

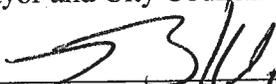
City of Santa Fe, New Mexico

memo

DATE: Prepared August 26 for September 10, 2014 meeting

TO: Mayor and City Council

VIA:


Brian K. Snyder, City Manager

Matthew S. O'Reilly, P.E., Director, Land Use Department

FROM:

Greg Smith, Director, Current Planning Division

no for 6/2 for memo.

SUBJECT

Chapter 14 Technical Corrections and Other Minor Amendments. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to make technical corrections and minor clarifications; and making such other changes that are necessary.

RECOMMENDATION

Approve notice of publication for Bill No. 2014-___, which would make various technical corrections to the Land Use Code, Chapter 14 SFCC 1987. The bill would be scheduled for a public hearing on October 8, 2014. The Public Works and Land Use Committee recommended on August 25 that the bill be approved, and the Planning Commission recommended approval on August 7. Those recommendations included minor additional corrections that are incorporated in the attached bill. Draft minutes from the Planning Commission are attached.

SUMMARY ANALYSIS

These amendments are proposed as part of an ongoing effort to make corrections and to clarify language in the city's development code, Chapter 14. The "Chapter 14 re-write project," approved in 2011 and 2012, involved numerous revisions that were prepared by city staff and a consultant.

The Council asked staff to review the implementation of the re-write project after 12 months, and the first group of technical corrections were approved in early 2013 as a follow-up to the re-write. The current group of recommended changes is similar to the previous technical corrections. It corrects typographic and other errors, eliminates inconsistencies and simplifies the existing regulations.

After review by the Planning Commission, the amendments will go to the Governing Body's Public Works and Land Use Committee. Final action will be taken by the Governing Body.

SUMMARY OF PROPOSED TECHNICAL CORRECTIONS

The proposed technical corrections are shown in the attached public hearing draft. The amendments are identified by their numbering in the bill (Sections 1-56) as well as by their numbering in Chapter 14. New language is underlined, and the current (old) text to be deleted is shown in "strikeout" type.

All of the various corrections are briefly described in a summary matrix (attached). About half of the corrections are briefly explained in the following section of this staff report; sections of the bill that only correct cross-references or that make minor clarifications are only addressed in the matrix.

Bill Section 11, Table 14-6.1-1: Modifications to the Table of Permitted Uses. A number of minor changes are proposed in the general categories of "Public, Institutional and Civic Uses" and "Commercial Uses." Most of the changes occur within two groupings – refining the types of uses that are permitted in the RAC and I-2 districts, to make the restrictions on permitted uses more like they were prior to amendments in 2011 and 2013. The changes are listed below by the order in which they appear in the table.

- **Preschools.** The requirement for a special use permit would be removed for the BCD Business Capitol district, the C-4 Limited Office district, and for the Shopping Center districts. This would be similar to the provisions in the C-1 Office district and the C-2 General Commercial district – preschools under 10,000 square feet could be developed without special review by the Board of Adjustment or Planning Commission.

Also, preschools and daycare centers with more than six children would be removed from the list of permitted principal uses in the I-2 General Industrial district, similar to the provisions for most other types of schools in that district. An employer could still provide daycare on-site for children of employees, as an accessory use.

- **RAC Uses.** When the RAC Residential Arts and Crafts district was created, a complicated maximum floor area limit applied to many types of non-residential uses. Subsequent amendments simplified the floor area limit, but applied it to all non-residential uses. Proposed changes would make certain non-residential uses – such as churches and schools – exempt from the floor area limit. Uses identified by the new Footnote 10 in the use table, such as museums and non-industrial trade schools, would be subject to the 3,000-square-foot floor area limit. This would be more similar to the original regulations, and would be consistent with the regulations for churches and similar uses that apply in most residential districts.

- **Non-Industrial Uses in the I-2 District.** In 2013, many of the non-industrial uses formerly allowed in the I-2 General Industrial district were eliminated. That change was intended to reduce potential conflicts with non-industrial, and for consistency with economic development policies to encourage diversification of the city's limited manufacturing and industrial sectors.

The proposed changes would restore many of the non-industrial uses, in response to growing concerns about the number of legal nonconforming uses that were created by the 2013 amendments. Most of the non-industrial uses that are permitted in the I-1 Light Industrial district would be permitted in the I-2 district, similar to the pre-2013 regulations. Restored uses in the table of permitted uses start with Utilities and Veterinary Establishments, and would include restaurants and nightclubs.

- **Sign Shops.** This category was inadvertently omitted from both the I-1 and I-2 districts.
- **Footnotes.** Footnotes 5 and 6 to the table of permitted uses are amended to correct a typographic error and for clarity, and Footnote 10 is added as part of the revisions to the permitted uses in the RAC district.

Bill Section 12, §14-6.2(E)(3): Administrative Approval for Co-location of Telecommunications Antennas. This amendment states more clearly the existing telecom antenna regulations, which provide an administrative approval process for co-locating an antenna on an existing tower or tower alternative.

Bill Section 13 §14-6.2(E)(5)(k): Exception to Tower Separation Requirements. Recent rules approved by the Federal Communication Commission limit the city's authority to require special review procedures for new antennas on existing towers. This amendment would help to make city regulations consistent with the new federal rules.

Bill Section 14, §14-6.3(B)(2): Clarification of Accessory Use Provisions. These minor changes affect accessory uses in residential districts:

- Clarifies conflicting language in the code regarding accessory dwelling units in the RR Rural Residential district to state that they are permitted, consistent with existing provisions in Table 14-6.2-1.
- Rear-yard setbacks for accessory uses are relocated to Footnote 13 in Table 14-7.2-1.
- Language is added to clarify what types of vehicles may legally be parked or stored in residential districts.

Bill Section 15, §14-6.3(D)(1): Height of Accessory Dwelling Units. The side yard setback regulations were recently amended to allow a maximum height of 14 feet for any portion of a building that is set back less than ten feet from the side property line. Staff is proposing that the accessory dwelling height limit also be changed for consistency.

Bill Section 16, §14-6.4(C): Temporary Structures. “Temporary” structures are subject to the same design and other regulations as permanent structures if they remain in place for more than 90 days in residential districts, or for 30 days in non-residential districts. The 30-day limit for non-residential districts has proved to be too short for typical commercial temporary uses, and staff proposes simplifying the regulations to apply the 90-day limit to both residential and non-residential districts.

Bill Section 17, §14-7.1(B): Dimensional Calculations. Several clarifications are proposed for dimensional calculations:

- Clarifies when driveways and similar facilities are excluded from the minimum net lot area calculation.
- Clarifies the method for calculating lot coverage.
- Corrects a typographical error in the formula for calculating slope.

Bill Section 18, §14-7.1(F)(2): Driveway Visibility. Minor modification to the driveway visibility standards to correspond to national standards, as recommended by the city’s traffic engineer.

Bill Section 19, §14-7.1(F)(3)(b): Intersection Visibility. Minor modification to the intersection visibility standards to correspond to national standards, as recommended by the traffic engineer.

Bill Section 21, Table 14-7.2-1: Various Changes to the Table of Dimensional Standards for Residential Districts. Proposed changes include:

- Standards that currently apply in the RR Rural Residential district, requiring increased lot sizes and decreased density for residential development that does not have sewer and water connections, are applied to the other residential districts. In most cases, this would mean that 2-1/2 acre lots would be required until city sewer and water are extended to rural or developing areas. Areas that have either city sewer or water, but not both – including some of city’s older neighborhoods – would retain a one-acre minimum lot size.
- Eliminates inappropriate provisions that allow increased lot coverage for single family developments (one house per lot of record) when specific private open space standards are met. This simplifies the regulations by eliminating provisions that are difficult to understand and that are rarely used.
- Restructures how open space is provided for high-density single-family developments. Current regulations require that single-family developments in R-10 to R-29 provide at least 250 square feet of open space that meets specific dimensional standards. Eliminating that requirement would simplify the regulations – building a house on a lot in the R-10 to R-29 districts would be similar to the rules that apply in other R districts, where the lot area and lot coverage rules effectively provide open space. Development would be subject to maximum lot coverage rules (40%), and minimum lot area requirements (4,000 square feet for R-1 to R-9, 3,000 square feet for R-10 to R-29). Similar changes would occur for single-family and “compound” developments in the RC Residential Compound districts.

- Open space and lot coverage requirements for RC districts are simplified to be the same as in the R-7 to R-9 districts. A requirement of 250 square feet per unit would replace a complicated and confusing formula for private and common open space that has been based on percentages of floor area.
- The street yard requirement in the RC districts is reduced from 15 feet to seven feet for developments that don't have a compound-type wall at the street frontage, to match the requirement for most other R districts. Developments with a wall six to eight feet high at the street frontage would continue to be allowed with a zero setback requirement.
- Note 5 allows the side yard for one property to be reduced if the owner of the adjoining property concurs via a recorded agreement. The regulation would be clarified to explain that a side yard reduction on one lot must be offset by an increased setback on the adjoining lot, consistent with original code provisions and established practice. Provisions are also clarified to include reduction of the second-story setback requirement, subject to a corresponding increase on the adjoining lot.
- Note 12 is added to clarify that street yard setback requirements apply to private streets and to lot access driveways, consistent with way those requirements have typically been applied.
- Notes 15 and 16 are part of the amendment of lot area and density requirements for lots that do not have city sewer and water.

Bill Section 27, §14-7.5: Clarifications and Simplifications of Open Space Standards.

Various changes that relate to the changes to the open space regulations described in the development standards table (Bill Section 26):

- Current regulations use the term “qualifying open space” to differentiate open space that meets applicable standards from that which does not. Originally intended to address complaints about confusion, it has generated more complaints that it is awkward and unnecessary. The meaning of the regulations is clear without using the term “qualifying,” so it is being dropped.
- Provisions that allow private or common open space to be used interchangeably to meet open space requirements are simplified and clarified.
- Current regulations that allow an increase in lot coverage if special open space standards are met, are maintained for multi-family developments and eliminated for single-family.
- Standards for required open space located on decks and portals is clarified and slightly expanded.
- Provisions are clarified regarding non-residential open space requirements in exchange for water harvesting.

Bill Section 36, §14-8.4(J)(2)(a): Screening for Residential Developments in Non-residential Zones. The requirement to provide landscaped screening along a major street frontage for residential developments is changed to apply only to residential developments located in residential zoning districts; the type of screening required would not be appropriate in commercial districts.

Bill Section 37, §14-8.4(J)(3): Landscaped Buffers for Residential Developments in Non-residential Zones. Clarifies that the requirement for a non-residential development to provide a

landscaped buffer if it abuts a residential development applies only if the residential development is located in a residential zone. Residential developments that choose to locate in a commercial or mixed-use zone do not qualify for protection with a landscaped buffer strip.

Bill Section 42, §14-8.15(D): Dedication of Trails. Clarifies dedication requirements to reflect established practices related to adopted plans and maintenance of trails.

Bill Section 43, §14-9.2(A)(5): Approval of Private Streets. Restores former code provision, and reflects established practice, that all new streets are public unless the Planning Commission determines that a private street is appropriate.

Bill Section 45, §14-10.1(C): Treatment of Nonconforming Telecommunication Facilities. Deletes language that states each nonconforming telecommunication facility is treated as a separate structure. The City Attorney has expressed concern that this provision could be interpreted in a way that would be inconsistent with FCC rules.

Bill Section 47, §14-10.4(A): Access Standards for Nonconforming Lots. Current regulations allow a house and accessory buildings to be built on a lot that is legally nonconforming due to residential density or lot size standards. The new language would clarify those provisions, and would include lots that are nonconforming due to access standards.

Bill Section 49, §14-12.1: Definitions Repealed. Repeals several definitions that have been made obsolete because of other code amendments.

Bill Section 50, §14-12.1: Definitions Amended. Eight definitions are amended for clarification, or to coordinate with other amendments.

Bill Section 51, §14-12.1: New Definitions. Definitions of the terms “co-location” and “lot size” are added to coordinate with other amendments.

Attachments

Summary Matrix

Proposed Bill

FIR

Public Works Action Sheet 08/25/2014

Draft Planning Commission Minutes 08/07/2014

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
ARTICLE 14-3 REVIEW AND APPROVAL PROCEDURES	
Bill Section 1 §14-3.8	Revises 200-foot rule for development plan triggers to correspond to 200-foot rule for notification. Corrects references to Land Use Board and Planning Commission.
Bill Section 2 §14-3.9(C)(3)(b)	Cross-reference to development standards for PRC and PRRC districts. Corrects references to Land Use Board and Planning Commission.
Bill Section 3 §14-3.9(C)(4)	Clarify notice and action provisions for master plans. Correct cross-reference.
Bill Section 4 §14-3.9(C)(5)	Clarify notice and action provisions for master plans.
Bill Section 5 §14-3.9(D)(1)	Clarify that required findings for master plans apply to approval by the Planning Commission and Governing body, and for amendments.
Bill Section 6 §14-3.12(A)	Correct cross-references, subsection numbering.
Bill Section 7 §14-3.19(A)(3)	Correct cross-references.
ARTICLE 14-4 ZONING DISTRICTS	
Bill Section 8 §14-4.1(E)(4)	Correct typographic error.
ARTICLE 14-5 OVERLAY ZONING DISTRICTS	
Bill Section 9 §14-5.3(D)	Correct cross-reference.
ARTICLE 14-6 PERMITTED USES AND USE REGULATIONS	
Bill Section 10 §14-6.1(B)	Delete redundant language, correct cross-reference error.
Bill Section 11 Table 14-6.1-1	<p>Modifications to the Table of Permitted Uses</p> <ul style="list-style-type: none"> • Preschool and daycare removed from list of permitted uses in I-2 General Industrial district, special use permit requirement removed in the Limited Office and Shopping Center districts. • List Arts and crafts studios as permitted uses in C-4 and SC districts (inadvertently omitted from previous amendments). • Removes the 3,000 square-foot limit on floor area for various uses in the RAC Residential Arts and Crafts district to correspond more closely to original RAC regulations. • Various non-industrial uses are added to the list of permitted uses in the I-2 General Commercial district, in response to concerns about nonconforming uses created by amendments in 2013. • Category of Sign Shops was inadvertently omitted from permitted uses in I-1 and I-2 districts. • Footnotes 5 and 6 are clarified, Footnote 10 is added as part of the changes related to the RAC floor area limit.
Bill Section 12 §14-6.2(E)(3)	Clarify administrative approval provisions for co-location of antennas.
Bill Section 13	Provide for exception to tower separation requirements if co-location is not

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§14-6.2(E)(5)(k)	feasible, or if there would be a significant adverse visual impact.
Bill Section 14 §14-6.3(B)(2)	Several provisions regarding accessory uses in residential districts: <ul style="list-style-type: none"> • Clarify that accessory dwelling units are permitted in the RR district. • Eliminate redundant language for accessory structure setbacks. • Clarify what types of vehicles may be parked or stored in residential districts.
Bill Section 15 §14-6.3(D)(1)	Change height allowed for accessory dwelling units to be consistent with the height allowed with a 5-foot setback.
Bill Section 16 §14-6.4(C)	90-day period allowed for temporary structures in nonresidential districts, consistent with the time period for residential districts.

ARTICLE 14-7 BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND MEASUREMENTS

Bill Section 17 §14-7.1(B)	Several minor revisions to dimensional calculations: <ul style="list-style-type: none"> • Clarifies when common driveways, etc., are excluded from the minimum required net lot area. • Clarifies method of calculating lot coverage. • Corrects typographic error in method of calculating slopes.
Bill Section 18 §14-7.1(F)(2)	Modify driveway visibility provisions to correspond to national standards.
Bill Section 19 §14-7.1(F)(3)(b)	Modify intersection visibility provisions to correspond to national standards.
Bill Section 20 §14-7.1(F)(4)	Clarifies applicability of garage and carport setback regulations.
Bill Section 21 Table 14-7.2-1	Various changes to Table of Dimensional Standards for Residential Districts, including: <ul style="list-style-type: none"> • Extend decreased density and increased lot standards for development without public utilities, currently applicable in RR districts, to include other R districts. • Lot coverage increase based on additional open space is restricted to multi-family developments, eliminated for single-family. • Open space requirement for certain single-family developments are eliminated. • Open space requirements for some types of multi-family developments in certain R and RC districts are simplified to 250 square feet per unit, instead of using a percentage of the floor area. • Lot coverage requirement for RC districts is made the same as in R-7 to R-9 districts. • Street yard for units in the Residential Compound districts that don't have a compound-type wall enclosure would be modified to be the same as other R districts (7 feet). • Note 5 clarified to explain that a side yard reduction on one lot must be offset by an increased setback on the adjoining lot, consistent with original code provisions and established practice. Provisions clarified to include second-story stepback reduction with corresponding increase on adjoining

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
	lot. <ul style="list-style-type: none"> • Note 12 added to clarify that street yard requirements apply to private streets and lot access driveways, per established practice. • Notes 13 and 14 replace/clarify previous cross references. • Notes 15 and 16 added as part of the density and lot area requirements for development without sewer and water.
Bill Section 22 §14-7.2(B)(10)	Clarifies language that cross-references residential density and lot size requirements.
Bill Section 23 §14-7.2(C)	Clarifies language describing lot size averaging in residential subdivisions.
Bill Section 24 §14-7.2(D)	Clarifies yard requirements for R-10 through R-21 districts.
Bill Section 25 §14-7.2(H)	Clarifies types of uses that may not exceed 3,000 square feet in the RAC district.
Bill Section 26 § 14-7.3	Various cross-references are corrected; Footnote 6 revised to reflect 14-foot building height for setback regulations.
Bill Section 27 §14-7.5	Various changes to Open Space Standards: <ul style="list-style-type: none"> • References to requirements for “qualifying open space” are changed to “open space.” • Provisions allowing the use of either private or common open space to meet requirements are clarified. • Provisions allowing lot coverage increase based on additional open space is restricted to multi-family developments, eliminated for single-family. • Dimension and area requirements for open space on decks and portals is clarified and slightly expanded. • Open space reduction credit for water harvesting is clarified for non-residential properties. • Provisions for using common open space to qualify for net lot area reductions in C-1 and C-4 districts is replaced by a reference to similar provisions in R districts.

ARTICLE 14-8 DEVELOPMENT AND DESIGN STANDARDS	
Bill Section 28 §14-8.2(D)(3)	Use of terms “buildable site” and “buildable area” is revised for consistency.
Bill Section 29 §14-8.2(F)(1)(a)	Repetitive language deleted.
Bill Section 30 §14-8.4(F)(5)	Authority to review removal of significant trees within right-of-way or in parks is delegated to the public works director, instead of the land use director.
Bill Section 31 §14-8.4(G)(3)	Authority of the planning commission to determine the location of street trees is clarified.
Bill Section 32 §14-8.4(H)	Typographical error corrected.
Bill Section 33 §14-8.4(I)(2)	Clarifies that street trees may be counted toward the screening requirement for parking lots.

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
Bill Section 34 §14-8.4(I)(3)	Clarifies applicability of parking lot landscaping requirements.
Bill Section 35 §14-8.4(I)(5)	Clarifies applicability of pedestrian circulation requirements in parking lots.
Bill Section 36 §14-8.4(J)(2)(a)	Landscaped screening requirement for residential properties applies only in residential zones.
Bill Section 37 §14-8.4(J)(3)	Clarifies that the requirement for a landscaped buffer applies for non-residential developments that abut residential development which is located <u>in a residential zone</u> .
Bill Section 38 §14-8.6(B)(1)	Parking spaces prohibited from blocking ADA accessible routes (clarifies applicability of other ADA regulations).
Bill Section 39 §14-8.6(D)(1)	Loading spaces prohibited from blocking ADA accessible routes (clarifies applicability of other ADA regulations).
Bill Section 40 §14-8.10(B)(7)	Deletes a provision of the sign regulations that conflicts with state statutes.
Bill Section 41 §14-8.13(C)	Removes obsolete reference to Business Capitol District Design Review Committee.
Bill Section 42 §14-8.15(D)	Clarifies procedures for dedication of trails to reflect established practice.
ARTICLE 14-9: INFRASTRUCTURE DESIGN, IMPROVEMENT AND DEDICATION STANDARDS	
Bill Section 43 §14-9.2(A)(5)	Clarifies findings by Planning Commission to approve a private street.
Bill Section 44 §14-9.2(B)(1)	Clarifies that private streets must meet applicable standards.
ARTICLE 14-10: NONCONFORMITIES	
Bill Section 45 §14-10.1(C)	Deletes language stating that each telecommunication facility is treated as a separate structure.
Bill Section 46 §14-10.1(D)	Deletes cross reference to a provision that was repealed by previous amendments.
Bill Section 47 §14-10.4(A)	Adds access standards to the types of nonconformity that do not prevent construction of a house on a legal nonconforming lot.
ARTICLE 14-11: ENFORCEMENT	
Bill Section 48 §14-11.4(D)(2)	Corrects cross-reference to a state statute.
ARTICLE 14-12: DEFINITIONS	
Bill Section 49 §14-12.1	Repeals various obsolete definitions: <ul style="list-style-type: none"> • Bedrock • Cable Act • Qualifying Open Space • Site Water Budget • Solid Wall or Fence • Unit

BILL SECTION NO., CODE REFERENCE	CHAPTER 14 AMENDMENT MATRIX TITLE/SUMMARY OF PROPOSED AMENDMENT
Bill Section 50 §14-12.1	Amends various definitions: <ul style="list-style-type: none"> • Buildable Site – Minimum buildable site area amended to correspond to minimum lot area requirements. • Business – Typographical error corrected. • Common Open Space – Reflects previous amendment to park dedication requirements. • Compound – Clarifies intent that compound-type regulations apply only within specified districts. • Grade – Revised to eliminate obsolete reference to centers of building facades. • Open Space – Modified to reflect regulations that allow use of balconies, porches and roof decks as required open space. • Story – Deletes obsolete reference to maximum height of 12 feet for residential development. • Wall – Adds “the wall of a building” as part of the definition.
Bill Section 51 §14-12.1	Adds two new definitions: <ul style="list-style-type: none"> • Co-location – Installation of a telecommunication antenna on an existing tower or tower alternative. • Lot Size – Clarifies that term can be used either as a specific term with the same meaning as lot area, or as a general term that includes lot area, width and depth.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-26

INTRODUCED BY:

Councilor Signe I. Lindell

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND
MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE
NECESSARY.

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

Section 1. Section 14-3.8 SFCC 1987 (being Ord. No. 2011-37 § 3, as amended) is
amended to read:

14-3.8 DEVELOPMENT PLANS

(A) Purpose and Intent

- (1) It is the intent of the *development* plan to:
 - (a) provide the plans to be followed in construction operations,
including phasing;
 - (b) enable the *governing body, land use boards* and *land use director* to
ensure compliance with Chapter 14;

1 (c) document compliance with *final actions* to approve or conditionally
2 approve *development applications*;

3 (2) A *development* plan typically encompasses *development* of one or more
4 *parcels* under common ownership or unified control that will be planned and
5 developed as a whole.

6 **(B) Applicability**

7 (Ord. No. 2013-16 § 11)

8 (1) Early neighborhood notification and notice and conduct of public hearings
9 are required pursuant to the general provisions of Sections 14-3.1(F), (H) and
10 (I).

11 (2) A *development* plan is required in conjunction with rezoning *applications* in
12 certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay
13 Zoning Districts.

14 (3) [~~Notwithstanding any code provisions to the contrary, approval~~] Approval of
15 a *development* plan by the planning commission is required prior to new
16 *development* that meets any of the following criteria:

17 (a) *gross floor area* of thirty thousand square feet or more and is located
18 within any zoning district of the *city*;

19 (b) *gross floor area* of ten thousand square feet or more in a *residential*
20 district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS,
21 SC or MU district and is within two hundred (200) feet, [~~excluding~~]
22 including public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I,
23 R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and
24 MH districts;

25 (c) *flea market* with fifteen or more vendors; or

1 (d) outdoor *commercial recreational uses* in any zone where the total
2 area devoted to recreation and related pedestrian circulation and
3 amenities, excluding parking and vehicular circulation areas, exceeds
4 fifteen thousand (15,000) square feet in any zone; provided that this
5 provision does not apply to temporary carnivals, circuses and similar
6 short-term entertainment uses required to obtain a *permit* from the
7 *city*.

8 (4) The *development* plans described in Subsections (B)(2) and (3) shall be
9 reviewed by the planning commission.

10 (5) This section applies where the cumulative square footage of multiple *permits*
11 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of
12 those subsections when the *permits* are for coordinated *development* of a
13 *project* comprising multiple *buildings* or outdoor uses, including phased
14 *projects* and *projects* involving *development* of adjoining commonly owned
15 *parcels*.

16 (6) This section does not apply to the construction of *single-family dwellings*,
17 each of which has a *gross floor area* of ten thousand (10,000) square feet or
18 less, including *accessory buildings*, on *lots* created prior to the effective date
19 of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to
20 early neighborhood notification procedures. This section does apply to
21 construction of any *single-family dwelling* that has a *gross floor area* greater
22 than ten thousand (10,000) square feet, including *accessory buildings*.

23 (7) No additional *development* plan review is required if the new or changed use
24 or *development* described in Subsections (B)(2) and (3) was part of a
25 *development* plan approved as part of a rezoning or other action before the

1 *governing body* or [~~a land use board~~] the planning commission, and for
2 which [~~the~~] an early neighborhood notification [process] meeting occurred as
3 set forth in Section 14-3.1(F) [~~was required~~].

4 (8) Approval of a *development* plan by the *land use director* is required for
5 *multiple-family development* comprising three or more *dwelling units* with a
6 *gross floor area* less than ten thousand (10,000) square feet.

7 (C) **Procedures**

8 (1) **Submittal Requirements**

9 *Applicants* for *developments* that require *development* plans under this
10 section shall submit plans and other documentation as required by the *land*
11 *use director* that show compliance with the applicable provisions of the Santa
12 Fe City Code as provided in Section 14-3.1(C) Form of Application,
13 including plans that show:

- 14 (a) existing conditions on the site and within two hundred (200) feet of
15 the site;
- 16 (b) proposed modifications to the site, including the locations of existing
17 and new *structures, grading, landscaping, lighting, pedestrian and*
18 *vehicular circulation, parking and loading facilities;*
- 19 (c) the types, extent and *intensity* of land uses that are proposed;
- 20 (d) proposed modifications to the *infrastructure* serving the site,
21 including public and private *streets, driveways and traffic control*
22 *measures and utilities;*
- 23 (e) documentation of compliance with *development* standards such as
24 required *yards, lot coverage, height of structures and open space;*
- 25 (f) the phases of *development*, if applicable;

- 1 (g) *for residential development*, a proposal for provision of affordable
2 housing as required by Section 14-8.11 (Santa Fe Homes Program);
3 (Ord. No. 2013-16 § 12)
- 4 (h) a *development* water budget as required by Section 14-8.13;
- 5 (i) for a *development* plan or final *development* plan, sufficient detail to
6 clearly show how each applicable *development* standard is to be met
7 and identify any variance or *waiver* required,
- 8 (j) for a preliminary *development* plan, sufficient detail to demonstrate
9 the feasibility of meeting all applicable *development* standards,
10 including an analysis of the type and extent of variances or *waivers*
11 required, specific requests for which may be included.

12 (2) Coordination with Other Review Procedures

- 13 (a) *Development* plans required for rezonings by Articles 14-4 Zoning
14 Districts and 14-5 Overlay Zoning Districts shall be reviewed by the
15 planning commission at a public hearing with notice provided as
16 required by Section 14-3.3(H) and then transmitted to the *governing*
17 *body* with any recommendations, as set forth in Section 14-3.5
18 Rezonings.
- 19 (b) A special use *permit* or variance request associated with a
20 *development* plan shall be reviewed concurrently and approved or
21 denied by the [~~land-use-board that reviews the development plan~~]
22 planning commission.
- 23 (c) If review and approval of a *development* plan by [~~a land-use-board~~]
24 the planning commission and the *governing body* is required in
25 conjunction with a rezoning action, the *applicant* may submit a

1 preliminary *development* plan for consideration at the time of
2 rezoning. If the rezoning is approved, a separate *application* for a
3 final *development* plan must be approved by the [~~land-use-board~~]
4 planning commission prior to *development* of the affected *property*.

5 (d) If review and approval of a *development* plan by the [~~a-land-use~~
6 ~~board~~] planning commission *only* is required, the *applicant* may first
7 submit an *application* for a preliminary *development* plan. If the
8 preliminary *development* plan is approved, a separate *application* for
9 final *development* plan approval by [~~a-land-use-board~~] the planning
10 commission must be approved prior to the *development* of the
11 *property*.

12 (e) If review and approval of a master plan by [~~a-land-use-board~~] the
13 planning commission and the *governing body* is required in
14 conjunction with a rezoning action, and if approval of a *development*
15 plan by [~~a-land-use-board~~] the planning commission would be
16 required for one or more phases, the *applicant* may either:

17 (i) submit a *development* plan for the entire affected area for
18 review and approval in lieu of a master plan; or

19 (ii) submit a *development* plan for one or more portions of the
20 affected area for review and approval concurrently with the
21 master plan.

22 (f) Action on a *development* plan by [~~a-land-use-board~~] the planning
23 commission must be taken at a public hearing with notice provided
24 as required by Section 14-3.3(H).

25 (3) Consistency with Master Plans and Preliminary Development Plans

1 (a) *Development* plans must be consistent with applicable provisions of
2 approved master plans as provided in Section 14-3.9(B)(3).

3 (b) Final *development* plans within an area that is subject to an approved
4 preliminary *development* plan must comply with the provisions of
5 the previously approved preliminary plan unless it is amended or
6 repealed. *Final actions* by the *governing body*, *land use boards* and
7 the *land use director* concerning rezonings, subdivisions, special use
8 *permits*, *development* plans and construction *permits* shall include a
9 specific finding or determination that the action complies with all
10 applicable provisions of the preliminary plan.

11 (4) Scope of Amendments to Development Plans

12 (a) The *land use director* has the authority provided in Section 14-
13 2.11(C)(2) (Minor Modifications to Development Approvals).

14 (b) The [~~*land use boards* have~~] planning commission has the authority
15 provided in Section 14-3.19(D) Amendment of Development
16 Approvals.

17 (5) Administrative Approval Procedure

18 (Ord. No. 2013-16 § 13)

19 Approval of a *development* plan by the *land use director* as provided in
20 Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or
21 public notice and is not required to be filed for record with the *county* clerk.

22 (6) Recording of Plans; Infrastructure Construction

23 (Ord. No. 2013-16 § 14)

24 (a) The signed original mylars of the *development* plan and associated
25 engineering and improvement drawings shall be filed with the *land*

1 *use director* and shall be the basis for issuance of construction
2 *permits*. The *development* plan shall be filed for record with the
3 *county* clerk by the *land use director*.

4 (b) If dedication of *public rights of way* or easements is required, a
5 separate dedication *plat* shall be recorded concurrently with the
6 *development* plan.

7 (c) *Infrastructure* improvements shall comply with Article 14-9
8 Infrastructure Design, Improvement and Dedication Standards.

9 **(D) Approval Criteria and Conditions**

10 (1) Necessary Findings

11 To approve a *development* plan, [~~*a land use board*~~] the planning commission
12 must make the following findings:

13 (a) that it is empowered to approve the plan under the section of Chapter
14 14 described in the *application*;

15 (b) that approving the *development* plan will not adversely affect the
16 public interest; and

17 (c) that the use and any associated *buildings* are compatible with and
18 adaptable to *buildings, structures* and uses of the abutting *property*
19 and other *properties* in the vicinity of the *premises* under
20 consideration.

21 (2) Conditions

22 The [~~*land use board*~~] planning commission may specify conditions of
23 approval that are necessary to accomplish the proper *development* of the area
24 and to implement the policies of the *general plan*, including:

25 (a) special *yards* or *open spaces*;

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- (b) fences, *walls* or landscape screenings;
- (c) provision and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site *street*, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;
- (f) dedication of *rights of way* or easements or access rights;
- (g) arrangement of *buildings* and use areas on the site;
- (h) special hazard reduction measures, such as *slope* planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and *intensity* of uses and *development* allowed;
- (l) maximum numbers of *employees* or occupants permitted;
- (m) hours of operation;
- (n) phases of *development*, if applicable;
- (o) establishment of an expiration date, after which the use must cease at that site;
- (p) establishment of a date for annual or other period review at a public hearing;
- (q) plans for sustainable use of energy, recycling and solid waste disposal;
- (r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the *development* and use of land; and

1 (s) conditions may not be imposed that restrict the use to a specific
2 *person* or group.

3 (3) Expiration

4 *Development* plans expire as provided in Section 14-3.19 Expiration,
5 Extension and Amendment of Development Approvals.

6 **Section 2. Subsection 14-3.9(C)(3)(b) SFCC 1987 (being Ord. No. 2011-37 § 3) is**
7 **amended to read:**

8 (3) PRC and PRRC Master Plans

9 (a) The master plan must include a designation of the maximum *density*
10 allowed for each *tract* designated for use. Unless special standards
11 are adopted, *development* standards for each *tract* shall be those
12 specified in Section 14-7 Building Envelope and Open Space
13 Standards and Measurements for the corresponding *density*.

14 (b) The master plan must include a designation of the type of use and
15 extent of *development* allowed for each *tract* designated for
16 *nonresidential* or *mixed uses*. In addition to *nonresidential* uses
17 allowed in *residential* districts, such as schools and *religious*
18 *assembly*, the *development* may include:

19 (i) neighborhood shopping centers intended primarily to serve
20 *development* within the PRC district and immediate vicinity
21 as provided in Section 14-4.4(K) SC-1 Planned Shopping
22 Center Districts and Section 14-7 Building Envelope and
23 Open Space Standards;

24 (ii) not more than thirty-five percent of a planned *residential*
25 community may be designated for *development* with *mixed*

1 *uses* consistent with the standards for the MU district; and

2 (iii) within the PRRC district, neighborhood centers as provided
3 in Item (i) above, resort accommodations and resort-related
4 commercial services.

5 (iv) Unless special standards are adopted, the provisions of
6 Section 14-6 Permitted Uses and Use Regulations apply
7 within the PRC and PRRC districts.

8 **Section 3. Section 14-3.9(C)(4) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended**

9 **to read:**

10 (4) Notice and Action by Planning Commission

11 Action by [~~a land use board~~] the planning commission to recommend
12 approval of a master plan, or to approve an amendment as provided in
13 Section 14-3.19(D)(2) Amendment of Development Approvals – Master
14 Plans in the MU and BIP Districts, must be taken at a public hearing with
15 notice provided as required by [~~Section 14-3.1(H)~~] Subsection 14-3.1(H)(1).

16 **Section 4. A new Subsection 14-3.9(C)(5) SFCC 1987 is ordained to read:**

17 (5) [NEW MATERIAL] Notice and Action by Governing Body

18 Action by the *governing body* to approve or amend a master plan must be
19 taken at a public hearing with notice provided as required by Section 14-
20 3.1(H)(2).

21 **Section 5. Subsection 14-3.9(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 3) is**

22 **amended to read:**

23 **(D) Approval Criteria; Conditions**

24 (1) Necessary Findings

25 [~~To approve a master plan, the governing body must make~~] Approval or

1 amendment of a master plan requires the following findings:

- 2 (a) the master plan is consistent with the *general plan*;
- 3 (b) the master plan is consistent with the purpose and intent of the
- 4 zoning districts that apply to, or will apply to, the master plan area,
- 5 and with the applicable use regulations and *development* standards of
- 6 those districts;
- 7 (c) *development* of the master plan area will contribute to the
- 8 coordinated and efficient *development* of the community; and
- 9 (d) the existing and proposed *infrastructure*, such as the *streets* system,
- 10 sewer and water lines, and public facilities, such as fire stations and
- 11 parks, will be able to accommodate the impacts of the planned
- 12 *development*.

13 **Section 6. Subsection 14-3.12(A) SFCC 1987 (being Ord. No. 2011-37 § 3) is**
14 **amended to read:**

15 **(A) General Provisions**

- 16 (1) The *land use director* must issue a *certificate of occupancy* that certifies
- 17 compliance with all provisions of Chapter 14 before any change in the use or
- 18 occupancy of land or change of use or occupancy of a *building* or *premises*,
- 19 or part thereof, is created, erected, changed, converted or wholly or partially
- 20 altered or enlarged in its use or *structure*, other than the change of *residential*
- 21 occupants, or before any new *building* is occupied for any purpose.
- 22 (2) The *land use director* may require the renewal of *certificates of occupancy*
- 23 on an annual or other appropriate basis.
- 24 (3) The approval of *certificates of occupancy* shall be coordinated with the
- 25 approval of *permits* or certificates required by other agencies, including:

- 1 (a) when required by the provisions of Chapter ~~[8]~~ SFCC 1987
 2 Building and Housing, the *building official* shall approve the
 3 *certificate of occupancy* prior to issuance; and
 4 (b) when required by the provisions of Chapter ~~12~~[7] SFCC 1987 Fire
 5 Prevention and Protection, the fire marshal or other code official
 6 shall approve the *certificate of occupancy* prior to issuance.

7 ~~[(3)]~~(4) The *land use director* shall maintain for at least fifty years a record of all
 8 *certificates of occupancy* issued.

9 **Section 7. Subsection 14-3.19(A)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is**

10 **amended to read:**

11 (3) Final Actions

- 12 (a) Determination of *final actions* shall be as provided in Sections ~~[14-~~
 13 ~~17.1(A)(1)]~~14-3.17(A)(1) and 14-3.17(C)(4) ~~[(Appeals)]~~.
 14 (b) For the purpose of computing expirations and time extensions, the
 15 date of *final action* for a *development* approval that is appealed one
 16 or more times pursuant to the provisions of Chapter 14 is the date of
 17 *final action* by the *land use board* or *governing body* on the last
 18 appeal. The date of *final action* for a *development* approval that is
 19 appealed pursuant to the provisions of Section 3-21-9 NMSA 1978
 20 Zoning – Appeal is the date a written decision is filed pursuant to
 21 Section 39-3-1.1 NMSA 1978 ~~[Subsection B(2) of that section]~~.

22 **Section 8. Subsection 14-4.1(E)(4) SFCC 1987 (being Ord. No. 2011-37 § 4) is**

23 **amended to read:**

- 24 (4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned
 25 R-1 until otherwise classified. If changes in the *city* limits remove territory

1 from Santa Fe, district boundaries shall be construed as moving to conform
2 with the city limits;

3 **Section 9. Subsection 14-5.3(D) SFCC 1987 (being Ord. No. 2011-37 § 6) is**
4 **amended to read:**

5 **(D) Archaeological Clearance Permit Required**

6 An archaeological clearance *permit* is required for certain types of *development*
7 activity within the archaeological review districts, as described in Section [14-3.14
8 (~~Archaeological Clearance Permit~~)] 14-3.13.

9 **Section 10. Subsection 14-6.1(B) SFCC 1987 (being Ord. No. 2011-37 § 8) is**
10 **amended to read:**

11 **(B) Permitted and Prohibited Uses; Explanation of Table Abbreviations**

12 (1) Permitted Uses

13 A "P" in a cell indicates that a use category is permitted by right in the
14 respective zoning district. Permitted uses are subject to all other applicable
15 regulations of Chapter 14, including the *development* and design standards
16 set forth in Article 14-8. [~~Permitted uses may be required to obtain approval~~
17 ~~of a development plan by a land use board or the governing body as provided~~
18 ~~in Section 14-3.8 or Article 14-4.]~~

19 (2) Special Use Permits

20 An "S" in a cell indicates that a use category is permitted only if reviewed
21 and approved as a special use *permit*, in accordance with the review
22 procedures of Section 14-3.6.

23 (3) Accessory Uses

24 An "A" in a cell indicates that a use category is permitted as an *accessory* use
25 as described in Section 14-6.3.

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(4) Prohibited Uses

A blank cell indicates that the use type is prohibited in the zoning district. A use or *structure* not specifically or specially permitted in Chapter 14 is prohibited.

(5) Additional Regulations

- (a) Regardless of whether a use is permitted by right or as a special use *permit*, there may be additional regulations that are applicable to a specific use. The existence of these use-specific regulations is noted through a reference in the column of the use summary table entitled "Use-Specific Regulations." References refer to Section 14-6.2. These regulations apply to all districts unless otherwise specified. Additional regulations are also contained in and referenced in the notes at the end of the table.
- (b) Uses may be subject to review or approval procedures in Chapter 14, including Section 14-3.8(B)(2), which requires *development* plan approval for new construction over ten thousand (10,000) or thirty thousand (30,000) square feet *gross floor area*, or Article 14-4 which requires *development* plan approval for certain rezoning actions.
- (c) See Section 14-3.9(C)(2) and (C)(3) for uses allowed in the PRC, PRRC and other master-planned districts.

(6) Uses Not Listed in Table

Any specific use type not listed or included in the Table of Permitted Uses is prohibited unless the *land use director* determines that it is to be included in an existing use category.

Section 11. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8, as amended) is amended to amend the Table of

Permitted Uses for the categories of "PUBLIC, INSTITUTIONAL AND CIVIC" and "COMMERCIAL" Uses Affecting Primarily the

Uses Permitted in the RAC and I-2 districts:

CATEGORY Specific Use	RR	R-1-R-6	R-7-R-9	R-7-1	RC-5	RC-8	R-10-R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BP	SC-1	SC-2	SC-3	MU***	Use-Specific Regs 14-6.2	
PUBLIC, INSTITUTIONAL AND CIVIC																								
Emergency Services																								
Police and fire stations	S	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P	
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	
Preschool, Daycare for Infants or Children																								
Small (6 or fewer)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	[P]	P	P	P	P	P	P	
Large (More than 6)	S	S	S	S	S	S	S	S	S		P	P	[S]	[S]	[S]	S	[S]	P	[S]	[S]	[S]	[S]	S	
Electrical Facilities (See 14-6.2(F) for Planning Commission Review Requirements)																								
Distribution facilities	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	(F), (G)
Substation	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	(F)
Switching station	P	P									P	P	P		P	P	P	P	P	P	P	P	P	(F)
Transmission lines	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	(F)
Educational																								

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Elementary and secondary schools, public and private	S	S	S		S	S		S		P*	P*	P*	S	P*	S		P*	S	S	S	P*	
Colleges and universities, residential	S	S	S		S	S		S		S	S	S	S	P			S				S	(B)(2)
Colleges and universities, nonresidential										P	P	P	P	P	P		P	P	P	P	P	
Museums		S	S		S	S		P ¹⁰		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, nonindustrial								P ¹⁰		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, light industrial														P*	P		P*					
Community Centers and Institutions																						
Neighborhood and community centers, including youth and senior centers	S	S	S		S	S		S		P	P	P	P	P			P	P	P	P	P	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Religious, educational and charitable institutions (does not include schools or assembly uses)							S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*		
Hospitals and Extended Care Facilities																							
Extended care, convalescent, nursing, recovery care facilities	S	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Hospitals											S	S		P/S ⁶	P			P					(B)(3)
Hospital heliport														P									(B)(3)(b)
Human Services																							
Adult day care	S	S	S	S	S	S	S		S		P	P	P	P	P			P	P	P	P	P	
Foster homes licensed by the appropriate state agencies	P	P	P				P		P		P		P	P	P							P	
Human service establishments												P*							P*	P*	P*	P*	(B)(4)
Sheltered care facilities																							
Parks and Open Space																							

CATEGORY Specific Use	RR	R-1-R-6	R-7-R-9	R-7-1	RC-5, RC-8	R-10-R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BP	SC-1	SC-2	SC-3	MU***	Use-Specific Regs 14-6.2	
Cemeteries, mausoleums and columbariums	S	S	S							S	S		S	P									(B)(1)
Public parks, playgrounds, playfields	P	P	P		P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly																							
All	S	S	S		S	S		S		P	P	P	P	P	P		P	P	P	P	P	P	
Utilities																							
All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)	S	S	S		S	S		S		S	P	S	S	P	P							S	(B)(6)
COMMERCIAL																							
Animal Sales and Service																							
Veterinary establishments, pet grooming	S									P*	P*	P*		P	P		P*				P*	P*	
Kennel	S									P*	P*	P*		P	P		P*						

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Arts Activities																							
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts									P ¹⁰	P	P	P	P		P	P			P	P	P	P ²	
Arts and crafts schools									P ¹⁰	P	P	P	P		P	P		P	P	P	P ²		
Dance studios									P ¹⁰	P	P	P			P	P		P	P	P	P ²		
Photographers' studios									P ¹⁰	P	P	P			P	P		P	P	P	P ²		
Assembly																							
Private clubs and lodges	S	S	S	S	S	S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P* ²	
Financial Services																							
Banks, credit unions (without drive-through)											P	P			P	P		P	P	P	P ²		
Banks, credit unions (with drive-through)											P*	P*			P	P*		P*	P*	P*	P ²		

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Food and Beverages																							
Bar, cocktail lounge, nightclub, no outdoor entertainment									$S^{3,10}$	S^3		P*			P	P	P		P*	P*	P*	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment									$[S^{*2}]_{S^{3,10}}$	S^3		P*			P*	P^*	P^*		P*	P*	P*	P* ²	
Restaurant - full service, with or without incidental alcohol service									$S^{3,10}$	S^3		P			P	P	P	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.									$[S^{*2}]_{S^{3,10}}$	S^{*3}		P*			P*	$[P^{*2}]_{P}$	P		P*	P*	P*	P* ²	
Restaurant - Fast service/take-out, no drive-through/drive-up									$S^{3,10}$			P ⁴			P	P	P	S	P	P	P	P	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*	P*	P**2	
Medical																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P ²	
Medical and dental offices or clinics								S ¹⁰	S	P	P	P	P	P	P		P	P	P	P	P ²	
Offices, Business and Professional																						
Business and professional offices excluding medical and dental and financial services								S ¹⁰	S	P	P	P	P	P	P		P	P	P	P	P ²	
Public Accommodation																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					
Hotels, motels, residential suite hotels											P			P	P					P		

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5,	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Vacation time share projects												P			P	P							(C)(7)
Public Transportation																							
Transit transfer facilities												S		S	P	P	P	S	S	P	P	S	
Recreation and Entertainment																							
Commercial recreational uses and structures; theaters, bowling alleys, pool-rooms, driving ranges, etc.												P			P	P	P		P	P	P	S ²	
Exercise, spas or gym facilities												P			P	P	P		P	P	P	P ²	
Nonprofit theaters for production of live shows									P*10	S		P			P	P	P	P	P	P	P	P ²	
Retail Sales and Services																							
Antique stores									P ¹⁰	P		P			P	P			P	P	P	P ²	
Art supply stores									P ¹⁰	P		P			P	P			P	P	P	P ²	
Bookshops									P ¹⁰	P		P			P	P			P	P	P	P ²	
Cabinet shops, custom									P ¹⁰	P		P	P		P	P	P	P					

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2	
Department and discount stores											P			P	P				P	P	P	P ²	
Flea markets											P			P	P								(C)(3)
Florist shops								P ¹⁰	P		P		P	P	P				P	P	P	P ²	
Funeral homes or mortuaries										P	P			P	P								
Furniture stores											P			P	P				P	P	P	P ²	
Neighborhood grocery stores and laundromats	S	S	S	S	S	S		S		S	P	S	S								P ²	[(C)(5)]	
Office equipment sales and service; retail sale of office supplies											P			P	P				P	P	P	P ²	(C)(4)
Retail establishments not listed elsewhere											P			P	P				P	P	P	P ²	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet														P	P							P ²	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Retail sales accessory to any permitted use, provided that such commercial uses shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use																		A				S ²	
Sign shops												P	P		P	P	P					P ²	
Service Establishments																							
Barber shops and beauty salons											P	P	P		P	P			P	P	P	P ²	
Personal care facilities for the elderly						S			S		P	P	P	P	P	P			P	P	P	P ²	(C)(7)
Personal service establishments including cleaning and laundry, appliance repair and similar services															P	P			P	P		P ²	

CATEGORY Specific Use	RR	R-1-R-6	R-7-R-9	R-7-1	RC-5	RC-8	R-10-R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU**	Use-Specific Regs 14-6.2
Tailoring and dressmaking shops									P	P	P	P	P		P	P		P	P	P	P	P ²	
Sexually Oriented Businesses																							
All																P	P	P					(C)(1)
Storage																							
Individual storage areas within a completely enclosed building												S			P	P	P	P	P	P	P		(D)(2)
Mini-storage units												S			P	P	P	P	P	P	P		(D)(3)
Telecommunication																							
Telecommunications Facilities	Permitted as set forth in Section 14-6.2(E) (for facilities in public rights of way see Article 27-2 SFCC 1987)																						
Vehicles and equipment																							
Commercial parking lots and garages												P		P	P	P	P	A	P	P	P		See 14-8.6(B)(6)
Service and repair establishments including filling stations and repair												P			P	P	P				S	S	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2	
garages																								
Tire recapping and retreading												P			P	P								

*Special use permit required if located within 200 feet of residentially-zoned property; otherwise permitted. (Ord. No. 2013-16 § 29)

**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of gross floor area may be devoted to nonresidential uses.

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)

1. In the RR district, multiple-family dwellings are limited to four per lot.
2. Hours of operation limited to 7 a.m. to 10 p.m.
3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.
4. Not to exceed 1,000 square feet gross floor area, sales of alcohol prohibited.
5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use permit [use] in the Christus St. Vincent Hospital District.
6. See Section 14-6.2(A)(7) for additional regulations for principal dwelling units in the C-2, BIP and SC districts.
7. See Section 14-6.3 for additional accessory use regulations; see Section 14-6.4 (Temporary Uses or Structures)
8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5,	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
9. See Subsection 14-7.2(I) for standards for pre-existing mobile home parks and Subsection 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.																							
10. See Subsection 14-7.2(H) 3,000 square foot limit applies to specified uses in RAC district.																							

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1 **Section 12. Subsection SFCC 14-6.2(E)(3) 1987 (being Ord. No. 2011-37 § 8) is**
2 **amended to read:**

3 (3) Administrative Approval

4 Administrative approval as set forth in this paragraph is separate from and
5 required prior to the submittal of a required construction *permit application*.

6 (a) The following shall require submittal of an *application* for
7 administrative review and approval:

8 (i) the addition of an *antenna* to an existing *tower* or *structure*;

9 (ii) *relocation* of an existing *tower* to within fifty (50) feet of the
10 original *tower* site for the purpose of accommodating the *co-*
11 *location* of one or more additional *antennas*;

12 (iii) new *towers* or *antennas* in C-2, I-1 and I-2 districts;

13 (iv) *face-mounted* and *roof mounted antennas* that are painted
14 and texturized to match the *building* or *structure* to which
15 they are attached and that do not have significant adverse
16 visual impact; and

17 (v) *tower alternatives* outside *residentially zoned* districts.

18 (b) *Applications* for administrative approval shall comply with the
19 submittal requirements of Subsection 14-6.2(E)(6).

20 (c) Administrative approval shall not be granted for new *antennas* in the
21 historic, escarpment or south central highway corridor overlay
22 districts, except for the *co-location* of new *antennas*, which shall
23 require administrative review and approval pursuant to Subsection
24 14-6.2(E)(3)(a)(i).

25 (d) Within forty-five days of receiving a complete *application* for

1 administrative approval, the *land use* director shall review and
2 approve the *application* if it complies with the requirements of this
3 section. Denial of an *application* for administrative approval shall be
4 in writing and shall set forth the reasons for the denial. Denial of an
5 *application* constitutes a *final action* and is subject to appeal
6 pursuant to Section 14-3.17.

7 **Section 13. Subsection SFCC 14-6.2(E)(5)(k) 1987 (being Ord. No. 2011-37 § 8) is**
8 **amended to read:**

9 (k) Tower Setbacks and Separation Distances Between Towers
10 All *towers* shall be *set back* a distance equal to at least one hundred
11 percent of the height of the *tower* from any adjoining *lot* line,
12 measured from the base of the *tower*. A *tower* shall not be sited
13 closer than one thousand (1,000) linear feet to another *tower*,
14 measured from the base of the *towers*, unless co-location on the
15 existing *tower* is not technically feasible or would have a significant
16 adverse visual impact.

17 **Section 14. Subsection 14-6.3(B)(2) SFCC 1987 (being Ord. No. 2011-37 § 8, as**
18 **amended) is amended to read:**

19 (2) RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-
20 1, C-4, and HZ Districts

21 (a) The following *accessory* uses and *structures* are permitted in the
22 RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,
23 RAC, C-1, C-4 and HZ districts: (Ord. No. 2013-16 § 31)

24 (i) *home occupations*, as provided for in subsection 14-
25 6.3(D)(2);

- (ii) noncommercial *greenhouses* and plant nurseries;
- (iii) private *garages*;
- (iv) *utility sheds*, located within the *rear yard* only;
- (v) children's play areas and play equipment;
- (vi) private barbeque pits and private swimming pools;
- (vii) [~~except in the RR district,~~] *accessory dwelling units* as regulated in Subsection 14-6.3(D)(1);
- (viii) other uses and *structures* customarily *accessory* and clearly incidental and subordinate to permitted or permissible uses and *structures*; and
- (ix) *accessory structures* of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts, and such other *accessory structures* that exceed thirty (30) inches in height from the average ground elevation.

(b) All *accessory* uses and *structures* allowed under subsection 14-6.3(B)(2)(a) shall: (Ord. No. 2013-16 § 32)

- (i) not involve the conduct of *business* on the *premises*, except *home occupations*;
- (ii) be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership; and
- (iii) not be likely to attract visitors in larger numbers than would normally be expected in a *single-family residential neighborhood*. [;]

- 1 (d) shall be built only when permission to construct is granted to the *owner-*
2 *occupant* of the *principal dwelling unit*;
- 3 (e) shall have *lot* coverage not exceeding the square footage of the *lot*
4 coverage of the *principal dwelling unit* or not more than one
5 thousand five hundred square feet, whichever is less;
- 6 (f) shall be limited to one *story* and shall not exceed [~~fifteen~~] fourteen
7 (14) feet to the top of the parapet or to the highest point of the roof if
8 there is no parapet;
- 9 (g) shall be of the same architectural style as the *principal dwelling unit*;
- 10 (h) may be rented as follows:
- 11 (i) by the *owner-occupant* who may rent the *principal dwelling*
12 *unit* or the *accessory dwelling unit* as a *short-term rental unit*
13 pursuant to Subsection 14-6.2(A)(5) during which time, the
14 *owner-occupant* shall occupy either the *principal dwelling*
15 *unit* or the *accessory dwelling unit*; or
- 16 (ii) by the *owner-occupant* who may rent either the *principal*
17 *dwelling unit* or the *accessory dwelling unit*; or
- 18 (iii) by the *property owner* who may rent both the *principal*
19 *dwelling unit* and the *accessory dwelling unit* to the same
20 lessee, however, no separate subletting of either unit is
21 allowed.
- 22 (i) shall not be issued a construction *permit* until a restrictive covenant
23 is recorded at the office of the county clerk that requires the current
24 *property owner* and all future *property owners* to comply with
25 Subsection 14-6.3(D)(1). The covenant shall be in a form approved by

1 the *land use director* and the city attorney and shall be notarized
2 prior to recordation. A copy of the recorded covenants shall be
3 provided to the *land use director* with the construction *permit*
4 application. The *land use director* shall maintain copies of recorded
5 covenants pursuant to the provisions of this section. An affidavit
6 filed prior to the adoption of Ordinance No. 2008-5 (ordaining
7 Subsection 14-6.2(A)(5)) and amending Subsection 14-6.3(D)(1)
8 remains in effect and is automatically amended to reflect the
9 provisions of Ordinance No. 2008-5.

10 (j) shall not be subdivided from a *principal dwelling unit* or sold under
11 separate ownership from a *principal dwelling unit* unless the
12 *accessory dwelling unit* meets all applicable requirements for a
13 *principal dwelling unit*. In such case, the restrictions set forth in
14 Subsection 14-6.3(D)(1) shall no longer apply and the affidavit or
15 restrictive covenant in Subsection 14-6.3(D)(1) may be voided upon
16 approval of the *land use director*; and

17 (k) shall remain in continuous compliance with the provisions of this
18 section to maintain the validity of the *certificate of occupancy* of the
19 *accessory dwelling unit*. The *certificate of occupancy* of an
20 *accessory dwelling unit* may be revoked for noncompliance with this
21 Subsection 14-6.3(D)(1) as provided in Article 14-11 Enforcement.

22 **Section 16. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37 § 8, as**
23 **amended) is amended to read:**

24 **(C) Temporary Structures Treated as Permanent Structures**

25 (Ord. No. 2013-16 § 35)

1 *Structures* other than *temporary structures* described in Subsection 14-6.4(A) that
2 remain in place for a period of more than [~~thirty days in a nonresidential district or~~
3 ninety days [~~in a residential district~~] are subject to the same provisions of Chapter 14 as
4 permanent *structures*, whether or not they are permanently affixed to the ground or
5 constructed of lightweight or nondurable materials.

6 **Section 17. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37 § 9 as**
7 **amended) is amended to read:**

8 **B. Dimensional Calculations**

9 **(Ord. No. 2013-16, § 36)**

10 (1) Net Lot Area

11 [~~Minimum~~] For lots smaller than one acre, the minimum required net lot area
12 for residential subdivisions excludes any portion of the lot devoted to public
13 and private streets and driveway easements such as lot access driveways and
14 fire access roads. For single-family residential subdivisions, portions of the
15 lot devoted to common open space or other facilities intended to serve
16 primarily the residents of other lots are also excluded. [~~is calculated excluding~~
17 ~~rights-of-way.~~]

18 (2) Lot Depth

19 The depth is measured between the front and rear ~~lot~~ lines, perpendicular to
20 the front lot line. In the case of irregularly shaped lots, the depth shall be the
21 average of all such measurements along the front lot line.

22 (3) Reserved

23 (4) Lot Coverage

24 Lot coverage is [~~measured by~~] the percentage of the total projected area on
25 the ground of [all] structures in relation to the lot area [~~excluding~~].

- 1 (a) [~~t~~]The types and portions of *structures* listed in Subsection 14-
 2 7.1(D)(2)[~~;~~] are excluded from the area covered by *structures*.
- 3 (b) [~~e~~]Eaves and similar roof projections within two (2) feet of the wall
 4 of a *building*[~~;~~ and] are excluded from the area covered by
 5 *structures*.
- 6 (c) For *residential development*, the portion of the *lot* occupied by
 7 easements for private roads and *lot access driveways* is excluded
 8 from the *lot* area.
- 9 (d) For *single-family residential development on lots smaller than one*
 10 acre, the portion of the *lot* occupied by *common open space*, *fire*
 11 access roads or other facilities intended to serve primarily the
 12 residents of other *lots* are also excluded from the lot area.

13 (5) Structure Perimeter

14 *Structure* perimeter is measured by the projected area of the *structure* on the
 15 ground, including all appurtenances such as eaves, bay windows, *awnings*
 16 and cantilevered decks.

17 (6) Slope Measurement

18 *Slopes* are measured at contour intervals of five (5) feet or less. The *slope*
 19 percent is the relation of vertical rise from or to *contour lines* calculated as
 20 follows:

$$\frac{H-L}{D} \times 100$$

22 D]

$$(H-L) \times 100 / D$$

24 where H equals the highest elevation of the portion of the *tract* measured; L
 25 equals the lowest elevation on the portion of the *tract* measured; and D

1 equals the horizontal distance between H and L.

2 (7) Building Frontage

3 As used in Section 14-8.10 (Signs), *building frontage* is the horizontal
4 distance across the front of a *building* as near to ground level as possible. In
5 cases where this test is indeterminate or cannot be applied, for example,
6 where there is a diagonal corner entrance or where two or more sides of a
7 *building* have entrances of equal importance and carry approximately equal
8 amounts of pedestrian traffic, the *land use director* shall select the *building*
9 *frontage* on the basis of the interior layout of the *building*, traffic on adjacent
10 *streets* or other indicators available.

11 (8) Floor Area Ratio

12 The *gross floor area* of all *buildings* on a *lot*, including covered parking
13 *structures* but not roof deck parking, divided by the *lot* area; for example:
14 twenty thousand (20,000) square feet of *gross floor area* on a ten thousand
15 (10,000) square foot *lot* is a floor area ratio of 2.0:1.

16 **Section 18. Subsection 14-7.1(F)(2) SFCC 1987 (being Ord. No. 2011-37 § 9) is**
17 **amended to read:**

18 (2) Visibility at Driveways

19 At driveways that provide access to a public or private *street*, no parking *lot*,
20 fence, *wall* or other *structure*, hedge or planting that will obstruct drivers'
21 views of traffic shall be erected, placed or maintained within a triangular area
22 on either side of the driveway as follows:

- 23 (a) for driveways serving *nonresidential* uses on all *streets* and roads
24 and driveways serving *residential* uses on arterial and collector
25 roads, the required visibility triangles for each driveway are

1 determined by the public works director based on AASHTO
2 standards;

3 (b) for driveways serving *residential* uses on *streets* and roads classified
4 as subcollectors or lanes, obstructions between a height of three (3)
5 feet and [~~eight (8)~~] six (6) feet are prohibited within the required
6 visibility triangles as determined by the more restrictive of:

7 (i) measurements of five (5) feet along the edge of the driveway
8 and fifteen (15) feet along the *street property* line; and

9 (ii) measurements of fifteen (15) feet back from the nearest travel
10 lane along the edge of the driveway and thirty (30) feet along
11 the travel lane. See Illustration 14-7.1-1.

12 [Editor's Note: Illustration is not changed by this bill.]

13 **Section 19. Subsection 14-7.1(F)(3)(b) SFCC 1987 (being Ord. No. 2011-37 § 9) is**
14 **amended to read:**

15 (3) Visibility at Intersections

16 On any *corner lot*, no fence, *wall*, hedge or other planting or *structure* that
17 will obstruct drivers' views of traffic shall be erected, placed or maintained
18 within the triangular area as follows:

19 (a) For intersections on *streets* and roads classified as arterials and
20 collectors, the required visibility triangles for each intersection are
21 determined by the public works director based on AASHTO
22 standards.

23 (b) For ninety degree intersections on *streets* and roads classified as
24 subcollectors or lanes, obstructions between a height of three (3) feet
25 and [~~eight (8)~~] six (6) feet are prohibited within the required

1 visibility triangles formed by the *right-of-way* lines at points that are
2 twenty-five (25) feet from the intersection of the *right-of-way lines*.
3 On any *corner lot* of other than ninety degrees or on *corner lots* with
4 *grade* variations, the visibility requirement shall be adjusted by the
5 public works director based on AASHTO standards to ensure public
6 safety. See Illustration 14-7.1-2.

7 **Section 20. Subsection 14-7.1(F)(4) SFCC 1987 (being Ord. No. 2011-37 § 9) is**
8 **amended to read:**

9 (4) Street Setback for Garage or Carport

10 (a) A *garage* or carport with a vehicle entry facing the street shall be set
11 back at least twenty (20) feet from the *street property* line as shown
12 on Illustration 14-7.1-3, except as provided in Subsection (4)(b).

13 This Subsection 14-7.1(F)(4) applies to public and private streets
14 including lot access driveways, but does not apply to alleys.

15 (b) A carport with a vehicle entry facing the street may be constructed in
16 accordance with the minimum *street yard* requirements applicable to
17 principal *structures* for the district within which it is located,
18 provided that:

19 (i) the carport is set back at least seven (7) feet from the street
20 *property* line; and

21 (ii) the carport is fully open on three or more sides and is
22 constructed of materials and an architectural style that is the
23 same as, or compatible with, the *principal dwelling unit*; and

24 (iii) use of the carport is restricted to temporary parking of
25 currently-registered, operable passenger automobiles, light

1 trucks or motorcycles for the non-commercial use of the
2 residents; and

3 (iv) storage of any material other than the personal motor
4 vehicles described in Subsection (4)(b)(ii) is prohibited.

5 **[Editor's Note: Illustration 14-7.1-3 is not changed by this amendment.]**

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Section 21. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37 §9, as amended) is amended to read:

Table 14-7.2-1: Table of Dimensional Standards for Residential Districts

(Ord. No. 2013-16 §§ 37-40)

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1, 14)							
DISTRICT	Max. Density (dwelling units per acre) Note 2	Gross units of public sewer water available; if sewer is available; if both public sewer and water are provided; if both public sewer and water are provided; and common open space is provided as set forth in §14-7.2(G); otherwise, 0.4 du/acre]. If public sewer and	Minimum Lot Area Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Required [Qualifying] Open Space (square feet) Note 9, 10
RR	[1] du/acre if public sewer water is available; 2 du/acre if both public sewer and water are provided; 3 du/acre if both public sewer and water are provided; and common open space is provided as set forth in §14-7.2(G); otherwise, 0.4 du/acre]. If public sewer and	[Area: 1-acre if public sewer of water is available; Net lot area - single-family dwellings: as per R-1 if both public sewer and water are [available; otherwise 2.5 acres] provided. If public sewer and water are not provided, see Note 16. Net lot area -	As per R-1 - R-6	As per R-1 if both public sewer and water are available. Otherwise: Street ^{Note [4] 12} . 25; Other yards: AS per R-1 ^[Note-4]	As per R1 [if both public sewer and water are available; otherwise, 40]	[Detached] Single-family dwellings: See Note 3. Multiple-Family Dwellings: 250 square feet of [qualifying] common and/or private open space [per] for each dwelling unit.	

	water are not provided. see Note 15.	<i>multiple-family dwellings:</i> as required to comply with maximum gross density.					
R-1	R1=1; R-2=2;	Net lot area – [Area] single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) If public sewer and water are not provided, see Note 15.	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)	Street ^{Note 12} : 7 (20 for garage or carport; Note 4) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear ^{Note 13} 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 for multi-family-if private open space is provided (See §14-7.5(C)(1): Increase maximum lot coverage if private open space provided.)	[Detached] Single-family dwellings: None except as provided for lot size averaging per Note 3. Multiple-family dwellings: 250 square feet of [setback] common and/or private open space for each dwelling unit. [common] open space – 50% total gross floor area of all buildings, plus private open space – 25% of gross floor area of each unit]	
R-2	R-3=3; R-4=4;						
R-3	R-5=5; R-6=6						
R-4	If public sewer and water are not provided, see Note 15.						
R-5							
R-6							

R-7 8 R-9	R-7=7; R-8=8; R-9=9. If public sewer and water are not provided, see Note 15.	per-dwelling unit]	Same as R-1 to R-6 Districts	Generally, setbacks are established by a development plan approved by the Planning Commission. Otherwise, same as R1 to [-] R6 Districts.	40; 55 for multi-family if private open space provided See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.	Same as R-1 to R-6 districts. [Detached single-family dwellings: ^{Note 3} Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.]
R7(1)	7. If public sewer and water are not provided, see Note 15.	Same as R-1 to R-6 districts. [Area: 4,000 sq. ft. per unit; 2,000 sq. ft. if common open space is provided. ^{Note} Width: No minimum, except to meet other Chapter requirements.]	Same as R1-R6 Districts	Same as R1 to [-] R6 districts	Same as R-1 to R-6 districts	[Detached Single-family dwellings: Same as R-1 to R-6 Districts

RC-5 RC-8	Gross Density Factor: RC- 5=5; RC-8=8. If public sewer and water are not provided, see Note 15. [Note-7]	Same as R-1 to R-6 to R-6 districts. [Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(e); "Minimum Open Space Requirements"]	All structures: 24 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.	Street Note 4, 12: None required if a yard wall between 6 and 8 feet high is built between building and street; otherwise, [1.5-foot setback] 7-foot street yard required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	[Without compound dwelling units:] Same as R-7 to R-9 districts. [With compound dwelling units:] Same as R-7 to R-9 districts. [Increase in maximum lot coverage if private open space is provided.]	Same as R-1 to R-6 [R-7 to R-9] districts
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F)). If public sewer and water are not provided, see	Net lot area - [Area: S] single-family dwellings: 3000 sq. ft. be reduced to 2000 sq. ft. if common open space is	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-12 [LD]: 24	[Same as for R-7 through R-9 districts: (See Note 6 for required height setback from side and rear property lines)] Generally, setbacks are established by a	Multiple-family of 6 or more units, single-family: 40 [single-family, two-family, or multiple-family of fewer [less] than 6 units: 40; 70 if private	[Detached] Single-family dwellings or multiple-family dwellings: 250 square feet of common and/or private open space for each [per] unit

<p>Note 15.</p>	<p>provided) Note 3. If public sewer and water are not provided, see Note 16. <i>Multiple-family:</i> As required to comply with <i>gross density</i> factor.</p>	<p>(See Note 6 for required height setback from side and rear <i>property</i> lines)</p>	<p><u>development plan approved by the Planning Commission. See Subsection 14-7.2(D).</u></p>	<p><i>open space</i> is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if <i>private open space</i> is provided.)</p>	<p>Same as for R-21 district.</p>
<p>RAC</p>	<p>Same as for R-21 district.</p>	<p>All <i>structures</i>: 24 (See Note 6 for required height setback from side and rear <i>property</i> lines)</p>	<p>Same as for R-7 through R-9 districts.</p>	<p>Same as for R-10 to R-21. [40;] Also see § 14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."</p>	<p>Same as for R-21 district</p>
<p>MHP See §14-7.2(I). If public sewer and water are not provided, see Note 15.</p>					
<p>NOTES:</p>					
<p>1. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 Overlay Zoning Districts and zoning map.</p>					
<p>2. See Section 14-7.2(B) Calculation of Allowable Dwelling Units, number of <i>lots</i> created and number of <i>dwelling units</i> constructed cannot exceed allowed <i>density</i>.</p>					
<p>3. See also Section 14-7.2(C) Lot Size Averaging in Single-Family Subdivisions.</p>					
<p>4. See Section 14-7.1(F)(4) Street Setback for Garage or Carport: A <i>garage</i> or carport with a vehicle entrance facing the <i>street</i> must be set back 20 feet from the <i>street property</i> line as shown in Illustration 14-7.1-3.</p>					
<p>5. <i>Side and rear required yards</i>, including the requirements in Note 6 of this Table 14-7.2-1, may be reduced with the concurrence of adjoining <i>property owners</i> as shown on a recorded agreement, <i>plat</i> or other recorded declaration signed by the adjoining <i>property owners</i> in a form approved by the <i>land use director</i>, and in compliance with the Building Code as set forth in Article 7-1 SFCC 1987 Building Codes; General Provisions. The <i>yard</i> reduction must be offset by provision of a corresponding increase in the <i>yard</i> provided on the adjoining <i>lot</i>.</p>					
<p>6. Within ten (10) feet of a side or rear <i>property</i> line, no point on a <i>structure</i> shall be higher than fourteen (14) feet</p>					

1 above the finished *grade* at the closest point on the perimeter of the *structure*. Within fifteen (15) feet of a side or rear *property*
2 line, no point on a *structure* shall be higher than twenty-four (24) feet above the finished *grade* at the closest point on the
3 perimeter of the *structure*. (Ord. No. 2013-16 § 40)

4 7. See also Section 14-8.4(J)(3) Buffer for Nonresidential Development Abutting Residential.

5 8. See also Section 14-7.1(B) for calculation of maximum height limits.

6 9. See Section 14-7.5 for *qualifying open space* regulations.

7 10. See Section 14-7.5 (D) for amount of *open space* required for *non-residential* uses.

8 11. See Subsection 14-7.1(B)(1) for calculation of net lot area.

9 12. Street yard requirements apply to lot access driveways.

10 13. The required rear yard is 5 feet for the types of accessory structures specified in Subsection 14-6.3(B)(2) that are
11 14 feet or less in height and that are separated from principal structures on the same lot by at least 10 feet.

12 14. Except as otherwise provided in this chapter, the height limit and other development standards for accessory
13 structures are the same as for the associated principal structures. Additional development standards for specified accessory
14 uses are found in Subsections 14-6.3(B)(2) and 14-6.3(D).

15 15. The maximum gross density in districts that permit residential use is 0.4 dwelling units per acre if neither public
16 sewer or water is provided, and one dwelling unit per acre if either public sewer or water is provided.

17 16. The minimum required net lot area for single-family dwellings is 2.5 acres if neither public sewer or water is
18 provided, and is 1 acre if either public sewer or water is provided.

19 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

1 Section 22. Subsection 14-7.2(B)(10) SFCC 1987 (being Ord. No. 2011-37 § 9, as
2 amended) is amended to read:

3 (10) The minimum [~~lot size~~] net lot area requirement for *single-family dwellings*
4 shall be as established in [~~this Section 14-7.2 and Section~~] Subsection 14-
5 7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of
6 dwelling units, and the number of lots occupied by single-family dwellings in
7 a residential subdivision shall not exceed the number provided by this
8 Subsection 14-7.2(B). [~~that set forth in Table 14-7.2-1 except. The minimum~~
9 ~~lot size requirement for single family structures shall be as specified in Table~~
10 ~~14-7.2-1; however the lot size may be reduced to a minimum of two~~
11 ~~thousand (2,000) square feet if common open space, meeting the criteria set~~
12 ~~forth in Section 14-7.5(B), is provided such that the sum of the square~~
13 ~~footage of the lots for a development plus the sum of the square footage for~~
14 ~~common open space, all divided by the number of single family lots, equal no~~
15 ~~less than the minimum lot size specified in Table 14-7.2-1. In no case shall~~
16 ~~the lot include parking areas intended for use by residents of more than one~~
17 ~~lot.~~]

18 Section 23. Subsection 14-7.2(C) SFCC 1987 (being Ord. No. 2011-37 § 9) is
19 amended to read:

20 (C) **Lot [Size] Area Averaging in Single-Family Subdivisions**

21 (1) It is intended that the *common open space* required in *single-family*
22 subdivisions where the *lot [size] area* has been reduced from that of a
23 conventional subdivision be a compensation to occupants for reduced *lot*
24 [~~size~~] area. It is further intended that *common open space* be usable and be
25 provided for occupants outside of the *lot* but within the subdivision.

1 (2) [~~Where the lot size is between two thousand (2,000) and four thousand~~
2 ~~(4,000) square feet, common open space is required in an amount such that~~
3 ~~the sum of the square footage of the lots in the development plus the sum of~~
4 ~~the square footage for common open space, all divided by the number of~~
5 ~~single family lots, equals no less than four thousand (4,000) square feet.] The
6 minimum lot area requirement for single-family structures is specified in
7 Table 14-7.2-1; however the lot area may be reduced to a minimum of two
8 thousand (2,000) square feet if common open space is provided equal to the
9 sum of lot area reductions within the subdivision.~~

10 **Section 24. Subsection 14-7.2(D) SFCC 1987 (being Ord. No. 2011-37 § 9) is**
11 **amended to read:**

12 **(D) Minimum Yard Requirements**

13 Minimum yard requirements in the [~~R-7, R-8, R-9,~~] R-10, R-12, R-21 and R-29
14 districts shall be established by an approved *development* plan or as set forth in this
15 Subsection 14-7.2(D).

16 (1) To facilitate creative and responsive housing types in medium to high *density*
17 *developments*, an *applicant* may request approval of a *development* plan
18 establishing minimum *required yards* different than the default *required*
19 *yards* required by Subsection 14-7.2(D)(2). The *required yards* shall be
20 based upon their relationship to the overall *development* and its purpose and
21 their relationship to surrounding *properties*.

22 (2) If minimum *required yards* are not established by an approved *development*
23 plan as set forth in this Subsection 14-7.2(D), the minimum *required yard*
24 shall be:

25 (a) with the exception of detached [~~allowed accessory structures for~~

1 ~~which required yards are~~ utility sheds which must be located as set
2 forth in [~~Section 14-6.3(B) Multiple Principal Uses; Accessory Uses~~
3 ~~or Structures~~] Subsection 14-6.3(B)(2)(a), the minimum *street yard*
4 shall be ten (10) feet for *multiple-family buildings* containing six or
5 more *dwelling units*, and seven (7) feet for all other *buildings*. The
6 distance between a *garage* or carport facing the *street* and the front
7 *property* line shall be [~~a minimum of twenty (20) feet~~] as provided in
8 Section 14-7(D); and

9 (b) except as otherwise provided in [~~Article 14-6 (Permitted Uses and~~
10 ~~Use Regulations)~~] Table 14-7.2-1 Notes 13 and 14, the other
11 *required yards* shall be a minimum of five (5) feet subject to the
12 stepback requirements of Section 14-7.1(C)(2) General Height
13 Standards and Table 14-7.2-1 Note 6. For all *structures* other than
14 *multiple-family buildings* containing six or more *dwelling units*, zero-
15 foot other *yards* are allowed with the concurrence of adjoining
16 *property owners* as provided in Table 14-7.2 Note 5. [~~shown on a~~
17 ~~recorded agreement, plat or other recorded declaration signed by the~~
18 ~~adjoining property owners in a form approved by the land use~~
19 ~~director, and in compliance with the building code as set forth in~~
20 ~~Article 7-1 SFCC 1987 Building Code; General Provisions.~~]

21 (3) Other permissible *structures* have the same *required yards* as those set forth
22 in this Subsection 14-7.2(D) unless otherwise specified

23 Section 25. Subsection 14-7.2(H) SFCC 1987 (being Ord. No. 2011-37 § 9) is
24 amended to read:

25 (H) Maximum Nonresidential Use Area in RAC District.

Not more than three thousand (3,000) square feet of the *gross floor area* of a *building* shall be devoted to *nonresidential* uses that are not also permitted uses or special use permit uses in the R-21 district.

Section 26. Subsection 14-7.3(A) SFCC 1987 (being Ord. No. 2011-37 § 9, as amended) is amended to read:

14-7.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

(A) Table of Dimensional Standards

(Ord. No. 2013-16 § 42)

The standards set forth in this table apply to all *principal* and *accessory structures* unless otherwise provided in Chapter 14.

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
District	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non-residential open space requirements
C-1	Same as R-21 district including <i>residential density</i> and <i>open space</i> requirements: See Table 14-7.2-1 (Ord. No. 2013-16 § 42)	36	<i>Nonresidential</i> Uses: Street: 10 Side: 5 Rear: 10 <i>Residential</i> Uses: Same as for R-21 district.	<i>Nonresidential</i> Uses: 60 <i>Residential</i> Uses: 40
C-2	None <u>Also see §14-7.5(D)(8)(c): Open Space Requirements</u>	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for setback abutting <i>residential</i> district)	60
C-4	For <i>residential</i> uses, same as contiguous <i>residential</i> district (See Note 10) For <i>nonresidential</i> uses, see 14-7.5(D)(8)(d): "Minimum Open Space Requirements"	24 (See note 6 for height stepback from <i>property</i> lines)	(See note 6 for height stepback from <i>property</i> lines) <i>Nonresidential</i> Uses: Street: 10 Side: 5 Rear: 10 <i>Residential</i> Uses: Same as	<i>Nonresidential</i> Uses: 60 <i>Residential</i> Uses: 40

	(Ord. No. 2013-16 § 42)		R-21 zoning district	
HZ	21,780 sq ft	70 for a <i>hospital</i> in the Las Soleras Hospital District; 36 otherwise	Same as for R1-R5 Districts.	In the Christus St. Vincent Hospital Zone District: <i>Gross floor area</i> shall not exceed 30% of total <i>lot</i> area. In the Las Soleras Hospital Zone District: floor area ratio shall not exceed 1.8:1
I-1	None, except as may be needed to satisfy other limitations applicable to an I-1 District.	65 (provided that any part of the <i>building</i> exceeding 36 feet in height shall be <i>set back</i> from each <i>yard</i> line at least one foot for each two feet of additional <i>building</i> height above 36 feet)	Same as for C-2 District.	50
I-2	None, except as may be needed to satisfy other limitations applicable to an I-2 District.	Same as I-1 District.	<i>Street</i> : 15 <i>Side</i> : 10 if abutting a <i>residential</i> district; 5 if not abutting a <i>residential</i> district <i>Rear</i> : 25 if abutting a <i>residential</i> district; 10 if not abutting a <i>residential</i> district	60

BIP	Minimum District Size: 4 acres Note 3	No portion of any <i>structure</i> located within 25 feet of any <i>residential zoning</i> district or <i>residential use</i> shall exceed 24 feet in height Maximum height calculation shall not include a parapet. - <i>Structures</i> may exceed 24 feet, not to exceed 36 feet, exclusive of the parapet, provided the <i>structure wall</i> shall be stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted.	No <i>building</i> , parking or loading facilities, or driveway shall be located less than 50 feet from the boundary of any <i>residential use</i> or <i>residential zoning</i> district Note 4	None, except to meet the <i>open space, setback, parking,</i> and other applicable requirements
PRC NOTE 9[-8]	Minimum District Size: 160 acres	---	---	---
PRRC NOTE 9	Minimum District Size: 160 acres	---	---	---
SC1 SC2 SC3	Minimum <i>Lot</i> Requirements: Note 5 SC1: 5 acres SC2: 10 acres SC3: 40 acres See also §14-4.3(K)(2), "Rezoning to the SC district"	SC1: 35 SC2: 45 SC3: 45	The requirements for minimum <i>yards</i> in SC districts shall be equivalent to the minimum <i>yard</i> requirements in any adjoining zoning district.	None

<p>MU</p>	<p>None, except as may be needed to satisfy other limitations applicable to a MU district Also see § 14-7.5(D)(8)(b) for <i>open space</i> requirements.</p>	<p>A maximum height of 35 feet shall be permitted where two or more <i>stories</i> are included in a <i>building</i>; where the <i>mixed-use development</i> is located adjacent to <i>residential</i> uses or <i>residential zoning</i>, all <i>buildings</i> and <i>structures</i> within 70 feet of the adjoining <i>residential property</i> line shall not exceed 25 feet in height. Also see §14-7.3(B)(1) for <i>step-back</i> requirements.</p>	<p><i>Street</i>: Equivalent to the minimum <i>yard</i> requirements in any adjoining <i>residential</i> zoning district if not separated by a <i>street</i>; otherwise none is required. Side: 30 feet from <i>property</i> line when abutting a <i>residential</i> district; 5 feet from <i>property</i> line if not abutting a <i>residential</i> district. <i>Right of way</i> may be counted as part of <i>setback</i>. Rear: 30 feet from <i>property</i> line when abutting a <i>residential</i> district; 10 feet from <i>property</i> line if not abutting a <i>residential</i> district. <i>Right of way</i> may be counted as part of <i>setback</i>. Also see §14-7.3(B)(1) for separation requirements.</p>	<p>None, except as may be needed to satisfy other limitations applicable to a MU district Also see §14-7.3(B)(1) for <i>footprint</i> requirements and <i>residential</i> requirements</p>
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TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)

NOTES:

1. Additional regulations, see also: Section 14-5 Overlay Districts and official zoning map. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table; Section 14-8.4(J)(3), fifteen-foot buffer required for *nonresidential* uses adjacent to *residential* uses; Section 14-8.4(I)(2)(d), five-foot *planting strip* where parking lot abuts [~~street~~] *required street yard*; Section 14-8.2(D)(4)(e)(i), *setback* from shoulder of arroyo, stream [øf] *or* watercourse; and Section 14-7.1(D), *required yards*.
2. Additional regulations: *Rear yard* ten feet, except on the rear of a lot abutting a *residential* district, in which case there shall be a [~~rear~~] *required rear yard* of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the least. See also Section 14-8.4(J)(3) Landscape Buffer for Nonresidential Uses, fifteen-foot buffer required for *nonresidential* uses adjacent to *residential* uses.
3. Additional regulations: The minimum total area of a BIP district shall be four acres. The minimum total area may be further divided into individual *lots*; however, the site shall be master planned in its entirety and the master plan approved by the planning commission.
4. Additional regulations: The planning commission may consider reduced *required yards* to allow for greater flexibility in site design, and based on the proposed use and site *development* proposal. *Required yard* reduction may also be mitigated by other factors, including topography, proposed fences or *walls* or dense *landscape* separation. In no case, however, shall the *required yards* be less than twenty-five feet.

5. Additional regulations: *Lots* may be combined to meet the minimum site requirements or *subdivided* smaller than the minimum site requirements; provided that the planned shopping center district shall be preserved in such ownership or control so as to ensure 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.

6. Within ten feet of a side or rear *property line*, no point on a *structure* shall be higher than fourteen (14) [twelve] feet above the finished *grade* at the closest point on the perimeter of the *structure*. Within fifteen feet of a *property line*, no point on a *structure* shall be higher than twenty-four feet above the finished *grade* at the closest point on the perimeter of the *structure*.

7. [~~See Section 14-3.9(C)(3) (Procedures) for development standards in PRC and PRRC districts.~~] RESERVED

8. See Section 14-7.5(D) for amount of *open space* required for *non-residential* uses.

9. In the PRC and PRRC districts, *development standards* shall correspond to the approved master plan as provided in [~~Section~~] Subsections 14-3.9(C)(3) and 14-3.8(C)(3).

10. 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. (Ord. No. 2013-16 § 42)

Section 27. Section 14-7.5 SFCC 1987 (being Ord. No. 2011-37 § 9, as amended) is

amended to read:

14-7.5 Open Space Standards

(A) General Provisions

[~~Qualifying open~~] Open space shall be provided that meets the minimum standards of this Section 14-7.5, Section 14-8.4(H) Open Space Planting Requirements and other applicable requirements of Chapter 14. [~~Qualifying~~] All required open space shall meet the following standards:

(1) [~~Qualifying open~~] Open space consists of areas that are *landscaped* [~~and irrigated,~~] or that preserve natural vegetation, and may include outdoor facilities for *passive* or *active recreation*. [~~Qualifying open space may include landscaped areas that are used for retention or detention of stormwater.~~]

(2) [~~Qualifying open~~] Open space does not include *streets*, driveways, parking or loading areas, fire apparatus access roads and turnarounds, storage areas or

1 *buildings.*

2 ~~(3) Residential *open space* must be provided for each unit in the total amount~~
3 ~~specified in Table 14-7.2-1. *Common* or *private open space* may be provided~~
4 ~~in any combination that meets applicable standards. *Private open space*~~
5 ~~provided in excess of the minimum requirement for a unit may not be used to~~
6 ~~reduce the *open space* for any other unit.~~

7 **(B) Residential Common Open Space Standards**

8 (1) The intent of *common open space* is to provide useable outdoor space for
9 residents of *developments*, promote compact urban form, screen and buffer
10 conflicting zoning categories and, in general, enhance the quality of the
11 urban environment. Where appropriate, *open space* should contribute to the
12 preservation of Santa Fe's natural features, especially hillsides and arroyos.
13 Consideration shall be given to providing wildlife habitat, especially by
14 providing *open space* along arroyos, stream corridors and linkages to other
15 habitat areas. To the greatest extent possible, connections shall be provided
16 to public *open space* and the urban trail system and bicycle paths or in such a
17 way that a future connection is facilitated. The most appropriate use or uses
18 for outdoor space shall be proposed and assessed on a case-by-case basis and
19 may include active or passive use.

20 (2) A minimum of fifty percent of [~~qualifying~~] *common open space* shall be
21 useable space for active or *passive recreation* or pedestrian ways that include
22 interior sidewalks and patios. The *land use director*, a *land use board* or the
23 *governing body* may require tot lots or other play areas and equipment,
24 walking paths, benches and lighting.

25 ~~[(3) *Qualifying open space* must be provided for each unit in the total amount~~

1 specified in Table 14-7.2-1. ~~Common or private open space~~ may be provided
2 in any combination that meets applicable standards. ~~Private open space~~
3 provided in excess of the minimum requirement for a unit may not be used to
4 reduce the ~~open space~~ for any other unit. Except where both ~~private and~~
5 ~~common open space~~ are specifically required by Table 14-7.2-1, ~~qualifying~~
6 ~~private open space~~ may be used to meet ~~common open space~~ requirements.

7 ~~(4) It is intended that the common open space required in single family~~
8 ~~subdivisions, where the lot size has been reduced from that of a conventional~~
9 ~~subdivision, be a compensation to occupants for reduced lot size. It is further~~
10 ~~intended that common open space be usable and be provided for occupants~~
11 ~~outside of the lot, but within the subdivision.~~

12 ~~(5) Required on-site ponding, whether retention or detention ponding, may be~~
13 ~~coincident with required common open space subject to Section 14-8.4(H)~~
14 ~~(Open Space Planting Requirements) and any further restrictions set forth in~~
15 ~~Chapter 14.]~~

16 ~~(3) Common open space may include areas used for retention or detention of~~
17 ~~stormwater provided that all other applicable standards are met.~~

18 ~~[(6)4] Common open space shall be no less than fifteen (15) feet in any [one]~~
19 ~~dimension and no less than five hundred (500) square feet per segment.~~

20 ~~[(7)5] Common open space shall be dedicated to a homeowners' association or~~
21 ~~owned and maintained by the owner of rental housing developments. If~~
22 ~~dedicated to a homeowners' association, there shall be covenants running~~
23 ~~with the land restricting the use of common open space to that use and~~
24 ~~prohibiting subdivision or separation of ownership of the common open~~
25 ~~space. The restriction shall be noted on the development plan or final plat.~~

1 ([§]6) *Accessory dwelling units* are required to provide the same amount of
2 ~~[qualifying]~~ *private open space* as other *dwelling*s in the district; however,
3 ~~[qualifying]~~ *private open space* for the *accessory dwelling unit* may be
4 connected to ~~[qualifying]~~ *private open space* for the ~~[primary]~~ principal
5 *dwelling unit*, and up to fifty percent of the ~~[qualifying]~~ *private open space*
6 required for the *accessory dwelling unit* may be the same ~~[qualifying]~~ *private*
7 *open space* provided for the ~~[primary]~~ principal dwelling unit.

8 (C) **Residential Private Open Space Standards**

9 The intent of *private open space* is to ensure easily available access to the outdoors in
10 medium- to high-density *developments*, and to provide for a sufficient sense of
11 privacy. Requirements for *private open space* are as follows:

- 12 (1) the maximum *lot coverage* for multi-family developments may be increased
13 in accordance with Table 14-7.2-1 if ~~[qualifying private]~~ *open space* for
14 each *dwelling unit* is provided as follows:
- 15 (a) for *lots* in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-7I, R-8~~[or R-9]~~, R-9,
16 RC-5 and RC-8 districts, an amount not less than fifty percent of the
17 total *gross floor area* of that *dwelling unit*; and
- 18 (b) for *lots* in R-10, R-12, R-21 and R-29 districts, an amount not less
19 than thirty percent of the total *gross floor area* of that *dwelling unit*.
- 20 (c) ~~[for compounds in RC 5 and RC 8 districts, there is no lot coverage~~
21 ~~limit when *qualifying open space* is provided as required by this~~
22 ~~Section 14-7.5.] The *open space* provided to meet the requirements~~
23 ~~of Subsections (1)(a) and (1)(b) above may be counted toward~~
24 ~~meeting the *open space* requirement in Table 14-7.2-1 for *multi-*~~
25 ~~*family dwelling units*.~~

- 1 (2) balconies, roof decks or roofed areas such as *porches* or *portals* may be
2 included as all or part [~~twenty-five percent~~] of the required *private open*
3 *space*;
- 4 (3) *private open space* does not include [~~parking areas, driveways or related~~
5 ~~access for automobiles or~~] stormwater ponding areas;
- 6 (4) the minimum dimension for required *private open space* located on the
7 ground shall not be less than twelve (12) feet, and not less than four (4) feet
8 and forty (40) square feet for balconies, roof decks or other private open
9 space that is not located on the ground;
- 10 (5) finished grade for required *private open space* shall have a *slope* no greater
11 than one (1) vertical foot in ten (10) horizontal feet; and
- 12 (6) *accessory dwelling units* shall also be required to meet the *private open space*
13 criteria in this Subsection 14-7.5(C); provided, however, that *private open*
14 *space* for the *accessory dwelling unit* does not have to be physically
15 separated from the *private open space* for the [~~primary~~] principal dwelling
16 unit, and up to fifty percent of the *private open space* required for the
17 *accessory dwelling unit* may be the same *private open space* provided for the
18 [~~primary~~] dwelling unit; and
- 19 (7) there are no planting requirements for *private open space*.
- 20 (8) Private open space must be adjacent to and directly accessible from the unit
21 for which it is provided.

22 (D) **Nonresidential and Mixed Use Open Space Standards**

- 23 (1) *Open space* shall be provided in *nonresidential* and *mixed use developments*
24 to promote environmental health; foster a sense of openness; provide light
25 and air; preserve existing vegetation or provide new vegetation to help

1 oxygenate the air; provide shade; help control stormwater runoff and *erosion*;
2 and improve ground water quality.

3 (2) *Nonresidential open space* shall be planted and linkage provided to *public*
4 *open space*, following the same requirements as for *residential common open*
5 *space* in Subsection 14-7.5(B).

6 (3) Planting requirements are the same as for *residential open space* and may be
7 combined with other *landscape* requirements, including those for *street tree*
8 planting and parking lots.

9 (4) The minimum dimension for *nonresidential open space* shall be ten (10) feet
10 and cover a minimum of three hundred (300) square feet, unless the area is a
11 component of interior parking *landscape* and meets the requirements for
12 *open space* credits for *water harvesting* described in this Subsection 14-
13 7.5(D)(6).

14 (5) The percentage of required *open space* shall be calculated on the basis of
15 total *lot* area, and shall be no less than twenty-five percent unless the
16 conditions described in Subsection 14-7.5(D)(6) are met; then the required
17 *open space* may be reduced by a maximum of ten percent of the total *lot* size.
18 More restrictive requirements for individual zoning districts [shall] apply.

19 (6) To encourage an increase in permeable surface area, to reduce stormwater
20 runoff and *erosion*, to increase infiltration, and to encourage water
21 conservation and *water harvesting*, the required *open space* may be reduced
22 as follows:

23 (a) The *open space* requirement for *development* that incorporates a
24 *passive water harvesting* concept that is a primary component of
25 stormwater management [~~shall earn an *open space* reduction equal to~~

1 ~~five~~ is twenty (20) percent of the total *lot* area. ~~[An]~~ The open
2 space requirement for development that incorporates an active water
3 harvesting and distribution system that is a primary component of
4 stormwater management and that is a component of outdoor
5 irrigation or suitably treated for indoor use ~~[shall earn an open space~~
6 ~~reduction equal to five]~~ is fifteen (15) percent of the total *lot* area.
7 ~~[The total reduction in open space for water harvesting shall not~~
8 ~~exceed ten percent of the total lot area.]~~ The credits shall be earned
9 through the application of engineering calculations that are submitted
10 as a part of the *landscape* plan and the terrain management
11 regulations provided in Section 14-8.2 Terrain and Stormwater
12 Management. The calculations shall show the percentage of water
13 harvested and the estimated water conserved based on the required
14 water budget provided in Section 14-8.4(E)(4) Water Harvesting and
15 Irrigation Standards; and

16 (b) the *open space* reduction shall not result in an increase in parking
17 area.

18 (7) An *applicant* for a construction *permit* shall not be required to lose existing
19 parking spaces or other previously developed area in order to fulfill the *open*
20 *space* requirement, but may not increase the *intensity* of a use or create an
21 addition that would result in a decrease in *open space* below the minimum
22 required, unless existing *impervious surfaces* are retrofitted for stormwater
23 management as described in Section 14-8.4 Landscape and Site Design.

24 (8) ~~[Open Space]~~ Additional Requirements in BIP, MU and C-2 Districts

25 (a) BIP districts

1 (i) To encourage pedestrian amenities and preservation
2 of existing vegetation, [~~qualifying~~] *open space* shall
3 be provided at a minimum of forty percent of the
4 total master plan area.

5 (ii) As an incentive for providing commonly shared site
6 amenities, and as may be appropriate to more urban
7 *development*, the planning commission may grant
8 double the square footage of site amenities to be
9 counted toward the [~~qualifying~~] *open space*
10 requirement. Site amenities shall be accessible, and
11 include the following examples: 1) interior trail
12 systems; 2) small plazas; 3) fountains; 4)
13 children's play areas; and 5) public art. In no case
14 shall the amount of [~~qualifying~~] *open space* be less
15 than twenty-five percent of the total master plan
16 area.

17 (b) MU districts

18 A common, *landscaped* open area with seating shall be provided
19 with a minimum size of five hundred (500) square feet per acre of
20 *development*. The area shall be open to the sky and be suitably
21 lighted and be designed to encourage social interaction.

22 (c) C-2 District

23 [~~Qualifying private open~~]Open space is required for each ground-
24 floor *dwelling unit* at a minimum of [~~twenty-five percent of the total~~
25 ~~gross floor area of that unit~~] two hundred fifty (250) square feet.

1 Dwelling units located above [~~commercial units~~] the ground floor are
2 not required to provide [~~private~~] *open space*.

3 [~~(d)~~] ~~C-4 District~~

4 (i) ~~Single Family~~

5 ~~Where the lot size is between two thousand (2,000) and three~~
6 ~~thousand (3,000) square feet, qualifying common open space~~
7 ~~is required in an amount such that the sum of the square~~
8 ~~footage of the lots in the development plus the sum of the~~
9 ~~square footage for qualifying common open space, all~~
10 ~~divided by the number of single family lots, equals no less~~
11 ~~than three thousand (3,000) square feet.~~

12 (ii) ~~Multiple Family~~

13 ~~Qualifying common open space is required at a minimum of~~
14 ~~two hundred fifty (250) square feet per unit.~~

15 (e) ~~C-1 District~~

16 (i) ~~Single Family~~

17 ~~Where the lot size is between two thousand (2,000) and four~~
18 ~~thousand (4,000) square feet, qualifying common open space~~
19 ~~is required in an amount such that the sum of the square~~
20 ~~footage of the lots in the development plus the sum of the~~
21 ~~square footage for common open space, all divided by the~~
22 ~~number of single family lots, equals no less than four~~
23 ~~thousand (4,000) square feet.~~

24 (ii) ~~Multiple Family~~

25 ~~Qualifying common open space is required at a minimum of~~

two hundred fifty (250) square feet per unit.]

- (9) Any residential ~~[qualifying]~~ open space provided in a mixed residential and ~~[commercial]~~ nonresidential development may be credited toward the total ~~[qualifying]~~ MU or nonresidential open space requirement.

Section 28. Subsection 14-8.2(D)(3) SFCC 1987 (being Ord. No. 2011-37 § 10) is

amended to read:

(3) Topography

- (a) Each residential lot shall have ~~[an area]~~ a buildable site designated as suitable for a ~~[structure]~~ building with a footprint of not less than forty (40) percent of the minimum required net lot area or two thousand (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 Summary Committee may approve residential lots with a smaller buildable site to accommodate lot size averaging or within multi-family developments.
- (b) 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 twenty percent; the remainder of the area or *building* footprint may have a natural *slope* of twenty percent or greater, but less than thirty percent.
- (c) The first floor finished floor elevation at any point of any portion of a *building* built on a natural *slope* of twenty percent or greater shall not exceed five (5) vertical feet above the natural *slope* at that point.
- (d) A *structure* shall not be built on a natural *slope* of thirty percent or greater.

Section 29. Subsection 14-8.2(F)(1)(a) SFCC 1987 (being Ord. No. 2011-37 § 10) is

1 amended to read:

2 (F) Submittal Requirements For All Other Development

3 All other *development* that requires a construction *permit* for *grading*, and that is not
4 classified as minor *development* under the provisions of Subsection 14-8.2(E), shall
5 meet the following minimum submittal requirements:

6 (1) Submittals for construction *permit applications* for *grading* must provide
7 sufficient information to show compliance with Subsection 14-8.2(D) and
8 (E). Unless waived by the *land use director*, submittals must include:

9 (a) a topographic survey and *grading* plan with elevation contours
10 shown at not more than two (2) [~~feet~~] foot intervals on *slopes* less
11 than thirty percent and five (5) foot intervals on *slopes* of thirty
12 percent or greater that shows:

13 (i) all *sloped* areas of zero to twenty percent, twenty-one to
14 thirty percent and greater than thirty percent shall be clearly
15 marked and differentiated by shade, tone or color at a scale
16 sufficient to allow verification of the calculations;

17 (ii) ground elevations that conform to either the United States
18 Geological Survey sea level datum, as modified, or to the
19 *city's* monument system[~~; showing elevation contours at not~~
20 ~~more than two (2) foot intervals on slopes less than thirty~~
21 ~~percent and not more than five (5) foot intervals on slopes~~
22 ~~greater than or equal to thirty percent];~~

23 (iii) the designated [~~building lot areas~~] buildable sites or
24 buildable areas;

25 (iv) all areas to be *graded* on the site and the final contours to be

1 achieved by the *grading*;

2 (v) all finished floor or *grade* elevations;

3 (vi) spot elevations, as needed;

4 (vii) areas of soils with severe limitations for the intended use;

5 (viii) the location of temporary *erosion control structures* and
6 methods used, including staging and stockpile areas;

7 (ix) all *significant trees* and areas with substantial grass coverage
8 to be removed;

9 (x) a construction schedule when the project will be developed
10 in phases;

11 (xi) the location of fencing around the areas to be protected;

12 (xii) the ratio of horizontal to vertical measurement for *cut* and *fill*
13 *slopes*;

14 (xiii) the total volume, in cubic yards, of earth to be moved;

15 (xiv) all existing disturbed areas;

16 (xv) *special flood hazard areas* designated by FEMA on the
17 *Flood Insurance Rate Map (FIRM)*; and

18 (xvi) date, method of survey and certification from a New Mexico
19 *professional engineer* or *professional land surveyor* that the
20 plan is in compliance with national map accuracy standards;

21 **Section 30. Subsection 14-8.4(F)(5) SFCC 1987 (being Ord. No. 2011-37 § 10) is**
22 **amended to read:**

23 (5) Preservation of Existing Vegetation

24 (a) The *land use director* [~~shall review *grading* plans during the *permit*~~
25 ~~*process* and]~~ may require the preservation, relocation or replacement

1 of existing *significant trees* as provided in Subsection 14-8.4(B),
2 except that the public works director may determine the requirements
3 for *significant trees* located within *public right-of-way, within city*
4 parks or on other land owned by the *city*. Determinations shall be
5 made in accordance with the following criteria:

- 6 (i) priority is given to preserving *significant trees* that provide
7 *screening*, buffering, wildlife habitat or linkages to wildlife
8 habitat;
- 9 (ii) *significant trees* that are to be preserved or relocated shall be
10 healthy and free from serious insect or parasite infestation;
- 11 (iii) *significant trees* to be relocated shall be selected from areas
12 with adequate soil conditions for successful relocation;
- 13 (iv) the recommended season for relocation of piñon (*Pinus*
14 *edulis*) trees is September 15 to May 15;
- 15 (v) if relocation of existing *significant trees* is not possible
16 within these guidelines, then equivalent plant material shall
17 be provided. Replacement evergreen trees shall be six (6)
18 feet tall or taller, replacement deciduous trees shall be two
19 (2) inches *caliper* or greater; and
- 20 (vi) relocated or replacement trees shall be irrigated until they are
21 established

22 (b) A minimum of forty percent of piñon *significant trees* shall be preserved,
23 relocated on site or replaced as specified in this Section 14-8.4. Piñon trees
24 that are preserved or relocated on site and are a minimum of eight (8) feet tall
25 shall substitute for two trees required elsewhere in this Section 14-8.4.

- 1 (c) No existing deciduous tree with a six (6) inch *caliper* or greater or evergreen
2 tree over eight (8) feet tall shall be removed without the approval of the *land*
3 *use director* or *public works director* as provided in Subsection (F)(5)(a) above.
4 Trees classified by the New Mexico department of agriculture as *noxious*
5 *weeds* that are smaller than a twelve (12) inch *caliper* are exempt from this
6 review, including Russian olive (*Elaeagnus angustifolia*), Siberian elm (*Ulmus*
7 *pumila*), tree of heaven (*Ailanthus altissima*) and salt cedar (*Tamarix*
8 *species*).
- 9 (d) During construction, existing plant material to be preserved shall be enclosed
10 by a temporary fence at least five (5) feet outside the dripline. In no case shall
11 vehicles be parked or materials or equipment be stored or stockpiled within the
12 enclosed area.
- 13 (e) All areas with exposed soil surfaces disturbed by construction shall be
14 revegetated to minimize *erosion* and stormwater runoff and to improve the
15 infiltration of precipitation.
- 16 (f) Destroyed vegetation shall be removed promptly to prevent insect infestation
17 of healthy vegetation.
- 18 (g) The preservation of plant species classified as *noxious weeds* is discouraged.
- 19 (h) Topsoil removed during construction shall be stockpiled on site and reused on
20 site in *landscaped* areas or areas to be revegetated.

21 **Section 31. Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37 § 10, as**
22 **amended) is amended to read:**

- 23 (3) Location of Street Trees:
24 (Ord. No. 2013-16 § 48)

25 (a) on streets, other than major and secondary arterials, street trees shall be

1 located on the subject *property* adjacent to the *property* line [~~unless~~
2 location] or within the *right of way* [~~is~~] as approved by the planning
3 commission or the public works director. *Street trees* located within
4 the *right of way* shall be planted in compliance with Chapter 23 SFCC
5 1987 Streets, Sidewalks and Public Places and in compliance with
6 adopted median and *parkway* standards;

7 (b) on major and secondary arterials, trees shall be planted in a minimum
8 ten (10) foot wide *parkway* that includes the width of the sidewalk or
9 other pedestrian way. If existing *development* precludes provision of
10 the ten (10) foot wide *parkway*, trees shall be planted in a space no
11 smaller than five (5) feet by thirteen (13) feet and preferably multiple
12 trees in longer *planting strips*;

13 (c) *street trees* should be planted to the greatest extent possible in *swales*
14 or basins that collect run-off and precipitation;

15 (d) *street trees* shall be located at least fifteen (15) feet from light
16 standards, so as not to impede outdoor illumination;

17 (e) *street trees* shall be located at least fifteen (15) feet from fire hydrants
18 so as not to interfere with hydrant operation;

19 (f) *street trees* located under utility lines shall be a species that maintains a
20 minimum of five (5) feet of clearance from overhead utility lines at
21 maturity; and

22 (g) *street trees* shall not be required on *single-family residential lots*.

23 **Section 32. Subsection 14-8.4(H) SFCC 1987 (being Ord. No. 2011-37 § 10) is**
24 **amended to read:**

25 **(H) Open Space Planting Requirements**

1 (1) Required [~~qualifying~~] *open space* shall be planted with a minimum of one
2 tree and two shrubs every five hundred (500) square feet, exclusive of areas
3 developed with patios, game courts, swimming pools or similar hardscape
4 recreational features.

5 (2) In addition to required trees and shrubs, *open space* areas shall be *landscaped*
6 with groundcover plants or decorative *mulch* or naturally occurring
7 groundcover plants shall be maintained.

8 (3) *Street trees* and [~~parking~~] *landscaping* required for parking *lots* may be
9 counted toward meeting the minimum planting requirements for [~~qualifying~~]
10 *open space*.

11 (4) At least twenty-five percent of required trees and shrubs shall be evergreen.
12 Existing trees and shrubs shall be accepted for required *landscaping* if they
13 otherwise meet the requirements of this Section 14-8.4.

14 **Section 33. Subsection 14-8.4(I)(2) SFCC 1987 (being Ord. No. 2011-37 § 10) is**
15 **amended to read:**

16 (2) Perimeter Screening

17 (a) When three or more *off-street parking* spaces are required, perimeter
18 *screening* shall be provided. The purpose of perimeter *screening* of
19 parking *lots* is to define parking areas, mitigate the view of cars and
20 pavement, help direct traffic flow, provide continuity to *streetscapes*
21 and obtain the environmental benefits of increased planting.

22 (b) in commercial districts, wherever there is a parking *lot* for more than
23 three motor vehicles and any part of the parking *lot* is within twenty-
24 five (25) feet of a *residential* area and not separated by a *public right*
25 *of way*, a solid masonry *wall* not less than four (4) feet in height shall

1 be erected between the parking *lot* and the *residential* district
2 boundaries.

3 (c) The parking *lot* shall be *screened* from all public *streets* and adjacent
4 *properties* by a continuous *wall* or berm four (4) feet or more in
5 height, a hedge a minimum four (4) feet high at maturity, other
6 vegetative *screening* appropriate to the *landscape design intent* or
7 any combination of these so long as the *screening* objective is
8 achieved. Topography and adjacent uses shall be taken into account
9 to determine the most effective means of *screening*.

10 (d) A continuous *planting strip* must be provided where a parking *lot*
11 abuts or occupies a street yard. The *planting strip* must be at least
12 five (5) feet wide. Trees shall be planted an average of twenty-five
13 (25) feet on center, in an area with a minimum dimension of five feet
14 and containing a minimum of seventy-five (75) square feet of
15 permeable surface exclusive of curbing. Street trees may be counted
16 toward the tree planting requirement of this subsection (I)(2)(d).

17 **Section 34. Subsection 14-8.4(I)(3) SFCC 1987 (being Ord. No. 2011-37 §10) is**
18 **amended to read:**

19 (3) Interior Parking Lot Landscape Requirements

20 (a) The purpose of interior planting requirements in parking *lots* is to
21 provide visual relief from large expanses of cars and pavement,
22 provide shade to reduce heat and *glare*, help direct traffic flow and
23 reduce and control stormwater runoff.

24 (b) When forty or more *off-street parking* spaces are [required]
25 provided, interior *lot landscaping* shall be provided.

- 1 (c) No single parking area shall exceed one hundred twenty spaces
2 unless divided into two or more subareas by an internal *landscaped*
3 *street* or *landscaped* pedestrian way that is a minimum ten (10) feet
4 wide.
- 5 (d) A minimum of ten (10) square feet of permeable *landscaped* area
6 shall be provided per parking space. A minimum of one deciduous
7 tree shall be planted per ninety (90) square feet of *landscaped* area.
- 8 (e) Traffic islands shall have a minimum dimension of six (6) feet and
9 contain a minimum of ninety (90) square feet of permeable surface,
10 exclusive of curbing, and shall be distributed throughout the *lot*. As
11 a component of a stormwater management plan, traffic islands may
12 be combined to facilitate *water harvesting* and these combined
13 islands shall be distributed within each subarea.
- 14 (f) No more than twenty cars shall be parked in a row without a planting
15 island adjacent to the length of the parking space having a minimum
16 area of ninety (90) square feet, and including at least one tree.

17 **Section 35. Subsection 14-8.4(I)(5) SFCC 1987 (being Ord. No. 2011-37 § 10) is**
18 **amended to read:**

19 (5) Pedestrian Circulation

20 When forty or more *off-street parking* spaces are provided [~~required~~],
21 sidewalks for primary pedestrian routes shall be provided. At a minimum
22 this includes pedestrian ways from the primary off-site entrance or entrances
23 to the primary building entrance or entrances.

- 24 (a) All pedestrian ways shall be *landscaped* with a minimum six (6) foot
25 wide *planting strip* on at least one side, exclusive of curbs, and trees

1 an average of twenty-five (25) feet on center, parallel to and adjacent
2 to the walkway.

3 (b) If the *planting strip* abuts a row of parking, the tree planting areas
4 may be included in the interior *lot landscape* requirements.

5 **Section 36. Subsection 14-8.4(J)(2)(a) SFCC 1987 (being Ord. No. 2011-37 §10) is**
6 **amended to read:**

7 (a) *Residential development*~~[s-contiguous-to]~~ on residentially zoned
8 property that abuts major or secondary arterials shall be screened
9 from those *streets* to mitigate noise and to promote *residential*
10 *privacy* as follows:

11 (i) *Screening* shall be by *walls*, fences, the planting of trees and
12 shrubs or a combination of these.

13 (ii) The provision of plant material shall, at a minimum, conform
14 to the same requirements as for *open space* in Subsection 14-
15 8.4(H) (Open Space Planting Requirements).

16 (iii) An alternative to *screening* shall be a twenty-five (25) foot
17 *setback* of undisturbed trees, shrubs, grasses or *landscape*
18 *treatment* consisting of appropriate vegetative cover.

19 **Section 37. Subsection 14-8.4(J)(3) SFCC 1987 (being Ord. No. 2011-37 §10) is**
20 **amended to read:**

21 (3) Buffer for Nonresidential Development Abutting Residential

22 (a) *Nonresidential development* that abuts a *residential development* on
23 a residentially zoned property or an undeveloped *parcel* in a
24 *residential* zoning district shall provide a continuous *landscaped*
25 *buffer strip* not less than fifteen (15) feet wide.

- 1 (b) Plant material in the *landscaped* buffer shall, at a minimum, conform
2 to the requirements for *open space* provided in Subsection 14-8.4(H).
3 (c) The *landscaped* buffer may be considered part of any required *open*
4 *space* so long as all other conditions of the *open space* requirement
5 are satisfied.

6 **Section 38. Subsection 14-8.6(B)(1) SFCC 1987 (being Ord. No. 2011-37 § 10, as**
7 **amended) is amended to read:**

8 (1) General Standards

9 (Ord. No. 2014-4)

10 All *off-street parking* spaces and *lots* shall meet the standards set forth in this
11 Subsection 14-8.6(B) and any additional standards shown on an approved
12 site plan:

- 13 (a) they shall be designed, maintained and regulated so that no parking
14 or maneuvering incidental to parking shall be on any *street*, walk or
15 alley; provided that the public works director may approve parking
16 *lots* serving one or two *dwelling units* and comprising four or fewer
17 parking spaces designed to allow vehicles to back onto a *street*
18 classified as a subcollector or lane, onto a walk or alley, or in
19 exceptional circumstances onto a *street* classified as an arterial or
20 collector;
- 21 (b) they shall be designed so that vehicles may be removed without
22 moving another vehicle except in attended *lots*, or *single-family*
23 [~~residences~~] *dwelling* where not more than two spaces assigned for
24 use to the same *dwelling unit* may be arranged in tandem;
- 25 (c) they shall have barriers that prevent vehicles from extending over the

1 public sidewalks, abutting *lots* or the minimum required *landscaped*
2 area, and that prevent vehicles from obstructing *building entries and*
3 *ADA accessible routes*;

4 (d) they shall be designed to discourage parking *lot* traffic from
5 accessing directly onto major arterial *streets*, unless no reasonable
6 alternative is available;

7 (e) they shall be appropriately marked to indicate the location of the
8 spaces; and

9 (f) if they are required parking spaces, they shall be available at all
10 times for parking the personal vehicles of *employees* and customers
11 or residents and guests for which the spaces are required. Required
12 parking spaces shall be unobstructed and shall not be used for
13 storage, display, sales or parking of commercial or other vehicles
14 used by *employees* in the conduct of the use for which the spaces are
15 required, unless an itinerant vending *permit* or special use *permit* has
16 been issued. Required *off-street loading spaces* shall not be included
17 as *off-street parking spaces* in the computation of required *off-street*
18 *parking*.

19 (g) To the extent feasible, driveway or parking lot aisles shall not direct
20 vehicle traffic toward a primary pedestrian entryway to a
21 *nonresidential or multiple family residential building*.

22 (i) A driveway or parking lot aisle that is oriented toward a
23 primary pedestrian entryway to a *nonresidential or multiple*
24 *family residential building* shall have bollards or other safety
25 barriers that prevent accidental vehicle collisions with the

entryway and pedestrians in front of the entryway.

- (ii) Compliance with the provisions of this Subsection 14-8.6(B)(1)(g) is required for the types of *projects* identified in Subsection 14-8.4(B)(1) Landscape and Site Design Applicability. For additions or *remodeling projects* as described in Subsection 14-8.4(B)(1)(d)(ii), the total cost for required safety barriers shall not exceed twenty percent of the *project's* construction valuation, in addition to the cost of *landscape* improvements.

Section 39. Subsection 14-8.6(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 10, as amended) is amended to read:

(1) 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, ~~or~~ 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.

Section 40. Subsection 14-8.10(B)(7) SFCC 1987 (being Ord. No. 2001-38 § 2, as

1 amended) is amended to read:

2 (7) ~~[Nonconforming Signs~~

3 Existing signs affected by any new annexation into the city shall have five years from
4 the effective date of the annexation to conform to the applicable sign provisions of
5 this chapter.]

6 Reserved

7 Section 41. Subsection 14-8.13(C) SFCC 1987 (being Ord. No. 2011-37 § 11) is

8 amended to read:

9 (C) **Applicability of Development Water Budgets**

10 A *development* water budget shall be submitted with the following land use
11 applications:

12 (1) Final subdivision *plats* except:

13 (a) *Plats* for the purpose of creating *tracts* of land according to an
14 approved master plan where additional subdivision of land or a more
15 detailed *development* plan within the various *tracts* is still necessary
16 before *permitting* of *dwelling units* and other *buildings* according to
17 that master plan; and

18 (b) *Plats* where the proposed *development* is included in and consistent
19 with an already approved *development* water budget and has
20 complied with the water rights transfer program set forth in Section
21 25-12 SFCC 1987 or the water conservation credit program set forth
22 in Section 25-11 SFCC 1987;

23 (2) *Development* plans, except preliminary *development* plans;

24 (3) *Development* plans for each phase of a phased *development*, but each phase
25 shall be subject to Section 25-12 SFCC 1987;

1 ~~[(4) Major project plans in the Business Capital District;]~~ RESERVED

2 ~~[(5)4]~~ ~~[Building]~~ Construction permits (whether or not a meter for service has been
3 previously installed) except the following:

4 (a) Where covered by and consistent with an already approved
5 *development water budget* that has complied with the water rights
6 transfer program set forth in Section 25-12 SFCC 1987 or water
7 conservation credit program set forth in Section 25-11 SFCC 1987;

8 (b) Replacement of thirty-three percent or less of an existing *building*;

9 (c) Remodels;

10 (d) Additions:

11 (i) Where there are no new fixture installations;

12 (ii) Where there are up to three new water fixtures provided that
13 the increased *building* area does not exceed five hundred
14 (500) square feet; and

15 (e) Shell only *permits* which will later require *permits* for tenant
16 improvements at which time the *development* water budget is
17 required;

18 ~~[(6)5]~~ Secondary plumbing *permits* (plumbing *permits* independent of a *building*
19 *permit*) resulting in an increase of water use, unless multiple installations in
20 either commercial or multi-family *residential* uses, except the following:

21 (a) A spa not exceeding five hundred gallons;

22 (b) An oversized tub not exceeding one hundred gallons;

23 (c) A swamp cooler;

24 (d) A recirculating fountain not exceeding one thousand gallons of
25 containment area; and

1 (e) A garden pond not exceeding two thousand gallons;

2 ([7]6) Changes in permitted land use resulting in an increase in water use;

3 ([8]7) *Projects* located outside the *city* limits, prior to *application* for an agreement
4 to construct and dedicate water lines; and

5 ([9]8) City of Santa Fe, Santa Fe County, New Mexico, Federal, and any other
6 governmental, or quasi-governmental *development* not subject to the *city's*
7 *development* review or *building permit* processes which will require water
8 service from the *city's* water system.

9 **Section 42. Subsection 14-8.15(D) SFCC 1987 (being Ord. No. 2011-37 §11) is**

10 **amended to read:**

11 **(D) Public [~~non~~motorized] Trail Dedication Requirements**

12 (1) Dedications to the *city* for public [~~non~~motorized] trails [~~shall be made either~~
13 ~~by the dedication of fee simple land or by dedication of a public easement as~~
14 ~~determined by city staff. Such dedications]~~ are required wherever [the
15 ~~approved parks, open space, trails and recreation master indicates a trail]~~ an
16 adopted plan shows a public trail within or along the *property* line of a *parcel*
17 to which this Section 14-8.15 applies.

18 (a) Public trails shown on an adopted plan include those indicated on the
19 General Plan, the Parks, Open Space, Trails and Recreation Master
20 Plan, the Metropolitan Bicycle Master Plan; trails shown on master
21 plans and development plans adopted for specific areas of the *city*,
22 and other plans duly adopted by the *city*.

23 (b) Determination of whether the dedication is by easement or by
24 dedication of fee simple land is made by the *city* at the time of
25 dedication.

1 (c) Dedication may be required to provide access from new
2 developments to existing or proposed parks, trails, public open
3 spaces and roads.

4 (d) The *city* may, at its discretion, also require trail dedication where it
5 can be demonstrated that public trail use has occurred continuously
6 for a period of ten years or more, as demonstrated by *city* staff
7 through aerial photography, which may be supplemented by written
8 testimony from affected parties.

9 (2) Staff shall determine the width of the required dedication based on the type
10 of trail, existing topography and current *city* standards. The alignment of the
11 trail may be modified by staff from that shown in [~~the parks, open space,~~
12 ~~trails and recreation master~~] an adopted plan to accommodate preservation of
13 natural resources, address drainage and topography, improve public access or
14 accommodate design goals of the *property owner*, as long as the connections
15 between *public rights-of-ways*, *open space* or parks shown on the [~~parks,~~
16 ~~open space, trails and recreation master~~] adopted plan are accomplished.

17 (3) The dedication for the trail shall be shown on the subdivision *plat* or final
18 *development* plan. If the area dedicated for a trail is in partial fulfillment
19 toward the regional park land dedication requirements, the *city* at its
20 discretion may prorate the fee that would ordinarily be required.

21 (4) The developer is responsible for the [~~development~~] design and construction
22 of the trail in accordance with the *city's* non-motorized multiuse trail
23 standards or other applicable standards for specialized trails, as determined
24 by the Public Works Director. Inspection and acceptance by the city is
25 required for all public trail improvements.

1 (Ord. No. 2012-11 § 27)

2 **Section 45. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37 § 13, as**
3 **amended) is amended to read:**

4 **(C) Determination of Nonconformity Status**

5 (Ord. No. 2013-16 § 62)

6 The *land use director* determines the status of a *nonconforming lot, nonconforming*
7 *use, nonconforming structure or nonconforming sign*. For purposes of this Article
8 14-10, each *sign* is treated as a separate *structure*, including those attached to or
9 painted on *buildings*. [~~Each telecommunication antenna, tower, tower alternative or~~
10 ~~other telecommunication facility is treated as a separate structure.~~]

11 **Section 46. Subsection 14-10.1(D) SFCC 1987 (being Ord. No. 2011-37 § 13) is**
12 **amended to read:**

13 **(D) Change of Tenancy or Ownership**

14 Change in tenancy or ownership of a *legal nonconforming lot* or a *lot* containing a
15 *legal nonconforming structure or legal nonconforming use* without change in the use
16 or *structure*, does not affect the status of that *lot, structure* or use [~~except as~~
17 ~~provided in Section 14-10.5 (Nonconforming Signs)~~].

18 **Section 47. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37 § 13, as**
19 **amended) is amended to read:**

20 **(A) Use of Legal Nonconforming Lot**

21 (Ord. No. 2013-16 § 63)

22 [~~Notwithstanding~~]Within a district in which *single-family dwellings* are allowed,
23 and notwithstanding limitations imposed by other provisions of Chapter 14, a
24 *single-family dwelling* and *accessory buildings* may be *erected* on a single *legal*
25 *lot of record* that is nonconforming with regard to minimum *lot* [~~size or width or~~] area

1 or dimensions, maximum density [in a district in which single-family dwellings are
2 allowed];, or the dwelling unit access standards in Table 14-9.2-1; provided that the
3 lot does not adjoin a commonly owned lot, except as provided in Subsections 14-
4 10.4(B) and (C). Dimensions of *required yards* and other requirements that do not
5 involve area or [width] dimensions of the lot, density or access standards shall
6 conform to the regulations for the district in which the lot is located.

7 **Section 48. Subsection 14-11.4(D)(2) SFCC 1987 (being Ord. No. 2011-37 § 14) is**
8 **amended to read:**

9 (2) Vacation of recorded subdivision *plats* shall be as provided in Section [3-20-
10 13] 3-20-12 NMSA 1978. Revocation of approved amendments to the
11 *general plan* future land use map or the official zoning map shall be as
12 provided for *city*-initiated amendments to those maps.

13 **Section 49. REPEAL. – Section 14-12.1- SFCC 1987 (being Ord. No. 2011-37 § 15, as**
14 **amended) is amended to repeal the following definitions:**

15 **[BEDROCK**

16 ~~In-place, solid rock.]~~

17 **[CABLE ACT**

18 ~~The Cable Communications Policy Act of 1984, 47 U.S.C §532, et seq., as now and hereafter~~
19 ~~amended.]~~

20 **[QUALIFYING OPEN SPACE** _____

21 ~~Open space that complies with the standards specified in Chapter 14 for the particular type of~~
22 ~~open space; see common open space and private open space.]~~

23 **[SITE WATER BUDGET**

24 ~~A written document, reviewed and approved by the engineering section of the water division,~~
25 ~~that demonstrates that a proposed structure or development will use a specified volume of~~

1 water and that contains the following information:

2 (A) ~~a description of all proposed and existing structures on the subject parcel of~~
3 ~~land together with a complete description of all proposed and existing water~~
4 ~~fixtures and other water using devices and equipment to be installed or~~
5 ~~constructed on the subject parcel, not including water to be used during and~~
6 ~~for construction;~~

7 (B) ~~a description of all proposed water uses proposed for the subject parcel of~~
8 ~~land, separating such uses by indoor and outdoor categories and including the~~
9 ~~total area of proposed and existing landscaping; and~~

10 (C) ~~a quantification in gallons and acre feet of the total proposed water usage on~~
11 ~~the subject parcel of land on an annual basis, an average and maximum~~
12 ~~monthly basis and an average and maximum daily basis.]~~

13 **[SOLID WALL OR FENCE**

14 ~~A structure consisting of a continuous, non-transparent vertical surface.]~~

15 **[UNIT**

16 ~~For purposes of a vacation time share or interval use project, means a unit means each portion~~
17 ~~of real property or real property improvement in a project which is divided into time shares~~
18 ~~or interval uses.]~~

19 **Section 50. Section 14-12.1 SFCC 1987 (being Ord. No. 2011-37 § 15, as amended) is**
20 **amended to amend the following definitions:**

21 **BUILDABLE SITE**

22 As used in Section 14-5.6 Escarpment Overlay District and Section 14-8.2 Terrain and
23 Stormwater Management, means a contiguous area of land located within a single lot on
24 which a ~~[structure of not less than two thousand square feet]~~ building with a footprint equal
25 to not less than 40% of the minimum required net lot area, or two thousand (2,000) square

1 feet, whichever is less, can be developed in compliance with all requirements of [~~that section~~]
2 those sections, all requirements of the underlying zone and all applicable [~~performance~~
3 ~~standards, including the terrain management regulations set forth in Section 14 8.2 Terrain~~
4 ~~and Stormwater Management.~~] development standards.

5 **BUSINESS**

6 An activity involving wholesale or retail sales or rental of any article, substance or
7 commodity, including building materials and vehicles, and the provision of all commercial
8 services, including financial institutions and personal commercial services. Where the term
9 business is used to describe a type of land use or structure, it includes such use by any
10 organization or individual, whether or not the use is conducted for profit.

11 **COMMON OPEN SPACE**

12 The outdoor area accessible to all residents within a *development*, which may be owned in
13 undivided interest by all the residents of the *development* [~~or dedicated for acceptance as a~~
14 ~~city park to the city~~], and it may remain in its natural state or may be *landscaped* or improved
15 for passive or active recreational activities.

16 **COMPOUND**

17 Three or more attached or detached *dwelling units* on one *lot* and located in the RC-5, RC-8,
18 RAC, AC or BCD districts.

19 **GRADE**

20 [~~The average of the finished ground level at the center of all façades of a building or at the~~
21 ~~center of a designated line; in the case of a garden wall or fence, it means the elevation of the~~
22 ~~finished ground level at all points.] The ground level of a specified area of land; the act of
23 grading.~~

24 **OPEN SPACE**

25 An outdoor [ground] area that permanently provides light and air and that satisfies, in whole

1 or in part, the community's visual, psychological and recreational needs.

2 **STORY**

3 The division of a *building* comprising the space between two successive floors above ground
4 level. [~~As used in height limits for residential development, story means a maximum height~~
5 ~~of twelve feet.~~]

6 **WALL**

7 A constructed solid barrier of concrete, stone, brick, tile, wood or similar material that
8 [~~closes, marks or~~] borders or is constructed within a field, *yard* or *lot* and that limits visibility
9 and restricts the flow of air and light; or the wall of a building or other enclosed structure.

10 **Section 51. Article 14-12 SFCC 1987 (being Ord. No. 2011-37 §15 as amended) is**
11 **amended to ordain the following definitions:**

12 **[NEW MATERIAL] CO-LOCATION**

13 The mounting or installation of an *antenna* on an existing *tower* or *tower alternative*.

14 **[NEW MATERIAL] LOT SIZE**

15 A general term including the various dimensions of the *lot* such as area, width and depth; or
16 the area of land included within the boundaries of a *lot*.

17 APPROVED AS TO FORM:

18 
19 _____
20 KELLEY A. BRENNAN, CITY ATTORNEY

21
22
23
24
25 M/Melissa/Bills 2014/Chpt 14 Tech Amends_Final 072914

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution:
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY.**

Sponsor(s): Councilor Signe I. Lindell
 Reviewing Department(s): Land Use Department
 Person Completing FIR: Greg Smith, Director of Current Planning Division Date: 8/11/14 Phone: 955-6957

Reviewed by City Attorney: *Kelley A. Brennan* Date: 8/14/14
 (Signature)

Reviewed by Finance Director: *Jessica Garcia* Date: 8/19/14
 (Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

Amendment to the Land Development Code (Chapter 14 SFCC 1987) to make technical corrections, clarifications, various minor amendments to permitted uses and development standards.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ <u>W/A</u>			\$ _____				

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ <u>W/A</u>		\$ _____			

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

No impact on city revenues or expenditures are expected.

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No conflict will occur.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Various typographical and cross-referencing and errors would remain in the code; confusing wording would also remain. Minor changes to permitted uses and development standards would not occur.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

Staff is not aware of any other amendments or alternatives that should be addressed at the present time.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Proposed changes to development standards are unlikely to significantly affect the type or extent of development that occurs within the city; costs to private developers of complying with open space standards may decrease slightly, minimum lot sizes for residential development that does not have access to city sewer or water would increase.

motion.

Mr. O'Reilly asked for the motion to be specific relative to Commissioner Pava's statement.

Commissioner Padilla moved to approve the Findings of Fact and Conclusions of Law for Case #2014-56, 5364 Agua Fria Preliminary Subdivision Plat as amended, striking the word "finally" in Finding #9. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

F. OLD BUSINESS

There was no Old Business to consider.

G. NEW BUSINESS

1. **Chapter 14 Technical Corrections and Other Minor Amendments.** An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to make technical corrections and minor clarifications; and making such other changes that are necessary. (Greg Smith, Case Manager)

This item was moved later on the agenda.

2. **Case #2014-70. Hart Business Park- Phase II Preliminary Subdivision Plat.** James W. Siebert and Associates, agent for SFCC 599 LLC, requests Preliminary Subdivision Plat approval for 6 lots on 12.03± acres. The property is zoned I-1 (Light Industrial) and is located at 4501 Hart Rd. (Donna Wynant, Case Manager)

A Memorandum regarding Case # 2014-70 Hart Business Park dated July 23, 2014 for the August 7, 2014 meeting of the Planning Commission from Ms. Donald Wynant, ACIP Senior Planner, Current Planning Division is incorporated here with to these minutes as Exhibit 3

Ms. Wynant presented the staff report for this case. Please refer to Exhibit #3 for this specifics of this presentation. She said James W. Siebert and Associates, agent for SFCC 599 LLC, requests Preliminary Subdivision Plat approval for 6 lots on 12.03± acres. The property is within the Hart Business Park and is located between 599 and Hart Road.

The Planning Commission approved the Hart Business Park Final Plat six years ago in 2008. It was designed to provide larger lots for commercial developments not available in other industrially zoned parts of the City. She showed the subdivision plat map and noted that FedEx was developed along the west side of Hart Road in 2008.

G. NEW BUSINESS

1. **Chapter 14 Technical Corrections and Other Minor Amendments.** An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to make technical corrections and minor clarifications; and making such other changes that were necessary. (Greg Smith, Case Manager)

A Memorandum with attachments, dated July 30, 2014 for the August 7, 2014 Meeting, to the Planning Commission from Mr. Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit #16. For specific details of this report, please refer to Exhibit 16.

Mr. O'Reilly introduced the subject about the rewrite of the Land Use Code and said it went into effect in 2012. The Council asked that we look at it in 12 months. We've done that twice this would be the third time. All the corrections were approved by Council.

Mr. Smith said these were technical amendments. There were 50 sections of the bill. The majority were simply for action for streamlining of standards. Public Works would also make recommendations and the Council would make the final decision. He noted that the copies included two pages of page 2.

Mr. Smith briefly reviewed the Technical Corrections to Chapter 14 for the Commission. Some changes were in view of discussions of those who owned property in the I-1 area near Siler Road. There were a number of nonconforming uses in that district. There were still some uses that were not permitted from 2011 and most of them from 2012 and 2013 would be restored as permitted uses.

We have made a number of recommendations to clarify open space regulations notably amendments to eliminate some provisions that have allowed single family development. They defined it as a house on a lot and did not include detached buildings on the same lot. That was done to increase lot coverage if certain standards were met. He recommended that provision be deleted from the code. They made it slightly simpler for open space requirements with multi-family developments.

A provision of non-residential was a requirement to provide a 15' foot buffer and changing it to only a residential development in a residential district. So not in a commercial district.

An escape clause that if you have a nonconforming lot (too small), you were still allowed to build a house on the lot. But if not conforming for lot access, then you were permitted to build a house - that was the practice and it gets complicated with a fire truck. We were allowing more flexibility.

There were several changes to the bills definition - some deleted, some added.

He stood for questions.

Public Hearing

There were no speakers from the public regarding this agenda item and the public hearing was closed.

Commissioner Pava asked on page 39, section B, top of page about the height of 3' and 8' which was confusing.

Mr. Smith said it dealt with vegetation and proximity to the driveway so that it would not obstruct visibility for traffic above 3' and below 8'.

Commissioner Pava asked why museums and trade schools had a 3,000 square foot floor area in RAC zones.

Mr. Smith said historically it was intended as mixed use but not of scale. There were complicated formulas that were oversimplified in 2011 and they were giving more flexibility now. They were still in process with schools and churches.

Commissioner Pava said in 14-7.1, section 20, on page 40 there were examples - descriptions of garage or carport with relation to how the door faced the street. This wouldn't allow it to come close to the property line.

Mr. Smith said the only change would make it clear that if your driveway was to a private street that also had the 20' setback that applied to public streets.

Commissioner Pava said on page 86 there was a new definition of wall but there was not a definition of fence.

Mr. Smith said they didn't change the definition of fences because it was adequate as is.

Vice Chair Harris said on page 30, on K he wanted Mr. Smith to explain the new language – "unless collocation would have adverse visual impact."

Mr. Smith said this was proposed by the city attorney in response to a new federal law. Ms. Brennan said without this clarification it might lead to misinterpretation that would violate the new federal laws.

Vice Chair Harris asked for clarifications for commercial industrial vehicles on page 32 which said they were prohibited unless by a special permit.

Mr. O'Reilly said it was put forth before and the Planning Commission subcommittee worked on what a commercial industrial vehicle was and this was the exact language from subcommittee. When it went to Council there was a movement that would allow some towing companies in neighborhoods. The Planning

Commission postponed it when it came back. This text was important because there were a lot of different vehicles out there and doe officials have a tough time when to know it was absolutely a commercial vehicle parked in a front yard and helped them get rid of that vehicle.

Vice Chair Harris said on page 42ff staff went to great effort to remove quality open space but it still showed up.

Mr. O'Reilly said that was an error and needed to be corrected. He would read those corrections back to the Commission at the end for a motion.

Vice Chair Harris noted they had a new table with new notes on availability of public utilities in the case of different zoning categories. He understood it was modeling and extended the R-1 through R-6. The minimum required water was 2.5 ac/ft. if no public water was provided. He asked if that was what we were saying.

Mr. O'Reilly said recently at a Planning Commission meeting a person proposed a 5-lot subdivision without water and sewer and he explained those were only for urban infrastructure. For the rural category inside an urban area, people could still have it but if they wanted to subdivide below that, they had to have water and sewer. There were large sections to which they applied R-1 by SPAZO. They weren't given rural zoning around Mutl Nelson but R-1 and those areas would need some urban infrastructure.

Mr. Smith agreed and the density would apply to most single family developments regardless of the district. Per the annexation agreement, 2.5 acres was the absolute smallest lot size you could have. So it corresponds to the annexation agreement and again, it was in effect as regulation that we would provide sewer and water.

Commissioner Pava said on page 32 regarding the tow trucks, it mentioned school buses. Schools were in residential areas so he asked if this was saying schools couldn't park their buses there.

Mr. Smith said it also aid except for those permitted by special use.

Vice Chair Harris said these were very important and he proposed the Commission finish considering them at the second meeting of the month which would be better for all of at an early hour in the evening. He asked if Mr. O'Reilly would submit those comments to Council.

Mr. O'Reilly –said he took notes on things the Commission wanted changed and had only one of those - to delete qualifying of opening of open space and in the text starting on page 42.

Commissioner Schackel-Bordegary moved to recommend to the Governing Body that they adopt the technical corrections to the Land Use Code; that the Governing Body adopt the bill with the additional condition that "qualifying" be delete from pages 42 and 43. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, AUGUST 25, 2014**

ITEM 15

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY (**COUNCILOR LINDELL**) (**GREG SMITH**)

PUBLIC WORKS COMMITTEE ACTION: APPROVED ON CONSENT

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not present		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		