether upon private or public lands; provided, however, that this subsection applies to electric projects on state and federal lands only to the extent of the City's jurisdiction or in accordance with any contractual understanding. Nothing in this section shall be deemed a waiver of the City's police power authority to seek redress against any person placing electric facilities in such a location or manner as to create a risk to public safety.

b. This subsection does not apply to the following:

1. The installation of distribution facilities consisting of three or fewer poles;
2. Electric facilities and distribution facilities in existence prior to October 29, 2008;
3. Emergency and temporary facilities or the emergency repair of electric facilities; and
4. The installation of any distribution underground system.

V. General Requirements

a. Aesthetics, Lighting, Signs, and Noise

Electric projects shall comply with all city ordinances and regulations with respect to materials, colors, textures, finish, screening, and landscaping, and the design of related structures, subject to applicable design codes and safety standards. All electric projects shall also comply with all lighting, signage and noise ordinances and regulations of the city.

b. Design Codes; Safety Standards

Design and operation of electric facilities is governed by the National Electrical Safety Code (NESC) as adopted by the state and other applicable national, state, and industry codes and guidelines.

c. Electric and Magnetic Fields (EMF)

Electric and magnetic fields shall be considered when locating transmission lines and distribution lines in accordance with the electric facilities plan.

d. Property Maintenance

All real property owned or leased by the electric service provider used for switching stations or substations shall be maintained, without expense to the city, to be safe, orderly, attractive and in conformity with all applicable city codes and regulations with respect to the removal of weeds, trash and graffiti.

e. Permits; Plans Required

Construction permits shall not be required for electric facilities and distribution facilities. For other uses, construction permits shall be required as set forth in the City Code.

f. Restoration of Improvements

Upon completion of an electric project, the electric service provider shall promptly repair any and all public and private property improvements, landscaping, fixtures, structures, and facilities damaged during the course of construction, restoring them to a condition not less than their condition before the start of construction or as agreed to by the affected property owner and the electric service provider.

g. Electric Facility Heights

Electric facilities shall meet applicable clearances specified in the National Electrical Safety Code (NESC). Transmission facilities are between 60 and 100 feet in height; distribution facilities are between 35 and 55 feet in height.

h. Airport

An electric project within the class D airspace surrounding the Santa Fe airport shall be built in conformity with all applicable FAA regulations. Any facilities requiring FAA submittal shall also be provided for informational purposes to the city.

i. Traffic Control Plan

A traffic control plan shall be submitted as required by Section 23-2.17, *Maintenance of Traffic and Pedestrian Flow*.

j. Switching Stations and Substations

1. Walls that protect and screen electric equipment shall be a maximum of 12 feet in height in the historic districts and 14 feet in height elsewhere. Walls over six feet high shall be set back no less than 15 feet from the property line. This paragraph takes precedence over other height limits set forth in Chapter 14.
2. In Historic districts walls shall be earth tone stucco and articulated so that there is a change in wall height of no less than eight inches at least every 25 linear feet of wall and there is a horizontal jog of at least one foot at least every 50 linear feet of wall. Walls shall be constructed so that no block seams are visible and nothing is placed on top of the wall. Gates shall be constructed as see-through wrought iron.
3. Lighting shall be used only when utility personnel are on site.

VI. Noncomplying Work

Upon order of the Planning and Land Use Director, all work that does not comply with the application requirements and specifications for the work or other requirements of this section shall be removed or made to comply within 30 days or sooner if the work poses an immediate threat to the health or safety of the community.

VII. Notification of Sale of Land

The City shall be notified when a parcel of land owned by the electric service provider becomes available for purchase.

VIII. Conformity Review

A conformity review as described in Section 14-2.1F.7, *Utility Conformity Review,* is required as described below in Application Requirements.

IX. Application Requirements

a. No Application Required

The following shall not require submittal of an application for review under this subsection; however, compliance with *General Requirements,* above, is required:

1. Station maintenance, including equipment replacement upgrade inside existing walls to a higher capacity, and maintenance or improvements to existing infrastructure such as painting over graffiti on walls or renewing landscaping;
2. The modification or addition of equipment, control units, or electric structures within a substation to the extent that there is no significant outside visual impact;
3. Use of substation property for temporary storage for less than one year of materials to the extent there is no outside visual impact;
4. Any line maintenance, including repair, modification, or replacement of poles with poles of similar height and appearance, such poles to be not more than ten feet taller than existing poles measured above ground height, and repair or replacement of components with a similar component such as guy wires and anchors, insulators and hardware on existing electric structures;
5. Reconductoring or reframing on existing electric structures or lines to the extent not inconsistent with provision 6 below;
6. Upgrade of line capacity that does not increase the total number of electric structures by ten percent added electric structures, or more than ten added feet of height, on any individual electric structure or any additional new conductor on the electric structures;
7. Installation of equipment, such as switches or splice boxes, and communications cables and appurtenances on existing electric structures or lines;
8. Erection and removal of temporary facilities;
9. Relocation of electric structures within 50 feet of current site to accommodate pole replacement for maintenance or to provide clearances for public improvements;
10. Retirement, topping, or removal of electric facilities;
11. Developer- or City-initiated projects that have received Planning Commission or other City approval; and
12. Temporary erection or removal of fencing or other improvements, for less than one year, so long as the fencing or other improvements comply with all other city requirements, regulations and permits.

b. Application for Administrative Approval
   1. The following require submittal of an application for administrative review and approval by the planning and land use director:
      i. Station Improvements
         Including relocation of non-electric-related infrastructure outside the wall, such as driveways or sidewalks and expansion of station size by expanding walls or fences at existing sites; and

ii. Relocation of Electric Structures

Relocation of electric structures within 50 feet of the current site, other than those to accommodate pole replacement for maintenance or to provide clearance for public improvements.

iii. Exception

When requests for station improvements or relocation of electric structure are for improvements or relocations in the escarpment overlay district or a Highway Corridor Protection District, they require approval by the Planning Commission. See §14-2.1F.7, *Utility Conformity Review.*

2. Administrative review and decision shall be made in a timely fashion, and, if not made within 30 days of the date a complete application was submitted, the electric service provider will be provided with written notification explaining why delay continues and expected time frame for decision.
3. The planning and land use director shall review and approve applications if the proposed use complies with all relevant city ordinances and regulations; provided, however, the Planning and Land Use Director may choose not to make a decision on an application and refer the application to the planning commission for review upon notice to the electric service provider.

c. Application for Planning Commission and/or Governing Body Approval
1. All electric projects not eligible under provisions a or b above in this section, except transmission facilities, shall require submittal of an application for review and approval by the Planning Commission.
2. Transmission facilities not exempt under provisions a or b above in this subsection shall require submittal of an application for review and recommendation by the Planning Commission for approval by the Governing Body.
3. The planning commission shall consider the siting policies of the electric facility plan as it may be amended and grant approvals with such conditions as appropriate under Chapter 14 or deny approvals when electric projects are not harmonious with and adaptable to buildings, structures, and uses of properties underlying or adjacent to the electric project and other properties in the vicinity of the electric project, and shall specify such requirements for ingress and egress to public streets and provisions for drainage and screening as the planning commission deems necessary for the electric project to achieve conformity with the purposes of this section and the general plan.
4. Pursuant to Section 3-19-11 NMSA 1978, if the planning commission denies an application for which it has approval authority, it shall state its reasons to the governing body. The governing body may overrule the planning commission and approve the application by a two-thirds' vote of all its members.

d. Historic District Review Board Review and Approval
Except for electric projects that do not require an application as described above in provision a, electric projects that are located within a historic district shall require Historic Districts Review Board approval. Additional restrictions are set forth in Section 14-5.3I.1.V.j, *Switching Stations and Substations.*

X. Application Submittal Requirements

a. General Requirement

All applications submitted to the planning and land use director shall be in writing. If an application is determined to be incomplete, the Planning and Land Use Director shall provide notice, within ten business days of the date the application is submitted, to the electric service provider along with an explanation of the application's deficiencies. Electronic submittals will be considered on a case-by-case basis, subject to security requirements.

b. Transmission Line Facilities

The following information shall be submitted:

1. Purpose and need for the electric project;
2. Analysis of conformity with the General Plan and the electric facilities plan, as amended, or successor plans, and relevant guiding policies;
3. Description of the proposed action and alternative corridors examined;
4. Constraints and opportunities associated with each alternative corridor;
5. Electric project location map and aerial photograph;
6. Details of typical electric structures, including height diameter and phase spacing;
7. Electric project "in service date" and estimated construction start date;
8. Proposed action cost;
9. Within 200 feet along the proposed corridor:
    i. Existing and proposed land uses and existing zoning along the corridor;
    ii. Location of existing watercourses, drainage channels and water bodies;
    iii. Location of existing and proposed streets and roads;
    iv. Topography, natural features, slopes, floodplains and cultural resources;
    v. Visual considerations and general appearance, including visual simulations;
    vi. Existing and proposed electric project utility easements, including location and width;
    vii. Whether and to what extent rights-of-way will be used; and
    viii. Other environmental considerations that may be relevant to the electric project such as information on airport control zones and flood hazard zones.
10. Discussion of the public input processes used;
11. Electric and magnetic field profiles;
12. Landscape restoration plan;
13. Feasibility and estimated cost of an underground option, if requested by the Land Use Director; and
14. A list of all known and related approvals required to complete the electric project, regardless of the jurisdiction requiring approval.

c. Distribution Line Facilities

The following information shall be submitted:

1. Purpose and need for the electric project;
2. Statement of conformity with the General Plan and the electric facility plan, as amended, or successor plans, and relevant guiding policies;
3. Description of the proposed action;
4. Constraints and opportunities;
5. Electric project location map and aerial photograph;
6. Details of typical electric structures, including height, diameter and configuration;
7. Electric project "in service date" and estimated construction start date;
8. Proposed action cost;
9. Within 50 feet along the proposed corridor:
   i. Land uses along the corridor; and
   ii. Whether and to what extent rights-of-way will be used.
10. Discussion of the public input processes used;
11. Landscape restoration, if applicable; and
12. Feasibility and estimated cost of an underground option, if requested by the Land Use Director.

d. Switching Stations and Substations

The following information shall be submitted:

1. Purpose and need for the electric project;
2. Analysis of conformity with the General Plan and the electric facilities plan, as amended, or successor plans, relevant guiding policies;
3. Description of the proposed action and alternative station sites examined;
4. Constraints and opportunities associated with each alternative;
5. Electric project location map and aerial photograph with property plat;
6. Evidence of property control or intent to purchase the property;
7. Electric project "in service date" and estimated construction start date;
8. Within a 200 foot radius from property line to include:
   i. Existing and proposed land uses and existing zoning;
   ii. Location of existing watercourses, drainage channels and water bodies;
   iii. Location of existing and proposed streets and roads;
   iv. Topography, natural features, slopes, floodplains and cultural resources;
   v. Visual considerations and general appearance, including visual simulations; and
   vi. Other environmental considerations that may be relevant to the electric project such as information on airport control zones and flood hazard zones.
9. Proposed electric facilities and site design to include a site plan; elevation drawings, including fencing and walls; outdoor lighting; signs; vehicular access; parking; revegetation; and landscape plan and terrain management plan, if applicable;
10. Discussion of the public input processes used; and
11. A list of all known and related approvals required to complete the electric project, regardless of the jurisdiction requiring approval.

XI. Fees

Applications shall be accompanied by a non-refundable fee as established by resolution of the governing body.

XII. Waivers

When requesting waivers, the electric service provider shall comply with Section 14-2.1(H)(1)(V), *Waivers for Utilities,* as well as the notice provisions of subsections 14-2.1(B)(1)II and (B)(4)(II).

XIII. Appeals

Appeals shall be made in accordance with Section 14-2.1(B)(5)(IV), *Appeals.*

2. Underground Electric and Cable Utility Lines

I. Purpose

a. The Governing Body recognizes that it is in the best interest of the health, safety and welfare of all citizens of Santa Fe that the city immediately takes the steps necessary to adopt policies that conserve open skies and improve public accessibility along city sidewalks and rights-of-way.

b. The Governing Body recognizes that overhead electric and cable utility lines and associated in-ground poles and structures adversely affect the open skies and may impede public accessibility along City sidewalks and rights-of-way.

c. The Governing Body recognizes that as a planning and land use matter, overhead electric and cable utility lines detract from orderly and modern planning models.

d. Underground electric and cable utility lines have the least environmental impact for any neighborhood.

II. Applicability

This section applies to electric and cable utility lines, that are collectively referred to as utility lines. This section applies to electric lines of less than 46 kilovolts unless otherwise specified.

III. New Utility Lines

All new utility lines shall be placed underground except as provided in subsection IV, *Utility Provider Accounting,* or with approval of a Governing Body waiver, as described in Section 14-2.1(H)(1)(V).

a. The developer of a project subject to Chapter 14 shall be responsible for the undergrounding of the utilities needed to serve the project.
b. The utility provider is responsible for the undergrounding of all other utilities pursuant to subsection IV, *Utility Provider Accounting.*

IV. Utility Provider Accounting
a. Prior to initiating the underground utility project, the utility provider shall present an accounting to the Governing Body regarding:
1. The difference in cost for the undergrounding compared to above ground; and
2. What is the anticipated additional monthly cost to city customers based on customer classification.
b. The Governing Body may:
1. Direct the utility provider to seek approval of the New Mexico public regulation commission for an additional fee to be paid by all City customers to cover the cost of undergrounding;
2. Allocate City funds to cover the cost or partial cost of undergrounding. Possible funding sources include general funds, capital improvement program funds, special assessment districts, project improvement districts, state legislative appropriations, grand money, bond revenues, utility franchise revenues or other appropriate funding; or
3. Authorize the utility lines to be above ground.
c. In making its decision, the Governing Body shall consider the same criteria as set forth in Section 14-5.3(I)(1)(IV).
d. This paragraph does not apply to undergrounding required of the developer set forth in this subsection.

V. Existing Utility Lines
The Governing Body shall initiate a process to:
a. Identify and prioritize those areas of the city that are most in need of placing existing utility lines underground in keeping with the purpose set forth in Section 14-5.3(I)(1)(I); and
b. Identify appropriate funding sources from city and non-city sources for such projects.

VI. Undergrounding for Public Health and Safety
The Governing Body shall consider an ordinance establishing a hearing process and the standards for when the Governing Body may order the undergrounding of existing, new, or replacement utility lines of any voltage due to public health and safety reasons. Such determination shall be considered by the public regulation commission in approving a statewide rate increase.

VII. Administrative Procedures

To the extent necessary to carry out the provisions of this subsection, the Governing Body may adopt administrative procedures and policies by resolution.

VIII. Enforceability

To the greatest extent possible, the provisions of this subsection shall be construed in a manner most consistent with any and all valid and enforceable franchise agreements executed by and between various entities and the city.

IX. Public or Private Utilities

a. The following standards shall be as required by the Board of Adjustment:
    1. Lot area;
    2. Screening against light, fumes, noise or unsightliness;
    3. Protection against unattractive nuisance characteristics; and
    4. Protection against interference with radio and television reception.
b. Telecommunication facilities are subject to Section 14-5.3(I)(3).
c. Electric facilities are subject to Section 14-5.3(I)(1).

X. Fees

Applications shall be accompanied by a non-refundable fee as established by resolution of the Governing Body.

XI. Waivers

When requesting waivers, the electric service provider shall comply with Section 14-2.1(H)(1)(V), *Waivers for Utilities,* as well as the notice provisions of subsection 14-2.1(B)(1)(II) and (B)(4)II.

XII. Appeals

Appeals shall be made in accordance with Section 14-2.1B.5.IV, *Appeals.*

3. Telecommunication Facilities

I. Purpose

The purposes of this section are to:

a. Comply with the Federal Telecommunications Act of 1996, and all other applicable state and federal laws and regulations regarding the provision of telecommunications services;
b. Establish regulations that do not discriminate among telecommunications providers;
c. Promote regulatory certainty;
d. Minimize adverse land use impacts of towers and antennas by:
    1. Encouraging the location of towers in nonresidential districts in order to preserve the character of Santa Fe neighborhoods;
    2. Requiring collocation of antennas, minimizing new tower sites, and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible; and
    3. Requiring careful design, siting, landscape screening and innovative camouflaging techniques, including tower alternatives, consistent with applicable state and federal requirements, including FAA requirements; and
e. Enhance the ability of telecommunications providers to provide telecommunication services to the community quickly, effectively and efficiently.

II. Applicability
a. This section applies to all towers and antennas located within the city's jurisdiction, whether upon private or public lands, except as provided in provision b below.
b. Except as otherwise noted, this subsection shall not apply to the following:
    1. Towers and antennas located within the city's public rights-of-way for which a franchise agreement is required pursuant to Article 27-2;
    2. Towers and antennas located on state or federal land, except to the extent the City has jurisdiction over the same by law or by contract;
    3. Towers under 70 feet in height used for receive-only antennas that are owned and operated by a federally licensed amateur radio station operator or otherwise used exclusively for receive-only antennas;
    4. Towers or antennas existing prior to March 25, 1998, or for which a construction permit had been issued prior to March 25, 1998, but only to the extent of permits issued prior to June 11, 2011;
    5. Towers or antennas constructed or installed on city-owned property pursuant to a lease with the city approved by the governing body prior to June 11, 2011, but only to the extent of permits issued prior to June 11, 2011;
    6. Towers and antennas used exclusively for emergency services, including police and fire, and operation of the city water utility;

7. Antennas and other over-the-air receiving devices for the reception of video images that do not exceed one meter in diagonal length or diameter or are designed to receive television broadcast signals only; provided that any such antenna located in a historic district or on residentially zoned property shall, to the maximum extent technically feasible without requiring new or additional construction, be screened from the view of adjacent properties and public rights-of-way unless the screening would create a greater visual impact than the unscreened antenna. Screening may include existing parapets, walls, or similar architectural elements if they are painted and texturized to integrate with the architecture of the building or other structure or landscaping; or
8. Maintenance, repair and replacement of existing telecommunications facilities to the extent that there is no significant adverse visual impact and maintenance or improvements to existing infrastructure such as painting over graffiti on walls or renewing landscaping.

c. Notwithstanding the applicability of this section, all telecommunications facilities are subject to the requirements of Chapter 7 SFCC 1987.

III. General Requirements

All towers and antennas, whether administratively approved or requiring land use board approval, shall comply with all applicable city codes and with the following:

a. Zoning Districts; Location

Telecommunications facilities are permitted in all zoning districts in accordance with the requirements of this section. However, to the maximum extent technically feasible, telecommunications facilities shall be sited:

1. On existing structures;
2. In nonresidential districts; and
3. In C-2, I-1, and I-2 districts.

b. Maximum Height

1. Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located unless otherwise allowed under this section.
2. Telecommunications facilities located on new structures shall not exceed the maximum height for buildings otherwise allowed as set forth in Chapter 14 with the exception that in C-2, I-1, and I-2 districts the height limit of telecommunications facilities shall be 100 feet.

c. Aesthetic Requirements

Subject to applicable federal standards and design and safety codes, the following criteria must be met:

1. Wireline telecommunications facilities shall be installed underground to the maximum extent technically feasible;
2. If above ground, the telecommunications facilities shall be designed, installed and maintained in such a manner as to minimize the visual impact upon adjacent lands, public rights-of-way, and residentially zoned property. Acceptable methods to minimize visual impact include concealment, screening, camouflaging, color, materials, texture, shape, size, and location;
3. Consideration shall be given to minimize disruption to or alteration of natural landforms and landscape; and
4. Permanent lighting of telecommunications facilities shall not be allowed unless there is no alternative available to comply with federal law, in which case all proposed lighting shall be shown in the application. Permanent lighting shall not include equipment status indicator lights exceeding 15 watts of power.

d. Archaeological Requirements

Compliance with Section 14-4.2, *Archeological Review Districts,* is required.

e. Signs

Signs are not allowed unless required for safety reasons or otherwise in compliance with federal, state, or local law, or unless permitted by the city.

f. Telecommunications Facilities Maintenance

All telecommunications facilities shall be maintained to be safe, orderly, attractive and in conformity with all applicable federal, state and city laws, ordinances, regulations, and codes. Weeds, trash, and graffiti shall be promptly removed. All lockable telecommunications facilities shall be kept locked when not being actively serviced. All non-lockable telecommunications facilities shall be kept closed when not being actively serviced. All telecommunications facilities shall be kept free of graffiti.

g. Noise

All telecommunications facilities shall be designed, constructed, and installed in such a manner as to minimize noise to the maximum extent feasible, but in no event shall noise exceed the standards set forth in Article 1-13.

h. Restoration of Improvements

Promptly upon completion of a tower or antenna construction, all public and private property improvements, landscaping, fixtures, structures and facilities damaged in the course of construction shall be restored to a condition not less than its condition before commencement of construction or as otherwise agreed to by the applicant.

i. Airport

Telecommunications facilities within the Class D airspace surrounding the Santa Fe airport shall be constructed in conformity with all applicable FAA

regulations. A copy of any submittals required to be made to the FAA shall be provided to the city's airport manager at the time the submittal is made to the FAA.

j. Tower Setbacks and Separation Distances Between Towers
All towers shall be set back a distance equal to at least one hundred percent of the height of the tower from any adjoining lot line, measured from the base of the tower. A tower shall not be sited closer than 1,000 linear feet to another tower, measured from the base of the towers, unless co-location on the existing tower is not technically feasible or would have a significant adverse visual impact.

k. Certification
On or before one year after the date of any final action approving an application and annually thereafter, the applicant shall provide to the Land Use Director the certification of qualified independent parties that based on an inspection of the approved telecommunications facilities their structural integrity remains intact and they remain in compliance with the radio frequency exposure limits set out in 47 C.F.R. 1.1310.

IV. Removal of Abandoned Towers and Antennas
This subsection applies to all towers and antennas regardless of the date of construction.

a. An antenna or tower that is not used for the provision of telecommunication services for a continuous period of six months shall be deemed to be abandoned, and the owner of the antenna or tower shall remove it within 90 days of receipt of notice from the City notifying the owner of the telecommunications facility and the owner of the property upon which the telecommunications facility is located.

b. Failure to remove an abandoned tower or antenna within 90 days of receipt of notice shall be grounds for the City to remove it at the expense of both the owner of the telecommunications facility and the owner of the property upon which the telecommunications facility is located. The City may file a lien on the property where the telecommunications facility is located for the expenses incurred by the City, including the costs associated with filing the lien.

V. Review and Decision Timelines; Shot Clock

a. Table 5-2 shows the maximum allowed time for review and approval of different wireless facility requests.

b. The shot clock associated with the review timeframes below begins from the time an application for wireless facilities is submitted to the city.

Table 5-2: WCF Request Review and Decision Timeline

1.	Collocation, Eligible Facilities Request (EFR)	30 days
2.	Small cell on an existing structure & EFR "deemed granted"	60 days
3.	Collocation or modification to existing wireless that does not meet EFR & small cell on a new structure, i.e. new pole	90 days
4.	Installation of new facility where none currently exists	150 days

c. If an application is determined to be incomplete, the Planning and Land Use Director shall provide written notice to the applicant no later than 10 days after the submittal date of missing and incomplete items. This notice resets the shot clock. The shot clock begins again upon resubmittal of an updated application.

VI. Administrative Approval

a. The following requests are subject to administrative review and approval: collocation, eligible facilities requests (EFRs), small cell on existing structure, non-EFR modification or collocation on existing structure, and small cell on new structure. These are entries 1-3 in Table 5-2.

b. Administrative approval as set forth in this section is separate from and required prior to the submittal of a required construction permit application.

c. Applications for administrative approval shall comply with the submittal requirements of Section 14-5.3(I)(3)(X).

VII. Planning Commission Review Required

a. A tower or antenna that is not otherwise permitted or administratively approved shall be reviewed and approved by the planning commission on an expedited basis for compliance with this section and all applicable city codes.

b. Final review and approval or denial of an application to install a new wireless facility structure shall be completed within 150 days, unless the applicant agrees in writing to extend the review and approval time frame.

c. In approving an application, the Planning Commission shall determine that:

1. The application complies with this section; and
2. The proposed telecommunications facilities are necessary to close a demonstrated significant gap in service coverage of the applicant based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed.

VIII. Historic Districts Board Review Required

a. A tower or antenna that is located in a historic district that is not otherwise permitted or administratively approved shall be reviewed and approved by the Historic Districts Review Board on an expedited basis in accordance with applicable requirements of this section and Section 14-4.6, *Historic Districts*.

b. Final review and approval or denial of an application to install a new wireless facility structure shall be completed within 150 days, unless the applicant agrees in writing to extend the review and approval time frame.

c. In approving an application, the Historic Districts Review Board shall determine that:
   1. The application complies with applicable requirements of Section 14-4.6, *Historic Districts,* and this section; and
   2. The applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities siting is practicable.

IX. Standards for All Review Bodies
   a. The city may not regulate the placement of telecommunications facilities on the basis of the environmental effects of radio frequency emissions where such telecommunications facilities comply with 47 C.F.R. 1.1310 et seq.
   b. The city may place conditions upon its approval of an application, but the conditions shall not prohibit or have the effect of prohibiting the provision of telecommunication services.
   c. A decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing, and supported by evidence demonstrating the basis for the decision contained in the written record.

X. Application Submittal Requirements
   a. All applications shall be in writing in a form prescribed and as necessary updated by the Planning and Land Use Director. If an application is determined to be incomplete, the Planning and Land Use Director shall provide written notice to the applicant no later than 10 days after the submittal date of missing and incomplete items. Applicants submitting for Planning Commission approval may, but need not, include telecommunications facilities located outside the public rights-of-way in that submittal.
   b. All applications for telecommunications facilities shall include the following:
      1. An application letter describing the proposed telecommunications facilities and signed by an authorized representative of the applicant with knowledge of its contents and attesting to its truth and completeness;
      2. A scaled site plan clearly indicating the location, type and height of the telecommunications facilities; on-site land uses and zoning; adjacent land uses and zoning, including when adjacent to other jurisdictions; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed telecommunications facilities and any other structures, equipment cabinets, topography and parking; and other information deemed by the Planning and Land Use Director to be necessary to assess compliance with this section;

3. The setback distance between the proposed telecommunications facilities and an adjacent residentially zoned property or BCD zoned property;
4. A map and corresponding inventory of telecommunications facilities owned or operated by the applicant within the city's jurisdiction and within three miles of the city's jurisdiction, including the location, height, and design type of each antenna and tower as follows:
   i. Proposed telecommunications facilities for which an approval is being sought;
   ii. Existing telecommunications facilities;
   iii. Approved but not yet constructed telecommunications facilities; and
   iv. Additional telecommunications facilities proposed in the 12 months immediately following the application submittal date.
5. A radio frequency (RF) coverage map showing the level of existing RF coverage and RF coverage after construction of the proposed telecommunications facilities;
6. A search ring map illustrating the area within which the applicant explored for potential telecommunications facilities sites;
7. An analysis assessing the feasibility of alternative sites to the one proposed, including the potential for co-location, in the vicinity of the proposed site, including an explanation of why other sites were not selected for siting;
8. An analysis assessing the feasibility of alternative antenna configurations, both at the proposed site and in the surrounding vicinity, that might result in less visual impact, including an explanation of why other antenna configurations were not selected;
9. Technical information supporting the proposed height of the proposed antenna mount;
10. Written and notarized certifications by the applicant as follows:
    i. That co-location, to the maximum extent technically feasible and upon commercially reasonable terms, will be allowed on a non-discriminatory basis if the application is approved, or an explanation of why collocation is not technically feasible;
    ii. To the extent that the proposed telecommunications facilities are located in the historic, escarpment, or south central highway corridor overlay districts or do not comply with the priorities set forth in Section 14-5.3(I)(3)(III)(a), that the applicant has investigated alternative siting and that no other practicable alternative exists;

iii. That the proposed telecommunications facilities comply with all applicable federal, state, and local requirements, including without limitation radio frequency radiation exposure limits set out in 47 C.F.R. 1.1310, building codes, and all other safety standards; national historic preservation act requirements for the siting of facilities that are listed or are eligible for listing in the national register of historic places; and all franchises, leases, and other contracts, if any, for the use of real property required by any regulatory body with jurisdiction, for the construction or operation of telecommunications facilities in the city have been obtained;

iv. That the proposed telecommunications facilities are necessary to close a defined and significant gap in service coverage based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed and that the proposed facilities are the least intrusive method to do so;

v. That the applicant will remove the proposed telecommunications facilities if required to pursuant to Section 14-5.3(I)(3)(IV) and that if the applicant fails to do so, the city may remove the facilities at the applicant's expense and that expense, if unpaid upon demand, shall constitute a lien upon the property where such facilities are located. In the event that the applicant is not the owner of the facilities and property, the applicant shall provide certification to this effect by the owner of the facilities and the property; and

vi. That the proposed telecommunications facility will be completed and will be used to provide telecommunication services within one hundred eighty days of the date the application is finally approved, or, if a construction permit is required, the date the construction permit is issued;

11. A traffic control plan if required by Section 23-2.17;
12. Construction drawings sealed by a professional engineer;
13. Written acknowledgment by the applicant that the application and related submittals constitute a public record under the New Mexico Inspection of Public Records Act and are required to be made available to members of the public for inspection upon request in accordance with city practice; and
14. Such other information as may reasonably be required by the Planning and Land Use Director.

XI. Fees

Application shall be accompanied by a non-refundable fee as established by resolution of the Governing Body.

XII. Waivers

When requesting waivers, the electric service provider shall comply with Section 14-2.1(H)(1)(V), *Waivers for Utilities,* as well as the notice provisions of Subsections 14-2.1(B)(1)(II) and (B)(4)(II).

XIII. Notice

a. Administrative Approvals

Applications for administrative approvals shall comply with the following notice requirements:

1. Within 24 hours of submitting an application to the Planning and Land Use Director, the applicant shall provide notification by first class mail, with a certificate of mailing provided by the U.S. post office, and submit proof of the mailing to the Planning and Land Use Director. The mailed notice shall be sent to all property owners and addresses within 200 feet of the proposed site, exclusive of right-of-way, and to any neighborhood association listed with the Planning and Land Use Director, if the proposed site lies within the boundaries of that neighborhood association;
2. Within 24 hours of submitting an application to the Planning and Land Use Director, the applicant shall post at the proposed tower or antenna site a public notice poster provided for that purpose by the Planning and Land Use Director. The notice shall be prominently displayed, visible from a public street. The applicant shall make all practicable efforts to ensure that the poster remains in place until the appeal period as set forth in Section 14-2.1(H)(2), *Appeal* has expired;
3. The notification and poster shall describe generally the telecommunications facilities proposed for the site and identify the applicant, the nature of the application, the proposed tower or antenna site and the contact phone number of the Planning and Land Use Department.

b. Early Neighborhood Notification

Applications for review by the Planning Commission shall comply with the early neighborhood notification procedures set forth in Section 14-2.1(B)(1)(II).

c. Public Hearings

Notice of public hearings shall comply with Section 14-2.1(B)(4)(II).

XIV. Appeals

Appeals shall be made in accordance with Section 14-2.1B.5.IV, *Appeals.*

XV. Enforcement

The Planning and Land Use Director has the authority to interpret this section in accordance with its purposes and shall administer and enforce its provisions.

Article 14-6 Infrastructure Design, Improvement, and Dedication Standards

14-6.1 Purpose

The sections of this article are intended to ensure that:

A. Infrastructure is constructed in accordance with applicable provisions of Chapter 14;

B. Infrastructure is constructed in a manner that is consistent with applicable provisions of adopted policies, including the General Plan;

C. Improvements to City infrastructure that are necessary to directly serve specific new development projects are coordinated with the occurrence of that development; and

D. The provision of infrastructure that directly serves specific new development projects is coordinated with the provision of facilities needed to remedy existing deficiencies and with the provision of facilities that are subject to impact fees as provided in Section 14-7.9, *Impact Fees.*

14-6.2 Applicability

All developments approved pursuant to the provisions of Chapter 14 must dedicate land and easements and must construct, or provide funding for the City to construct, the public and quasi-public infrastructure improvements required by Chapter 14 to address effects on existing and new infrastructure that serves the new development, including:

A. Fire hydrants, fire lanes, emergency access roads and access gates as required by Chapter 12, *Fire Prevention and Protection;*

B. Streets, curbs, gutters, sidewalks, signage, striping, traffic control devices, and street lighting consistent with the standards in this article and Chapter 23, *Streets, Sidewalks and Public Places*;

C. Grading and retaining walls within the right-of-way and adjacent to the right-of-way;

D. Fences, walls, and landscaping required for screening facilities from public view as required by Section 14-8.5, *Walls and Fences*, and Section 14-8.4, *Landscape and Site Design;*

E. Solid waste enclosures required by Chapter 21, Section 21-4, *Refuse Collection*;

F. Landscaping, irrigation, and other improvements to common open space required by Section 14-7.4, *Open Space,* and Section 14-8.4, *Landscape and Site Design;*

G. Drainage or other facilities necessary to comply with Section 14-8.2, *Terrain and Stormwater Management,* and Section 14-8.3, *Flood Regulations,* and Chapter 13, *Stormwater Utility*;

H. Connections to and extensions of sewer mains as provided in Chapter 22, *Sewers;*

I. Connections to and extensions of water mains as provided in Chapter 25, *Water;*

J. Parks, trails and other facilities required by Section 14-6.3, Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities;

K. Other required utilities, including natural gas and electricity; and

L. Other improvements determined to be necessary in accordance with written policies of the Planning and Land Use Director.

14-6.3 Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities

A. Purpose

The purpose of this section is to secure and promote the best interest of the City and its citizens through adequate provision of parks, open space, trails, and recreation facilities, and to ensure adequate maintenance of those parks, open space, trails, and recreation facilities. The regulations of this section provide standards for the dedication of land or easements to the City to assist in implementing the City's Parks, Open Space, Trails and Recreation Master Plan.

B. Applicability

1. Except as limited in provision 3 below in this subsection, this section applies to applications for subdivision or applications for development approvals that create new residential lots or dwelling units, submitted after the effective date of this section.
2. Developments that are part of an annexation plat, master plan, or similar document that dedicated park land in compliance with this section are not required to comply at time of individual subdivision or plan approval.
3. Public, nonmotorized trail dedication requirements set forth in Section 14-6.3(F) below shall apply only to all subdivision plats and development plans.

C. General Standards

These regulations provide standards based on the average number of persons per housing unit according to Census 2020, which is two persons per unit for Santa Fe.

1. Land for parks, open space, and trails shall be dedicated at the following rate:
   I. Neighborhood Parks
      Three acres per 1,000 persons, or per 500 housing units.
   II. Regional and Community Parks, Open Space, and Trails
      Twelve acres per 1,000 persons, or per 500 housing units.
      Twenty-four one-thousandths acres per new housing unit.

2. For usable park land, park dedication should result in a park area of no less than one acre.
3. Land or easements dedicated for public, nonmotorized trails may be used to satisfy the requirement for dedication of regional parks as described in provision II. above, and to establish an interconnected regional transportation system.

D. Land Dedication Requirements

1. A master plan, development plan, or subdivision proposing 167 or more single-family residential lots shall dedicate park land to the City according to the requirements set out in this subsection.
2. For any other development proposing dwelling units, the City shall require land to be dedicated for either neighborhood parks or regional parks or both, unless the amount of land or type of land is not suitable for public parks, open space, or recreation facilities. Where the City determines that no land is suitable for dedication as park land, then it shall collect park impact fees according to Section 14-7.9, *Impact Fees.*
3. Where land is to be dedicated to the City for parks, open space, and recreation facilities, the amount of land dedicated shall be calculated as follows:
   I. Neighborhood Parks
      Six one-thousandths of an acre per new housing unit; and
   II. Regional and Community Parks, Open Space, and Trails
      Twenty-four one-thousandths of an acre per new housing unit.
4. The City shall determine the location of land to be dedicated as set forth in the Parks, Open Space, Trails and Recreation Master Plan, as well as the type, size, and dimensions of land dedicated.
5. Land dedicated shall be suitable for public use, including community, neighborhood, special use, and pocket parks; open space; recreation facilities for passive and active recreation and sports, playgrounds, and paved and unpaved trails. The City shall determine the suitability of any land proposed for dedication as park land.
6. Land to be dedicated shall be specified at the time of final subdivision plat or final development plan approval. The specific category of park impact fees to be waived when the construction permit is issued shall be clearly written on the plat or plan.

E. Responsibility for Park Development

The developer shall be responsible for the construction, improvement, and development of all neighborhood and regional park land dedicated to the City. The park land shall be developed in accordance with the City's minimum landscaping and equipment standards, including playgrounds, ball courts, sports fields, paved and unpaved trails, benches, and picnic tables, for each type of park created.

F. Public Trail Dedication Requirements

1. Dedications to the City for public trails are required wherever an adopted plan shows a public trail within or along the property line of a parcel to which this section applies.
   I. Public trails shown on an adopted plan include those indicated on the General Plan, the Parks, Open Space, Trails and Recreation Master Plan, the Metropolitan Bicycle Master Plan; trails shown on master plans and development plans adopted for specific areas of the City, and other plans duly adopted by the City.
   II. Determination of whether the dedication is by easement or by dedication of fee simple land is made by the City at the time of dedication.
   III. Dedication may be required to provide access from new developments to existing or proposed parks, trails, public open spaces, and roads.
   IV. The City may, at its discretion, also require trail dedication where it can be demonstrated that public trail use has occurred continuously for a period of ten years or more, as demonstrated by City staff through aerial photography, which may be supplemented by written testimony from affected parties.
2. Staff shall determine the width of the required dedication based on the type of trail, existing topography, and current City standards. The alignment of the trail may be modified by staff from that shown in an adopted plan to accommodate preservation of natural resources, address drainage and topography, improve public access, or accommodate design goals of the property owner, as long as the connections between public rights-of-ways, open space, or parks shown on the adopted plan are accomplished.
3. The dedication for the trail shall be shown on the subdivision plat or final development plan. If the area dedicated for a trail is in partial fulfillment toward the regional park land dedication requirements, the City at its discretion may prorate the fee that would ordinarily be required.

G. Responsibility for Trail Development

1. The developer is responsible for the design and construction of the trail in accordance with the City's non-motorized multiuse trail standards or other applicable standards for specialized trails, as determined by the Public Works Director. Inspection and acceptance by the City is required for all public trail improvements.
2. The City is responsible for maintenance of public trails located on land dedicated to the City. Trails within dedicated easements may be maintained by the City, the property owner, or an owners' association as determined at the time of dedication.

14-6.4 Infrastructure Dedication, Completion, and Guarantees

A. Dedication of Rights-of-Way and Easements

1. On-site and off-site rights-of-way and easements required for public and quasi-public infrastructure shall be dedicated before or concurrently with recording a subdivision plat, filing a development plan, or issuance of a construction permit for any development that does not require a development plan or subdivision plat.
2. All quasi-public infrastructure and land designated for ownership in undivided interest, such as private roads and drainage facilities and common open space, must be dedicated to and perpetually maintained by an owners' association or similar legal entity. An article of incorporation and bylaws for the owners' association along with a declaration of restrictions and covenants must be submitted for review and approval by the City attorney.

B. Infrastructure Completion or Agreement to Construct Improvements Required

The developer must complete public improvements and quasi-public improvements required for any development in accordance with plans approved by the city and must pass inspection prior to commencing other aspects of the development, or the developer must enter into an agreement with the City to construct improvements as described in Section 14-6.4(C), *Agreement to Construct Improvements, Financial Guarantee.* If the developer seeks to construct public improvements and quasi-public improvements without entering into an agreement to construct, the developer must first submit a financial guarantee based on an engineer's estimate for the cost of site restoration plus ten percent of the construction valuation, which shall be held until the end of the 12-month warranty period. The infrastructure must be completed or the agreement to construct improvements must be executed prior to the earliest of the following:

1. Recording the plat for development that requires a subdivision plat other than a plat for a family transfer subdivision, an administratively approved lot split, or a resubdivision;
2. Recording or filing in City archives an approved development plan;
3. Issuance of a construction permit for any construction other than the infrastructure, for development for which a plat for an inheritance or for a family transfer subdivision, an administratively approved lot split, or a resubdivision is required; and
4. Issuance of a construction permit for any construction other than the infrastructure, for development for which no subdivision plat or development plan is required.

C. Agreement to Construct Improvements, Financial Guarantee

1. The agreement to construct improvements must be executed by the developer according to infrastructure completion policies approved by the Planning and Land Use Director.
2. The agreement to construct improvements establishes the sequence of permitting, construction, completion, and acceptance of infrastructure relative to the permitting, construction, completion, and occupancy of buildings and other development activities, consistent with the requirements of Chapter 14 and applicable provisions of other chapters of the Santa Fe City Code and consistent with City infrastructure completion policies, including requirements for:
   I. Partial completion of infrastructure prior to issuance of a construction permit for a building; and
   II. Substantial completion of the infrastructure prior to issuance of a certificate of occupancy.
3. The agreement to construct improvements shall include a financial guarantee in a form acceptable to the Planning and Land Use Director for the construction cost of the infrastructure as estimated according to Section 14-6.4(G), *Construction Cost Estimate.* If the financial guarantee uses an out-of-state financial institution, an additional contingency fee is required to reflect potential costs of possible out-of-state legal action.
4. All required improvements shall be completed within two years after construction begins, unless a longer time period is approved by a land use board or by the Planning and Land Use Director for a project that is to be constructed in phases.
5. The developer may request a reduction in the amount of the financial guarantee when specific improvements are completed. To qualify for a financial guarantee reduction:

I. The improvements must be completed according to approved plans and inspected by the Planning and Land Use Director; and

II. A written request for the reduction must be made using Form AIA G702 or approved equivalent format and certified by the architect or professional engineer of record.

D. Completion and Warranty Period Financial Guarantee

1. All infrastructure improvements shall be completed in accordance with the requirements of City regulations and approvals, and the Planning and Land Use Director must inspect and accept all work.
2. The developer shall warranty the infrastructure improvements for a period of at least one year after acceptance and must repair or replace defects at no cost to the City during the warranty period. The Planning and Land Use Director may extend the warranty period when necessary to insure that actual or potential defects are corrected.
3. During the warranty period, the developer shall maintain on file with the City a construction financial guarantee in an amount equal to ten percent of the cost estimate in Section 14-6.4G, *Construction Cost Estimate*, and it shall remain in effect until the required infrastructure has passed a final warranty inspection by the Planning and Land Use Director. If there is no agreement to construct improvements, a separate financial guarantee for the warranty period consistent with City infrastructure completion policies shall be provided.

E. Use of Funds by City

If the required improvements are not completed in accordance with the agreement to construct improvements or the required repairs are not completed satisfactorily within the warranty period, the City may use the financial guarantee funds in any manner and in any combination it deems necessary to complete or repair the required improvements. This provision does not relieve the applicant of the obligation to complete the improvements or repairs according to the schedule in the agreement, using other funds.

F. Refund

If all conditions of this section have been met, including acceptance of improvements, and the warranty period has passed, the city shall refund all money not called for within 30 days of a written request from the applicant.

G. Construction Cost Estimate

A construction cost estimate, prepared by a professional engineer or other qualified person approved by the Planning and Land Use Director shall be provided for all public or quasi-public improvements that are required as a condition of approval or that will be maintained by the City, unless such improvements are built out prior to plat

recordation. Required improvements include those described in Section 14-6.5, *Street Improvement and Design Standards*, and as listed in the City infrastructure completion policies. The construction cost estimate is the basis for the financial guarantees required by subsections 14-6.4(C) and (D). The estimate and guarantees must include a ten percent contingency; provided that a five percent contingency is acceptable for nonprofit housing and economic development organizations approved by the community services department.

14-6.5 Street Improvement and Design Standards

A. Purpose

[RESERVED]

B. Applicability

[RESERVED]

C. Street Network General Standards

1. The arrangement, character, extent, grade and location of all streets shall conform to the general plan and shall be considered in their relationship to existing and planned streets, to topographic conditions, and to public convenience and safety.
2. Major streets shall be constructed, extended, and widened in accordance with the general plan and the metropolitan transportation plan.
3. Local streets shall be constructed, extended, and widened in accordance with the General Plan and to accommodate the orderly development of the types and intensities of development shown on the future land use map.
4. The arrangement of streets in a development shall:
   I. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
   II. Conform to a plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.
5. All new streets shall be public, except as otherwise provided in Section 14-6.5(E)(8), or when the Planning Commission determines that there would be no public purpose served or significant benefit provided to abutting properties by provision of a public rather than a private street.

D. Street Types Design Criteria

1. New public and private streets shall be constructed according to projected average daily traffic (ADT) and dwelling unit access (DUA) as shown in Table 6-1 and Illustration 14-9.2-1, Street Types Design Criteria.
2. The design criteria are intended to recognize that streets:
   I. Function as a critical urban design component of the neighborhoods they serve;
   II. Together with sidewalks and trails, must safely meet the transportation needs of all users, including pedestrians with varying mobility levels, bicyclists, motorists and transit users;
   III. Provide needed parking in many neighborhoods;
   IV. Serve as corridors for utilities and storm drainage.

Table 6-1: Design Criteria for Street Types

Criteria	Major Arterial (6-lane)	Major Arterial (4-lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway[1]
						No Parking	With Parking		
Average daily traffic	Up to 60,000	Up to 40,000	5,000–15,000	1,000- 5,000		300 – 1,000		0 - 300	Minimum
Dwelling unit access						30 – 100		0 - 30	0 - 8
ROW width, ft. min.	120	98	70	52	50	42	50 or 56	38 or 42	
Slope/grading easement	0 – 30 for all, conditional upon staff review								
Number of auto lanes	6 – 7[2]	4 - 5[2]	2 - 3[2]	2					1
Width of driving lanes, ft.	11			10		9	10	9	10
Median/turn lane width, ft.	18		14						
Bike lane width, ft. min.	5			4					
On-street parking width, ft. min.					6[3]		6[4]		
Curb and gutter	2 ft for all								
Sidewalk setback, ft. min.	5					5		0 or 5 [1]	
Sidewalk width, ft. min.	6		5		7	5			

NOTES:

[1] Lot access driveway standard applicable to access from street to no more than 8 single-family lots. Refer to Section 14-6.5(E)(8) for additional standards for lanes and lot access driveways.

[2] Includes median/turn lane.

[3] Parking required on both sides of street, except no parking on that side of a street adjoining the Plaza.

[4] Parking may be on one side or both sides of the street; parking lane should not be continuous.

3. The collector mixed-use street type is to be constructed in conjunction with the development of neighborhood centers and is designed to function like many of the streets near the plaza.
4. To better achieve the intent of this section, the Planning Commission, or in the case of resubdivisions and other administrative plat approvals, the Planning and Land Use Director, or in the case of City street projects, the Governing Body, may consider and approve an alternative street design that is not included among the street types and street sections shown or described in this section, provided the alternative design demonstrably provides adequate capacity to handle anticipated traffic, and includes the necessary pedestrian, bicycle, and transit facilities.
5. New development on an existing public street that does not meet the width or other applicable standards in Table 6-1: *Design Criteria for Street Types*, and that cannot be improved to meet those standards may exceed the average daily traffic or dwelling unit access standards in Table 6-1 without a variance.

E. Street Design Engineering Standards

1. Public and private streets and lot access driveways shall be designed and constructed in accordance with the provisions of this chapter; Chapter 12, *Fire Prevention and Protection,* and any engineering standards adopted pursuant to this chapter.
2. Where no specific standard has been adopted, streets shall be designed in accordance with applicable standards adopted by national engineering organizations such as the American Association of State Highway and Transportation Officials (AASHTO) and the Institute of Transportation Engineers.
3. Where no specific standard has been adopted, construction must comply with the current edition of the "New Mexico Department of Transportation Standard Specifications for Road and Bridge Construction."
4. A private street built and subsequently proposed to be dedicated to the City must meet all applicable public street standards set forth in this section.
5. The City shall not maintain private streets.
6. The following specific construction and engineering standards apply to public streets:
   I. Each street shall terminate in a cul-de-sac or other approved turnaround, except where the Planning Commission or Planning and Land Use Director requires a street to be stubbed out at a property boundary in anticipation of future extension;

II. Property lines at street intersections shall be rounded with a radius of ten feet, or a greater radius when necessary to allow the construction of a curb having a desirable radius. Sidewalks may not be curtailed at street corners to less than normal width. The Planning Commission may allow comparable cutoffs or chords in place of rounded corners;

III. New streets shall be dedicated and improved to the full width for which they are planned, except where a land use board or the Governing Body determines that an interim width or level of improvements provides safe and adequate service as part of an enforceable plan for the phased completion of the improvements;

IV. When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, the necessary additional right-of-way shall be platted and dedicated in such a way to make the resulting street conform;

V. New street names shall not duplicate existing street names or be so similar as to be confused with existing street names. Where a proposed street is to be an extension of an existing named street, the proposed street shall have the same name as the existing street. Street names must be approved by the Planning Commission;

VI. Curbs at intersections shall be designed with a minimum radius of 25 feet. The Planning Commission may approve a smaller radius;

VII. In areas zoned for residential development, planting strips with a minimum width of five feet are required between the edge of pavement and the edge of required sidewalks;

VIII. The Planning Commission may approve street access to adjoining property, requiring proposed streets to be extended by dedication to the boundary of that property. Such streets shall be improved in the same manner as prescribed for other streets in the development; and

IX. Street grades shall not exceed the following, with allowances for vertical curves:
   a. Major and secondary arterial streets or highways: six percent;
   b. Collector and subcollector streets: ten percent;
   c. Lanes: 15 percent, except when a lesser grade is required by the fire marshal pursuant to fire apparatus access road standards; and
   d. No street grade shall be less than one-half of one percent.

7. All new streets must be paved; provided, however, that the Planning Commission may approve gravel surfaces for roadways classified as private lanes or shared private driveways if it finds, based on substantial evidence, that:

I. Vegetation or topographical maps or other evidence shows that dust from the roadways will not be a problem for residents living next to the roadway;

II. The gravel lane is an important consideration in the area's streetscape or in the overall project design; and

III. The gravel lane will not cause erosion or sediment problems or those problems will be eliminated by the use of accepted engineering methods.

8. Specific construction and engineering standards, lot access driveways, and streets classified as lanes and certain subcollectors:

I. Streets classified as "lanes" shall be laid out so that use by through traffic is minimized;

II. Lot access driveways shall be private. Streets classified as "lanes" or "subcollectors" may be constructed as private streets;

III. Lot access driveways and private streets classified as "lanes" or "subcollectors" may be approved for access to newly created lots where the Planning Commission determines that no public street is needed to provide access to the property being subdivided or to surrounding properties, based on existing and planned future uses of the properties.

IV. A roadway classified as a lane must meet the following standards:

a. Paved lanes; and

b. Unpaved lanes that are approved for construction with gravel surfacing;

1. Twenty-two feet driving surface width;
2. Eight feet shoulder and drainage on each side;
3. Six-inch crushed gravel base course surfacing material; and
4. Thirty-eight feet total right-of-way or access easement.

V. A lot access driveway that is required to provide emergency vehicle access pursuant to Chapter XII, *Fire Prevention and Protection,* must meet the standards of that chapter. Otherwise, a lot access driveway must have an all-weather driving surface at least ten feet in width, must be no steeper than 15 percent grade, or as required by the fire marshal, and must accommodate drainage and utility facilities and easements.

F. Access and Traffic Calming

1. Where a development abuts or contains an existing or proposed arterial street, a land use board may require marginal access for collector or local streets, reverse frontage with screen planting or walls contained in a non-access reservation along the rear property line, lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

2. Where a development borders on or contains a railroad right-of-way or limited access highway right-of-way, a land use board may require a street approximately parallel to and on each side or on either side of such right-of-way, at a distance suitable for the appropriate use of the intervening land for park or recreational purposes when such purposes are appropriate in the relevant area. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

3. At least one through street that traverses the entire developed area shall be provided for each 1,000 feet of developed area.
4. At least two connections to the existing road network points shall be provided for every ten acres of development.
5. Where a trail network exists or is planned, access to the trail network must be provided every 500 feet, where feasible.
6. Reserve strips controlling access to streets are prohibited unless the City controls the reserve strip under conditions approved by the Planning Commission.
7. Traffic calming measures are allowed in new developments and specific measures may be required by the Planning Commission to ensure traffic safety in new neighborhoods.
8. Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.

G. Sidewalks

1. If a subdivision plat or development plan approval is required, curb, gutter, and sidewalk locations shall be dedicated when the subdivision plat or development plan is recorded and constructed in accordance with applicable standards as part of the subdivision or development plan infrastructure.
2. If a subdivision plat or development plan is not required, curbs, gutter, and sidewalks shall be constructed in accordance with applicable standards and dedicated to the City prior to issuance of a certificate of occupancy for:
   I. Construction of a new principal building;
   II. All additions over 500 square feet gross floor area;
   III. Remodeling or renovations over 500 square feet gross floor area for multi-unit residential and nonresidential permits; and
3. With a permit for additions or remodeling, funds expended for the cost of sidewalk construction are not required to exceed 20 percent of the value of the other construction covered by the permit.
4. Sidewalks shall be located in a City right-of-way or, if adequate right-of-way is not available, sidewalks shall be located in a public access easement dedicated to the City on an approved plat. The sidewalk shall be consistent with the street standards of Section 14-6.5(E) and located along each street frontage immediately adjacent to the development.
5. New sidewalks, drive pads, and curb ramps required pursuant to provisions 1 and 2 above in this subsection must:

I. Comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and with New Mexico Department of Transportation pedestrian access details (NMDOTPAD)

II. Be constructed of concrete, meeting standards approved by the City or alternative materials approved by the Planning and Land Use Director.

III. Be free of any structures, signs, landscaping, above ground utility elements or other items that prevent free passage along the sidewalk, if constructed pursuant to provision 1 above in this subsection.

IV. Be free of any structures, signs, landscaping, above ground utility elements or other items that result from the new construction and that prevent free passage along the sidewalk , if constructed pursuant to provision 2 above in this subsection.

6. Replacement of existing sidewalks is not required if they are in good condition and substantially in compliance with ADAAG. Existing sidewalks shall be free of any structures, signs, landscaping, above ground utility elements or other items that prevent free passage along the sidewalk. However, in the situations described in provisions 1 and 2 above in this subsection, the Planning and Land Use Director may allow the sidewalk barrier to remain or approve an alternate sidewalk alignment creating free passage if the removal of the sidewalk barrier is deemed not feasible.

7. A new sidewalk that connects to an existing sidewalk shall be the wider of:

I. The width of the existing sidewalk;

II. The required minimum width set forth in Table 6-1: Design Criteria for Street Types;

III. The NMDOTPAD as may be amended by the City; or

IV. The minimum width required by the ADAAG.

8. A curb/access ramp meeting NMDOTPAD and City standards shall be constructed where two paved streets with curb, gutter and sidewalk intersect.

9. Drive pads shall comply with NMDOTPAD and any City street standard details.

10. If there is no curb or gutter, an alternative pedestrian route may be approved as part of a subdivision plat or development plan. The alternative pedestrian route shall comply with ADAAG. Consideration shall be given to future maintenance, the surrounding uses, density and the location and type of the street.

11. Colored concrete shall be required in the City's historic districts according to the color palette approved by the historic districts review board available from the City historic preservation division. Alternative materials may also be required by the historic districts review board. In addition, the City reserves the right to specify sidewalk color or alternative materials in other sections of the City as may be appropriate.

12. Construction of sidewalks shall comply with Chapter 23, Section 23-3, *Construction and Maintenance of Curbs, Gutters, and Sidewalks.*

H. Pedestrian Crosswalks

Pedestrian crosswalks that meet the engineering standards of the City shall be included in the design of each signalized intersection and at any other street crossing locations, including midblock crossings, required by the Planning and Land Use Director. Crosswalks must connect sidewalks and must have accessible curb cuts on each side of the street. Crosswalks shall be installed at the time of intersection construction.

I. Curbs and Gutters

1. All new streets must have curbs and gutters that meet City standards, except for roadways classified as lanes or shared private driveways if the Planning Commission finds, based on substantial evidence, that the following conditions are met:
   I. Absence of curbs and gutters will not contribute to the deterioration of the pavement edge, particularly on streets where on- street parking is allowed;
   II. Curbs and gutters are not necessary to channel stormwater, as shown by a site-specific drainage and stormwater control plan analysis or other means; and
   III. Curbs and gutters are not necessary to confine driveway access to specific locations and to maintain the appearance of the streetscape.
2. Colored concrete is required in the historic districts according to the color palette approved by the historic districts review board available from the City historic preservation division.

J. Maintenance of Public Parkways

Maintenance of the public parkway, generally comprised of the sidewalk setback and the sidewalk itself, is the responsibility of the person owning or in charge or control of the lot or property contiguous to the parkway, exclusive of controlled access arterials. Maintenance shall be to eliminate public nuisances and ensure pedestrian and vehicular safety and visibility, and shall include the eradication of weeds and the trimming of trees and shrubs. Maintenance shall comply with Sections 10.3, *Weeds,* and 23-3, *Construction and Maintenance of Curbs, Gutters and Sidewalks.*

K. Alleys

Alleys shall comply with the following provisions:

1. The right-of-way width of an alley shall not be less than 20 feet;
2. Alley intersections and sharp changes in alignment are not allowed and, where necessary, corners shall be cut off sufficiently to allow safe vehicular movement; and
3. Dead-end alleys are not allowed.

L. Easements

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities if the Planning Commission or the City Engineer finds that they are necessary for adequate and necessary utility service to the subdivision or surrounding areas. Such easements shall be at least ten feet wide and may be located over a lot line so that there is a five-foot easement on each lot.
2. Where a subdivision is traversed by a watercourse, drainageway, acequia, channel or stream, the owner shall provide a stormwater drainage easement or right-of-way conforming substantially with the lines of the watercourse, drainageway, acequia, channel or stream and of a width and construction that Planning Commission finds is adequate for the purpose. Parallel streets, sidewalks, parkways, and/or trails may be required by the Planning Commission in connection with the drainage easement or right-of-way.
3. Easements required by this section shall not interfere with other easements or uses of the property on which the easement exists.

M. Utilities, Storm Drainage and Street Improvements

Utilities, storm drainage facilities, and street improvements shall be provided as follows.

1. Standards and Specifications

I. Connection to City water service as required by Chapter 25, *Water,* except as provided in Section 25-1.10, *Regulations for the Drilling of New Domestic Water Wells;*

II. Connection to City sewer services except as provided in Section 22- 3.1, *Sewers — Connection to the Public System*;

III. Approval of storm sewer system and other drainage improvement plans by the City Engineer;

IV. Approval of grading and centerline gradients by the City Engineer;

V. Approval of major and secondary arterial street cross-section by the City Engineer; provided, however, that the cost of improvement to the developer shall not exceed that which is required for improving a collector street.

VI. Installation of street name signs of a material and design approved by the Governing Body at all street intersections;

VII. Approval of complete street lighting facilities by the City Engineer; and

VIII. Landscaping as required by Section 14-8.4, *Landscape and Site Design*.

2. Design Details, Construction Standards and Specifications

Design details, construction standards, and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the Governing Body.

N. Landscaping

Landscaping plans shall be submitted for all roadway medians and all parkway strips. Landscaping plans shall include proposed location, size and type of vegetation or xeriscaping, including street trees, shrubs, ground cover or other proposed ground treatment in conformance with the City's landscaping regulations. Location of proposed landscaping shall meet sight distance and other safety criteria as determined by the Planning and Land Use Director. Landscaping plans shall show any irrigation system necessary to maintain the roadway landscaping. The final approved landscaping plans shall be implemented at the developer's cost as part of road construction and all materials shall be maintained and guaranteed by the developer for a minimum of one year or until established. Landscaping plans should comply with Resolution 2010-66, Landscape Design Guidelines for Medians and Planting Strips, as amended.

O. Bikeways

Bikeways shall:

1. Be provided on each side of the street on collectors except collector mixed-use, secondary arterials, and major arterials, unless a street is approved as a one-way in which case a bikeway shall be placed to the right of the driving lane;
2. Be located between the driving lane and the curb and gutter or between the driving lane and right turn lane;
3. Be separated from the driving lane by a solid white stripe or other appropriate pavement marking or traffic separation device approved by the City; and
4. Have a pavement width that conforms to the criteria set out in the street types-design criteria chart.

14-6.6 Block and Lot And Design Standards

A. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard to:
   I. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
   II. Zoning requirements for lot sizes and dimensions;
   III. Need for convenient access, circulation, control, and safety of street traffic;
   IV. Opportunities and limitations of topography; and
   V. Special design standards and guidelines, including the standards provided in Section 14-4.5, *Highway Corridor Protection Districts*, and applicable policies of the General Plan.
2. Blocks shall be wide enough to allow for two rows of lots, except that a single row of lots is allowed where such lots abut any of the following: an arterial street, limited access highway, drainage course, railroad right-of-way, a single row of lots in an adjacent subdivision or a different zoning district; to overcome specific disadvantages of topography or location; or in similar situations.
3. Where restrictions on access to an adjoining road are required for all or part of the block, those restrictions shall be noted on the plat.
4. A landscaping easement or screen wall shall be provided where appropriate.

B. Lots

1. Depth, width, area, and shape of lots shall comply with the requirements of the zoning district in which the subdivision is located, or the zoning that will be applied upon subdivision approval, as well as any other applicable standards of Chapter 14.
2. Each lot shall be provided with access by means of a public street, private street, or private driveway in accordance with the requirements of Table 6-1: *Design Criteria for Street Types.*

3. To the maximum extent possible, the configuration of lots resulting from the relocation of existing property lines or the creation of new lots through subdivision, shall be regular in shape, typically rectangular, with exception possible for topographical constraints or natural obstructions.
4. Side lot lines shall be substantially at right angles to straight street right-of-way lines, and radial to curved street right-of-way lines.
5. Through lots are prohibited, except as provided in A.2 above.

14-6.7 Utility and Storm Drainage Improvement and Design Standards

[RESERVED]

14-6.8 Inheritance or Family Transfer Subdivisions

A. Installation of Improvements

1. Any improvements required to be constructed on inheritance or family transfer subdivisions are only required to be completed at the time a construction permit is issued on any lot contained in the subdivision, and not at the time of plat approval or recordation.
2. A financial guarantee is not required at the time of plat recordation.
3. If an inheritance or family transfer subdivision will result in the creation of only one additional lot that will not have public sewer or water available, the applicant is required to provide proof of appropriate well and septic assurances from the State of New Mexico prior to approval of the subdivision.

B. Compliance with Density and District Regulations

1. Zoning District Requirements

   Except as otherwise specifically provided in this Land Development Code, inheritance and family transfer subdivisions are required to meet the standards for use, density, building placement, height, open space, parking, and other requirements set forth in Article 14-3, *Zoning Districts,* for the zoning district in which it is located.

2. Newly Annexed Land

   If an inheritance or family transfer subdivision is requested in newly annexed territory, the resulting density of the subdivision must conform to the density range provisions set forth in the General Plan.

Article 14-7 Development Standards

14-7.1 General Provisions

A. Purpose

The purposes of this Article are to:

1. Provide proper standards that ensure a high-quality appearance of the Santa Fe area and promote good design while also allowing individuality, creativity, and artistic expression;
2. Encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation of open space and natural environmental resources;
3. Protect private and public investment through preservation of open space, protection of natural resources, including the existing tree canopy; providing buffers between incompatible uses and along roadways; and encouraging the planting of appropriate vegetation;
4. Preserve and protect the identity and character of Santa Fe and enhance the business economy;
5. Promote water conservation and efficiency through preserving natural areas, encourage good soil management, and encourage the use of native or drought tolerant plant materials; and
6. Ensure compliance with the City's obligations to the U.S. Environmental Protection Agency (EPA) as a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II permittee.

B. Applicability

Unless otherwise noted, the requirements of this Article apply to all land development activity covered under Chapter 14.

14-7.2 Santa Fe Homes Program (SFHP)

A. Authority

The Governing Body has adopted the SFHP, enacted pursuant to the authority set forth in Chapter 26 of the SFCC, Section 26-1.2, *Authority.*

B. Applicability

1. Except as set forth in this subsection, the SFHP shall apply to the following:
   I. Aany application for development, including annexation, rezoning, subdivision plat, increase in density, development plan, extension of or connection to City utilities for land outside the city limits, and construction permits that propose two or more dwelling units or buildings or portions of buildings that may be used for both nonresidential and residential purposes and manufactured home lots. SFHP applies to the residential portion of the development.
   II. New construction, to the conversion of existing rental units to ownership units, and the conversion of commercial uses to residential uses.
   III. Dwelling units in vacation time share projects.
2. Participation in the SFHP is not required for the following:
   I. A family transfer as set forth in Section 14-2.1(E)(8), *Inheritance and Family Transfer Subdivision,* or a division of land into two lots as set forth in Section 14-2.1(E)(6), *Administrative Approval Subdivisions.*
   II. A development or portion of a development that is subject to a formal written and binding agreement entered into prior to August 15, 2005, with the City or Santa Fe County in which the signatories agreed to provide affordable housing or payment in lieu thereof; or
   III. Dwelling units or manufactured home lots used by an elementary, middle, or high school; college or university; hospital; or similar institution, exclusively to provide housing for employees or enrolled students and their families. If the dwelling units or manufactured homes are no longer exclusively used by employees or enrolled students and their families, the SFHP shall apply at the time the units are converted.
3. When there is a petition for annexation, the petitioner shall negotiate with the Office of Affordable Housing all terms for providing affordable housing on site, including the distribution of development types and the number of SFHP units required, or alternate means of compliance. The number of SFHP units required or the in-lieu contribution, or alternate means of compliance, shall not be less than but may be in excess of what is required by SFHP. These terms shall be included in the annexation agreement. To the extent practicable, all other SFHP requirements apply to annexations. As the property is developed, a separate SFHP agreement in compliance with the annexation agreement shall be recorded with each subdivision plat or development plan.

4. All provisions of a prior ordinance, titled Housing Opportunity Program (HOP), remain in effect with respect to any agreements executed by the City and other parties which were required by HOP or incorporated HOP provisions by reference. The Office of Affordable Housing is responsible for administering HOP agreements according to the administrative procedures for the SFHP ordinance until such time as all obligations under the agreements have been satisfied except for sale prices or rental rates, which shall be based on the prior HOP administrative procedures and annually updated by staff.

C. Pre-submission Conference, SFHP Proposal, and Agreement

A pre-submission conference, SFHP proposal, and SFHP agreement are required as set forth in Section 26-1.

D. Santa Fe Homes Program Requirements

1. Effective June 7, 2014, and thereafter:
   I. When offered for sale, 20 percent of a development site's allowed base dwelling units shall be SFHP units, meeting all requirements of Section 26-1.
   II. When offered for rent, 15 percent of a development site's allowed base dwelling units shall be SFHP units, meeting all requirements of Section 26-1.
   III. A modification to a SFHP agreement or HOP agreement that was entered into prior to June 8, 2011, shall be made to reflect the 20 percent requirement; and if applicable, an annexation agreement, subdivision plat, or development plan shall be administratively amended to reflect the reduction and redistribution of SFHP or HOP lots, with the amended annexation agreement, plat, or plan recorded or filed, as applicable, by the property owner or developer.
2. The Governing Body may approve alternative means of compliance as provided in Section 26-1.33, *Alternate Means of Compliance.*

E. Standard Development Incentives

1. Density Bonus
   I. A developer providing on-site SFHP dwelling units is entitled to a density bonus of 15 percent over the density allowed by the zoning district.
   II. A density bonus is the right to build the described percentage of residential units, in addition to those that are otherwise allowed by the zoning district, in accordance with the following standards and procedures:
      a. Base dwelling units allowed means the total number of dwelling units that can be built on a site in the applicable zoning district.
      b. In calculating any bonus units, the number of base dwelling units allowed in the development shall be multiplied by 1.15. If the result is other than a whole number, the number shall be rounded up to the next highest whole number.
   III. A density bonus does not require an amendment to the General Plan or approval by the Governing Body.
   IV. Except where the planning commission is authorized to grant a variance or waiver as set forth in Chapter 14, a density bonus shall not negate, supersede or limit other Santa Fe City Code provisions that limit the number of units that may be built on the site.
2. Fee Waivers

   Fees for developments that comply with SFHP requirements shall be reduced as follows:

I. Fees for development review and construction permits shall be reduced in proportion to the percentage of for-sale SFHP units, or two times the percentage of for-rent SFHP units or manufactured home lots offered as SFHP units, as certified by the Office of Affordable Housing; and

II. Reduction of impact fees as set forth in Section 14-7.9, *Impact Fees,* and utility expansion charges as set forth in Chapter 22, *Sewers*, and Chapter 25, *Water,* shall occur at the time of construction permit application for SFHP units.

F. Enhanced Affordability Incentives

Developments that provide enhanced affordability beyond the requirements of Section 14-7.2(D) are eligible for enhanced affordability incentives as described in this section. For purposes of this section, "enhanced affordability" is defined as projects that provide at least 30 percent SFHP units or properties zoned R1 that are 2.5 acres or smaller that meet the standards of Section 14-7.2(F)(1)(I)(b).

1. Additional Density Bonus

I. As an alternative to the standard development incentives described above in Standard Development Standards, an applicant may:

a. Add the following density bonus for each SFHP unit provided:

1. 30 percent to 39 percent SFHP units: 1.5 units per SFHP unit;
2. 40 percent to 49 percent SFHP units: 1.75 units per SFHP unit; or
3. 50 percent or greater SFHP units: 2 units per SFHP unit.

b. For properties zoned R1 that are 2.5 acres or smaller, up to four dwelling units are permitted per acre, provided that:

1. Twenty-five percent of all dwelling units on the parcel must be affordable;
2. Dwelling units may be attached or detached single-family, or units within a multi-unit building;

II. In calculating bonus units, if the result is other than a whole number, the number shall be rounded up to the next highest whole number.

2. Design Standards

I. Lot Area and Lot Coverage

Notwithstanding the requirements of Article 14-3, *Zoning Districts*, minimum lot area and coverage shall be as necessary to comply with the open space requirements.

II. Setback and Stepback Requirements

Minimum setback and stepback requirements are waived along lot lines that are internal to the development.

III. Parking Reductions

Developments are permitted the following reductions to the minimum vehicular parking required in Table 7-4: *Vehicle Parking Requirements*, provided that at least one long-term bicycle parking space per unit is provided in

addition to the short-term bicycle parking requirements described in Table 7-7: *Required Bicycle Parking*:

a. In all zones except for BCD, the development may provide parking at the reduced rate of one off-street automobile parking space for studio, one-, and two-bedroom units, and two off-street automobile parking spaces for units with three or more bedrooms.
b. In the BCD or when the development site is not adjacent to a residential zoning district, on-site parking may be provided, but no minimum number of off-street vehicular parking spaces is required.
c. Long-term bicycle parking shall comply with standards and requirements described in Section 14-7.5J, *Off-Street Bicycle Parking Requirements,* and shall have access that does not require use of stairs or an elevator.

3. Fee Waivers

For development projects that comply with an option in provision 1 above, fees and charges are waived as shown in Table 7-1.

Table 7-1: SFHP Enhanced Affordability Fee Waivers

Construction Permit Fees; Plan Review Fees
Qualifying projects are exempt from paying construction permit fees and plan review fees.
Development Review Fees
Qualifying projects are exempt from payingf development review.
Development Water Budget Fees
Qualifying projects shall obtain water to meet approved development water budgets through the water credit program at the reduced rate specified in Section 14-7.7E, *Dedication of Water to Development.*
Impact Fees
Qualifying projects are exempt from payingf impact fees in accordance with Section 14-7.9H.9, *Exemptions, Waivers, and Reimbursements.*
Wastewater Utility Expansion Charge (UEC)
The wastewater utility expansion charge (UEC) is waived for qualifying projects in accordance with Article 22-6.6, Exhibit A, Section 7.
Water Utility Expansion Charge (UEC)
Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with Article 25-4.2, Exhibit B, Rate Schedule 8.

4. Review Process

I. Development plans and subdivision plats for applications for qualifying projects shall be administratively reviewed and approved, pursuant to Section 14-2.1F.4, *Development Plans* and Section 14-2.1E.6*, Administrative Approval Subdivisions,* respectively*.*

II. Any application that contains a request requiring a decision by a land use board (such as a variance) shall be decided by the land use board according to the standard applicable procedure. The application as a whole shall remain subject to administrative review and decision.

III. Unless the applicant requests a deferral, staff shall schedule applications that require review by land use boards at the earliest available meeting date.

G. Enforcement

Enforcement of SFHP shall be as provided by Section 14-1.12, *Enforcement* and Chapter 26-1.19, *Enforcement of SFHP Agreement*.

H. Appeals

An applicant aggrieved by a final action of the land use director regarding the SFHP provisions may file an appeal pursuant to Section 14-2.1B.5.IV, *Appeals.*

14-7.3 Architectural Design Review

A. Purpose

1. The standards and requirements of this section are intended to preserve and promote Santa Fe's unique cultural heritage, distinct visual character, and regional architectural traditions, to contribute to Santa Fe's social and economic welfare.
2. The Governing Body finds that in order for Santa Fe's urban townscape to be one of visual cohesion and identity rather than visual clutter and anonymity, architecture outside the historic districts must possess a degree of compatibility with architecture inside the historic districts.
3. Because Santa Fe's distinct visual character and regional architectural traditions are deemed essential to the welfare of the City's citizens, the Governing Body hereby establishes an architectural design review process to review building massing, form, color, proportion, texture, and materials as part of the construction permit process for areas outside the historic districts.
4. The architectural design review process is intended to promote beauty and visual harmony throughout Santa Fe and to encourage respect for the traditional character and quality of wall-dominated architecture. This section does not promote or require adherence to a particular architectural style, but rather to the general qualities that have given Santa Fe architecture its unique and appealing character.
5. The architectural design review process is not intended to stifle architectural creativity, to decrease or limit one's use of property or to impose undue economic hardship on any property owner as a result of the requirements set forth in this section.

B. Applicability

1. New construction, additions, exterior remodeling, repainting, and re-stuccoing of buildings in a different color shall comply with the requirements of this section, except as set forth in provision 2 below.
2. Architectural design review is not required for the following:
   I. Detached single-family and two-family dwellings and related accessory structures;
   II. Structures other than buildings, with the exception of filling station canopies, except as required in this article;
   III. Buildings located in the historic districts and buildings designated as landmarks, which are subject to review under Section 14-4.6, *Historic Districts;* and
   IV. Exterior building features not visible from any street, way, or public place without trespassing.

C. Total Points Required

The total number of points required for a given project are set forth in Table 7-2: *Points Requirement by Zoning District*.

1. Point Requirements for New Construction

Point requirements for new construction, excluding additions, vary according to the zoning district in which the project is located.

Table 7-2: Points Requirement by Zoning District

Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 through R-6, R-7, R-8, R-9, R10 through R-29, RC-5, RC-8, PRC, RAC, AC [1]	180
I-1, I-2, BIP	155

NOTES:

[1] Applies to nonresidential and multi-unit structures constructed in these districts; does not apply to single-family dwellings.

2. Additions to Nonconforming Buildings

I. Point requirements for additions to a building that conforms to the provisions of this section are as set forth for new construction in Table 7-2 for the entire property, including both existing and proposed publicly visible improvements. Point requirements for additions to a building that is legally nonconforming with regard to the provisions of this subsection shall be as provided in provisions a, b, and c below.

II. For the purposes of this section "addition" means additional gross floor area constructed on a single lot, and "structurally connected addition" means additional gross floor area that directly adjoins and abuts an existing building.

a. If a proposed addition to a legal nonconforming building increases the gross floor area on a lot by more than 75 percent of the original floor area, architectural design points shall be calculated based on the entire property, both existing and proposed publicly visible improvements.

b. If a proposed addition to a legal nonconforming building increases the gross floor area on a lot by less than or equal to 75 percent of the original floor area, architectural design points shall be calculated based on the new construction only.

c. A specific number of architectural design points is not required for structurally connected additions that do not exceed 25 percent of the gross floor area of the existing legal nonconforming building and that match the existing architecture.

d. A specific number of architectural design points is not required for structurally connected additions to buildings of unique architectural merit, as determined on a case-by-case basis by the Planning and Land Use Director in consultation with the state historic preservation division and the Santa Fe chapter of the American Institute of Architects, that either match the existing architecture or comply with the secretary of the interior's standards for rehabilitation. Architectural review in such cases shall be performed by the Planning and Land Use Director.

3. Remodeling, Repainting, and Re-stuccoing in a Different Color

For the purposes of this section, "structural alteration" means the addition or deletion of building elements, including doors, windows, or fenestration and any changes in the type of finish material used.

I. Point requirements for exterior remodeling requiring structural alterations and involving more than 50 percent of a building's total publicly visible façade and roof area are as set forth for new construction in Table 7-2.

II. Architectural design points shall be calculated based on the entire building, both existing and publicly visible new construction.

III. Cosmetic remodeling, repainting, re-stuccoing in a different color, or exterior remodeling requiring structural alterations and involving less than or equal to 50 percent of a building's total publicly visible façade and roof area do not require any specific number of architectural design points; however, no proposed architectural design shall result in the assignment of negative points.

D. Architectural Design Standards and Point Allocations

For the purposes of this section, "predominant" means having the most publicly visible surface area.

1. Point allotments are granted to building projects according to the criteria set forth Table 7-3: *Architectural Design Elements and Point Allocations*, with the total number of points required for a given project as set forth in Table 7-2.
2. Points shall be calculated only for those architectural design features that are publicly visible from a street, way or public place; however, all exterior architectural design features shall be considered publicly visible unless the applicant can show otherwise.
3. Partial point allotments shall not be granted.
4. If a building feature or element cannot be evaluated because it is not required and does not exist, the maximum allowable point allotment for that feature or element shall be granted.

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
WALLS			
Predominant Wall Surface Material	Stucco, adobe	30	
	Brick, natural stone, and integrally colored unit masonry	25	30
	Concrete and non-integrally colored unit masonry	20	30
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10	30
	Mirrored glass curtainwall systems	-10	
Color of Predominant	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30	

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
Exterior Surface Material	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15	30
	High-intensity colors	-10	10
	Metallic colors, glass and black	-10	
Exterior Surface Treatment	**OPTION A:** • Wall surfaces appear monolithic with at least 75% of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. • Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25% of the surface area of any façade. • Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least 6 feet shall be exempt from area calculations	10	
	OPTION B: Wall surfaces do not meet the criteria set forth in OPTION A above.	-10	
ROOFS			
Form	Flat roof surfaces entirely concealed from public view by parapets	20	
	Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15	
	Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a	10	

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
	slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run		
	Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10	
Predominant Material	All surfaces are concealed from public view	20	
	Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15	
	Flat tiles of clay, concrete or slate	10	
	Barrel tiles of clay, concrete, or slate; and asphalt shingles	5	
	Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10	
Predominant Color	All roof surfaces are concealed from public view by parapet	15	
	Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10	
	Low-intensity colors other than those stated above	5	
	White	0	
	Bright, non-fading, high-intensity colors and any use of multiple colors	-15	
BUILDING FORM			
Massing	**OPTION A:** One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade	30	
	OPTION B: One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six	30	

Table 7-3: Architectural Design Elements and Point Allocations			
Design Element		**Points**	**In Midtown LINC**
	horizontal feet, on at least one publicly visible façade		
	Buildings not using the massing techniques described in OPTION A or B above	0	
DOORS AND WINDOWS			
Treatment	More than 50% of doors, windows, and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lintels, or have exposed or otherwise articulated lintels	20	
	More than 50% of doors, windows and glazed surfaces do not meet the requirements set forth above	0	20
Area	All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20	
	Wall surfaces do not meet the requirements as set forth above	0	20
Location	All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20	
	All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20	
Glazing	All glazing is clear or tinted neutral gray	10	
	Any use of colored glazing	0	10
	Any use of mirrored glazing	-10	
EQUIPMENT			
Screening	All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10	
	All building mounted equipment set forth above is either screened; and/or painted to match visually adjacent surfaces	5	

Table 7-3: Architectural Design Elements and Point Allocations			
Design Element		**Points**	**In Midtown LINC**
	All building mounted equipment set forth is not screened and/or painted to match visually adjacent surfaces	-10	

E. Administrative Review and Decision

The architectural design review shall be conducted as part of the review of a development application or, where no application is required, as part of construction permit review.

1. Preliminary Review (Optional)
   I. A preliminary calculation of architectural design points will be performed by the Planning and Land Use Director at the schematic design or design development stage, at the request of an applicant, with the itemized score sheet returned to the applicant upon completion of the review.

   II. The preliminary review does not limit the discretion of the plan reviewer, who shall recalculate points during the final review. An applicant shall not rely upon a preliminary review for final approval or construe it to result in any responsibility of the City, the Planning and Land Use Director, or any other officers, employees, or agents of the City.

2. Final Review
   I. Points are recalculated at the time of the final review and may differ from the points granted during preliminary review if dimensions, features, details, or specifications that were part of the originally reviewed project plan have been altered or in any way modified.

   II. During final review, calculation of the final architectural design points shall be performed, and compliance with the point requirements of Section 14-7.3(C), *Total Points Required,* shall be achieved prior to the issuance of a construction permit.

   III. If the number of points calculated does not meet the point requirements set forth in Section 14-7.3C, *Total Points Required,* the applicant shall modify the submittals to achieve the necessary number of points prior to issuance of a construction permit.

   IV. All actual construction work shall comply with the approved submittals.

14-7.4 Open Space

A. General Open Space Standards

Open space shall be provided that meets the minimum standards of this section and other applicable requirements of Chapter 14. All required open space shall meet the following standards:

1. Open space shall consist of areas that are landscaped or that preserve natural vegetation and may include outdoor facilities for passive or active recreation.
2. Open space shall not include streets, driveways, parking or loading areas, fire apparatus access roads and turnarounds, storage areas, or buildings.
3. Where appropriate, open space should contribute to the preservation of Santa Fe's natural features, especially hillsides and arroyos. Consideration shall be given to providing wildlife habitat, especially by providing open space along arroyos, stream corridors and linkages to other habitat areas.
4. To the greatest extent practicable, connections shall be provided to public open space and the urban trail system and bicycle paths or in such a way that a future connection is facilitated.
5. The most appropriate use or uses for outdoor space shall be proposed and assessed on a case-by-case basis and may include active or passive use.

B. Residential Open Space

Common or private open space may be provided in any combination that meets the requirements described in this section. Private open space provided in excess of the minimum requirement for a unit may not be used to reduce the amount of open space for any other unit.

1. Common Open Space
   I. Intent

      The intent of common open space is to provide useable outdoor space for residents of developments; promote compact urban form; provide screening and buffering between zoning districts of different intensities; and generally enhance the quality of the urban environment.

II. Amount of Common Open Space Required

a. Residential open space shall be provided for each dwelling unit in the amount specified in the lot/building standards tables in Section 14-3.2, *Residential Districts*, through Section 14-3.4, *Special-Purpose Districts.*

b. A minimum of 50 percent of common open space shall be useable space for active or passive recreation or pedestrian ways that include interior sidewalks and patios. The Planning and Land Use Director, a land use board, or the Governing Body may require tot lots or other play areas and equipment, walking paths, benches, and lighting.

c. Common open space shall be no less than 15 feet in any dimension and no less than 500 square feet per segment.

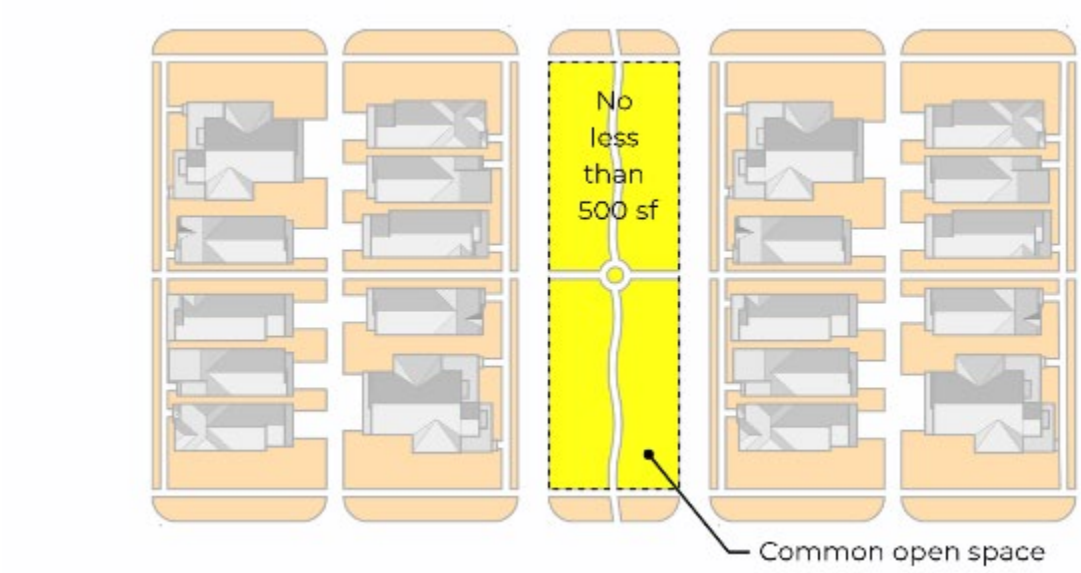


Figure 7.4-1: Common Open Space

III. Common Open Space Area

Common open space may include areas used for retention or detention of stormwater provided that all other applicable standards are met.

IV. Ownership and Maintenance

Common open space shall be dedicated to a homeowners' association or owned and maintained by the owner of rental housing developments. If dedicated to a homeowners' association, covenants running with the land shall restrict the use of the dedicated land to common open space and prohibit subdivision or separation of ownership of the common open space. The restriction shall be noted on the development plan or final plat.

2. Private Open Space

I. Intent

The intent of private open space is to ensure easily available access to the outdoors in medium- to high- density developments, and to provide for a sufficient sense of privacy.

II. Minimum Requirements for Private Open Space

a. Private open space shall be adjacent to and directly accessible from the unit for which it is provided.
b. Required private open space located on the ground shall not be less than 12 feet in length or width; and not less than four feet and 40 square feet for balconies, roof decks, or other private open space that is not located on the ground.
c. Finished grade for required private open space shall have a slope no greater than one vertical foot in ten horizontal feet.
d. There are no planting requirements for private open space.

III. Maximum Lot Coverage Increases

The maximum lot coverage in the underlying zoning district may be increased if private open space for each dwelling unit is provided as follows:

a. For lots in low-density, moderate-density, and residential compound districts, an amount not less than 50 percent of the total gross floor area of that dwelling unit; and
b. For lots in higher-density residential districts, an amount not less than 30 percent of the total gross floor area of that dwelling unit.
c. The open space provided to meet the requirements of provisions a and b may be counted toward meeting the total open space requirement for dwellings in a multi-unit development.

IV. Features Counting as Private Open Space

a. Balconies, roof decks, or roofed areas such as porches or portals may be included as all or part of the required private open space.
b. Stormwater ponding areas shall not count as private open space.

V. Accessory Dwelling Units

Accessory dwelling units are required to provide the same amount of private open space as other dwellings in the zoning district; however, up to 50 percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the principal dwelling unit.

C. Nonresidential and Mixed-Use Open Space

1. Intent

Open space in nonresidential and mixed-use developments is intended to promote environmental health; foster a sense of openness; provide light and air; preserve existing vegetation or provide new vegetation to help oxygenate the air;

provide shade; help control stormwater runoff and erosion; and improve ground water quality.

2. General Requirements

I. Nonresidential open space shall be planted following the same requirements as for residential common open space in Section 14-7.4B, and may be combined with other landscape requirements, including those for street tree planting and parking lot landscaping.

II. To the maximum extent practicable, linkage shall be provided to adjacent public open space, parks, or trails.

III. The minimum dimension for nonresidential open space shall be ten feet and cover a minimum of 300 square feet, unless the area is a component of interior parking landscape and meets the requirements for open space credits for water harvesting described in Section 14-7.4(C)(3).

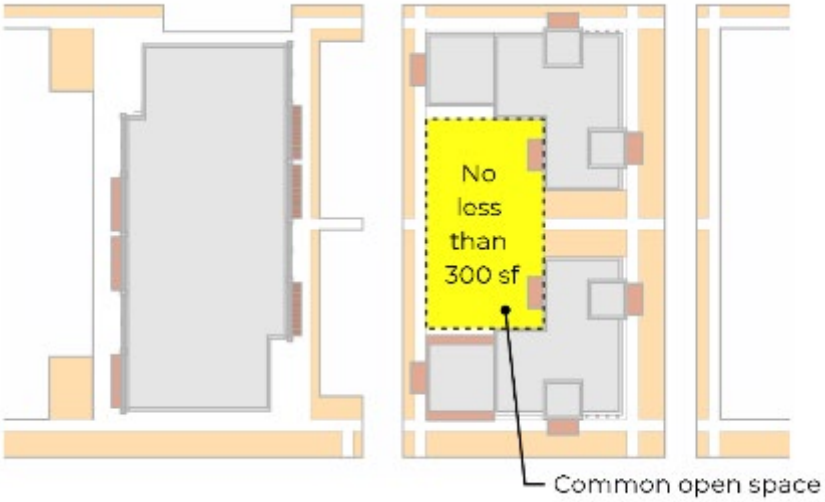


Figure 7.4-2: Nonresidential Common Open Space

3. Amount of Open Space Required

I. The percentage of required open space shall be calculated on the basis of total lot area and shall be no less than 25 percent unless the conditions described below in Section 14-7.4(C)(4), *Reductions in Required Open Space,* are met; then the required open space may be reduced by a maximum of ten percent of the total lot size. More restrictive requirements for individual zoning districts apply.

II. Any residential open space provided in a mixed residential and nonresidential development may be credited toward the total MU or nonresidential open space requirement.

III. An applicant for a construction permit shall not be required to lose existing parking spaces or other previously developed area in order to fulfill the open space requirement, but may not increase the intensity of a use or create an addition that would result in a decrease in open space below the minimum required, unless existing impervious surfaces are retrofitted for stormwater management as described in Section 14-8.4, *Landscape and Site Design.*

4. Reductions in Required Open Space

To encourage an increase in permeable surface area, to reduce stormwater runoff and erosion, to increase infiltration, and to encourage water conservation and water harvesting, the required open space may be reduced as follows:

I. The open space requirement for development that incorporates a passive water harvesting concept that is a primary component of stormwater management is 20 percent of the total lot area.

II. The open space requirement for development that incorporates an active water harvesting and distribution system that is a primary component of stormwater management and that is a component of outdoor irrigation or suitably treated for indoor use is 15 percent of the total lot area.

III. The reduction shall be earned through the application of engineering calculations that are submitted as a part of the landscape plan and the terrain management regulations provided in Section 14-8.2, *Terrain and Stormwater Management.* The calculations shall show the percentage of water harvested and the estimated water conserved based on the required water budget provided in Section 14-8.4(D), *Water Harvesting and Irrigation Standards*; and

IV. The open space reduction shall not result in an increase in parking area.

D. Additional District-Specific Requirements

1. BIP districts

I. To encourage pedestrian amenities and preservation of existing vegetation, open space shall be provided at a minimum of 40 percent of the total subject parcel.

II. As an incentive for providing commonly shared site amenities that may be appropriate to more urban development, the Planning Commission may grant that the square footage of shared site amenities counts double towards fulfilling the open space requirement; however, in no case shall the amount of open space be less than 25 percent of the total master plan area.

III. Site amenities shall be accessible, and may include the following examples:
   a. Interior trail systems;
   b. Small plazas;
   c. Fountains;
   d. Children's play areas; and
   e. Public art.

2. MU districts

A common, landscaped open area with seating shall be provided with a minimum size of 500 square feet per acre of development. The area shall be open to the sky, suitably lighted, and designed to encourage social interaction.

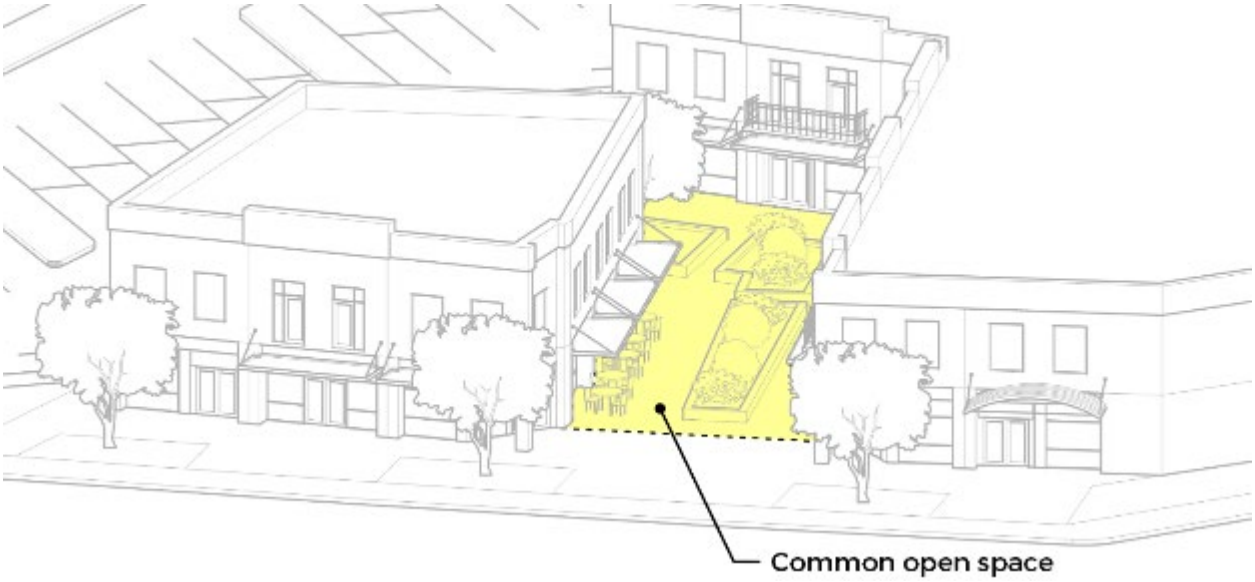


Figure 7.4-3: Mixed-use Open Space

3. C-2 District

   Open space is required for each dwelling unit at a minimum of 250 square feet.

14-7.5 Parking and Loading

A. Purpose

The section establishes regulations for the provision of safe and efficient parking and loading facilities sufficient to meet the need of existing and/or proposed land uses in Santa Fe. At the same time, the section seeks to provide flexible measures to avoid the over-provision of parking and mitigate its negative impacts, by reducing the extent of hardscape that contributes to stormwater runoff and heat island effect. Finally, the section seeks to acknowledge and expand multimodal transportation opportunities by requiring bicycle facilities with certain development.

B. Applicability

1. New Development

   All new development shall provide off-street parking and loading areas in accordance with the standards of this section, unless otherwise exempt by this code.

2. Expansion or Enlargement

   Any expansion or enlargement that results in an increase of floor area of greater than 15 percent, any increase in the number of dwelling units, or any expansion or enlargement that requires a conditional use approval, shall provide additional parking spaces on the basis of the expansion or enlargement, as required by Table 7-4: *Vehicle Parking Requirements*. Additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire building or use.

3. Change of Use

   I. When the use of any building, structure, or premises changes in a manner that may be expected to increase the demand for parking, such as through addition of dwelling units, expansion of gross floor area, or increase in seating capacity, off-street parking shall be added in the amount required by Table 7-4.

   II. For a use with legally nonconforming parking, the number of spaces that are lacking may be subtracted from the number of required off-street parking spaces for any new use at the same location, so that the degree of nonconformity is maintained but does not increase.

4. BCD Exception

   New development, expansion, enlargement, or change of use within the BCD is exempt from the requirements of Table 7-4, however

   I. Bicycle parking is still required;

   II. ADA spaces in compliance with building code must be provided; and

   III. Any automobile parking that is provided shall comply with all applicable access, design, and maintenance standards as described in Section 14-7.5H.

C. Calculation of Vehicle Parking and Loading Requirements

1. Area Measurement

   All square footage-based parking and loading requirements shall be computed on the basis of gross floor area of the use. Structured parking within a building shall not be included in such computation.

2. Parking for Multiple Uses

   For sites with multiple uses, the required parking shall be the sum of the required parking for each of the uses on the site.

3. Fractions

   Any calculation that results in a fractional number may round down to the nearest whole number.

D. Vehicle Parking Requirements

The minimum number of off-street parking spaces shall be provided in accordance with Table 7-4: *Vehicle Parking Requirements*. If no number is given, no parking is required.

Table 7-4: Vehicle Parking Requirements

	Requirement
RESIDENTIAL	
Household Living	
Accessory building or structure	
Accessory dwelling unit	One space per unit if the accessory dwelling unit is less than 1,000 square feet, otherwise, two spaces per unit
Compound development	1 space per unit
Dwelling or residence ancillary to another approved use	
Dwelling, live-work	2 spaces per unit, plus required ADA parking
Dwelling, multi-unit	**5 units and over:** Less than 800 square feet of heated floor area: 1 assigned space and 0.25 unassigned space per dwelling unit 800-1,200 square feet of heated floor area: 1 assigned space and 0.5 unassigned space per dwelling unit More than 1,200 square feet of heated floor area: 1 assigned space and 1 unassigned space per dwelling unit
Dwelling, single-family attached	2 spaces per dwelling unit
Dwelling, single-family detached	
Dwelling, duplex	
Dwelling, triplex	1 space per dwelling unit
Dwelling, quadplex	
Home occupation	See Section 14-5.3.C6
In-home daycare	As determined by the Director
Manufactured home	2 spaces per dwelling unit
Mobile home, permanent installation	
Mobile home park	
Tiny home	1 space per dwelling unit

Table 7-4: Vehicle Parking Requirements

	Requirement
Group Living	
All group living, unless otherwise specified	8 or fewer residents: 2 spaces per group home More than 8 residents: 1 space per two beds
Boarding, dormitory, monastery, or convent	As determined by the Director
Continuing care community	1 space per dwelling unit; plus one space per 2 beds in congregate housing plus one space per 2 beds in a nursing care unit or extended care facility
Foster home	
Group residential care facility, correctional	As determined by the Director
Group residential care facility, large or small	
Personal care facility for the elderly	One space per each two beds
Sheltered care facility	As determined by the Director
AGRICULTURAL	
Agricultural home occupation	As determined by the Director
Aquaculture	
Aquaponics	
Composting facility	
Farm stand	
Farmers' market	
Hydroponics	
Stable, commercial	
Urban farm, ground level	
Urban farm, roof level, open air	
CIVIC, PUBLIC, AND INSTITUTIONAL	
Community and Cultural Centers or Facilities	
Cemetery, mausoleum, or columbarium	As determined by the Director
Museum	One space per each 250 square feet of net leasable area
Neighborhood or community center, including youth or senior centers	
Public park, playground, or playfield	As determined by the Director
Religious, educational, or charitable institution	One space per four seats, based on total capacity

Table 7-4: Vehicle Parking Requirements

	Requirement
Educational Facilities	
College or university, nonresidential	As determined by the Director
College or university, residential	
Elementary or secondary school, public or private	**Elementary and junior high schools:** One space for each classroom, workshop, laboratory or office plus one space per 200 square feet of auditorium, gymnasium and cafeteria **Senior high schools:** Four spaces for each classroom, workshop, laboratory or office plus one space per 200 square feet of auditorium, gymnasium and cafeteria
Vocational or trade school, light industrial	As determined by the Director
Vocational or trade school, non-industrial	
Emergency Services	
Police or fire station	As determined by the Director
Health Care and Extended Care Facilities	
Extended care, convalescent, nursing, recovery care facility	One space per each two beds
Hospital	One space per four beds, plus the number required, based on square feet measurement, for office, clinic, testing, research, administrative, teaching and similar activities associated with the principal use, at one space per each 350 square feet of net leasable area except for teaching facilities, which shall be one per each four seats
Hospital heliport	As determined by the Director
Medical or dental office or clinic	One space per each 200 square feet of net leasable area
Human Services	
Day care facility	Two spaces plus one additional space for each ten children
Human services establishment	One space per each 350 square feet of net leasable area except for lodging which shall be 1 space per 2 beds for dormitory rooms

Table 7-4: Vehicle Parking Requirements

	Requirement
	or 1 space per individual lodging unit
Public Transportation	
Transit transfer facility	One space per each 200 square feet of net leasable area
COMMERCIAL	
Animal-Related	
Doggie daycare	As determined by the Director
Kennel or boarding facility	
Pet grooming	
Veterinarian	
Arts Activities	
Arts and crafts studio, gallery, or school	As determined by the Director
Dance studio	
Film production	
Photography studio	
Assembly	
Reception or event center	As determined by the Director
Private club or lodge	One space per each 200 square feet of net leasable area
Cannabis Establishments	
Cannabis consumption area	As determined by the Director
Cannabis manufacturing, heavy	
Cannabis manufacturing, light	
Cannabis producer microbusiness	
Cannabis producer	
Cannabis research or testing laboratory	
Commercial cannabis retailer	
Food and Beverage	
Bar, cocktail lounge, nightclub, with or without outdoor entertainment	One space per each 200 square feet of net leasable area
Brewery, distillery, tasting room, winery	
Commissary kitchen	As determined by the Director
Food truck	
Mobile food court	
Outdoor dining	
Restaurant, fast service/take-out	One space per each 200 square feet of net leasable area
Restaurant, full service, with or without incidental alcohol service	
Restaurant with bar, cocktail lounge or nightclub comprising	One space per each 400 square feet of net leasable area

Table 7-4: Vehicle Parking Requirements

	Requirement
more than 25% of total serving area	
Restaurant, with drive-through/drive-up	One space per each 200 square feet of net leasable area
Lodging	
Bed and breakfast inn	0.7 space per rental unit
Campground or RV park	As determined by the Director
Conference or extended stay lodging facility	
Hotel, motel, or residential suite hotel	One space per rental unit
Short-term rental	**One bedroom:** One space **Two or more bedrooms:** 2 spaces
Vacation time share project	Same as household living, plus one employee space per six units (see page 1 of table for household living)
Office, Business, and Professional	
Bank or credit union	One space per each 350 square feet of net leasable area plus customer drive-in spaces as determined by the City
Business or professional office (excluding medical or dental office)	One space per each 350 square feet of net leasable area
Laboratory, research or testing	
Temporary on-site contractor's office	
Recreation and Entertainment	
Commercial recreation	As determined by the Director
Outdoor music	
Theater, live productions	One space per each three seats
Retail Sales and Services	
All retail stores, unless otherwise specified	One space per each 200 square feet of net leasable area
Flea market	One space for every 500 square feet of total vendor area as designated on the site plan
Laundromat	One space per each 400 square feet of net leasable area
Neighborhood grocery store	
Seasonal sales	
Sign shop	
Service Establishments	
Exercise, spa, or gym facility	Spaces equal to 30 percent of total permitted occupancy or as determined by the City

Table 7-4: Vehicle Parking Requirements

	Requirement
Hair salon or barber shop	One space per each 200 square feet of net leasable area
Personal service establishment	
Tailoring or alterations shop	
Sexually-Oriented Business	
All	As determined by the Director
Vehicles and Equipment	
Service and repair garage, including gas station	One space per each 200 square feet of net leasable area
Tire recapping and retreading	
INDUSTRIAL	
Automobile salvage or wrecking yard, or junkyard	One space per 1,700 square feet of land and building area
Light assembly and manufacturing	As determined by the Director
Warehouse and Storage	
Outdoor storage lot or yard	As determined by the Director
Self-storage facility	One per 10 storage areas
Warehouse and distribution	One space per 500 square feet of net leasable area
Wholesale operation	As determined by the Director
UTILITIES	
All, not otherwise listed separately	
Electrical distribution facility	
Electrical substation	
Electrical switching station	
Telecommunications facility	

E. Parking Alternatives

The alternatives described in this subsection offer new development the opportunity to request reduction of the amount of on-site parking that would normally be required for a given use or combination of uses on a site, as shown in Table 7-4.

1. Maximum Cumulative Reduction

   The maximum reduction of required parking spaces by any single parking alternative or combination of parking alternatives in this section is 20 percent, unless a parking demand study demonstrates that a greater reduction is warranted.

2. Parking Demand Study

   Some of the alternatives described in this section may require the provision of a parking demand study that demonstrates the need for a lower quantity of off-street parking than required by Table 7-4.

   I. The parking demand study shall be prepared by a traffic engineer and shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

   II. The parking demand study shall be subject to review and approval by the Planning and Land Use Director, confirming that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses.

   III. If an applicant submits a parking demand study demonstrating that anticipated off-street parking demand for the proposed use, development, or combination of uses will be less than that required in Table 7-4 and the Planning and Land Use Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses, the Planning and Land Use Director may authorize a reduction in required parking spaces based on the conclusions of the study.

3. On-Street Parking

   On-street parking may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following standards:

I. Where parking spaces are available on a local public street adjacent to a use or development, one on-street space may be substituted for an on-site space for every 20 linear feet of street frontage abutting the lot. On public streets, this reduction may not be used for residential development, except for live-work units.

II. On-street parking that is subject to residential parking permit restrictions or time restrictions is not eligible to meet any off-street minimum parking requirements for any use.

III. Only those legal on-street parking spaces abutting any lot line of the subject property may be counted.

IV. On-street parking along an arterial street shall not be used to meet any minimum parking requirements for any use.

V. Areas in front of or within 10 feet of a driveway, within 20 feet of a street intersection or within five feet of a fire hydrant shall not be counted toward meeting the minimum parking requirements for any use.

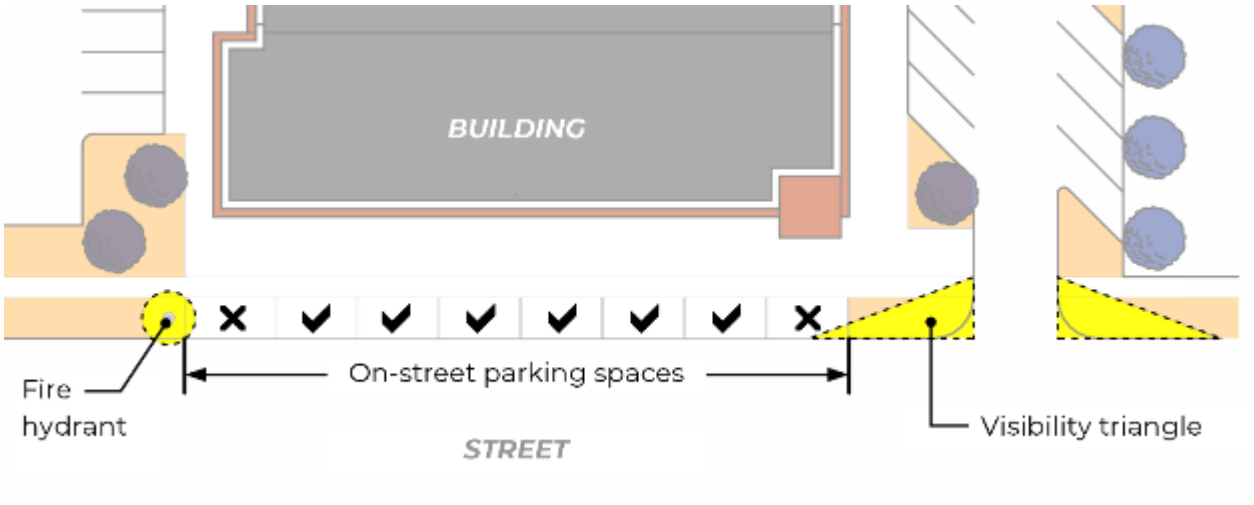


Figure 7.5-1: Visibility Triangle Limitations to On-Street Spaces

VI. Each on-street parking space may only be counted once toward meeting the minimum parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

VII. For private streets or gated developments, on-street parking abutting the lot line of the subject property may be used to satisfy the requirement for one of the two required spaces for single-family or duplex dwelling units. For three- or four-unit buildings and attached townhomes, one on-street space may be substituted for an on-site space for every 20 linear feet of street frontage abutting the lot.

VIII. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by the City and the remaining off-street parking does not meet the minimum off-street parking requirements of this section.

4. Off-Site Parking

The Planning and Land Use Director may approve off-site parking for developments and/or uses with different operating hours or different peak business periods. All off-site parking shall comply with the following:

I. Limitations
   a. No more than 25 percent of the required parking for a given use or combination of uses, as indicated in Table 7-4, may be provided in the form of off-site parking.
   b. Off-site parking is not permitted for residential uses, except that a mixed-use building may provide a portion of the parking required for nonresidential uses through off-site parking.

II. Location
   a. Every off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the property for which the off-site parking is provided.
   b. The Planning and Development Service Department may authorize farther distances for shared parking facilities where shuttle or valet services are available.
   c. Off-site parking may not be separated from the subject use by an arterial roadway.

III. Parking Demand Study Required

Off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of off-site parking through a parking demand study, as described in Section 14-7.5E.2.

IV. Parking Agreement

a. The proposed parking arrangement between the subject property and the property providing the off-site parking shall be reviewed and approved by the Planning and Land Use Department.

b. The parking arrangement shall be formalized by written agreement and shall provide all parties the right to joint use of the shared parking area for as long as the shared parking spaces are needed to comply with this Code and shall be binding on subsequent owners or long-term lessees.

c. An attested copy of an approved and executed agreement shall be recorded with the County Clerk before issuance of a Certificate of Compliance/Occupancy for any use to be served by the shared parking area.

d. Any termination of the agreement does not negate the parties' obligations to comply with applicable parking requirements and thus shall constitute a violation of this Code. No use served by the shared parking may be continued if the shared parking becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this section.

e. If inspection indicates that the shared parking arrangement has been terminated and the Planning and Land Use Department determines that the termination has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the shared parking arrangement may be held in violation of this Code.

5. Shared Parking

I. Combined uses on the same premises shall provide the combined total number of spaces required for each use separately, unless a shared parking plan is approved.

II. Uses on premises comprising more than one legal lot of record may provide shared parking in accordance with an approved shared parking plan.

III. Parking required for uses located on adjoining lots in RAC, C, BCD, BIP, MU, SC or I districts, for institutional uses located on adjoining lots in residential districts, or for a qualifying project within the Midtown LINC Overlay District, may be provided on a joint basis. Within the joint parking areas, the spaces required for each of the participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved.

IV. Cumulative parking space requirements for mixed-use occupancies or adjoining mixed-uses may be reduced if the applicant demonstrates that the peak requirements of the several occupancies occur at different times, such as mid-day for office uses and evening for residential uses, as supported by a parking demand study.

V. If the reduction is supported by a parking demand study, the number of spaces specified in Table 7-4 may be reduced by a land use board pursuant to a conditional use approval or development plan.

VI. Reduction in the total number of spaces required by this section for qualifying projects within the Midtown LINC Overlay District shall be approved by the Planning and Land Use Director pursuant to Section 14-2.1(F)(4)(II)(c)(3) if the reduction is supported by a parking demand study prepared by the qualifying project applicant. In addition to the shared parking provisions of this subsection, the total number of spaces required as determined by a shared parking plan or parking demand study may be reduced by the number of on-street parking spaces present in the Midtown LINC Overlay District adjacent to a qualifying project.

6. Proximity to Transit and Multimodal Infrastructure

Except for single-family dwellings, the number of required on-site parking spaces may be reduced by 10 percent from the requirements in Table 7-4for development within 500 feet, measured along a public sidewalk or multi-user trail, of a fixed transit stop or a major commuter trail.

7. Provision of Transit Facility

The number of required on-site parking spaces may be reduced by five percent if the property owner enters into an agreement with the City wherein the property owner grants the City the right to use a portion of the property for a City transit facility.

I. Whether or not the site is a suitable location for a transit facility is at the sole discretion of the City.

II. The amount of reduction and the terms of the agreement shall be subject to review and recommendation by the planning and land use department, the Transit Division and the City Attorney's Office and shall be based upon the City's specific transit needs at the site, the anticipated reduction in parking demand due to the facility and specific characteristics and considerations of the site.

III. The agreement may be in the form of an easement, dedication or long-term lease approved by the Governing Body.

8. On-Site Car Share Vehicles

Development that provides a permanent, on-site parking space for a car share vehicle may reduce by five percent the number of required on-site parking spaces

specified in Table 7-4, for each permanent car share space provided, up to four spaces.

9. Parking Structures

   I. When a parking structure is provided, the amount of off-street parking required for the use or uses, as indicated in Table 7-4, may be reduced by 20 percent for structured parking and 25 percent for underground parking.

   II. The height of an above-ground parking structure shall not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

10. Commercial Parking Facilities

    Commercial parking facilities, whether surface lots or structured parking, that are available for use by the general public and located within 500 feet of the subject property may be counted towards up to ten percent of the total amount of required off-street parking.

11. Affordable and Senior Housing

    The minimum parking requirement for multi-unit residential structures may be reduced by 25 percent if:

    I. At least 25 percent of the dwelling units are income-restricted for a period of at least 30 years to households earning 80 percent or less of Santa Fe's Area Median Income (AMI);

    II. Certain SFHP housing developments are eligible for other parking reductions as described in Section 14-7.2(F)(2)(III); or

    III. At least 75 percent of the dwelling units are restricted for occupancy by persons 60 years of age or older.

F. ADA Accessible Parking Space Requirements

1. Minimum Required Spaces

   Accessible parking shall be provided as shown in Table 7-5: *Accessible Parking Space Requirements*.

Table 7-5: Accessible Parking Space Requirements

Total Spaces in Parking Lot	Minimum Number of Accessible Spaces
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 and up	1 additional accessible space for every 50 parking spaces (or fraction thereof)
Van Accessible Spaces	

Table 7-5: Accessible Parking Space Requirements	
Total Spaces in Parking Lot	**Minimum Number of Accessible Spaces**
One van accessible space is required for every 6 accessible spaces (or fraction thereof), such that if a parking lot is required to have one accessible space, it will be a van space; for two accessible spaces, one must be a van space, etc.	

2. Additional Standards

   I. Any use that receives a parking reduction as a result of one of the options listed in Section 14-7.5(E), *Parking Alternatives,* shall still be obligated to provide accessible spaces based on the full required number of parking spaces for that use, prior to any approved reductions.

   II. Medical care occupancies specializing in the treatment of persons with mobility impairments shall provide 20% accessible spaces.

   III. Hospital outpatient medical care facilities shall provide10% accessible spaces.

   IV. Accessible spaces shall be in close proximity to building entrances, connected by the shortest accessible route to the accessible building entrance or facility they serve. If a parking facility serves multiple buildings or multiple accessible entrances, accessible parking spaces should be dispersed in multiple locations to enable people to park as close to accessible entrances as possible.

3. Exceptions

   The requirements in Table 7-5 shall not apply to residential structures with three or fewer dwelling units.

4. Accessible Space and Access Design

I. Any accessible space, access routes, and passenger loading zones shall be designed in accordance with the 2024 American National Standards published by the Council of American Building Officials.

II. Standard accessible spaces shall be minimum 8 feet wide alongside a 5-foot-wide access aisle.

III. Van spaces shall be a minimum 11 feet wide alongside an 8-foot wide access aisle and have a minimum vertical clearance of 98 inches.

IV. An access aisle located between and serving both a standard space and a van space may be five feet wide.

V. Access aisles shall be parallel to the full length of the adjacent space, and level with the accessible space(s) with no barriers or impediments to movement between the access aisle and the sidewalk/building. Figure 7.5-2 below illustrates the applicable requirements.

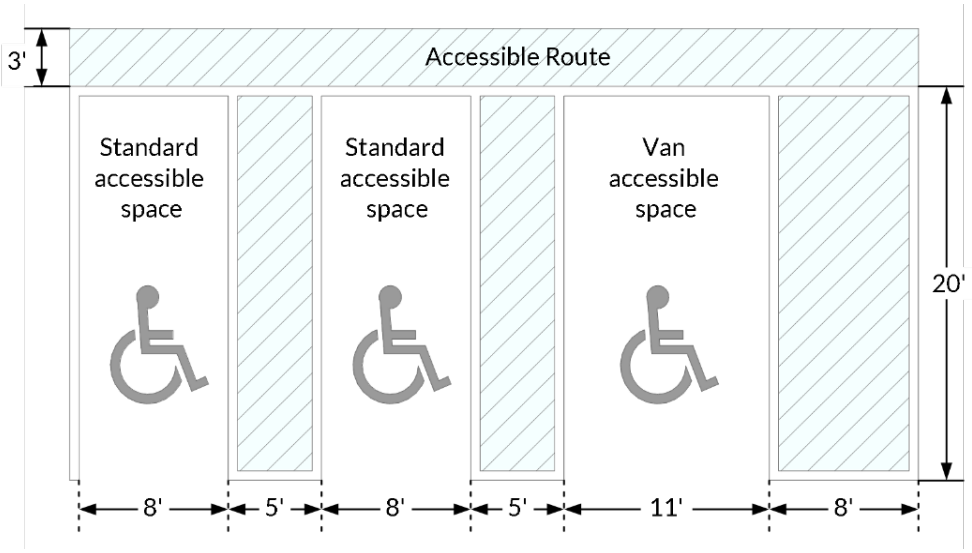


Figure 7.5-2: Accessible Space and Access Design

G. EV Charging Space Requirements

1. Purpose

The purpose of requiring providing electric vehicle (EV) charging infrastructure is to accommodate a changing vehicle market and emerging vehicle technologies, improve air quality, and reduce greenhouse gas emissions.

2. Applicability

The requirements of this subsection apply to new development.

3. General Requirements

EV infrastructure requirements are categorized as follows:

I. EV-Capable

Parking spaces equipped for future EV charging by providing dedicated electrical capacity in the service panel and conduit to the EV-capable charging station.

II. EV-Installed

Parking spaces reserved for EVs to provide drivers the ability to charge their EV using installed charging stations.

4. Number of Spaces Required by Use

The parking requirements of this subsection are intended as minimum requirements. EV-Capable and EV-Installed charging spaces count towards minimum parking space requirements and shall be provided in accordance with Table 7-6.

Table 7-6: EV Charging Space Requirements for New Development

Use	Number of Spaces	Applicability[1]
RESIDENTIAL		
Single-family dwelling	One Level 2 outlet (240 volt)	N/A
Multi-unit dwelling	25% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more
NONRESIDENTIAL		
Retail and Personal services	10% EV-Capable, 3% EV-Installed	Developments that require 25 parking spaces or more
Recreational or Entertainment Facilities	25% EV-Capable, 3% EV-Installed	Developments that require 25 parking spaces or more
Hotel or other commercial lodging of 5 or more units (including vacation time share and bed and breakfast inns)	25% EV-Capable, 3% EV-Installed	Developments that require 10 parking spaces or more
School, group assembly, or cultural institution	10% EV-Capable, 3% EV-Installed	Developments that require 25 parking spaces or more
Warehouse and Distribution, and other industrial	5% EV-Capable, 3% EV-Installed	Developments that require 25 parking spaces or more

NOTES:

[1] Based on the required parking spaces..

5. Accessibility

Multi-unit and nonresidential developments shall provide at least one EV-Installed ADA compliant charging station adjacent to an ADA-designated space. ADA compliant EV-Installed charging stations are required at the rate of one space for every 50 required EV-installed parking spaces.

6. Signage

Each EV-Installed charging station shall be signed to indicate that it is reserved for and may only be used for electric vehicles.

H. Design and Maintenance of Parking and Loading Areas

1. General Standards

All off-street parking spaces and parking lots shall meet the standards set forth in this subsection, along with any additional standards shown on an approved site plan. Parking spaces shall:

I. Be designed, maintained, and regulated so that no portion of a parked vehicle or maneuvering incidental to parking shall be on any street, walk, or alley; provided that the public works director may approve parking lots serving one or two dwelling units and comprising four or fewer parking spaces designed to allow vehicles to back onto a street classified as a subcollector or lane, onto a walk or alley, or in exceptional circumstances onto a street classified as an arterial or collector;

II. Be designed to avoid tandem parking, where one vehicle must be moved to access another, except in attended lots, multi-unit developments with two assigned spaces, single-family dwellings where not more than two spaces assigned for use to the same dwelling unit may be arranged in tandem;

III. Be fronted with immovable barriers such as bollards or fences that prevent vehicles from extending over the public sidewalks, abutting lots or the minimum required landscaped area (see Section 14-8.4H.3, *Perimeter Parking Lot Landscaping)*, and that prevent vehicles from obstructing building entries and ADA accessible routes;

IV. Be designed to discourage parking lot traffic from accessing directly onto major arterial streets, unless no reasonable alternative is available;

V. Be appropriately marked to indicate the location of the spaces; and

VI. Be available at all times for parking the personal vehicles of employees and customers or residents and guests for which the spaces are required. Required parking spaces shall be unobstructed and shall not be used for storage, display, sales or parking of commercial or other vehicles used by employees in the conduct of the use for which the spaces are required, unless an itinerant vending permit or conditional use approval has been issued. Required off-street loading spaces shall not be included as off-street parking spaces in the computation of required off-street parking.

VII. Driveways and parking lot aisles shall not direct vehicle traffic toward a primary pedestrian entryway to a nonresidential or multi-unit residential building with installation of bollards or other safety barriers that prevent accidental vehicle collisions with the entryway and pedestrians in front of the entryway.

2. Compliance

Compliance with the provisions of this subsection is required for the following:

I. Development on City-owned land;
II. Subdivision plats, except lot split and resubdivision plats;
III. Development plans;
IV. Master plan; and
V. Construction permits and conditional use approvals as follows:
   a. All new nonresidential and multi-unit construction resulting in an enclosed structure with a gross floor area greater than 1,000 square feet; and
   b. For additions or remodeling of existing nonresidential and multi-unit structures where cost for the required improvements shall be at least 20 percent of the project's construction valuation, in addition to the cost of required landscape improvements described in Section 14-8.4B.

3. Parking Space Requirements
   I. Required parking spaces shall be arranged and constructed in accordance with parking and driveway standards shown in the following illustrations and tables.
   II. Figure 7.5-3 shows non-angled parking space requirements.

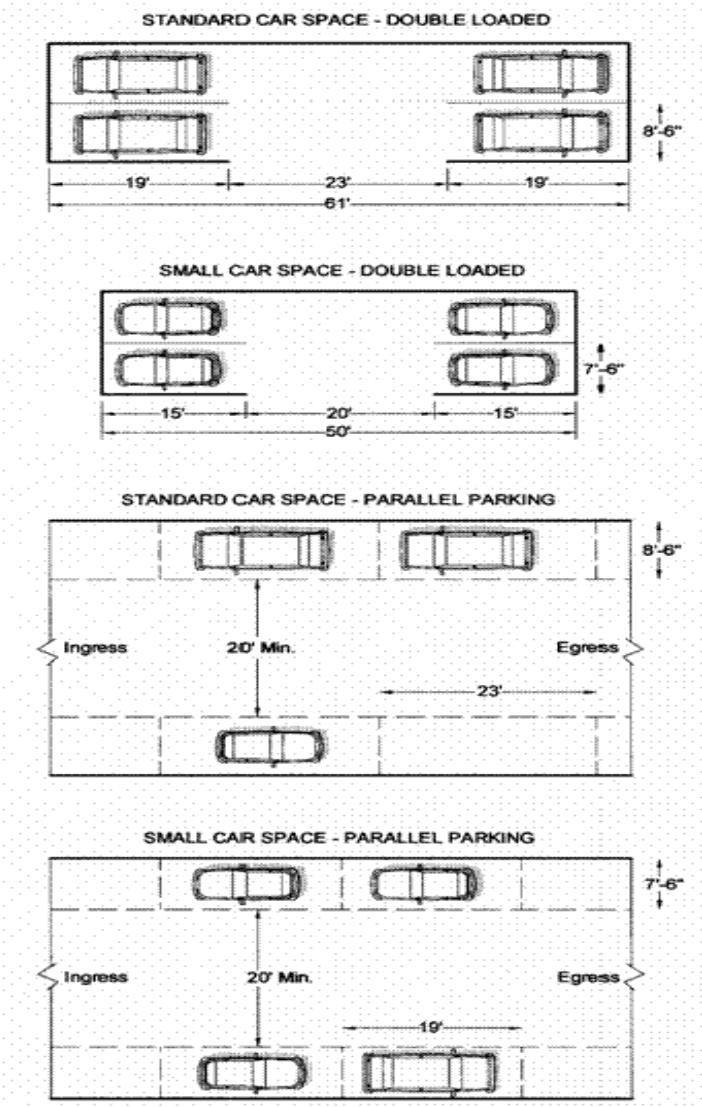
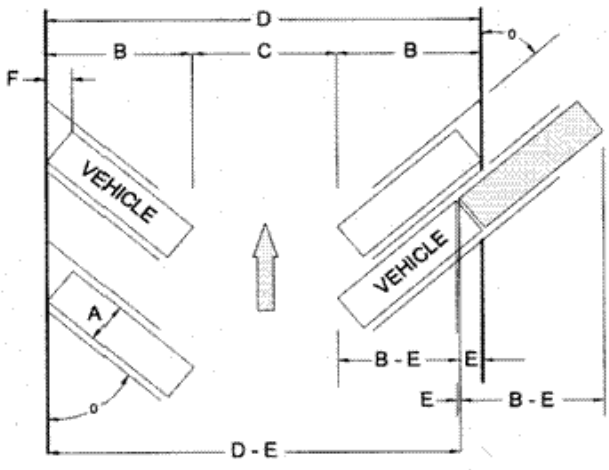


Figure 7.5-3: Non-Angle Parking Requirements

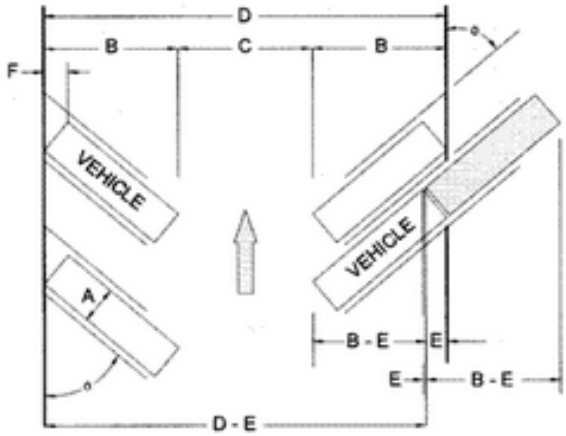
III. Figure 7.5-4 shows layout and dimensional standards for all sizes of vehicles.



Angle	Minimum Width (A)	Vehicle Projection (B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	8'-4"	17'-4"	12'-3"	46'-22"	2'-0"	2'-0"
50	8'-4	18'-0"	12'-9"	48'-9"	1'-10"	2'-1"
55	8'-4	18'-6"	13'-3"	50'-3"	1'-7"	2'-2"
60	8'-4	18'-10"	14'-3"	51'-11"	1'-4"	2'-3"
65	8'-4	19'-0"	15'-2"	53'-2"	1'-2"	2'-4"
70	8'-4	19'-2"	16'-1"	54'-5"	0'-11"	2'-5"
75	8'-4	19'-0"	17'-6"	55'-6"	0'-8"	2'-6"
90	8'-4	18'-0"	22'-6"	58'-4"		2'-8"

Figure 7.5-4: Parking Module Dimensions for All Vehicle Sizes

IV. Figure 7.5-5 shows layout and dimensional standards for compact and standard vehicles.



Angle	Stall Type	Minimum Width (A)	Vehicle Projection (B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	CO	7'-6"	15'-2"	10'-9"	41'-1"	1'-6"	1'-6"
	STD	8'-6"	18'-4"	13'-0"	49'-8"	2'-3"	2'-3"
50	CO	7'-6"	15'-8"	11'-2"	42'-6"	1'-4"	1'-7"
	STD	8'-6"	19'-2"	13'-6"	51'-10"	2'-0"	2'-4"
55	CO	7'-6"	16'-0"	11'-7"	43'-7"	1'-2"	1'-8"
	STD	8'-6"	19'-8"	14'-0"	53'-4"	1'-9"	2'-5"
60	CO	7'-6"	16'-4"	12'-6"	45'-2"	1'-0"	1'-8"
	STD	8'-6"	20'-0"	15'-0"	55'-0"	1'-6"	2'-6"
65	CO	7'-6"	16'-5"	13'-3"	46'-1"	0'-10"	1'-9"
	STD	8'-6"	20'-2"	16'-0"	56'-4"	1'-3"	2'-7"
70	CO	7'-6"	16'-5"	14'-1"	46'-11"	0'-8"	1'-10"
	STD	8'-6"	20'-4"	17'-0"	57'-8"	1'-0"	2'-8"
75	CO	7'-6"	16'-6"	15'-4"	49'-4'	0'-6"	1'-10"
	STD	8'-6"	20'-2"	18'-0"	58'-4"	0'-9"	2'-9"
90	CO	7'-6"	15'-0"	19'-0"	50'-0"		2'-0"
	STD	8'-6"	19'-0"	23'-0"	61'-0"		3'-0"

Figure 7.5-5: Parking Module Dimensions for All Compact and Standard Size Vehicles

V. No required off-street parking space shall be located within the right-of-way of any street, roadway or public alley.

4. Parking Structures

I. Parking structures shall have architecturally compatible, articulated façades designed to screen the view of parked vehicles from all floors above the ground floor except on façades abutting an alley.

II. In a MU district, if 80 percent of the ground floor of any side of an above-grade parking structure is adjacent to a public street, except an alley, or adjacent to a public open space or plaza, it shall be constructed to an adequate depth to allow future occupancy by a commercial or other non-parking permitted use allowed in the MU district.

5. Loading Standards

I. General Requirements

a. Loading space shall be paved in conformance with paving requirements specified in off-street parking standards.

b. All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operation shall stand in or project into any public street, walk, alleyway, front required yard, required parking space or access aisle, common ingress-egress easement, or ADA accessibility route, or obstruct a building entry or exit.

c. The minimum dimensions of the loading space shall be scaled to accommodate the largest vehicle used for pickups and deliveries, including vertical clearance.

II. Additional District-Specific Requirements

a. In SC districts, space for normal off-street loading operations shall be provided at the rear or side or beneath any shopping center building.

b. In I-1 and I-2 districts, there shall be adequate area for storing any vehicles used incidental to or as part of the primary operation of the establishment.

c. In the C-2 district, loading areas shall not be allowed within 50 feet of the front lot line and truck loading shall be confined to the rear or sides of buildings.

I. Provisions for Specific Districts

1. Off-Street Visitor Parking in Single-Family Developments

In single-family residential developments, if driveways are located in such proximity to each other that on-street parking is judged inadequate for visitors, the Planning Commission may require that additional visitor parking of up to one-half space per dwelling unit be accommodated within the development.

2. C-2

I. The parking requirements established in this subsection shall be met at the time of application for certificates of occupancy or for business registration by either on-site off-street parking or off-street parking located within 600 feet of the nearest property line of the parcel.

II. Leased parking is acceptable when documentation is provided for a lease duration of at least five years, and a site plan demonstrates that, even with the leased spaces. the lessor property still complies with the requirements of Table 7-4Table 5-1. The lessee shall submit a site plan with the application that includes all parking spaces on the lessor property and delineates the spaces to be leased. The leased parking spaces shall be designated for the exclusive use of the lessee on the site plan and shall be so reserved by clear, appropriate signage on the lessor property.

III. Any modification of the parking requirements granted by the Board of Adjustment shall not constitute a waiver of the assessment fee.

3. BIP Districts

I. The configuration and distribution of parking areas may be proposed for the entire site or portions of the site and need not be allocated on an individual lot basis.

II. Truck loading shall be confined to the rear and sides of buildings. To the extent possible, areas for outdoor storage, trash collection and loading shall not be located adjacent to residential lots. Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, the areas shall be effectively screened from public view. Signs shall be installed prohibiting vehicular idling in areas adjacent to residential lots. Areas for outdoor storage, trash collection and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable in quality and appearance to the building. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible. When the loading or refuse collection area is adjacent to a residential district, signs shall be installed prohibiting deliveries and collections between 10:00 p.m. and 6:00 a.m.

4. MU District

I. The configuration and distribution of parking areas may be proposed for the entire site or portions of the site and need not be allocated on an individual lot basis.

II. The quantity of parking provided may be reduced if approved by the Planning Commission concurrently with the development plan.

J. Off-Street Bicycle Parking Requirements

1. Purpose

   To support the viability of multimodal transportation options, bicycle parking spaces are required as described in this section.

2. Applicability

   The requirement to provide off-street bicycle space parking shall apply to all uses except single-family residential uses.

   I. New Development

      Off-street bicycle parking is required for new development as indicated in Table 7-7: *Required Bicycle Parking*.

   II. Expansion of Existing Development

      Off-street bicycle parking is required in compliance with Table 7-7: *Required Bicycle Parking* when an existing development increases floor area, seating capacity, required parking spaces, or through the addition of dwelling units, other than single-family homes.

3. Calculation of Bicycle Parking Requirements

   I. Area Measurement

      All square footage-based requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be included in calculation of gross floor area.

   II. Parking for Multiple Uses

      For sites with multiple uses, the required bicycle parking shall be the sum of the required parking for each of the uses on the site.

   III. Fractions

      Any calculation that results in a fractional number may round down to the nearest whole number.

4. Number of Required Bicycle Parking Spaces

   Off-street bicycle spaces and racks shall be provided in accordance with Table 7-7.

Table 7-7: Required Bicycle Parking

Use	Short-Term Parking Spaces	Long-Term Parking Spaces
Residential		
Group living (including boarding house, dormitory, monastery, or convent)	1 space for every 6 beds, based on maximum capacity; minimum 2 spaces	1 space per 20 residents
Multi-unit residential development[1]	0.05 spaces per bedroom for units without individual private garages; minimum 2 spaces	0.5 spaces per bedroom for units without individual private garages. One e-bike charging outlet shall be provided for each 4 required long-term spaces.

Table 7-7: Required Bicycle Parking		
Use	**Short-Term Parking Spaces**	**Long-Term Parking Spaces**
Community and Cultural Facilities		
All	1 space per 2% of maximum capacity; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
Educational Facilities		
Elementary, middle, or high school	2 space for every 20 students, based on maximum enrollment; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
Post-secondary educational facility	2 space for every 20 students, based on maximum enrollment; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
Health Care and Human Services Facilities		
Hospital	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Medical or dental office or clinic	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Other medical or human services facilities	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Commercial		
Office	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Personal services	1 space per 5,000 sq ft: minimum 2 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Recreation and entertainment	1 space per 2% of maximum capacity; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
Restaurant, bar, or similar establishment	1 space per 2% of maximum capacity; minimum 2 spaces	1 space per 20,000 sq ft; minimum 2 spaces
Retail	1 space per 5,000 sq ft: minimum 2 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 12,000 sq ft; minimum 2 spaces
Shopping center	Sum of individual uses, or 1 space per 5,000 sq ft: minimum 2 spaces	Sum of individual uses, or 1 space per 20 employees, whichever is greater; minimum 2 spaces

Table 7-7: Required Bicycle Parking		
Use	**Short-Term Parking Spaces**	**Long-Term Parking Spaces**
	Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	
Transit Facilities		
Transit center/Rail stop	1% of peak period a.m. ridership	At least 5 percent of spaces provided must be long-term spaces

NOTES

[1] Multi-unit development that has controlled-access structured parking, individual garages, or private, locked storage external to each unit shall only be required to provide short-term bicycle spaces.

5. Location and Design Standards

I. Location Standards

a. Unless placement of short-term bicycle parking spaces has been approved within the right-of-way, bicycle parking spaces shall be on the same site as the building or use they serve.

b. Outdoor racks shall be placed within 100 feet of the primary entrance(s) of the buildings they serve, and connected to the entrance by a clearly delineated, well-lit pathway. Where bicycle parking spaces access a pedestrian route to a building entrance, no parked bicycle shall impede the pedestrian pathway.

c. Where buildings have more than one entrance, or developments have more than one building, bicycle parking spaces shall be distributed throughout the site.

d. Bicycle parking areas shall be separated from vehicular parking areas. The separation may be accomplished through grade separation, or physical barriers, such as fenced areas, curbs, wheel stops, bollards, or other similar features. Any fencing should not be opaque or otherwise impede visibility into the enclosure.

e. Long-term bicycle spaces shall be located within a controlled access enclosure, such as an enclosed indoor room, a garage or shed, or bicycle lockers.

II. Design Standards

a. The area devoted to bicycle parking must be hard-surfaced.

b. Each required bicycle parking space must be accessible without needing to move another bicycle.

c. Short-term bicycle racks shall accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points at least six inches apart horizontally.

d. Racks may be ground- or wall-mounted and securely affixed or bolted to the ground or wall. Racks shall enable the frame and one or both wheels to be secured. Figure 7.5-6 below shows examples of short-term rack design; however, other designs are acceptable if they meet the standards of this section.

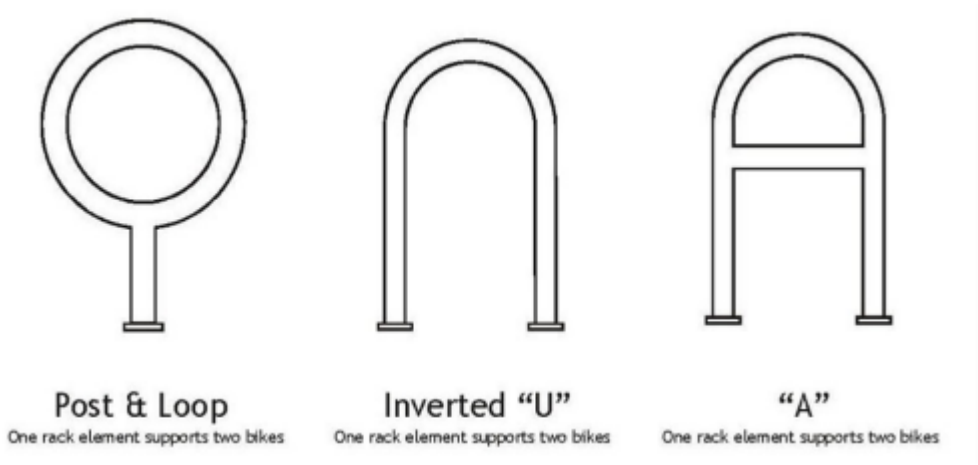


Figure 7.5-6: Short-Term Bicycle Racks

e. Racks placed adjacent to one another must be separated by a minimum distance of three feet. A six-foot minimum aisle width, measured tip to tip of racks across multiple rows, is required. See Figure 7.5-7 below.

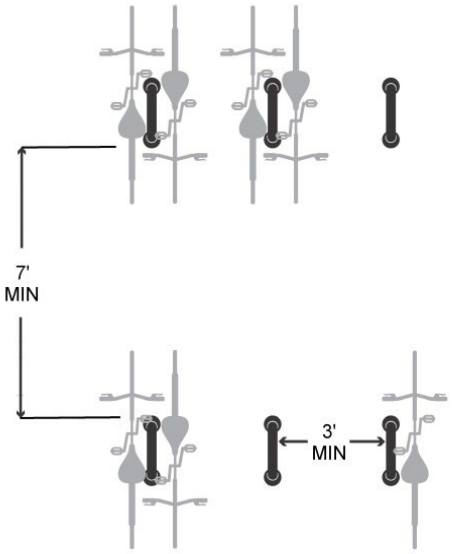


Figure 7.5-7: Bicycle Rack Spacing Requirements

f. There must be an aisle at least five feet wide behind all required bicycle parking to allow for maneuvering the bicycle. Where bicycle parking is next to a sidewalk or pedestrian aisle, the maneuvering area may extend into the sidewalk.

g. When placed perpendicular to a wall, curb, or pedestrian aisle, racks must be at least three feet from the wall, curb, or pedestrian aisle to the nearest vertical component of the rack.

h. When placed parallel to a wall, curb, or pedestrian aisle, racks must be at least three feet from the wall and two feet from the curb or pedestrian aisle.

K. Approval Procedures

1. Applications; Parking Plan

   Applications for construction permits, conditional use approvals, development plans or other development approvals shall include parking plans that show compliance with applicable requirements of this section, adopted parking and driveway standards, and other applicable provisions of Chapter 14 as required by the Planning and Land Use Director. The applicant shall also obtain any access permits required by Chapter 23, *Streets, Sidewalks and Public Places*; or required by state or federal law or regulation.

2. Review of Plans

   Parking plans, including shared parking plans, shall be reviewed by the Planning and Land Use Director for compliance with this section.

3. Special Provisions for Shared Parking Plans

   I. An application for a shared parking plan shall contain a parking demand study or other information required by the Planning and Land Use Director and shall include plans showing the proposed shared parking facilities in relation to the uses for which they are to be provided.

   II. Pursuant to the same procedure and subject to the same limitations and requirements by which the shared parking plan is approved, a shared parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the special plan and if all land and structures withdrawn from the shared parking plan comply with the provisions of this article.

   III. Upon approval of a shared parking plan, a copy of the plan shall be recorded in the office of the County Clerk and its contents shall:
      a. Be binding upon the applicants, their heirs, successors and assigns;
      b. Limit and control the issuance and validity of all construction permits and certificates; and
      c. Restrict and limit the use and operation of all land and structures included within the shared-use plan to conditions and limitations specified in the plan.

14-7.6 Signs

A. Purpose

This section is intended to establish a comprehensive system of sign regulation that balances the need for visibility and effective communication with having a well-maintained, safe, and attractive environment within the City. It is the intent of this section to promote the health, safety, general welfare, and aesthetics of the City by regulating signs that are intended to provide reasonable communication to the public to achieve the following specific purposes:

1. Eliminating potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;
2. Safeguarding and enhancing investment and property values;
3. Controlling public nuisances;
4. Protecting government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces;
5. Preserving and improving the appearance of the City through adherence to reasonable aesthetic principles; and
6. Encouraging signs designed to be integrated with and harmonious to the surrounding environment and the buildings and sites they occupy.

B. Applicability

1. General

   No sign intended to be read from off a premises shall be erected or constructed without a construction permit, except as otherwise provided in this section.

2. Exception for Government Banners

   The standards of this section shall not apply to banners that the city uses to identify the geographic location associated with local business groups, neighborhoods, or community groups; the dates associated with important civic milestones, activities, or holidays; or a sense of place and community; and that are erected by the city or a permittee.

I. All banner designs shall include the words "City of Santa Fe" in a standard format authorized by the Planning and Land Use Department or the official City seal.

II. The Planning and Land Use Department and the City Attorney must approve banner designs for compliance with this exception and the Public Works Department must approve the proposed manner and location of banner installation.

III. After a proposed banner's design and installation are approved administratively, the Governing Body may permit use of banners by adopting a resolution, specifying the appropriate date(s), location(s), number, installation, maintenance, and cost allocation, if applicable.

IV. The city is not responsible for any costs associated with third-party requests to erect banners.

V. By erecting or permitting banners on City-owned property, the City does not intend to create or open City property as a public forum for expressive activity; nor does the City intend to create a venue or forum for political, religious, or other controversial subjects or non-City speech.

C. Signs Allowed in All Districts Without a Permit

The following signs are permitted in any zoning district without a permit, provided the number or area of the sign(s) does not exceed what is allowed:

1. Signs no greater than one square foot, not to exceed three signs per premises.
2. Signs related to events that comply with the following:
   I. Erected for a limited duration, up to ninety days.
   II. For residential properties, no more than four square feet, with the top of the sign mounted no higher than three feet above the ground.
   III. For commercial properties, no more than 16 square feet and with the top of the sign mounted no higher than five feet above the ground. For each 150 linear feet of lot line adjacent to a public street, one additional sign meeting the same dimensions is permitted. Such signs are to be ground-mounted on or within the premises.
   IV. On the day of an event, up to two signs not exceeding four square feet may be placed in the parkway on the day of the event, promptly removed upon the conclusion of the event. Such signs shall be ground-mounted, with the top of the sign no more than three feet in height above the ground.
   V. Any such signs found to be in violation of Chapter 14 shall be immediately removed by the City, at the sign owner's expense.
3. One temporary sign for an event on the premises where the event is to be conducted, not exceed two square feet. On the day of the event, up to four signs not exceeding two square feet each may be placed in the parkway and must be promptly removed upon the conclusion of the event. Such signs shall be ground-mounted and the top of the sign shall not exceed three feet in height above the ground.

D. Prohibited Signs

1. Off-Site Advertising
   I. No off-site advertising is allowed except as set forth in Section 14-7.6G, *Temporary and Portable Signs*.
2. Obstructions
   I. No sign shall be erected, relocated, or maintained such that it prevents free ingress to or egress from any door, window, or fire escape; no sign of any kind shall be attached to a standpipe or fire escape.
   II. No sign or other advertising regulated by this section or Section 14-7.3*, Architectural Design Review,* shall be erected at the intersection of any street in a manner that obstructs free and clear vision; at any location where by reason of position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol or character in a manner that may interfere with, mislead, or confuse traffic.
3. Obscenity

No sign or other advertising structure may depict obscene matter.

4. Flashing or Illumination

No sign shall be erected or maintained that contains, includes, or is illuminated by, any flashing light, electronic change in messages, electronic change in background colors, electronic change in light intensity, or electronic video display, except:

I. Those giving public service traffic information such as lane closures, road closures, and detours; and

II. Electronic messaging signs that comply with the standards in Section 14-7.6(F)(3)(II), *Electronic Message Signs*.

5. Movable Parts

No sign shall have movable parts; except that those signs or marquees having design and construction features for changing of legend or inscription may be approved. The message shall be changed no more frequently than once per 24-hour period.

6. Public Property

No sign shall be erected or maintained on or over public property, except wall signs as described in Section 14-7.6(F)(7), *Wall Signs.*

E. General Sign Standards

1. Sign Illumination

Sign illumination shall be either indirect with the source of light concealed from direct view or shall be through translucent light diffusing materials. There shall be no exposed electrical conduits. However, outside historic districts and except for landmark structures, electronic messaging signs as set forth in Section 14-7.6(F)(3)(II), *Electronic Message Signs*, and electricity-activated gas tubing, including neon, are allowed.

2. Construction Permits

Construction permits shall be obtained for all signs, including signs in the historic districts, except where stated otherwise.

3. Setbacks

The setback requirement for each district applies to sign placement.

4. Signs on Contiguous Lots

   Where contiguous lots exist that do not comprise a unified complex, but one or more of the lots lacks vehicular access to any street except across a parcel that does have direct access to a street, the limited-access lot(s) may place a separate freestanding sign on the direct-access lot in accordance with the restrictions of this Chapter 14 subject to the limitations below:

   a. No more than two freestanding signs shall be permitted on any lot, regardless of the number of individual lots served by common access;
   b. The right to individual signs shall be limited to a situation where one or more of the individual lots is 200 feet or more from the primary access road where the sign for such lot is to be located;
   c. The lot or lots exceeding 200 feet from a primary access road are comprised of not less than 10,000 square feet; and
   d. No lot or access easement shall be created for the sole or primary purpose of establishing an entitlement for a separate freestanding sign.

5. Colors and Lettering Styles

   For any one sign, including frame and poles, there shall be no more than three colors and no more than two lettering styles. At least one of the colors shall match one of the predominant colors in the building.

6. Sign Surface Area
   I. The net geometric area shall be the area enclosed by the sign, including all elements such as borders or frames, perforated or solid background.
   II. The area of double-faced signs shall be computed for one face only.
   III. The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area is designed in such a manner as to form an integral part of the background of the display.
   IV. The area of artificial illumination on a wall of any structure is to be counted as part of the total allowable sign area.

7. Sign Removal
   I. Any sign that previously identified the location of an activity, business, product sale or similar identification, the location of which is no longer accurate, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot, or structure upon which sign may be found.
   II. Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted, or otherwise altered, and all sign supports, brackets, mounts, utilities, or other connecting devices shall be removed so that there is no visible trace of the removed signor the supports, brackets, mounts, utilities, or other connecting devices; and
   III. Upon failure to comply with these sign removal regulations, the Planning and Land Use Director is authorized to cause immediate removal of such sign, as follows:
      a. For temporary or portable signs on the public right-of-way, verbal notification of the owner shall be given requesting removal within 48 hours. If the sign is not removed after this time, the City shall remove the sign at the owner's expense.
      b. For noncompliant temporary or portable signs on private property, written notification of the owner shall be given requesting compliance or removal within 48 hours. If after this time the sign is not removed, the City shall remove the sign at the owner's expense in an amount to be determined by the Planning and Land Use Director.
      c. For noncompliant temporary or portable signs creating a threat to health, safety, and welfare, in a visibility triangle, on a sidewalk or for other reasons, the City shall immediately remove the sign at the owner's expense. Once the sign is removed, the City shall notify the owner.
      d. For noncompliant temporary or portable signs for which no permit is required, the City shall immediately remove the sign at the owner's expense. Once the sign is removed, the City shall notify the owner.
      e. For noncompliant permanent signs, the regular procedure for noncompliance with the provisions of this Chapter 14 shall be followed.

F. Permanent Signs

1. Directional or Information Signs or Historic Markers

   No directional or information sign or historic marker shall exceed four square feet.

2. Building- and Wall-Mounted Signs

   For building- and wall-mounted signs where the sign bracing is above the level of the roof, the sign bracing shall be below parapet walls or screened.

3. Canopy, Marquee, and Projecting Signs
   I. The area of a canopy or marquee sign shall be counted as a part of the total allowable sign area.
   II. All canopy, marquee and projecting signs shall be at least seven feet above grade. However, when such signs are erected over a driveway, the minimum height above grade shall be 15 feet.
4. Electronic Message Signs
   I. The number, size, and location of the sign shall be consistent with all other requirements of this section.
   II. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.
   III. The message or display shall be changed no more frequently than once per 24-hour period except for clocks and thermometers. This frequency may be exceeded by the public schools during emergencies.
   IV. Electronic messaging signs shall not exceed a maximum illumination of 2,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between one-half hour before sunset and one-half hour after sunrise as measured from the sign's face at maximum brightness.
   V. Electronic messaging signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.
   VI. Audio speakers are not allowed with any electronic messaging sign.
   VII. Electronic messaging signs shall use energy efficient lighting such as, but not limited to, LED and compact fluorescents.
5. Freestanding Signs
   I. The sign support structure for a freestanding sign shall not exceed 50 percent of the allowable sign surface area for one sign.
   II. The premises around the freestanding sign shall be maintained by the owner of the sign in a clean, sanitary and inoffensive condition, and shall be free and clear of obnoxious substances, rubbish and weeds.
   III. An area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of 30 inches with one shrub planted for every ten square feet.
6. Roof Signs

I. All sign bracing for roof signs shall be behind or below the parapet walls or screened.

II. In no event shall a sign extend above the height limit established for the zoning district in which a sign is located.

7. Wall Signs

I. A wall sign shall not project more than one foot from the wall on which it is displayed. Wall signs shall not project over public property except where the building wall is less than one foot from the property line. In this case, the sign may project up to one foot from the building wall, provided that it does not impede or endanger pedestrian or vehicular traffic;

II. No wall sign may exceed 20 percent of the area of the wall on which it is displayed, or 80 square feet in sign area, whichever is less, even if the district permits a larger total sign area.

8. Window Signs

[reserved]

9. Clocks and Thermometers

Clocks and thermometers, when constructed within or as a part of a sign or when displayed as a separate sign, shall conform to the following:

I. The hands of the clock and the motive mechanism are not moving parts for purposes of the Code.

II. Illuminated numerals will are not classed as blinking or flashing lights; however, the they shall meet the requirements in Section 14-7.6(F)(3)(II), *Electronic Message Signs*.

III. Shall not exceed 40 inches in either vertical or horizontal dimensions.

IV. All clock signs shall keep accurate time and all thermometer signs shall accurately record the temperature. If the clock or thermometer begins to display inaccurate information, it shall be promptly repaired.

10. Development Identification Sign

I. One sign for the permanent identification of a development shall be permitted, provided that it is mounted on a permanent masonry structure and the sign does not exceed 32 square feet, inclusive of sign base or mounting infrastructure.

II. A development with an additional entrance on another street is permitted a second identification sign on that street frontage, also limited to 32 square feet.

G. Temporary and Portable Signs

1. Temporary and portable signs are allowed off-premises only foradvertising an event, function, or activity of limited duration and only with the permission of the property owner on whose property the sign is located.

1. Building and construction permits are required to erect and maintain such signs for a period not exceeding 30 days or the duration of the event plus one week, whichever is shorter.

2. No portable or temporary sign shall exceed four feet in any one of its dimensions except as otherwise set forth in this section.

3. Advertising for one-time special events or unusual advertising media meeting the definition of a sign shall be reviewed for size, design, and compliance with this Section on a case-by-case basis by the Planning and Land Use Director.

4. Temporary signs shall not exceed 32 square feet.

5. Except as otherwise approved herein, no portable sign shall extend over or into any street, alley, sidewalk, or other public thoroughfare, and shall not be placed to project over any wall opening. Cloth signs may extend over public property only by permission of the Governing Body and shall be subject to related laws and ordinances. Such signs when extended over a public street shall maintain a minimum clearance of 20 feet from the surface of the roadway.

6. Flag signs, pennants, tinsel, fringe, sandwich boards, or A-frame signs are not allowed.

7. Banners are only permitted pursuant to Section 14-7.6(B)(2).

H. Signs Requirements by Zoning District

1. In the RAC and AC districts, no more than two signs are allowed per building, with combined surface area not exceeding 20 square feet. In addition, a development identification sign is allowed as set forth in Section 14-7.6(E), *General Sign Standards.*
2. In the C-1, C-4, and HZ districts, no more than two signs are allowed per building, with combined surface area not exceeding 32 square feet. In addition, a development identification sign is allowed as set forth in Section 14-7.6(E), *General Sign Standards.*
3. In residential districts, no sign shall exceed ten feet in height. In the RAC, AC, C-1, C-4, and HZ districts, no sign shall exceed 15 feet in height.
4. The BCD district shall be governed by Historic Overlay District sign regulations as set forth below in Section 14-7.6(I) for all portions of the BCD subdistricts that are coincident with the "H" districts.
5. For those portions of SC, C-2, I-1, I-2, and BIP districts that are not located within the Cerrillos Road highway corridor protection district, and that portion of the BCD district not located within the "H" districts, the following standards shall apply:
   I. For one entity on the premises, not more than three signs are allowed, no one of which shall exceed 80 square feet and all three of which shall not exceed 200 square feet;
   II. For two entities on the premises, no more than four signs total are allowed, no one of which shall exceed 80 square feet in area and all of which, for any one entity, shall not exceed 80 square feet;
   III. For three or more entities on the premises, one sign for the purpose of general identification of the entire premises, not to exceed 150 square feet is allowed. In addition, one sign is allowed with one square foot of surface area for each one linear foot of building frontage not to exceed 80 square feet per entity;
   IV. No sign shall exceed 25 feet in height;
   V. For SC and BIP districts, in addition to one identification sign not to exceed 150 square feet, one additional sign with one square foot of surface area for each one lineal foot of building frontage is permitted, providing it does not exceed 80 square feet;
   VI. Only one freestanding sign is allowed per premises in the SC, C-2, I-1, I-2 and BIP districts; and
   VII. For buildings with two front facades an additional sign is allowed. The maximum sign size for one facade is 100 percent of the allowed sign size and for the second facade the maximum sign size is 50 percent of the allowed sign size.

6. For C-2, SC, and I properties located within the Cerrillos Road highway corridor protection district, the following standards shall apply:
   I. One entity on a Legal Lot of Record
      a. Not more than three signs are allowed, no one of which shall exceed:
         1. 50 square feet in area in corridor zone one;
         2. 60 square feet in corridor zone two;
         3. 70 square feet in corridor zone three; and
         4. 80 square feet in corridor zone four.
      b. The total allowable sign area for all three signs shall not exceed 150 square feet.
   II. Two entities on a Legal Lot of Record
      a. No more than four signs are allowed, no one of which shall exceed:
         1. 50 square feet in area in corridor zone one;
         2. 60 square feet in corridor zone two;
         3. 70 square feet in corridor zone three; and
         4. 80 square feet in corridor zone four.
      b. The total allowable sign area for any one entity shall not exceed 80 square feet;
   III. Three entities on a Legal Lot of Record
      a. One sign is allowed for the purpose of general identification of the entire premises not to exceed:
         1. 90 square feet in area in corridor zone one;
         2. 110 square feet in corridor zone two;
         3. 130 square feet in corridor zone three; and
         4. 150 square feet in corridor zone four.
      b. In addition, one wall mounted sign per entity is allowed having one (1) square foot of surface area for each one (1) lineal foot of building or lease space frontage, but in no case exceeding 80 square feet per entity;
   IV. Free-Standing Signs Along Cerrillos Road
      a. All free-standing signs along Cerrillos Road shall meet the building setback requirements set forth in Section 14-4.5B.5.III. However, in the case of properties flanked on one or both sides by existing buildings that encroach into the required setback distance, the freestanding sign setback may be reduced to correspond to either the average of the adjacent building setbacks, or to the average of an adjacent building setback and the required building setback. Only one freestanding sign, meeting the area requirements in provisions I, II and III above in this subsection, is allowed per legal lot of record;
      b. No freestanding sign shall exceed:
         1. 14 feet in height in corridor zone one;
         2. 16 feet in corridor zone two;
         3. 18 feet in corridor zone three; and

4. 20 feet in corridor zone four.

V. Other Sign Types

a. No wall mounted sign shall exceed 25 feet in height, or the height of the wall on which it is mounted, whichever is less;

b. Roof top, marquee type, and projecting signs mounted perpendicular to a wall plane, are prohibited.

7. Freestanding, monument style signage in MU districts shall not exceed six feet in height and shall be limited to one sign per street frontage of development.

I. Sign Regulations in the Historic Districts

1. Purpose

I. This section establishes standards for signs in the City's historic districts and are intended preserve the special qualities inherent in the City. Signs that are excessive in size, illumination, and of commonplace design will defeat the purpose of the preservation of characteristic areas in the City.

II. Approval of a sign in the historic district shall be granted only when the sign conforms to the unique and distinctive character of the City, does not injuriously affect the same, and does not impair the value to the community of those buildings having architectural worth.

2. Applicability

In addition to the general sign regulations of this Section 14-7.6, all signs in "H" districts shall require construction permits and shall be subject to the regulations of this subsection, unless otherwise provided. This applies to all signs in

I. Historic districts;

II. RC districts;

III. RAC district; and

IV. AC district.

3. Conflicts with General Sign Standards, Other Zoning Regulations

In any case where there is a conflict between the specific provisions of this subsection and the general sign requirements and restrictions that apply outside Historic districts, the regulations of this section shall prevail and shall be controlling for all purposes.

4. Exempt Signs

The provisions and regulations of this subsection shall not apply to the following signs; provided that the signs meet the standards of this subsection regarding the number of signs allowed:

I. Signs for events not exceeding ninety days not exceeding six square feet in area;

II. One name plate or sign describing the identity of a building occupant, not exceeding two square foot in area;

III. Signs denoting the architect, engineer or contractor when placed on work under construction and not exceeding 12 square feet in area;

IV. Memorial signs , names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze and not exceeding 16 square feet; and

V. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or non-advertising signs as may be approved by the Governing Body; and

VI. Signs denoting whether a structure is open or closed and traffic signs for private businesses, none of which exceed two square feet in area.

5. Prohibited Signs and Locations

I. Sandwich signs as defined in this section are prohibited.

II. Any sign that extends over public property that is wholly or partially illuminated by floodlights or spotlights is prohibited.

III. No permanent sign shall be placed on a balcony, gallery, shed, roof, door or window, or placed so as to disfigure or conceal any architectural features or details of any building, or painted on walls.

IV. No sign shall be displayed from any fence or wall or open lot unless the Planning and Land Use Director deems it necessary to the conduct of a business, in which event a waiver of regulations can be allowed.

6. General Sign Standards

I. Number of Signs Allowed

a. For up to two entities on one premises, no more than three signs per entity, the total area of which for any one entity shall meet the size limitations for specific types of signs as set forth in this section, or 85 square feet, whichever is less, exclusive of freestanding signs; and

b. For three or more entities on one premises, no more than two signs per entity, the total area of which for any one entity shall meet the size limitations for specific types of signs as set forth in this section or 85 square feet, whichever is less, exclusive of freestanding signs.

II. Advertising Permitted

No sign of any character shall be displayed in the historic district unless it advertises an activity conducted in or on the premises where the sign is located.

III. Illumination Restrictions

a. No signs shall be permitted that are animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination.

b. No electric outdoor lights placed in trees, shrubs, or other types of vegetation shall be allowed when publicly visible except during the traditional holidays.

IV. Color and Design

The effort of design of signs in the historic district is to keep a moderate, attractive and compatible styling so as not to cause erratic or disturbing distractions from the architectural beauties of the City; therefore, color and design are left to the discretion of the applicant.

7. Permanent Signs

I. Awnings, Flags, Banners

Awnings shall be of cloth or of other material acceptable to the City. There shall be no advertising on awnings. Flags, banners, awnings, and such trappings shall not be permitted as advertising within the H-district unless a banner is approved pursuant to Section 14-7.6(B)(2). However, the name of a business may appear along the lower edge or fringe of the awning. In such cases, the awning shall count as one sign as allowed by provision 3 above of this subsection. The awning shall be compatible with Santa Fe architectural style, of an earth-tone color.

II. Freestanding Signs

a. When Permitted

1. Freestanding signs shall be permitted at the discretion of the Planning and Land Use Director where entity is set back from a street alignment of building façades more than two feet.
2. An entity thus set back, in addition to the signs permitted on the building itself, may maintain a freestanding sign of not more than sixteen square feet in area.
3. If a building is on at least one acre of property and has an unencumbered front setback of at least 50 feet, a two-faced freestanding sign with a maximum of 50 square feet area on each face, with sign dimensions no greater than ten feet in length and five feet in height, and with the top of the sign not more than 14 feet from the ground will be permitted.
4. Lighting on freestanding signs shall conform with this section.

b. Location

1. It is unlawful to erect any freestanding sign whose total height is greater than 14 feet above the level of the street on which the sign faces or above the adjoining ground level if the ground level is above the street level.
2. Freestanding signs shall have an open space not less than ten feet between the base line of the sign and the ground level, unless the freestanding sign is placed on the ground and does not exceed 16 square feet in area nor six feet in any dimension.
3. The setback of freestanding signs from the City right-of-way is regulated by the underlying zoning.

c. Characters, Letters

All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed on any sign shall be safely and securely built or attached to the sign structure.

d. Construction, Condition of Premises
    1. All freestanding signs shall be securely built, constructed and erected on posts sunk at least three feet below the natural surface of the ground.
    2. All wood posts shall be treated to protect them from moisture by creosoting or other approved methods when they enter into the ground.
    3. Premises shall be kept free of weeds and be maintained by the owner in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.

III. Hanging Signs
  a. General Limitations
    All hanging signs shall be at least six feet eight inches above the sidewalk or ground level and shall be located within the central one-third of the façade length so as not to obstruct neighboring signs.
  b. Area Limitations
    Hanging signs shall be limited in area as follows:
    1. A maximum of 12 square feet, except in the AC and RAC districts where the maximum limit is six square feet;
    2. The maximum size of letters shall be eight inches in height;
    3. There shall be no restriction on the number of letters, words or lines of any sign as long as the overall area of the sign is within the maximum allowed square feet; and
    4. Maximum thickness of six inches.
  c. Supports and Attachments
    All hanging signs shall be safely and securely attached to the building by not less than two metal chains, metal brackets or wrought iron brackets firmly secured in the roof support beams by metal anchors, bolts, or expansion screws. No excess chain shall be allowed. In no case shall any hanging sign be attached with wire, string, rope, wood, or secured by nails.

IV. Projecting Signs
  a. General Limitations
    No projecting sign shall angle in "Y", "L" or "V" fashion over the sidewalk or ground. No projecting sign may rise above the level of the roof line, fire wall or first story, whichever is construed by the historic districts review board as a roof line. All projecting signs shall be at least ten feet above the sidewalk or ground level and shall be located within the central one-third of the façade length so as not to obstruct neighboring signs. A total of two signs may be allowed to each store, shop or bona fide place of business if one is projecting and the other considered a wall sign; in which case, the wall sign shall be reduced in allowable size by one-half the area consumed

by a projecting sign. No projecting sign shall have letters exceeding eight inches in height.

b. Area Limitations

Projecting signs shall be limited in areas as follows:

1. A maximum of four feet projection from the wall of the building, except for marquees that may project eight feet;
2. A maximum of 16 square feet, except in an AC or RAC district where the maximum sign space is six square feet, and except for marquees where the maximum sign space is 115 square feet per face of the marquee;
3. A maximum thickness of not over 12 inches except for marquees to which this section does not apply;
4. Projecting signs erected over public driveways or alleys shall be placed not less than 15 feet above the level of same; and
5. Marquees are allowed only for theaters showing motion pictures, or dramatic, musical, or live performances and having permanent seating except in an AC or RAC district where marquees are prohibited.

c. Construction

Projecting signs exceeding ten square feet in area or 50 pounds in weight shall not be attached to nor supported by frame buildings or the wooden framework of a building. Such signs shall be attached to masonry walls as stated in this section. The framework of any projecting sign shall be of adequate strength so as to have no need for guy wires or wire reinforcement.

d. Illumination

Every projecting sign larger than ten square feet in area shall be illuminated between sunset and daybreak on each side, by at least five watts per square foot of sign surface.

e. Goose Neck Reflectors

1. Goose neck reflectors and lights are permitted on projecting signs, provided that the reflectors have proper glass lenses concentrating the illumination on the area of the sign to prevent glare on the street or adjacent property.
2. Illumination for each side of a projecting sign lighted by goose neck lights shall be evenly distributed.

V. Street Clocks

Street clocks shall be in harmony with the standards of the district.

VI. Wall Signs

a. Area Limitations

A wall sign is subject to the following limitations:

1. The maximum allowable size is 15 percent of the façade on which the sign is to be placed. In no case shall the sign area exceed 20 square feet except in the AC and RAC districts where the maximum allowable size is six square feet;
2. Maximum size of letters shall be 20 inches in height, except in the AC and RAC districts where the maximum size shall be eight inches in height;
3. There shall be no restriction on the number of letters, words or lines of any sign as long as its overall area is within the maximum allowable square feet; and
4. No sign shall be permitted 15 feet or more above street grade measured in front of the façade where the sign is to appear.
5. Where two or more entities conduct activities on the premises of a single ownership, having a front footage of 25 feet or less, the allowable sign area shall be increased by 50 percent. Where buildings have frontage on more than one public way and entrances thereon, the maximum footage shall govern signs at each entrance, and it shall be construed to mean on any given public way.

b. Projection from Wall; Height from Ground

No wall sign shall project more than three inches beyond the building line. However, if the sign is attached to the wall at a height of not less than six feet eight inches measured from the sidewalk or ground to the bottom of the sign, it may project a maximum of ten inches, except in AC and RAC districts where the maximum projection is three inches.

c. Supports and Attachments

All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter embedded in the wall at least five inches; provided, that such signs may rest in or be bolted to strong heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as herein provided. In no case shall any wall sign be secured with wire, strips of wood or nails.

d. Illumination

Wall signs to be illuminated shall be so constructed as to have all illumination from behind each letter. No visible bulbs, neon tubing or other lighting shall be allowed.

VII. Window Signs

a. Occupants may place window signs on the glass of windows or doors; provided that the signs are not more than one-third of the glass area on which they are exhibited, or ten square feet, whichever is greater.

b. Electric signs may be placed inside windows and glass doors; provided, that their proportions are not in excess of the window area allowed above.

8. Temporary Signs

I. Duration of Permit; Advertising

a. Permits for temporary signs shall authorize the erection of such signs and their maintenance for a period not exceeding 30 days.

b. The advertising contained on any temporary sign shall pertain only to the use conducted on or within the premises on which such sign is located.

II. Construction Requirements

No temporary sign shall exceed four feet in one of its dimensions or 50 square feet in area. Every temporary sign weighing in excess of 50 pounds shall be approved by the inspections and enforcement office as conforming to the safety requirements of the Building Code.

III. Prohibited Locations

No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare nor shall it be erected so as to prevent free ingress to or egress from any door, window or fire escape.

IV. Anchors and Supports

Every temporary sign shall be attached to the wall with wire or steel cables; no strings, ropes, or wood slats for anchorage or support purposes shall be permitted.

9. Procedural Information

I. Sign Plans for New Construction of Buildings

Applicants submitting plans for new construction of buildings containing three or more entities on the premises shall in addition to other information, submit coordinated plan for signs. The plan shall be drawn to scale showing the proposed locations, sizes, and types of signs for the businesses. All signs shall comply with the standards set forth in this section.

II. Permits Required

a. It is unlawful for any person to erect, repair, alter, relocate, or maintain within the historic district of the City any sign or other advertising structure as defined in this section without first obtaining an erection permit from the inspections and enforcement office and making payment of the fee required.

b. All illuminated signs shall be subject to the provisions of the electrical code and the permit fees required thereunder.
c. The text on signs that already conform to this section may be changed without any permit, provided all changes also conform.

III. Permit Application; Contents

Application for permits shall be made on forms provided by Planning and Land Use Department and shall contain or have attached thereto the following information:

a. Name, address, and telephone number of applicant;
b. Location of the building, structure, or lot to which or on which the sign is to be attached or erected;
c. Position of the sign or other advertising structure on a building or in relation to nearby buildings or structures;
d. One scaled drawing with full description of material, texture and finish to be used;
e. Name of person erecting structure;
f. Written consent of the owner of the building, the structure, or land to which or on which the structure is to be erected;
g. Any electrical permit required and issued for such sign; and
h. Such other information as the Planning and Land Use Department shall require to demonstrate full compliance with the provisions of this section and all other laws and ordinances of the City.

IV. Permit Application; Approval; Period of Validity

Upon the filing of an application for a permit, Planning and Land Use Department shall examine plans, specifications and other data and the premises upon which it is proposed to erect the signor other advertising structure; and if it appears that the proposed structure is in compliance with all the requirements of the provisions of this section and all other laws and ordinances of the City, the Planning and Land Use Department shall then recommend approval. If the work authorized under an erection permit has not been completed within six months after date of issuance, the permit shall become null and void.

V. Certain Signs to Be Approved by Electrical Inspector

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector for review and approval or denial.

VI. Inspection of Signs

The Planning and Land Use Department shall inspect, as it deems necessary, each sign regulated by this section to ascertain whether the same is secure or insecure or in need of repair.

J. Removal of Unsafe or Unlawful Signs

a. If the Planning and Land Use Department finds that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, the Department shall give written notice to the permittee.
b. The Planning and Land Use Department may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.
c. Upon receiving notice, if the permittee fails to remove or alter the structure to comply with the standards of these sections within ten days after such notice, the Planning and Land Use Department may remove or alter the sign or other advertising structure at the expense of the permittee or owner of the property on which it is located.
d. The Planning and Land Use Department shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

K. Fines for Violations

1. Except as set forth in provision 2 below, the following are mandatory minimum fines to be imposed by the municipal court for violation of this section upon issuance of a citation by the Planning and Land Use Department.
   I. First violation $100
   II. Second violation $200
   III. Third and subsequent violations $300
2. The following are mandatory minimum fines to be imposed by the municipal court upon the holder of a business license for violation of Temporary Signs, upon issuance of a citation by the Planning and Land Use Department. The fines shall be imposed for each day or part of a day that the violation exists.
   I. First violation $250
   II. Second violation $500
   III. Third and subsequent violations $500 and up to 90 days in jail.

14-7.7 Development Water Budgets

A. Purpose

The purpose of this section is to establish City water budget thresholds applicable to development projects and to describe procedures to calculate water budgets for development projects.

B. City Water Budget Programs

The City's water budget is governed by Chapter 25, *Water.*

1. Section 25-10, *City Water Bank*, administers water conservation credits at existing developed property within the City's water service area. These credits may be used to offset new system demands of small development projects.
2. Section 25-12, *Water Rights Transfer Program*, administers water rights transfers required to offset new system demands of larger development projects.

C. Applicability

A development water budget shall be submitted with the following land use applications:

1. Final subdivision plats except:
   I. Plats for the purpose of creating tracts of land according to an approved master plan where additional subdivision of land or a more detailed development plan within the various tracts is still necessary before permitting dwelling units and other buildings according to that master plan; and
   II. Plats where the proposed development is included in and consistent with an already approved development water budget and has complied with the Water Rights Transfer Program set forth in Chapter 25, Section 25-12, *Water Rights Transfer Program;* or the Water Bank set forth in Section 25-10, *City Water Bank*;
2. Development plans, except preliminary development plans;
3. Development plans for each phase of a phased development, where each phase is subject to Chapter 25, Section 25-12, *Water Rights Transfer Program*;
4. Construction permits (whether or not a meter for service has been previously installed), except the following:
   I. Where covered by and consistent with an already approved development water budget that has complied with the Water Rights Transfer Program set forth in Chapter 25, Section 25-12, *Water Rights Transfer Program*; or Section 25-10, *City Water Bank*;
   II. Replacement of 33 percent or less of an existing building;
   III. Remodels;
   IV. Additions:
      a. Where there are no new fixture installations;
      b. Where there are up to three new water fixtures provided that the increased building area does not exceed 500 square feet; and
   V. Shell-only permits that will later require permits for tenant improvements, at which time the development water budget is required;
5. Secondary plumbing permits (plumbing permits independent of a construction permit) resulting in an increase of water use, unless multiple installations in either commercial or multi-unit residential uses, except the following:
   I. A spa not exceeding 500 gallons;
   II. An oversized tub not exceeding 100 gallons;
   III. A swamp cooler;
   IV. A recirculating fountain not exceeding 1,000 gallons of containment area; and
   V. A garden pond not exceeding 2,000 gallons;
6. Changes in permitted land use resulting in an increase in water use;
7. Projects located outside the city limits that will connect to water service from the City's water system prior to application for an agreement to construct and dedicate water lines; and

8. City of Santa Fe, Santa Fe County, state of New Mexico, federal, and any other governmental, or quasi-governmental development not subject to the City's development review or construction permit processes, but that will require water service from the City's water system.

D. Development Water Budget

1. The development water budget shall be reviewed and approved by the Water Division and shall contain the following information:
   I. A description of all proposed and existing structures on the subject property together with a complete description of all proposed and existing water fixtures and other water using devices and equipment to be installed or constructed on the subject property (not including water to be used during and for construction);
   II. A description of all water uses proposed for the subject property, separating such uses by indoor and outdoor categories, and including the total area of proposed and existing landscaping; and
   III. A quantification in gallons and acre-feet of the total proposed water usage on the subject property on an annual basis. In the case of phased development, the quantification shall also include the proposed water usage by each phase of development.
2. Applicants may choose to:
   I. Allow the Water Division to calculate a development water budget based on standard formulas using historical water use data for similar type of development; or
   II. Develop a detailed alternative development water budget for the development project supported by reliable data that demonstrates that the anticipated annual water use will be less than if based on the Water Division's standard formulas.
3. When a proposed new structure or use replaces an existing structure or use, the development water budget for the proposed new structure or use may be reduced by an amount equal to the average annual consumption in the 24 months that the highest water use was active during the preceding ten years or by the amount of water previously offset if the previously offset amount is higher. Consumption shall be determined through City utility billing system records.
4. A development water budget may also be reduced by an amount equal to a specific approved annual water allocation made by the Governing Body for the development project as set forth in Chapter 25, Section 25-9.6, *Allocation of City's Water Budget.*

5. The City shall allow reduction in the consumptive water rights required to be transferred in this subsection by the amount of consumptive water rights required for any Santa Fe Homes Program unit, a Housing Opportunity Program unit as per a valid Housing Opportunity Program Agreement, or any dwelling unit meeting the definition of a low-priced dwelling unit as set forth in Chapter 26, Section 26-2, *Low-Priced Dwelling Units.* The reduction is contingent upon the applicant entering into an agreement or other approved document with the City regarding the low-priced dwelling units. The document shall be recorded with the county clerk.
6. A development water budget may be for a single phase of a multi-phase development project.

E. Dedication of Water to Development

1. A construction permit application shall not be approved until the applicant has dedicated water to meet the approved development water budget for the development project plus a 9.8 percent contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.
2. Based on the approved water budget for a development project, the applicant shall obtain water through either the Water Rights Transfer Program described in Chapter 25, Section 25-12, *Water Rights Transfer Program,* or Section 25-10, *City Water Bank,* to meet the development water budget according to the following criteria:
   I. Applications for residential uses that have a development water budget equal to or greater than ten acre-feet per year shall obtain water through the Water Rights Transfer Program;
   II. Applications for residential uses that have a development water budget less than ten acre-feet per year, designated as small development projects, shall obtain water through the Water Rights Transfer Program or the Water Bank or through a combination of both;
   III. Applications for nonresidential uses that have a development water budget equal to or greater than five acre-feet per year shall obtain water through the Water Rights Transfer Program;
   IV. Applications for nonresidential uses that have a development water budget less than five acre-feet per year, designated as small development projects, shall obtain water though the Water Rights Transfer Program or the Water Bank or through a combination of both;

V. Applications with both residential and nonresidential uses each in substantial amounts which have a development water budget equal to or greater than seven and one-half acre-feet per year shall obtain water through the Water Rights Transfer Program;

VI. Applications with both residential and nonresidential uses each in substantial amounts which have a development water budget less than seven and one-half acre-feet per year shall either obtain water through the Water Rights Transfer Program or the Water Bank or through a combination of both; and

VII. Applications for qualifying projects within the Midtown LINC Overlay District, as described in Section 14-4.5(C**)**, and SFHP Enhanced Developments, as described in Section 14-7.2(F**)**, shall obtain water though the water credit program.

F. Administration of Alternative Development Water Budgets

The following shall apply to alternative development water budgets, as set forth in Section 14-7.7(D)(2)(II):

1. Beginning the first year that a customer's water service is subject to usage restrictions from an alternative development water budget, the Water Division shall monitor water customer's water usage on an annual basis.

2. If a water customer exceeds water usage allowable under the customer's alternative development water budget in any annual period measured from the commencement of the restriction, the Water Division shall monitor the customer's water usage on a monthly basis and compare current monthly use to the previous year's use in the same month to determine whether the customer has returned to compliance. The Water Division shall, at the same time, notify the customer that the alternative development water budget has been exceeded, that the customer's usage will be monitored monthly to determine whether the customer has reduced water usage to the amount permitted under the alternative development water budget, and the consequences that will ensue if the customer does not return to compliance. Water customers shall be charged a 50 percent surcharge over the base rate of water on the excess water delivered over annual budgeted amount for that year.

3. If, after four months of monitoring:
   I. The customer is in compliance with the alternative development water budget, the customer shall be so informed and shall then be monitored on an annual basis.
   II. The customer's water usage still exceeds the alternative development water budget by ten percent or more on a monthly pro-rata basis, the Water Division shall immediately notify the customer that the customer has exceeded the alternative development water budget. The Water Division shall recalculate the alternative development water budget for the customer based on actual consumption over the period of noncompliance and shall notify the customer of the additional water rights or water credits needed to meet the new budget. If the customer does not transfer sufficient water rights or water credits to the City within 90 days to make up the difference, the Water Division shall transfer sufficient water credits to the customer to offset the net difference and shall include in the customer's next billing the current cost of those water credits. In addition, the City shall bill the customer the 50 percent surcharge for the water delivered during this second year over the budgeted or contracted amount. A customer may, at any time, transfer additional water rights, water credits to the City to increase the customer's alternative development water budget or restriction to forestall the imposition of further surcharges for excess water usage.

4. Customers that fail to provide sufficient water rights or water credits shall have water service disconnected in accordance with Rule No. 9, Exhibit A of Chapter 25, *Water*.

5. Representatives of a development project that have adopted an alternative development water budget shall provide disclosure statements to prospective buyers which shall be included on all recorded plats and development plans. The statements shall include the amount of water to which each lot, unit or other portion of the project is limited under the alternative development water budget and shall include a description of the penalties set forth in this subsection.

14-7.8 Regulations for Retail Structures 30,000 Gross SF or Larger

A. Purpose

The purpose of this section is to address the following interests:

1. Break up the apparent mass and scale of large retail structures to ensure that the development is compatible with and does not detract from Santa Fe's unique historic character, scale, and sense of place;
2. Help integrate large retail structures with their surroundings;
3. Promote and facilitate a safe and comfortable pedestrian scale environment;
4. Encourage a mixture of uses and sizes of structures; and
5. Reduce the visual impact of large areas of parking; and
6. Address economic impacts of large-scale retail structures.

B. Applicability

1. In addition to compliance with all other requirements of Chapter 14, new construction of retail structures exceeding 30,000 square feet of gross floor area (GFA) shall comply with the standards in this section.
2. Existing structures that are legally nonconforming to the provisions of this section and that are to be remodeled or enlarged shall comply as provided below in Table 7-8: *Applicable Regulations for Expansion & Remodeling of Retail 30,000 Gross Square Feet and Larger*.
3. The extent of modification is based on the cumulative square footage of additions and the cumulative value of remodeling that has occurred since January 1, 2001.

Table 7-8: Applicable Regulations for Expansion & Remodeling of Retail 30,000 Gross Square Feet and Larger

Applicable Requirement	ADDITIONS		REMODELING	
	> 5% of GFA	> 10% of GFA	> 10% value	> 25% value
Massing		Yes		Yes

Table 7-8: Applicable Regulations for Expansion & Remodeling of Retail 30,000 Gross Square Feet and Larger

Applicable Requirement	ADDITIONS		REMODELING	
	> 5% of GFA	> 10% of GFA	> 10% value	> 25% value
Entryways and Architectural Features		Yes		Yes
Integration into the Street Network				Yes
Minimum Tenant Mix [1]		Yes		Yes
Pedestrian Circulation and Amenities	Yes	Yes	Yes	
Lighting	Yes	Yes	Yes	
Screening [1]	Yes	Yes	Yes	Yes
Surface Parking	Yes	Yes	Yes	
Public Transit	Yes		Yes	
Outdoor Storage, Display, Sales, Rental and Service	Yes		Yes	

[1] Compliance shall be to the maximum extent practicable as determined by the Planning and Land Use Director.

C. Waivers

The Planning Commission may grant waivers to the standards of this section under the following circumstances:

1. The proposed alternative building or site design satisfies the intent of Chapter 14 as well or better than would strict compliance with the standard or the new siting of parking areas and buildings in relation to the street is not possible with the remodel or addition; and
2. Granting the waiver would not impose significantly more negative impacts on nearby properties than compliance with the standard(s) would.

D. Maximum Commercial Activity Areas

In no case shall any one retail establishment exceed 150,000 square feet of GFA in combination with all outdoor display, sales, rental, or storage areas. The outdoor display, sales, rental, or storage of new or used automobiles, recreational vehicles, or mobile homes is not subject to this limit.

E. Architecture

The following standards apply to all facades and components of a structure that are visible from a public right-of-way:

1. Massing
   I. Every 30,000 square feet of gross floor area shall be designed to appear as a minimum of one distinct building mass, preferably with two or more building masses expressed.
   II. Horizontal wall plane projections of all publicly visible façades must be a minimum depth of three percent of the length of the façade and must extend at least 20 percent of the length of the façade.

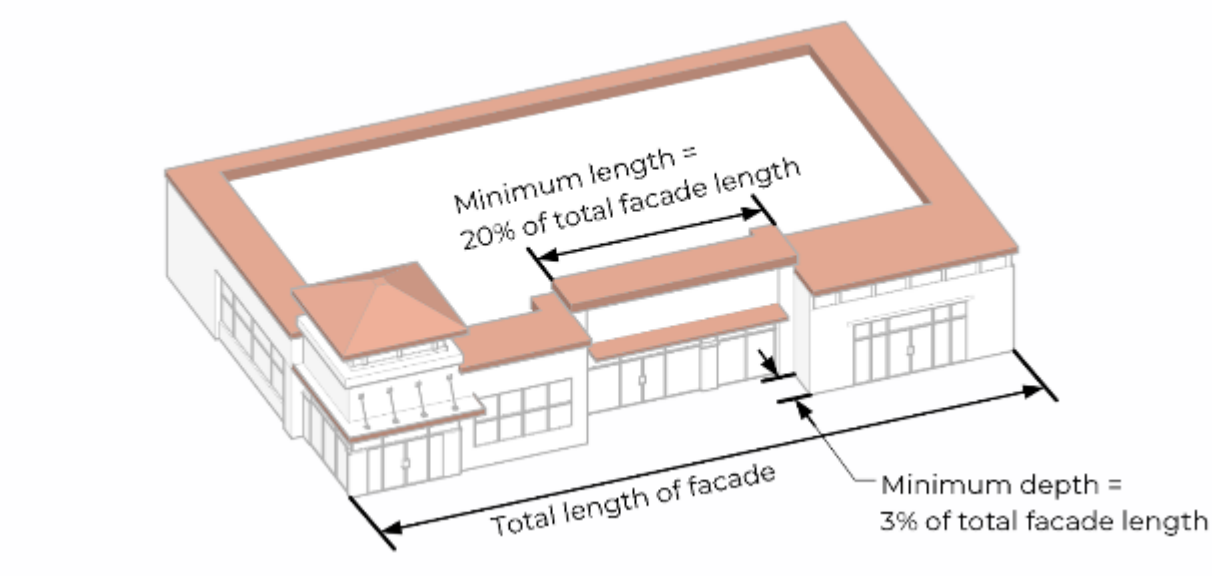


Figure 7.8-1: Wall Plane Articulation Requirement

2. Entryways and Architectural Features

   Multiple entryways or architectural features shall be incorporated into the design to break up the apparent mass and scale of large retail structures. Entrances may be to tenant spaces other than the primary retail tenant.

I. Structures with Less than 75,000 Square Feet of gross square
   a. There shall be a clearly articulated public entrance on at least two sides of the structure, with at least one of these entrances visible from a public street and connected to that street by a pedestrian sidewalk.
   b. It is permissible to have pedestrians cross vehicular traffic within the parking lot so long as a sidewalk is provided.
   c. When structures are adjacent to a residentially zoned district and separated from that district by either a public or private street, and where residential uses front or may reasonably be expected to front that street, the structure shall have at least one entryway on that side.

II. Structures with Greater than 75,000 Square Feet of GFA
   a. Whether occupied by multiple tenants or one tenant, structures of this size shall provide either a significant pedestrian amenity or a public entrance, at a minimum of one per 75 linear feet of publicly visible façade.
   b. Examples of significant pedestrian amenities include outdoor seating areas, play areas for children, and public courtyards.
   c. The public entrance may be to access either the principal retail use or any other tenant.
   d. This provision does not apply to more than three sides of any structure.

3. Height

   Height is regulated by the underlying zoning district regulations, but shall be further restricted as follows if the retail structure adjoins residential development as follows:

I. The maximum height, not including parapet, of any structure within 100 feet of a residential zoning district property line shall be 24 feet or one hundred ten percent of the average of the heights of adjacent residential buildings, whichever is less; and

II. Structures may exceed the heights specified in provision I above in this subsection, up to the limit specified in the zoning district in which they are located, if the structure wall is stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted after the first 12 feet of height.

4. Architectural Unity

   All new construction, additions, and remodeling on the same site shall be related in architectural style, color scheme, and building materials.

F. Site and Contextual Planning

1. Integration into the Street Network
   I. Vehicular access to the site shall be from streets other than arterials wherever possible.
   II. If access from an arterial is necessary, right turns in and out from the arterial are required.
   III. Insofar as possible, delivery vehicles shall not access the site from sub-collector or smaller streets that serve residential neighborhoods.
   IV. Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.

2. Minimum Tenant Mix

   Developments with a single retail establishment occupying greater than 75,000 square feet of GFA shall provide additional tenant spaces, each one no greater than 30,000 square feet in GFA, whose total gross square footage is equal to or exceeds 25 percent of the largest retail establishment.

3. Pedestrian Circulation and Amenities
   I. A safe and landscaped pedestrian circulation system shall be provided on-site that connects to public streets and neighborhoods.
   II. Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials.
   III. At least one significant pedestrian amenity, such as an outdoor seating area, play area for children or courtyard, shall be provided for every 75,000 square feet of GFA.
   IV. Required pedestrian amenities may be combined into one or more locations to create a larger amenity, as long as all other provisions of this section are satisfied.

4. Lighting

   Retail structures to which this section applies shall make accommodations when located next to residential development or undeveloped residential property as follows:

I. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater or more intensive lighting because of the large retail structures, nuisance glare is prohibited. In addition, structures shall meet the following requirements:
   a. Parking and security lights shall be no taller than any building on the site, or 24 feet above the pavement, whichever is less; and
   b. Streetlights shall not be no taller than 24 feet above the pavement.

5. Parking and Vehicular Circulation

Parking facilities shall safely and attractively serve all modes of transportation, especially pedestrian.

I. Screening
   a. Seventy-five percent of the lot frontage adjacent to any arterial street, exclusive of vehicular and pedestrian entrances, shall provide screening of on-site parking by means of on-site buildings or other architectural features, which may include the primary structure.
   b. Fifty percent of the lot frontage adjacent to all other streets shall provide screening of on-site parking by means of on-site buildings.
   c. Lot frontage adjacent to residential uses or residential zoning districts shall provide screening of on-site parking by means of walls, landscaping or buildings.

II. Surface Parking

No single parking area shall exceed 120 spaces unless divided into subareas of fewer than 120 spaces each by a building, internal landscaped street, or landscaped pedestrian way.

6. Public Transit

A structure that has one or more tenants of 75,000 square feet or more and that is adjacent to an arterial street that is or may be located on a transit route as determined by the City transit division, shall provide for on-site or adjacent to the site accommodations for public transit access, including a bus pullout and shelter.

7. Outdoor Storage, Display, Sales, Rental and Service
   I. To the extent possible, areas for outdoor storage, display, sales, rental, trash collection and loading shall not be located adjacent to residential lots.
   II. Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, such facilities shall be effectively screened from public view.
   III. To the extent possible, idling of delivery trucks shall not be allowed in areas adjacent to residential lots. Signs shall be installed advising tenants not to allow idling of delivery trucks in areas adjacent to residential lots.
   IV. Areas for outdoor storage, trash collection and loading shall be incorporated into the primary building design and construction and shall be of materials of comparable quality and appearance as that of the primary building.
   V. Outdoor storage, display, sales or rental areas shall be adjacent to the primary building. Outdoor storage, display, sales or rental areas shall be designed to minimize visual clutter. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible.
   VI. When the loading or trash collection area is adjacent to a residential district, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m.

G. Economic Impact Study

1. For all new retail establishments that are 100,000 square feet and larger, the City shall commission a report on the predicted economic impact of that business from an economist or other institution deemed qualified by the City pursuant to provision 5 of this subsection.
2. The report shall be available prior to the first public hearing required for the project. The applicant shall reimburse the City for the cost of the study prior to the hearing.
3. The report shall include the following:
   I. Net impact on gross receipts tax collections, including taxes from the proposed construction activity as well as the proposed business;
   II. Cost and burden on government for services for the business and for the employees;
   III. Impact on jobs, including the number and types of jobs, wages paid, benefits paid and changes in the number of union jobs, and the company's history of labor and employment practices;
   IV. Impact on the choice of goods and services for consumers;
   V. Impact on the cost of goods and services for consumers and potential changes on discretionary spending available to consumers;
   VI. Physical impact on City infrastructure compared to impact fees collected;

VII. Retention of revenue in the local economy; and

VIII. Opportunities for local suppliers.

4. The results of the economic impact study may be used to require the applicant to address or offset any negative economic impacts, as part of the approval process.

5. The City shall, through the request for qualifications process, develop and maintain a list of economists who are qualified to do economic impact studies pursuant to this section.

14-7.9 Impact Fees

A. Authority

This section is authorized by the New Mexico Development Fees Act, Article 8, Land Development Fees and Rights NMSA 1978, Sections 5-8-1 to -43.

B. Purpose

The City assesses and collects impact fees for new development within Santa Fe to respond to the demand for capital improvements that are related to the actual impacts of development. It is the intent of the City to accomplish the following outcomes:

1. Promote public health, safety, and general welfare, and accommodate orderly growth and new development;

2. Provide for the assessment and collection of impact fees for new development to serve the demand for capital facilities and public improvements; and

3. Ensure that a proportionate share of the cost of capital expenditures is assessed for development to provide public facilities and infrastructure that has a rational nexus to the proposed development.

C. Applicability

This section applies to all territory within the planning and platting jurisdiction of the city.

D. Reasonable Project Improvements

The city may require the construction of reasonable project improvements required to serve the new development project, whether or not the improvements are of a type for which credits are available under Section 14-7.9(H**)**, *Credit*.

E. Exemptions, Waivers and Reimbursements

1. Exemptions

I. The following are exempt from the provisions of this section:

a. Alterations of, or additions to, existing residential uses where no additional dwelling units are created;

b. Replacement of a destroyed, partially destroyed, or moved residential building or structure with a new building or structure of the same use and the same size and the same number of dwelling units;

b. Replacement of destroyed, partially destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use;

c. Construction permits for new residential units that are part of a master plan, development plan or subdivision plat where land is dedicated to the City to provide park land, as provided in Section 14-6.3, Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities;

d. Parking garages, parking canopies, or parking lots;

e. Construction permits for uses specified in Section 14-4.5(A)(11) located within the Airport Road Overlay District

f. Construction permits for qualifying projects within the Midtown LINC overlay district as defined in Section 14-4.5(C)(4); and

g. Santa Fe Homes Program projects receiving enhanced development incentives as described in Section 14-7.2(F).

II. New construction projects that request an exemption from the terms of this section shall claim that exemption at the time of application for a construction permit, and the Planning and Land Use Director shall determine the validity of a claim for exemption pursuant to the criteria set forth in this subsection.

2. Waivers

I. Impact fees shall be waived for the following:

a. Santa Fe homes or Santa Fe rental units as defined in Article 26-1, Santa Fe Homes Program;
b. Santa Fe Homes Program projects receiving enhanced development incentives as described in Section 14-7.2(F);

c. A low-priced dwelling unit as defined in Article 26-2 SFCC 1987; or
d. Qualifying projects within the Midtown LINC overlay district, as described in Section 14-4.5C.4.

II. Application for waivers of impact fees shall be made at the time of application for a construction permit, and the Office of Affordable Housing shall determine the validity of a request for a waiver.

III. The impact fee calculation for an approved waiver shall be tracked by the Planning and Land Use Director for accounting purposes.

IV.. When a dwelling unit for which impact fees have been paid is later deemed by the City to qualify for the waiver, it is entitled to a full reimbursement of the impact fees paid.

F. Fee Assessment and Collection

The Planning and Land Use Director shall determine the amount and type of impact fees required as a condition of construction permit approval based on the approved fee schedule in Table 7-9: *Impact Fee Schedule and Description of Use Types*, as applicable, and the provisions of this subsection.

1. Timing of Assessment

Assessment of impact fees occurs on the date a plat or development plan receives final approval from the city. In the absence of a plat or plan, final approval shall be the date of the construction permit application.

2. Applicable Fee Schedule

I. Impact fees collected within four years of the date of assessment shall be based on the impact fee schedule in effect at the time of assessment. After the expiration of the four-year period, the development shall be subject to the fee schedule in effect at the time of application for a construction permit.

II. No action on the part of the City is required for assessment to occur. It is the applicant for a construction permit's responsibility to present evidence of the date of plat or development plan approval in order to base the fees on the previous impact fee schedule. After the impact fee has been paid, no refunds will be provided based on the differences in the fee schedules. An applicant must pay all fees according to one fee schedule and may not mix fees from multiple schedules.

3. Collection of Impact Fees

The collection of impact fees within the service area as defined in the Capital Improvements Plan shall occur at the time of issuance of a construction permit.

G. Fee Determination

1. Fee Schedule

I. Unless exempt as described above in Section 14-7.9(H)(9)(I), the applicant for a construction permit or the preparer of an independent fee calculation study, shall pay impact fees in accordance with the City's adopted fee schedule shown below in Table 7-9, which shall be updated pursuant to NMSA 1978, Section 5-8-16. If a credit is due pursuant to Section 14-7.9(H), *Credit,* the amount of the credit shall be deducted from the amount of the fee to be paid.

II. The adopted fee schedule shall be used and its fees assessed on plats and development plans that receive final approval from the city or from the state construction industries division, except where the permit is issued for a subdivision or for a development plan that is still subject to a prior fee schedule available and on file in the planning and land use department.

Table 7-9: Impact Fee Schedule and Description of Use Types

Residential	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached						
1,500 sq ft or less	Conditioned Floor Area	$2,246	$1,080	$206	$65	$3,596
1,501-2,500 sq ft	Conditioned Floor Area	$2,367	$1,162	$222	$70	$3,821
2,501-3,000 sq ft	Conditioned Floor Area	$2,487	$1,244	$237	$75	$4,043
3,001 sq ft or more	Conditioned Floor Area	$2,624	$1,338	$254	$81	$4,297
Accessory Dwelling Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Unit Development	Dwelling	$1,373	$880	$168	$53	$2,474
Nonresidential	**Gross Floor Area**	**Roads**	**Parks**	**Fire**	**Police**	**Total**
Retail/Commercial	1,000 sq ft	$3,269	$0	$250	$79	$3,598
Office	1,000 sq ft	$2,790	$0	$121	$39	$2,950
Public/Institutional	1,000 sq ft	$1,266	$0	$56	$18	$1,340
Warehouse	1,000 sq ft	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq ft	$282	$0	$5	$2	$288
Industrial	1,000 sq ft	$1,114	$0	$52	$17	$1,183

2. Impact Fee Use Types

I. For the purposes of Table 7-9, use types are defined as follows:

a. Single-Family Detached means a single-family dwelling, including a manufactured home or mobile home, which is detached from other dwelling units.

b. Accessory Dwelling Unit means a dwelling unit complying with the provisions of Section 14-5.3(C)(2**)**.

c. Multi-unit means an apartment complex or other development with multiple dwelling units in one structure which, for the calculation of impact fees, includes duplexes, triplexes, and any other structures which are not considered to be detached from other residential dwellings.

d. Retail/Commercial means an establishment engaged in the selling or rental of goods, services, lodging, or entertainment to the public.

e. Office means a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services.

f. Public/Institutional means a governmental, quasi-public, or institutional use, or a non-profit recreational use, not located in a shopping center.

g. Warehouse means an establishment primarily engaged in the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment.

h. Mini-Warehouse means self-storage units less than standard 10’x10’ units.

i. Industrial, manufacturing, and production means an establishment primarily engaged in the fabrication, assembly, or processing of goods.

II. If the type of new development for which a construction permit is requested is not specified on the fee schedule, the Planning and Land Use Director shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

3. Independent Fee Calculation

I. The Planning and Land Use Director may require an independent fee calculation for any proposed development interpreted by the Planning and Land Use Director as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule.

II. The preparation and cost of the independent fee calculation study is the sole responsibility of the applicant.

III. The independent fee calculation study shall be based on the same service standards and facility costs used in the impact fee capital improvements plan and shall document the methodologies and assumptions used. The independent fee calculation shall be based on the expected long-term occupancy of the building or development, based on physical characteristics, and not on the characteristics of the proposed initial owner or occupant of the building or development.

IV. An independent fee calculation study submitted by an applicant to calculate a road impact fee shall address all three factors relevant to the generation of service units, namely, trip generation rates, primary trip factors and average trip lengths.

V. After review, the Planning and Land Use Director shall approve or reject the conclusions of the independent fee calculation study.

4. Impact Fees for Development of Land Outside Buildings

The impact fees for development of land outside of buildings that increase the demand for capital facilities is determined by application of the fee for the corresponding type of building. In particular, the building square footage for a retail/commercial use shall include indoor or outdoor sales areas or inventory storage areas, growing area for a garden center/nursery, and any drive-through kiosk and associated queuing lane with or without a roof. If the Planning and Land Use Director determines that development of land outside of buildings is intended for seasonal usage that reduces the increased demand for capital facilities, the Planning and Land Use Director may reduce impact fees charged for the development of land outside of buildings by up to 75% of the original assessment.

5. Impact Fees Based on Primary Use

   I. Impact fees shall be assessed and collected based on the primary use of the building as determined by the Planning and Land Use Director. Uses that are distinct and separate from the primary use, which are not merely ancillary to the primary use and are 1,000 square feet or greater, will be charged the impact fee category based on the distinct and separate use.

   II. Where a permit is to be issued for a building "shell" and Planning and Land Use Director is unable to determine the intended use of the building, the Planning and Land Use Director shall assess and collect impact fees according to the zoning district in which the building is to be located as follows:
      a. C-2 and all SC zones - "Retail/Commercial;"
      b. HZ zone - "Office;"
      c. C-1 and C-4 - "Office;" and
      d. I-1 and I-2 - "Industrial/Manufacturing."

6. Change in Impact Fee Calculation

   I. If there is an increase in the amount of the impact fee calculation once a tenant improvement permit is submitted, the difference from what was paid at the time of the shell permit and the tenant improvement fee calculation shall be paid prior to issuance of the construction permit. If the fee schedule determination for the square footage of the use identified in the tenant improvement construction permit results in a net decrease from what was paid at the time of the shell permit, there shall be no refund of impact fees previously paid.

   II. If a construction permit application modifies or enhances the usage of an existing structure, expands the total floor area of the existing building, or substitutes an existing structure with a new building and a different purpose, the fee will be calculated based on the difference in fees for the new usage or expansion compared to what the current fee would be for the prior use or floor area. If the proposed alteration leads to a net reduction in the fee, there will be no reimbursement of previously paid impact fees.

7. Impact Fees for Live/Work Units

   Live/work developments containing dwelling units in combination with nonresidential floor area in a common building shall pay impact fees for each dwelling unit according to the residential fee rate for "Multi-unit" and for the gross floor area intended for nonresidential use according to the " Office " fee rate. If the initial Live/Work construction permit application is for a shell construction permit, the Planning and Land Use Director shall collect impact fees at the "Office" fee rate. If dwelling units are added as a use within the building after the building has been charged impact fees at a nonresidential fee rate, and there is no increase in gross floor area, the Planning and Land Use Director shall collect only the required

park impact fees for the dwelling units at the fee rate for "Multi-Unit" at the time of the dwelling unit permit application.

8. Appeal of Impact Fee Determination

   The Planning and Land Use Director’s determination of impact fees required may be appealed to the City Manager within 30 days from the date of the determination. The City Manager's decision is final.

H. Use of Fees

1. An "impact fee fund" that is distinct from the general fund of the City is created, and the impact fees received shall be deposited in the following interest-bearing accounts of the impact fee fund:
   I. Fire impact fee account;
   II. Police impact fee account;
   III. Parks impact fee account; and
   IV. Roads impact fee account.
2. The impact fee accounts shall contain only those impact fees collected pursuant to this section for the type of facilities reflected in the title of the account, plus accrued interest.
3. The money in each impact fee account shall be used only for the following:
   I. To acquire or construct capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;
   II. To pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;
   III. Planning, surveying and engineering fees paid to an independent qualified professional who is not an employee of the City or county for services provided for and directly related to the construction of capital improvements or facility expansions;
   IV. Fees actually paid or contracted to be paid to an independent qualified professional, who is not an employee of the City, for the preparation or updating of a capital improvements plan;
   V. Up to three percent of total impact fees collected for administrative costs for City personnel, for professional services related to impact fee assignment/distribution or for reporting to the capital improvements advisory board; and
   VI. Refunds as provided in subsection J, below.

I. Credits

1. Credit against impact fees shall be provided for contributions made by developers toward the cost of capital improvements or facility expansions identified in the Impact Fees Capital Improvements Plan and eligible for funding with impact fees pursuant to the provisions of this section.

I. Credits for eligible improvements are effective when the payment has been made, the land has been dedicated in fee simple to the City, or the improvements have been completed and have been accepted by the City.

II. No credit shall be applied to the road impact fee for improvements to the major roadway system that primarily serve traffic generated by the development project, such as acceleration/deceleration lanes into and out of the project.

III. No credit shall be applied to the road impact fee for installation of a traffic signal or intersection improvement at the intersection of a public street and a private road or driveway.

2. To receive credit for eligible improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates to the Planning and Land Use Director. The Planning and Land Use Director shall determine the amount of credit due based on the information submitted or, where such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the Planning and Land Use Director.

3. The Planning Commission or Governing Body may approve a credit for eligible improvements as a condition of approval for a plat, development plan, or other similar application.

4. To qualify for an impact fee credit, the developer shall enter into an impact fee credit agreement with the City prior to plat or plan recordation. The approved impact fee credit shall be identified on the plat to be used at the time of construction permit in the fee calculation. The impact fee credit agreement shall specify the following:

I. The amount of the credit;

II. How the credit will be allocated within the development project; and

III. How the developer will be reimbursed for the cost of in-kind contributions that exceed the amount of impact fees due from the development project.

5. If the new development for which credits have been issued is sold to different owners, the credits usable by each new owner shall be calculated in terms of each owner's percentage share of the impact fees against which the credits were issued that would otherwise be due from the entire new development.

6. The right to claim credits shall run with the land and may be claimed only by owners of property within the new development for which the land was dedicated or the improvement was made. Credits issued for a particular new development shall not be transferable to another development.

7. Credits provided pursuant to this section shall be valid for ten years from the effective date of the impact fee credit agreement.

8. In the absence of an impact fee credit agreement specifically providing otherwise, no reimbursement shall be made to a developer for the amount of credit due in excess of impact fees otherwise due from the development.

J. Submittals

1. Submittal Requirements

   All construction permit applications must include the following information as required and applicable for residential and nonresidential impact fee assessment.

I. Recorded Plat or Development Plan

II. Total Conditioned Floor Area square footage for residential development and Floor Area, Gross square footage for nonresidential development clearly indicated as part of the Design Data information within the General Notes plan sheets.

III. For multi-unit projects, include a site reference map with individual buildings clearly labeled and keyed to the individual construction permit applications and a table on the site reference map plan sheet identifying the number of dwelling units per building and totaled for the entire project.

IV. Clear explanation of any intensification such as additional dwelling units on a residential property and additional gross floor area for commercial uses.

V. Use type for nonresidential developments.

VI. Engineered water plans including meter schedule declaring size and quantity of all new and existing water meters.

2. Furnishing false information on any matter relating to the administration of this Section 14-8.14, including the furnishing of false information regarding the expected size, use or impacts from a proposed new development , is a violation of this Section 14-8.14. The city may issue a stop work order or rescind any permits issued in reliance on the previous payment of such impact fee. (Ord. No. 2014-28 § 4)

K. Payment, Refund & Record-Keeping Provisions

1. If an impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated and paid as follows:

I. The amount overpaid by an applicant shall be refunded by the Planning and Land Use Director to the applicant within 30 days after the approval of the recalculated amount;

II. The amount underpaid by the applicant shall be remitted to the City within 30 days after the applicant is notified of the recalculated amount and is provided with an invoice in that amount; and

III. In the case of an underpayment or nonpayment of impact fees, the City shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected and, if amounts owed to the City are not paid within the 30-day period, the City may also issue a stop work order or rescind any permits issued in reliance on the previous payment of the impact fee.

2. Upon the request of an owner of the property for which an impact fee has been paid, any money in the impact fee fund paid for that property that has not been spent within seven years after the date on which the fee was paid shall be returned to the current owner of record as listed with the county assessor with interest since the date of payment.
   I. Money in each impact fee account is considered to be spent in the order collected on a first in/first out basis.
   II. Interest shall be calculated from the date of collection to the date of refund at the statutory rate set forth in Section 56-8-3 NMSA 1978 (Interest Rate; No Written Contract).
   III. Requests shall be filed with the City within 30 days of the eligibility for the refund.
   IV. Response to a request for a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the current owner of the property within 30 days of the date the refund was requested.
   V. All refunds shall be made to the current owner of the property at the time the refund is paid.
   VI. Notwithstanding the provisions of (I) through (V) above, if the impact fees were paid by a government entity, notice shall be given to and the refund shall be made to the government entity.
3. If an applicant has paid an impact fee required by this section and the construction permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, the applicant who paid the fee is entitled to a refund of ninety-seven percent of the fee paid, without interest. To be eligible to receive such refund, the applicant who paid the fee must submit an application for the refund within 30 days after the expiration of the permit or extension for which the fee was paid.
4. Records shall be available for review by the public during normal business hours and with reasonable advance notice. The Planning and Land Use Director shall maintain accurate records of the impact fees paid, including the:
   I. Name of the person paying the fees;
   II. Project for which the fees were paid;
   III. Date of payment of each fee;
   IV. Amount(s) received in payment for each fee;
   V. Amount of any credits provided against the fees or refunds paid; and
   VI. Any other information the City deems appropriate or necessary for the accurate accounting of the fees.

5. The service area is established pursuant to NMSA 1978, Section 5-8-21 and, until modified for the road, fire, and police impact fees, is the incorporated area of the city, as may change over time with annexation; and for the parks impact fee is the incorporated area plus the city-owned land in the unincorporated area known as the municipal recreation complex and the Marty Sanchez golf course.

L. Annual Report and Periodic Updates

The capital improvements advisory committee (CIAC) shall file an annual report for review by the Governing Body detailing impact fee revenues collected during the previous year, current impact fee fund amounts, and capital improvements plan projects under construction that are using impact fee revenues. The land use assumptions and capital improvements plan on which the impact fees imposed by this section are based shall be updated at least every five years. The five-year period begins on the day the capital improvements plan is adopted. The City shall review its current land use assumptions and update the capital improvements plan in accordance with Sections 5-8-1 to -42 NMSA 1978 (Development Fees Act).

Article 14-8 Design Standards

14-8.1 General Provisions

A. Purpose

The purposes of this Article are to:

1. Provide proper standards that ensure a high-quality appearance of the Santa Fe area and promote good design while also allowing individuality, creativity and artistic expression;
2. Encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation of open space and natural environmental resources;
3. Protect private and public investment through preservation of open space, protection of natural resources, including the existing tree canopy; providing buffers between incompatible uses and along roadways; and encouraging the planting of appropriate vegetation;
4. Preserve and protect the identity and character of Santa Fe, and enhance the business economy;
5. Promote water conservation and efficiency through preserving natural areas, encourage good soil management and encourage the use of native or drought tolerant plant materials; and
6. Ensure compliance with the City's obligations to the U.S. Environmental Protection Agency (EPA) as a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II permittee.

B. Applicability

Unless otherwise noted, the requirements of this Article apply to all land development activity covered under Chapter 14.

14-8.2 Terrain and Stormwater Management

A. Purpose

The purpose of this section is to protect, maintain, and enhance the health, safety and general welfare of the citizens and natural environment of Santa Fe. The following considerations shall be used during the design and planning process for all proposed developments subject to this section:

1. Ensure sound and orderly development of the natural terrain;
2. Protect life and property from the dangers of flooding and the hazard of improper cuts and fills;
3. Minimize erosion and sedimentation;
4. Minimize destruction of the natural landscape;
5. Protect the scenic character of Santa Fe from the visual blight of indiscriminate cuts and fills and vegetation removal resulting from extensive grading and utility scars;
6. Treat stormwater runoff as a valuable natural resource in Santa Fe, a community that is prone to drought, by encouraging infiltration on site, or water collection and use for outdoor irrigation needs;
7. Control the adverse impacts associated with accelerated stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces;
8. Minimize erosion and degradation of arroyo channels and improve the condition of the channels where possible;
9. Respect, protect, maintain, and restore natural drainageways, wetlands, bosques, floodplains, steep slopes, riparian vegetation and wildlife habitat areas;
10. Prevent stormwater runoff from entering or damaging acequias or other irrigation facilities;
11. Integrate stormwater management measures into the landscape and site planning process;
12. Provide effective and aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design; and
13. Promote improved water quality through compliance with the EPA NPDES MS4 permit and Construction General Permit (CGP).

B. Applicability

1. Minimum Standards and Submittal Requirements
   I. Minimum standards and submittal requirements for terrain and stormwater management are based on the type of project, and all projects shall meet the minimum standards in Section 14-8.2(D**)**, *Grading Standards.*
   II. Projects for which a construction permit for grading is required by Section 14-8.3, *Flood Regulations,* shall also meet the applicable minimum standards and submittal requirements in Section 14-8.2(G**)** for minor development or Section 14-8.2(H**)** for all other development.

III. Master plan, preliminary development plan, and preliminary subdivision plat applications shall also meet the minimum standards and submittal requirements in Section 14-8.2I.

IV. Final development plan and subdivision plat applications shall also meet the requirements in Section 14-8.2J.

V. All city departments that implement construction projects shall comply with the objectives, intent and minimum standards of this section.

2. Exemptions

A development is exempt from the requirements of this section if it meets the following conditions:

I. Less than 250 square feet of total land area is disturbed;

II. No slopes greater than ten percent are disturbed;

III. Existing drainage patterns on the property are not changed in a way that would increase the amount of stormwater runoff leaving the property, impede the flow of water through the property, or cause significant change to on-site drainage patterns as determined by the City Engineer, and

IV. Adequate erosion control is provided.

3. Alternate Compliance

Applicants may propose alternatives to standard stormwater management techniques, so long as these alternatives allow the project to meet the minimum standards and general requirements of this section. Alternative techniques may be proposed that achieve improved environmental performance, including reduced stormwater runoff, increased infiltration, reduced sedimentation and erosion, and for aesthetic purposes. Proposals for alternate compliance to standard stormwater management techniques are subject to review and approval of the City Engineer in writing, stating the basis for approval of such a waiver request.

C. General Requirements and Best Practices

1. General Requirements

I. The City Engineer may determine the following:

a. The completeness of all required terrain and stormwater management submittals;

b. Compliance with all minimum standards;

c. The acceptability of all proposed erosion control and stormwater management methods; and

d. The need for additional information or written approval in order to determine compliance with the purposes, intent, and minimum standards of this section.

II. The preparation of submittals shall be as provided in this subsection and in accordance with the provisions of Chapter 61 NMSA 1978, *Professional and Occupational Licensing,* regulating the practice of architecture, landscape architecture, engineering, and land surveying.

a. Grading submittals for minor development as defined below in Section 14-8.2G, *Minor Development,* or for grading incidental to the construction or modification of a structure may be prepared by any person, including the homeowner, who has the legal authority to design the structure; however, the City Engineer may require that submittals be prepared and signed by a professional engineer, architect, professional land surveyor or landscape architect licensed in New Mexico if necessary to fulfill the requirements of this section, Chapter 61 NMSA 1978, or applicable regulations;

b. Submittals for development other than minor development or incidental to the construction or modification of a structure shall be prepared as follows:

1. Topographic plans shall be prepared and certified by a professional engineer or professional land surveyor;

2. Stormwater management submittals for master plans, subdivisions, and development plans shall be prepared and certified by a professional engineer. Stormwater management submittals for all other types of development shall be prepared by a professional engineer or an architect or landscape architect registered in New Mexico; and

3. Site restoration submittals shall be prepared and certified by a professional engineer, architect, or landscape architect licensed in New Mexico.

III. No certificate of occupancy or any type of final construction approval shall be issued by the City unless a parcel is in full compliance with the requirements of this section and all inspections have been conducted as described in this section.

IV. Activities permitted pursuant to this section may also require notification or permitting by other agencies, including written approval from the Acequia Madre de Santa Fe community acequia association or other official watercourse-related entity, the EPA, the United States Army Corps of Engineers, the Federal Emergency Management Agency (FEMA) and the New Mexico Department of Environment. It is the responsibility of each applicant to determine whether additional notification or permitting is required.

V. All inspections shall be documented in written form and shall be made available to the City Engineer or code enforcement officer upon request.

2. Best Management Practices

The following best management practices shall be used before and during the construction process:

I. A notice of intent (NOI) for the federal Storm Water Pollution Prevention Plan (SWPPP) is required for projects that disturb one acre or more.

II. Disturbed areas shall be protected from erosion during construction by diverting stormwater around the disturbed area, dissipating the energy of stormwater adequate to prevent erosion, retaining sediment on the disturbed area, or other means adequate to retain soil on site.

III. Except as necessary to install temporary erosion and sediment control devices, land shall not be graded or cleared of vegetation until all such temporary devices have been properly installed and inspected. Temporary erosion and sediment control devices may include silt fencing, swales, straw bales, berms, geotextiles, sediment basins or traps and fencing. Control devices shall be kept in place and functional until the disturbed area is permanently stabilized; or notice of termination (NOT) is filed for projects that require a SWPPP.

IV. All significant trees, and other trees and vegetation, and areas with substantial grass coverage and drainageways that are to remain undisturbed, shall be fenced off prior to the use of any heavy machinery on-site, and shall remain fenced during the entire construction process. Fencing material may include snow fencing, plastic mesh, or other similar fencing material. To protect the root zone of all significant trees, and other trees and vegetation, fencing shall be placed five feet to the outside of their dripline.

V. To prevent soil from leaving a site, soil stockpiles shall be protected from wind and water erosion throughout the time the stockpile remains by using appropriate erosion control techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall be kept on site, within the disturbance zone of a construction site and then reintroduced into planting areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other drainageways.

VI. Techniques to prevent the blowing of dust or sediment from the site, such as watering down exposed areas, are required for projects that disturb greater than 5,000 square feet; and alternate forms shall be readily available and used if watering is not sufficient.

VII. Protection for storm drain inlets, drainageways and any stormwater conveyance shall be provided to prevent the entry of sediment and pollutants from the site while still allowing the entry of stormwater.

D. Grading Standards

When a construction permit for grading is required by this section, applications for the permit shall show compliance with the following minimum standards:

1. Cut and Fill Slopes
   I. Exposed cut slopes on a site shall not exceed ten feet in height, except as otherwise permitted by this section. In no case shall the height of a cut exceed the height of any building constructed in the excavated area;
   II. Fill slopes on a site shall not exceed 15 feet in height. Retaining walls for fill slopes shall be no greater than six feet in height as provided in Section 14-8.5C.1, *Maximum Height of Retaining Walls*, except as otherwise provided in Section 14-4.4G, escarpment overlay district *Landscaping*. Fill slopes shall be no steeper than 3:1, unless a structural alternative such as a retaining wall or some other measure acceptable to the City Engineer is provided. Fill slopes shall be compacted in lifts of no more than eight inches with the exception of the top four inches of the slope when required for seeding only;
   III. Cut or fill slopes for roads shall not exceed 15 feet in height; and
   IV. All cut slopes that are not stabilized by a retaining wall or some other measure acceptable to the City Engineer, shall be no steeper than 2:1, unless a structural alternative is provided or unless it can be demonstrated by a geotechnical study that existing soils will naturally accommodate a steeper slope and acceptable revegetation or other erosion control can be achieved.
2. Grading
   I. Grading for buildings is limited to 15 feet beyond the outer edge of the building foundation, patio, wall, driveway, road, parking area, or other constructed facility except as necessary:
      a. For the construction of stormwater runoff management measures in compliance with this section; or
      b. To accommodate required horizontal to vertical measurements for cut and fill slopes.
   II. Natural slopes 30 percent or greater shall remain undisturbed, except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed 1,000 square feet, as approved by the City Engineer. The City Engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by the applicant showing that strict enforcement of this provision would prohibit access to the lot or placement of utilities. This provision applies solely to the construction of roads, driveways, and utility placement and is not intended to allow development on natural slopes exceeding 30 percent. All other applicable provisions of this section and the escarpment overlay district shall remain in effect.
   III. Phasing for grading and clearing may be required by the City Engineer on all sites where construction will not begin immediately after clearing and grading.

IV. A construction permit for grading for driveway construction shall not be issued unless the City Engineer has first determined that the driveway provides access to a buildable area as defined in Section 14-8.2D.3, *Topography,* and that the permit complies with the requirements of Section 14-4.4, *Escarpment Overlay District.*

V. All grading shall have a smooth transition and match into the existing natural grade.

VI. Existing grade below native trees and shrubs shall remain undisturbed throughout the dripline of the plant material. No mounding of soil, fill dirt, organic material, or inorganic debris shall be abandoned under native plant canopies.

VII. The Planning and Land Use Director may approve a preliminary clearing and grubbing permit or a limited grading permit, allowing for work authorized under such permit solely at the risk of the owner, while an application for an associated permit for comprehensive grading and drainage or landscape and utilities is pending.

VIII. Under emergency circumstances, the Planning and Land Use Director may issue an emergency grading permit at owner's risk prior to the submission of an application. A permit issued under these circumstances shall expire 12 months after issuance with no allowance for extensions.

IX. All grading completed on the site shall conform to the approved grading plan.

3. Topography

I. Each residential lot shall have a buildable site designated as suitable for a building with a footprint of not more than 40 percent of the minimum required net lot area or 2,000 square feet, whichever is less, which can be developed in accordance with the terrain and stormwater management standards and with other applicable development standards, including required setbacks and access requirements. The Planning Commission, or the Planning and Land Use Director for resubdivisions or other administrative plat approvals, may approve residential lots with a smaller buildable site to accommodate lot size averaging or within multi-unit developments.

II. At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than 20 percent; the remainder of the area or building footprint may have a natural slope from 20 up to 30 percent.

III. The first-floor finished floor elevation at any point of any portion of a building built on a natural slope of 20 percent or greater shall not exceed five vertical feet above the natural slope at that point.

IV. No structure shall be built on a natural slope of 30 percent or greater.

E. Stormwater Management

1. General Standards
   I. Stormwater management measures shall be:
      a. Selected to best accommodate the specific geologic, hydrologic, and topographic features of the land to be developed;
      b. Designed as both a comprehensive and integral part of the development; and
      c. Designed to directly address additional flows that result from the proposed development. Compliance with these standards shall not be achieved by alterations to flows upstream of a proposed development; and
   II. Stormwater management plans may be designed to incorporate measures shared by two or more developments; provided that the measures comply with the minimum standards of this section, including provision of an enforceable legal agreement for construction and maintenance.
2. Discharge Standards
   I. Except as otherwise required by this section, the stormwater runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the one percent chance, 24-hour storm event at each discharge point;
   II. Runoff control measures may include the use of detention or retention basins, active and passive water harvesting techniques, swales, berms, check dams, vegetative ground cover, permeable pavements, tree wells, dry wells, cisterns and other techniques appropriate for retaining and infiltrating water on-site;
   III. To facilitate proper drainage adjacent to structures, no mechanical or electrical equipment shall be installed within a setback where there is less than five feet of clearance between the equipment, a structure, or a property line;
   IV. Stormwater shall not be discharged into any watercourse or drainage channel without adequate reduction of flow velocity, which shall be accomplished by erosion control techniques that may include the routing or energy dissipation of stormwater runoff to a vegetated swale, vegetated basin, or stone-protected area. The techniques used shall be sufficient to diminish runoff velocity and spread runoff flow adequately to avoid erosion upon entering the watercourse;
   V. Stormwater runoff shall not be routed into irrigation ditches, canals, acequias or watercourses related to an acequia system, unless specific plans have been approved in writing by the person legally responsible for the operation and maintenance of the facility and the City Engineer. The developer is responsible for obtaining all such approvals before submittal of an application; and
   VI. An active, historic acequia, whether on-site or off-site, shall not be disturbed in any way by building development or construction activity, unless specific plans have been approved in writing by the person or entity legally responsible for the operation and maintenance of the acequia. The developer is responsible for obtaining all such approvals before submittal of an application.

3. Detention Basin Standards
   I. Stormwater detention basins and overflow structures shall be located, sized, and designed to adequately accommodate flows from a one percent chance, 24-hour storm event; provided, however, that such basins shall also be equipped with outflow structures that limit flow-through from lesser-magnitude storms to runoff rates equal to or less than pre-development runoff rates;
   II. Infiltration, detention, and retention basins shall provide a means of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets, or other methods;
   III. All basins shall be designed to empty within 24 hours;
   IV. Landscape treatment of detention and retention basins may be required in accordance with Section 14-8.4, *Landscape and Site Design;* and
   V. Discharge standards for minor development are provided in Section 14-8.2G.2.
4. Detention in Cisterns
   I. Cisterns may be used if they are connected to an irrigation system or other water use;
   II. A maximum of 50 percent of required stormwater detention volume may be stored in cisterns, except that 100 percent may be stored in cisterns for minor development; and
   III. Cisterns shall be installed and operated in compliance with applicable provisions of other regulations, including Section 14-8.4, *Landscape and Site Design,* and Chapter 7, *Building and Housing.*
5. Arroyo, Stream, and Watercourse Standards
   I. For arroyos, streams, or watercourses that carry 100 cubic feet per second or more of stormwater flow in a one percent chance event, all structures, paved roads, driveways, and parking lots shall be set back a minimum of 25 feet from the top shoulder of an arroyo plus the depth of the arroyo channel; provided, however, that this setback provision does not apply to stormwater management structures or public access trails. The City Engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by a professional engineer demonstrating arroyo bank stability;
   II. For arroyos, streams or watercourses that carry less than 100 cubic feet per second in a one percent chance event, the City Engineer may require a setback based on soils and hydrologic information supplied by the applicant;
   III. Except for erosion control measures, stormwater management measures, provision of public access trails, or the placement of underground utilities required for development, no grading shall occur within the setback area;

IV. Where practical, erosion control and channel stability in arroyos, streams, or watercourses shall be achieved using techniques that reduce stormwater velocity and pollution, preserve active floodplains, provide adequate room for flood waters to spread safely, and use native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion baskets, sheet piling, rip-rap or similar hardened material, unless no reasonable alternative exists to protect public infrastructure or pre-existing structures; and

V. Fences, walls, or other structures may not be constructed in or across an arroyo, stream, or watercourse, with the exception of an approved design for a single cable strung between posts.

6. Increase in Minimum Standards

The City Engineer may require implementation of more than the minimum stormwater standards if there is evidence of increased flooding, channel erosion, or sedimentation on a site or immediately downstream of the site, as a direct result of conditions on the site. Increased requirements shall be limited to the following on-site measures:

I. Erosion and sediment control measures extended to a broader area of the site than the development area;

II. Revegetation or stabilization of highly eroded areas;

III. Arroyo restoration or other erosion control measures within highly eroded channels; or

IV. A combination of the measures specified in provisions I through III.

F. Site Stabilization and Erosion Control

1. Soil stabilization and erosion control measures for all land disturbed by construction shall be completed within 21 days after completion of construction or other activities on a site that interfere with soil stabilization measures.

2. One or more of the following stabilization and erosion control measures shall be used:

   I. Revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover;

   II. Restoration with bioengineering techniques such as live staking, brush layering, brush mattress and live crib walls; and

   III. Stabilization with stones, terracing or similar techniques.

3. All trees and shrubs shall be mulched and irrigated until established. Grass seed should either be hydroseeded or covered with biodegradable material or synthetic soil erosion control blankets or matting and irrigated until established. Irrigation shall be comply with the irrigation requirements in Section 14-8.4D.4.

4. If the time of year is not conducive to planting, planting may be delayed until the next appropriate planting season, with the submittal of a financial guarantee in a form acceptable to the Planning and Land Use Director. In the interim, all appropriate temporary erosion control measures shall be maintained until permanent erosion control measures are implemented.

G. Standards for Minor Development; Submittal Requirements

1. Minor Development

   A minor development includes the construction of any structure, including single family residences, additions, sheds, garages, fences, driveways, or pavement that meets all of the following criteria:

I. It takes place on a single lot or a subdivision of fewer than three lots;

II. It results in cumulative total disturbance of less than 5,000 square feet of land on a lot;

III. It disturbs no slope equal to or greater than 20 percent; and

IV. No more than 3,500 square feet of new impervious surface is created per lot.

2. Minimum Standards; Discharge Standards

Minor development must comply with the standards in Section 14-8.2D and Section 14-8.2E, except that the minimum volume of water to be contained or infiltrated on site shall be determined by multiplying the total area of new impervious surface, in square feet, by 0.16 feet to arrive at a value expressed in cubic feet, i.e., 160 cubic feet of water containment is required per 1,000 square feet of impervious surface.

H. Submittal Requirements

1. For Minor Development

Construction permit applications for grading for minor development must provide sufficient information to demonstrate compliance with the standards of this section, including provisions 1 and 2 in subsection G above, and the following, unless the requirement is waived by the Planning and Land Use Director:

I. A brief narrative description of the proposed project;

II. A topographic map of the property to scale, including United States Geological Survey quadrangle maps or maps generated by the City, adequate to show elevation contours, natural drainageways and existing and proposed improvements;

III. A brief written description or representative photographs of the type of existing vegetation, such as piñon and juniper trees, annual weeds, grass cover, bare ground and so on, and approximate coverage of existing vegetation at the site, and a plan for vegetation removal at the site;

IV. A description of all proposed grading or ground disturbance;

V. Calculations and a plan drawing showing:
   a. The size, volume, dimensions and location of all proposed runoff containment structures or methods and how water will be directed to the structures or methods; and
   b. Percolation test results or other means of demonstrating that containment structures will empty within 24 hours;

VI. A roof runoff drainage plan;

VII. A planting plan for revegetation showing proposed plant materials and a description of the proposed irrigation method or other methods used to establish vegetation and prevent erosion until vegetation becomes established; and

VIII. Special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM).

2. For All Other Development

All other development that requires a construction permit for grading, and that is not classified as minor development under the provisions of Section 14-8.2G above shall meet the following minimum submittal requirements:

I. Submittals for construction permit applications for grading must provide sufficient information to show compliance with Section 14-8.2D and Section 14-8.2G. Unless waived by the Planning and Land Use Director, submittals must include a topographic survey and grading plan with elevation contours shown at not more than two-foot intervals on slopes less than 30 percent and five-foot intervals on slopes of 30 percent or greater that shows the following:
   a. All sloped areas of zero to 20 percent, 21 to 30 percent, and greater than 30 percent, clearly marked and differentiated by shade, tone, or color at a scale sufficient to allow verification of the calculations;
   b. Ground elevations that conform to either the United States Geological Survey sea level datum, as modified, or to the City's monument system;
   c. The designated buildable sites or buildable areas;
   d. All areas to be graded on the site and the final contours to be achieved by the grading;
   e. All finished floor or grade elevations;
   f. Spot elevations, as needed;
   g. Areas of soils with severe limitations for the intended use;
   h. The location of temporary erosion control structures and methods used, including staging and stockpile areas;
   i. All significant trees and areas with substantial grass coverage to be removed;
   j. A construction schedule when the project will be developed in phases;
   k. The location of fencing around the areas to be protected;
   l. The ratio of horizontal to vertical measurement for cut and fill slopes;
   m. The total volume, in cubic yards, of earth to be moved;
   n. All existing disturbed areas;
   o. Special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM); and
   p. Date, method of survey, and certification from a New Mexico professional engineer or professional land surveyor that the plan complies with national map accuracy standards.

l. Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats

1. All land below the base flood elevation for a one percent chance event shall be dedicated as a drainage easement and as public or private open space or public right-of-way; and
2. For all development where one-half or more of the land within the project site exceeds 20 percent slope, the quantity and peak flow rate of post-development stormwater runoff on all developed or disturbed land shall not exceed 75 percent of the quantity and peak flow rate of the pre-development runoff.
3. Submittals

Submittals for master plans, preliminary development plans and subdivision plats shall include:

I. A conceptual plan and report that shows the general approach proposed for terrain and stormwater management, and how the proposed development meets all of the minimum standards described in Section 14-8.2D;

II. A topographic survey and grading plan as outlined in Section 14-8.2(H)(2).I; and

III. A brief description of the watershed directly upstream and downstream of the parcel, including the size, terrain, type, and extent of vegetation cover and degree of development for all areas draining to the project site.

J. Final Development Plans and Subdivision Plats

1. Minimum Standards

   Final development plans and subdivision plats shall meet the minimum standards described in Section 14-8.2D, Section 14-8.2E, and Section 14-8.2I.

2. Submittals

   Submittals for final development plans and subdivision plats shall include:

I. All submittals required pursuant to Section 14-8.2H;

II. A long-term maintenance schedule for the life of the stormwater management measures, including the time frame for completion and the responsible party who shall perform the maintenance; and

III. An as-built certification signature block to be executed by a professional engineer after the project completion to ensure that the constructed stormwater management systems comply with the approved stormwater plans.

K. Inspections and Violations During Construction Process

1. For all nonresidential projects and all residential projects that do not qualify as minor development, an applicant shall notify the Planning and Land Use Director to set up an inspection at the following times:
   I. When the construction erosion and sediment control devices and measures are in place;
   II. When final stormwater management measures are completed;
   III. When the final site stabilization and erosion control measures are completed; provided that, if final site restoration measures are being delayed due to the season, the applicant shall install temporary erosion control measures approved by the City Engineer and request inspection of the temporary measures.
2. Further construction or issuance of any permits shall not occur until written approval has been granted by the inspector after a grading and drainage and erosion control inspection has been completed in accordance with approved permit plans.
3. The Planning and Land Use Director may enter upon any property subject to this section at reasonable times to conduct inspections of grading, erosion, and stormwater management measures to determine compliance with City policies and procedures and to carry out duties in the enforcement of this section; and
4. The Planning and Land Use Director may waive or consolidate any inspections required under this section.

L. Dedications, Easements, and Rights-of-Way

1. All land below the base flood elevation for a one percent, 24-hour storm event shall be dedicated as a drainage easement and as public or private open space or public right-of-way.
2. Dedications to the City may be required by the City Engineer for the components of the stormwater drainage system, including access for maintenance. The types of all easements and open space dedications shall be determined by the City Engineer. If a dedication is required, it shall be designated on the development plan or plat and in effect prior to construction permit approval.

3. An applicant may make requests for acceptance of dedications of a stormwater drainage system to the City; however, the City is not obligated to accept a dedication offer. Only the Governing Body may accept dedications to the City. If a dedication is offered to and accepted by the City, it shall be designated on the plan or plat and shall be in effect prior to construction permit approval.

M. Long-Term Maintenance Responsibilities and Inspections

1. Responsibilities
   I. Unless a dedication of the stormwater management system was required and accepted by the City, all stormwater management measures and facilities shall be maintained in good condition by the fee simple owner of the property or a property owners association.
   II. The stormwater management system shall be maintained in accordance with approved stormwater management plans and promptly repaired in case of malfunction, degradation, damage, or failure to operate as approved.
   III. Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation and any other stormwater measure constructed on site.
   IV. Where a property or homeowners association assumes the responsibility for maintenance or upkeep of stormwater or other infrastructure, the association may not be disbanded without another party assuming the designated responsibility for repair and maintenance.
2. City Inspections

   The City or its authorized agent may enter upon a property that is subject to this section at reasonable times to access the stormwater management system to ensure that the system is maintained in proper working condition that meets the approved stormwater management plans and the objectives and minimum standards of this section.
3. Maintenance Violations

   If, after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner or responsible party within a reasonable period of time, the City may perform all necessary work to place the facility in proper working condition. The owner or responsible party of the facility shall be assessed the associated costs of the work.

14-8.3 Flood Regulations

A. Adoption of Special Flood Hazard Areas

1. The City adopts the special flood hazard areas identified by FEMA in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas," with accompanying FIRM, effective June 17, 2008, and December 4, 2012.
2. The City may adopt and establish other flood hazard zones or elevations as identified in the following:
   I. Subsequent drainage studies prepared for and accepted by the City;
   II. Subsequent letters of map amendment and letters of map revision, as prepared for and accepted by FEMA; and
   III. Other known flood hazard zones identified by the Floodplain Administrator and adopted by the governing body.

B. Applicability; Permit Required

1. The requirements of this section are in addition to and not in lieu of other provisions of Chapter 14.
2. New development, including substantial improvements to existing structures, shall comply with the standards of this section. However, this section does not apply to an application meeting either of the following criteria:
   I. The project is limited to work that does not change the footprint, size, or enclosed area of an existing structure, such as re-roofing, re-stuccoing, or interior remodeling; or
   II. The project will not result in an increased flood risk to persons or structures or their contents as determined by the Floodplain Administrator, who may require certification by a professional engineer.
3. Regardless of applicability of this section, all development in a special flood hazard area, including excavation and fill operations, requires approval of the Floodplain Administrator and a permit.

C. Development in Special Flood Hazard Areas

1. Terminology
   I. For purposes of this section, the special flood hazard area is that shown on the appropriate FIRM. Flood fringe, floodway, and base flood elevation shall be shown as required by the Floodplain Administrator.
   II. Zone A areas have a one percent annual chance of flooding. This flood is also called the 100-year flood. Base flood elevations for Zone A areas have not been determined.

III. Zone AE areas have a one percent annual chance of flooding. This flood is also called the 100-year flood. Base flood elevations for Zone AE areas have been established.

2. Development Proposal Requirements

I. All newly created lots shall contain a buildable area that is entirely outside of any special flood hazard area.

II. If an existing lot contains land both within and outside of the special flood hazard area, any new construction, including roads and driveways, shall only be outside of the special flood hazard area, except as allowed by subsections E and F of Section 14-8.3 and Section 14-1.13E.

III. If an existing lot contains no land outside the special flood hazard area, any new construction shall only occur in the flood fringe and only pursuant to subsections E and F of Section 14-8.3 and Section 14-1.13E.

IV. For subdivisions or other developments greater than 50 lots or five acres that are located entirely or partially within a special flood hazard area, base flood elevations shall be shown on the development plan or subdivision plat for all lots that are entirely or partially within the special flood hazard area.

V. On an application for subdivision plat or development plan approval, where the tract or portions of the tract are located within a special flood hazard area, the applicant shall submit detailed hydrologic data indicating the water surface elevations for a one percent chance event, depicted for sections of the drainage channel at intervals of no greater than 100 feet. The special flood hazard area shall be further defined as floodway and flood fringe, if applicable. The special flood hazard area, FIRM panel number, and date shall be accurately depicted by an architect, professional land surveyor or professional engineer on the development plan, subdivision plat, and construction permit where applicable.

VI. The Floodplain Administrator may waive the requirement for the submission of detailed hydrologic data based on a site investigation. However, any request for a waiver from the standards of this section shall be processed by the Planning Commission as a variance, pursuant to procedures described in Section 14-2.1H.1.IV.

VII. New and replacement water supply and sanitary sewage systems located in special flood hazard areas shall be designed to minimize or eliminate infiltration.

VIII. On-site liquid waste disposal systems located in special flood hazard areas shall be designed to avoid impairment or contamination.

IX. In A and AE zones, recreational vehicles shall be:
   a. Elevated and anchored; or
   b. On the site for fewer than 180 consecutive days; or
   c. Fully licensed and highway-ready.

D. Engineering Criteria

The analysis, determination, and designation of base flood elevation, special flood hazard areas, floodway or flood fringe shall adhere to professional hydrologic and hydraulic engineering techniques supplemented with data obtained by field examination and surveys as necessary. Engineering practice manuals of the American Society of Civil Engineers and similar competent manuals of professional hydrologic and hydraulic engineering techniques may be used in accordance with FEMA requirements.

E. Land Use and Development in Floodway

No uses shall be permitted within the floodway, except those set out in this subsection; provided that such uses comply with the provisions of Article 14-5, *Use Regulations,* and any other applicable federal or state law; and further provided that such uses do not constrict flow or create a rise in the base flood elevation during the one percent chance event:

1. Cultivating and harvesting of crops according to recognized soil conservation practices;
2. Pasture, grazing land;
3. Wildlife sanctuary, woodland preserve;
4. Outlet installations for sewage treatment plants and sealed public water supply wells;
5. Passive recreational uses such as parks or trails;
6. Open area residential uses, such as lawns, gardens and play areas;
7. Stormwater management and arroyo or watercourse stabilization facilities, such as check dams and revetements, provided that any such facilities that constrict flow or create a rise in the base flood elevation during the one percent chance event comply with all applicable FEMA requirements and all provisions of this section that are more stringent than the FEMA requirements;
8. Legal nonconforming uses occupying structures in existence on June 17, 2008; provided that such uses may not be intensified and that the structures that such uses occupy comply with all applicable FEMA requirements and all provisions of this section that are more stringent than the FEMA requirements;
9. Active recreational uses that do not include permanent structures and so long as any temporary structures or equipment are removed when not in active use; and
10. Railroads, streets, driveways, bridges, private and public utility lines that cross the floodway with minimal disturbance as determined by the Floodplain Administrator, and structural works for the control and handling of flood flows, such as dams, embankments, flood walls, velocity control structures or storm drainage control and handling works (with the exception of required stormwater detention facilities) provided that any such facilities that constrict flow or create a rise in the base flood elevation during the one percent chance event comply with all applicable FEMA requirements and all provisions of this section that are more stringent than the FEMA requirements.

F. Land Use and Development in Flood Fringe

1. No uses shall be permitted within the flood fringe except those set out in this subsection; provided that such uses comply with the provisions of Article 14-5, *Use Regulations,* and any other applicable federal or state law.
2. All uses permitted in the floodway pursuant to Section 14-8.3E are also allowed in the flood fringe.
3. Storage, processing, or disposal of materials that in time of flooding are buoyant, flammable, explosive, toxic, or could be injurious to human, animal, or plant life, are prohibited within the flood fringe.

4. No fence, wall or similar structure shall be erected in or across any arroyo, stream, or watercourse unless it is designed to break away and not to cause a flow obstruction.

5. At-grade parking facilities are allowed so long as such facilities cannot be reasonably accommodated outside the flood fringe, as determined by the Floodplain Administrator.

6. Structures or uses within the flood fringe portion of the special flood hazard area meeting the following requirements are allowed upon review by the Floodplain Administrator and issuance of a permit, to the extent that they are not prohibited by any other ordinance, plan, or policy:

   I. Residential or nonresidential structures, to be constructed or substantially improved in the flood fringe, shall have the elevation of the lowest floor at least one foot above the base flood elevation. The Floodplain Administrator may authorize dry flood proofing for protection of nonresidential structures where the elevation of existing streets or utilities make compliance with this provision infeasible, or in other special circumstances. The design and construction methods of dry flood proofing shall comply with 44 CFR Section 60.3 of the National Flood Insurance Program regulations as certified by a professional engineer or architect;

   II. Structures shall be designed and constructed to withstand flood conditions at the proposed construction site;

   III. New construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall either be certified by a professional engineer or an architect or meet or exceed the following minimum criteria:
      a. A minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
      b. The bottom of all openings shall be no higher than one foot above finished grade; and
      c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of flood waters;

   IV. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

V. Sanitary and storm sewer drains shall be equipped with valves capable of being closed, manually or automatically, to prevent backup of sewage and stormwaters into the building or structure;

VI. The base flood elevation shall be certified and superimposed on the site plan, and accurately depicted on the elevation drawings for all sides of a building by a professional surveyor, professional engineer, or architect. The elevation drawings shall also indicate the lowest floor elevation and location of all windows, doors or other openings. The Floodplain Administrator may request additional data for the construction permit if deemed necessary;

VII. Before issuance of a construction permit for the construction of a structure in the flood fringe, a professional engineer shall certify that the structure has been designed to conform with the provisions of this subsection, and that the bottom of all openings in the enclosure are no more than one foot above the base flood elevation. The same professional engineer shall also certify, upon completion of the structure, that construction complies with the submitted plans;

VIII. A manufactured home or mobile home shall be elevated on compacted fill or pilings. The lowest floor of the manufactured home or mobile home shall be at least one foot above the base flood elevation;

IX. Manufactured homes or mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing:

a. Over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, and for manufactured homes or mobile homes less than 50 feet long, one over-the-top tie at each of the four corners is required;
b. Frame ties at each corner with five additional ties per side at intermediate points and for manufactured or mobile homes less than 50 feet long, four ties are required per side;
c. All components of the anchor system shall be capable of carrying a force of four thousand eight hundred pounds; and
d. Additions to the manufactured home or mobile home shall be similarly anchored;

X. For existing manufactured home or mobile home parks located in the special flood hazard area, a vehicular circulation plan indicating alternative vehicular access and escape routes during the one percent chance event shall be submitted as part of any improvement, construction, or development project; and

XI. No new manufactured homes, mobile homes, or foundations for either type of structure shall be permitted in the special flood hazard area.

G. Legal Nonconforming Structures in the Special Flood Hazard Area

Legal nonconforming structures in special flood hazard areas may be replaced as set forth in Section 14-1.13(E), *Legal Nonconforming Structures in Special Flood Hazard Areas.*

H. Amendment to FIRM

1. Amendments to the established base flood elevations and special flood hazard areas may be initiated either by the Floodplain Administrator or by any other person through application to FEMA. The application shall be accompanied by sufficient copies of supporting plans and reports as required by FEMA to meet the minimum requirements of the National Flood Insurance Program (NFIP). If the application is not made by the Floodplain Administrator, a copy of the submission to FEMA shall be forwarded to the Floodplain Administrator. The Floodplain Administrator may provide comments to FEMA on any submission for a map change.
2. In addition to the change described in this subsection and on the basis of hydrologic data, the governing body may establish additional flood hazard zones and modify these additional flood hazard zones by ordinance. The amendment may be for non-FEMA-approved changes but shall not be less restrictive than FEMA requirements. Where the change affects land owned by persons other than the applicant, all affected property owners shall be notified of the change by first class mail, with a certificate of mailing provided by the U.S. post office submitted to the floodplain administrator.
3. The governing body's decision to add or amend a special flood hazard area shall be based on appropriate information, including detailed engineering analysis and recommendations in reports and plans done by or for the City or other governing agencies, including those prepared for construction permits and subdivisions.
4. If the governing body denies a change to the flood hazard zone, the reasons for denial shall be stated in a written report.
5. Prior to approval by the governing body, the floodplain administrator shall notify the state coordinator for the NFIP at the New Mexico homeland security and emergency management department.
6. If major alterations to a watercourse are proposed adjacent to the corporate limits of Santa Fe, the floodplain administrator shall notify the Santa Fe county manager and Santa Fe county floodplain administrator of such proposal.

I. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by natural or manmade causes. This section does not imply that areas outside the special flood hazard area or land uses allowed within such area will be free from flooding or flood damages. This section does not accept or establish liability on

the part of the governing body or any official, employee or agent of the governing Body for any flood damages that result from reliance on this section or any administrative decision lawfully made pursuant to this section.

14-8.4 Landscape and Site Design

A. Purpose

1. The purposes of this section are to:
   I. Foster the creation of regionally appropriate, sustainable landscapes;
   II. Reduce urban heat island effects generated by expanses of exposed pavement;
   III. Protect existing healthy vegetation to the greatest extent possible as an important cultural, environmental, and economic resource.
   IV. Promote soil health through adherence to New Mexico Department of Agriculture's Healthy Soil Principles to the maximum extent practicable.
   V. Emphasize water conservation.
   VI. Protect and promote the health and beauty of natural settings and urban landscapes, to recognize and provide for appropriate changes in the urban context and to protect and preserve public and private landscape resources.
2. These purposes are accomplished by a variety of strategies, including emphasizing use of climate-resilient plants when replacement or re-planting occurs; requiring water harvesting and encouraging the development of alternate sources of landscape irrigation water, because potable water is an increasingly scarce resource; guiding landscape design, installation, and maintenance to foster a responsible and judicious use of water and other natural resources through use of water conservation, water harvesting, and irrigation; and, consistent with the purposes of Chapter 14, enhancing the appearance of Santa Fe's streets and public places in order to promote their role as community amenities and social spaces that contribute to civic pride and vitality.

B. Applicability

1. This section applies to the following applications for development approval:
   I. Subdivision plats, except lot splits and resubdivision plats;
   II. Development plans;
   III. Master plans;
   IV. Construction permits and conditional use approvals as follows:
      a. All new nonresidential and multi-unit construction resulting in an enclosed structure with a gross floor area greater than 1,000 square feet; and
      b. Additions or remodeling of existing nonresidential and multi-unit structures and landscape improvements to comply with this section, as prioritized by the Planning and Land Use Director, shall be required up to a total cost of 20 percent of the construction valuation; and
   V. Development on City-owned land.

2. The following requirements apply to all development, including applications for construction of and exterior alterations to single-family dwellings and landscaping activities not directly associated with development applications:
   I. Provisions Section 14-8.4D.1.II regarding passive water harvesting, Section 14-8.4D.3, *Water Features*, and Section 14-8.4D.4, *Irrigation Standards;* and
   II. Subsections Section 14-8.4E.3, Controlled or Prohibited Plant Materials, Section 14-8.4E.4, Turf Limitations, and Section 14-8.4E.5, Preservation of Existing Vegetation.
3. The requirements of this section, other than those cited in provision 2 above, do not apply to the following:
   I. Applications for new or modified single-family dwellings, except that they shall comply with applicable provisions of Section 14-8.4D, *Water Harvesting and Irrigation Standards*; and Section 14-8.4E, *Plant Material Standards*;
   II. Interior residential remodeling; and
   IIII. Where standards of Section 14-3.3(C), Business-Capitol District*,* conflict with the provisions of this section, the BCD standards shall apply. In any other case where more than one set of landscape requirements are applicable, the more stringent shall apply as provided in Section 14-1.8, *Conflicting Provisions.*
4. Additional landscape requirements may apply to properties subject to terrain management regulations as set forth in Section 14-8.2, *Terrain and Stormwater Management,* and to those located in the Escarpment District as set forth in Section 14-4.3. Additional landscaping requirements applicable to outdoor and emergency water use are set forth in Chapter 25, *Water*.
5. The City adopted guidelines for design of medians and planting strips in Resolution 2010-66 and landscape irrigation standards in Resolution 2010-17.

C. Landscaping Plan Required

1. When the requirements of this section apply, an applicant shall submit a landscaping plan for review and approval by the Planning and Land Use Department.
2. The landscaping plan shall contain all information as required by the Planning and Land Use Director.
3. Landscaping plans shall be consistent with other required plans, including terrain management, utilities, and siting of structures.

D. Water Harvesting and Irrigation Standards

Water conservation and stormwater management shall guide landscape and site planning, design, installation and management. Landscape planning shall begin early in the development process in conjunction with the requirements of Section 14-8.2, *Terrain and Stormwater Management.* Design shall apply the principles of water-wise

landscaping and achieve the highest industry standards for irrigation efficiency. Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff. Gray water use is recommended where appropriate. Potable water shall be used only as a back-up or temporary irrigation water source to the greatest extent possible. The purpose of these strategies is to develop drought tolerant landscapes and to reduce the demand on the potable water system.

1. Water Harvesting
   I. The landscaping plan shall include passive water harvesting for landscape irrigation purposes as a minimum requirement. Water harvesting that is a primary component of stormwater management may qualify for open space reduction as provided in Section 14-7.4C.4.
   II. Passive water harvesting techniques include:
      a. Surface collection, such as swales, parking lot islands, bar ditches, detention or retention ponds and constructed wetlands. Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds;
      b. In-ground storage, such as soil amendments, constructed rain gardens, French drains, pumice wicks, permeable paving and collection structures with infiltration fields or galleries. In-ground structures shall use techniques and materials that have been proven effective, safe and structurally sound; and
      c. Low impact development and green infrastructure guidelines and techniques recommended by the federal Environmental Protection Agency.
   III. Active water harvesting systems include storage and distribution systems such as above-ground rain barrels and storage tanks and below-grade cisterns that use gravity or pumps to distribute water to an irrigation system;
   IV. Active water harvesting systems shall be maintained and the water used for landscape irrigation purposes. The Planning and Land Use Director may inspect, test, and monitor the components of active water harvesting systems, including tanks, pumps and controllers, as needed.

2. Gray Water

   Gray water irrigation is appropriate for some landscape installations. Gray water use is regulated by New Mexico department of environment liquid waste disposal regulations, which define minimum lot size and impose other standards.

3. Water Features
   I. Water features are classified as high water use.
   II. The water surface area of the water feature shall not exceed 20 percent of the total allowable cool season turf area and shall be included in the total area of cool season turf allowed as specified in Section 14-8.4(E)(4**)**.
   III. Water used in water features shall be re-circulated.
   IV. The water feature shall be designed to prevent seepage and leaks.

4. Irrigation Standards

   Irrigation systems shall be provided for all landscaped areas. Landscape irrigation plans shall integrate water harvesting and stormwater management with the highest industry standards for efficient irrigation water use. The development of alternative sources of irrigation water is recommended, including harvested water from cistern collection and gray water. Potable water irrigation may be used as a supplemental or temporary system. Irrigation designers and installers are encouraged to use the City Landscape Irrigation Systems Standards as a guide to minimum specifications for irrigation systems. All new irrigation systems and major renovation of existing systems shall comply with the following standards:

I. A code-approved backflow prevention device is required for all irrigation systems connected to the City water system, including existing irrigation systems. Atmospheric vacuum breakers are the minimum required standard for above grade systems such as those connected to hose bibs and frost-free hydrants;

II. An automatic, digital multi-programmable controller is required for all irrigation systems with an irrigated landscaped area larger than 1,000 square feet installed in commercial, industrial, and multi-unit residential development;

III. Hand watering for commercial, industrial and multi-unit installations of less than 1,000 square feet of landscaped area is allowed. Shut-off nozzles are required on hoses used for hand watering;

IV. Irrigation system operation information, including recommended monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape plantings for years one and three, shall be included on the irrigation plan or with attached documentation;

V. Irrigation systems shall be designed for the site-specific topography, site orientation, microclimate, prevailing winds, and soil type to prevent runoff, minimize evaporation, and promote infiltration;

VI. Irrigation systems shall be designed to prevent water waste, over-watering, and overspray or drainage of water onto any paved or unplanted surface;

VII. Planting beds shall be swaled, sloped, or recessed below grade to prevent fugitive water;

VIII. Irrigation systems shall be zoned by levels of water use. For the most efficient water use, plants with similar water use requirements shall be grouped together. Separate zones are required for permanent and temporary irrigation lines;

IX. Overhead spray irrigation is prohibited for watering trees and shrubs but is allowed for turf and ground cover plants and for temporary irrigation systems for revegetation with drought tolerant plant species. Spray irrigation is prohibited in areas where any dimension is less than ten feet;

X. Temporary irrigation systems are allowed and encouraged in conjunction with the use of revegetation with drought tolerant plant material. Temporary irrigation systems shall be reviewed on a case-by-case basis and removed after the vegetation is established;

XI. Turf, sod, or grass seeding of cool season turf species shall not be planted on slopes greater than 25 percent or in areas where any dimension is less than ten feet. Revegetation using temporary irrigation, with annual plant species used for erosion control to meet the requirements set forth in Section 14-8.2, *Terrain and Stormwater Management,* is exempt from this restriction.

E. Plant Material Standards

1. Plant Material Selection

   Plant material selection shall emphasize perennial, drought-tolerant plant species and shall limit planting of high water use plant species. All required plant material shall be cold hardy to USDA Classification Zone 5, which is minus 15 degrees Fahrenheit, or colder.

2. Installation

   Required plant material shall be installed as follows:

I. All required deciduous trees shall be a minimum two-inch caliper measured six inches above the ground at time of planting. Developments providing 100 percent affordable units are allowed one and one-half-inch caliper minimum;

II. All required shrubs shall be five-gallon minimum except as noted on the City of Santa Fe Recommended Plant List. Developments providing 100 percent affordable units are allowed three-gallon minimum;

III. All required evergreen trees shall be a minimum of six feet in height at the time of planting;

IV. When more than ten trees are required by this section, more than one species shall be provided unless otherwise approved by the Planning and Land Use Director;

V. Stormwater detention ponds and retention ponds shall be planted with appropriate trees, shrubs, and grasses, with a minimum of one tree and three shrubs per 500 square feet of required ponding area. Plants located in the bottom third of the detention pond or retention pond must be adaptable to periods of submersion and may require replacement during periodic maintenance to remove silt;

VI. Any plant material required by this section that fails to show healthy growth due to damage, pest, disease, or neglect shall be promptly replaced with a similar plant;

VII. Required new plant material shall be protected from damage by vehicles;

VIII. New plant material shall be mulched to a minimum depth of two inches and the mulch renewed yearly or as needed. Mulch may be of organic or inorganic material. Gravel mulch used in public right-of-way shall be washed and screened prior to site delivery;

IX. Plastic sheeting and other impervious barriers are not permitted as weed barriers;

X. Permeable weed barrier shall be provided under rock mulch; and

XI. The owner shall properly maintain all materials and installation required by this section, including proper pruning, soil testing, fertilizing, and weeding.

3. Controlled or Prohibited Plant Materials

I. Turf grass sod or turf grass seed mixes installed within the city limits shall contain no more than 25 percent Kentucky Bluegrass.

II. Russian olive (Elaeagnus angustifolia) and salt cedar (Tamarix spp) shall not be sold or installed within the city limits.

4. Turf Limitations

Warm season grasses are recommended for most turf applications. The installation of cool season turf grasses is discouraged, as they require greater quantities of irrigation water. Refer to the City of Santa Fe Recommended Plant List

for specific information on grass species. Cool season turf shall be limited to areas with relatively low evaporation from wind and heat or in locations used for active or passive recreational use. The total area of cool season turf shall be limited as follows:

I. Single-family dwelling units shall not have cool season turf in excess of 1,000 square feet or ten percent of the total lot area, whichever is less;

II. Multi-unit residential developments shall not have cool season turf in excess of 20 percent of the required common open space;

III. Industrial and commercial developments shall not have cool season turf in excess of 1,000 square feet or three percent of the required open space, whichever is greater; and

IV. Public parks and commercial recreational uses are exempt from this restriction, but shall install only the minimum cool season turf required for the active recreational use.

5. Preservation of Existing Vegetation

I. The Planning and Land Use Director may require the preservation, relocation, or replacement of existing significant trees on property subject to the requirements of Section 14-8.4(B**)** except that the Public Works Director may determine the requirements for significant trees located within public right-of-way, within City parks, or on other land owned by the City. Determinations shall be made in accordance with the following criteria:

a. Priority is given to preserving significant trees that provide screening, buffering, wildlife habitat, or linkages to wildlife habitat;

b. Significant trees that are to be preserved or relocated shall be healthy and free from serious insect or parasite infestation;

c. Significant trees that are being relocated shall only be moved to areas with soil conditions favorable to successful relocation;

d. The recommended season for relocation of piñon (Pinus edulis) trees is September 15 to May 15;

e. If relocation of existing significant trees is not possible within these guidelines, then equivalent plant material shall be provided. Replacement evergreen trees shall be a minimum of six feet tall at the time of planting; replacement deciduous trees shall be a minimum two-inch caliper measured at six inches above the ground at time of planting; and

f. Relocated or replacement trees shall be irrigated for a minimum of three years or until they are established.

II. A minimum of 40 percent of piñon significant trees shall be preserved, relocated on-site, or replaced as specified in this section. Piñon trees a minimum of eight feet tall that are preserved or relocated on a site shall count for two trees required elsewhere in this section.

III. No existing deciduous tree with a six-inch caliper or greater or evergreen tree over eight feet tall shall be removed without the approval of the Planning and Land Use Director or the Public Works Director as provided in provision I above in this subsection.

IV. Trees classified by the New Mexico Department of Agriculture as noxious weeds that are smaller than a 12-inch caliper are exempt from this review, including Russian olive (Elaeagnus angustifolia), Siberian elm (Ulmus pumila), tree of heaven (Ailanthus altissisima), and salt cedar (Tamarix species).

V. During construction, existing plant material to be preserved shall be enclosed by a temporary fence at least five feet outside the dripline. In no case shall vehicles be parked or materials or equipment be stored or stockpiled within the enclosed area.

VI. All areas with exposed soil surfaces disturbed by construction shall be revegetated with irrigation to minimize erosion and stormwater runoff and to improve the infiltration of precipitation.

VII. Destroyed vegetation shall be removed promptly to prevent insect infestation of healthy vegetation.

VIII. The preservation of plant species classified as noxious weeds is discouraged.

IX. Topsoil removed during construction shall be stockpiled on site and reused on site in landscaped areas or areas to be revegetated.

F. Street Tree Standards

1. Street trees are required to reduce heat, dust, glare and the need for cooling or heating; to help clean and oxygenate the air; to reduce road noise; to promote continuity between developments; and to enhance the appearance of Santa Fe's streets. Consideration should be given to urban density, historic or vernacular character of the location; continuity with native vegetation and the natural landscape; and the ability to provide water for irrigation.

2. Required street trees do not substitute for required landscape material in parking lots, except as provided in Section 14-8.4(H)(2**)**, *Applicability.* Street trees shall be required as follows:

   I. On major and secondary arterials, one tree an average of every 30 to 40 feet;

   II. On all other streets, one tree an average of every 25 to 35 feet; and

   III. Where street trees are required but there is no parkway or installation is otherwise impractical, the equivalent area in square feet and amount of plant material shall be provided elsewhere on the site, with approval of the Planning and Land Use Director and based on existing conditions or design intent.

3. Location of Street Trees

   I. On major and secondary arterials, trees shall be planted in a minimum ten-foot-wide parkway that includes the width of the sidewalk or other pedestrian way. If existing development precludes provision of the ten-foot-wide parkway, trees shall be planted in a space no smaller than five feet by 13 feet long. Where a planting strip is 13 feet in length or longer, planting more than one tree is encouraged;

II. On all other streets, street trees shall be located on the subject property adjacent to the property line or within the right-of-way as approved by the Planning Commission or the Public Works director. Street trees located within the right-of-way shall be planted in compliance with Chapter 23, *Streets, Sidewalks and Public Places,* and in compliance with adopted median and parkway standards;

III. Street trees shall have a minimum separation from existing or planned City water lines as set forth in City Water Division Design Criteria.

IV. Street trees should be planted to the greatest extent possible in swales or basins that collect runoff and precipitation;

V. Street trees shall be located at least 15 feet from street lighting fixtures, to avoid interference with outdoor illumination;

VI. Street trees shall be located at least 15 feet from fire hydrants, to avoid interference with hydrant operation;

VII. Street trees shall be located at least 15 feet from all stop signs;

VIII. Street trees located under utility lines shall be a species that maintains a minimum of five feet of clearance from overhead utility lines at maturity; and

IX. Street trees shall not be required on single-family residential lots.

G. Open Space Planting Requirements

1. Required open space shall be planted with a minimum of one tree and two shrubs every 500 square feet, exclusive of areas developed with patios, game courts, swimming pools or similar hardscape recreational features.
2. In addition to required trees and shrubs, open space areas shall be landscaped with groundcover plants or decorative mulch or naturally occurring groundcover plants shall be maintained.
3. Street trees and landscaping required for parking lots may be counted toward meeting the minimum planting requirements for open space.
4. At least 25 percent of required trees and shrubs shall be evergreen. Existing, healthy trees and shrubs that meet the minimum height and/or caliper requirements may be considered towards meeting the landscaping requirements of this section.

H. Parking Lot Landscaping

1. Purpose and General Requirements

   Parking lots are transitional spaces where users change modes of travel from car, bus, or bicycle to pedestrian or assisted movement in wheelchairs or by other means. This subsection is intended to accomplish the following:

I. Safely and attractively serve all transportation modes, especially pedestrian;

II. Complement and define the buildings they serve by the use of drive aisles, pedestrian ways, and interior landscaping to emphasize open space, building entrances, and other site or architectural elements; and

III. Use stormwater harvesting in parking lot islands and perimeter screening strips to reduce the use of potable water irrigation.

2. Applicability

Any development project that does not require an increase in existing parking area is not required to eliminate parking spaces to comply with the requirements of this section. Any development project that requires an increase in existing parking area shall comply with the requirements of this subsection for the expanded parking lot area.

3. Perimeter Parking Lot Landscaping
   I. When a parking lot with three or more spaces or drive aisle abuts and is parallel to a public street right-of way, the following standards apply:
      a. The closest edge of the parking lot or drive aisle shall be set back a minimum of ten feet from the public right-of-way.
      b. The perimeter of the parking lot for the length it is adjacent to the right-of-way shall be screened from that right-of-way with an opaque fence or berm a minimum of four feet high.
      c. Along the length of the fence facing the parking lot, there shall be a planting strip a minimum of five feet wide. This planting strip shall contain:
         1. Shrubs or hedges that, upon maturity, will form a continuous screen a minimum of three feet in height; or
         2. Evergreen trees planted 25 feet apart on center for the length of the shared property line, interspersed with two five-gallon shrubs between each tree, and ground cover installed for the full length of the planting strip.
         3. If street trees are required, trees planted in this manner to screen parking lots abutting street frontages may be counted towards fulfilling the property's street tree planting requirements.
   II. When a parking lot with three or more spaces or drive aisle abuts and is parallel to a property line shared with a residential use or zoning district, the following standards apply:
      a. The closest edge of the parking lot or drive aisle shall be set back a minimum of 15 feet from the shared property.
      b. For the length of the shared property line, an opaque fence or wall shall be installed that is a minimum of six feet tall.
      c. The street-facing side of the fence or berm shall be fronted by a planting strip a minimum of five feet wide. This planting strip shall contain:
         1. Shrubs or hedges that, upon maturity, will form a continuous screen a minimum of three feet in height; or
         2. Deciduous trees planted an average of 25 feet apart on center for the length of the parking lot frontage. Each tree shall have a minimum of 75 square feet of permeable surface exclusive of curbing. Two five-gallon shrubs shall be interspersed between the trees for the length of the frontage and ground cover shall be installed for the full length of the planting strip.
         3. If street trees are required, trees planted in this manner to screen parking lots abutting street frontages may be counted towards fulfilling the property's street tree planting requirements.
4. Interior Parking Lot Landscape Requirements

The purpose of interior planting requirements in parking lots is to provide visual relief from large expanses of cars and pavement, provide shade to reduce heat and glare, help direct traffic flow, and reduce and control stormwater runoff.

I. When 20 or more off-street parking spaces are provided, interior parking lot landscaping shall be provided.

II. No single parking area shall exceed 120 spaces unless divided into two or more subareas by an internal landscaped street or landscaped pedestrian way that is a minimum ten feet wide.

III. A minimum of ten square feet of permeable landscaped area shall be provided per parking space. A minimum of one deciduous tree shall be planted per 90 square feet of landscaped area.

IV. Traffic islands shall have a minimum dimension of six feet and contain a minimum of 90 square feet of permeable surface, exclusive of curbing, and shall be distributed throughout the lot. As a component of a stormwater management plan, traffic islands may be combined to facilitate water harvesting and these combined islands shall be distributed within each subarea.

V. No more than 20 cars shall be parked in a row without a planting island adjacent to the length of the parking space having a minimum area of 90 square feet and including at least one tree.

5. Stormwater Management

I. To the greatest extent possible, stormwater runoff shall be used to provide irrigation for both perimeter and interior parking lot landscaping.

II. Stormwater runoff water shall be harvested and infiltrated as close to where it falls as possible.

III. The consolidation of planting islands is allowed to facilitate stormwater harvesting and promote plant growth. The consolidated planting islands shall be distributed in each subarea.

IV. The use of biofiltration techniques such as constructed rain gardens to filter pollutants carried by runoff and infiltrate stormwater for irrigation is recommended.

6. Pedestrian Circulation

When 20 or more off-street parking spaces are provided, sidewalks for primary pedestrian routes shall be provided. At a minimum this includes pedestrian ways from the primary off-site entrance or entrances to the primary building entrance or entrances.

I. All pedestrian ways shall be landscaped with a minimum six-foot-wide planting strip on at least one side, exclusive of curbs, and trees an average of 25 feet on center, parallel to and adjacent to the walkway.

II. If the planting strip abuts a row of parking, the tree planting areas may be included in the interior lot landscape requirements.

7. Vehicle Overhangs

Vehicles may not overhang any required parking lot landscaped area unless the following conditions are met, in which case adjacent parking spaces may also be reduced by the amount of the overhang:

I. The planting islands have a minimum width of six feet plus the amount of the overhang for each side of parking, exclusive of curbing;

II. Either curbing or wheel stops are provided; and

III. Plant material is located outside the overhang area or is no greater than 12 inches in height at maturity;

8. Display Lots and Flea Markets

Display lots and flea markets are exempt from interior pedestrian circulation requirements but are required to include interior landscape islands or swales for stormwater management. Such islands shall be planted with one deciduous tree per 1,000 square feet of impervious surface area.

I. Screening and Buffering

1. Wall and Fences

For any project to which this subsection applies, publicly visible walls and fences shall be wrought iron or simulated wrought iron, wood or simulated wood, cedar pole, adobe, split-faced concrete block, stone, stuccoed, or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material.

2. Residential Developments

I. Residential development on residentially zoned property that abuts major or secondary arterials shall be screened from those streets to mitigate noise and to promote residential privacy as follows:

a. Screening shall be by walls, fences, the planting of trees and shrubs or a combination of these.

b. The provision of plant material shall, at a minimum, conform to the same requirements as for open space in Section 14-8.4(G**)**, *Open Space Planting Requirements*.

c. An alternative to screening shall be a 25-foot setback of undisturbed trees, shrubs, grasses, or landscape treatment consisting of appropriate vegetative cover.

II. Walls and fences that are provided as subdivision improvements for a residential subdivision or at the time of initial development of a multi-unit residential development comprising four or more lots or units, shall comply with the following:

a. Any wall or fence that is more than three feet in height above finished grade on the side facing the street, shall be set back from the street right-of-way line a distance equal to or greater than that height.

b. The setback area required by provision III above of this subsection shall be landscaped with plant material that consists of predominantly thorny or other barrier plantings that will cover a minimum of 75 percent of the ground area of the planter and that will screen a minimum of 75 percent of the face of the fence or wall at maturity.

c. Block walls shall be constructed with an aesthetic block cap.

d. This subsection does not apply within historic districts or to residential developments approved prior to March 1, 2012.

e. This subsection does not apply to construction of walls or fences on individual lots with single-family dwellings subsequent to the initial construction of walls or fences as subdivision improvements.

3. Buffer for Nonresidential Development Abutting Residential

I. Nonresidential development that abuts a residential development on a residentially zoned property or an undeveloped parcel in a residential zoning district shall provide a continuous landscaped buffer strip not less than 15 feet wide.

II. Plant material in the landscaped buffer shall, at a minimum, conform to the requirements for open space provided in Section 14-8.4G, *Open Space Planting Requirements*.

III. The landscaped buffer may be considered part of any required open space so long as all other conditions of the open space requirement are satisfied.

4. Storage, Trash and Equipment

I. All trash areas, dumpsters, outdoor storage, service areas, ground and wall-mounted mechanical and electrical equipment, excluding transformers, and pedestals shall be screened so that they are not visible from any public street, way or place or any adjacent residential property.

II. Screening shall be by walls, fences or planting of trees or shrubs sufficient to meet the screening objective within two years of installation, or any combination of these so long as the screening objective is achieved. Topography and adjacent uses shall be taken into account to determine the most effective means of screening.

III. All trash areas, dumpsters, grease collection areas, outdoor storage, service areas and other uses that may contribute to stormwater pollution shall be constructed so as not to allow pollutants to be collected in runoff and discharged to the public stormwater system. Topography, adjacent uses and constructed barriers and stormwater treatment controls shall be taken into account and incorporated into the site design to provide the most effective means of preventing stormwater pollution.

J. Compliance and Enforcement

1. Construction permits, development plans, master plans and subdivision plats shall comply with this section.
2. If the requirements of this section cannot be met prior to the request for a certificate of occupancy, the applicant may provide a financial guarantee in accordance with Section 14-6.4C, *Agreement to Construct Improvements, Financial Guarantee*, and with policies issued by the Planning and Land Use Director.
3. In the Escarpment Overlay District, compliance with both this section and Section 14-4.4, Escarpment Overlay District, are required.
4. The Planning and Land Use Director shall have discretion to allow alternate means of compliance with the requirements of this section when the proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of, this section and when:
   I. Site conditions, including the configuration of the lot, topography or existing vegetation, make full compliance impossible or impractical;
   II. The proposed alternate means of compliance are appropriate to the design intent, especially in response to landscape or site design consistent with the surrounding area or with the historic character of Santa Fe; and
   III. The proposed alternate means of compliance promote good stormwater management, water conservation and water harvesting equal to or greater than the original requirement.
5. Existing landscaping or other improvements may meet the requirements of this section.

14-8.5 Walls and Fences

A. Applicability

1. The retaining wall height standards in this section apply to the portion of a wall, fence, or similar structure that supports a higher finished grade on one side than on the other.
2. The fence height standards in this section apply to fences, screening walls and similar structures, and hedges. Railings or similar barriers required by building or other codes to protect against falling hazards are exempt when built to the minimum height required by those codes and when constructed to maximize transparency.
3. Additional regulations may apply to walls and fences, including Section 14-4.6, *Historic Districts,* Section 14-4.5D, *South Central Highway Corridor (SCHC) Protection District,* and Section 14-3.5G, *Visibility Triangle Areas.* If the provisions of those sections conflict with the requirements of this section, conflicts shall be resolved pursuant to Section 14-1.8, *Conflicting Provisions.*

B. Method of Measurement

1. The height of the retaining wall is measured on the downslope side of the wall, from the finished grade at the base of the wall to the finished grade at the top of the wall.
2. Fence height is measured from the finished grade at the base of the fence to the highest point of the fence structure, not including limit over pedestrian or vehicular gates, and excluding the height of any retaining wall upon which it is built.

C. Maximum Height of Retaining Walls and Fences

1. Maximum Height of Retaining Walls
   I. No retaining wall shall exceed six feet in height.

II. Retaining walls shall be stepped or terraced so that they are separated by a distance equal to the height of the higher wall.

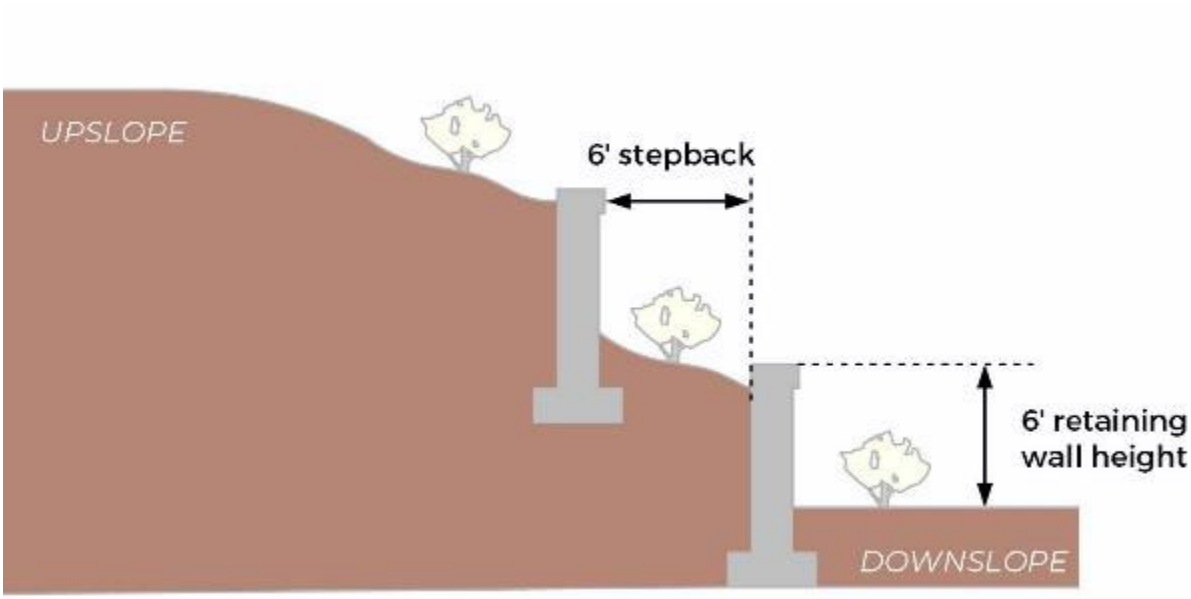


Figure 8.5-1: Retaining Wall Terracing

2. Maximum Height of Fences Built on Retaining Walls

   The combined height of a fence built on a retaining wall shall not exceed the maximum fence height plus four feet as measured above the finished grade on the downslope side.

3. Maximum Height of Fences

   I. Residential Fence Height

      On a property developed for residential use or on undeveloped property zoned for residential use, no fence shall exceed six feet in height except that:

      a. Along the common property line with a property developed for or zoned for nonresidential use, the maximum height of fences is eight feet; and
      b. Within a residential compound, the maximum height of fences is eight feet.

   II. Nonresidential Fence Height

      On a property developed for nonresidential use or on undeveloped property zoned for nonresidential use, no fence shall exceed eight feet in height.

   III. Exception

      Walls and fences may exceed the height limit over pedestrian or vehicular gates.

4. Additional Fence Regulations for Specified Nonresidential Uses

I. Neighborhood grocery stores or laundromats in a residential district shall provide a solid masonry wall not less than six feet in height erected along any side and rear property lines shared with residential lots.

II. For a parking lot contiguous to a residential district or one or more of the RAC, AC, SC or I districts, a six-foot solid masonry wall shall be erected along edges of portions of the parking lot adjoining property in the residential district; provided, however, that in the front required yard, the maximum height of a wall or fence shall be three feet.

III. Outdoor storage or salvage yards shall be entirely enclosed within a solid wall or fence at least six feet in height, with access only through solid gates that are kept closed when not in use. No object(s) within the fencing shall be stacked or stored higher than the minimum height of the enclosing wall or fence.

D. Fence Materials

1. Permitted Materials

I. Outside of the Historic districts, fences and walls may be constructed of the following materials:

a. Brick, stone, stucco, and decorative concrete masonry unit (CMU);
b. Wrought iron and metal picket;
c. Pre-cast, naturally colored concrete that convincingly replicates the appearance of brick, stone, stucco, and CMU fence;
d. Closed style wood or stockade fencing;
e. Omega (welded wire);
f. Wood or concrete 3-rail or split rail;
g. Chain link with or without weather-resistant color;
h. Composite wood;
i. Durable vinyl; and
j. Durable aluminum.
k. For vacant or developing lots, chain link with or without weather-resistant color coating.

II. This is not an exhaustive list of permitted materials. Other material may be approved upon review by the Planning and Land Use Department.

2. Prohibited Materials

I. The following fence materials are generally prohibited:

a. Electrically charged fences;
b. Barbed wire fences;
c. Concertina wire fences or similar; and
d. Fences constructed of chicken wire, corrugated metal, fabric, rope, fiberboard, or plywood, or other non-traditional fencing materials.

II. The City Engineer may grant permission to erect barbed or concertina wire fencing for use as security fencing, provided that the barbed or concertina wire shall be a minimum of six feet above the ground.

E. Fence Location

No fence or gate shall be erected on private property that impedes access between public streets and sidewalks, trails, and greenways. The City may require that any existing fence or gate that prevents movement between public streets, sidewalks, trails, and greenways shall be removed by the property owner.

14-8.6 Outdoor Lighting

A. Purpose

The purpose of this section is to regulate outdoor lighting to reduce light pollution, reduce or prevent glare, reduce or prevent light trespass, conserve energy, promote a sense of safety and security, and ensure aesthetically appropriate outdoor lighting in keeping with the character of Santa Fe.

B. Applicability

1. All new outdoor luminaires installed on private or City property shall comply with this section.
2. All outdoor luminaires existing and legally installed and operative before the effective date of this section are exempt from these requirements.
3. If a nonconforming luminaire is replaced, the replacement luminaire shall meet the requirements of this section. Modifications to nonconforming luminaires in the historic districts shall also comply with Section 14-4.6, *Historic Districts.*
4. Agencies of the county, state, and federal governments are encouraged to comply with the provisions of this section.
5. This section applies to streetlighting as well as other types of lighting.

C. General Standards

1. The following types of lamps are allowed and require shielding as indicated in Table 8-1.

Table 8-1: Permitted Lamp Types and Shielding

Type of Lamp	Shielding Required?
Metal halide	Yes
Mercury vapor [1]	No
Fluorescent, quartz-halogen, incandescent over 150 watts (per luminaire)	Yes
Incandescent 150 watts or less (per luminaire)	No
Glass tubes filled with neon, argon, or krypton [2]	No

LED	Yes
Other source [3]	
Any light 50 watts or less (per luminaire)	No
NOTES: [1] Mercury vapor may be permitted only for lighting landscaping, and is limited to 100 watts per luminaire. [2] Additional standards apply in Historic districts. See §14-4.6. [3] Other lamp types require the approval of the Planning and Land Use Director, or the HDRB within Historic districts.	

2. Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society of North America (IESNA) as available from the Planning and Land Use Director. Recommended standards of IESNA shall not be exceeded.
3. All outdoor luminaires shall be designed, installed, located, and maintained such that nuisance glare onto adjacent properties or streets shall be minimized to the greatest extent practicable. Disabling glare onto adjacent properties or streets is not allowed.
4. Except for certain structures in the historic districts or landmark structures, which are regulated by Section 14-7.6(I), accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions must not be visible above the roof line or beyond the building edge.

D. Maximum Illumination Standards

1. Illumination levels shall not exceed the standards in Table 8-2.

Table 8-2: Average Maintained Horizontal Footcandles at Grade

Lighted Area	Nonresidential Zones	Residential Zones
Sidewalks	1.0	0.2
Pedestrian areas	2.0	0.5
Parking lots	1.0	--
Building entrances	5.0	--
Building grounds	1.0	--
Public spaces	3.0	--

2. The maximum illumination at any point shall not exceed the allowed average by more than 1.5 footcandles. However, in all cases, the average maintained footcandles at residential property lines shall be zero.
3. Higher levels of illumination may be appropriate for specific or unusual applications. Requests for higher allowed levels may be considered for individual projects or locations. An applicant for illumination levels higher than those in Table 8-2 must justify the request in writing to the Planning and Land Use Director, who shall have sole authority to grant or deny the request. Additional standards of the Illuminating Engineering Society of North America (IESNA) shall be the preferred justification for consideration.

E. Method of Measurement

Lighting levels shall be measured in foot candles with a meter sensor mounted not more than six inches above ground level in a horizontal position at the property line. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination specified in Table 8-2 for the type of area illuminated.

F. Submittals

1. Applications for construction permits or applications for review by the Historic Districts Review Board that include the installation or replacement of outdoor lighting fixtures for new construction, additions, or remodeling shall contain the following information:
   I. Plans indicating the location, type, and height of both building and ground mounted luminaires;
   II. A description of the luminaires, including lamps, poles, or other supports, and shielding devices, that may be provided as catalogue cuts from the manufacturer; and
   III. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission.
2. Applications for single-family residential or other projects where no lamp exceeds 150 watts are not required to comply with this subsection.

G. Maintenance

The property owner or tenant is responsible for properly maintaining illumination levels and required shielding.

14-8.7 Relocation of Gunnison's Prairie Dogs

A. Purpose

The Gunnison's prairie dog relocation regulations are intended to protect the diminishing populations of Gunnison's prairie dogs by ensuring their safe and humane relocation to appropriate and protected habitat areas as designated by the City prior to the development of property within the City.

B. Applicability

Except for single-lot, single-family residential development, compliance with these regulations is required for any proposed public or private development or phase of development approval, prior to grading or any other land disturbing activity on property where Gunnison's prairie dogs are located; provided that for family transfers and all dwelling units that meet the criteria for affordable homes or affordable rental units for income ranges 1, 2 or 3 pursuant to SFCC Section 26-1.16 and 1.24, the property owner or developer is not responsible for relocation expenses, costs or fees that amount to more than one thousand five hundred dollars ($1,500) per acre. This amount shall be subject to periodic review at the discretion of the city manager and may be amended to reflect increased costs due to inflation or other circumstances.

C. Exemptions

1. An exemption from these regulations may be granted by the Planning and Land Use Director under the following circumstances:
   I. There is no City-approved property available for a proposed relocation of Gunnison's prairie dogs;
   II. There is no City-certified relocator available within a reasonable time as determined by the City for a proposed relocation; or
   III. A City-certified relocator determines that the timing of the proposed project is such that the start of construction operations, including grading or other disturbance of property where Gunnison's prairie dogs are located, would have to be delayed more than 60 days.
2. The Planning and Land Use Director may require written verification or other proof of such circumstances prior to granting an exemption from these regulations.

D. City-Approved Lands

The City shall approve relocation sites that are:

1. Private lands protected as wildlife habitat by a conservation easement held in a land trust or other conservation organization or protected by organizational by-laws or other legal vehicles;
2. Public lands protected for the purpose of indefinite, long-term prairie dog habitation; or
3. Private or public lands that meet best management practices criteria for suitability.

E. Certified Trappers/Relocators

1. The City shall certify Gunnison's prairie dog trappers/relocators that may be hired by the owners or developers of private property. To be certified, a person must meet the following minimum requirements:
   I. Training by a qualified and experienced trapper/relocator in the following:
      a. flushing and live trapping methods; and
      b. relocation using existing holes and augured holes;
   II. Participation and attendance at a day of orientation to include prairie dog facts and proper techniques for trapping and relocating; and
   III. Fifteen days of on-the-job training in both trapping and relocating.
2. At a minimum, a qualified and experienced trainer must have had the training described in this subsection.
3. The certified trainer shall provide written verification that the trainee has met the requirements of this subsection.
4. Certification is a privilege and shall not be construed as a property right. The City Manager may withdraw certification for failure to comply with the Santa Fe City Code.

F. General Requirements

1. Intent

   Unless an exemption has been granted, it is prohibited to intentionally destroy or otherwise harm the Gunnison's prairie dog on any lands within Santa Fe at any time in relation to a development.

2. Procedures and Submittals
   I. Pre-Application Inspection

      As a pre-application requirement, the Planning and Land Use Director shall inspect the development site for prior grading and the existence of Gunnison's prairie dogs. If Gunnison's prairie dogs are found on the property, then the owner or developer shall contact a certified trapper/relocator who shall develop a relocation schedule and plan.

II. Submittals

The owner or developer shall submit a relocation schedule and plan for review and approval as part of the development submittal that addresses the requirements of this subsection before development takes place. Approval of the relocation plan is required before a grading permit or any other construction permit is issued.

III. Preferred Relocation Times

The preferred relocation times are June 15 through September 15. The Gunnison's prairie dog may also be relocated in April, but may not be relocated or otherwise disturbed between May 1 and June 15, which is its breeding season, unless exempt according to the provisions of Section 14-8.7C above. Owners and developers of property shall make every effort to coordinate their development stages and operations with this schedule.

IV. Relocation Services

Only a prairie dog trapper/relocator certified according to the provisions of Section 14-8.7(E) may perform the relocation services.

V. Relocation Costs

a. The property owner or developer is responsible for all relocation expenses, costs, and fees related to the relocation of Gunnison's prairie dogs.
b. For family transfers, and all Santa Fe Homes Program dwelling units that meet the criteria for affordable homes or affordable rental units for income ranges 1, 2 or 3 pursuant to Chapter 26, sections 26-1.16 and 1.24, the property owner or developer is responsible for relocation expenses, costs, or fees up to the amount of $1,500 per acre. This amount shall be subject to periodic review at the discretion of the City Manager and may be amended to reflect increased costs due to inflation or other circumstances.

VI. Written Notice

Upon completion of the prairie dog relocation, the owner or developer shall submit written notice to the City from the certified trapper/relocator hired for the relocation work that the relocation has been completed.

G. Additional Requirements

If a development is not initiated within one year of the plat or development plan approval or the issuance of a building or grading permit, and the Gunnison's prairie dog colony reestablishes during that time, the applicant must again comply with the provisions of this section.

Article 14-9 Rules of Construction and Definitions

14-9.1 Rules of Construction

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in Chapter 14 shall be construed consistent with the general purposes set out in Section 14-1.3. When, in a specific section of this Chapter, a different meaning is given for a term defined for general purposes in Section 14-10.4, *Definitions*, the specific section's meaning and application of the term controls.

B. Headings, Illustrations, and Text

In case of a difference of meaning or implication between the text of Chapter 14 and any heading, drawing, table, figure or illustration, the text controls.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including" and "such as" or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.

D. Computation of Time

1. The time in which an act is to be done is computed by excluding the first day and including the last day.
2. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action is the next day that is not a Saturday, Sunday, or holiday observed by the City.
3. References to days are calendar days unless otherwise stated.

E. References to Resolutions, Ordinances, Statutes, and Regulations

Whenever reference is made to a resolution, ordinance, statute, or regulation, it shall be construed as a reference to the most recent edition of the resolution, ordinance, statute, or regulation, unless otherwise specifically stated.

F. Delegation of Authority

Whenever a provision requires the head of a department or other officer or employee of the City to perform an act or duty, the department head, officer, or employee may delegate that responsibility to others over whom the department head, officer, or employee has authority.

G. Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a particular and appropriate meaning in law shall be construed and understood according to that meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words "shall," "will" and "must" are mandatory terms. The words "may" and "should" are discretionary terms.

J. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

K. Tenses and Number

1. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary.
2. The singular includes the plural and the plural includes the singular.

L. Continuing Compliance Required

Property shall be maintained and used in continuing compliance with the provisions of Chapter 14. Development standards, use regulations, conditions of approval, and other provisions that are not specifically intended as temporary requirements shall continue to apply after the completion of initial development activities, and the Planning and Land Use Director may require that property be restored to conformity with those standards as provided in Section 14-1.12, *Enforcement.*

14-9.2 Use Definitions

A.

ACCESSORY BUILDING OR STRUCTURE

A building or structure that is clearly incidental to, and located upon the same lot as, the primary building on the lot, but that is not used as a dwelling. The building or structure may be of a permanent, temporary, or portable nature, and includes but is not limited to, a garage, workshop, shed, gazebo or shade structure, pool house or cabana, balcony or deck, inflatable covers over swimming pools, and tennis courts.

ACCESSORY DWELLING UNIT

A dwelling located on the same lot as a primary dwelling, but subordinate to the primary dwelling. An accessory dwelling unit may be within the same structure as the primary dwelling, or it may be detached.

AGRICULTURAL HOME OCCUPATION

An occupation or business conducted for gain or profit within a permitted building or structure as an accessory use, by any resident of the farm dwelling unit.

AGRICULTURAL USES

Uses characterized by raising, producing, or keeping plants or animals, or cultivation and management of farm products. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

ANIMAL-RELATED USES

Uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

ANTIQUE STORE

A retail establishment that offers for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

AQUACULTURE

The cultivation of aquatic animals in a recirculating environment to produce whole fish that are distributed to retailers, restaurants, and consumers.

AQUAPONICS

The cultivation of fish and plants together in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants and consumers.

ART SUPPLY STORE

A retail establishment that offers primarily art and crafts supplies for sale.

ARTS AND CRAFTS STUDIO, GALLERY, OR SCHOOL

A building that contains artist or craft studio space or schools in which works of art or craft are produced that may be sold on or off the premises.

ARTS ACTIVITIES USES

Uses include spaces for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, photography, making of craft items for sale, vocal or instrumental music, painting, and dance.

ASSEMBLY USES

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities.

AUTOMOBILE SALVAGE OR WRECKING YARD

An open use of land on which two or more inoperable vehicles are standing or on which salvaged auto parts, auto bodies, waste or scrap materials of any kind, including building materials, are processed, stored, displayed, sold, exchanged or handled.

B.

BANK OR CREDIT UNION

Establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

BAR, COCKTAIL LOUNGE, NIGHTCLUB

An establishment providing alcoholic beverage service as the principal use, and that may permit dancing and provide entertainment. Food service may be provided as a secondary use.

BED AND BREAKFAST INN

A dwelling that contains no more than 12 guest rooms where lodging, with or without meals, is provided for compensation.

BOARDING, DORMITORY, MONASTERY OR CONVENT

A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.

BOOKSHOP

A retail establishment where books are sold.

BREWERY, DISTILLERY, TASTING ROOM, WINERY

An establishment that produces ales, beers, meads, distilled spirits, wines, or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use. This use does not include agricultural operations where beverages are produced using agricultural products grown on-site.

BUSINESS SERVICES

A business primarily engaged in rendering services to other businesses on a fee or contract basis, including advertising and mailing, building maintenance, employment service, management and consulting services, protective services and equipment rental and leasing.

BUSINESS OR PROFESSIONAL OFFICE (EXCLUDING MEDICAL OR DENTAL OFFICE)

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, copy services, employment services, business maintenance, photo finishing, and personal supply services.

C.

CABINET SHOP, CUSTOM

An establishment that specializes in the sale of custom cabinets.

CAMPGROUND OR RV PARK

A plot of ground upon which one or more sites for camping are located, established or maintained for occupancy by a tent, yurt, trailer, recreational vehicle, cabin, lean-to, or similar structure established, maintained, and operated for the general public as temporary living quarters.

CANNABIS CONSUMPTION AREA

An area where cannabis products may be served and consumed by smoking, vaping, or ingesting.

CANNABIS ESTABLISHMENT

A broad term that includes a cannabis testing laboratory, a cannabis manufacturer, a cannabis producer, a cannabis retailer, a cannabis research laboratory, a vertically integrated cannabis establishment, a cannabis producer microbusiness, or an integrated cannabis microbusiness.

CANNABIS MANUFACTURING, HEAVY

A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using volatile solvents or other methods that are outside the scope of light cannabis manufacturing.

CANNABIS MANUFACTURING, LIGHT

A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using nonvolatile solvents, alcohol, or carbon dioxide, or without using solvents.

CANNABIS PRODUCER

A business conducted by a person licensed to cultivate mature cannabis plants at a single location, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CANNABIS PRODUCER MICROBUSINESS

A business conducted by a person licensed to cultivate up to 200 mature cannabis plants at a single location, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CANNABIS RESEARCH AND/OR TESTING LABORATORY

A research facility that produces or possesses cannabis or cannabis products for the purpose of studying cannabis cultivation, characteristics, or uses, while a testing laboratory is where cannabis products are collected, sampled, and tested.

CEMETERY, MAUSOLEUM, OR COLUMBARIUM

A place used for the interment of human or animal remains or cremated remains, including a cemetery for earth interments, a columbarium for cinerary interments, a mausoleum for vault interments, or a combination thereof.

CHARITABLE INSTITUTION

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

CHILDREN'S PLAY AREA AND PLAY EQUIPMENT (PRIVATE)

An area that is suitably surfaced and fenced or otherwise enclosed with play equipment for use by children. Private play areas are not open to general public access, and access is limited to residents or tenants of the development where the play area is located.

COLLEGE OR UNIVERSITY

An educational institution accredited at the college level by an agency or association recognized by the U.S. secretary of education and legally authorized to offer at least a one-year program of study creditable towards a post-secondary degree.

COMMERCIAL CANNABIS RETAILER

A business that is licensed to sell cannabis products directly to consumers.

COMMERCIAL PARKING LOT OR GARAGE

Lots or structures, as the principal use of a parcel, offering short-term or long-term parking to the public for a fee.

COMMERCIAL STABLE

A facility for the business of boarding horses or renting horses to the public.

COMMERCIAL RECREATION

An area used for commercial recreational purposes such as a theater, bowling alley, pool room, driving range, miniature golf, health club, sports field or amusement park.

COMMISSARY KITCHEN

A commercial establishment where foodservice providers can prepare, cook, and store food and equipment on the premise and distribute food off-site for sale, delivery, or consumption for caterings, mobile food vendors, concessions, social service organizations, or restaurants. It may include accessory use space for educational purposes or the sale of food.

COMMUNITY AND CULTURAL CENTERS OR FACILITIES

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

COMPOSTING FACILITY

A facility where accelerated biodegradation and stabilization of organic material under controlled conditions yields a product which can safely be used as fertilizer.

COMPOUND DEVELOPMENT

A residential development of multiple small single-family detached dwellings, that share common open space and possibly other amenities, including individual homes on one lot, homes on individual lots, homes owned as condominiums, or leased homes. This use does not include manufactured home parks or campgrounds.

CONFERENCE OR EXTENDED STAY LODGING FACILITY

A facility designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking facilities.

CONTINUING CARE COMMUNITY

A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities, including the following features:

a) Congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided:

common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and

b) A full nursing care unit with beds; In addition, a continuing health care community may include the following additional features:

a) Independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and

b) An extended care facility.

1. A hospital is not a continuing care community.

D.

DAY CARE FACILITY

A building and its premises, that is used by the facility's operator to care for children or adults on an all- or part-day basis. This use does not include overnight care.

DANCE STUDIO

Any school of dancing or any place in which dancing of any type of style shall be taught.

DEPARTMENT OR DISCOUNT STORE

A business where a variety of unrelated merchandise and services are displayed within an enclosed building and exhibited and sold directly to the consumer.

DISTRIBUTION FACILITIES

As used in Section 14-5.3I.1, *Electric Facilities,* means the system of lines and poles, including the transformers and switches, and related appurtenances located thereon, that connects between transmission network and customer load that operates at electrical voltages of 40kV or below.

DOGGIE DAYCARE

An establishment for the short-term daytime care for dogs, generally less than 12 hours on any given day and without overnight stays.

DORMITORY

A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

DWELLING, DUPLEX

A structure on a single lot that contains two separate dwelling units, designed to be occupied by two households living independently of each other.

DWELLING, LIVE-WORK

A dwelling unit containing an integrated living and working space in different areas of the unit.

DWELLING, MULTI-UNIT

A residential building containing two or more dwelling units on one lot, or two or more detached principal units on one lot.

DWELLING, QUADPLEX

A single building on a single lot containing four separate dwelling units under one roof, designed to be occupied by four separate households living independently of each other.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOME)

A two- or three-story single-family dwelling that exists on its own lot, but shares at least one party wall with a neighboring unit. Townhomes typically share side walls, but can be attached back-to-back.

DWELLING, SINGLE-FAMILY DETACHED

One principal dwelling unit, occupied by one household, located on a lot without other principal uses or structures. Single- family dwelling includes a manufactured home but does not include a mobile home.

DWELLING, TRIPLEX

A structure on a single lot that contains three separate dwelling units under one roof, designed to be occupied by three separate households living independently of each other.

E.

EDUCATIONAL FACILITIES

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and daycare facilities.

ELECTRIC FACILTIES

As used in Section 14-5.3I.1, *Electric Facilities:*

1. 40kV and above transmission lines;
2. Switching stations;
3. Substations; or
4. The placement of 3 or more distribution poles and related lines.

ELECTRICAL DISTRIBUTION FACILITY

Reserved

ELECTRICAL SUBSTATION

Reserved

ELECTRICAL SWITCHING STATION

Reserved

ELECTRICAL TRANSMISSION LINE

Any electrical line operating at a nominal line-to-line voltage equal to or greater than 60,000 volts.

ELEMENTARY OR SECONDARY SCHOOL, PUBLIC OR PRIVATE

Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and related facilities such as including gymnasiums, stadiums, and dormitories if located on the campus.

EMERGENCY SERVICES

Uses in this category include police, fire, ambulance services or related emergency first aid services.

EXERCISE, SPA, OR GYM FACILITY

A facility or area providing opportunities for exercise, health, or fitness for the general public or members of an organization, including but not limited to exercise rooms, treatment rooms, fitness studios, sports courts, walking/running tracks, and swimming pools.

EXTENDED CARE, CONVALESCENT, SKILLED NURSING, OR REHABILITATION CARE FACILITY

A facility that provides health-related care and services on a regular basis to persons who do not require the degree of care and treatment that a hospital is designated to provide, but who, because of their mental or physical condition, require extended care and services from an institutional facility that provides at least two and three quarters hours of nursing care to each person daily.

F.

FARM STAND

A table, stall, tent or other non-permanent structure located on an urban farm and operated by a vendor with a city-issued business license to sell to the public agricultural products grown on the same property where the farm stand is located, not to exceed 48 square feet in size.

FARMERS' MARKET

A public market held in a structure or open area occasionally or periodically throughout the year, where vendors sell produce and other farm products they have grown, gathered, or raised directly to consumers.

FILM PRODUCTION

All activity attendant to staging or shooting motion pictures, television shows or programs, content for internet broadcast channels, and commercials.

FIRE STATION

A public facility where fire engines and other equipment are housed and from which calls for emergency fire responses are handled.

FLEA MARKET

An outdoor market conducted by an operator as a business where spaces are rented, leased or are otherwise available to individual vendors who offer goods for sale to the public. Fewer than five individual vendors located on a property do not constitute a flea market. Flea markets do not include carnivals or similar functions primarily offering services or recreation.

FLORIST SHOP

A cultivator of or dealer in flowers or ornamental plants.

FOOD AND BEVERAGE

Uses in this category include establishments serving prepared food or beverages for consumption on or off the premises.

FOOD TRUCK

A motor vehicle or trailer with a current vehicle registration designed and equipped for the preparation and sale of food and/or beverages.

FOSTER HOME

A dwelling unit maintained by a person licensed by the appropriate state agencies to have the control of a maximum of eight children, including foster, adopted and natural children, for periods exceeding 24 hours.

FUNERAL HOME OR MORTUARY

A building used for the preparation of the dead for burial and the display of the dead and ceremonies connected with the dead before burial or cremation.

FURNITURE STORE

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

G.

GARAGE, PRIVATE

A structure or part of a structure designed for the storage of motor vehicles and equipment. A garage may be attached or detached from the primary structure on the lot, and it may be fully or partially enclosed. A private garage is not a parking structure, and is

not intended for public or commercial use. Private garages are typically associated with residential development.

GAS STATION

The buildings and premises where motor vehicle fuels, lubricating oils, grease, batteries, tires and incidental vehicular accessories may be supplied and dispensed at retail, or, in connection with a private operation where the general public is excluded from the use of the facilities, where vehicular lubrication, brake adjustment, washing and related services may be rendered. Gas station does not include facilities that provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics found in a repair garage or a body shop.

GREENHOUSE

A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROCERY STORE, NEIGHBORHOOD

A retail establishment, with or without a related dwelling unit, catering mainly to a local market area, primarily dispensing foods and beverages, but also dispensing certain incidental items not intended for human consumption, but not including the sale of motor vehicle fuels nor any sales or display outside of an enclosed building.

GROUP LIVING

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of “household living.” Tenancy is arranged on a monthly or longer basis and the living structures generally have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Group living as a category includes but is not synonymous with “group home,” which is a specific type of group living.

GROUP RESIDENTIAL CARE FACILITY, CORRECTIONAL

A group facility used to house persons who have been placed on probation, released on parole, or admitted for correctional purposes.

GROUP RESIDENTIAL CARE FACILITY, LARGE

A non-family dwelling where care, supervision and services are provided to between nine and 25 residents of any age who have difficulty caring for themselves, including the elderly, persons with disabilities and children living apart from families. This category includes facilities commonly known as group homes, community residential care, board and care or assisted living facilities, halfway houses, and foster homes. This category does not include facilities that provide services to non-resident clients; that provide more than incidental or occasional nursing, medical or other therapeutic treatment, such as extended care

facilities, hospitals or detoxification centers; or community residential corrections programs.

GROUP RESIDENTIAL CARE FACILITY, SMALL

A non-family dwelling for eight or fewer resident clients who are not participants in a community residential correctional program.

H.

HAIR SALON OR BARBER SHOP

A personal services establishment where hair is cut and other similar services are provided.

HEALTH CARE AND EXTENDED CARE FACILITIES

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide preventative health care, primary health services, and medical or surgical care to individuals suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of patients or employees in the firm or building such as cafeteria and limited retail sales.

HOME OCCUPATION

An occupation or business activity that results in a product or service and that is conducted for gainful employment in a dwelling unit by a person residing in that dwelling unit. A home occupation is customarily incidental to the residential use of the dwelling unit.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and includes, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOSPITAL HELIPORT

An area at a hospital provided for helicopters to land or take off.

HOTEL, MOTEL, OR RESIDENTIAL SUITE HOTEL

An establishment that offers transient lodging accommodations to the general public whose guest rooms uniformly contain a bathroom and sleeping area, and may or may not include kitchens or cooking facilities. Accessory facilities commonly include restaurants, bars, reception spaces, meeting rooms, and recreational facilities.

HOUSEHOLD LIVING

Uses characterized by residential occupancy of a dwelling unit by a person or group of people. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, swing sets, playground equipment, swimming pools, hobbies, and resident parking.

HUMAN SERVICES ESTABLISHMENT

A facility, which may or may not be a lodging facility, operated by an organization that provides aid to more than 25 persons in need of counseling, food, clothing, lodging, financial or legal assistance, out-patient health services, vocational and educational training and related services. Lodging may be provided on an emergency or transitional basis and consist of dormitory rooms or individual lodging units containing sleeping facilities with or without kitchen or living room facilities available for daily, weekly or monthly stays.

HYDROPONICS

The propagation of plants using a mechanical system designed to circulate a solution of minerals in water, for distribution to retailers, restaurants, and consumers.

I.

IN-HOME DAYCARE

A private dwelling in which a person provides, for remuneration, care for at least 4 but not more than 12 children or adults who are not related to the provider, on a regular basis for less than 24 hours per day. The provider's own children who are age 6 or more shall not be counted for this definition.

J.

JUNKYARD

Any area, lot, land, parcel, building or structure or part of these used in whole or in part for the storage, collection, processing, display, purchase, sale, salvaging, or scrap of wastepaper, rags, scrap metal or other scrap; discarded goods, materials or machinery; two or more unregistered, inoperable motor vehicles or second-hand automobile parts; salvage or secondhand building materials; or other type of scrap. A junkyard does not include such uses conducted entirely in an enclosed building.

K.

KENNEL OR BOARDING FACILITY

A commercial establishment where animals are boarded, kept or maintained. Stays can range from hours to days, and overnight care may be offered by such facilities.

L.

LABORATORY, RESEARCH OR TESTING

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

LAUNDROMAT

An establishment providing washing and drying machines on the premises for rent to the general public.

LIGHT ASSEMBLY AND MANUFACTURING

The manufacturing and assembly of small electronic or machine parts, consumer goods, food or food ingredients, dry goods and other goods and services that are produced or assembled inside a building.

LODGING USES

Uses in this category include the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests.

M.

MANUFACTURED HOME

A structure transportable in one or more sections that is:

1. Built on a permanent chassis;
2. Designed for use with or without a permanent foundation;
3. Constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Housing and Urban Development Zone Code 2 or the applicable building code, as of the date of the unit's construction;
4. Installed consistent with the Manufactured Housing Act and with the rules promulgated pursuant to that act relating to permanent foundations; and
5. For the purposes of Section 14-8.3, *Flood Regulations*, connected to the required utilities.

For floodplain management purposes, manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include those vehicles as manufactured homes for flood insurance purposes.

MEDICAL OR DENTAL OFFICE OR CLINIC

An establishment where patients who are not lodged overnight are admitted for examination and treatment by an individual physician or dentist or a group of physicians and dentists in practice together.

MOBILE FOOD COURT

An area, generally outdoors, configured and used for regular operation of two or more food trucks and which may include eating areas, restrooms, and other ancillary facilities.

MOBILE HOME

A structure that is:

1. Transportable in one or more sections;

2. Built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation; and
3. Not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Housing and Urban Development Zone Code 2 and the International Building Code.

MOBILE HOME PARK

A development , consisting of the premises where one or more mobile homes are parked for residential use or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for residential use, including any land, building, structure or facility used by occupants of mobile homes on such premises, but does not include a single mobile home located on a lot in a residential district pursuant to a conditional use approval.

MONASTERY OR CONVENT

A local community or house of a religious order or congregation.

MUSEUM

An institution devoted to the procurement, care, study, and display to the public of objects that have lasting interest or value.

N.

NEIGHBORHOOD GROCERY STORE

A retail establishment, with or without a related dwelling unit, catering mainly to a local market area, primarily dispensing foods and beverages, but also dispensing certain incidental items not intended for human consumption, but not including the sale of motor vehicle fuels nor any sales or display outside of an enclosed building.

NEIGHBORHOOD OR COMMUNITY CENTER

A center intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood or community centers shall include, but not be limited to, youth or senior centers.

O.

OFFICE, BUSINESS AND PROFESSIONAL USES

Uses primarily engaged in providing professional, financial, administrative, clerical, and similar services.

OFFICE EQUIPMENT SALES AND SERVICE; OFFICE SUPPLY SALES

An establishment engaged in the sale, service, and rental of equipment, supplies, machinery or other equipment used for office purposes.

OUTDOOR STORAGE LOT OR YARD

The keeping in an open area of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than 24 hours. This use is not the same as an auto salvage or junkyard, in that the focus is not on resale, reuse, or exchange of the materials stored on the site with members of the public.

OUTDOOR DINING

Any group of tables, chairs, or other seating fixtures and appurtenances intended for the outdoor consumption of food or beverage by patrons, employees, or tenants, when located adjacent to an establishment having the same operator.

OUTDOOR MUSIC

An outdoor area used for live music, both acoustic and amplified, including live individual musicians, bands, and disc jockeys (DJs), but not including karaoke.

P.

PERSONAL CARE FACILITY FOR THE ELDERLY

A residential facility for 26 or more persons 60 years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel.

PERSONAL SERVICE ESTABLISHMENT

A business primarily engaged in providing frequent or recurrent services of a personal nature, including dry cleaning and drop-off laundry, computer and cell phone repair, small appliance repair, carpet cleaning, electrical repair, exterminator, locksmith, janitorial service, plumbing service, shoe repair, carpenters, or upholsterers. This use does not include service or maintenance on any item with a combustion engine.

PET GROOMING

A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

PHARMACY OR APOTHECARY SHOP

A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and groceries such as food and household items. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

PHOTOGRAPHY STUDIO

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This use may include the developing of film to produce images and the sales of images produced by the establishment

POLICE OR FIRE STATION

Any building or part of a building that is occupied by police or sheriffs, where duly authorized officers perform law enforcement functions. A fire station is a building or part of building used for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

PRESCHOOL

A school for children primarily between the ages of three and five, providing preparation for elementary school.

PRIVATE BARBECUE PIT

A hole dug into the ground, or a container used as an oven, for cooking meat or vegetables outdoors over a fire. A private barbecue pit is used by an individual to produce food for non-commercial, private consumption.

PRIVATE CLUB OR LODGE

A facility for social, cultural or educational activities open only to bona fide members and guests of the private organization operating the club or lodge, except those the chief activity of which is a service customarily carried on as a business.

PRIVATE GARAGE

A garage that is accessory to a private dwelling (whether single- or multi-unit) that is intended for the exclusive use of the residents of the dwelling. A private garage is not open to the public, and is not operated for payment or profit.dd.

PRIVATE SWIMMING POOL

A swimming pool constructed as an accessory to a private dwelling (whether single- or multi-unit) that is intended for the exclusive use of the residents of the dwelling, and not open to the public.

PUBLIC PARK, PLAYGROUND, OR PLAYFIELD

Public premises which have been designated for park or recreational activities within the City which are under the control, operation or management of the City Parks and Open Space Department or the equivalent state, county or recreation district authorities.

PUBLIC TRANSPORTATION

Uses in this category include any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

Q.

NO DEFINITIONS

R.

RECEPTION OR EVENT CENTER

A building or portion of a building available for lease by private parties for social or dining purposes.

RECREATION AND ENTERTAINMENT USES

Uses include those that provide entertainment, recreation, or amusement for profit.

RELIGIOUS, EDUCATIONAL, OR CHARITABLE INSTITUTION

A facility for religious, educational, or social purposes for a private, nonprofit, or religious organization, primarily for use by administrative personnel, members, and guests.

RENEWABLE ENERGY FACILITY

An electric generation unit or other facility or installation that produces electric energy using a renewable energy source, including but not limited to wind and solar farms.

RESTAURANT, FAST SERVICE/TAKE-OUT

Any establishment in which the principal business is the sale of food or beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes both of the following characteristics:

(1) Food or beverages are usually served in edible containers or in paper, plastic or other disposable containers; and

(2) The consumption of food or beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry out for consumption off the premises.

RESTAURANT, FULL SERVICE

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

(1) Customers are normally provided with an individual menu, are served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

(2) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

RETAIL SALES AND SERVICES

Uses include establishments that provide retail sale, rental, services processing, and repair of new merchandise, primarily intended for consumer or household use.

RETAIL ESTABLISHMENT

A business engaged in selling goods to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including department stores; supermarkets; pharmacies; bakeries; meat markets; liquor stores; hardware, paint or wallpaper stores; camera shops; florist's shops; gift shops; hobby shops; stationery shops; bookstores, apparel shops; shoe stores; variety stores; jewelry stores; stores for sales of gardening supplies and equipment; movie theaters; and bowling alleys.

S.

SEASONAL SALES

The temporary display and sale of products outside of a building or structure. Seasonal sales may include but are not limited to temporary farm stands selling produce, pumpkin patches, and Christmas tree sales. Seasonal sales are distinct from outdoor display of merchandise, associated with a retail establishment as an accessory use.

SELF-STORAGE UNITS

The separate storage spaces of varying sizes within one or more structures that are leased or rented on an individual basis. The individual storage units may be directly accessible from outside, or only accessible from the interior of an enclosed structure.

SERVICE AND REPAIR GARAGE, INCLUDING GAS STATION

An establishment used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult news rack or adult performance and encounter (live) business.

RELATED TERMS

ADULT ARCADE

A place open to the public in which coin-operated, slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, including computer imaging, are maintained to show images to five or fewer persons at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment that as its principal business offers for sale or rent for any form of consideration any one or more of the following:

a) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassettes, or video reproductions, slides or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or

b) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET

A nightclub, bar, restaurant, or similar establishment whose primary activities regularly feature and include:

a) Persons who appear in a state of nudity;

b) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

c) Films, motion pictures, videocassettes, slides, computer-generated images, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT ESCORT AGENCY

A person that furnishes, offers to furnish or advertises to furnish escorts for a fee, tip, or other consideration.

ADULT MOTEL

A hotel, motel or similar commercial establishment that:

1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;
2. offers a sleeping room for rent for a period less than ten hours; or
3. allows a tenant or occupant of a sleeping room to sub rent the room for a period less than ten hours.

ADULT MOTION PICTURE THEATER

A commercial establishment that, for any form of consideration, is substantially devoted to showing films, motion pictures, videocassettes, slides, computer-generated images, or similar photographic reproductions that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities

or specified anatomical areas. The term does not include theaters that primarily feature films rated NC-17, R, PG, PG-13, and films other than unrated or X-rated films.

ADULT PERFORMANCES AND ENCOUNTERS (LIVE)

A business that offers as the primary purpose:

a) Physical contact in the form of wrestling or tumbling between persons engaging in specified sexual activities or exposing specified anatomical areas; or

b) Activities by one or more persons, either male or female, when at least one of the persons is engaging in specified sexual activities or exposing specified anatomical areas; provided that the term does not apply to artist models who pose in art classes for adult students or other settings solely for the purpose of assisting a sculptor, a painter or other artist in rendering an artist rendition or presentation of the model.

SPECIFIED ANATOMICAL AREAS

Includes less than completely and opaquely covered human genitals or pubic region or buttock or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

a) human genitals in the state of sexual stimulation or arousal;

b) acts of human masturbation, sexual intercourse or sodomy;

c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast;

d) excretory functions as part of or in connection with any of the activities set forth in subsections A through C of this definition; or

e) a simulation of any of activities provided in subsections A through D of this definition.

SHELTERED CARE FACILITY

A boarding home or other home for the sheltered care of adult or juvenile persons that, in addition to having the capacity to provide food and shelter to between nine and 25 persons unrelated to the proprietor, provides personal care and services, habilitation or supervision beyond food, shelter and laundry; provided that live-in nursing care is not a primary part of the services provided. Sheltered care facility includes group homes, half-way houses, homes for battered persons and children, and homes designed to provide a transition from long-term institutional care to normal activities.

SHORT-TERM RENTAL UNIT

A dwelling unit or accessory dwelling unit, or any portion of a dwelling unit or accessory dwelling unit, that is offered for rent or rented for a period of less than 30 days. A short-term rental is distinct and different from a bed and breakfast and a vacation time share project.

SIGN SHOP

A retail store engaged in the manufacturing and selling of custom-made signs to the public.

STORAGE SERVICES

Uses in this category include uses that provide space in a structure for storage.

SUBSTATION

As used in Section 14-5.3I.1, *Electric Facilities,* means facility equipment that switches, changes, or regulates electric voltage. An electric power station that services as a control and transfer point on an electrical transmission system. Substations route and control electrical power flow, transform voltage levels, and serve as delivery points to industrial customers.

SWITCHING STATION

As used in Section 14-5.3I.1, *Electric Facilities,* means facility equipment used to tie together two or more electric circuits through switches. The switches are selectively arranged to permit a circuit to be disconnected or to change the electric connection between the circuits.

T.

TAILORING OR ALTERATIONS SHOP

A personal services establishment that specializes in alterations to clothing, or the creation of garments.

TEMPORARY MOBILE STORAGE UNIT

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and "POD"™ type boxes that can be transported on a flatbed or other truck; but does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

TEMPORARY ON-SITE CONTRACTOR'S OFFICE

A temporary structure placed on or adjacent to a construction site, used by the contractor in connection with the development or building project, generally as an office for administrative and supervisory functions, or for storage of equipment.

THEATRE, LIVE PRODUCTIONS

A structure used for dramatic, operatic, or other live performance.

TINY HOME

A single-family detached dwelling that is less than 500 square feet and more than 300 square feet in size.

TIRE RECAPPING AND RETREADING

An establishment used for the re-manufacturing process for tires that replaces the tread on worn tires.

TRANSIT TRANSFER FACILITY

Bus stops, bus terminals, transfer points, and depots without vehicle repair or storage.

U.

URBAN FARM, GROUND LEVEL

The use of a lot on the ground for urban agriculture for commercial purposes, whether for profit or non-profit. Ground-level urban farms are classified according to their size, as follows:

LARGE

A farm area greater than one acre.

MEDIUM

A farm area greater than or equal to 10,000 square feet, but no greater than one acre.

SMALL

A farm area less than 10,000 square feet.

URBAN FARM, ROOF LEVEL

The use of a roof for urban agriculture for commercial purposes, whether for profit or non-profit. Roof-level urban farms are classified according to their size, as follows:

LARGE

A farm area greater than 1,000 square feet, but no greater than 5,000 square feet.

SMALL

A farm area 1,000 square feet or less.

UTILITIES

This category of uses includes natural gas regulator stations, telephone exchanges, water or sewage pumping stations, or water storage facilities, power generating and distribution facilities (whether the source of power is electrical, wind, or solar), and wireless telecommunication facilities.

UTILITY SHED

A one-story, detached accessory structure constructed of light material and used as a tool shed, play house, or other suitable purpose.

V.

VACATION TIME SHARE

Real property for which the right to use and occupy a dwelling unit on a periodic basis constitutes a time share arrangement under the laws of New Mexico, in which the exclusive right of use or occupancy of a unit circulates among various owners for a contractually limited period or a private club with shared ownership in a vacation residence similar to the above including interval use.

VETERINARIAN

A facility or place where animals, including agricultural and farm animals, are given medical and surgical care and treatment and the boarding of animals limited to short-term care incidental to the hospital use.

VOCATIONAL OR TRADE SCHOOL

A secondary or post-secondary education facility that meets state requirements as a vocational facility and that primarily teaches usable skills that prepare students for jobs in a trade.

W.

WAREHOUSE AND DISTRIBUTION

An enclosed building or complex of buildings used primarily for the storage of goods and materials, or as a point for distribution of stored goods to other businesses or the final consumer. Warehouse and distribution facilities are not open to the public.

WHOLESALE OPERATION

Business primarily engaged in selling merchandise or acting as agents or brokers and buying merchandise for retailers; industrial, commercial, institutional or professional business users; or other wholesalers. While the primary focus is business-to-business transactions, there may be occasional customers on-site, including members of the public.

WIRELESS COMMUNICATIONS FACILITY

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility does not include a facility that is an accessory use. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and their permitted supporting structure, but does not include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the

wireless communications facility is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

14-9.3 General Definitions

A.

ACCENT LIGHTING

Any directional lighting that emphasizes a particular object or draws attention to a particular area.

ACCESSORY

As applied to a use or structure, means customarily subordinate or incidental to and on the same lot of such use or structure or on a contiguous lot in the same ownership.

ACTIVE WATER HARVESTING

Containing precipitation or runoff in a storage tank or other device and distributing that water with a mechanical system by means of gravity or a pump.

ACTUAL CONSTRUCTION

Placing construction materials in permanent position and fastening in a permanent manner; provided that where demolition or removal of an existing structure has been substantially begun preparatory to new construction, such demolition or removal is actual construction as long as the work is diligently carried on until completion of the new construction involved.

ADOBE

Sun-dried block or coursing of dirt, clay, asphalt-impregnated earth or other natural earth materials.

ADVERTISING STRUCTURE

A structure, part of a structure, or a device attached to, painted on, or otherwise represented on a building, fence. or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, direction, advertisement, or other attention-getting device, including a sign. Advertising structure does not include a similar structure located within a building except illuminated signs within show windows.

ALCOHOLIC BEVERAGES

Distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters.

ALCOHOLIC BEVERAGE DISPLAY AREA

The portion of an alcoholic beverage licensee's premises in which all alcoholic beverages on display for sale are contained.

ALCOHOLIC BEVERAGE LICENSEE

The holder of any license or permit authorizing the sale of alcoholic beverages issued under the provisions of the New Mexico Liquor Control Act, but does not mean the holder of a server permit.

ALCOHOLIC BEVERAGE SALES ACTIVITIES

The retail sale of alcoholic beverages for offsite consumption.

ALTERATION

A change of the architectural features of a structure, including the erection, construction, reconstruction, or removal of the structure or any of its parts. Additions are considered alterations.

ANIMAL PRODUCTION

An area which is used for the raising of animals except as limited in Section 14-5.3E, *Agricultural Uses*

ANTENNA

An exterior transmitting or receiving device that may be mounted on a structure and that is used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications, signals or other communication signals.

APPELLANT

A person filing an appeal.

APPLICANT

A person who has submitted an application. As used in Section 14-7.9, *Impact Fees,* the applicant for a construction permit for which an impact fee is due.

APPLICATION

A request for a permit or other approval within the jurisdiction of the Planning and Land Use Director, a land use board or the Governing Body that is required pursuant to Chapter 14, and includes the fees, forms, plans, and associated documents.

ARCHAEOLOGICAL FEATURES

Nonportable cultural remains, including storage pits, firepits, burials, worksites, middens, architectural remains, and undisturbed layers of deposited materials.

ARCHAEOLOGICAL SITE

A concentration of cultural remains inferred to be the location of specific human activities of the past.

ARCHAEOLOGIST

--- [reserved]

ARCHITECT

A person who is licensed by the state to practice architecture.

ARCHIVAL RESEARCH

Research in primary documents that is likely to yield information concerning the human occupation of a site, including deed, census, cartographic, and judicial records.

AREA MEDIAN INCOME

The median income for the Santa Fe metropolitan statistical area as adjusted for various household sizes and published and revised periodically by the United States Department of Housing and Urban Development.

ARTIFACT

Portable material remains that exhibit evidence of human use or alteration.

ASSESSMENT

As used in Section 14-7.9, *Impact Fees,* means the determination of the amount of an impact fee.

AVERAGE DAILY TRAFFIC

The total volume of traffic during the time period from 7:00 a.m. to 6:00 p.m. in whole days, greater than one day and less than one year, divided by the number of days in that time period.

AWNING

A roof-like covering projecting from the wall of a building and that is typically made of metal, plastic, canvas, or other textile.

B.

BACK-HAUL NETWORK

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices or long distance providers or the public switched telephone network.

BANNER

A temporary sign no larger than 18 square feet made of flexible material (cloth, paper, vinyl, or other lightweight, non-rigid material) on which information relating to an event,

function, or activity is painted or printed, which projects from, hangs from, or is affixed to a City-owned support structure.

BAR DITCH

A continuous shallow ditch parallel to a roadway that collects and distributes surface runoff from the roadway and adjacent terrain.

BASAL AREA

The cross-section area of the stem or stems of a plant or of all plants in a stand expressed as square feet per acre. Bushes and shrubs, including piñon and juniper, are generally measured at or less than one inch above soil level. All other trees generally are measured at 4.5 feet above ground inclusive of bark. Measurements are taken from the uphill side of the slope. For the purposes of explanation only, 60 basal area is approximately equal to evergreen trees, each six feet tall, planted on 12 foot centers over one acre.

BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)

The elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year—also called the base flood.

BASELINE FLOOR AREA RATIO

As used in the BCD, means the maximum permitted floor area ratio subject to the townscape standards where applicable, not taking into account allowable land-use intensity credits.

BIO-FILTRATION

A process by which waterborne pollutants are absorbed, captured or broken down by soil or are absorbed by plant materials.

BLOCKFACE

All the parcels on one side of a City block. Each block is separated by an intersecting street.

BRUSH LAYERING

An erosion control method that places branches perpendicular to a contour on excavated terraces to build living structures, which terraces are then backfilled with soil, covering the branches except for the tips.

BRUSH MATTRESS

An erosion control method where woven pads of live branches are staked to slopes to build living structures for coverage.

BUILDABLE AREA

That portion of a lot upon which buildings may be placed in compliance with required yards, lot coverage restrictions and other applicable provisions of Chapter 14.

BUILDABLE SITE

As used in Section 14-4.4, *Escarpment Overlay District*, and Section 14-8.2, *Terrain and Stormwater Management*, means a contiguous area of land located within a single lot on which a building with a footprint equal to not less than forty percent of the minimum required net lot area, or 2,000 square feet, whichever is less, can be developed in compliance with all requirements of those sections, all requirements of the underlying zone and all applicable development standards.

BUILDING

A structure or parts of a structure covered and connected by a permanent roof and intended for shelter, housing, or enclosure.

BUILDING FRONTAGE

The horizontal distance across the front of a building.

BUILDING OFFICIAL

The director of the inspections and enforcement division or other person designated by the Planning and Land Use Director.

BUILDING STRUCTURE

The load-bearing portions of a building, including decking and sheathing for floors, walls, and roofs.

BUSINESS

An activity involving wholesale or retail sales or rental of any article, substance or commodity, including building materials and vehicles, and the provision of all commercial services, including financial institutions and personal commercial services. Where the term business is used to describe a type of land use or structure, it includes such use by any organization or individual, whether or not the use is conducted for profit.

BUSINESS SERVICES

A business primarily engaged in rendering services to other businesses on a fee or contract basis, including advertising and mailing, building maintenance, employment service, management and consulting services, protective services, and equipment rental and leasing.

C.

CALIPER

A measurement of the diameter of the trunk of a tree, taken either at six inches above ground level (generally at time of planting), or at four and one-half feet above the ground, when a measurement specifies diameter at breast height (DBH).

CABLE SERVICE

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means cable service as defined in the Cable Communications Policy Act of 1984, 47 U.S.C. §532, et seq., as now and hereafter amended.

CANNABIS PRODUCT

A product that is or that contains cannabis or cannabis extracts, including edible or topical products that may also contain other ingredients.

CANOPY

An overhanging shelter or shade.

CANTILEVER

A beam or truss with an unsupported end projecting past the bearing. A beam or trussmay support any kind of projecting element including a building overhang, part of a bridge, or a balcony. A viga, or a wooden real or simulated interior roof support that protrudes through an exterior wall, is not a cantilever.

CAPITAL IMPROVEMENT

As used in Section 14-7.9, *Impact Fees,* means any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or on behalf of the City:

1. Roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, landscaping and any local components of state and federal highways;
2. Traffic signals located within the service area at the intersection of two City-maintained arterial streets;
3. Neighborhood or pocket parks and related areas and facilities, referred to in Chapter 14 as "neighborhood parks" and community and regional parks, open space and trails and related facilities, referred to in Chapter 14 as "regional parks";
4. Buildings for fire and rescue and essential equipment costing ten thousand dollars ($10,000) or more and having a life expectancy of ten years or more; or
5. Buildings for police and essential equipment costing ten thousand dollars ($10,000) or more and having a life expectancy of ten years or more.

CAPITAL IMPROVEMENTS PLAN

As used in Section 14-7.9, *Impact Fees,* means the plan adopted by the Governing Body that identifies capital improvements or facility expansions for which impact fees may be imposed to serve projected development in the service area based on the approved land use assumptions identified in the capital improvement plan for water, wastewater, roads, parks, fire and police development impact fees.

CARPORT

A shelter for a car consisting of a roof supported on posts, typically open on at least three sides.

CERTIFICATE OF OCCUPANCY

A written document issued by the Planning and Land Use Director certifying that a structure or use of land has been constructed or will be used in compliance with all applicable City codes and ordinances.

CHANNEL

As used in Section 14-8.3, *Flood Regulations*, means a portion of a drainageway that has a naturally or artificially developed bed or banks to confine and conduct a continuous or periodic flow of water.

CHECK DAM

A small dam built within a drainage channel to decrease flow velocity and reduce erosion by reducing the channel gradient, minimize scour, and promote deposition of sediment.

CISTERN

An artificial, closed reservoir for storing water, often underground.

CITY

The City of Santa Fe.

CITY ENGINEER

A designated employee of the City who is both a professional engineer and a state-certified floodplain manager.

CLUB

A nonprofit organization and its premises, including a lodge, that caters exclusively to members and their guests for social, intellectual, political, recreational, athletic, or other common purposes.

CLUSTER DEVELOPMENT

A development in which dwelling units are grouped together and where common open space is provided.

CLUSTERED SUBDIVISION

A form of development for a single-family subdivision that allows a reduction in lot area, provided there is no increase in the number of lots permitted by the zoning district, and the undeveloped land resulting from the log reduction is devoted to open space.

COLLOCATION

As used in Section 14-5.3I.3*, Telecommunication Facilities,* means the mounting or installation of an antenna on an existing tower or tower alternative.

COMMERCIAL CANNABIS ACTIVITY

Cultivating, producing, possessing, manufacturing, storing, testing, researching, labeling, selling, purchasing for resale, or consigning cannabis products (but excluding personal growing and use, medical cannabis program activities, and cannabis training and education programs).

COMMERCIAL DEVELOPMENT

For the purpose of the annual water budget in Section 14-7.7, means one or more buildings constructed for nonresidential use. Commercial development includes hotels, motels, offices, stores and other retail establishments and industrial, manufacturing, wholesaling, and warehousing activities.

COMMERCIAL RECREATIONAL USE OR STRUCTURE

A facility for commercial recreational purposes such as a theater, bowling alley, pool room, driving range, miniature golf, health club, sports field, or amusement park.

COMMERCIAL STRUCTURE

A structure that is put to a commercial use as provided in Article 14-5, *Use Regulations.*

COMMON OPEN SPACE

The outdoor area accessible to all residents within a development, which may be owned in undivided interest by all the residents of the development, and it may remain in its natural state or may be landscaped or improved for passive or active recreational activities.

COMPACT CAR

A motor vehicle that is 181 inches (15 feet and one inch) or less in length, measured from front to rear bumper.

COMPANY

As used in Section 14-5.3I.1, *Electric Facilities,* means electric service provider or its contractors or other persons constructing electric facilities and distribution facilities.

COMPOSTING

A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.

COMPOUND

Three or more attached or detached dwelling units on one lot and located in the RC-5, RC-8, RAC, AC or BCD districts.

COMMUNITY RESIDENTIAL CORRECTIONS PROGRAM

A community residential program for persons currently in the custody of, or recently released by, correctional authorities which is designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life.

CONDUCTOR

As used on Section 14-5.3I.1, *Electric Facilities,* means a substance or body, usually in the form of a wire, cable or busbar, that allows a current of electricity to pass continuously along it.

CONSTRUCTED RAIN GARDEN

A shallow water retention pond built to store water and provide bio-filtration, where the soil is amended to a minimum depth of eighteen inches with one part organic matter to two parts soil and planted with grasses, shrubs, or trees.

CONSTRUCTED WETLAND

An artificial wetland designed and planted to store water and filter, process, absorb, or breakdown waste products or pollutants.

CONTIGUOUS LOTS

Two or more lots with one or more common boundaries.

CONTOUR LINE

A line adjoining points of equal elevation on a topographic map.

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately 50 years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

COOL SEASON TURF

Grasses that require large volumes or frequent applications of water, including Kentucky bluegrasses, perennial rye grasses, fine fescues, and tall fescues.

COUNTY

The county of Santa Fe.

CROP PRODUCTION

An area used for the raising or harvesting of agricultural crops intended to provide food or fiber.

CULTURAL PROPERTY EASEMENTS

CULTURAL REMAINS

The remains of prior human occupation or activity over 75 years of age, whether portable or nonportable, including historic and prehistoric artifacts, architectural features, human skeletal remains, animal skeletal remains found in an archaeological context, rock carvings and culturally altered landscapes.

CULTURALLY ALTERED LANDSCAPE

A landscape modified by human activity, including roadways, agricultural fields, farming terraces and irrigation ditches, or other water control devices.

CUT

The removal of earth material from the surface of the land.

D.

DECK

A structure, without a roof, directly adjacent to a principal building that has an average elevation of 30 inches or greater from finished grade that is constructed of any material.

DEMOLITION

The intentional destruction of all or part of a building or structure; in restoration or renovation projects, may include removal of structural elements, partitions, mechanical equipment, and electrical wiring and fixtures.

DEMOLITION BY NEGLECT

The destruction of a structure caused by failure to perform maintenance over time.

DENSITY

The extent of development per unit of area. In residential areas or development projects, density is typically expressed in dwelling units per acre.

DESIGN DEVELOPMENT DRAWINGS

Preliminary submittals drawn to scale that fully delineate the architectural characteristics of a structure, but that are not detailed enough to be considered working or construction drawings.

DESIGN OBJECTIVES

As used for the BCD, means a desirable or optimum set of physical characteristics that distinguish each townscape subdistrict. Design objectives for each subdistrict form the basis for the development of townscape district standards governing the preservation or development, or both, within subdistricts.

DETENTION

The temporary storage of stormwater to prevent excessive or excessively rapid runoff.

DEVELOPMENT

A manmade change in improved and unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, except for routine maintenance and repair.

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the owners have obtained a conditional use approval for operation two or more of the following facilities that they own in common and : swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

DISPLAY LOT

A lot used primarily for the purpose of retail sales.

DISTRIBUTION FACILITIES

As used in Section 14-5.3I.1, *Electric Facilities,* means the system of lines and poles, including the transformers and switches, and related appurtenances located thereon, that connects between transmission network and customer load that operates at electrical voltages of 40kV or below.

DIVIDED LIGHT

A window or door in which the glass is divided into several small panes using muntins.

DRAINAGE EASEMENT

The total area of land dedicated or reserved by plat or otherwise acquired by the City, the county or the state primarily for the movement of stormwater through a drainageway or land susceptible to flooding and for the maintenance of drainage structures.

DRAINAGEWAY

A natural or artificial land surface depression, with or without perceptibly defined bed and banks, to which or through which surface runoff gravitates, collects, impounds or is channeled for disposition.

DRIVE-IN

An establishment that by design, physical facilities, service or packaging procedures encourages or allows customers to receive services, obtain or consume goods or be entertained while remaining in their motor vehicles.

DWELLING UNIT

One or more rooms connected together constituting a separate, independent housekeeping establishment occupied by one family, for either owner occupancy, rental or lease and physically separated from any other dwelling unit that may be in the same structure and containing independent cooking and sleeping facilities; provided that the term does not include group housing, hotels, or motels.

E.

EARTH COLOR OR EARTH TONE

Muted and flat colors found in the earth in the area of the development, consistent with a sample palette of earth tone colors maintained by the Planning and Land Use Director.

EARTH MATERIAL

Rock, natural soil, or fill and any combination of these.

ECOLOGICAL RESOURCE RESTORATION

1. Erosion prevention and control, including protection of natural drainage channels and compliance with an approved stormwater drainage management plan;
2. Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones;
3. Conservation of water, including preservation of existing native vegetation, reduction in amounts or irrigated areas and similar considerations;
4. Stream corridor and wetland protection and buffering;
5. Preserving or restoring site topography, including such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features;
6. Preserving or restoring floodplains and flood ways;
7. Preserving, restoring, or creating wildlife movement corridors; and
8. Preserving or restoring hydrology and groundwater flow.

EGRESS

The exit of a building, structure, or land.

ELECTRIC PROJECT

As used in Section 14-5.3(I)(1), *Electric Facilities,* the placement of 40kV and above transmission lines, switching stations, and substations; the upgrade, replacement, or relocation of any 40kV and above transmission lines, switching stations and substations; and the placement of more than 3 new distribution poles (not reviewed through the development review and construction permit process).

ELECTRIC STRUCTURE

As used in Section 14-5.3(I)(1), *Electric Facilities,* one or more poles connected to each other by braces, cross arms or grounding systems with insulators and other hardware and carrying device electric service.

ELECTRIC VEHICLE CHARGING STATION

An electrical outlet that pulls an electrical current from 240v power and charges a vehicle's battery by delivering electricity when that vehicle is connected to the charging outlet.

ELEVATION (OF A STRUCTURE)

One of the exterior faces of a building, or a drawing of a face of a building or an interior wall, with all of the features shown as if in a single vertical plane. One elevation can include numerous facades. In Figure 9.3-1, the blue line in the floor plan image or the right correlates to the east elevation drawing on the left.

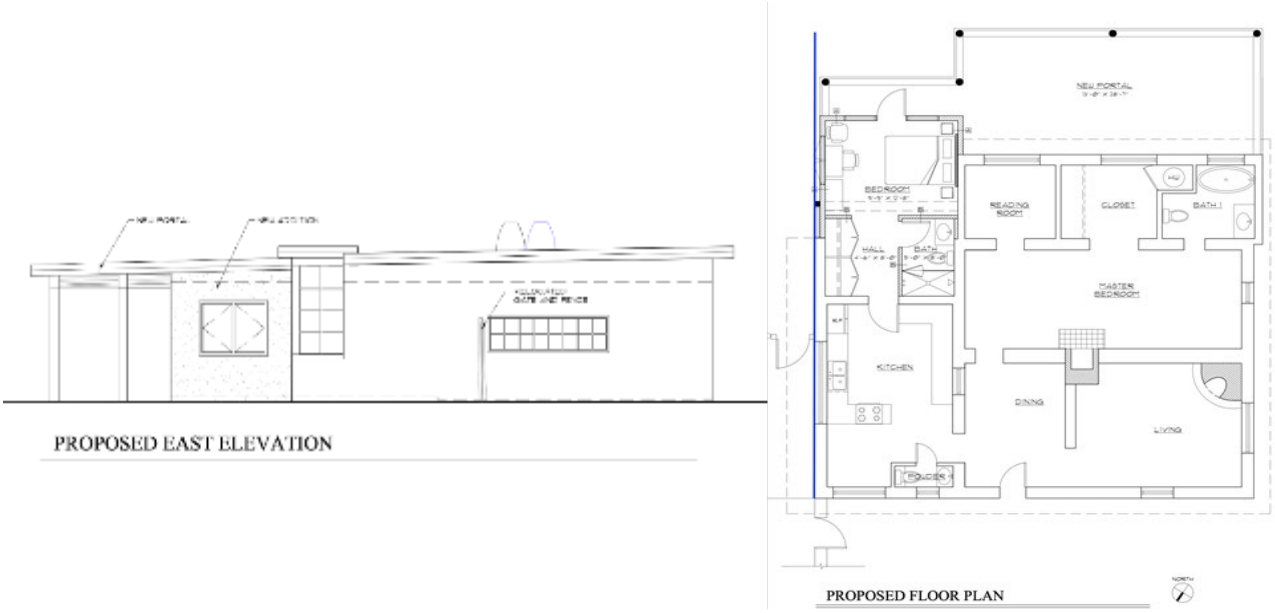


Figure 9.3-1: Sample Building Elevation Drawing

ELIGIBLE FACILITIES REQUEST (EFR)

As used in Section 14-5.3I.3*, Telecommunication Facilities,* means any request for modification of an existing wireless tower or base station that that does not substantially change the physical dimensions of such tower or base station, including:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE

As used in Section 14-5.3I.3*, Telecommunication Facilities,* means a wireless communications facility including 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.

EMERGENCY

As used in Section 14-5.3I.1, *Electric Facilities,* means any repair, restoration, or replacement of an electric facilities made necessary because of a sudden unexpected event which has created a condition which is an immediate and continuing threat to the safety of property or persons.

EMERGENCY FACILITIES

As used in Section 14-5.3I.1, *Electric Facilities,* means electric facilities and distribution facilities used to provide service due to emergency conditions.

EMPLOYEE

In the context of a home occupation, a person who is a full- or part-time employee, partner, or independent contractor of a home occupation and who works from the site of the home occupation on a regular basis.

EQUIPMENT CABINET

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means a storage cabinet used exclusively for the protection of telecommunications equipment.

EQUIVALENT DWELLING UNIT (EDU)

As used in Section 14-7.9, *Impact Fees,* means a service unit measure representing the impact of a typical single-family dwelling on the park system. A typical single-family dwelling represents, on average, one EDU. Other types of units each represent a fraction of an EDU, based on their relative average household sizes.

ERECT

To build, construct, attach, hang, place, suspend, or affix and includes the painting of wall signs.

EROSION

The wearing away of ground surfaces as a result of the movement of wind, water, or ice.

EROSION CONTROL STRUCTURES

Manmade improvements that are intended to limit or control erosion.

EXCAVATION

The mechanical removal of earth material, including, but not limited to trenching, digging, scraping, or blading to modify the existing, unmodified grade. In the context of an archeological excavation, excavation is displacing, disturbing, or moving earth, soil, dirt, other deposits or material remains from their current contexts or significant orientation in, or on, the ground within the boundaries of an archaeological site or area of historic and scientific interest, by using hand tools or mechanical earth-moving equipment.

EXISTING CONDITIONS ASSESSMENT

As used in Section 14-4.6, *Historic Districts,* means written, graphic and photographic documentation of existing conditions in a historic compound as specified by City policy.

EXTERIOR WALL AND ROOF COVERING

The material or assembly of materials applied to the exterior surface of a wall or roof for weather resistance or appearance, but excluding structural elements of the wall or roof such as decking or sheathing.

F.

FAÇADE

One whole elevation or a portion of an elevation of a structure, from grade up to and including the top of the parapet. An individual façade is defined as including at least an eight-foot width that is offset from an adjacent plane by at least four feet, such that a single elevation can include multiple facades. In Figure 9.3-2 below, the blue line in the floor plan image or the right correlates to the east elevation drawing on the left. This elevation is a single façade, as there is no offset, relief, or building modulation along the length of the elevation.

FAÇADE, PRIMARY

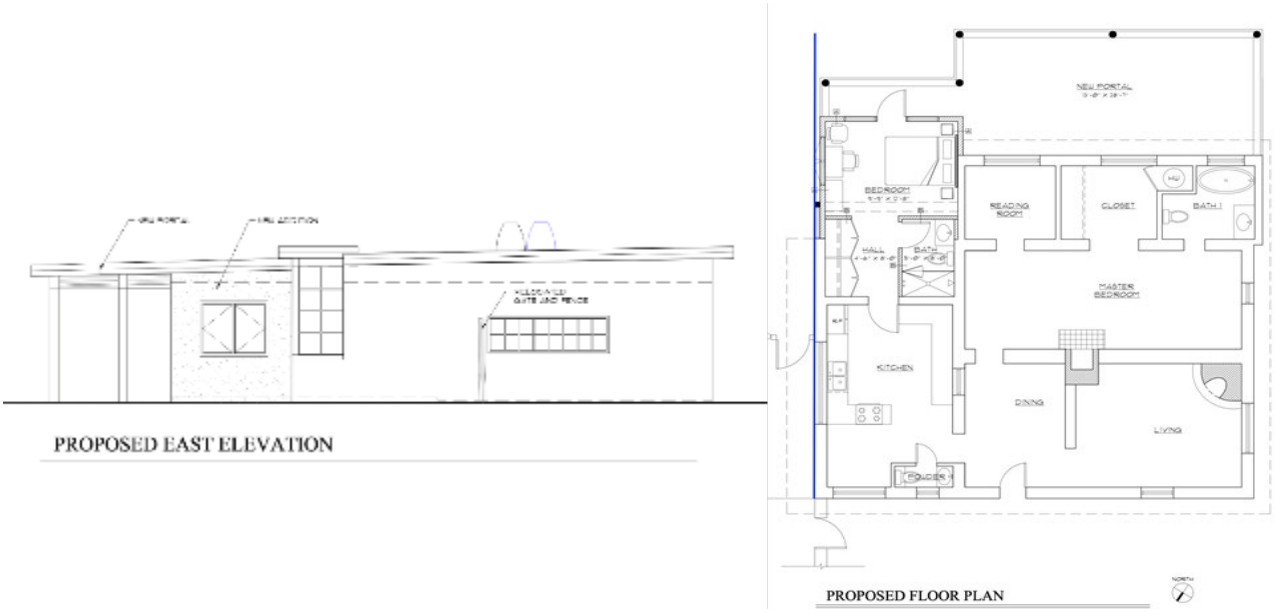


Figure 9.3-2: Elevation with Single Façade

In the context of the historic district, one or more principal faces or elevations of a building with features that define the character of the building's architecture.

FACEMOUNT ANTENNA

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means a camouflaged antenna attached to and covering a small portion of the surface of a building, architecturally integrated into the supporting structure.

FACILITY EXPANSION

As used in Section 14-7.9, *Impact Fees,* means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

FAMILY

(A) A natural person;

(B) Two or more natural persons related by blood, marriage, legal guardianship or adoption, plus resident domestic servants; or

(C) A group of unrelated people living together in a dwelling unit as a single housekeeping unit; also referred to as a household.

FARM AREA

The area of a lot designated for activities and uses defined as urban agriculture.

FARM STRUCTURES

Structures that may include, but are not limited to, sheds (tool and packing), compost bins, shade pavilions, farm stands, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as greenhouses, hoop houses, cold frames, and similar structures.

FILL

The artificial deposition of earth material.

FINAL ACTION

The action taken that completes review of and decision on an application or appeal; see Section 14-2.1B.5.II, *Final Actions*.

FINAL APPROVAL

As used in Section 14-7.9, *Impact Fees,* means the date that a plat or development plan is recorded with the County Clerk. This date is to be used to determine the beginning of the assessment period for which a permit would be charged impact fees according to a given fee schedule.

FINANCIAL GUARANTEE

A fully funded account approved by the City and established with the City of Santa Fe or a financial institution in the state of New Mexico that may be drawn upon by the City to cover specific improvements or repairs and pursuant to Chapter 55 of NM Statutes 1978.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE

The portion of the special flood hazard area that is outside of the floodway.

FLOOD HAZARD ZONE

A special flood hazard area, inclusive of the floodway and the flood fringe, where applicable.

FLOOD INSURANCE RATE MAP (FIRM)

The official map of a community, on which the federal emergency management agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN ADMINISTRATOR

The person designated by the Planning and Land Use Director to administer the City's flood regulations pursuant to 14-2.12.

FLOODPLAIN INSURANCE STUDY

The official report provided by the federal emergency management agency that contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway maps and an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

FLOODWAY

The channel of a river or other watercourse and the adjacent land area that is reserved to discharge the one-percent chance event without cumulatively increasing the water surface elevation more than one foot in height.

FOOTPRINT

The configuration of the area of ground covered by a structure, including all its parts.

FREEBOARD

As used in Section 14-8.3, *Flood Regulations,* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave actions, bridge openings and the hydrological effect of urbanization of the watershed.

FRENCH DRAIN

An artificial in-ground trench or other volume of rock or other material that distributes water for plant material use or infiltration.

FUGITIVE WATER

The pumping, flow, release, escape, or leakage of water from a pipe, valve, faucet, connection, diversion, well or water supply, transport, storage, disposal or delivery system or facility onto adjacent property or the public or private right-of-way, an arroyo or other water course, whether natural or manmade, or onto a paved or non-planted landscape area.

FUNCTIONALLY DEPENDENT USE

As used in Section 14-8.3C,Development in Special Flood Hazard Areas *Development in Special Flood Hazard Areas*, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as bridges and piers.

G.

GABLED ROOF

A type of pitched roof characterized by a vertical triangular portion at two opposite sides of the building and frequently characterized by dormers. The triangular portion extends from the level of the cornice or eaves to the ridge of the roof.

GARAGE

A structure, or part of a structure used or intended to be used for the parking and storage of vehicles.

GENERAL PLAN

The Santa Fe General Plan adopted by Resolution No. 1999-45, and as amended.

GLARE

The brightness of a light source that causes eye discomfort, including nuisance glare, which means light that creates an annoyance or aggravation, but does not create a potentially hazardous situation; and disabling glare, which means light that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.

GLARE

In the context of outdoor lighting, glare is the sensation produced by illumination within the visual field that is sufficiently greater than the illumination to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING BODY

The Governing Body and the Mayor acting in their official capacities during a meeting of a quorum.

GRADE

The ground level of a specified area of land; the act of grading.

GRADING

Any activity that disturbs the ground, including excavating, filling or a combination of excavating and filling.

GRAY WATER

Untreated household wastewater that has not come into contact with toilet waste. Gray water includes used water from bathtubs, showers, bathroom wash basins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

GROSS DENSITY

The housing density calculated by dividing the total number of dwelling units by the total area in residential development in accordance with Chapter 14.

GROSS FLOOR AREA

The total square footage of all floor area within the exterior walls of a structure, including basements, main floors, and upper floors, as measured from the outside surface of the exterior walls.

GROSS LOT AREA

[Reserved]

GROUND LEVEL URBAN FARMS

The use of a lot on the ground plan for urban agriculture for commercial purposes, whether for profit or non-profit.

GUEST, SHORT-TERM RENTAL

Any person who rents a short-term rental unit or occupies a short-term rental unit during a rental period.

H.

HEADER

A wood lintel over an opening that supports the structure above.

HEATED LIVING AREA

As used in Section 14-7.9, *Impact Fees,* Impact Feesand for the purpose of assessing and collecting impact fees for residential dwelling units, means all floor area enclosed, heated and intended for daily habitation, including kitchens, bedrooms, living or family rooms, dens, laundry rooms and associated interior stairs and closets. Unless heated and intended as living area, the term excludes garages, solariums and porches. Heated living area is measured from the outside surface of the outside walls enclosing the contiguous floor area.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIPPED ROOF

A type of pitched roof characterized by the intersection of four or more roof planes, the eave lines of which are not parallel.

HISTORIC OR HISTORICAL

Belonging or relating to history.

HISTORIC AGE

[Reserved]

HISTORIC COMPOUND

An identifiable grouping of historic resources, including buildings, structures and landscaping elements, as described in Section 14-4.6H.2*, Identification of Historic Compounds.* Historic compounds may be comprised of more than one lot.

HISTORIC COMPOUND PLAN

A comprehensive, long-term plan describing any planned modifications, including demolitions, additions or exterior rehabilitations, to existing structures or buildings, landscaping or new construction in the historic compound.

HISTORIC DISTRICT

A definable geographical area that contains a number of related historic sites, buildings, structures, features, or objects united by past events or aesthetically by plan or physical development, and that has been designated on a local, state or national register of historic places; may encompass a neighborhood or all of a small town; some districts comprise individual elements separated geographically but linked by association or history.

HISTORIC MATERIAL

Materials located in that are listed in or eligible for listing in the national register of historic places or designated as historic under an appropriate state or local law and is 50 years old or older.

HISTORIC STRUCTURE

A structure that is 50 years old or older.

HOMEOWNERS' ASSOCIATION

A private nonprofit corporation of homeowners for the purpose of owning, operating and maintaining various common properties.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental owner or operator with guests and to facilitate the booking of a short-term rental unit.

HOUSING OPPORTUNITY PROGRAM (HOP)

The Housing Opportunity Program set forth in Article 26-1 (Santa Fe Homes Program).

I.

IMPERVIOUS SURFACE

A built or paved area that will not absorb stormwater; provided that impervious surface does not include graveled surfaces.

IN-KIND

In the context of historic structures, replacement of existing materials using similar materials, architectural treatments and styles, features, and details as the existing structure.

INCOMBUSTIBLE MATERIAL

Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.

INDIVIDUAL STORAGE AREAS WITHIN A COMPLETELY ENCLOSED BUILDING

Mini-storage units that are not directly accessible from the outside of the building.

INFILL

The development of more intensive land uses on vacant or underutilized sites.

INFILTRATION BASIN

Storage of stormwater or other runoff in a facility that empties solely by moving into the soil or through evaporation.

INFILTRATION FIELD OR GALLERY

A below grade water system that collects, infiltrates and distributes stormwater or other runoff.

INFRASTRUCTURE

Facilities needed to sustain development activities, including water and sewer lines, electric, gas, telephone service, storm drainage systems and streets and roads.

INGRESS

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.

INSIDE TURNING RADIUS

The radius of the curve made by the inside wheel of the vehicle.

INSTITUTIONAL BUILDING

A building used for governmental, religious, educational, public health care and similar purposes, but does not include clinics and medical offices.

INTEGRATED CANNABIS MICROBUSINESS

A person who is licensed as an integrated cannabis microbusiness and authorized to conduct one or more of the following:

1. Production of cannabis at a single licensed premises; provided that the person shall not possess more than 200 total mature cannabis plants at any one time;
1. Manufacture of cannabis products at a single licensed premises;
2. Sales and transportation of only cannabis products produced or manufactured by that person;
3. Operation of only one retail establishment; or
4. Couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants, or directly to consumers.

INTENSIFICATION

As used in Section 14-7.9, *Impact Fees,* means the development, redevelopment and/or expansion of an existing building and/or site, area, or function to support greater occupant load and/or to expanded or add an additional use(s) through addition of conditioned floor area, areas of commercial use, *Floor Area, Gross* or increased density through the addition of dwelling units.

INTENSITY

The extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.

INTERIOR NONSTRUCTURAL ELEMENTS

Interior walls, doors, floor coverings and ceiling systems that are not part of the building structure.

INTERVAL USE

The use of a unit or units for which the exclusive right of use or occupancy circulates among various owners for a contractually limited period or periods of time.

J.

JOINT USE

As used in Section 14-5.3I.1, Electric Facilities*Electric Facilities,* the use in common of a particular facility by two or more entities, such as the attachment of a telecommunications company's antenna or other telecommunications apparatus on the transmission structure of an electric utility.

JUNKYARD

Any area, lot, land, parcel, building or structure or part of these used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap; discarded goods, materials or machinery; two or more unregistered, inoperable motor vehicles; or other type of junk. A junkyard does not include such uses conducted entirely in an enclosed building.

K.

NO DEFINITIONS

L.

LAMP

The light-producing source installed in a luminaire.

LAND USE ASSUMPTIONS

As used in Section 14-7.9, *Impact Fees,* means a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period.

LAND USE BOARD

A City board, commission, committee or authority that has jurisdiction over any matter arising under Chapter 14 or otherwise within the jurisdiction of the Planning and Land Use Director, including the Board of Adjustment, the Planning Commission, the Historic Districts Review Board and the Archaeological Review Committee.

LAND-USE INTENSITY CREDIT

The granting of additional development capacity above the base line floor area ratio, expressed in gross floor areas.

LANDMARK

A site, building, structure or natural feature that has visual, historic or cultural significance and is listed on the State Register of Cultural Properties or the National Register of Historic Places.

LANDMARK STRUCTURE

A structure outside a historic district that otherwise meets the definition of a significant structure. A structure may also be a landmark structure if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

LANDSCAPE ARCHITECT

A person who is licensed by the state to design, construct and install decorative and functional alterations and plantings of grounds, including natural and manmade irrigation and drainage facilities.

LANDSCAPE DESIGN INTENT

The project design approach, including the proposed treatment of existing vegetation, if applicable that is:

5. Primarily native landscape, which may incorporate non-native plant material;
6. Urban landscape, with street trees or other urban design elements; or
7. A combination of subsections a and b of this definition.

LANDSCAPE TREATMENT

The addition of a predominantly vegetative combination of trees, shrubs, ground cover, rocks, woodchips, gravel, fences, walls, earth berms, planters, water features, art objects and landscape furniture to accomplish functions such as screening, shade, special definition, buffers, erosion control and ornamental enhancement.

LANDSCAPING

The planting and maintaining of live plants and the use of some natural and manufactured materials, including walls, fences and earth berms.

LEGAL LOT OF RECORD

A lot that was created prior to the date of any applicable provision of law that required the lot to be approved as part of a subdivision, or that has been created as part of a subdivision created in accordance with all applicable laws or ordinances, or that has been created by a court order as provided in Section 14-2.1E.1.VII, or for which a certificate of compliance has been issued pursuant to Section 14-2.1E.1.VIIIPlats Containing Special Flood Hazard Area Land. The lot must be shown on a duly recorded plat or other written instrument that adequately describes the lot, that is recorded with the County Clerk, and that documents compliance with this definition.

LEGAL NONCONFORMING LOT

A legal lot of record that fails to conform to the standards of this Chapter for lots, such as the area, dimension or location or access requirements.

LEGAL NONCONFORMING STRUCTURE

A structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lotas a consequence of annexation of the structure into the City or as a consequence of adoption of or amendments to Chapter 14.

LEGAL NONCONFORMING USE

A use that was lawfully established, but that fails to conform to the use regulations of this Chapter 14 as a consequence of annexation into the City or as a consequence of adoption of or amendments to Chapter 14.

LICENSEE

A person who has received written permission or a license to undertake an activity regulated by Chapter 14.

LIGHT POLLUTION

The general sky glow caused by the scattering of artificial light in the atmosphere that results in decreased ability to see the natural night sky.

LIGHT TRESPASS

The encroachment of light, typically across property boundaries, causing annoyance, loss of privacy, or other nuisance.

LINEAR FACILITIES

The lines, cables, fibers or any other such carriers that are linear in nature and that are used for the transmission of water, gas, electricity, data, video images, voice images or other such services.

LINTEL

A structural beam spanning over a door or window opening, or a facing, such as architectural terra cotta that appears to be a structural beam.

LIVE CRIB WALLS

A bioengineering method by which box-like structures of interlocking timbers backfilled with alternating layers of soil and branch cuttings are used to stabilize a slope, with roots of cuttings extending into the slope to provide structural support.

LIVE STAKING

A bioengineering method by which plant cuttings are inserted directly into a slope to provide initial slope protection and to strengthen the slope's resistance to erosion and undercutting.

LOADING SPACE

A distinct area logically and conveniently located for bulk pickups and deliveries scaled to the size of the delivery vehicles expected to be used and accessible to such vehicles.

LOADING SPACE, OFF-STREET

The space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

LONG-TERM BICYCLE PARKING

Bicycle parking that is generally intended for use by residents, employees, or commuters who will park their bicycles for a duration longer than two hours. Long-term bicycle spaces are provided in a sheltered or enclosed location, by means of individual bicycle lockers or multi-user racks in a secured bicycle room or cage.

LOT

A tract, plot or portion of a subdivision or other parcel of land with clearly defined boundaries.

LOT, CORNER

A lot located at the intersection of two or more streets or at the intersection of a common driveway or access road servicing more than one lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot, or an extension of the lot where it has been rounded by a street radius, meet at an interior angle of less than 135 degrees. See lots marked AE in the Lot Types diagram.

LOT, DOUBLE FRONTAGE

A lot having its front and rear lot lines coincident with street right-of-way lines.

LOT, INTERIOR

A lot other than a corner lot, with only one frontage on a street other than an alley. See lots marked B in the Lot Types diagram.

LOT, IRREGULAR

A lot, other than a regular lot, not necessarily abutting a public street, that is located, shaped or oriented to adjacent lots in such a way that the usual required yards of this Chapter are impractical and may not be logically determined. See definition of "YARD, SPECIAL".

LOT, REGULAR

A lot abutting a public street that is so located, shaped or oriented to adjacent lots that the required yards of this Chapter may be applied. A regular lot has the location of its front, side and rear required yards determined by and related to adjacent yard patterns.

LOT, REVERSED FRONTAGE

A lot that is at right angles, or approximately right angles, to the general pattern of lots in the area involved. A reversed frontage lot may also be a corner lot or an interior lot, A-D and B-D in the Lot Types diagram, or even, in rare cases, a through lot, which is not illustrated.

LOT, THROUGH

A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as " double frontage lots". See lot marked C in the Lot Types diagram.

LOT ACCESS DRIVEWAY

A driveway providing access from a lot to a street that the lot does not front on, other than any frontage provided by the driveway, such as occurs with flag lots and common access driveways.

LOT FRONTAGE

The part of a lot abutting the street from which primary access to the lot is obtained.

LOT SIZE

A general term including the various dimensions of the lot such as area, width and depth; or the area of land included within the boundaries of a lot.

LOWEST FLOOR

As used in Section 14-8.3, *Flood Regulations,* means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided that such enclosure is built in compliance with the applicable non-elevation design requirement of 44 CFR Section 60.3, the National Flood Insurance Program regulations.

LUMINAIRE

A complete lighting unit, including the lamps, together with the parts required to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

M.

MAJOR ROADWAY SYSTEM

As used in Section 14-7.9, *Impact Fees,* means all major and minor arterials identified on the Santa Fe functional road classifications map within the urban area.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins or liquors.

MARQUEE

An exterior roof-like projection over an entrance or window.

MIXED-USE

The development of a tract of land, building or structure in a compact urban form with two or more different uses, including residential, office, manufacturing, retail, public use, light industrial or entertainment.

MOBILE HOME SPACE

A plot of land within a mobile home park designed for the accommodation of one mobile home or manufactured home.

MOBILE HOME STAND

That portion of the mobile home space intended for occupancy by the mobile home or manufactured home proper, consisting of dimensions to be determined by the size of the unit to be accommodated.

MODULAR HOME

A prefabricated structure built to all applicable building codes and used as a permanent building or dwelling unit that does not have permanent or temporary axles of its own and that is connected permanently to an on-site foundation made exclusively for that modular home or building.

MOUNTAINOUS AND DIFFICULT TERRAIN

Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.

MULCH

Any material applied to the surface of the soil to decrease moisture loss and control the growth of weeds; organic mulches include bark and wood chips, straw, grass, hay, compost and seed shells and inorganic mulches include rock and gravel.

MUNTIN

The small molding or bar that separates the individual panes of multipaned windows.

N.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

NATURAL SLOPE

The elevation of the ground surface before any grading.

NET LEASABLE AREA

Present or potentially habitable space designed for owner or tenant occupancy and exclusive use.

NEW CONSTRUCTION

As used in Section 14-8.3, *Flood Regulations,* for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of Ordinance No. 1977-47.

NEW DEVELOPMENT

As used in Section 14-7.9, *Impact Fees,* means the subdivision of land; reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of service units.

NONCONTRIBUTING STRUCTURE

A structure, located in a historic district, that is less than 50 years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the Historic district.

NONRESIDENTIAL

All uses not defined as residential.

NOXIOUS WEED

Any living stage, including seeds and reproductive parts, of any parasitic or other plant designated as a noxious weed by the New Mexico Department of Agriculture, including Siberian elm (Ulmus pumila), Russian olive (Elaeagnus angustifolia), tree of heaven (Ailanthus altissima) and salt cedar (Tamarix spp.).

O.

OBJECT

As used in Section 14-4.614-4.6Historic Districts*, Historic Districts,* means the term used to distinguish from structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, for example, sculpture, monuments, boundary markers, statuary and fountains.

OBSTRUCTION

As used in Section 14-8.3, *Flood Regulations,* means any object, structure, embankment, excavation, channel or drainage way that may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by water, or that is placed where the flow of water might carry the obstruction downstream to the danger and injury of life or property.

OCCUPANCY

The purpose for which a building is used or intended to be used or the number of people who are allowed to live in a dwelling unitor to occupy an assembly area. Also, the act of occupying or commencing occupation of land or structures.

OFF-STREET PARKING

The area of a lot used for required temporary vehicular parking.

ONE PERCENT CHANCE EVENT

A flood having a one percent chance of being equaled or exceeded in any given year. A one percent chance event is the same as a base flood.

OPEN SPACE

An outdoor area that permanently provides light and air and that satisfies, in whole or in part, the community's visual, psychological and recreational needs.

OPERATING LICENSE

As used in Section 14-5.3C.12, *Short-Term Rental Unit,* means a business license valid for one year, that authorizes the maintenance and operation of a mobile home park.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental permit or registration, rents or offers to rent a short-term rental unit to guests.

OTHER ADVERTISING STRUCTURE

As used in Section 14-4.614-4.6 *Historic Districts,* means a canopy, awning, street clock.

OWNER

With regard to real property, a person who holds fee simple title to real property, or a person acting lawfully on behalf of the person who holds title.

OWNER-OCCUPANT OR RESIDENT OWNER

As used in subsections 14-6.2(A)(5) (Short-Term Rental of Dwelling Units) and 14-6.3(D)(1) (Accessory Dwelling Units) means a natural person who holds fee simple title and resides on the property.

OWNERS' ASSOCIATION

A private nonprofit corporation or similar legal entity of property or condominium owners for the purpose of owning, operating and maintaining various common infrastructure facilities and/or properties.

P.

PARAPET

A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as roof-mounted equipment.

PARCEL

A lot of record or tract of land.

PARKWAY

The part of the street right-of-way lying between the back of the curb and the outer edge of a property, typically including the sidewalk and a planting area for street trees or other living landscape materials between the road and the sidewalk.

PARTY

As used in Section 14-2.1.B.5.IV, *Appeal,* means an applicant, an appellant or the Planning and Land Use Director and all agents and representatives of that person.

PASSIVE RECREATION

Recreational activities that are not dependent on recreational apparatus such as swings, slides, goal posts or backstops and sports that do not comprise organized recreational activities such as baseball, volleyball, football or soccer.

PASSIVE WATER HARVESTING

The collection or storage of precipitation or runoff in surface or in-ground structures with no means of mechanical distribution.

PEDIMENT

The triangular gable end of a classical building, or the same form used elsewhere; the pediment is composed of the tympanum (triangular recessed wall) with a horizontal cornice below and raked cornices at the sides; pediments over openings sometimes have curved tops; the classical pediment has a low roof slope.

PERFORMANCE STANDARD

A set of criteria or limits relating to elements that a particular use or process may not exceed.

PERGOLA

An open grid, supported by rows of columns for growing vines, most often a series of wood beams supporting battens; may be attached to a building or covering a garden walkway/area.

PERMEABLE PAVING

Paving and subgrade that allow surface water to penetrate the paved surface and infiltrate the subsoil.

PERMIT

A document issued by the City that allows a person to begin an activity provided for in Chapter 14.

PERSON

Except where limited to natural persons by definition, context or intent, person includes natural persons, corporations, companies, associations, joint stock companies, associations, firms, partnerships, limited liability companies or other legal entities.

PICKET FENCE

A fence composed of wood pickets, a top and bottom rail, and posts; typically, the pickets are set one to three inches apart.

PLACEMENT

As used in Section 14-5.3I.1, *Electric Facilities,* means installation of electric facilities, but which are not relocation or replacement as defined in this Article, where similar facilities have not previously existed.

PLANNING AND LAND USE DIRECTOR

The director of the land use department or the director's designee.

PLANTING STRIP

An area intended for the placement of landscaping and vegetation, located within the interior of a parking lot, or within parkways located along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAT

The map, chart, survey, plan or replat certified by a professional land survey or that contains a description of subdivided land with ties to permanent monuments.

POLE

As used in Section 14-5.3I.1, Electric Facilities*,* means steel, wood or other material placed in the ground to hold associated insulators, braces and other attachment hardware for electric service.

PORCH

A roofed space outside the main walls of a structure at street or first floor level, which has a depth of not less than four feet from the outside face.

PORTAL

A long porch or portico with roof, supported by vertical posts.

POTABLE WATER

Water that is suitable for consumption by humans.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS

As used in Section 14-5.3I.3, *Telecommunication Facilities,* any tower or antenna for which a construction permit has been issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired and including towers and antennas given interim approvals during the pendency Section 14-5.3I.3, and not found by the Governing Body to be contrary to the purposes of Section 14-5.3I.3.

PREMISES

A lot or combination of contiguous lots developed or approved for development as a unified complex of structures or uses, such as a planned unit development or a commercial or industrial center with common parking or access easements, regardless of whether the lots are held in single ownership and the buildings, structures or other appurtenances on the lots.

PRESERVATION

The act or process of applying measures to maintain and sustain the existing form, integrity and material of a building, structure or district and the existing form of a site.

PRESIDING OFFICER

The person elected or appointed to direct the conduct of a public hearing. The presiding officer of a committee is the chairperson; the presiding officer of the Governing Body is the Mayor or Mayor pro tempore.

PRIMARY FAÇADE

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

PRINCIPAL

Primary or predominant, as applied to a use or structure, as distinguished from secondary or accessory.

PRIVATE OPEN SPACE

Open space adjoining each dwelling unit, designed to provide privacy and having one or more points of ingress to the residence.

PROFESSIONAL ENGINEER

A person licensed by the state to practice engineering.

PROFESSIONAL LAND SURVEYOR

A person licensed by the state to practice land surveying.

PROJECT

As used in the context of architectural design review, means all new exterior construction, except for maintenance, minor repairs, restoration and temporary structures, submitted to the City under a single application. See Section 14-7.3, Architectural Design Review.

PROPERTY

A parcel or parcels of land commonly owned and contiguous, excluding streets and rights-of-way.

PUBLIC BENEFIT USE

Public parks, playgrounds, trails, paths, courtyards or other recreational areas and other public open spaces; scenic and historic sites; and property used by a nonprofit or charitable organization.

PUBLIC IMPROVEMENTS AND QUASI-PUBLIC IMPROVEMENTS

Certain improvements with a life expectancy of ten or more years and that will be used by the public or used in common by owners of lots within a subdivision, or used in common by owners or tenants of a commercial or multiple-family residential development. Public and quasi-public improvements include infrastructure, emergency access and fire suppression, terrain management improvements including revegetation and site restoration, storm drainage facilities and landscaping of common areas as determined by the Planning and Land Use Director in accordance with written policies. Infrastructure that will be dedicated to the City or another government agency, to a public utility company or to an owners association is also included. See Section Article 14-6, Infrastructure Design, Improvement, and Dedication Standards.

PUBLIC RIGHT-OF-WAY

The total area of the land deeded, reserved by plat or otherwise acquired by the City, the county or the state primarily for the use of the public for the movement of people, goods and vehicles and for the installation and maintenance of public utilities or drainage ways.

PUBLIC UTILITY

An agency that, under public franchise or ownership or under a certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or similar service.

PUBLICLY VISIBLE

The portion of a structure visible from a public street, way or other area to which the public has legal access; and provided that to be publicly visible, a structure need not be adjacent to a public street or way or area to which the public has legal access.

PUMICE WICK

An artificial in-ground trench or other volume of porous rock that stores water for plant material use.

Q.

QUALIFIED PROFESSIONAL

As used in Section 14-7.9, *Impact Fees,* means a professional engineer, professional land surveyor, financial analyst or planner who provides services within the scope of his license, education or experience.

QUALIFYING PROJECT

R.

RAIN BARREL

A small above-ground storage tank, typically 25 to 200 gallons, that collects and stores roof runoff from canals, downspouts or other sources.

RANCH STYLE ROOF

A type of pitched roof with two sloping planes with a pitch less than a six-inch vertical rise in a 12-inch horizontal run.

RECONDUCTOR

As used in Section 14-5.3I.1, *Electric Facilities,* means to increase the capacity of a line by removing the existing conductor and replacing it with a larger size conductor that will be operated at the same voltage.

RECONNAISSANCE

A visual examination of land surfaces that are to be disturbed, and archival research of that property.

RECONSTRUCT

Substantially replace a structure or portion of a structure.

RECREATION FACILITY

A City-owned facility used for public recreation, including active or passive recreation and sports, playgrounds and trails.

RECREATIONAL VEHICLE

A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and that is primarily designed as temporary living accommodation for recreational, camping or travel use and includes travel trailers, truck campers, camping trailers and self-propelled motor homes.

REFRAMING

As used in Section 14-5.3I.1, *Electric Facilities,* means work on a pole or electric structure that involves replacing structural members, improving clearances, and other maintenance, replacement or retrofits on existing poles or electric structures.

REHABILITATION

To repair an existing building to good condition with minimal changes to the building fabric; may include adaptive use, restoration.

RELOCATION

As used in Section 14-5.3I.1, *Electric Facilities,* means removal of existing electric facilities and reinstallation of those facilities or new similar facilities in a new location not more than 50 feet distant from the original location.

REMODELING

A change, including a reconstruction, in an architectural feature of a structure; provided that remodeling does not include the construction of additions.

REPAIR

Fixing a deteriorated part of a building, structure, or object including a mechanical or electrical system or equipment, so that it is functional; may involve replacement of minor parts. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

REPLACEMENT

As used in Section 14-5.3I.1, *Electric Facilities,* means removal of existing facilities and installation of new similar facilities in a location as close as practicable to the original location.

RESIDENTIAL

Term used to describe occupancy, structures or districts primarily intended for or restricted to development and use for dwelling units. It does not include hotels or motels.

RESIDENTIALLY ZONED PROPERTY

Those zones within Santa Fe that primarily permit accommodation of residential housing, including: RR, R-1 through R-6, R-7, R-8, R-9, R-10, R-12, R-21, R-29, R-7-I, RC-5, RC-8 and RAC districts and tracts of land designated by a PRC district master plan or other master plan for residential use.

RESTORATION

The replication or reconstruction of a building's original architectural features.

RESUBDIVISION

The adjustment of platted lot lines to increase or reduce the size of contiguous lots, but not to less than the minimum standard size required by the City, or changing the shape of contiguous lots, commonly known as a lot line adjustment; or combining contiguous lots, commonly known as a lot consolidation. Resubdivision must result in the same or a fewer number of lots.

RETAIL STRUCTURE

A structure housing one or more retail establishments.

RETAIL TENANT

For the purposes of determining the applicability of special requirements that apply to large-scale retail establishments with single retail tenants greater than 75,000 gross square feet or, for the purposes of determining the applicability of the 150,000 gross square foot floor area maximum, means a single retail establishment that shares check stands, management, a controlling ownership interest and storage areas, for example, a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

RETENTION

The storage of stormwater or other runoff in a facility that empties solely by infiltration or evaporation and does not have an engineered outlet structure.

RIGHT-OF-WAY

The total area of land deeded, dedicated by plat or otherwise acquired by a governmental unit or private organization primarily for the use of the public for the movement of people, goods and vehicles or by a public or private organization primarily for the installation and maintenance of utilities or by a railroad primarily for the laying of its tracks.

ROAD CAPACITY

The maximum traffic flow obtainable on a given roadway, using all available lanes, usually expressed in vehicles per hour or vehicles per day.

ROADWAY FACILITIES

As used in Section 14-7.9, *Impact Fees,* means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City or county. For the purposes of Santa Fe's road impact fees, roadway facilities are limited to the major roadway system.

ROOF LEVEL URBAN FARM

The use of a roof for urban agriculture for commercial purposes, whether for profit or non-profit.

ROOF MOUNTED ANTENNAS

As used in Section 14-5.3I.3, *Telecommunication Facilities,* includes a telecommunications facility placed on a rooftop through gravity mounts or other surface attachments.

ROOFTOP APPURTENANCE

Skylights, air conditioning units, solar collectors, stairwells, vertical transportation or other roof-mounted mechanical, electrical or communications equipment.

RUNOFF

The water from natural precipitation that flows over the surface of the land and does not percolate into the soil.

S.

SCALE

The relationship of the parts of a building, structure, block or district to each other, to the whole and to the human figure.

SCREENING

A visual barrier composed of suitable live plant material or other natural or artificial materials.

SECTOR PLAN

A plan for an area with multiple ownership, prepared with the participation of the residents and property owners, neighborhood associations if any are included in the area, the City and the county and including a plan for road improvements, land uses, land use intensities, schools and parks and drainage. When adopted by the Governing Body, a sector plan is incorporated into the General Plan.

SERVICE AREA

As used in Section 14-7.9, *Impact Fees,* means an area within the corporate boundaries or extraterritorial jurisdiction of the City or the boundaries of the county to be served by the capital improvements or facility expansions specified in the capital improvements plan that is designated on the basis of sound planning and engineering standards. The service area for the City's road, traffic signal, neighborhood park, regional park and fire and police impact fees is the area within the corporate boundaries of Santa Fe as well as unincorporated areas within the urban area as set forth in the General Plan.

SERVICE ESTABLISHMENT

A business, other than a home occupation, that is primarily engaged in providing services, including personal, business, repair and amusement services; health, legal, engineering and other professional services; educational; membership; and other miscellaneous services.

SERVICE UNIT

As used in Section 14-7.9, *Impact Fees,* means the standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions. The service unit for road and traffic signal impact fees is average daily vehicle-miles of travel. The service unit for neighborhood and regional park impact fees is equivalent dwelling units. The service unit for fire and police impact fees is square feet, which are measured in terms of heated living area for residential uses and gross floor area for nonresidential development.

SETBACK

The minimum distance prescribed between the nearest point of a structure and a lot line.

SFHP

As used in Section 14-7.2, the Santa Fe Homes Program (SFHP), further described in Chapter 26, *Housing.*

SFHP DEVELOPMENT

A tract of land or any improvements on the tract that are subject to a SFHP agreement.

SFHP UNIT

A dwelling unit required to be provided on site by a SFHP developer or a SFHP property owner to satisfy the SFHP requirements.

SHIELDING

That portion of a luminaire that ensures that no light rays are emitted above the horizontal plane running through the lowest point of the luminaire where light is emitted.

SHORT-TERM BICYCLE PARKING

Bicycle parking that is generally intended for transient users of a facility, typically for a brief duration up to several hours, provided outdoors in a parking lot, or along a sidewalk, by means of bicycle racks.

SHOT CLOCK

As used in Section 14-5.3I.3*, Telecommunication Facilities,* means the amount of time allowed to process various forms of wireless communication review requests. The allotted timeframes are established in federal law by the Federal Communications Commission, and allow for no extension, unless agreed by applicant. The shot clock starts when WCF application is deemed complete. The shot clock resets if an applicant is notified of an incomplete application within the timeframe described in Section 14-5.3I.3. Resetting the shot clock is known as "tolling."

SIGN

Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, banner, awning, canopy and street clock and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when it is placed out-of-doors or in view of the general public, including outdoor electric lights placed in trees, shrubs or other types of vegetation.

SIGN AREA

The net geometric area enclosed by the sign, including all elements such as borders or frames or perforated or solid background, but not including projected area or structural supports for ground signs, unless it is designed in such a manner as to form an integral part of the background of the display.

SIGN, BUILDING MOUNTED

A sign mounted on a building and includes canopy sign, marquee sign, projecting sign, roof sign and wall sign.

SIGN, CANOPY

A sign mounted under and supported by a permanent awning, arcade or portal.

SIGN, DIRECTIONAL

A sign used only for the purpose of indicating the location or direction of an object, place or area and containing no advertising.

SIGN, ELECTRONIC MESSAGING

An electronic changeable copy sign, an electronic graphic display sign, or video display sign as follows:

1. Electronic Changeable Copy Sign. A signor portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic display.
2. Electronic Graphic Display Sign. A signor portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixalization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.
3. Video Display Sign. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

SIGN FACING OR SURFACE

The surface of the sign on, against or through which the message is displayed or illustrated.

SIGN, FREESTANDING

A signor sign structure that is permanently affixed to the ground supported by uprights or braces placed upon the ground and that is not attached to a building or other structure.

SIGN, HANGING

A sign that is not supported by any means from the ground or sidewalk and that is fastened to or suspended from a structure.

SIGN HEIGHT

The vertical distance from grade to the highest point of the sign.

SIGN, ILLUMINATED

An illuminated sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

SIGNS, NUMBER

For the purpose of determining the number of signs, a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

SIGN, PORTABLE

A movable sign structure not permanently attached to the ground or to any other structure.

SIGN, PROJECTING

A sign that is attached to a structure and extends beyond the line of the structure.

SIGN, ROOF

A sign painted, erected or constructed wholly upon or over the roof of a building and supported solely on the roof structure.

SIGN, SANDWICH

A sign that rests on the ground and consists of two sign faces attached at the top, with the sides of the sign forming a triangle and the base of the triangle forming the baseline of the sign.

SIGN, TEMPORARY

A sign that relates to an event, function or activity of a specific, limited duration, including flags, banners, pennants and similar paraphernalia.

SIGN, WALL

A sign that displays a single advertising surface and is painted on or attached to and erected parallel to the face of the outside wall of a building and supported by the wall,

fence or building. Wall signs includes flat signs, signs with projecting letters attached to a wall or a painted signboard attached securely to a wall.

SIGNIFICANCE

The determination of the potential value of an archaeological site to increase the knowledge of the prehistory or history of Santa Fe, as set forth in Section 14-2.1G.1, Archaeological Clearance Permit.

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately 50 years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a structure to be designated as significant, it must retain a high level of historic integrity. A structure may be designated as significant for its association with events or persons that are important on a local, regional, national or global level; or if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

SIGNIFICANT TREE

A deciduous tree of six-inch caliper or greater or an evergreen tree eight feet or greater in height.

SLOPE

An inclined ground surface, expressed in terms of measures of horizontal distance to measures of vertical distance or percent of vertical component to horizontal component.

SLUMP BLOCK

A concrete block unit that is removed from the mold before it has a chance to completely set. This causes the concrete block to keep a slumped appearance like adobe brick. Slump block can be either structural and non-structural.

SMALL CELL FACILITY

As used in Section 14-5.3I.3*, Telecommunication Facilities,* means a wireless service facility that meets the following qualifications:

1. Is mounted on structures 50 feet or less in height including their antennas; or
2. Is mounted on structures no more than 10 percent taller than other adjacent structures; or
3. Does not extend existing structures on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
4. Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

SOIL AMENDMENT

Material added to improve the fertility, permeability or water storage capacity of soil.

SOILS ENGINEERING REPORT

A report prepared by a professional engineer indicating the nature, distribution and strength of existing soils; conclusions and recommendations for grading procedures; design criteria for corrective measures when necessary and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

SPECIAL FLOOD HAZARD AREA

The land in the floodplain within the City that has a one percent or greater chance of flooding in any given year. For the City, the special flood hazard area may be further defined as floodway and flood fringe, where applicable.

SPRINGLINE

The point where the curved portion of a tunnel roof meets the top of the wall.

START OF CONSTRUCTION

As used in Section 14-8.3, *Flood Regulations,* and for other than new construction or substantial improvements under the federal Coastal Barrier Resources Act (Pub. L. 97-348), means the date the construction permit is issued; provided that the actual start of construction, repair, reconstruction, placement, or other improvement is within one hundred eighty days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing and grading; installation of streets or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure.

STATE

The state of New Mexico.

STATUS OF A PROPERTY/STRUCTURE

Classification of the importance of a property, building, structure or object owing to its involvement with a significant event, person, or time period, or as an example of a past architectural style. Pursuant to Section 14-4.6C.2, Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in this Article.

STORM DRAINAGE FACILITIES

Includes drainage courses, constructed channels, underground storm sewers, streets, drop inlets, detention basins and other drainage improvements.

STORY

The division of a building comprising the space between two successive floors above ground level.

STREET

A right-of-way dedicated to public or private use to provide primary vehicular and pedestrian access to adjoining properties and is any public thoroughfare and the approach to a public thoroughfare, the boundaries of which extend to the abutting property line.

STREET FRONTAGE

The length of the boundary of the premises abutting the street.

STREET TREE

A tree that is planted within or along a street right-of-way, and that can be pruned for pedestrian clearance where appropriate.

STREET WIDTH

The area of street within which vehicles are permitted, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks or swales.

STREETSCAPE

The visual character of a street or section of a street as defined by topography; the pattern of structures and open space; building and wall setbacks; street design; architectural design; and heights, widths and proportions of structures, fixtures and graphics.

STRUCTURAL TRIM

The moldings, battens, cappings, nailing strips, latticing and platforms that are attached to a sign structure.

STRUCTURE

Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, mobile homes, walls, fences, swimming pools, spas, tennis courts, signs, flag poles, microwave satellite receiving dishes, TV antennas and communication devices.

STUCCO

Plaster applied on the exterior of a building, composed of lime and sand, and sometimes various cements; types include lime stucco, Portland cement stucco; finishes include bastard stucco, pebble-dash, roughcast, rough stucco, slab plastering, spatter-dash, tabby, troweled stucco.

STUCCO, CEMENTITIOUS

Plaster applied on the exterior of a building; composed of lime and sand, and various cements.

STUCCO, ELASTOMERIC

Plaster applied on the exterior of a building; composed of acrylic resins and polymers, and can contain sand to give it a more defined look.

STUCCO, SYNTHETIC

Plaster applied on the exterior of a building; composed of a polymer-based or acrylic cement base coat, and a topcoat finish.

STUCCO MESH

A type of wire or fiberglass cloth used as lath for stucco.

SUBDIVIDE

To divide land into two or more parts by platting or by metes and bounds description to:

5. Sell for building purposes;
6. Laying out a municipality or any part of a municipality;
7. Adding to a municipality;
8. Laying out suburban lots; or
9. Resubdivide.

SUBSTANTIAL IMPROVEMENT

As used in Section 14-8.3, *Flood Regulations,* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIALLY DAMAGED

As used in Section 14-8.3, *Flood Regulations,* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIVE CHANGE

As used in Section 14-4.6*, Historic Districts,* means a change to a property in the historic districts or a landmark property outside the historic districts that requires review and approval by the historic districts review board.

SUBSTATION

As used in Section 14-5.3I.1, *Electric Facilities*, means facility equipment that switches, changes, or regulates electric voltage. An electric power station that services as a control and transfer point on an electrical transmission system. Substations route and control electrical power flow, transform voltage levels, and serve as delivery points to industrial customers.

SUBSURFACE AREAS

Areas within a structure, the floor of which is at least six feet below average finished grade.

SUSTAINABLE

The ability of a system to maintain processes, functions and productivity over time using a defined quantity of resources.

SWALE

A shallow excavation constructed perpendicular to overland flow direction to detain stormwater runoff, keeping it on-site and allowing it to infiltrate.

SWITCHING STATION

As used in Section 14-5.3I.1, *Electric Facilities,* means facility equipment used to tie together two or more electric circuits through switches. The switches are selectively arranged to permit a circuit to be disconnected or to change the electric connection between the circuits.

T.

TANK

An artificial reservoir for storing water, often above ground.

TELECOMMUNICATIONS OWNER

Includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City, used or to be used for the purpose of offering telecommunication service.

TELECOMMUNICATION SERVICES

The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points excluding only cable services.

TELECOMMUNICATIONS PROVIDER

Includes every person who provides telecommunication service over telecommunications facilities without any ownership or management control of the facilities.

TEMPORARY FACILITIES

As used in Section 14-5.3I.1, *Electric Facilities,* means electric facilities and distribution facilities used to provide service for less than one year.

TEMPORARY STRUCTURE

A structure erected for a specific purpose, which is removed when the designated time period, activity or use for which it was erected has ceased.

TEMPORARY USE

A use that is established for a limited and fixed period of time with the intent to discontinue the use upon the expiration of the delineated time period.

TOPSOIL

The uppermost part of a soil, ranging in depth from three to six (6) inches, that can sustain vegetation and is free of caliche, trash or toxic materials.

TOWER

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas used for telecommunications services, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

TOWER ALTERNATIVE

As used in Section 14-5.3I.3, Telecommunication Facilities*Telecommunication Facilities,* means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

TOWNSCAPE

The interrelated elements of the urban landscape, including the physical setting, street patterns, watercourses, vegetation, building placement, building height, scale, wall types and prominent views.

TOWNSCAPE STANDARDS

As used in the BCD, means the specific requirements within a townscape subdistrict that provide for:

1. Maximum height of structures;
2. Maximum lot coverage;
3. Building placement and yard requirements;
4. Minimum open space requirements;
5. Landscape treatment;
6. Height of walls and fences;
7. Placement of parking;
8. Curb cuts; and

9. Portals.

TRACT

An area for which a single project is proposed.

TRANSIENT LODGING

A stay of fewer than 30 consecutive days.

TRANSMISSION EQUIPMENT

As used in Section 14-5.3I.3, *Telecommunication Facilities,* means a wireless communications facility including 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.

TRANSMISSION FACILITIES

As used in Section 14-5.3I.1, *Electric Facilities,* Electric Facilitiesmeans the network of high-voltage lines, transformers, and switches used to move electrical power from generators to the distribution system. Also used to interconnect different utility systems and independent power producers into a synchronized network. Transmission is considered to end when the energy is transformed for distribution to the customer.

TRANSPORTATION TERMINAL

A station where transportation services are provided to the public, primarily transportation of persons as opposed to freight, to a regional area, including the City, or serves as a junction to points outside the City for the conveyance of passengers as a commercial enterprise.

TREATMENT

A plan for the recovery or protection of discovered cultural remains at those archaeological sites that are considered significant, including proposed excavation or preservation methods, proposed analysis techniques and plans for the final disposition of artifacts recovered.

TRELLIS

A framework or lattice that supports a climbing vine.

TROMBE WALL

A masonry wall that absorbs and stores solar energy to heat a building, usually made of stone, concrete, or adobe. Trombe walls usually have a dark, heat-absorbing coating on the outside and a single or double layer of glass on the inside.

U.

UNDERGROUND SYSTEM

As used in Section 14-5.3I.1, *Electric Facilities*Electric Facilities*,* means a system of underground primary and/or secondary distribution cables which may have transformers, terminal boxes, switching devices and other facilities necessarily appurtenant to such a system on the surface, or any portion thereof.

UPGRADE

As used in Section 14-5.3I.1, *Electric Facilities*Electric Facilities*,* Electric Facilitiesmeans to rebuild, improve, or increase the voltage or current carrying capability of an electric transmission line, switching station, or substation.

URBAN AGRICULTURE

The use of a lot for the cultivation of agriculture, composting, aquaponics, aquaculture, and/or hydroponics for commercial purposes.

USDA CLASSIFICATION ZONE

A United States Department of Agriculture system of plant hardiness classifications grouped by the ability to withstand defined temperature ranges.

USED OR OCCUPIED

Includes "intended, designed or arranged to be used or occupied".

UTILITY EASEMENT

An easement acquired, established, dedicated or devoted for public utility purposes.

UTILITY PROVIDER

As used in Section 14-5.3I.2, *Underground Electric and Cable Utility Lines,* Underground Electric and Cable Utility Linesmeans electric or cable service providers or their contractors constructing electric, telecommunication or cable utility lines.

UTILITY SHED

A prefabricated, one-story, detached accessory structure constructed of light material and used as a tool shed, play house or other suitable purpose; provided that the projected roof area shall not exceed 120 square feet.

V.

VERTICALLY INTEGRATED CANNABIS ESTABLISHMENT

A person who is licensed as a vertically integrated microbusiness and authorized to act as any of the following:

10. A cannabis courier;
11. A cannabis manufacturer;
12. A cannabis producer; or
13. A cannabis retailer.

VIEWLINE

As used in Section 14-4.4, *Escarpment Overlay District*, means either the boundary between the Ridgetop Subdistrict and Foothills Subdistrict or the delineated portion of the boundary of the Ridgetop Subdistrict if there is no contiguous Foothills Subdistrict, as shown on the City's official Escarpment Overlay District maps.

W.

WALL

A constructed solid barrier of concrete, stone, brick, tile, wood or similar material that borders or is constructed within a field, lot and that limits visibility and restricts the flow of air and light; or the wall of a building or other enclosed structure.

WAIVER

As used in Section 14-8.3C, Development in Special Flood Hazard Areas*Development in Special Flood Hazard Areas,* and Section 14-8.3, *Flood Regulations,* a waiver to flood regulations is equivalent to a variance to National Flood Insurance Program regulations.

WARM SEASON GRASS

Grass that requires moderate or infrequent applications of water throughout its life, such as blue grama, buffalo and other grass species.

WATER FEATURE

An ornamental water structure used in a landscape, including fountains, streams, and ponds.

WATER HARVESTING

The capture and use of precipitation from surfaces such as roofs, roads, parking lots and landscapes for plant irrigation, soil recharge or the collection and storage for future use.

WATER SURFACE ELEVATION

As used in Section 14-8.3, *Flood Regulations,* means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X.

XERISCAPE

A water conserving landscape, emphasizing the use of drought tolerant plant material and efficient watering systems. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis, efficient irrigation, practical and limited use of turf, mulching and proper maintenance.

Y.

YARD

The substantially open area adjacent to a property line; see " yard, required."

YARD, FRONT

The part of a lot on the lot frontage side between the front lot line and the closest part of the perimeter of a structure on the lot, extended to both side lot lines.

YARD, REAR

The part of a lot opposite the lot frontage side between the rear lot line and the closest part of the perimeter of a structure on the lot, extended to both side lot lines.

YARD, REQUIRED

A required unoccupied, unobstructed open space adjacent to a property line.

YARD, SIDE

The part of a lot between the side lot lines and the closest part of the perimeter of a structure on the lot, extending from front to rear lot lines.

YARD, SPECIAL

In the case of an irregular lot, a yard required to perform the same functions as a front, side or rear yard, but adjacent to the lot line so placed or oriented that the standard requirements are not clearly applicable. In such cases, the Planning and Land Use Director shall require a special yard with minimum dimensions as would apply for a comparable front, side or rear yard in the district. Such determination shall be based on the relation of the lot in question to the adjoining lots with due regard to the orientation and location of required yards, structures and buildable areas on the lots.

YARD, STREET

The yard or required yard adjoining a street.

Z.

ZERO LOT LINE

The location of a building wall on a side or rear lot line.

Article 14-10 Styles Template

14-10.1 Heading 2

Body Text 2

A. Heading 3

Body Text 3

1. Heading 4

Body Text 4

I. Heading 5

Body Text 5

a. Heading 6

Body Text 6

1. Heading 7

Body Text 7

i. Heading 8

Body Text 8

(a) Heading 9

Body Text 9

14-10.2 Heading 2

A. List 2

1. List 3
   I. List 4
      a. List 5
         1. List 6
            i. List 7
               (a) List 8

14-10.3 Heading 2

A. Heading 3

1. List 3
2. List 3
3. List 3
4. List 3

B. Heading 3

1. Heading 4
   I. List 4
   II. List 4
   III. List 4
2. Heading 4
   I. Heading 5
      a. List 5
      b. List 5
   II. Heading 5
      a. Heading 6
         1. List 6
         2. List 6
      b. Heading 6
         1. Heading 7
            i. List 7
            ii. List 7
         2. Heading 7
            i. Heading 8
               (a) List 8
               (b) List 8
               (c) Heading 9

ii. Text
iii. Text

14-10.4 Definitions

DEFINITION HEADER

Definition Entry

DEFINITION HEADER

Definition Entry

DEFINITION HEADER 2

14. Definition List
15. Definition List.
16. Definition List.

DEFINITION HEADER 2

Definition Entry 2

f) Definition List 2
g) Definition List 2

SFNM colors as text

Midnight blue – HEX 2F3D76
Light Green – HEX 3E593A
Light Sky Blue – HEX CEDFF3
Cream – HEX FAF0DE

FIR No. 10683

FISCAL IMPACT REPORT

General Information:

(Check) **Bill:** X **Resolution:** _____

Short Title(s): Phase 1 of the Land Development Code update

Sponsor(s): Mayor Webber and Councilor Cassutt,

Reviewing Department(s): Planning and Land Use, City Attorney

Staff Completing FIR: Margaret Moore **Date:** 10/3/2025

Phone: 505-490-5930

Reviewed by City Attorney: Erin McSherry **Date:** 10/03/2025

Erin McSherry (Oct 3, 2025 21:49:25 MDT)

Reviewed by Finance Director: _____ **Date:** _____

Summary:
This bill repeals Chapter 14 of SFCC 1987 ("Land Development Code") and replaces it, as Phase 1 of the Land Development Code update. After a competitive RFP process (22/22/P), the City entered into a professional services agreement with Clarion Associates to draft Phase 1A and 1B of the Land Development Code Update. Clarion conducted public engagement and constituent outreach and laid the groundwork for comprehensive overhaul of the Chapter 14 for an updated version of the Code that addresses conflicts with other existing laws and will result in a more user-friendly and accessible land development code for the City. In enacting this legislation, the Governing Body will accomplish the goals of the contract and prepare the City to embark on Phases 2 and 3 of the Land Development Code Update.

Departments Affected:
Community Development (Planning and Land Use, Office of Affordable Housing), Public Works, Utilities Department

Consequences of Not Enacting Legislation:
Not adopting the legislation would leave in place a version of the Chapter 14 that is nearly forty (40) years old, which contains internal inconsistencies and conflicts with other laws, and is hard to understand for many users.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
Not applicable.

Performance and Administrative Implications:
The legislation would update Chapter 14 to conform with state and federal law, remove conflicting provisions, and improve the organization and usability of Chapter 14. The update adds certain definitions,

uses, and images, clarifies terms and approval processes, and improves the Chapter's overall organization and structure. These improvements will enhance the Planning and Land Use Department's administration and enforcement of the code and is intended to improve the public's understanding of the requirements of Chapter 14.

Fiscal Implications:

The legislation does not require new positions, increases in fees, or other increased costs. If anything, the updated code should improve the City's efficiency in administration and enforcement, allowing staff to assist constituents more efficiently.

Fiscal Impact

(see above, fiscal implications) Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 2025	FYE 2026	FYE 2027	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$	$	$				
Operating	$	$	$				$
Total:	$	$	$				$

Expenditure Narrative:

Revenue

Revenue Type	FYE 2025	FYE 2026	FYE 2027	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$	$		

Revenue Narrative