

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008- 7

INTRODUCED BY:



AN ORDINANCE

AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987 REGARDING THE
CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER
OF DWELLING UNITS.

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

Section 1. NOTE ⁷ for Table 14-7.1-1 SFCC 1987 (being Ord. #2001-38, §2 as
amended) is amended to read (regarding maximum density in RC districts):

⁷*Additional Regulations:* If the maximum density calculated is other than a whole
number, the number shall be rounded down ~~[if less than five-tenths (0.5), and rounded up if five-~~
~~tenths (0.5) or more]~~ to the nearest whole number except: (a) If the calculation is for a family
transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result is other than a whole number,
the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths
(0.5) or more; or (b) If the result is other than a whole number, the number may be rounded up if
five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from
the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth

1 in Article 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced
2 dwelling unit meeting the requirements set forth in Article 26-2.3 SFCC 1987. The resulting
3 whole number is the maximum allowable number of dwelling units for the site unless approved
4 by the Governing Body as a rezoning action or other action authorized by this chapter. [If at the
5 time of] Prior to subdivision (including lot split) or other development approval of the site by the
6 city, the maximum number of allowable dwelling units [is reached, a] shall be calculated for the
7 site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a
8 whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the
9 permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel
10 exceeds the allowable number of units for that parcel calculated separately, and the total number
11 of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed
12 on the plat or development plan prior to recording the first and each subsequent subdivision or lot
13 split which prohibits a further increase in the number of dwelling units for each portion of the site
14 unless approved by the Governing Body as a rezoning action or other action authorized by this
15 chapter.

16 **Section 2. Section 14-7.1(B)(1)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
17 **amended) is amended to read** (regarding R-1 through R-6 districts):

18 (a) Calculation of Allowable Dwelling Units

19 (i) Land Not Within Mountainous or Difficult Terrain

20 The procedure outlined below shall be used to calculate
21 the allowable dwelling units for the site for land not
22 within the mountainous or difficult terrain category as
23 defined in paragraph (B)(1)(a)(iii) of this section:

24 A. Determine the total number of acres in the site to
25 two decimal places. The total number of acres

1 in the site is that certified by a land surveyor or
2 engineer licensed in this State;

3 B. Determine the total floodway acres in the site.

4 Floodway is defined by Article 14-12. The
5 floodway acres shall remain undisturbed.

6 C. Subtract the sum of the floodway acres
7 calculated in paragraph B above from the total
8 number of acres of the site calculated in
9 paragraph A; and

10 D. Multiply the remaining acres by the applicable
11 gross density factor of the districts as shown in
12 Table 14-7.1-1. If the result is other than a
13 whole number, the number shall be rounded
14 down [if less than five tenths (0.5), and rounded
15 up if five tenths (0.5) or more] to the nearest
16 whole number except as set forth in §14-
17 7.1(B)(1)(a)(i)E. or F. below. This is the
18 allowable number of dwelling units for the site.

19 E. If the calculation is for a family transfer
20 subdivision as set forth in §14-3.7(E)(2)(b) and
21 the result is other than a whole number, the
22 number shall be rounded down if less than five-
23 tenths (0.5), and rounded up if five-tenths (0.5)
24 or more.

25 F. If the result is other than a whole number, the

number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Article 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in Article 26-2.3 SFCC 1987.

(ii) Land Within Mountainous or Difficult Terrain

The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(1)(a)(iii) of this section:

- A. Determine the total number of acres in the site to two decimal places. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State; and
- B. Multiply the total number of acres in the site calculated in paragraph A by the gross density factor of the district as shown in Table 14-7.1-1; and
- C. Multiply the result calculated in paragraph (ii)B by 0.75. If the result is other than a whole number, the number shall be rounded down [if

1 ~~less than five tenths (0.5), and rounded up if~~
2 ~~five tenths (0.5) or more]~~ to the nearest whole
3 number except as set forth in §14-

4 7.1(B)(1)(a)(ii)E. or F. below. This is the
5 allowable number of dwelling units for the site;
6 and

7 D. Land in the area of mountainous or difficult
8 terrain with a slope greater than 30 percent shall
9 be undisturbed.

10 E. If the calculation is for a family transfer
11 subdivision as set forth in §14-3.7(E)(2)(b) and
12 the result is other than a whole number, the
13 number shall be rounded down if less than five-
14 tenths (0.5), and rounded up if five-tenths (0.5)
15 or more.

16 F. If the result is other than a whole number, the
17 number may be rounded up if five-tenths (0.5) or
18 more provided that the applicant agrees that the
19 additional unit resulting from the rounding up is
20 an additional Santa Fe Homes Program Unit
21 meeting the requirements set forth in Article 26-
22 1 SFCC 1987 or if the additional unit resulting
23 from the rounding up is a low priced dwelling
24 unit meeting the requirements set forth in Article
25 26-2.3 SFCC 1987.

(iii) Definition of "Mountainous or Difficult Terrain"

A. For purposes of this section, "mountainous or difficult terrain" means any parcel, any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I"* following this Chapter and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.

B. Areas within the potential area of mountainous or difficult terrain as shown on the map following this Chapter shall be included in the area of mountainous and difficult terrain as they are annexed.

Section 3. Section 14-7.1(B)(1)(b) SFCC 1987 (being Ord. #2001-38, §2 as amended) is amended to read (regarding R-1 through R-6 districts):

(b) Notice of Maximum Number of Dwelling Units
~~[If at the time of]~~ Prior to subdivision (including lot split) or other development approval of the site by the city, the maximum number of allowable dwelling units [is reached, a] shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so

1 that no parcel exceeds the allowable number of units for
2 that parcel calculated separately, and the total number of
3 units on all parcels shall not exceed that of the original
4 site as a whole. A note shall be placed on the plat or
5 development plan prior to recording the first and each
6 subsequent subdivision or lot split which prohibits a
7 further increase in the number of dwelling units for each
8 portion of the site unless approved by the Governing
9 Body as a rezoning action or other action authorized by
10 this chapter.

11 **Section 4. Section 14-7.1(B)(2)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
12 **amended) is amended to read (regarding R-7, R-8 and R-9 districts):**

13 (a) Calculation of Allowable Dwelling Units

14 (i) Land Not Within Mountainous or Difficult Terrain

15 The procedure outlined below shall be used to calculate
16 the allowable dwelling units for the site for land not
17 within the mountainous or difficult terrain category as
18 defined in paragraph (B)(2)(a)(iii) of this section:

19 A. Determine the total number of acres in the site to
20 two decimal spaces. The total number of acres
21 in the site is that certified by a land surveyor or
22 engineer licensed in this State;

23 B. Determine the total floodway acres in the site.
24 Floodway acres are defined by Article 14-12.
25 The floodway acres shall remain undisturbed.

- 1 C. Subtract the sum of the floodway acres
2 calculated in paragraph B. above from the total
3 number of acres of the site calculated in
4 paragraph A; and
- 5 D. Multiply the remaining acres by the applicable
6 gross density factor of the districts as shown in
7 Table 14-7.1-1. If the result is other than a
8 whole number, the number shall be rounded
9 down ~~[if less than five tenths (0.5), and rounded~~
10 ~~up if five tenths (0.5) or more]~~ to the nearest
11 whole number except as set forth in §14-
12 7.1(B)(2)(a)(i)E. or F. below. This is the
13 allowable number of dwelling units for the site.
- 14 E. If the calculation is for a family transfer
15 subdivision as set forth in §14-3.7(E)(2)(b) and
16 the result is other than a whole number, the
17 number shall be rounded down if less than five-
18 tenths (0.5), and rounded up if five-tenths (0.5)
19 or more.
- 20 F. If the result is other than a whole number, the
21 number may be rounded up if five-tenths (0.5) or
22 more provided that the applicant agrees that the
23 additional unit resulting from the rounding up is
24 an additional Santa Fe Homes Program Unit
25 meeting the requirements set forth in Article 26-

1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in Article 26-2.3 SFCC 1987.

(ii) Land Within Mountainous or Difficult Terrain

The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(2)(a)(iii) of this section:

- A. Determine the total number of acres in the site to two decimal spaces. The total number of acres in the site is that certified by a land surveyor or engineer licensed in this State; and
- B. Multiply the total number of acres in the site calculated in paragraph A. by the gross density factor of the district as shown in Table 14-7.1-1; and
- C. Multiply the result calculated in paragraph (ii)B. by 0.75. If the result is other than a whole number, the number shall be rounded down [~~if less than five tenths (0.5), and rounded up if five tenths (0.5) or more~~] to the nearest whole number except as set forth in §14-7.1(B)(2)(a)(ii)E. or F. below. This is the allowable number of dwelling units for the site.

1 E. If the calculation is for a family transfer
2 subdivision as set forth in §14-3.7(E)(2)(b) and
3 the result is other than a whole number, the
4 number shall be rounded down if less than five-
5 tenths (0.5), and rounded up if five-tenths (0.5)
6 or more.

7 F. If the result is other than a whole number, the
8 number may be rounded up if five-tenths (0.5) or
9 more provided that the applicant agrees that the
10 additional unit resulting from the rounding up is
11 an additional Santa Fe Homes Program Unit
12 meeting the requirements set forth in Article 26-
13 1 SFCC 1987 or if the additional unit resulting
14 from the rounding up is a low priced dwelling
15 unit meeting the requirements set forth in Article
16 26-2.3 SFCC 1987.

17 (iii) Definition of Mountainous or Difficult Terrain

18 A. Mountainous or difficult terrain category means
19 any parcel, any portion of which lies in the area
20 labeled as mountainous and difficult terrain on
21 the map following this Chapter and where over
22 25 percent of the square footage of the parcel
23 has an existing slope of over 20 percent.

24 B. Areas within the potential area of mountainous
25 or difficult terrain as shown on the map

1 following this Chapter shall be included in the
2 area of mountainous and difficult terrain as they
3 are annexed.

4 (iv) Increased Number of Allowable Dwelling Units

5 A. The allowable dwelling units for the site may be
6 increased if allowed by the Santa Fe Homes
7 Program and agreed to by the property owner
8 and the City pursuant to a Santa Fe Homes
9 Program (SFHP) agreement or in a certified
10 SFHP proposal, set forth in §14-8.11.

11 B. In no case shall more dwelling units be
12 constructed than described on the development
13 plan approved by the Governing Body of the
14 City as set forth in §14-3.8.

15 C. ~~[If at the time of]~~ Prior to subdivision (including
16 lot split) or other development approval of the
17 site by the city, the maximum number of
18 allowable dwelling units ~~[is reached, a]~~ shall be
19 calculated for the site as a whole. The allowable
20 number of dwelling units shall not be exceeded
21 for the site as a whole, regardless of subdivisions
22 or lot splits. In the event of subdivision
23 (including lot split), the permitted number of
24 dwelling units shall be allocated among all
25 resulting parcels so that no parcel exceeds the

1 allowable number of units for that parcel
2 calculated separately, and the total number of
3 units on all parcels shall not exceed that of the
4 original site as a whole. A note shall be placed
5 on the plat or development plan prior to
6 recording the first and each subsequent
7 subdivision or lot split which prohibits a further
8 increase in the number of dwelling units for each
9 portion of the site unless approved by the
10 Governing Body as a rezoning action or other
11 action authorized by this chapter.

12 **Section 5. Section 14-7.1(B)(3)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
13 **amended)is amended to read (regarding R-7I districts):**

14 (a) Calculation of Allowable Dwelling Units

15 (i) Land Not Within Mountainous or Difficult Terrain

16 The procedure outlined below shall be used to calculate
17 the allowable dwelling units for the site for land not
18 within the mountainous or difficult terrain category as
19 defined in paragraph (B)(3)(a)(iii) of this section:

- 20 A. Determine the total number of acres in the site to
21 two decimal places. The total number of acres
22 in the site is that certified by a land surveyor or
23 engineer licensed in this State;
24 B. Determine the total floodway acres in the site.
25 The floodway acres shall remain undisturbed.

- 1 C. Subtract the sum of the floodway acres
2 calculated in paragraph B. above from the total
3 number of acres of the site calculated in
4 paragraph A; and
- 5 D. Multiply the remaining acres by seven. If the
6 result is other than a whole number, the number
7 shall be rounded down [~~if less than five tenths~~
8 ~~(0.5), and rounded up if five tenths (0.5) or~~
9 ~~more~~] to the nearest whole number except as set
10 forth in §14-7.1(B)(3)(a)(i)E. or F. below. This
11 is the allowable number of dwelling units for the
12 site.
- 13 E. If the calculation is for a family transfer
14 subdivision as set forth in §14-3.7(E)(2)(b) and
15 the result is other than a whole number, the
16 number shall be rounded down if less than five-
17 tenths (0.5), and rounded up if five-tenths (0.5)
18 or more.
- 19 F. If the result is other than a whole number, the
20 number may be rounded up if five-tenths (0.5) or
21 more provided that the applicant agrees that the
22 additional unit resulting from the rounding up is
23 an additional Santa Fe Homes Program Unit
24 meeting the requirements set forth in Article 26-
25 1 SFCC 1987 or if the additional unit resulting

1 from the rounding up is a low priced dwelling
2 unit meeting the requirements set forth in Article
3 26-2.3 SFCC 1987.

4 (ii) Land Within Mountainous or Difficult Terrain

5 The procedure outlined below shall be used to calculate
6 the allowable dwelling units for the site for land in the
7 mountainous or difficult terrain category as defined in
8 paragraph (B)(3)(a)(iii) of this section:

9 A. Determine the total number of acres in the site to
10 decimal places. The total number of acres in the
11 site is that certified by a land surveyor or
12 engineer licensed in this State; and

13 B. Multiply the total number of acres in the site
14 calculated in paragraph A. by seven; and

15 C. Multiply the result calculated in paragraph B. by
16 0.75. If the result is other than a whole number,
17 the number shall be rounded down [~~if less than~~
18 ~~five tenths (0.5), and rounded up if five tenths~~
19 ~~(0.5) or more~~] to the nearest whole number
20 except as set forth in §14-7.1(B)(3)(a)(ii)E. or F.
21 below. This is the allowable number of dwelling
22 units for the site; and

23 D. Land in the area of mountainous or difficult
24 terrain with a slope greater than 30 percent shall
25 be undisturbed.

E. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.

F. If the result is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Article 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in Article 26-2.3 SFCC 1987.

(iii) **Definition of Mountainous or Difficult Terrain**

A. Mountainous or difficult terrain category means any parcel, any portion of that lies in the area labeled as mountainous and difficult terrain on the map following this chapter and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.

Section 6. Section 14-7.1(B)(3)(b) SFCC 1987 (being Ord. #2001-38, §2) is amended to read (regarding R-7I districts):

1 (b) Notice of Maximum Number of Dwelling Units
2 [If at the time of] Prior to subdivision (including lot split) or
3 other development approval of the site by the city, the maximum
4 number of allowable dwelling units ~~[is reached, a]~~ shall be
5 calculated for the site as a whole. The allowable number of
6 dwelling units shall not be exceeded for the site as a whole,
7 regardless of subdivisions or lot splits. In the event of
8 subdivision (including lot split), the permitted number of
9 dwelling units shall be allocated among all resulting parcels so
10 that no parcel exceeds the allowable number of units for that
11 parcel calculated separately, and the total number of units on all
12 parcels shall not exceed that of the original site as a whole. A
13 note shall be placed on the plat or development plan prior to
14 recording the first and each subsequent subdivision or lot split
15 which prohibits a further increase in the number of dwelling
16 units for each portion of the site unless approved by the
17 Governing Body as a rezoning action or other action authorized
18 by this chapter.

19 **Section 7. Section 14-7.1(B)(5)(b) SFCC 1987 (being Ord. #2001-38, §2) is**
20 **amended to read** (regarding RM districts):

21 (b) Calculation of Allowable Dwelling Units

22 For RM districts the procedure outlined below shall be used to
23 calculate the allowable dwelling units for the site:

24 (i) Determine the total acres in the site to two decimal
25 places. The total number of acres in the site is that

certified by a land surveyor or engineer licensed in this state;

(ii) Determine the total floodway acres in the site.

Floodway acres are as defined by Article 14-12. The floodway acres shall remain undisturbed;

(iii) Subtract the sum of the acres calculated in paragraph (ii) above from the total number of acres of the site calculated in paragraph (i) above; and

(iv) Multiply the remaining acres by the applicable gross density factor of the districts as shown in Table 14-7.1-1.

If the result is other than a whole number, the number shall be rounded down ~~[if less than five tenths (0.5), and rounded up if five tenths (0.5) or more]~~ to the nearest whole number except as set forth in §14-

7.1(B)(5)(b)(iv)A. or B. below. This is the allowable number of dwelling units for the site.

A. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.

B. If the result is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the


1 additional unit resulting from the rounding up is
2 an additional Santa Fe Homes Program Unit
3 meeting the requirements set forth in Article 26-
4 1 SFCC 1987 or if the additional unit resulting
5 from the rounding up is a low priced dwelling
6 unit meeting the requirements set forth in Article
7 26-2.3 SFCC 1987.

8 **Section 8. Section 14-7.1(B)(5)(c) SFCC 1987 (being Ord. #2001-38, §2) is**
9 **amended to read** (regarding RM districts):

10 (c) Notice of Maximum Number of Dwelling Units
11 ~~[If at the time of]~~ Prior to subdivision (including lot split) or
12 other development approval of the site by the city, the maximum
13 number of allowable dwelling units ~~[is reached, a]~~ shall be
14 calculated for the site as a whole. The allowable number of
15 dwelling units shall not be exceeded for the site as a whole,
16 regardless of subdivisions or lot splits. In the event of
17 subdivision (including lot split), the permitted number of
18 dwelling units shall be allocated among all resulting parcels so
19 that no parcel exceeds the allowable number of units for that
20 parcel calculated separately, and the total number of units on all
21 parcels shall not exceed that of the original site as a whole. A
22 note shall be placed on the plat or development plan prior to
23 recording the first and each subsequent subdivision or lot split
24 which prohibits a further increase in the number of dwelling
25 units for each portion of the site unless approved by the

Governing Body as a rezoning action or other action authorized
by this chapter.

APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY