

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008-12

INTRODUCED BY:

  
Miguel Chang

AN ORDINANCE

CREATING A NEW SECTION 14-5.10 SFCC 1987 REGARDING NEIGHBORHOOD  
CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES  
AS ARE NECESSARY.

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

Section 1. Section 14-5.1 SFCC 1987 (being Ord. No. 2001-38 §2, as amended) is  
amended to read:

14-5.1 GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING  
DISTRICTS

The overlay zoning districts of this article are intended to apply in combination with the  
underlying general use zoning districts to impose regulations and standards in addition to  
those required by the general use districts. The requirements of an overlay district shall  
apply whenever they are in conflict with those in the general use district. The following  
overlay districts are hereby created:

(A) Historic Districts;

- (B) Archaeological Review Districts;
- (C) Arts and Crafts District;
- (D) Highway Corridor Protection Districts;
- (E) Escarpment Overlay Districts;
- (F) PUD Planned Unit Development District;
- (G) Residential Suite Hotel/Motel District; ~~and~~
- (H) Ecological Resource Protection District~~[-];~~ and
- (I) Neighborhood Conservation Overlay Districts.

Editor's Note: Amend above to reflect a Short Term Rental Overlay District if so approved by the Governing Body prior to adoption of this bill.

**Section 2. A new Section 14-5.10 SFCC 19878 is ordained to read:**

**14-5.10 [NEW MATERIAL] NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS**

**(A) General Provisions**

**(1) Purpose**

In order to protect the health, safety, and general welfare of the residents of Santa Fe, it is deemed by the Governing Body that neighbors be allowed to conserve their neighborhoods by collectively identifying their neighborhood's distinctive characteristics, including, but not limited to: streetscape, architectural features, density, lot coverage, setbacks, height and some property uses. The Neighborhood Conservation Overlay Districts are a means to conserve the substantive physical character of the neighborhoods and are not intended to be used as a tool simply to resist minor changes in neighborhood character. By establishing these overlay districts and tailoring the regulations to the attributes of the built

environment that make the neighborhood distinctive, neighborhoods will have a tool to proactively affect new development and thereby promote better harmony between new and existing structures.

(2) Underlying Zoning District Requirements

Property within a Neighborhood Conservation Overlay District shall be subject to the requirements of the underlying zoning district requirements, except for more specific requirements that are adopted for the applicable Neighborhood Conservation Overlay District.

(3) Additional Overlay Zoning District Requirements

If a Neighborhood Conservation Overlay District is contained within another zoning overlay district(s), the most restrictive set of requirements shall prevail. A Neighborhood Conservation Overlay District shall not be included in the boundary of another Neighborhood Conservation Overlay District.

(4) Nonconforming Structures

Any structure located in a Neighborhood Conservation Overlay District not meeting the requirements for the applicable Neighborhood Conservation Overlay District shall be considered nonconforming and shall comply with Article 14-10 of this Chapter.

(5) Variances

Requests for a variance from the requirements of a Neighborhood Conservation Overlay District shall be heard by the Board of Adjustment as set forth in §14-3.16. Variances from maximum allowable density or permitted land uses established by a Neighborhood Conservation District are prohibited and shall be considered amendments to the Neighborhood

1 Conservation Overlay District and be adopted by ordinance.

2 (6) Appeals

3 Any person who is aggrieved by a staff decision regarding Neighborhood  
4 Conservation Overlay District requirements may appeal that decision to  
5 the Board of Adjustment as set forth in §14-3.17(B).

6 (B) Creation of Neighborhood Conservation Overlay Districts

7 (1) Petition

8 A neighborhood may petition the City to develop a Neighborhood  
9 Conservation Overlay District. The petition shall contain a description of  
10 the proposed boundaries of the Neighborhood Conservation Overlay  
11 District and the signatures of 51 percent of the property owners of record  
12 in that area. The City may request proof of ownership.

13 (2) Inventory

14 An inventory of characteristics that are proposed to be regulated within  
15 the proposed Neighborhood Conservation Overlay District shall be  
16 completed by the neighborhood with assistance from City staff. The  
17 characteristics may include some or all of those characteristics described  
18 in paragraph (C)(1) below.

19 (3) Public Meetings

20 (a) Upon verification of the petition by the Land Use Department,  
21 staff shall hold at least two public meetings at which the  
22 proposed Neighborhood Conservation Overlay District  
23 boundaries and requirements shall be discussed and developed.  
24 The meetings shall be coordinated with City staff and held at a  
25 reasonable time and place to maximize public attendance.

1 (b) Notice for each public meeting shall follow the notice  
2 requirements for early neighborhood notification as set forth in  
3 §14-3.1(F)(3)(b). In addition to the postal notification, persons  
4 required to be notified of the public meetings may request an  
5 *email notification from the city on the same day that postal*  
6 *notification is mailed for second or subsequent public meetings.*  
7 *In the event that the proposed boundaries are enlarged, notice*  
8 *shall be given to those additional property owners and physical*  
9 *addressees as if for the first scheduled meeting.*

10 (4) Neighborhood Ballot

11 (a) When the land use department has determined that 40% of the  
12 property owners of record within the proposed boundaries in  
13 attendance or represented by written proxy at the public meeting  
14 agree to the final proposed requirements governing the proposed  
15 Neighborhood Conservation Overlay District, the Land Use  
16 Department shall mail a ballot by regular mail to all property  
17 owners of record within those boundaries. The ballot shall ask  
18 for a single affirmative or negative vote for the proposed  
19 requirements. The city shall include a stamped envelope  
20 addressed to the Land Use Department for returning ballots.

21 (b) If within 30 days of mailing the ballot, the City receives an  
22 affirmative vote of the proposed requirements by 67 percent of  
23 the property owners within the proposed boundaries, the  
24 proposed Neighborhood Conservation Overlay District  
25 requirements shall be deemed to be approved by the

- 1 neighborhood. The Land Use Director may extend the 30 days  
2 for an additional 15 days due to unforeseen circumstances.
- 3 (c) If the proposed requirements are not voted on in the affirmative  
4 by 67 percent of the property owners, a like or similar petition  
5 shall not be submitted within 12 months from the date of  
6 verification by the City that the proposed Neighborhood  
7 Conservation Overlay District has failed to receive the required  
8 affirmative vote.
- 9 (5) Adoption of Neighborhood Conservation Overlay District  
10 After the proposed Neighborhood Conservation Overlay District  
11 requirements have been approved by the neighborhood, the procedures  
12 set forth in §14-3.1(H)(1)(b) shall be followed as for a City-initiated  
13 rezoning. After a Neighborhood Conservation Overlay District is  
14 officially created, amendments to the boundaries or the requirements  
15 shall also follow the provisions outlined in this §14-5.10(B).
- 16 (C) **Neighborhood Conservation Overlay Districts Requirements**
- 17 (1) A Neighborhood Conservation Overlay District shall meet the following:
- 18 (a) In no case be less than 10 parcels; and  
19 (b) Include all residentially zoned parcels within the block face  
20 unless the Land Use Director determines that the block face is  
21 unusually long or that the neighborhood characteristics are  
22 significantly different within the block face.
- 23 (2) Neighborhood Conservation Overlay Districts may regulate the  
24 following:
- 25 (a) Building design including, but not limited to, scale, mass, and

- 1 distinctive architectural characteristics such as front porches,  
2 height or roof styles;
- 3 (b) Streetscape including, but not limited to, lot frontage, fences,  
4 walls, parking, lighting, and landscaping;
- 5 (c) Density except density bonuses as permitted in §14-8.11(G)(1);  
6 (d) Lot coverage;  
7 (e) Setbacks;  
8 (f) Building height; and  
9 (g) Property use except as set forth in paragraph (3) below.
- 10 (3) Neighborhood Conservation Overlay Districts shall not restrict the  
11 following:
- 12 (a) Dwelling units marketed to or occupied by any certain income;  
13 (b) Home occupations as set forth in §14-6.3(C)(2);  
14 (b) Group or foster homes;  
15 (c) Day care facilities;  
16 (d) Public or private schools for elementary, middle or senior high  
17 students;  
18 (e) Religious institutions; or  
19 (f) Other uses determined by the Land Use Director as necessary for  
20 the health and safety of the neighborhood.
- 21 (4) Requirements shall be measurable, definitive and uniform and  
22 enforceable by the Land Use Department through the issuance of a  
23 building permit. It is not the intent of the Neighborhood Conservation  
24 Overlay Districts to enforce private covenants.
- 25 **Section 3. The following footnotes shall be made:**

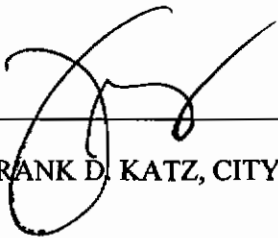
Footnotes shall be added to: Table 14-6.1-1 Permitted Uses (Ord. #2001-38, §2 as amended);  
Table 14-7.1-1 Dimensional Standards for Residential Districts (Ord. #2001-38, §2 as amended);  
Table 14-7.2-1 Dimensional Standards for Nonresidential and Mixed-Use Districts (Ord. #2001-  
38, §2 as amended); and Table 14-7.3 Dimensional Requirements for the Business Capitol  
District (Ord. #2001-38, §2) SFCC 1987 to indicate that the permitted uses and dimensional  
standards may be superseded by Neighborhood Conservation Overlay Districts adopted pursuant  
to §14-5.10.

**Section 4. Article 14-12 SFCC 1987 (being Ord. #2001-38, §2 as amended) is  
amended to include the following definition:**

**BLOCKFACE**

All the parcels on one side of a city block. Each block is separated by an intersecting street.

APPROVED AS TO FORM:

  
\_\_\_\_\_

FRANK D. KATZ, CITY ATTORNEY