

Mr. Shandler's Training for Planning Commission—February 18, 2006

Opening Remarks—former Planning Commissioners

Welcome to my firm—it's called "Shandler Land Use Consultants." You are my new associate and I have several projects for you.

We have three mottos at our firm.

Motto #1: Think like a prosecutor.

In order to be a Land Use Consultant, you need to think like a prosecutor. You need to know what “elements” need to be established.

For example, a prosecutor needs to know each element of a crime to win the case.

30-16-3. Burglary.

- A. Any person
- B. without authorization
- C. enters a dwelling house
- D. with intent
- E. to commit any felony or theft.

Motto #2: Know where your journey is going to take you.

Are you going to the Planning Commission?

Are you also going to the City Council?

Table 14-2.1 of City Code

PC Only	PC + CC
	General Plan – Section 14-3.2
	Rezoning-- Section 14-3.5
Special Use Permit—Section 14-3.6	
Subdivisions—Section 14-3.7	
Development Plans—Section 14-3.8	
	Master Plan-Section 14-3.9
Variances—Section 14-3.16	

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GB Plc

Article 14-2: REVIEW AND DECISION-MAKING BODIES
14-2.1 SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES

TABLE 14-2.1-1 Review and Decision-Making Bodies and Responsibilities								
PROCEDURE	SECTION	GB	PC	BOA	BCDDRC	HDRB	AKS	DIRECTOR
Amendments to General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14-3.4	R/D	R/REC	-	-	-	-	R/REP
Rezoning	14-3.5	R/D	R/REC	-	R (if referred)	R (if referred)	R (if referred)	R/REP
Special Use Permits	14-3.6	A	R/D (some)	R/D	-	-	-	R/REP
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	-	-	-	R/REP R D (some)
Development in Flood Hazard Areas	14-3.9	-	A	-	-	-	-	R/D Floodplain Administrator
Construction permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	R/REP
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	R/REP
Demolition of Landmark Structure	14-3.14	R/D	-	-	-	R/REC (some)	-	R/REP
Minor Modifications	14-3.15	R/D	R/D	R/D	R/D	R/D	R/D	R/D
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	R/REP
Utility Conformity Review	14-3.18	A	R/D (some) A (some)	-	-	-	-	R/REP (some) R/D (some)
Notes: GB = Governing Body PC = Planning commission BOA = Board of Adjustment BCDDRC = BCD Design Review Committee HDRB = Historic Districts Review Board AC = Archaeological Committee LUD = Land Use Department Staff				"A" = Appeal "R" = Review "R/D" = Review and Decision "R/REC" = Review and Recommendation "R/REP" = Review and Report "*" = Subject to the provisions of Section 14-2.5				

Italicized words defined in Article 14-12

Questions:

Scenario #1

You are a land use consultant and St. Guardian Hospital's comes in and says "We have an existing master plan for our property. We've raised \$40M in capital and we want to build a 40' high addition but we may be in a weird district that has limits on building heights."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #2:

You are a land use consultant and Eveningstar Retirement Homes comes in and says: "We want to build a new retirement center in a residential district."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #3:

You are a land use consultant and Dry River Condos comes in and says: "We want to build a new set of three story condos in a residential district—what is the easiest way?"

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Scenario #4:

You are a land use consultant and Las Sailors comes in and says: "We own a lot of vacant land—I mean a lot--and want to divide it up into a bunch of different uses and future projects."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

THINK LIKE A PROSECUTOR

General Plan: Elements

When you want to change the land use district on the Big Picture Here's What the Future Should Look Like/Expected Usage Map

14 - 3.2

(b) The planning commission shall then transmit the *application* to the *governing body*, together with a recommendation based on the criteria set forth in Subsection 14-3.2(E) of this section as to approval, disapproval, desirable changes and special conditions and safeguards.

(3) Governing Body Decision

Before taking action on a proposed *general plan* amendment, the *governing body* shall hold a public hearing. After reviewing the *land use director* report, the recommendation of the planning commission and any evidence obtained at the public hearing, the *governing body* shall take *final action* to approve, approve with conditions or deny the proposed *general plan* amendment.

→ (E) Approval Criteria

(1) Criteria for All Amendments to the General Plan

The planning commission and the *governing body* shall review all *general plan* amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the *general plan*:

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of *infrastructure*;
- (b) consistency with other parts of the *general plan*;
- (c) the amendment does not:
 - (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or
 - (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or
 - (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

- (d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;
 - (e) compliance with extraterritorial zoning ordinances and extraterritorial plans;
 - (f) contribution to a coordinated, adjusted and harmonious *development* of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of *development*; and
 - (g) consideration of conformity with other *city* policies, including land use policies, ordinances, regulations and plans.
- (2) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the *general plan* shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the *general plan* will not have a negative impact on the surrounding *properties*. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent *properties* by a *setback*, *landscaping* or other means, and a finding must be made that:

- (a) the growth and economic projections contained within the *general plan* are erroneous or have changed;
 - (b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
 - (c) conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.
- (3) Additional Criteria for Neighborhood Plans

In addition to complying with the general criteria for *general plan* amendments set forth in Sections 14-3.2(E)(1) and (2), the adoption of neighborhood plans shall comply with the following:

Rezoning: Elements & List of Zoning Districts

When you want to change the zoning district

14-3.5

(5) Protest Petitions

If the *owners* of twenty percent or more of the land included in the area, or within one (100) hundred feet of the land proposed to be rezoned excluding public *rights of way*, protest in writing, the proposed rezoning shall not become effective unless it is approved by a majority vote of all the members of the *governing body*.

(6) Neighborhood Conservation Overlay District

This section is intended to supplement the procedures and requirements of Section 14-5.10 (Neighborhood Conservation Overlay Districts).



(C) Approval Criteria

(1) The planning commission and the *governing body* shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or

(iii) a different use category is more advantageous to the community, as articulated in the *general plan* or other adopted *city plans*;

(b) all the rezoning requirements of Chapter 14 have been met;

(c) the rezoning is consistent with the applicable policies of the *general plan*, including the future land use map;

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with *city policies* regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the *city*; and

(e) the existing and proposed *infrastructure*, such as the *streets* system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed *development*.

Italicized words defined in Article 14-12

- (2) Unless the proposed change is consistent with applicable *general plan* policies, the planning commission and the *governing body* shall not recommend or approve any rezoning, the practical effect of which is to:
 - (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
 - (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
 - (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed *development* or rezoning cannot be accommodated by the existing *infrastructure* and public facilities, the *city* may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable *city* ordinances, regulations or policies;
- (2) If the proposed rezoning creates a need for additional *streets*, sidewalks or curbs necessitated by and attributable to the new *development*, the *city* may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

14-3.6 SPECIAL USE PERMITS

(A) Purpose and Intent

Special use *permits* are intended to allow flexibility in providing for, regulating or preventing specified uses within various districts as provided in Table 14-6.1-1 so they are compatible with existing or desired land use patterns. Special use *permit* approval is required for certain uses so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented. Special use *permits* are necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community.

List of
Zoning
Districts

(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)(3), 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.

(C) Table of Permitted Uses

(Ord. No. 2012-37 § 2; Ord. No. 2013-16 §§ 22-29; Ord. No. 2015-14)

Districts are designated in Table 14-6.1-1 as follows:

Abbreviations	Districts Described	District Designations
RR	14-4.2C	Rural Residential
R-1 - R-6	14-4.2D	Residential – numeral indicates maximum Number of dwelling units per acre, see Section 14-7.2. “(I)” indicates Infill.
R-7 - R-9	14-4.2E	
R7 (I)	14-4.2F	
RC-5, RC-8	14-4.2G	
R-10 - R-29	14-4.2H	
MHP	14-4.2J	MHP

Article 14-6: PERMITTED USES AND USE REGULATIONS
 14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES
 (C) Table of Permitted Uses

Abbreviations	Districts Described	District Designations
RAC	14-4.2I	Residential Arts and Crafts
A-C	14-5.4	Arts and Crafts Overlay
C-1	14-4.3A	Office and Related Commercial
C-2	14-4.3B	General Commercial
C-4	14-4.3C	Limited Office and Arts and Crafts
HZ	14-4.3D	Hospital Zone
BCD	14-4.3E	Business-Capitol
I-1	14-4.3F	Light Industrial
I-2	14-4.3G	General Industrial
BIP	14-4.3H	Business and Industrial Park
SC-1, SC-2, SC-3	14-4.3K	Planned Shopping Center (Neighborhood, Community, Regional)
MU	14-4.3L	Mixed Use

Italicized words defined in Article 14-12

- (4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified. If changes in the *city* limits remove territory from Santa Fe, district boundaries shall be construed as moving to conform with the *city* limits; (Ord. No. 2014-31 § 8)
- (5) district boundaries indicated as approximately following railroad lines shall be midway between the main tracks;
- (6) district boundaries indicated as approximately following center lines of stream beds, other bodies of water or *drainage ways* shall be construed to follow those center lines;
- (7) district boundaries indicated as approximately parallel to or extensions of features indicated in Sections 14-4.2(E)(1) through (6) shall be construed as such and at such distance from the features as indicated on the official zoning map. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and
- (8) where natural or man-made features that actually exist are at variance with those shown on the official zoning map or in other circumstances not covered by this section, the *governing body* shall interpret the district boundaries.

14-4.2 RESIDENTIAL DISTRICTS

(A) Purpose

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

(B) Other Structures and Uses

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

(C) Rural Residential District (RR)

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

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

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

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

(1) Purpose

These districts are designed to accomplish the following:

- (a) to allow a greater *intensity of residential* land use;
- (b) to encourage *infill development* on undeveloped or underdeveloped land in order to promote compact urban form and promote efficient use of public *infrastructure* and services; and
- (c) to allow a *density* that enables affordability.

(2) Rezoning Requirements

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

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

(1) Purpose

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

(2) Rezoning Requirements

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

(G) RC-5 and RC-8 Residential Compound Districts

The RC-5 and RC-8 *residential compound* districts are intended to be medium-density residential areas allowing the *development* of new *dwelling units* in harmony with the existing character of the city's *compound areas*.

(H) R-10, R-12, R-21 and R-29 Residential Districts

The purpose of the R-10, R-12, R-21 and R-29 districts is to make available a variety of *dwelling unit* types to serve a wide range of household needs at medium- and high-density levels.

(I) RAC Residential Arts and Crafts District

The purpose of the RAC *residential arts and crafts* district is to serve and preserve the prevalent characteristics of certain limited areas of the city. Within these areas, *residential* uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-produced in small quantities and often one of a kind; where the arts or crafts are taught to small numbers of people; or where the *persons* engaged in arts and crafts activities are not numerous. It is not intended that this district be applied to new areas not having these characteristics.

(J) MHP Mobile Home Park District

(1) Purpose

The MHP district is intended to provide premises for *mobile home parks* in existence prior to December 10, 2012 (effective date of this Ordinance No. 2012-37) or for the development of residential subdivisions or attached multiple-family dwellings. (Ord. No. 2012-11 § 8; Ord. No. 2012-37 § 1)

(2) Rezoning Requirements

- (a) *Property* is eligible for rezoning to MHP if the *property* is a minimum of two acres in size and if all other requirements of Chapter 14 are satisfied.
- (b) Rezoning to MHP requires consideration and approval by the planning commission and *governing body* of a *development plan* for the *property* as provided in Section 14-3.8.

14-4.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

(A) C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

(B) C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

(C) C-4 Limited Office, Retail and Arts and Crafts District

(1) Purpose

The C-4 limited office, retail and arts and crafts district provides a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect *residential property owners* who are adversely affected by heavily trafficked *city roads* and to maintain the *residential* character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining *residential* districts.

(2) Boundaries

- (a) Only *property* within a C-4 zoning eligibility area, as shown on the official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual *parcels* shall follow the procedures in Section 14-3.5.
- (b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-3.3.

(3) Rezoning Requirements

Rezoning to C-4 requires consideration and approval by the planning commission and *governing body* of a *development plan* for the *property* as provided in Section 14-3.8.

(D) HZ Hospital Zone Districts

(1) Purpose

(a) Christus St. Vincent Hospital Zone District

The Christus St. Vincent HZ district recognizes the need for medical and dental offices, *pharmacies* and *continuing care communities* in proximity to Christus St. Vincent Hospital, while at the same time maintaining the character of the surrounding areas.

(b) Las Soleras Hospital Zone District

The Las Soleras HZ district is intended to accommodate a hospital and business and professional office uses in the Las Soleras Development.

(2) Boundaries

(a) Christus St. Vincent HZ district – Only *properties* within the area designated on the official zoning map for Christus St. Vincent HZ rezoning eligibility shall be eligible for rezoning to HZ pursuant to the procedures in Section 14-3.5. Amendment to the eligibility area constitutes an amendment to the text of Chapter 14 and shall comply with the procedures in Section 14-3.3.

(b) Las Soleras HZ district – *Property* within the area defined in the Las Soleras HZ on the official zoning map has already received the HZ zoning designation. It is not intended that this district be expanded.

(E) BCD Business-Capitol District

(1) Purpose

In recognition of the fact that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including *residential* uses, designed to promote the district's economic well being while preserving the unique architecture, *townscape* and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city.

Italicized words defined in Article 14-12

(2) Boundaries

- (a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.
- (b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

(3) Townscape Subdistricts

- (a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.
- (b) The *townscape* subdistricts are intended to:
 - (i) preserve the overall aesthetic quality of the BCD;
 - (ii) maintain diversity among the various subdistricts; and
 - (iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.
- (c) *Property* is eligible for rezoning to a *townscape* subdistrict if the land is located within or adjacent to the BCD and meets all other requirements of Chapter 14.

(4) Redevelopment Subdistricts

(a) Purpose

Redevelopment subdistricts are intended to provide for:

- (i) *infill* and a limitation of sprawl through the efficient use of land;
- (ii) optimum use of public *infrastructure*;
- (iii) a mix of land uses, including *residential* uses;

- (iv) comprehensive site planning;
- (v) *public benefit uses*;
- (vi) urban design innovation;
- (vii) an enhancement of the economic vitality of the district;
- (viii) the preservation and enhancement of the character and quality of the area in which the subdistrict is located through elimination of any potentially significant adverse impacts or potentially irreversible adverse impacts upon the community, surrounding neighborhoods or other approved project plans; and
- (ix) redevelopment of areas with weak *townscape* qualities or of areas that are undergoing change.

(b) Redevelopment Requirements

- (i) The *property* is eligible for rezoning to a redevelopment subdistrict if: 1) the land is located within or adjacent to the BCD and encompasses at least three acres, exclusive of dedicated *streets* and *rights of way*, or a complete city block, whichever is smaller; and 2) the existing *infrastructure* has the capability to support or to be modified to support the allowed floor area ratio set forth in Subsections (ii) and (iii) below.
 - (ii) The *baseline floor-area ratio* shall be two and five-tenths to one; provided, however, that such a floor-area ratio shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or *townscape* subdistrict.
 - (iii) Rezoning to BCD-redevelopment subdistricts requires consideration and approval by the planning commission and *governing body* of a master plan or *development plan* for the *property* as provided in Sections 14-3.8 and 14-3.9.
- (5) Redevelopment subdistrict *property* is eligible for rezoning to a *townscape* subdistrict provided that:
- (a) *development* of the redevelopment subdistrict is substantially complete, which determination shall be made by the *governing body*;

- (b) the *property* is located in or adjacent to the *townscape* subdistrict it will become part of if the rezoning is approved, and
- (c) all other requirements of Chapter 14 are met.

(F) I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

(G) I-2 General Industrial District
(Ord. No. 2013-16 § 21)

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

(H) BIP Business and Industrial Park District

(1) Purpose

- (a) The purpose of the BIP district is to provide locations for the development of jobs in research and *development* activities and in offices, institutions and limited light industrial settings. The BIP district regulations intend to ensure that district locations may be adjacent to *residential* and commercial areas with minimum buffering.
- (b) It is also the purpose of the BIP district to allow related uses that complement or support the primary employment-based uses to create a functional and pedestrian-friendly *development*.

(2) Rezoning Requirements

- (a) *Property* is eligible for rezoning to BIP if the *property* is a minimum of four acres in size and all other applicable requirements of Chapter 14 are satisfied.

- (b) Rezoning to BIP requires consideration and approval by the planning commission and *governing body* of a master plan or *development plan* for the *property* as provided in Sections 14-3.8 and 14-3.9.

(I) PRC Planned Residential Community District

(1) Purpose

The purpose of the PRC district is to provide for the comprehensive and coordinated planning of large-scale *residential developments* that allows for a phasing of *development* that will take place over a long period of time. This district allows and encourages single-family residences in conventionally *platted* subdivisions and *clustered residential developments* based on a design concept that applies innovative site-planning techniques; a mixture of *residential densities* intended to achieve a balanced community for all types of *families*; and neighborhood commercial uses of a type and *intensity* serving the residents of the PRC and the surrounding areas.

(2) Rezoning Requirements

- (a) Only areas that contain one hundred sixty acres or more are eligible for rezoning to PRC, provided all other applicable requirements are satisfied.
- (b) Rezoning to PRC requires consideration and approval by the planning commission and *governing body* of a master plan or *development plan* for the *property* as provided in Sections 14-3.8 and 14-3.9.

(J) PRRC Planned Resort-Residential Community District

(1) Purpose

The purpose of the planned resort-*residential* community district is to provide for the comprehensive and coordinated planning of large-scale resort-*residential developments* that allows for phasing of *development* that will take place over a long period of time. This district allows and encourages the *development* of resorts in conjunction with a mixture of *residential uses, densities and building types* within the range of the economic market the *development* proposes to serve.

(2) Rezoning Requirements

- (a) Only areas that contain one hundred sixty acres or more are eligible for rezoning to PRRC, provided all other applicable requirements are satisfied.
- (b) Rezoning to PRRC requires consideration and approval by the planning commission and *governing body* of a master plan or *development* plan for the *property* as provided in Sections 14-3.8 and 14-3.9.

(K) SC Planned Shopping Center Districts

(1) Purpose

- (a) The purpose of the SC districts is to provide new neighborhood, community and regional shopping centers. The SC-1, SC-2 and SC-3 districts are intended for a unified grouping, in one or more *buildings, of retail establishments*, stores and services that provide for the regular needs and convenience of families residing in the adjacent *residential* neighborhoods or in the larger community.
- (b) The purpose of the SC districts also is to allow uses and *structures* customarily *accessory* and clearly incidental and subordinate to the permitted *principal* uses and *structures* as stated and restricted in Subsection 14-4.3(K)(1)(a); provided that the *accessory* uses and *structures* are in keeping with the character of the district.
- (c) The further purpose of the SC districts is that the three types of SC districts are defined and distinguished by scale of *development*, using trade area, market and number and variety of *retail establishments* to determine whether the district should be zoned SC-1, SC-2 or SC-3 as follows:
 - (i) SC-1 neighborhood shopping center district: 1) radius of trade area is approximately one to one and one-half miles; 2) minimum market is approximately one thousand families; and 3) composition of center is five to ten *retail establishments*, the major store is usually a supermarket or *pharmacy*; other *retail establishments* include those offering convenience goods and personal services, not including auto repair, *filling stations* or *residential* uses;

- (ii) SC-2 community shopping center district: 1) radius of trade area is approximately four miles or more; 2) minimum market is approximately five thousand families; and 3) composition of center is ten or more *retail establishments*; the major *retail establishment* is usually a variety or department store, in addition to convenience goods and personal services as in SC-1. Other *retail establishments* may include *filling stations*, department stores, discount stores, furniture stores and other stores and services that provide for the regular needs of families residing in the adjacent *residential* neighborhoods or in the larger community; and
 - (iii) SC-3 regional shopping center district: 1) radius of trade area is approximately one hour drive by automobile; 2) minimum market is approximately one hundred fifty thousand people; and 3) composition of center is one or more full-time department stores with eighty thousand to one hundred thousand square feet of gross leasable area each and *retail establishments* providing convenience goods and personal services.
- (d) *Development* and design standards, including square footage restrictions, for the three SC districts are in Article 14-7. (Ord. No. 2012-11 § 9)
- (2) Rezoning Requirements
- (a) *Property* is eligible for rezoning to SC if:
 - (i) the *property* is: 1) an addition in depth to lands where frontage is already commercially zoned; 2) already commercially zoned and existing *development*, if any, can be brought into conformance with the SC district regulations; or 3) not already commercially zoned in whole or in part and is not now served by appropriate and convenient shopping facilities;
 - (ii) the shopping center will be convenient to and serve at least one *residential* area; and
 - (iii) the *tract* on which the shopping center will be located is of such size, shape and location as to enable well-organized *development* of the *commercial facilities*, with proper access *streets*, ingress and egress, *off-street parking* and loading space and other requirements and amenities.

Italicized words defined in Article 14-12

- (b) Additionally, *property* is eligible for rezoning to:
 - (i) SC-1 if it has a site area of five to fifteen acres;
 - (ii) SC-2 if it has a site area of ten to forty acres; and
 - (iii) SC-3 if it has a site area of thirty-five acres or more.
- (c) Rezoning to SC requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans, or both, for the *property* as provided in Section 14-3.8.

(L) MU Mixed-Use District

(1) Purpose

It is the purpose of the MU mixed-use district to provide for the creative *infill* and *development* of underused and vacant land and *buildings* in Santa Fe. This zoning category allows office, commercial and *residential* uses in the same *building* or on the same *property*. MU zoning should accomplish the following goals:

- (a) control sprawl by creating a more efficient use of land and more opportunities for *infill*;
- (b) promote affordable housing and economic development by emphasizing a variety of land uses
- (c) promote creative and flexible land uses within Santa Fe;
- (d) foster alternative means of transportation, including transit, bicycles and walking;
- (e) promote *infill development* and pedestrian-oriented *streetscapes* in currently underused parking areas and along existing roadway corridors; and
- (f) promote shared parking areas in the design and *development* of *mixed-use* projects.

(2) Rezoning Requirements

- (a) *Application* for rezoning to MU is not allowed for *residentially zoned properties* located in historic districts, as shown on the official zoning map.
- (b) Rezoning to MU requires consideration and approval by the planning commission and *governing body* of preliminary or final *development* plans for the *property* as provided in Section 14-3.8.

Italicized words defined in Article 14-12

Special Use Permit: Elements, Conditions and Chart

When you are building something in the
wrong zoning district

14-3.6

(B) Approval Authority

The planning commission and the board of adjustment have the authority to hear and decide *applications* for special use *permits* as authorized by Chapter 14; to decide questions that are involved in determining whether special use *permits* should be granted; and to grant special use *permits* with such conditions and safeguards as appropriate under Chapter 14 or to deny special use *permits* when not in harmony with the intent and purpose of Chapter 14.

(C) Procedures

(1) Site Plan Approval

Special use *permits* shall include approval of a site plan and other site *development* drawings necessary to document that the type and extent of *development* proposed can be accomplished in conformance with applicable *development* standards.

(2) Application

The *application* shall indicate the section of Chapter 14 under which the special use *permit* is sought and state the grounds on which it is requested;

(3) Approval Limited
(Ord. No. 2013-16 § 7)

A special use *permit* is granted for a specific use and *intensity*. A special use *permit* is required for any change of use to a new or different use category that requires a special use *permit* as designated in Table 14-6.1-1. A special use *permit* is required for any significant expansion or intensification of a special use.

 **(D) Approval Criteria and Conditions**

(1) Necessary Findings

To grant a special use *permit*, a *land use board* shall make the following findings:

- (a) that the *land use board* has the authority under the section of Chapter 14 described in the *application* to grant a special use *permit*;
- (b) that granting the special use *permit* does not adversely affect the public interest, and

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

(2) Conditions

The *land use board* may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

- (a) special *yards* or *open spaces*;
- (b) fences, *walls* or *landscape screening*;
- (c) provision for 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) establishment of an expiration date, after which the use must cease at that site;
- (o) establishment of a date for annual or other periodic review at a public hearing;
- (p) plans for sustainable use of energy and recycling and solid waste disposal;

Italicized words defined in Article 14-12

Subdivision: Elements, Preliminary v. Final Subdivision

When you want us to divide up the land
to build some things

14-3.7

(7) Plat Standards

All subdivision *plats* must meet the minimum standards for surveying in New Mexico and must comply with *plat* standards adopted by the *land use director*.

(C) Approval Criteria

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.
- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *plating* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).
- (3) All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).
- (4) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.
- (5) A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.

(D) Summary Procedure

The summary committee of the planning commission has the authority to review and approve subdivisions that result in the creation of one additional *lot*. Summary subdivisions are subject to the procedural requirements, approval criteria and *development* standards that apply to other subdivisions, except that:

Italicized words defined in Article 14-12

WHY Preliminary and Why FINAL?

14-3.7B(3) Preliminary Plat

(a) Applicability

Preliminary *plat* procedures are not required for inheritance and *family* transfer subdivisions.

(b) Application

Following the pre-*application* conference, if applicable, the subdivider shall prepare or cause to be prepared a preliminary *plat*, together with improvement plans and other supplementary material as specified in checklists issued by the *land use director* and in conformance with the standards of Article 14-9 (Infrastructure Design, Improvement and Dedication Standards). The *plat* shall be prepared by a *professional land surveyor*.

(c) Land Use Director Review

The *land use director* shall review the preliminary *plat* and supplementary materials submitted for conformity to this article. The *land use director* shall provide the planning commission with a written report of findings together with a recommendation that the preliminary *plat* be approved, approved with conditions or disapproved. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

(d) Planning Commission Review and Decision

The planning commission shall review the preliminary *plat* and other materials submitted for conformity to this article, consider the *land use director* report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider. Following this, the planning commission shall act on the *application* within thirty-five days unless an extension of time is applied for in writing by the subdivider and granted by the planning commission. The planning commission shall approve or deny the *application*.

(e) Effect of Approval

Approval of a preliminary *plat* does not constitute approval of the final *plat*; rather, it is an expression of approval of the layout submitted on the preliminary *plat* as a guide to the preparation of the final *plat*. The final *plat* shall be submitted to the planning commission for approval and recorded when the provisions of this article and the conditions of preliminary *plat* approval are met.

(4) Final Plat

(a) Conformity with Preliminary Plat Required

The final *plat* shall conform substantially to the preliminary *plat* as approved.

Development Plan: When & Elements & Conditions & Preliminary v. Final

When you want to build something sort of big

14-3.8

(c) Required Improvements

Inheritance and *family* transfer subdivisions shall comply with the required improvements set forth in Section 14-9.2.

(d) Density and District Regulations

Inheritance and *family* transfer subdivisions are required to meet the standards for use, *density*, *building* placement, height, *open space*, parking and other items set forth in the district regulations.

14-3.8 DEVELOPMENT PLANS

(Ord. No. 2014-31 § 1)

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

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



(B) Applicability

(Ord. No. 2013-16 § 11)

- (1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).
- (2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay Zoning Districts.
- (3) Approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:
 - (a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;

Italicized words defined in Article 14-12

- (b) *gross floor area* of ten thousand square feet or more in a *residential* district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, including public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;
 - (c) *flea market* with fifteen or more vendors; or
 - (d) outdoor *commercial recreational uses* in any zone where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds fifteen thousand (15,000) square feet in any zone; provided that this provision does not apply to temporary carnivals, circuses and similar short-term entertainment uses required to obtain a *permit* from the *city*.
- (4) The *development* plans described in Subsections (B)(2) and (3) shall be reviewed by the planning commission.
 - (5) This section applies where the cumulative square footage of multiple *permits* meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of those subsections when the *permits* are for coordinated *development* of a *project* comprising multiple *buildings* or outdoor uses, including phased *projects* and *projects* involving *development* of adjoining commonly owned *parcels*.
 - (6) This section does not apply to the construction of *single-family dwellings*, each of which has a *gross floor area* of ten thousand (10,000) square feet or less, including *accessory buildings*, on *lots* created prior to the effective date of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to early neighborhood notification procedures. This section does apply to construction of any *single-family dwelling* that has a *gross floor area* greater than ten thousand (10,000) square feet, including *accessory buildings*.
 - (7) No additional *development* plan review is required if the new or changed use or *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part of a rezoning or other action before the *governing body* or the planning commission, and for which an early neighborhood notification meeting occurred as set forth in Section 14-3.1(F).
 - (8) Approval of a *development* plan by the *land use director* is required for multiple-*family development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

Italicized words defined in Article 14-12



(D) **Approval Criteria and Conditions**

(1) Necessary Findings

To approve a *development* plan, the planning commission must make the following findings:

- (a) that it is empowered to approve the plan under the section of Chapter 14 described in the *application*;
- (b) that approving the *development* plan will not adversely affect the public interest; and
- (c) that the use and any associated *buildings* are compatible with and adaptable to *buildings, structures* and uses of the abutting *property* and other *properties* in the vicinity of the *premises* under consideration.

(2) Conditions

The planning commission may specify conditions of approval that are necessary to accomplish the proper *development* of the area and to implement the policies of the *general plan*, including:

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

Italicized words defined in Article 14-12

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

(3) Expiration

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

~~14-3.9 MASTER PLANS~~

(A) Purpose and Intent

- (1) It is the intent of a master plan to:
 - (a) provide a comprehensive plan that must be followed during the subsequent review and approval of *development* plans and subdivision *plats* for the master-planned area.
 - (b) enable the *governing body*, *land use boards* and *land use director* to ensure compliance with Chapter 14;
 - (c) document compliance with *final actions* to approve or conditionally approve *development applications*;

WHY Preliminary and Why FINAL?

(2) Coordination with Other Review Procedures

(a) *Development* plans required for rezonings by Articles 14-4 Zoning Districts and 14-5 Overlay Zoning Districts shall be reviewed by the planning commission at a public hearing with notice provided as required by Section 14-3.1(H) and then transmitted to the *governing body* with any recommendations, as set forth in Section 14-3.5 Rezonings.

(b) A special use *permit* or variance request associated with a *development* plan shall be reviewed concurrently and approved or denied by the planning commission.

 (c) If review and approval of a *development* plan by the planning commission and the *governing body* is required in conjunction with a rezoning action, the *applicant* may submit a preliminary *development* plan for consideration at the time of rezoning. If the rezoning is approved, a separate *application* for a final *development* plan must be approved by the planning commission prior to *development* of the affected *property*.

 (d) If review and approval of a *development* plan by the planning commission *only* is required, the *applicant* may first submit an *application* for a preliminary *development* plan. If the preliminary *development* plan is approved, a separate *application* for final *development* plan approval by the planning commission must be approved prior to the *development* of the *property*.

(e) If review and approval of a master plan by the planning commission and the *governing body* is required in conjunction with a rezoning action, and if approval of a *development* plan by the planning commission would be required for one or more phases, the *applicant* may either:

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

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

(f) Action on a *development* plan by the planning commission must be taken at a public hearing with notice provided as required by Section 14-3.1(H).

(3) Consistency with Master Plans and Preliminary Development Plans

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

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

(4) Scope of Amendments to Development Plans

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

(b) The planning commission has the authority provided in Section 14-3.19(D) Amendment of Development Approvals.

(5) Administrative Approval Procedure
(Ord. No. 2013-16 § 13)

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

(6) Recording of Plans; Infrastructure Construction
(Ord. No. 2013-16 § 14)

(a) The signed original mylars of the *development* plan and associated engineering and improvement drawings shall be filed with the *land use director* and shall be the basis for issuance of construction *permits*. The *development* plan shall be filed for record with the *county* clerk by the *land use director*.

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

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

Master Plan: Elements

When you are building something with a lot of parts

14-3.9

- (2) A master plan provides for:
 - (a) comprehensive and coordinated planning for the *development* of land, often involving multiple phases occurring over a period of several years or more and may also involve multiple developers;
 - (b) plans for the funding and phased construction of major public or private *infrastructure* improvements required to serve the planned *development*.



(B) Applicability

- (1) A master plan is required in conjunction with rezoning *applications* in certain districts as provided in Article 14-4 (Zoning Districts) and may be required in conjunction with specified annexation *applications* as provided in Section 14-3.4.
- (2) A *development* plan may be submitted in lieu of a master plan as provided in Section 14-3.8(C)(2)(c).
- (3) All use and *development* of land within a master-planned area must comply with the provisions of the adopted master plan. *Final actions* by the *governing body*, *land use boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and construction *permits* shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

(C) Procedures

(1) Submission Requirements

Applicants for *developments* that require master plans shall submit plans and other documentation as required by the *land use director* that show compliance with the applicable provisions of Chapter 14 as provided in Section 14-3.1(C) (Form of Application), including plans that show:

- (a) existing conditions on the site and within the vicinity;
- (b) proposed modifications to the site, including the locations of existing and new *structures*, *grading*, *landscaping*, lighting, pedestrian and vehicular circulation, parking and loading facilities;
- (c) proposed changes to the zoning of land within the master plan area and the types, extent and *intensity* of land uses that are proposed;

- (b) The master plan must include a designation of the type of use and extent of *development* allowed for each *tract* designated for *nonresidential* or *mixed uses*. In addition to *nonresidential* uses allowed in *residential* districts, such as schools and *religious assembly*, the *development* may include:
- (i) neighborhood shopping centers intended primarily to serve *development* within the PRC district and immediate vicinity as provided in Section 14-4.3(K) SC-1 Planned Shopping Center Districts and Section 14-7 Building Envelope and Open Space Standards;
 - (ii) not more than thirty-five percent of a planned *residential* community may be designated for *development* with *mixed uses* consistent with the standards for the MU district; and
 - (iii) within the PRRC district, neighborhood centers as provided in Item (i) above, resort accommodations and resort-related commercial services.
 - (iv) Unless special standards are adopted, the provisions of Section 14-6 Permitted Uses and Use Regulations apply within the PRC and PRRC districts.

(4) Notice and Action by Planning Commission

Action by the planning commission to recommend approval of a master plan, or to approve an amendment as provided in Section 14-3.19(D)(2) Amendment of Development Approvals – Master Plans in the MU and BIP Districts, must be taken at a public hearing with notice provided as required by Section 14-3.1(H)(1). (Ord. No. 2014-31 § 3)

(5) Notice and Action by Governing Body

Action by the *governing body* to approve or amend a master plan must be taken at a public hearing with notice provided as required by Section 14-3.1(H)(2). (Ord. No. 2014-31 § 4)

(D) **Approval Criteria; Conditions**

(1) Necessary Findings
(Ord. No. 2014-31 § 5)

Approval or amendment of a master plan requires the following findings:

- (a) the master plan is consistent with the *general plan*;

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



(2) Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of Chapter 14 and implement the policies of the *general plan*, including:

- (a) requirements for construction and funding of private or public *infrastructure*, including utilities, municipal *buildings*, roads, parks and trails;
- (b) provisions for the use and protection of areas of special hazards or environmental sensitivity;
- (c) modifications to the proposed plan, including changes to the boundaries of land use *tracts*, patterns of land uses, *infrastructure* plans, phasing plans and special *development* standards and guidelines.

(3) Expiration

Master plans expire as provided in Section 14-3.19 (Expiration, Extension and Amendment of Development Approvals).

Variance: Elements

When you are building something that does not comply with City Code

14-3.16

Variance

"Elements"

14-316

(B) Procedures

(1) Board Review and Decision

Following a public hearing, the *land use board* shall, based on the *application*, input received at the public hearing and the approval criteria set forth in Subsection (C) of this section, approve, approve with conditions or deny the variance *application*.

(2) Special Review for Height Variances in Airport Area

All height variance requests for lands located within the approach, transitional, horizontal and conical surfaces as described within the approach and clear zone layout plan of the Santa Fe municipal airport dated February, 1980 prepared by PMM and company, adopted in this section by reference and on file in the *city* public works department shall be reviewed for compliance with federal aviation regulations. The *application* for variance shall be accompanied by an approval from the federal aviation administration accompanied by a determination as to the effect of the proposed variance on the operation of air aviation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed only upon a finding that granting the variance will not create a hazard to air navigation. Additionally, no *application* for variance to the height requirements within the area described in this paragraph may be considered until a copy of the *application* has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the *application* within fifteen days after receipt, the *land use board* may act on the *application* without the airport manager's response. Any variance granted may be conditioned to require the *owner* of the *structure* in question to install, operate and maintain, at the *owner's* expense, such markings and lights as may be necessary.

→ **(C) Approval Criteria**

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

→ **(1) One or more of the following special circumstances applies:**

- (a)** unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

- (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
- (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
- (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing or significant property* pursuant to Section 14-5.2 (Historic Districts).

→ (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

→ (3) The *intensity of development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

→ (4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

- (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;
- (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

(5) The variance is not contrary to the public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

(D) Expiration of Variances
(Ord. No. 2013-16 § 17)

Approval of a variance expires if it is not exercised, as provided in Section 14-3.19(B)(5).

Possible Answers--Scenario #1

You are a land use consultant and St. Guardian Hospital's comes in and says "We have an existing master plan for our property. We've raised \$40M in capital and we want to build a 40' high addition but we may be in a weird district that has limits on building heights."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:

Master Plan

Development Plan

Zoning/Special Use Permit

Height Variances

Scenario #2:

You are a land use consultant and Eveningstar Retirement Homes comes in and says: "We want to build a new retirement center in a residential district."

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:

Development Plan

Zoning/Special Use Permit

Scenario #3:

You are a land use consultant and Dry River Condos comes in and says: "We want to build a new set of three story condos in a residential district—what is the easiest way?"

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan

- Variance

Possible Issues:

General Plan

Rezoning

Development Plan

Variations

Scenario #4:

You are a land use consultant and Las Sailors comes in and says: “We own a lot of vacant land—I mean a lot--and want to divide it up into a bunch of different uses and future projects.”

What to choose from?

- General Plan
- Rezoning
- Special Use Permit
- Subdivision
- Development Plan
- Master Plan
- Variance

Possible Issues:

Master Plan

General Plan

Rezoning

Subdivision

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2015-115

Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat

Owner's Name- Pulte Group

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert and Associates as agent for Pulte Group (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 67 lots located on 25.86+/- acres, Tract 11A of the Las Soleras Master Plan. Tract 11A is zoned R-6 (Residential, 6 units per acre). The plat is the final unit of Phase 1 of the overall Pulte residential development. The request requires a variance request for the disturbance of slopes over thirty percent.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there was one member of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on the entire Pulte Application on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the entire Pulte Application on December 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

10. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.

11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.

12. The Commission finds the following facts:

 a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision complies with this standard, subject that the applicable standards for the requested variance is met.

 b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is suited to the residential density proposed.

 c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.

d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed plat does not create or increase any nonconformity with the applicable standards of Chapter 14, subject to approval of the requested variance.

 e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.

13. Code § 14-8.2(D)(2) sets out certain findings that must be made by the Commission to approve a variance criteria.

14. The Commission finds the following facts:

 (a) special circumstances exist, in that there is a drainage within Unit 1C that traverses the property with steep banks on either side of the drainage and the slopes that exceed thirty percent are located along this drainage; (b) special circumstances make it infeasible to develop the land as there are safety factors associated with the steep slopes on the banks of the drainage that prevent reasonable and safe access from the road and lots to the pedestrian trail in the linear open space area shown on the subdivision plans; (c) the proposed density and lot sizes are consistent with that of nearby Nava Ade and other phases of Las Soleras; will not exceed that is allowed on other properties in the vicinity that are subject to the Ordinance in that the size of the proposed addition and extent of proposed grading are generally consistent with the development of other nearby lots; (d) the variance is the minimum variance that will make possible the reasonable use of the Property as the variance is for seven areas of slopes ranging from 120 square feet and this represents .004 of the total area of Unit 1C; and (e) the variance is not contrary to the public interest, as providing access to open space areas and encouraging people to walk and exercise is an asset to the public interest.

15. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
16. The information contained in the Staff Report along with Exhibits B, B1 and B2 is sufficient to establish that the Applicable Requirements have been met.
17. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat & Variance

3. The Commission has the authority to review and approve the preliminary plat and variance subject to conditions.
4. The Applicable Requirements have been met.

**WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE**

That the Applicant's requests for preliminary subdivision plat and variance request is approved, subject to Staff conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

QUICK EX PARTE REMINDER

ALL OF THE ABOVE CASES ARE
ADJUDICATORY—NO TALK WITH
ANYONE BUT STAFF

THESE CASES ARE ADJUDICATORY AND
MAY BE REMANDED BY THE CITY
COUNCIL BACK TO THE PLANNING
COMMISSION FOR A RE-DO-----NO
TALK ON FACEBOOK---BEFORE OR
AFTER---

GO TO ENN = you will be excused from
hearing the case

Motto #3: Do as much free work as possible.

Scenario #5:

You are a land use consultant and City staff has asked to re-write the 1999 General Plan for free (thank you!) in the next 6 months.

Where do you start?

Do you have a targeted approach?

Do you assign City staff discrete tasks to make things more manageable?

If the City has \$20K—what should you do?

What has been giving staff and citizens the biggest head-ache?

Should it be used to hire another associate to try to re-work the Future & Current land use map for the annexed area?