

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2011-42**

**INTRODUCED BY:**

**AN ORDINANCE**

**REPEALING ARTICLES 14-1 THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH 14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987; REPEALING ARTICLES 14-6 THROUGH 14-7 SFCC 1987 AND ADOPTING NEW ARTICLES 14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.1 THROUGH 14-8.9 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.1 THROUGH 14-8.9 SFCC 1987; REPEALING 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.**

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

**Section 1. Article 14-1 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**

1 and a new Article 14-1 SFCC 1987 is ordained to read:

2 **14-1 [NEW MATERIAL] GENERAL PROVISIONS**

3 **14-1.1 TITLE**

4 This chapter shall be known as "Chapter 14 SFCC" and may be referred to internally as  
5 "Chapter 14" or "this chapter".

6 **14-1.2 AUTHORITY**

7 A. Chapter 14 is adopted pursuant to the enabling authority contained in Section 3-15-1 *et.*  
8 *seq.* (Municipal Charter Act), Sections 3-17-1 through 3-17-6 (Ordinances), Section 3-18-1 (General  
9 Powers), Sections 3-19-1 through 3-19-12 (Planning and Platting), Sections 3-20-1 through 3-20-16  
10 (Subdivisions), Sections 3-21-1 through 3-21-26 (Zoning Regulations), Sections 3-21A-1 through 3-  
11 21A-8 (Manufactured Housing and Zoning), Sections 3-22-1 through 3-22-6 (Historic Districts and  
12 Landmarks) and Sections 3-41-1 through 3-41-5 (Flood Control) New Mexico Statutes Annotated  
13 (NMSA) 1978, N.M. Const. art. X, Sections 6(D), 6(E) and any other applicable authority.

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15 that section is later amended or superseded, Chapter 14 is deemed amended to refer to the amended  
16 section or the section that most nearly corresponds to the superseded section.

17 **14-1.3 GENERAL PURPOSES**

18 The purposes of Chapter 14 are to:

19 A. implement the purposes of the *General Plan*, including guiding and accomplishing a  
20 coordinated, adjusted and harmonious development of Santa Fe that will best promote health, safety,  
21 order, convenience, prosperity and the general welfare as well as efficiency and economy in the  
22 process of *development*, and to ensure that the regulations adopted pursuant to this chapter are in  
23 accordance with the *General Plan*; and

24 B. create conditions favorable to the health, safety, convenience, prosperity and general  
25 welfare of the residents of Santa Fe by coordinating *streets* within proposed subdivisions with

1 existing or planned *streets* or other features of the *General Plan*; providing parks and trails; providing  
2 sewer, water and other *infrastructure*; providing adequate *open space* for traffic, recreation, drainage,  
3 light and air; and providing for the appropriate distribution of population and traffic.

#### 4 **14-1.4 MINIMUM REQUIREMENTS; UNIFORM APPLICATION**

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

#### 7 **14-1.5 GENERAL PLAN**

8 The *General Plan* is the basic policy guide for the administration of Chapter 14. The *General*  
9 *Plan* serves as the statement of goals, recommendations and policies guiding the development of the  
10 physical environment of Santa Fe and any other geographic areas specifically addressed by the  
11 *general plan*. The goals, vision, recommendations and policies of the *General Plan* may be amended  
12 from time to time to meet the changing requirements of the *City*. Procedures for amending the  
13 *General Plan* are set forth in Section 14-3.2.

#### 14 **14-1.6 JURISDICTION AND APPLICABILITY**

15 The provisions of Chapter 14 apply to all land, *buildings* and other *structures*, and their uses,  
16 located within the corporate limits of Santa Fe, including land owned by local, *county*, *state* or federal  
17 agencies to the extent allowed by law.

#### 18 **14-1.7 CONFLICTING PROVISIONS**

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

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

- 4 (1) the greater width or size of *yards*, courts or other *open spaces*;  
5 (2) the lower height of *structure* or lesser number of stories;  
6 (3) the greater percentage of *lot* or land to be left unoccupied; or  
7 (4) other higher standards.

8 **14-1.8 TRANSITIONAL RULES**

9 **A. Violations Continue**

10 A violation of the former Chapter 14 continues to be a violation under this Chapter 14 and is  
11 subject to penalties and enforcement under Article 14-11 unless the use, *development*, construction or  
12 other activity complies with the provisions of this chapter. A civil penalty assessed under the former  
13 Chapter 14 must be paid, even if the original violation is no longer considered a violation under this  
14 Chapter 14.

15 **B. Approved Projects**

16 As to approved projects:

17 (1) Except as provided in Section 14-1.8(E), approvals or *permits* granted under the  
18 former Chapter 14 that were valid on December 24, 2001 shall remain valid until their expiration  
19 date. Projects with valid approvals or *permits* may be carried out with the *development* standards in  
20 effect at the time of approval;

21 (2) a provision of Chapter 14 shall not require any change in the plans, construction  
22 or designated use of any *structure* for which a construction *permit* was issued prior to December 24,  
23 2001; and

24 (3) a re-application for an expired project approval shall meet the standards in effect  
25 at the time of re-application.

1                   **C. Nonconformities Under Prior Ordinance**

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

5                   **D. Effect of Code Amendments**

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

8                   (1) construction *permits*;

9                   (2) recorded *plats*;

10                  (3) recorded *development plans*; and

11                  (4) *permit*, plan or *plat applications* deemed complete at the time of the effective  
12 date of the amendment.

13                  **E. Specific Findings**

14                  A code amendment may affect projects that otherwise comply with Section 14-1.8(B)(1) if  
15 the *governing body* makes a specific finding of such applicability.

16                  **14-1.9 GENERAL RULES OF CONSTRUCTION**

17                  **A. Meanings and Intent**

18                  All provisions, terms, phrases and expressions contained in Chapter 14 shall be construed  
19 according to the general purposes set out in Section 14-1.3. When, in a specific section of this  
20 chapter, a different meaning is given for a term defined for general purposes in  
21 Article 14-12, the specific section's meaning and application of the term controls.

22                  **B. Headings, Illustrations and Text**

23                  In case of a difference of meaning or implication between the text of Chapter 14 and any  
24 heading, drawing, table, figure or illustration, the text controls.

25                  **C. Lists and Examples**

1 Unless otherwise specifically indicated, lists of items or examples that use terms such as "for  
2 example", "including" and "such as" or similar language are intended to provide examples, not to be  
3 exhaustive lists of all possibilities.

#### 4 **D. Computation of Time**

5 The time in which an act is to be done is computed by excluding the first day and including  
6 the last day. If a deadline or required date of action falls on a Saturday, Sunday or holiday observed  
7 by the *City*, the deadline or required date of action is the next day that is not a Saturday, Sunday or  
8 holiday observed by the *City*. References to days are calendar days unless otherwise stated.

#### 9 **E. References to Other Ordinances, Regulations and Documents**

10 Whenever reference is made to a resolution, ordinance, statute, regulation or document, it  
11 shall be construed as a reference to the most recent edition of the resolution, ordinance, statute,  
12 regulation or document, unless otherwise specifically stated.

#### 13 **F. Delegation of Authority**

14 Whenever a provision requires the head of a department or other officer or employee of the  
15 *City* to perform an act or duty, the department head, officer or employee may delegate that  
16 responsibility to others over whom the department head, officer or employee has authority.

#### 17 **G. Technical and Nontechnical Terms**

18 Words and phrases shall be construed according to the common and approved usage of the  
19 language, but technical words and phrases that may have acquired a peculiar and appropriate meaning  
20 in law shall be construed and understood according to that meaning.

#### 21 **H. Public Officials and Agencies**

22 All public officials, bodies and agencies to which references are made are those of the *City*  
23 unless otherwise indicated.

#### 24 **I. Mandatory and Discretionary Terms**

25 The words "shall," "will" and "must" are mandatory terms. The words "may" and "should"

are discretionary terms.

#### **J. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "and" indicates that all connected items, conditions, provisions or events apply;  
and

(2) "or" indicates that one or more of the connected items, conditions, provisions or events apply.

#### **K. Tenses and Number**

Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural and the plural includes the singular.

#### **L. Continuing Compliance Required**

Property shall be maintained and used in continuing compliance with the provisions of Chapter 14. *Development* standards, use regulations, conditions of approval and other provisions that are not specifically intended as temporary requirements shall continue to apply after the completion of initial *development* activities, and the *land use director* may require that property be restored to conformance with those standards as provided in Article 14-11 (Enforcement).

#### **14-1.10 INTERPRETATIONS**

The *land use director* is responsible for interpreting the provisions of Chapter 14, after consultation with the city attorney, as follows:

A. interpretations of Chapter 14 shall be made in writing;

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

C. the *land use director* shall make all current interpretations available for public inspection;  
and

D. *final actions* of the *land use director* interpreting provisions of Chapter 14 may be

1 appealed pursuant to Section 14-3.17.

2 **14-1.11 APPLICABILITY TO OWNERS, OCCUPANTS AND PREMISES**

3 **A. Responsibility for Compliance**

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

6 **B. Applicability to Premises**

7 The requirements of Chapter 14 and any *development* approval made under its authority  
8 thereunder apply to each individual *legal lot of record* except when the *land use director* determines  
9 that a recorded easement, enforceable agreement or the intent of any specific  
10 regulation or *development* approval is such that it applies to *premises* that include more than one *lot*,  
11 whether or not owned by different persons.

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**Section 2. Article 14-2 SFCC 1987 (being Ord. #2001-38, as amended) is repealed and a new Article 14-2 SFCC 1987 is ordained to read:**

**14-2 [NEW MATERIAL] REVIEW AND DECISION-MAKING BODIES**

**14-2.1 SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES**

Table 14-2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of Chapter 14 and, particularly, the procedures set forth in Article 14-3 (Review and Approval Procedures). Other duties and responsibilities of these entities are set forth in the following sections of this article.

TABLE 14-2.1-1: Review and Decision-Making Bodies and Responsibilities								
PROCEDURE	SECTION	GB	PC	BOA	BCDDRC*	HDRB	ARC	LUD DIRECTOR
Amendments to General Plan	14-3.2	R/D	R/REC	-	14-2.7	-	-	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 Exceptions	14-3.6	A		R/D	-	-	-	-
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	-	-	-	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 Floodplain Administrator
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D (I&E Office)
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	-
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	-

TABLE 14-2.1-1: Review and Decision-Making Bodies and Responsibilities								
PROCEDURE	SECTION	GB	PC	BOA	BCDDRC*	HDRB	ARC	LUD DIRECTOR
Demolition of Landmark Structure	14-3.14	R/D				R/REC (some)		R/REP
Minor Modifications	14-3.15							
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	-
Utility Conformity Review	14-3.8	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 Design 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				

## 14-2.2 GOVERNING BODY

A. Without limiting any authority granted to the *governing body* by *state* law or by other ordinances of the *City*, the *governing body* shall, with respect to Chapter 14, have the powers and duties set forth in Table 14-2.1-1, to be carried out in accordance with the terms of Chapter 14.

B. In addition, the *governing body* shall receive duly executed copies of the minutes and any final orders or determinations of the planning commission if requested.

C. If, within thirty days of any final order or determination by the planning commission, the *governing body* decides to review any such order or determination, notice of such proposed review shall be provided in the manner prescribed in Section 14-3.1 (H) and such notice shall be a stay of execution of such final order of determination.

D. In exercising the powers set forth in Chapter 14, the *governing body*, after reviewing the minutes of the planning commission meeting, may reverse or affirm, wholly or partly, or may modify

1 the order, requirement, decision or determination as ought to be made and to that end shall have, in  
2 addition to all other municipal authority, that authority of the planning commission.

3 E. Sections 14-2.2(C) and (D) shall not apply to appeals heard by the planning commission  
4 regarding decisions of the *land use director*. Such decisions of the planning commission are final.

5 F. The *governing body* shall hear appeals of *final actions* of any *land use board* except as set  
6 forth in Section 14-2.2(G). The *governing body* shall hold a public hearing *de novo* on the appeal after  
7 notice has been given in accordance with the notice provisions of  
8 Section 14-3.1(H)(4).

9 G. The *governing body* delegates its authority for hearing appeals of decisions of the *land*  
10 *use director* to the respective *land use board* as set forth in Chapter 14. *Final actions* of a *land use*  
11 *board* on the appeal of a decision of the *land use director* shall not be heard by the *governing body*.  
12 That appeal shall be filed in district court.

13 H. The *governing body* by adoption of a resolution may approve the temporary suspension of  
14 the enforcement of those sections of Chapter 14 setting forth the expiration of *development* approvals  
15 due to severe economic conditions. This authority shall not be used for specific *development* projects  
16 or individual economic situations, but shall apply to all *development* projects due to broad economic  
17 downturns.

18 I. The *governing body* may request a *land use board* review a proposed zoning map  
19 amendment or a proposed amendment to this chapter, and the *land use board* shall issue comments  
20 and nonbinding recommendations in response to the request.

21 J. The *governing body* shall review and grant or deny requests for waivers as set forth in  
22 Section 14-6.2(G) (Underground Electric, Telecommunications and Cable Utility Lines).

### 23 **14-2.3 PLANNING COMMISSION**

#### 24 **A. Designation**

25 There is a planning commission of the *City*, which shall be referred to as the "planning

1 commission".

## 2 **B. Delegation of Authority**

3 The *governing body* hereby delegates its authority for planning within the planning  
4 jurisdiction of the *City*, and for approving subdivision *plats* within the corporate boundaries of the  
5 *City*, as specifically set forth in Section 3-19-1 NMSA 1978 and more generally in Chapter 3, Articles  
6 19 through 21 NMSA 1978, to the planning commission, except for those powers retained by the  
7 *governing body* in the Santa Fe City Code. The *governing body* delegates its authority to the planning  
8 commission to hear appeals, variances and special use *permits* as provided for in Chapter 14.

## 9 **C. Powers and Duties**

10 The planning commission has the review and decision-making responsibilities set forth in  
11 Table 14-2.1-1, to be carried out in accordance with the terms of Chapter 14. In addition, the  
12 planning commission is the principal *City* land use administrative board and has the powers and  
13 duties specified in this section.

### 14 **(1) Development Plans and Subdivision Plats**

15 Unless otherwise provided in Chapter 14, the planning commission shall review and  
16 approve or disapprove various specific *development plans*, requests and subdivision *plats*. When  
17 specifically authorized by Chapter 14, the decision of the planning commission is final, subject to any  
18 appeal right provided in this chapter. In all other instances, the planning commission shall provide  
19 advice and nonbinding recommendations.

### 20 **(2) Amendments and Modifications of Approved Plans**

21 The planning commission shall review and approve or disapprove amendments,  
22 modifications or time extensions of plans, designs, *plats*, restrictions and other matters previously  
23 approved by the planning commission. Nothing in this section precludes the summary committee and  
24 the *land use director* from approving minor amendments or modifications as authorized in Chapter  
25 14.

1                   **(3) Variances and Special Use Permits as Part of Subdivision or Development**

2           **Plan Review**

3                   If a request for variance or special use *permit* is part of a *development* plan or  
4 subdivision request requiring planning commission review, the planning commission shall hear and  
5 decide requests for variances pursuant to Section 14-3.16 and special use *permits* pursuant to Section  
6 14-3.6.

7                   **(4) Appeals**

8                   The planning commission shall hear appeals of:

9                               (a) final actions of *the land use director* applying Chapter 14; provided that  
10 the *application* is made in conjunction with a *development* plan or subdivision request requiring the  
11 planning commission's approval;

12                               (b) final actions of the *land use director* applying the terrain management  
13 regulations in Section 14-8.2 and the escarpment overlay district regulations in  
14 Section 14-5.6; and

15                               (c) final actions of the *floodplain administrator*.

16                   **(5) Variances of Specified Regulations and Waivers to Flood and**  
17 **Supplementary Retail Regulations**

18                               (a) The planning commission shall review and grant or deny requests for  
19 variances from Section 14-5.6 (Escarpment Overlay District); Section 14-8.2 (Terrain and Stormwater  
20 Management); Section 14-8.3 (Stormwater Management); Section 14-8.11 Santa Fe Homes Program;  
21 and Section 14-9 (Infrastructure Design, Improvement and Dedication Standards). When deciding  
22 variances, the planning commission shall comply with Section 14-3.16.

23                               (b) The planning commission shall review and grant or deny requests for  
24 waivers as set forth in Section 14-3.10 (*Development in Special Flood Hazard Areas*) and *flood*  
25 regulations set forth in Section 14-8.3 (*Flood* regulations). When deciding the waiver requests, the

1 planning commission shall comply with notice and procedural provisions referenced in Section 14-  
2 3.16 (Variances), but shall use the approval criteria set forth in Section 14-3.10(E).

3 (c) The planning commission shall review and grant or deny requests for  
4 waivers as set forth in Section 14-8.8 (Supplementary Regulations for Retail Structures Thirty  
5 Thousand Square Feet or Larger). When deciding the waiver requests, the commission shall comply  
6 with notice and procedural provisions referenced in Section 14-3.16 (Variances), but shall use the  
7 approval criteria set forth in Section 14-8.8(B)(4).

8 (d) The planning commission shall review and grant or deny requests for  
9 waivers as set forth in Sections 14-6.2(E) (Telecommunication Facilities) and 14-6.2(F) (Electric  
10 Facilities).

#### 11 (6) Long-Range Policy Recommendations

12 The planning commission may:

13 (a) provide to administrative and governmental officials of the *City*  
14 recommendations for public improvements and the financing of such improvements. Public officials  
15 shall, upon request, furnish to the planning commission within a reasonable time such available  
16 information as it may require for its work; and

17 (b) make reports and recommendations relating to the development of the  
18 *City* to public officials and agencies; *public utilities*; civic, educational, professional and other  
19 organizations; and citizens with regard to:

20 (i) growth management, land use, transportation, *development*  
21 review procedures, urban design and *capital improvements*; and

22 (ii) neighborhood and community planning and other community  
23 issues as they relate to long-term planning.

#### 24 (7) Other Recommendations to Governing Body

25 The planning commission shall review and make recommendations to the *governing*

body regarding:

(a) the adoption of the *General Plan* and proposed revisions and amendments to the *General Plan*;

(b) annexations;

(c) rezonings; and

(d) proposed amendments to Chapter 14, except for proposed amendments to Sections 14-2.7 (Archaeological Review Committee), 14-3.13 (Archaeological Clearance Permits) and 14-5.3 (Archaeological Review Districts), on which the archaeological review committee shall review and issue recommendations; to Sections 14-3.14 (Demolition of Historic or Landmark Structure and 14-5.2 (Historic Districts); and to Section 14-8.13 (Development Water Budgets) on which the public utilities committee shall review and issue recommendations.

**(8) Other Powers and Duties**

(a) The planning commission may request any other committee or board to review a proposed official zoning map amendment or a proposed amendment to Chapter 14, and that committee or board shall issue comments and nonbinding recommendations in response to the request.

(b) In the performance of its duties, the planning commission may enter on any land, make examinations and surveys and place and maintain necessary monuments and markers on land.

(c) As authorized by *state* law and Chapter 14, the planning commission may make decisions affecting the physical development of the *City*, including physical development authorized by a public agency or official not under the jurisdiction of the *governing body*. These decisions shall be consistent with the *General Plan* and other adopted *City* policies.

(d) The planning commission has all powers necessary to enable it to fulfill and perform its functions and carry out the duties authorized in the Santa Fe City Code.

1                                   **(9) Regulations; Planning and Platting; Development Review**

2                                   (a) To carry out the planning and platting duties and *development* review  
3 responsibilities granted to the planning commission, including the adoption of and amendment to the  
4 *General Plan* and approval and disapproval of *plats* and replats, the planning commission may adopt  
5 regulations, procedures and a schedule of fees; provided that such regulations, procedures and  
6 schedules of fees are consistent with the Santa Fe City Code and do not become effective and  
7 enforceable until approved by the *governing body*.

8                                   (b) Among other regulations, the planning commission may adopt flow  
9 charts and checklists for matters within the planning commission's jurisdiction in order to provide  
10 information and assistance to the general public in complying with the provisions of the Santa Fe City  
11 Code.

12                                  (c) Approved *plats* and *development* plans shall be signed by the chair and  
13 the secretary of the planning commission.

14                                   **D. Membership and Procedures**

15                                   **(1) Composition**

16                                  The planning commission is composed of nine members who are qualified by  
17 training, experience and ability to exercise sound and practical judgment on civic, social, economic  
18 and governmental affairs.

19                                   **(2) Appointment and Term**

20                                  The members of the planning commission shall be appointed by the mayor with the  
21 advice and consent of a majority vote of all the members of the *governing body*. Members shall serve  
22 two-year overlapping terms, maintaining the original overlap of planning commission terms.  
23 Members shall serve until their successors have been appointed and qualified.

24                                   **E. Summary Committee**

25                                   **(1) Designation**



1 The "summary committee" is created as a subcommittee of the planning commission.

2 **(2) Delegation of Authority**

3 The planning commission hereby delegates its authority, as specifically set forth in  
4 Section 3-20-8 NMSA 1978 (Alternate Summary Procedure) and more generally in Chapter 3,  
5 Articles 19 through 21 NMSA 1978, to the summary committee, except for those powers retained by  
6 the planning commission in the Santa Fe City Code.

7 **(3) Powers and Duties**

8 The summary committee shall hear and decide:

- 9 (a) *applications* for the division of land into two *lots*; and  
10 (b) proposed amendments or modifications to *plats* previously approved by  
11 the summary committee.

12 **(4) Membership and Procedures**

13 Three members of the planning commission shall be elected by majority vote of the  
14 planning commission to serve one-year terms on the summary committee.

15 **(5) Appeals**

16 Appeals of a decision of the summary committee shall be heard by the *governing*  
17 *body* as set forth in Section 14-3.17.

18 **F. Long-Range Planning Subcommittee**

19 **(1) Designation**

20 The "long-range planning subcommittee" is created as a subcommittee of the  
21 planning commission.

22 **(2) Delegation**

23 The planning commission hereby delegates its authority, as set forth in this article  
24 and in Chapter 3, Articles 19 through 21 NMSA 1978, to the long-range planning subcommittee,  
25 except for those powers retained by the planning commission in the Santa Fe City Code.

1                   **(3) Powers and Duties**

2                   The long range planning subcommittee shall make recommendations to the planning  
3 commission regarding long-range policy recommendations as set forth in Section 14-2.3(C)(6).

4                   **(4) Membership and Procedures**

5                   Three members of the planning commission shall be elected by majority vote of the  
6 planning commission to serve on the long-range planning subcommittee. In addition, the mayor, with  
7 the advice and consent of the *governing body*, shall appoint two members to the long-range planning  
8 subcommittee who are not members of the planning commission.

9                   **G. Ad Hoc Subcommittees**

10                  **(1) Delegation**

11                  The *governing body* and the planning commission may delegate their authority to ad  
12 hoc subcommittees as specifically provided in this article and more generally in Chapter 3, Articles  
13 19 through 21 NMSA 1978, except for those powers retained by the *governing body*.

14                  **(2) Powers and Duties**

15                  Ad hoc subcommittees shall gather information for, make recommendations to, and  
16 otherwise assist the planning commission in accomplishing its powers and duties, as the planning  
17 commission deems appropriate.

18                  **(3) Membership and Procedures**

19                         (a) Pursuant to Chapter 3, Article 19 NMSA 1978 (Planning and Platting)  
20 and Article 2-1 SFCC 1987, the mayor, subject to the advice and consent of the *governing body*, may  
21 appoint ad hoc subcommittees.

22                         (b) Pursuant to Chapter 3, Article 19 NMSA 1978, the chair of the planning  
23 commission may appoint ad hoc subcommittees of the planning commission.

24                         (c) Ad hoc subcommittees may be composed of volunteer citizens, land use  
25 department staff and planning commission members.

1           **14-2.4 BOARD OF ADJUSTMENT**

2           **A. Designation**

3           There shall be a board of adjustment of the *City*, which shall be referred to as the “board of  
4 adjustment” or the “BOA”.

5           **B. Delegation of Authority**

6           The *governing body* hereby delegates its authority, as set forth generally in Chapter 3,  
7 Articles 19 through 21 NMSA 1978, to the BOA as described in this section, except those powers  
8 retained to the *governing body* in the Santa Fe City Code. In addition, the *governing body* delegates  
9 authority to the BOA to hear appeals, variances and special use *permits* as provided in Chapter 14.

10          **C. Powers and Duties**

11          The BOA has the review and decision-making responsibilities set forth in Table 14-2.1-1 to  
12 be carried out in accordance with the provisions of Chapter 14 and has the following additional  
13 responsibilities:

14               (1) to hear appeals of *final actions* of the *land use director* applying the provisions of  
15 Chapter 14, unless jurisdiction for such appeals is otherwise specifically reserved to another *land use*  
16 *board*;

17               (2) to hear and decide *applications* for special use permits as provided in Sections  
18 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless jurisdiction for such special use  
19 permits is specifically reserved to another land use board; and

20               (3) to authorize in specific cases a variance from the terms of Chapter 14 that is not  
21 contrary to the public interest and where, owing to special conditions, a literal enforcement of the  
22 provisions of Chapter 14 would result in unnecessary hardship.

23          **D. Composition**

24          The BOA consists of seven members, two of whom may be planning commission members  
25 and at least five of whom shall be members-at-large. Members of the *governing body* may serve as

1 at-large members.

2 **E. Appointment and Term**

3 Members of the BOA shall be appointed by the mayor with the consent of the *governing*  
4 *body*. Members shall serve three-year overlapping terms, maintaining the original overlap of BOA  
5 terms. Members shall serve until their successors are appointed and qualified.

6 **14-2.5 BUSINESS-CAPITOL DISTRICT DESIGN REVIEW COMMITTEE**

7 The business-capitol district design review committee (“BCD DRC”) shall automatically  
8 cease to exist when all BCD development in progress at the effective date of this amendment has  
9 received the necessary review and approval or denial from the BCD DRC. BCD *development*  
10 occurring after the effective date of this ordinance shall be reviewed and approved or denied pursuant  
11 to Section 14-3.8 (*Development Plans*) and the other relevant provisions of Chapter 14.

12 **14-2.6 HISTORIC DISTRICTS REVIEW BOARD**

13 **A. Designation**

14 There shall be a historic districts review board of the *City*, which shall be referred to as the  
15 “historic districts review board” or the “HDRB”.

16 **B. Delegation**

17 The *governing body* and the planning commission hereby delegate their authority, as set forth  
18 generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the HDRB as described in this section,  
19 except those powers retained by the *governing body* and the planning commission in the Santa Fe  
20 City Code. The HDRB shall carry out the *City's* powers and duties pursuant to Chapter 3, Article 22  
21 NMSA 1978 (Historic Districts and Landmarks).

22 **C. Powers and Duties**

23 The HDRB, which shall meet at least once a month, unless there are no agenda items, and at  
24 such other times as the chair may determine, shall have the review and decision-making  
25 responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of Chapter

1 14. In addition, the HDRB shall:

2 (1) review and approve or deny all *applications* for new construction, exterior  
3 *alteration* and demolition of *structures*, except *signs*, in the historic district in accordance with the  
4 standards and procedures set forth Section 14-3.14 (Demolition of Historic or *Landmark Structure*),  
5 14-5.2 (Historic Districts) or 14-10 (Nonconformities). Staff shall review *signs* in accordance with  
6 Section 14-3.11 (Construction *Permits* for *Signs*).

7 (2) hear appeals of *final actions* of the *land use director* interpreting or applying  
8 historic district regulations pursuant to Section 14-3.11, 14-3.14, 14-5.2 or 14-10;

9 (3) make recommendations to the *governing body* relating to the erection of  
10 appropriate plaques and markers designating various historical sites and points of interest in the *City*;

11 (4) make recommendations to the *governing body* relating to the purchase or  
12 acquisition by gift, grant, bequest, devise or otherwise of real or personal property of historical  
13 background and interest;

14 (5) make recommendations to the *governing body* as to the exercise of the *governing*  
15 *body's* power of eminent domain in the acquisition of real property of historical background and  
16 *significance* and the proposed ways and means of compensation;

17 (6) advise and assist officials, committees and commissions of the municipal  
18 government in making recommendations to the *governing body*;

19 (7) compile and maintain a list of historical sites and structures;

20 (8) perform other acts as requested by the *governing body*; provided that such acts  
21 relate specifically to this section;

22 (9) conduct field trips upon request of an applicant or as determined by the chair;  
23 and

24 (10) review and make a recommendation to the *governing body* regarding all  
25 *applications* for the demolition of *landmark structures* in accordance with the standards set forth in

1 Section 14-3.14.

2 **D. Membership and Procedures**

3 **(1) Composition**

4 The HDRB consists of seven members who have demonstrated interest and  
5 knowledge of the historic character of the *City*. One member shall be an architect, one member shall  
6 be a historian, one member shall represent some aspect of the construction industry, one member shall  
7 have a *business* in the historic district, one member shall be a member of the Old Santa Fe  
8 Association, and two members shall be members-at-large. Members of the *governing body* may serve  
9 as members at-large.

10 **(2) Appointment and Term**

11 The mayor, with the consent of the *governing body*, shall appoint each member of the  
12 HDRB. Members shall serve two-year overlapping terms, maintaining the original overlap of HDRB  
13 terms. Members shall serve until their successors have been appointed and qualified.

14 **(3) Recommendations**

15 The following organizations are encouraged to recommend to the mayor up to three  
16 persons each for the appropriate position as designated in this section:

- 17 (a) Santa Fe chapter of the American Institute of Architects;  
18 (b) Santa Fe Chamber of Commerce and Hispanic Chamber of Commerce;  
19 (c) Museum of New Mexico; and  
20 (d) Building Contractors Association and Associated General Contractors of  
21 America, Building Branch (jointly).

22 **(4) Status of Recommendation**

23 A person being recommended is not required to be a member or staff of the  
24 organization recommending the person. This provision is in no way intended to prevent other  
25 organizations from recommending members, or to limit the appointment power of the mayor.

## 14-2.7 ARCHAEOLOGICAL REVIEW COMMITTEE

### A. Designation

There shall be an archaeological review committee of the *City*, which shall be referred to as the "archaeological review committee" or the "ARC".

### B. Delegation

The *governing body* and the planning commission hereby delegate their authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the ARC as described in this section, except for those powers retained by the *governing body* and the planning commission in the Santa Fe City Code.

### C. Powers and Duties

(1) The ARC shall meet at least once a month, unless there are no agenda items, and at such other times as the chair may determine. The ARC shall have the review and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out in accordance with the terms of Chapter 14. In addition, the ARC shall:

(a) in accordance with Section 14-3.13, hold hearings to review *reconnaissance* reports, the recommended *significance* status of *archaeological sites*, the recommended treatment plan of *cultural remains* and final reports. The ARC may review and act on stages or portions of on-going archaeological studies. The ARC shall vote to approve, conditionally approve or disapprove requests for archaeological clearance *permits*;

(b) qualify or disqualify persons for inclusion on the *City's* list of approved archaeologists, historical archaeologists and historians upon review of resumes and related documents as set forth in this section;

(c) establish a *City* register of recognized *archaeological sites* and shall establish criteria for such a register; and

(d) hear appeals of *final actions* of the *land use director* interpreting or

1 applying archaeological review district regulations pursuant to Section 14-5.3.

2 (2) the ARC may:

3 (a) advise the HDRB in regard to *applications* to that board for new  
4 construction, exterior *alteration*, demolition or on other matters relating to archaeology within the H  
5 districts;

6 (b) direct applicants to the *state* historic preservation division for  
7 information regarding *state* or federal law and regulations on the tax benefits of donating  
8 archaeological properties or easements;

9 (c) recommend to the *governing body* that land containing *archaeological*  
10 *sites* of major interest to the *City* be purchased as part of the *City's* parks, recreation and *open space*  
11 system; and

12 (d) recommend the expenditure of money from the *City* archaeological fund  
13 for projects meeting the criteria for archaeological fund projects set forth in Section 14-3.13  
14 (Archaeological Permits). Expenditures of one thousand dollars (\$1,000) or less may be approved by  
15 the *land use director*. Expenditures over one thousand dollars (\$1,000) must be approved by the  
16 *governing body*.

17 (3) When both a HDRB and an ARC review are required of a single project, the  
18 reviews may occur at the same time.

#### 19 **D. Membership and Procedures**

##### 20 **(1) Composition**

21 The ARC consists of five members. One member shall be a historian; three members  
22 shall be archaeologists or historical archaeologists; and one member shall be a representative of the  
23 construction, development or real estate community.

##### 24 **(2) Appointment and Term**

25 The mayor, with the consent of the *governing body*, shall appoint each member of the



1 ARC. Members of the ARC serve two-year overlapping terms, maintaining the original overlap of  
2 ARC terms. Members serve until their successors have been appointed and qualified.

3 **E. Qualifications for ARC Members; Qualifications for Archaeologists, Historical**  
4 **Archaeologists and Historians**

5 **(1) ARC Members**

6 All archaeologists, historical archaeologists and historians appointed as ARC  
7 members shall meet the qualifications set forth in this section.

8 **(2) Archaeologists**

9 All archaeologists in actual direct charge of archaeological reconnaissance or  
10 treatment required for an archaeological *permit* shall meet the following minimum qualifications, as  
11 provided in a resume or by other means:

12 (a) hold a master's degree in archaeology, anthropology or a closely related  
13 field with a specialization in archaeology or have equivalent training or field experience the  
14 sufficiency of which is determined by the ARC;

15 (b) have at least two years' experience in directing archaeology projects,  
16 including at least six months of field experience in the southwestern United *states*; and

17 (c) be listed in the *state* historic preservation division directory of  
18 archaeologists as a principal investigator or supervisory archaeologist. This requirement shall not  
19 apply to archaeologists who are currently on the *City's* list of approved archaeologists as of the  
20 effective date of this ordinance (April 23, 2007) or to archaeologists appointed as members of the  
21 ARC.

22 **(3) Historical Archaeologists**

23 All historical archaeologists in actual direct charge of excavation of historic period  
24 sites shall:

25 (a) meet the minimum qualifications for an archaeologist set forth in Section

1 14-2.7(E)(2);

2 (b) have a minimum of one year of experience in directing historical  
3 archaeology projects or equivalent training or field experience the sufficiency of which is determined  
4 by the ARC;

5 (c) have demonstrated experience in the historic downtown archaeological  
6 review district; and

7 (d) hold a current New Mexico state burial *permit* for any location where  
8 human remains of historic age are found.

9 **(4) Historians**

10 All historians in actual direct charge of *archival research* and analyses of land titles  
11 or historic maps shall meet the following minimum qualifications:

12 (a) hold a master's degree in history or have equivalent professional  
13 experience or demonstrate equivalent training, the sufficiency of which is determined by the ARC;  
14 and

15 (b) demonstrate the ability to carry out archival research.

16 **(5) Waiver of Qualifications**

17 Qualifications for archaeologists and historical archaeologists may be waived by the  
18 ARC in its discretion for good cause shown.

19 **(6) List of Qualified Individuals**

20 Archaeologists, historical archaeologists and historians qualified by the ARC as  
21 meeting the qualifications provided in this section shall be placed on a list maintained by the *land use*  
22 *director*. Guidelines for documenting applicable experience and education for meeting the  
23 requirements of this section are available from the *land use director*. Archaeologists, historical  
24 archaeologists and historians who wish to remain on the list shall provide a current resume and  
25 related documents upon request of the *land use director*.

1                                   **(7) Standards**

2                                   (a) Archaeologists, historical archaeologists and historians are responsible  
3 for reports and performance that exhibit a high standard of professionalism and competence,  
4 including the following standards:

5                                   (i) any *reconnaissance* reports, treatment plans and final reports that  
6 are accepted by the ARC with minor typographical, formatting or content errors and upon which an  
7 archaeological clearance *permit* is approved shall be returned with corrections to the *land use director*  
8 within forty-five days of the date the *permit* was approved. Failure to fulfill this requirement shall  
9 result in refusal by the *land use director* of any new *application* for an archaeological clearance  
10 *permit* until a corrected report has been submitted;

11                                  (ii) *reconnaissance* reports, treatment plans and final reports that are  
12 not approved by the ARC and resubmitted to the *land use director* without the necessary corrections  
13 shall be rejected by the *land use director* and no new *application* for an archaeological clearance  
14 *permit* shall be accepted by the *land use director* until a corrected report has been accepted and an  
15 archaeological clearance *permit* has been approved by the ARC;

16                                  (iii) rejection of three or more *reconnaissance* reports, treatment  
17 plans or final reports in a twelve-month period may result in the ARC removing the archaeologist,  
18 historical archaeologist or historian from the list of qualified archaeologists, historic archaeologists  
19 and historians for twelve months; and

20                                  (iv) failure to submit a final report within the one-year time limit, or  
21 any extension of time provided by the ARC as set forth in Section 14-3.13, may result in the ARC  
22 removing the archaeologist, historic archaeologist or historian from the list of qualified  
23 archaeologists, historic archaeologists and historians.

24                                  (b) The *land use director* shall notify the following, in writing, of the actions  
25 taken in Section 14-.27(E)(7)(a):

- 1 (i) the *state* historic preservation officer;  
2 (ii) the affected archaeologist, historical archaeologist or historian;

3 and

- 4 (iii) the property *owner* and the applicant.

5 (c) The affected archaeologist, historical archaeologist or historian may  
6 submit a written appeal to the ARC of the *final actions* taken by the *land use director* in Section 14-  
7 2.7(E)(7)(a).

8 (d) Decisions of the ARC may be appealed to the *governing body* as set forth  
9 in Section 14-3.17.

#### 10 **14-2.8 ADDITIONAL PROCEDURES OF LAND USE BOARDS**

11 Except as otherwise provided by *state* law, *City* ordinance or Chapter 14, the following  
12 procedures apply to each of the *land use boards* and their standing subcommittees, except the  
13 *governing body*, the extraterritorial land use authority and the extraterritorial land use commission:

##### 14 **A. Number of Terms, No Compensation**

15 There shall be no limitation to the number of consecutive terms a member may serve.  
16 Members shall serve without compensation.

##### 17 **B. Residency**

18 (1) a member of a *land use board* whose jurisdiction extends to the presumptive city  
19 limits as defined in Section 6, Paragraph E of the Santa Fe Extraterritorial Land Use Authority  
20 Ordinance No. 2009-01 shall reside within the presumptive city limits. [Editor's note: as of the date  
21 of adoption, includes the archaeological review committee, the board of adjustment and the planning  
22 commission and its subcommittees]; and

23 (2) a member of a *land use board* whose jurisdiction does not extend to the  
24 presumptive city limits shall reside within the city limits.

##### 25 **C. Officers**

1 A chair, vice-chair and secretary shall be elected for one-year terms, without restriction as to  
2 re-election. In the case of an ad hoc subcommittee that will exist for less than one year, officer terms  
3 shall be equivalent to the duration of the subcommittee. The chair shall preside over the  
4 administrative body. In the absence or disability of the chair, the vice-chair shall perform the duties  
5 of the chair.

#### 6 **D. Meetings**

7 Regular meetings shall be held at least once a month, unless there are no agenda items, and at  
8 such other times as the chair may determine. Except as otherwise provided by the constitution of  
9 New Mexico, the New Mexico Open Meetings Act or *City* ordinance, all meetings shall be public  
10 meetings; all persons so desiring shall be allowed to attend and listen to the deliberations and  
11 proceedings; and public comment at the meetings shall be encouraged.

#### 12 **E. Quorum**

13 A majority of members constitutes a quorum.

#### 14 **F. Voting**

15 Action shall be taken by a majority vote of a quorum of members.

#### 16 **G. Communication With Members Prohibited**

17 A member of a *land use board* shall not communicate with any interested parties outside of  
18 the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming  
19 before the board, except in writing filed with the *land use director* within the prescribed time period  
20 for inclusion in the public hearing record, and with copies distributed immediately to all other known  
21 parties-in-interest and all other members of the board. A member also shall not communicate with  
22 any other persons outside the land use department outside of the public meeting and hearing  
23 concerning the merits or substance of any quasi-judicial item coming before them. Further, a member  
24 shall not inspect the site of any subject property, except pursuant to a publicly noticed site visit that  
25 affords all parties the opportunity to attend. A member of a *land use board* who receives a

1 communication in violation of this section shall disclose the substance of the communication on the  
2 record, and the member shall recuse himself or herself if he or she cannot be fair and impartial.

### 3 **H. Written Record; Findings Of Fact**

4 After hearing and considering all the evidence presented, approval or disapproval of an  
5 *application*, request or other item shall be accompanied by a written statement of the important facts  
6 on which the decision is based, including the pertinent provisions of Chapter 14, and a full  
7 explanation of why those facts led to the decision made.

### 8 **I. Minutes of Proceedings; Public Record**

9 Full and complete records in the form of written minutes shall be kept of all meetings,  
10 including the date, time and place of the meeting; the names of members in attendance and those  
11 absent; the substance of the items considered; a record of any decisions and votes taken that show  
12 how each member voted, including abstention or failure to vote; and all public comment. After being  
13 approved by the relevant *land use board*, written explanatory findings of fact and conclusions of law  
14 shall be adopted and shall be promptly filed with and maintained by the city clerk pursuant to *City*  
15 ordinance and the New Mexico Open Meetings Act. Findings of fact and conclusions of law adopted  
16 by the planning commission shall be submitted to the *governing body* pursuant to Section 2-1.15  
17 SFCC 1987.

### 18 **J. Meeting Attendance**

19 Failure of a member to attend three consecutive regular meetings or thirty-three percent or  
20 more of the regular meetings in a year shall constitute an automatic tender of resignation by the  
21 member. The mayor may accept or reject the resignation.

### 22 **K. Removal of Members**

23 A member may be removed by the appointing authority with or without cause.

### 24 **L. Vacancy**

25 Vacancies shall be filled in the same manner in which the original appointment was made. A

1 member appointed to fill a vacancy shall serve for the remainder of the unexpired term.

2 **M. Records of membership**

3 Records of membership shall be maintained by the city clerk.

4 **14-2.9 SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY**

5 **A. Creation; Membership**

6 The extraterritorial land use authority, also referred to as "ELUA", is created as provided in  
7 Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use  
8 Joint Powers Agreement. ELUA shall consist of four county commissioners appointed by the board  
9 of county commissioners and three city councilors or two city councilors and the mayor appointed by  
10 the mayor with the approval of the city council. The remaining member of the board of county  
11 commissioners shall be appointed as an alternate to the extraterritorial land use authority and the  
12 mayor shall appoint alternates, with the approval of the city council, from among the remaining city  
13 councilors. The alternates shall be notified prior to a meeting of ELUA if an appointed member  
14 cannot attend. When replacing a member, an alternate shall have the same duties, privileges and  
15 powers as other appointed members. The term of each member appointed by the *City* shall be for two  
16 years.

17 **B. Powers and Duties**

18 ELUA has the jurisdiction and powers of an extraterritorial zoning authority and shall carry  
19 out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval  
20 and annexation approval or disapproval as provided in the Municipal Code and as set forth in the  
21 Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement. ELUA shall approve or  
22 disapprove annexation petitions brought pursuant to  
23 Section 3-7-17.1 NMSA 1978 upon review and recommendation of ELUC.

24 **14-2.10 SANTA FE EXTRATERRITORIAL LAND USE COMMISSION**

25 **A. Creation; Membership**

1 The extraterritorial land use commission, also referred to as "ELUC", is created as provided  
2 in Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land  
3 Use Joint Powers Agreement. ELUC shall consist of five members of the county planning  
4 commission appointed by the board of county commissioners and five members of the *City* planning  
5 commission appointed by the mayor with approval of the city council. Alternates to ELUC shall be  
6 appointed by the board of county commissioners from the remaining members of the county planning  
7 commission and by the mayor with approval of the city council from the remaining members of the  
8 *City* planning commission, who shall be notified prior to a meeting of ELUC if an appointed member  
9 cannot attend. When replacing a member, the alternate shall have the same duties, privileges and  
10 powers as other appointed members. The term of each member appointed by the *City* shall be for two  
11 years.

#### 12 **B. Powers and Duties**

13 ELUC has the authority to carry out duties and make recommendations related to planning  
14 and platting jurisdiction, subdivisions, zoning and annexations as provided for in  
15 Sections 3-21-3, 3-21-3.2 and 3-21-4 NMSA 1978 and as set forth in the Santa Fe County and *City*  
16 Extraterritorial Land Use Joint Powers Agreement.

#### 17 **14-2.11 LAND USE DIRECTOR**

##### 18 **A. Delegation of Authority**

19 The *governing body* hereby delegates its authority, as set forth generally in Chapter 3,  
20 Articles 19 through 21 NMSA 1978, to the *land use director* as provided in this section and  
21 throughout Chapter 14, except those powers retained by the *governing body* or any *land use board*, by  
22 *State law*, *City ordinance* or the terms of this chapter.

##### 23 **B. General Powers and Duties**

24 The *land use director* has the review and decision-making responsibilities set forth in Table  
25 14-2.1-1, to be carried out in accordance with the terms of Chapter 14. In addition, the *land use*



1 *director* shall:

2 (1) administer and ensure compliance with Chapter 14 by:

3 (a) organizing the land use department into divisions and delegating  
4 functions to those divisions, individual staff members and other designees under the *land use*  
5 *director's* authority;

6 (b) publishing and enforcing existing land use department policies and  
7 setting, writing and publishing new land use department policies from time to time to inform the  
8 general public of land use department procedures and processes; and

9 (c) publishing and enforcing existing land use department submittal  
10 requirements and setting, writing and publishing new land use department submittal requirements  
11 from time to time to assist the general public in achieving *application* completeness;

12 (2) render advisory opinions to any *land use board* or other administrative body;

13 (3) interpret Chapter 14 pursuant to Section 14-1.10;

14 (4) determine the status of *nonconformities* pursuant to Section 14-10;

15 (5) prepare and publish preliminary agendas for *land use boards* as provided in  
16 Section 14-3.1;

17 (6) prepare notification materials for early neighborhood notification, *land use*  
18 *boards* and the *governing body* as provided in Section 14-3.1;

19 (7) provide administrative and advisory assistance to the *land use boards*, conduct  
20 site inspections and carry out reviews;

21 (8) take any steps necessary to enforce the provisions of Chapter 14, including filing  
22 suit for injunctive relief, criminal or civil enforcement and penalties or other remedies authorized by  
23 this code, including Section 14-11 (Enforcement); and

24 (9) take any other actions within the *land use director's* power to carry out the  
25 provisions of Chapter 14.

## **C. Approval Authority**

### **(1) Alternate Means of Compliance**

The *land use director* may allow alternate means of compliance with the requirements of Chapter 14 when:

- (a) the proposed alternate means satisfy the intent of this chapter;
- (b) the requirements include quantitative standards and those quantitative standards are satisfied by the alternate means of compliance; and
- (c) site conditions, including the configuration of the *lot*, topography and existing vegetation make following the standards prescribed in this chapter impossible or impractical.

### **(2) Minor Modifications to Development Approvals**

The *land use director* may approve minor quantitative and qualitative modifications on an approved master plan, *development* plan, subdivision *plat*, special use *permit* or other *development* approval, subject to the following:

- (a) written request by the applicant explaining the need for the modification;
- (b) written finding by the *land use director* that the modifications do not substantially change the function or appearance of the *development*, and will not result in any negative health or safety impacts on the community or negatively impact a neighboring property;
- (c) the minor modification may not allow increased *density* or allow uses not otherwise shown on the approved plan or *plat*; and
- (d) the minor modification complies with all standards and requirements of Chapter 14, except as otherwise allowed by this section.

### **(3) Administrative Deviations**

The *land use director* may approve minor dimensional deviations of twelve inches or less and minor quantitative deviations from the standards in Chapter 14, including standards for the number of required off-street parking spaces, when it is impossible or impractical to fully comply

1 with the standards. Approval of administrative deviation is subject to the following:

2 (a) written request by the applicant explaining the need for the deviation;

3 (b) written finding by the *land use director* that the deviation will not result  
4 in any negative health or safety impacts on the community or negatively impact a neighboring  
5 property; and

6 (c) an administrative deviation may not allow increased *density* or allow  
7 uses not otherwise permitted in the district.

8 **14-2.12 FLOODPLAIN ADMINISTRATOR**

9 The *land use director* shall designate a *floodplain administrator* to administer the *City's flood*  
10 regulations. The person shall be a state-certified *floodplain manager*. The *floodplain administrator*  
11 may delegate any task assigned to the *floodplain administrator* as set forth in Chapter 14 to an  
12 appropriate staff member who is also a state-certified *floodplain manager*.

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1           **Section 3.       Article 14-3 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
2 **and a new Article 14-3 SFCC 1987 is ordained to read:**

3 **14-3 [NEW MATERIAL] REVIEW AND APPROVAL PROCEDURE**

4           **14-3.1 GENERAL PROVISIONS**

5           **A. Relationships Among Different Applications, Permits and Approvals**

6           Construction *permits* and *certificates of occupancy* are the final forms of approval for most  
7 *development* within Santa Fe. Issuance of construction *permits* and *certificates of occupancy* may be  
8 contingent on the applicant having previously received one or more other *permits* or forms of  
9 approval, such as a rezoning or *development* plan approval. Where possible without creating an  
10 undue administrative burden on the *City's* decision-making bodies and staff, simultaneous processing  
11 of *applications* for different *permits* and approvals that may be required for the same *development*  
12 project is allowed to expedite the overall review process for the project. After this first section of  
13 general provisions, each of the subsequent sections in Article 14-3 addresses a different type of  
14 *permit* or approval. This section is organized in roughly chronological order, reflecting the relative  
15 timing of the different *permits* and approvals.

16           **B. Authority to File Applications**

17                   (1) Unless otherwise specified in Chapter 14, *applications* for review and approval  
18 under Chapter 14 may be filed by:

- 19                           (a) the *owner* of the property that is the subject of the *application*;  
20                           (b) the *owner's* authorized agent with written authorization;  
21                           (c) a *land use board*; or  
22                           (d) the *land use director*.

23                   (2) When a *land use board* files an *application*, it does so without prejudice to the  
24 outcome.

25           **C. Form of Application**

1 (1) *Applications* required by Chapter 14 shall be submitted in a form and in such  
2 number as required by the *land use director*.

3 (2) Each *application* shall include plans, calculations and reports sufficient to clearly  
4 demonstrate compliance with all applicable provisions of Chapter 14 and applicable *state* and federal  
5 regulations that are administered or enforced by the *City*. The number and format of the required  
6 documentation shall be as required by the *land use director*.

7 (3) The *land use director* shall provide standardized checklists and format guidelines  
8 for each type of *application*. The *land use director* may waive the submittal of items on the checklist  
9 or require supplemental materials not included on the checklist where such action is necessary to  
10 clearly demonstrate compliance with applicable provisions.

11 (4) In the course of reviewing an *application*, the *governing body* and the *land use*  
12 *boards* may waive the submission of items on the checklist or may require supplemental materials not  
13 included on the checklist where such action is necessary to clearly demonstrate compliance with  
14 applicable provisions.

#### 15 **D. Schedule of Fees, Charges and Expenses.**

16 The *governing body* shall establish by resolution a schedule of fees, charges and expenses and  
17 a collection procedure for construction *permits*, appeals, subdivisions, amendments and other  
18 *applications*. This schedule of fees, charges and expenses shall be posted in the land use department  
19 and may be altered or amended only by the *governing body*. No *permit* or approval required under  
20 Chapter 14 shall be issued or granted unless and until applicable charges, fees and expenses have  
21 been paid in full.

#### 22 **E. Pre-Application Conferences**

##### 23 **(1) Applicability**

24 (a) Pre-application conferences are required prior to submission of  
25 *applications* for:

1 (i) amendment of the number, shape, boundary or area of any  
2 district, whether by a *non-governing-body*-initiated annexation or a rezoning;  
3 (ii) subdivisions, unless the *land use director* waives, in writing, the  
4 requirement for good cause shown; and  
5 (iii) a residential *development* request that is subject to the Santa Fe  
6 Homes Program set forth in Section 26-1 SFCC 1987;  
7 (b) The *land use director* may determine that a pre-application conference is  
8 necessary for other *applications* to *land use boards* due to the scope or complexity of the proposed  
9 project; and  
10 (c) The *land use director* may waive or modify the pre-application  
11 conference procedures based on a determination that the purposes of the conference have been  
12 achieved by other means or that the limited scope or simplicity of the project does not warrant a  
13 formal pre-application conference.

14 **(2) Procedures**

15 (a) At least fifteen calendar days before the *application* is filed, the applicant  
16 shall initiate a pre-application conference with the *land use director*.

17 (b) For annexations and rezonings, the purpose of the pre-application  
18 conference is to review the proposal for conformity with the *General Plan*, availability of community  
19 facilities and utilities, proposed utilities and *street* improvements, required park and *open space*  
20 improvements and other requirements as may be dictated by *City* ordinance.

21 (c) For subdivisions:

22 (i) the applicant shall submit to the *land use director* a sketch plan  
23 and supplementary data sufficient to determine the feasibility of the proposal. The applicant should  
24 employ a competent land planner, *professional engineer* or *professional land surveyor* to assist in the  
25 *development* of the proposed subdivision;

1 (ii) the *land use director*, the public works department and other  
2 *City* departments as appropriate shall advise the applicant as to the appropriateness of the subdivision  
3 proposal in relation to the *General Plan*, utility accessibility, road and *street* system capacity, terrain  
4 management and suitability of the proposed subdivision in relation to present *City* codes, regulations  
5 and ordinances; and

6 (iii) for subdivisions comprising fewer than ten lots, the *land use*  
7 *director* may waive the requirement to provide the sketch plan and supplementary data at the pre-  
8 application meeting.

### 9 (3) Responsibility

10 The *City* does not assume any responsibility for a lack of understanding of these  
11 regulations by the applicant. Advice to the applicant shall not be construed to result in the *City*, its  
12 officers, agents or employees becoming responsible for damages to the applicant as a result of the  
13 applicant's reliance on information given by them. Advice to the applicant does not limit the  
14 discretion of any *land use board* or the *governing body* in making conditions of approval for the  
15 proposed *development* not anticipated at the time of the pre-application conference.

## 16 F. Early Neighborhood Notification Procedures

### 17 (1) Intent

18 Early neighborhood notification (ENN) is intended to provide for an exchange of  
19 information between the applicant and residents and property *owners* in affected neighborhoods  
20 before plans become too firm to respond meaningfully to community input and before changes in  
21 plans might cause major financial losses by the applicant. Notification set forth in this section is in  
22 addition to notification required elsewhere in Chapter 14, unless the other notification procedures are  
23 duplicative with the requirements of this section.

### 24 (2) Applicability to Projects Reviewed by Land Use Boards

25 (a) ENN is required for the following types of projects, if a public hearing

1 before a *land use board* or the *governing body* is required by other provisions of Chapter 14:

- 2 (i) annexations;
- 3 (ii) master plans;
- 4 (iii) rezonings;
- 5 (iv) *development* plans, except final *development* plans for which
- 6 ENN procedures were followed at the preliminary *development* plan review stage;
- 7 (v) subdivision *plats*, except final subdivision *plats* for which ENN
- 8 procedures were followed at the preliminary *plat* review stage;
- 9 (vi) vacation and dedication of rights of way;
- 10 (vii) variances, except those requesting construction or modification
- 11 of an individual *single-family dwelling* and appurtenant *accessory structures* or those requesting a
- 12 reduction in the total parking requirements of five or fewer spaces and those requesting variances to
- 13 Section 14-8.10 (Signs);
- 14 (viii) special use *permits*, except those for *mobile homes*;
- 15 (ix) *telecommunications facilities* as set forth in Section 14-6.2(E);
- 16 (ix) *electric facilities* as set forth in Section 14-6.2(F);
- 17 (x) amendment to any of the preceding; and
- 18 (xii) amendments to the future land use map of the *General Plan*.

19 (b) ENN is not required in the following specific circumstances:

- 20 (i) projects or amendments to project approvals that do not require
- 21 public hearings as described in Section 14-3.1(F)(2)(a);
- 22 (ii) time extensions that do not otherwise modify a project approval.

### 23 (3) Applicability to City Capital Improvement Projects

24 (a) ENN is required for certain types of *City capital improvement* projects

25 requiring review by the *governing body* as follows:



- 1 (i) facility plans for municipal facilities or services, including  
2 wastewater, solid waste, potable water and airport facilities;  
3 (ii) new projects or projects to expand or extend service to new  
4 service areas included in the *capital improvement plan* or *General Plan*;  
5 (iii) any new road construction or reconstruction of an existing road  
6 that materially expands capacity; and  
7 (iv) projects funded out of capital impact fee funds.

8 (b) The following types of *capital improvement* projects do not require  
9 ENN:

- 10 (i) replacement, repair or maintenance of underground facilities  
11 where such activity does not represent a material expansion of existing facilities;  
12 (ii) road maintenance, repair, surfacing or resurfacing, striping, curb  
13 and gutter or sidewalk repair or maintenance, *sign* maintenance, signal repair, shoulder work, bridge  
14 or culvert maintenance work; and  
15 (iii) special assessment districts covered by *state* law or *City*  
16 ordinance.

17 **(4) ENN Meeting Scheduling; Notice Required**

18 ENN meetings shall be scheduled with the *land use director* prior to issuing notice.  
19 Notice of meeting shall be given in accordance with Section 14-3.1(H).

20 **(5) ENN Meeting**

21 The announced meeting shall take place at least ten days before the *development*  
22 project *application* is submitted. Attendees should make a good-faith effort to communicate with the  
23 applicant. The meeting shall be attended by a representative of the *land use director* whose role at the  
24 meeting shall be to acquaint the applicant and community with provisions of *City* ordinances,  
25 applicable requirements of *City* codes and the *development* review process. At the meeting, the

1 applicant shall present schematic or preliminary plans for the proposed project and a drawing or other  
2 graphical representation suitable to reasonably indicate *streets* and *structures* within a two hundred  
3 foot radius from the perimeter of the property that is the subject of the *application*.

#### 4 (6) ENN Guidelines

5 For any project *application* required to meet ENN requirements, the applicant and  
6 neighborhood shall use the guidelines set forth below to assist them in discussing the project at ENN  
7 meetings. The guidelines are based on the requirements of Chapter 14 and the *General Plan* and  
8 other formally adopted *City* plans. Where applicable, the applicant shall respond in writing with a  
9 short narrative statement. Interested parties may also respond. Responses from all participants shall  
10 be provided to the *land use board* hearing the *application*. Responses for specific elements may be  
11 cross-referenced to other submittal documents. The ENN guidelines provided in this paragraph are  
12 adopted for use by applicants in meeting with interested parties.

#### 13 (a) Effect on Character and Appearance of Surrounding Neighborhoods

14 When applicable, the applicant shall state how existing requirements for  
15 architectural design review, H districts, lighting, *signs*, telecommunications, *open space*, *landscaping*,  
16 trails, parks and the BCD regulations are met. Considerations may include:

- 17 (i) the number of *stories* of *buildings*;
- 18 (ii) the average *setbacks*;
- 19 (iii) the mass and scale of the project;
- 20 (iv) architectural style of any construction;
- 21 (v) *landscaping*;
- 22 (vi) lighting; and
- 23 (vii) access to public places, *open spaces* and trails.

#### 24 (b) Effect on Protection of Physical Environment

25 When applicable, the applicant shall state how existing code requirements

1 and adopted plans for terrain management, escarpment, landscape, BCD, architectural design, *open*  
2 *space* and trails, and *flood* management regulations are met. Considerations may include:

- 3 (i) existing tree cover;
- 4 (ii) existing *open space*;
- 5 (iii) rivers, arroyos and *floodplains*;
- 6 (iv) rock outcroppings and escarpments;
- 7 (v) trash generation;
- 8 (vi) lighting;
- 9 (vii) fire risk;
- 10 (viii) use of hazardous materials; and
- 11 (ix) whether the project involves easements, *density* transfers or

12 other legal mechanisms that result in *open space* or other environmental protection.

13 **(c) Impacts on Prehistoric, Historic, Archaeological or Cultural Sites or**  
14 **Structures, Including Acequias and Historic Downtown**

15 When applicable, the applicant shall state how existing Chapter 14  
16 requirements for the H districts and archaeological review are met. Consideration may include the  
17 project's compatibility with any historic or cultural sites located on the property where the project is  
18 proposed.

19 **(d) Relationship to Existing Density and Land Use Within Surrounding**  
20 **Area and With Land Uses and Densities Proposed by the General Plan**

21 When applicable, the applicant shall state how the *application* meets  
22 requirements for annexation and rezoning and H district regulations and how the *application* is  
23 consistent with the *General Plan* future land use map and other policies.

24 **(e) Effects on Pedestrian or Vehicular Traffic and Access to Services**

25 When applicable, the applicant shall state how the requirements for parking,

1 the Americans with Disabilities Act, the *General Plan* future land use map and other policies and  
2 traffic studies are met. Considerations may include:

- 3 (i) increased access to public transportation and public  
4 transportation corridors;
- 5 (ii) effects of design or services provided on traffic in the  
6 neighborhood and citywide;
- 7 (iii) whether the project helps in the equitable distribution of traffic  
8 citywide, reduces overall travel distance or encourages alternate transportation modes;
- 9 (iv) traffic mitigation measures, including changes in flow of  
10 pedestrian and vehicular traffic;
- 11 (v) cumulative traffic impacts;
- 12 (vi) enhancement of transit options;
- 13 (vii) pedestrian access to destinations; and
- 14 (viii) new or improved pedestrian trails to recreational and cultural  
15 activities and human and educational services.

16 **(f) Impact on Economic Base of Santa Fe**

17 When applicable, the applicant shall state how the provisions for the *City's*  
18 economic *development* plan and the *General Plan* are met. Considerations may include:

- 19 (i) availability of jobs to Santa Fe residents;
- 20 (ii) whether or how the project promotes and encourages *businesses*  
21 consistent with the *City's* economic *development* plan and compatible with neighborhood livability;
- 22 (iii) market impacts on local *businesses* and potential displacement  
23 of local property and *business owners*; and
- 24 (iv) how the project supports economic *development* efforts to  
25 improve living standards of neighborhoods and their *businesses*.

1                                   **(g) Effect on Availability of Affordable Housing and Availability of**  
2 **Housing Choices**

3                                   When applicable, the applicant shall state how existing requirements for the  
4 Santa Fe Homes Program (*SFHP*) and the policies of the *General Plan* are met. Considerations may  
5 include:

- 6   (i) creation, retention or improvement of affordable housing;
- 7   (ii) how the project contributes to meeting the needs for various  
8 housing types serving different ages, incomes and family sizes to maintain the unique, heterogeneous  
9 character of Santa Fe;
- 10    (iii) whether or how the project increases or decreases the supply of  
11 housing for which there is an identified need;
- 12    (iv) whether the project contributes to a more even distribution of  
13 this housing throughout Santa Fe;
- 14    (v) the creation or retention of affordable *business* space; and
- 15    (vi) whether or how the project increases the availability of all  
16 housing types close to the city center or neighborhood centers.

17                                   **(h) Effect On Public Services and Infrastructure Elements**

18                                   When applicable, the applicant shall state how existing requirements for  
19 telecommunications and *City* and utility company requirements are met. Considerations may include  
20 whether or how the project maximizes the efficient use or contributes to the improvement of existing  
21 public *infrastructure* and services.

22                                   **(i) Impacts on Water Supply, Availability and Conservation Methods**

23                                   When applicable, the applicant shall state how existing requirements for  
24 *landscaping*, water and sewer availability statements, water conservation and policies of the *City's*  
25 water division are met. Considerations may include:

(i) conservation and mitigation measures;

(ii) efficient use of distribution lines and resources; and

(iii) whether or how the construction or use of the project may affect water quality and supplies.

**(j) Effect on Opportunities for Community Integration and Social Balance**

When applicable, the applicant shall state how the existing requirements for community integration are met. Considerations may include how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers or pedestrian-oriented design.

**(k) Effect on Urban Form**

When applicable, the applicant shall state how the policies for urban form are met. Considerations may include:

(i) whether the project promotes a compact urban form through appropriate infill *development* and consolidation of the city's boundary to avoid leapfrog *development*; and

(ii) the effect of the project on the need for travel between different parts of Santa Fe and between employment centers and areas.

**G. Application Completeness**

An *application* shall be considered complete if it is submitted in the required form; includes all mandatory information, including all exhibits specified by the *land use director*; and is accompanied by the applicable fee. The *land use director* shall make a determination of *application* completeness. If an *application* is determined to be incomplete, the *land use director* shall provide notice to the applicant along with an explanation of the *application's* deficiencies. No further processing of the *application* shall occur until the deficiencies are corrected in a future re-submittal.

1           **H. Notice Requirements**

2           The notices required by this section shall indicate the nature of the change proposed; the  
3 property affected; the time, date and place of the hearing or meeting; and the deadline for receiving  
4 written comments regarding the request, if applicable. The notice shall be approved by the *land use*  
5 *director*. Neighborhood associations that wish to receive notifications of hearings and meetings and  
6 copies of agendas, including email notifications, must register with the *land use director*.

7                   **(1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.**

8                           **(a) General Notice Requirements**

9                   This section applies for all *applications* and ENN meetings, except those  
10 initiated by the *City* described in Section 14-3.1(H)(1)(e) and appeals described in Section 14-  
11 3.1(H)(4).

12                           **(b) Agenda Requirements.**

13                   For all public hearings required before any *land use board*, the *land use*  
14 *director* shall place the tentative agenda in a local daily newspaper of general circulation at least  
15 fifteen calendar days prior to the scheduled meeting. In addition, the *land use director* shall post the  
16 tentative meeting agenda in City Hall and send a copy to neighborhood associations that are  
17 registered with the *land use director*, at least fifteen days prior to the scheduled meeting.

18                           **(c) Posting Requirements**

19                           (i) For all ENN meetings and public hearings required before a *land*  
20 *use board*, except appeals, the property shall be posted by the applicant with posters obtained from  
21 the *land use director* at the applicant's expense. At least one poster shall be prominently displayed,  
22 visible from each public and private *street* and road abutting the property, and securely placed on the  
23 property at least fifteen calendar days prior to the scheduled meeting. Placement of the posters shall  
24 be in such a manner as to not compromise public safety.

25                           (ii) The posters shall be removed within thirty days after *final*

1 *action*, and failure to do so may result in the *City* removing the poster and charging the applicant a  
2 civil fee of fifty dollars (\$50.00).

3 **(d) Mailing and Emailing Requirements**

4 Notice of a public hearing or ENN meeting shall be mailed via the United  
5 States postal service by the applicant at least fifteen calendar days prior the public hearing or meeting  
6 as follows:

7 (i) notices shall be mailed by first class mail with certificate of  
8 mailing, to the *owners* of properties within two hundred feet of the subject property, exclusive of  
9 rights of way, as shown in the records of the county treasurer, and by first class mail to the physical  
10 addresses of such properties where such address is different than the address of the *owner*;

11 (ii) notices shall also be mailed by first class mail with certificate of  
12 mailing, to neighborhood associations that have registered with the *land use director* and that will be  
13 directly affected by the proposed action or that have a boundary within two hundred feet of the  
14 subject property, exclusive of public rights of way. Email notices to the neighborhood associations  
15 shall be provided on the same day the applicant sends postal notices;

16 (iii) for zone changes of one block or less, notices to property  
17 *owners* shall be by certified mail with return receipt requested as required by Section 3-21-6 NMSA  
18 1978;

19 (iv) In the case of an *application* for a *telecommunications facility*,  
20 all property *owners* within the corresponding *setback* distances listed in Section 14-6.2(E) shall also  
21 receive notices;

22 (iii) if a notice by certified mail of a zoning change is returned  
23 undelivered, the *City* shall attempt to discover the *owner's* most recent address and shall send the  
24 notice by certified mail to that address as required by Section 3-21-6 NMSA 1978;

25 (iv) copies of all required mailing lists, mailing certificates and



return receipts shall be provided to the *land use director* prior to the public hearing or ENN meeting.

**(e) Notice Requirements for City-Initiated Development Review Actions**

**(i) Agenda Requirement**

Agendas must be posted and published as provided in Section 14-3.1(H)(1)(b).

**(ii) Posting Requirement**

The *City* shall securely place in the public *right of way* one poster at each major intersection within or near the plan or project area. There shall also be at least one poster for every three hundred acres. Where the *City* is the applicant and the plan or project area is less than one city block, one poster shall be placed within the public *right of way* at the nearest intersection to the subject property. All posters shall be placed at the appropriate sites at least fifteen calendar days prior to the scheduled public hearing or meeting and shall indicate the nature of the change proposed; identification of the plan or project area; and the time, date and place of the public hearing or ENN meeting.

**(iii) Mailing Requirements**

Mailed notice shall be provided as required in Section 14-3.1(H)(1)(d).

**(iv) Publishing Requirements**

At least fifteen days before the public hearing, the *City* must publish a display advertisement in a local daily newspaper of general circulation stating the date, time and place of the public hearing, describing the nature of the change.

**(2) Notice of Public Hearing Before Governing Body**

Notice shall be provided as required in Section 14-3.1(H)(1)(a) or (e), as applicable. In addition, the applicant shall publish one notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing.

1                               **(3) Postponed or Recessed and Reconvened Public Hearings and Meetings**

2                               If a public hearing or ENN meeting is postponed to a specific date, re-notification is  
3 not necessary if notice of the new date, time and location of the meeting is clearly posted on or near  
4 the door of the place where the original public hearing or meeting was to be held and in at least one  
5 other location appropriate to provide public notice of the continuation of the meeting. A public  
6 hearing or meeting may be recessed and reconvened to a day subsequent to that stated in the meeting  
7 notice without re-noticing if, prior to recessing, the date, time and place for continuation of the  
8 meeting is specified and, immediately following the recessed meeting, notice of the date, time and  
9 place for the reconvened meeting is posted at the meeting location.

10                              **(4) Appeal Hearing Notice Requirements**

11                            The following shall apply to all public hearings on appeals to *land use boards* or to  
12 the *governing body*.

13                              **(a) Agenda Requirements**

14                            The *land use director* shall place the appeal on the agenda of the body  
15 hearing the appeal and shall publish and post the agenda in accordance with the established  
16 procedures for that body.

17                              **(b) Notice Requirements**

18                            The appellant shall give written notice of the appeal as follows:

19                              **(i) Form of Notice**

20                            The notice shall be in a form approved by the *land use director* as  
21 being adequate to ensure that the average citizen reading the notice will be fairly informed of the  
22 general purpose of what is to be considered;

23                              **(ii) Procedure for Giving Notice**

24                            The appellant shall give notice of the time, date and place of the  
25 public hearing by first class mail, with certificate of mailing, postmarked at least fifteen days prior to

1 the public hearing. The notice shall be approved by the *land use director* prior to mailing.

2 **(iii) Notice Recipients**

3 The following shall receive notice: 1) all appellants and appellees;  
4 and 2) all persons or neighborhood associations that were required to be mailed notice for the  
5 *application* giving rise to the *final action* being appealed.

6 **(c) Failure to Provide Notice**

7 If the appellant fails to provide proof of proper notice in a form approved by  
8 the *land use director* prior to the public hearing on an appeal, the appeal shall be deemed withdrawn  
9 and may not be refiled. The *land use director* may waive this requirement if the appellant shows  
10 good cause. The *land use director's* decision is not appealable.

11 **I. Public Hearing Procedures**

12 Public hearings shall follow the procedures adopted by resolution of the *governing body*.

13 **J. Conditions of Approval**

14 *Applications* may be approved with conditions of approval to ensure compliance with the  
15 purpose and intent of Chapter 14 or any section of this chapter and any applicable *City* land use  
16 policy.

17 **K. Post-Approval Procedures - Rezoning**

18 (1) If, in accordance with the provisions of Chapter 14 and Sections 3-21-1 through  
19 3-21-11 NMSA 1978, changes are made in district boundaries or other matter portrayed on the  
20 official zoning map, those changes shall be made on the official zoning map within thirty days after  
21 the ordinance adopting the change in zoning classification has been approved by the *governing body*.

22 (2) A rezoning ordinance shall be published one time either in its entirety or by title  
23 and a general summary of the subject matter contained in the ordinance, whichever the *governing*  
24 *body* elects to do at least five days prior to its effective date, unless otherwise provided by law.

25 **L. Required Submittals**

1 It is the applicant's responsibility to submit all materials necessary to prove that an  
2 *application* complies with the terms of Chapter 14. The *land use director* may require additional  
3 materials reasonably necessary to determine compliance with the terms of this chapter.

#### 4 **M. Time for Review of Applications**

5 If a *land use board* does not act on an *application* within ninety days of submission of a  
6 completed *application*, the applicant may request review of the *application* by the *governing body*.

### 7 **14-3.2 AMENDMENTS TO THE GENERAL PLAN**

#### 8 **A. Purpose**

9 The *General Plan* is a guide for the *City's* land use decisions. The regulations, restrictions  
10 and policies of the *City* affecting development of Santa Fe shall be in accordance with the *General*  
11 *Plan* as provided in Section 3-21-5 NMSA 1978. When necessary, the *General Plan* shall be  
12 amended in accordance with this section.

#### 13 **B. Applicability**

14 The *General Plan* must first be amended before any proposed changes in the *City's* policies  
15 on urban area boundaries, annexation, growth, economic development, special review districts or  
16 other long-range planning items not in conformance with the *General Plan* may be approved. For  
17 example:

18 (1) annexations must conform to the *General Plan*. The *General Plan* must be  
19 amended before any annexations not already in conformance with the *General Plan* may be  
20 approved; and

21 (2) the official zoning map provided for in Section 14-4.1(C) must conform to the  
22 *General Plan*. The *General Plan* must first be amended before:

23 (a) new zoning regulations establishing new land use classifications may be  
24 approved; or

25 (b) approval of a change in zoning district designation that is inconsistent

1 with the land use classification shown on the *General Plan's* future land use map. The determination  
2 of consistency shall be made based on review of the future land use map and applicable policies of  
3 the *General Plan*, recognizing that there may not be in every case a direct correspondence between  
4 the land use classifications in the *General Plan* and the zoning district designations in Chapter 14.

### 5 **C. Amendments Not Required**

6 Changes in the *City's* specific policies and code provisions that do not conflict with the  
7 *General Plan* do not require *General Plan* amendments.

### 8 **D. Procedures**

#### 9 **(1) Land Use Director Review and Recommendation**

10 When *applications* are made for annexations, rezonings or other *governing body* or  
11 planning commission cases, the *land use director* shall determine in writing whether an amendment to  
12 the *General Plan* is first required. The *land use director* shall review *applications* for amendment to  
13 the *General Plan* for compliance with Chapter 14 and other *City* land use policies and make a  
14 recommendation to the planning commission. If an amendment is required, the amendment may be  
15 considered by the planning commission and the *governing body* concurrently with other *applications*.

#### 16 **(2) Planning commission Review and Recommendation**

17 (a) All proposed *General Plan* amendments shall be submitted to the  
18 planning commission for review and recommendation at a public hearing.

19 (b) The planning commission shall then transmit the *application* to the  
20 *governing body*, together with a recommendation based on the criteria set forth in Section 14-3(E) of  
21 this section as to approval, disapproval, desirable changes and special conditions and safeguards.

#### 22 **(3) Governing Body Decision**

23 Before taking action on a proposed *general plan* amendment, the *governing body*  
24 shall hold a public hearing. After reviewing the *land use director* report, the recommendation of the  
25 planning commission and any evidence obtained at the public hearing, the *governing body* shall take

1 *final action* to approve, approve with conditions or deny the proposed *General Plan* amendment.

2 **E. Approval Criteria**

3 **(1) Criteria for All Amendments to the General Plan**

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

8 (a) consistency with growth projections for Santa Fe, economic  
9 development goals as set forth in a comprehensive economic development plan for Santa Fe and  
10 existing land use conditions such as access and availability of *infrastructure*;

11 (b) consistency with other parts of the *General Plan*;

12 (c) the amendment does not:

13 (i) allow uses or a change that is significantly different from or  
14 inconsistent with the prevailing use and character in the area; or

15 (ii) affect an area of less than two acres, except when adjusting  
16 boundaries between districts; or

17 (iii) benefit one or a few landowners at the expense of the  
18 surrounding landowners or the general public;

19 (d) an amendment is not required to conform with Section 14-3.2(E)(1)(c) if  
20 it promotes the general welfare or has other adequate public advantage or justification;

21 (e) compliance with extraterritorial zoning ordinances and extraterritorial  
22 plans;

23 (f) contribution to a coordinated, adjusted and harmonious development of  
24 Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order,  
25 convenience, prosperity or the general welfare, as well as efficiency and economy in the process of

1 | *development; and*

2 | (g) consideration of conformity with other *City* policies, including land use  
3 | policies, ordinances, regulations and plans.

4 | **(2) Additional Criteria for Amendments to Land Use Policies**

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

12 | (a) the growth and economic projections contained within the *General Plan*  
13 | are erroneous or have changed;

14 | (b) no reasonable locations have been provided for certain land uses for  
15 | which there is a demonstrated need; or

16 | (c) conditions affecting the location or land area requirements of the  
17 | proposed land use have changed, for example, the cost of land space requirements, consumer  
18 | acceptance, market or building technology.

19 | **(3) Additional Criteria for Neighborhood Plans**

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

23 | **(a) Purpose**

24 | The purpose of the neighborhood plan is to record neighborhood-specific  
25 | policies to promote the well-being of the neighborhood.

1                                   **(b) Neighborhood**

2                                   For the purpose of neighborhood planning, a neighborhood is defined as the  
3 geographic area, people and facilities that satisfy a household's basic needs for food, shelter,  
4 recreation, social identity, security, primary education and other basic services. For the purpose of  
5 calculating the percentages required in this paragraph, each *parcel* is entitled to a single vote no  
6 matter how many persons might own the single *parcel*.

7                                   **(c) Public Information Meetings**

8                                   The *land use director* shall conduct public information meetings regarding  
9 the neighborhood planning process.

10                                  **(d) Petition**

11                                  A neighborhood may petition the *land use director* to develop a  
12 neighborhood plan. The petition shall contain:

- 13   (i) a description of the proposed boundaries of the neighborhood;  
14   (ii) the signatures of forty percent of the property *owners* of record  
15 in the proposed boundaries; and  
16   (iii) the names and contact information for a steering committee of  
17 at least five persons from the neighborhood to work with the *land use director*.

18                                  **(e) Acceptance of Petition**

19   (i) The *land use director* shall review neighborhood boundaries and  
20 recommend changes, if necessary, so that the proposed boundaries adhere to the definition of a  
21 neighborhood as set forth in Section 14-3.2(E)(3)(b).

22   (ii) The *land use director* shall verify that the petition complies with  
23 Section 14-3.2(E)(3)(d)(ii).

24   (iii) The *land use director* may prioritize the processing of  
25 neighborhood plans based upon: 1) available *City* resources; 2) how the neighborhood plan integrates



1 and potentially furthers broader *City* planning objectives and projects; and 3) changes in the  
2 community.

3 (iv) If, after the *land use director* has accepted the petition for the  
4 preparation of a neighborhood plan, the *City* is unable to begin the process for the neighborhood plan  
5 within sixty days, a neighborhood whose petition has been delayed may proceed as set forth in  
6 Section 14-5.10(C) (Creation of Neighborhood Conservation Overlay District Alternative).

7 **(f) Preparation of Neighborhood Plan**

8 (i) The neighborhood steering committee is responsible for the  
9 preparation of the neighborhood plan with input from the neighborhood and the assistance of the *land*  
10 *use director*.

11 (ii) The plan shall respond to and address the *General Plan* themes  
12 set forth in Section 1.7 of the *General Plan* (1999).

13 (iii) The plan shall include at least these elements: 1) a description  
14 of the neighborhood, including its history, assets, existing conditions and future challenges; 2) a  
15 detailed listing of neighborhood issues and concerns; 3) a statement expressing a neighborhood vision  
16 or goals; 4) neighborhood recommendations outlining actions to be taken to implement plan elements;  
17 and 5) an implementation strategy designed to enact neighborhood priority recommendations

18 (iv) In addition, the plan may include the following elements:  
19 1) an improvement plan containing an assessment of the physical improvement needs of the  
20 neighborhood; and 2) the characteristics of the neighborhood that are proposed to be regulated within  
21 a proposed neighborhood conservation overlay district as set forth in  
22 Section 14-5.10.

23 **(g) Public Meetings**

24 (i) The neighborhood steering committee shall hold at least two  
25 public meetings at which the proposed neighborhood plan shall be discussed and developed. The

meetings shall be coordinated with the *land use director* and held at a reasonable time and place to maximize public attendance.

(ii) Notice for the first public meeting shall follow the notice requirements for early neighborhood notification as set forth in Section 14-3.1(H). Notice for subsequent meetings shall be determined by the steering committee. If the proposed boundaries are enlarged, notice shall be given to those additional property *owners* and physical addressees as for the first scheduled meeting.

#### **(h) Planning commission Subcommittee**

(i) A final draft of the neighborhood plan shall be submitted to a subcommittee of the planning commission, such as the long-range planning subcommittee, which shall review and make recommendations regarding the completeness of the plan and its adherence to the *General Plan* themes.

(ii) The steering committee shall mail a ballot by regular mail to all property *owners* of record within the plan boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed plan. The steering committee shall include a stamped envelope addressed to the *land use director* for returning ballots.

(iii) If, within thirty days of mailing the ballot, the *City* receives ballots approving the plan from greater than fifty percent of the property *owners* of record within the neighborhood plan boundaries, the *land use director* shall initiate a *General Plan* amendment to adopt the neighborhood plan as set forth in this section.

#### **(j) Time to Complete Plan**

From the date of receipt of petition to initiate a neighborhood plan to the deadline for receipt of neighborhood ballots shall not exceed two years unless a specific time extension is approved by the *land use director*.

### **14-3.3 AMENDMENTS TO TEXT OF CHAPTER 14**

1           **A. Procedure**

2                   **(1) Proposal of Text Amendments**

3                       (a) A text amendment may be proposed by:

4                               (a) the *governing body*;

5                               (b) the planning commission;

6                               (c) a department or agency of the *City*; or

7                               (d) any other person, who must submit a request for a text  
8 amendment in writing to the *governing body*

9                   **(2) Staff Review and Recommendation**

10                   The *land use director* shall review the proposed text amendment and make a  
11 recommendation as to its conformance to the review criteria. The *land use director* may suggest  
12 changes to the amendment to better conform to the review criteria or current policy and procedure.

13                   **(3) Notice**

14                   Notice of amendments to the text of Chapter 14 shall be given as required by  
15 Sections 3-17-3 and 3-21-6 NMSA 1978 and any other applicable requirements.

16                   **(4) Public Hearings**

17                   All proposed text amendments shall be submitted to the planning commission for  
18 review and recommendation at a public hearing, except for proposed amendments to  
19 Sections 14-2.6 and 14-5.2, on which the historical districts review board shall review and issue  
20 recommendations; to Sections 14-2.7, 14-3.13 and 14-5.3, on which the archaeological review  
21 committee shall review and issue recommendations; and to Section 14-8.13, on which the public  
22 utilities committee shall review and issue recommendations. The *land use board's* review and  
23 recommendation shall be based on the approval criteria set forth in Section 14-3.3(B). A *land use*  
24 *board* shall hold a public hearing on a text amendment and make a recommendation if directed to do  
25 so by the *governing body*. Before taking action on a proposed text amendment, the *governing body*

1 shall hold a public hearing. After reviewing the *land use director's* and planning commission's  
2 recommendations and any comments made at the public hearings, the *governing body* shall take final  
3 action to approve, approve with amendments, or deny the proposed text amendment.

#### 4 **(5) Compilation**

5 After adoption, the *land use director* shall provide a copy to the *City's* ordinance  
6 compiler for compilation into Chapter 14.

#### 7 **B. Review Criteria and Findings**

8 All text amendments shall be reviewed on the basis of the following criteria:

- 9 (1) compliance with law;
- 10 (2) consistency with the *General Plan*;
- 11 (3) consistency with other policies adopted by the *governing body*;
- 12 (4) consistency with the purpose and intent of Chapter 14 and of the section being  
13 amended;
- 14 (5) consideration of how the amendment relates to other provisions of the Santa Fe  
15 City Code and the avoidance of unintended consequences; and
- 16 (6) consistency with any approved neighborhood conservation overlay districts.

#### 17 **14-3.4 ANNEXATIONS**

##### 18 **A. Three Methods of Annexation**

19 There are three methods of annexing territory:

##### 20 **(1) Arbitration Method**

21 The arbitration method may be used by the *governing body* to annex contiguous  
22 territory as authorized by Sections 3-7-5 through 3-7-10 NMSA 1978.

##### 23 **(2) Municipal Boundary Commission method**

24 The municipal boundary commission method may be used by the *governing body* or  
25 by a majority of landowners of the territory proposed to be annexed, upon petition to the municipal

boundary commission as authorized by Sections 3-7-11 through 3-7-16 NMSA 1978.

### **(3) Petition Method**

The petition method may be used by a majority of landowners of the territory proposed to be annexed and the petition must be presented to the *governing body* for approval or rejection as authorized by Section 3-7-17 NMSA 1978).

### **B. Zoning Designation for Newly Annexed Parcels**

All newly annexed *parcels* shall be considered to be in the R-1 district unless otherwise classified by rezoning.

### **C. Procedures**

#### **(1) Application and Required Information**

##### **(a) Annexation Petitions by Landowners**

(i) All annexation requests by petition of the landowners shall be accompanied by a letter of *application*, a *plat* of the area proposed to be annexed, a master plan or a concurrent rezoning *application*, or both, for the area proposed to be annexed, a proposed annexation agreement and other supporting materials required by the *land use director*, and shall meet all other requirements of Section 3-7-17 NMSA 1978. When the *City* is the petitioning landowner, a map showing the *City*-owned land to be annexed may be submitted in lieu of a *plat*.

(ii) In the case of an annexation request by petition of landowners brought by municipal boundary commission method, the petition must conform to the requirements listed in Item (i) above as well as those set forth in Section 3-7-13 NMSA 1978.

##### **(b) Annexation Requests Initiated by the Governing Body**

When an annexation is initiated by the *governing body* under the arbitration or municipal boundary commission methods, the *governing body* shall provide the information required by Sections 3-7-5 and 3-7-13 NMSA 1978, respectively. In addition, the following shall apply:

1 (i) when annexation is initiated to consolidate *City* boundaries or  
2 services, a plan demonstrating how such consolidation will take place shall be provided; and

3 (ii) when annexation is proposed for purposes other than  
4 consolidation of *City* boundaries or services, a *sector plan* shall be provided.

5 **(2) Planning commission Recommendation**

6 (a) All proposed petition-method annexations shall be submitted to the  
7 planning commission for review and recommendation at a public hearing based on the approval  
8 criteria set forth in Section 14-3.4(D). In the course of the review, the planning commission shall  
9 make complete findings of fact on all *applications*. The planning commission shall not rule on the  
10 economic feasibility of any *development* proposed in an annexation master plan.

11 (b) The planning commission shall transmit the *application* to the *governing*  
12 *body*, together with a recommendation based on the criteria in Section 14-3.4(D) as to approval,  
13 disapproval, desirable changes and special conditions and safeguards.

14 (c) If the planning commission does not act on a request for annexation  
15 *application* review within ninety days after submission, the applicant may request review of the  
16 proposed annexation by the *governing body*.

17 **(3) Governing Body Decision**

18 (a) Before taking action on any proposed petition-method annexation, the  
19 *governing body* shall hold a public hearing. After reviewing the *land use director's* report, if any, the  
20 recommendation of the planning commission and any evidence obtained at the public hearing, the  
21 *governing body* shall take *final action* to approve, approve with conditions or deny the proposed  
22 annexation.

23 (b) When a proposed petition-method annexation has failed to receive the  
24 recommended approval of the planning commission, the annexation shall not be approved by the  
25 *governing body* except by a majority vote of all the members of the *governing body*.

1                                   **(4) Notifications**

2                                   (a) The *City* shall submit each annexation petition to the board of county  
3 commissioners as required by Section 3-7-17.1 NMSA 1978.

4                                   (b) The *City* shall notify the school board about the public hearing date for  
5 all petition-method annexations over twenty-five acres at least fifteen days in advance of the hearing.

6                                   (c) The *City* shall notify the county land use department of all annexations  
7 approved by the *City*.

8                                   **(5) Resubmission of Annexation Applications**

9                                   Once an *application* for an annexation has been denied by the *governing body* after  
10 public hearing, a like or similar *application* for the same property shall not be filed within twelve  
11 months from the date of denial by the *governing body*, unless the applicant can establish before the  
12 planning commission that there has been a substantial change in conditions and circumstances  
13 surrounding the request that would warrant a reconsideration of the matter.

14                                  **(6) Protest Petitions**

15                                  If the *owners* of twenty percent or more of the land included in the area, or within  
16 one hundred feet, excluding public *rights of way*, of the area proposed to be changed by an  
17 annexation, protest in writing, the proposed petition-method annexation shall not become effective  
18 unless it is approved by a majority vote of all the members of the *governing body*.

19                                  **D. Approval Criteria**

20                                  The planning commission and the *governing body* shall review all petition-method  
21 annexation proposals on the basis of the following criteria. The reviewing entities must make  
22 complete findings of fact sufficient to show that the criteria provided in this section have been met  
23 before recommending or approving any annexation:

24                                  (1) the proposed annexation is within the urban area boundary;

25                                  (2) generally, the area to be annexed provides a consolidation of *City* boundaries and

1 service areas; provided that allowance shall be made for those properties that are prohibited from  
2 annexation by charter or other legal instrument; and provided further that in all cases the proposed  
3 annexation must be contiguous with existing *City* boundaries;

4 (3) generally, a proposed *development* should not impose an economic burden on  
5 citizens or result in an indirect subsidy of services by the *City*. Specifically, evidence shall be  
6 provided by the applicant that the existing infrastructure; public facilities, including fire stations and  
7 parks; and operating services, such as ongoing garbage collection, police and fire, can accommodate  
8 the impacts of the proposed *development*;

9 (4) the amount of and proposed use for the land to be annexed is consistent with the  
10 *City's* policies regarding the provision of urban land sufficient to meet the amount, rate and  
11 geographic location of growth of the *City*. It is recognized that the *City* does not have an obligation to  
12 annex land if it is determined as a matter of *City* policy that the inventory of urban land, by land use  
13 category, is adequate to meet the projected absorption rates of the *City* for housing and other purposes  
14 for a specified number of years as set forth in that policy;

15 (5) any proposed development is compatible with the provisions of Extraterritorial  
16 Land Use Ordinance No. 2009-01 Establishing Subdivision, Platting, Planning and Zoning Rules  
17 Within the Presumptive City Limits, as amended; and

18 (6) all annexation requests are for areas of no fewer than twenty-five acres unless the  
19 area produces a consolidation of *City* boundaries or services or is in phase with the staging plan of the  
20 *General Plan*.

#### 21 **E. Additional Applicant Requirements**

22 (1) If the accommodation of the impacts of a *development* cannot be demonstrated to  
23 the *City's* satisfaction as to the assumptions, methodology and data:

24 (a) the applicant and the *City* shall negotiate to offset the increased  
25 *infrastructure*, public facilities or operating costs to the *City* due to the proposed *development*; or



1 (b) the *City* shall deny the annexation.

2 (2) When the annexed area creates a need for additional major public *infrastructure*  
3 expansion, the applicant may be required to contribute a proportional fair share of the cost of  
4 expansions.

5 **F. Annexation Agreements**

6 (1) For all landowner petition method annexations, an annexation agreement shall be  
7 entered into between the *City* and the applicant.

8 (2) The annexation agreement shall be recommended by the planning commission to  
9 the *governing body* and adopted by the *governing body* as a part of the ordinance setting forth the  
10 boundaries of the annexed area.

11 (3) The agreement shall include, as appropriate:

12 (a) a list of property *owners*;

13 (b) reference to the way in which the annexation is in conformance with the  
14 *General Plan*;

15 (c) provision for necessary off-site facilities;

16 (d) designation of land uses;

17 (e) a phasing and staging plan;

18 (f) land to be dedicated to the *City*;

19 (g) impact fees;

20 (h) provision of *City* services, including fire and police protection,  
21 wastewater collection and sewer services, refuse disposal and *street* and road improvements;

22 (i) site design;

23 (j) *archaeological site* protection;

24 (k) provision of parks and open space and other items as agreed to by the  
25 *City* and the applicant.; and

(l) the provision of water, consistent with adopted policies of the city, shall be addressed.

(4) A revised annexation agreement must be approved if the master plan approved as part of the annexation *application* becomes invalid and a new master plan is approved.

### **14-3.5 REZONINGS**

#### **A. General Provisions**

##### **(1) Initiation of Proposals**

A rezoning, or amendment to the official zoning map, may be proposed by:

- (a) the *governing body*;
- (b) the planning commission;
- (c) any department or agency of the *City*; or
- (d) any other person, who must submit a request in writing to the *governing body*, along with all submissions required by Chapter 14 and any other information requested by the *land use director* as reasonably necessary to determine compliance with this chapter.

##### **(2) Plan Requirements**

Plan submittal requirements for rezonings are set forth in Articles 14-4 (Zoning Districts) and 14-5 (Overlay Zoning Districts).

##### **(3) Uniform Zoning Classification for Entire Lot Required**

Except where a *legal lot of record* is divided by a zoning district boundary, no request to change the zoning classification on a portion of a *legal lot of record* shall be considered unless the change will establish a uniform zoning classification for the entire *lot*. A new zoning district boundary shall not divide a *legal lot of record*, except to establish overlay district boundaries based on topography or other physical conditions.

#### **B. Procedures**

##### **(1) Planning commission Review and Recommendation**

1 (a) All proposed rezonings shall be submitted to the planning commission  
2 for review and recommendation at a public hearing. The planning commission's review and  
3 recommendation shall be based on the approval criteria and balancing test set forth in Subsection (C)  
4 of this section. The planning commission shall not consider or rule on the economic feasibility of any  
5 development proposed in a rezoning master plan or *development* plan unless the *application* is for a  
6 public project.

7 (b) The planning commission shall transmit the *application*, including any  
8 plan, to the *governing body*, together with a recommendation as to findings and conditions, desirable  
9 changes and recommendations for approval or disapproval.

## 10 (2) Governing Body Review and Decision

11 (a) Before taking action on a proposed rezoning, the *governing body* shall  
12 hold a public hearing. In the course of the hearing, the *governing body* may request other information  
13 from the applicant that is reasonably necessary to determine compliance with Chapter 14 and may  
14 suggest changes to the *application* as a condition of *governing body* approval. After reviewing the  
15 *land use director* report, if any, and the planning commission recommendation and any evidence  
16 obtained at the public hearing, the *governing body* shall take *final action* to approve, approve with  
17 conditions or deny the proposed rezoning. The *final action* shall be based on the approval criteria and  
18 balancing test provided in Subsection (C) of this section.

19 (b) The *governing body* may approve a rezoning to a less intensive zone  
20 district than originally requested by the applicant. In such cases, no re-application or re-processing of  
21 the original *application* shall be required.

22 (c) When a proposed rezoning fails to receive the recommended approval of  
23 the planning commission, the rezoning shall not be approved by the *governing body* except by a  
24 majority vote of all the members of the *governing body*.

## 25 (3) Approved Rezonings to be Reflected on Official Zoning Map

1 After the *governing body* has approved a rezoning *application*, the official zoning  
2 map shall be amended in accordance with Subsection 14-4.1(C) to note the new zoning designation.  
3 In the case of approval by the *governing body* of a rezoning to PUD, the PUD classification shall be  
4 attached to the existing zoning designation on the official zoning map, i.e., "\_\_\_\_-PUD" with the  
5 underlying zoning district abbreviation indicated in the blank.

#### 6 (4) Resubmission of Rezoning Applications

7 Once a rezoning *application* has been denied by the *governing body* after public  
8 hearing, a similar rezoning *application* for the same property shall not be filed within twelve months  
9 from the date of denial by the *governing body* unless the applicant can establish before the planning  
10 commission that there has been a substantial change in conditions and circumstances surrounding the  
11 request that warrants a reconsideration of the matter.

#### 12 (5) Protest Petitions

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

#### 17 (6) Neighborhood Conservation Overlay District

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

### 20 C. Approval Criteria

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

25 (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.

(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

1 accommodated by the existing *infrastructure* and public facilities, the *City* may require the developer  
2 to participate wholly or in part in the cost of construction of off-site facilities in conformance with  
3 any applicable *City* ordinances, regulations or policies;

4 (2) If the proposed rezoning creates a need for additional *streets*, sidewalks or curbs  
5 necessitated by and attributable to the new *development*, the *City* may require the developer to  
6 contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be  
7 required pursuant to Section 14-8.14.

### 8 **14-3.6 SPECIAL USE PERMITS**

#### 9 **A. Purpose and Intent**

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

#### 16 **B. Approval Authority**

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

#### 22 **C. Procedures**

##### 23 **(1) Site Plan Approval**

24 Special use *permits* shall include approval of a site plan and other site *development*  
25 drawings necessary to document that the type and extent of *development* proposed can be

1 accomplished in conformance with applicable *development* standards.

2 **(2) Application**

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

5 **(3) Approval Limited**

6 A special use *permit* is granted for a specific use and *intensity*. Any change of use or  
7 more intense use shall comply with Chapter 14 and, if appropriate, shall required a new or amended  
8 special use *permit*.

9 **D. Approval Criteria and Conditions**

10 **(1) Necessary Findings**

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

12 (a) that the *land use board* has the authority under the section of  
13 Chapter 14 described in the *application* to grant a special use *permit*;

14 (b) that granting the special use *permit* does not adversely affect the public  
15 interest, and

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

19 **(2) Conditions**

20 The *land use board* may specify conditions of approval that are necessary to  
21 accomplish the proper development of the area and to implement the policies of the *General Plan*,  
22 including:

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

24 (b) fences, *walls* or landscape *screening*;

25 (c) provision for and arrangement of parking and vehicular and pedestrian

1 circulation;

2 (d) on-site or off-site *street*, sidewalk or utility improvements and  
3 maintenance agreements;

4 (e) noise generation or attenuation;

5 (f) dedication of *rights of way* or easements or access rights;

6 (g) arrangement of *buildings* and use areas on the site;

7 (h) special hazard reduction measures, such as *slope* planting;

8 (i) minimum site area;

9 (j) other conditions necessary to address unusual site conditions;

10 (k) limitations on the type, extent and *intensity* of uses and *development*  
11 allowed;

12 (l) maximum numbers of employees or occupants permitted;

13 (m) hours of operation;

14 (n) establishment of an expiration date, after which the use must cease at that  
15 site;

16 (o) establishment of a date for annual or other periodic review at a public  
17 hearing;

18 (p) plans for sustainable use of energy and recycling and solid waste  
19 disposal;

20 (q) any other appropriate conditions and safeguards, in conformity with  
21 Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate *development* and  
22 use of land; and

23 (r) conditions may not be imposed that restrict the use to a specific person or  
24 group.

25 **E. Expiration of Special Use Permits**



1 (1) If the special exception use has not been exercised within three years from the  
2 date of the approval of the special exception, the approval shall expire and any subsequent use of the  
3 land shall conform to the provisions specified in Chapter 14. Approval of the special use *permit* may  
4 be extended as provided in Section 14-3.19.

5 (2) If the use approved by the special use *permit* ceases for any reason for a period of more  
6 than one hundred eighty days, the special use *permit* shall expire.

### 7 14-3.7 SUBDIVISIONS OF LAND

#### 8 A. General Provisions

##### 9 (1) Jurisdiction and Applicability

10 (a) These land subdivision regulations shall govern all platting or replatting  
11 of land within the jurisdiction of the *City*.

12 (b) No person shall *subdivide* land, nor shall construction of any kind  
13 commence on subdivided land, nor shall transfer of ownership be made of subdivided land prior to  
14 the approval of a subdivision of the land by the planning commission and prior to the recording of the  
15 subdivision in the office of the county clerk. Until the planning commission has approved a  
16 subdivision, the *owner* of the land within the subdivision or his agent shall not transfer or sell or agree  
17 to transfer or sell or negotiate to transfer or sell the land or any part of it by reference to, the  
18 exhibition of or any other use of, a *plat* or subdivision of the land. The description by metes and  
19 bounds in an instrument of transfer or other document used in the process of selling or transfer shall  
20 constitute prima facie evidence of a violation of this section.

##### 21 (2) Conflicts With Other Code Provisions

22 (a) No subdivision *plat* shall be approved that does not comply with  
23 applicable provisions of the Santa Fe City Code that regulate the *development* and use of land, or that  
24 increases the degree or extent of noncompliance with those provisions, unless the appropriate  
25 variance or other relief procedure is approved.

1 (b) Whenever there is a discrepancy or conflict between minimum standards  
2 or dimensions for subdivisions and those contained elsewhere in Chapter 14, Chapter 7 (Building and  
3 Housing), Chapter 12 (Fire Prevention and Protection) or other official regulations of the *City*, the  
4 more restrictive standard shall apply as provided in Section 14-1.7.

5 **(3) Acceptance of Improvements**

6 The dedication of any or all of the lands for public use of any nature within the *City*  
7 shall be specifically accepted by the planning commission or *governing body*, and such acceptance  
8 may be conditioned on a finding by the *land use director* of compliance with all conditions of  
9 approval of the subdivision *plat*. Approval of a subdivision by the planning commission does not  
10 constitute acceptance by the *City* of the *streets*, alleys or other public ways or easements and parks or  
11 other public lands dedicated on the subdivision *plat* by the *owners*.

12 **(4) Serial Subdivisions**

13 A proposed subdivision that occurs within five years after the approval of an earlier  
14 subdivision of any part of the affected land shall be subject to the same standards and shall follow the  
15 same procedures as though the cumulative number of *lots* created by the successive *plats* were created  
16 by the currently proposed subdivision.

17 **(5) Common Promotional Plans**

18 A plan or scheme of operation undertaken by a single applicant or a group of  
19 applicants acting in concert to offer for sale or lease *lots* where the land is either contiguous or part of  
20 the same area of land or is known, designated or advertised as a common unit or by a common name  
21 shall constitute a single subdivision *plat*.

22 **(6) Subdivisions by Court Order**

23 A subdivision directed by court order shall also be subject to approval in accordance  
24 with the procedures and standards required in Chapter 14. Inheritance subdivisions are subject to the  
25 provisions of Subsection 14-3.7(F) (Inheritance and Family Transfer Subdivisions).

1                               **(7) Certificate of Compliance**

2                               **(a) Approval by the Land Use Director.**

3                               When the *land use director* determines that a single *lot* not shown on an  
4 approved subdivision *plat* is a *legal lot of record*, the *land use director* may approve and cause to be  
5 recorded a certificate of compliance. The certificate of compliance describes the *lot*, the  
6 circumstances of its creation and the documentation and applicable regulations upon which the  
7 determination of compliance is based.

8                               **(b) Approval by the Planning commission.**

9                               The planning commission may approve a certificate of compliance for a *lot*  
10 or contiguous *lots* that have been created in violation of the procedural requirements of this section if  
11 it determines that the *lots* comply with all other applicable standards of Chapter 14 or it imposes  
12 conditions of approval necessary to ensure such compliance. Upon meeting any conditions of  
13 approval and recordation of the certificate of compliance, the *lot* or *lots* shall be *legal lots of record*.

14                              **(c) Procedures for Approval**

15                              Approval of a certificate of compliance by the planning commission shall  
16 follow the procedures required for a final subdivision *plat*, including those for any variances  
17 requested.

18                              **(d) No Creation of Nonconformity**

19                              A certificate of compliance shall not be granted to divide land in a way that  
20 precludes compliance with the provisions of Chapter 14 by any other portion of the previous *legal lot*  
21 *of record* out of which the approved *lots* are created.

22                              **(e) Inclusion on Recorded Plats**

23                              A certificate of compliance may be recorded as a separate document or in the  
24 form of a statement included on a subdivision *plat* approved and signed by the appropriate *City*  
25 officials.

1                                   **(8) Notice of Violation**

2                                   (a) Whenever the *land use director* determines that real property has been  
3 divided in violation of this section, the *land use director* shall record a notice of violation describing  
4 the affected property and the nature of the violation and listing any recorded documents upon which  
5 the determination of the violation is based. If the *owner* of record of the affected property can be  
6 determined, the name of the *owner* shall be included on the notice of violation, and a copy shall be  
7 mailed to the *owner* at the address on file with the county treasurer by certified mail with return  
8 receipt requested.

9                                   (b) When the violation has been corrected by means of a certificate of  
10 compliance or approved subdivision *plat*, the notice of violation and correction shall be referenced on  
11 the certificate or *plat*. When the violation is corrected by other legal means, the *land use director*  
12 shall record a notice of correction referencing the notice of violation and describing the means by  
13 which the violation has been corrected.

14                                   (c) The procedures described in Subsections (A)(6) and (7) are in addition to  
15 those provided for enforcement of Chapter 14 in Section 14-11 or elsewhere in Chapter 14.

16                                   **B. Procedures**

17                                   **(1) Pre-Application Conference**

18                                   Subdividers seeking a preliminary *plat* for subdivision *lots* shall comply with the pre-  
19 application conference procedures of Subsection 14-3.1(E).

20                                   **(2) Early Neighborhood Notification; Notice; Public Hearing; Public Hearing**  
21 **Procedures**

22                                   All subdivision *plat applications* shall comply with the ENN requirements of  
23 Subsection 14-3.1(F), notice provisions of Subsection 14-3.1(H) and general provisions of  
24 Subsection 14-3.1(I) (Public Hearing Procedures).

25                                   **(3) Preliminary Plat**

1                                   **(a) Applicability**

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

4                                   **(b) Application**

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

10                                  **(c) Land Use Director Review**

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

17                                  **(d) Planning commission Review and Decision**

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

25                                  **(e) Effect of Approval**

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

6 **(4) Final Plat**

7 **(a) Conformity with Preliminary Plat Required**

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

9 **(b) Submission**

10 An *application* for approval of a final *plat* shall be filed with the *land use*  
11 *director* and shall consist of maps that show the proposed *development* layout and the related  
12 information and drawings specified by the *land use director*.

13 **(c) Land Use Director Review**

14 The *land use director* shall determine that all required filing and review fees  
15 have been paid in full and that public lands for park and recreation facilities have been dedicated on  
16 the final *plat* or the optional fee in lieu of land dedication for such facilities has been paid in full as  
17 required in Section 14-8.14 (Impact Fees) and 14-8.15 (Dedication and Development of Land for  
18 Parks, Open Space, Trails and Recreation Facilities). Such dedication shall not be recorded, nor take  
19 effect, unless the final *plat* is recorded at the same time. The *land use director* shall submit to the  
20 planning commission a written report of findings together with a recommendation to approve or  
21 disapprove the final *plat*.

22 **(d) Original Drawing and Exhibits**

23 The original drawing of the final *plat* and all other exhibits required for  
24 approval shall be prepared as specified by the *land use director*.

25 **(e) Planning commission Review and Decision**

1 (i) The planning commission shall approve or disapprove the final  
2 *plat* within thirty-five days of the date it first considers the complete submittal of the *plat* at a public  
3 hearing unless an extension of time is agreed to by the applicant and the planning commission.

4 (ii) If the final *plat* is approved by the planning commission, the  
5 approval shall be recorded on the face of the original drawing of the final *plat*. The approval shall be  
6 dated and verified on the original drawing by the signature of the chair and secretary of the planning  
7 commission in the spaces provided. If the *plat* is approved, the original drawing shall be used in part  
8 for recordation purposes and shall be retained in the files of the engineering division. If the final *plat*  
9 is disapproved, the original drawing shall be returned to the applicant.

10 **(f) Recording**

11 Final *plats* shall be recorded only by the *City* and the *land use director* shall  
12 notify the subdivider of the date of the recording. The recording of a *plat* does not imply the  
13 acceptance by the *City* of maintenance obligations for any public dedication shown on the *plat*.

14 **(5) Time Limits for Preliminary and Final Subdivision Plat Approvals**

15 (a) Time limits for *plat* approvals are contained in Section 14-3.19  
16 (Expiration, Extension and Amendment of *Development* Approvals).

17 (b) All conditions of final *plat* approval shall be completed within three  
18 years of recording the *plat*, unless a different schedule has been approved by the planning  
19 commission or an extension is applied for in writing and approved by the planning commission.

20 **(6) Phasing**

21 Subdivision *plats* may be approved by the planning commission in phases at the  
22 preliminary or final *plat* stage, or the *land use director* may approve phases within an approved final  
23 *plat*. Each phase shall include all *infrastructure* and amenities necessary and appropriate to the stand-  
24 alone operation of that phase and for the orderly *development* of other properties in the vicinity.

25 **(7) Plat Standards**

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

### 3 C. Approval Criteria

4 (1) In all subdivisions, due regard shall be shown for all natural features such as  
5 vegetation, water courses, historical sites and *structures*, and similar community assets that, if  
6 preserved, will add attractiveness and value to the area or to Santa Fe.

7 (2) The planning commission shall give due regard to the opinions of public  
8 agencies and shall not approve the *plat* if it determines that in the best interest of the public health,  
9 safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed.  
10 Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other  
11 reasons uninhabitable, shall not be *platted* for residential occupancy, nor for other uses that may  
12 increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be  
13 set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or  
14 produce unsatisfactory living conditions. See also  
15 Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (*Flood*  
16 *Regulations*).

17 (3) All *plats* shall comply with the standards of Chapter 14, Article 9 (*Infrastructure*  
18 *Design, Improvements and Dedication Standards*).

19 (4) A *plat* shall not be approved that creates a nonconformity or increases the extent  
20 or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is  
21 approved concurrently with the *plat*.

22 (5) A *plat* shall not be approved that creates a nonconformity or increases the extent  
23 or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe  
24 City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to  
25 approval of the *plat*.



1           **D. Summary Procedure**

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

6                     (1) no preliminary *plat* or hearing is required;

7                     (2) the summary committee may defer the construction of public and semi-public  
8 improvements required by Chapter 14 until such time as the *lots* are developed and may waive the  
9 requirements of this chapter for the posting of financial guarantees for the improvements prior to  
10 recording an approved *plat*. Deferral or waiver shall be made only upon finding that the  
11 improvements or guarantee is not needed to protect the interests of prospective purchasers of the *lots*  
12 created; to provide for the orderly development of other properties in the vicinity; or to protect the  
13 public health, safety and welfare.

14           **E. Resubdivisions**

15           The *land use director* has the authority to review and approve or disapprove *resubdivisions*  
16 where the combination or recombination of portions of previously *platted lots* does not increase the  
17 total number of *lots* and the resulting *lots* comply with the approval criteria in Subsection C of this  
18 section.

19           **F. Inheritance And Family Transfer Subdivisions**

20                     **(1) Purpose**

21           It is the purpose of this section to support the continuation of traditional patterns of  
22 land transfer and division within families and to increase affordable housing within the family group.  
23 This section is intended to assist in the transfer of property from parents to children or grandchildren  
24 with only those restrictions that are essential to the health, safety and welfare of the citizens of Santa  
25 Fe. There is no intention to promote the resale of such properties outside the family or to create

1 favorable opportunities for developers. Standards for inheritance and family transfer subdivisions  
2 have been written to reflect traditional *development*.

3 **(2) Applicability**

4 (a) A subdivision is created by inheritance if it is created by a will or order  
5 of court in probate proceedings for the purpose of transmitting property to heirs, but not for the  
6 purpose of sale or lease and not creating more than one *lot* per family member or violating the  
7 provisions of this section.

8 (b) A subdivision is created by family transfer if it is created by a father or  
9 mother for the purpose of transferring a *lot* or *lots* to his or her children, natural or adopted, or  
10 grandchildren, or it is created by a person who has performed the function of father, mother,  
11 grandfather or grandmother for the purpose of transferring a *lot* to a person for whom such person has  
12 performed that function; provided that the person proposing to create the subdivision and transfer the  
13 *lot* or *lots* files appropriate documentation of conveyance along with an affidavit with the county clerk  
14 containing the following:

15 (i) a legal description of the property being transferred; and

16 (ii) a statement that the transferor has not made any other transfers  
17 of any other *lots* to the person receiving it that would require the filing of an affidavit pursuant to this  
18 section.

19 **(3) Restrictions and Requirements**

20 (a) Inheritance and family transfer subdivisions are allowed only in  
21 residential districts.

22 (b) Any one person may receive only one *lot* total by family transfer.

23 (c) No sale or lease of any *lot* designated on a subdivision *plat* creating an  
24 inheritance or family transfer subdivision shall occur within three years of the date of the transfer.

25 (d) The *plat* shall show the name of each family member to whom a *lot* is

1 being transferred. Before the final subdivision *plat* is filed, a copy of the instrument of transfer to the  
2 transferee or his authorized representative must be provided to the *City*. A construction *permit* shall  
3 not be issued to a person other than the transferee or his authorized representative until the required  
4 time period is completed.

5 (e) If the property is transferred to a different family member acceptable  
6 under this section within three years, the *plat* and affidavit must be amended to reflect the different  
7 transferee.

8 (f) If an *owner* of a *lot* that was part of an inheritance or family transfer  
9 subdivision applies for a subdivision, residential *development* or PUD or other rezoning, then all the  
10 provisions of Chapter 14 shall apply with no special provision for the prior family transfer  
11 subdivision.

#### 12 (4) Procedures

13 *Applications* for inheritance or family transfer *subdivisions* creating two or more  
14 additional *lots* shall be submitted to the planning commission. Only final *plat* procedures as set forth  
15 in Subsection (B) of this section are required. *Applications* creating one additional *lot* shall follow  
16 summary committee procedures as set forth in Subsection 14-2.3(E). In all cases, proof of a *legal lot*  
17 *of record* is required as part of the submission requirement.

#### 18 (5) Plats and Data

19 (a) An *application* for approval of an inheritance or family transfer  
20 subdivision final *plat* shall be filed with the *land use director* and shall consist of maps that show the  
21 proposed *development* layout and the related information and drawings specified by the *land use*  
22 *director*.

23 (b) Every final *plat* for an inheritance or family transfer subdivision shall  
24 contain the following legend prominently portrayed:

25 "NOTICE: This subdivision has been approved pursuant to the

1 inheritance and family transfer provisions of the Santa Fe City Code.

2 Procedures for subdivision improvements are significantly different than for  
3 other types of subdivisions. No sale or lease of any *lot* designated on this  
4 subdivision *plat* shall occur within three years of the date this transfer is  
5 legally made. Any person intending to purchase a *lot* within this subdivision  
6 should contact the *City of Santa Fe land use director*. Requests for  
7 construction *permits* on illegally sold *lots* shall be denied."

8 **(6) Development Standards and Required Improvements**

9 Proof of compliance with the following standards is required for the approval of an  
10 inheritance or family transfer subdivision:

11 **(a) Terrain Management Regulation**

12 Compliance with terrain management regulation submissions as set forth in  
13 Section 14-8.2 is required.

14 **(b) Design Standards**

15 Subdivision design standards as set forth in Section 14-9.2 apply.

16 **(c) Required Improvements**

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

19 **(d) Density and District Regulations**

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

23 **14-3.8 DEVELOPMENT PLANS**

24 **A. Purpose and Intent**

25 (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**

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Subsections 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) Notwithstanding any code provisions to the contrary, 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*;

(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, I2, BIP, PRRC, RS, SC or MU district and is within two hundred feet, excluding 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

1 vehicular circulation areas, exceeds fifteen thousand square feet in any zone; provided that this  
2 provision does not apply to temporary carnivals, circuses and similar short-term entertainment uses  
3 required to obtain a *permit* from the *City*.

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

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

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

17 (6) No additional *development* plan review is required if the new or changed use or  
18 *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part  
19 of a rezoning or other action before the *governing body* or a *land use board*, and for which the early  
20 neighborhood notification process set forth in Subsection 14-3.1(F) was required.

### 21 C. Procedures

#### 22 (1) Submittal Requirements

23 Applicants for *developments* that require *development* plans under this section shall  
24 submit plans and other documentation as required by the *land use director* that show compliance with  
25 the applicable provisions of the Santa Fe City Code as provided in Subsection 14-3.1(C) (Form of

1 Applicaton), including plans that show:

- 2 (a) existing conditions on the site and within two hundred feet of the site;
- 3 (b) proposed modifications to the site, including the locations of existing and  
4 new *structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and*  
5 *loading facilities;*
- 6 (c) the types, extent and *intensity* of land uses that are proposed;
- 7 (d) proposed modifications to the *infrastructure* serving the site, including  
8 public and private *streets, driveways and traffic control measures and utilities;*
- 9 (e) documentation of compliance with *development* standards such as  
10 required *yards, lot coverage, height of structures and open space;*
- 11 (f) the phases of *development*, if applicable;
- 12 (g) for residential *development*, a proposal for provision of affordable  
13 housing as required by Section 14-8.11 (Santa Fe Homes Program);
- 14 (h) a *development* water budget as required by Section 14-8.13;
- 15 (i) for a *development* plan or final *development* plan, sufficient detail to  
16 clearly show how each applicable *development* standard is to be met and identify any variance or  
17 waiver required,
- 18 (j) for a preliminary *development* plan, sufficient detail to demonstrate the  
19 feasibility of meeting all applicable *development* standards, including an analysis of the type and  
20 extent of variances or waivers required, specific requests for which may be included.

21 **(2) Coordination with Other Review Procedures**

- 22 (a) *Development* plans required for rezonings by Articles 14-4 (Zoning  
23 Districts) and 14-5 (Overlay Zoning Districts) shall be reviewed by the planning commission at a  
24 public hearing with notice provided as required by Subsection 14-3.3(H) and then transmitted to the  
25 *governing body* with any recommendations, as set forth in Section 14-3.5 (Rezonings).

1 (b) A special use *permit* or variance request associated with a *development*  
2 plan shall be reviewed concurrently and approved or denied by the *land use board* that reviews the  
3 *development* plan.

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

9 (d) If review and approval of a *development* plan by a *land use board* only is  
10 required, the applicant may first submit an *application* for a preliminary *development* plan. If the  
11 preliminary *development* plan is approved, a separate *application* for final *development* plan approval  
12 by the *land use board* must be approved prior to the *development* of the property.

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

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

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

20 (f) Action on a *development* plan by a *land use board* must be taken at a  
21 public hearing with notice provided as required by Subsection 14-3.3(H).

22 **(3) Consistency with Master Plans and Preliminary Development Plans**

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

25 (b) Final *development* plans within an area that is subject to an approved



1 preliminary *development* plan must comply with the provisions of the previously approved  
2 preliminary plan unless it is amended or repealed. Final actions by the *governing body, land use*  
3 *boards* and the *land use director* concerning rezonings, subdivisions, special use *permits*,  
4 *development* plans and construction *permits* shall include a specific finding or determination that the  
5 action complies with all applicable provisions of the preliminary plan.

#### 6 (4) Scope of Amendments to Development Plans

7 (a) The *land use director* has the authority provided in Subsection 14-  
8 2.11(C)(2) (Minor Modifications to Development Approvals).

9 (b) *Land use boards* have the authority provided in Subsection 14-3.19(D)  
10 (Amendment of *Development* Approvals).

#### 11 (5) Administrative Approval for Three-Unit Multiple-Family Developments

12 Approval of a *development* plan by the *land use director* is required for multiple-  
13 *family development* comprising three or more *dwelling units* with a *gross floor area* less than ten  
14 thousand square feet.

#### 15 (6) Recording of Plans; Infrastructure Construction

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

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

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

### 24 D. Approval Criteria and Conditions

#### 25 (1) Necessary Findings

1 To approve a *development* plan, a *land use board* must make the following findings:

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

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

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

9 **(2) Conditions**

10 The *land use board* may specify conditions of approval that are necessary to  
11 accomplish the proper *development* of the area and to implement the policies of the *General Plan*,  
12 including:

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

14 (b) fences, *walls* or landscape *screenings*;

15 (c) provision and arrangement of parking and vehicular and pedestrian  
16 circulation;

17 (d) on-site or off-site *street*, sidewalk or utility improvements and  
18 maintenance agreements;

19 (e) noise generation or attenuation;

20 (f) dedication of *rights of way* or easements or access rights;

21 (g) arrangement of *buildings* and use areas on the site;

22 (h) special hazard reduction measures, such as *slope* planting;

23 (i) minimum site area;

24 (j) other conditions necessary to address unusual site conditions;

25 (k) limitations on the type, extent and *intensity* of uses and *development*

1 allowed;

2 (l) maximum numbers of employees or occupants permitted;

3 (m) hours of operation;

4 (n) phases of *development*, if applicable;

5 (o) establishment of an expiration date, after which the use must cease at that  
6 site;

7 (p) establishment of a date for annual or other period review at a public  
8 hearing;

9 (q) plans for sustainable use of energy, recycling and solid waste disposal;

10 (r) any other appropriate conditions and safeguards, in conformity with  
11 Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the *development*  
12 and use of land; and

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

15 **(3) Expiration**

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

18 **14-3.9 MASTER PLANS**

19 **A. Purpose and Intent**

20 (1) It is the intent of a master plan to:

21 (a) provide a comprehensive plan that must be followed during the  
22 subsequent review and approval of *development* plans and subdivision *plats* for the master-planned  
23 area.

24 (b) enable the *governing body*, *land use boards* and *land use director* to  
25 ensure compliance with Chapter 14;

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

3 (2) A master plan provides for:

4 (a) comprehensive and coordinated planning for the *development* of land,  
5 often involving multiple phases occurring over a period of several years or more and may also  
6 involve multiple developers;

7 (b) plans for the funding and phased construction of major public or private  
8 *infrastructure* improvements required to serve the planned *development*.

### 9 **B. Applicability**

10 (1) A master plan is required in conjunction with rezoning *applications* in certain  
11 districts as provided in Article 14-4 (Zoning Districts) and may be required in conjunction with  
12 specified annexation *applications* as provided in Section 14-3.4.

13 (2) A development plan may be submitted in lieu of a master plan as provided in  
14 Subsection 14-3.8(C)(2)(c).

15 (3) All use and *development* of land within a master-planned area must comply with  
16 the provisions of the adopted master plan. *Final actions* by the *governing body*, *land use boards* and  
17 the *land use director* concerning rezonings, subdivisions, special use *permits*, *development* plans and  
18 construction *permits* shall include a specific finding or determination that the action complies with all  
19 applicable provisions of the master plan.

### 20 **C. Procedures**

21 (1) Submission Requirements

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

- 1 (a) existing conditions on the site and within the vicinity;
- 2 (b) proposed modifications to the site, including the locations of existing and
- 3 new *structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and*
- 4 loading facilities;
- 5 (c) proposed changes to the zoning of land within the master plan area and
- 6 the types, extent and *intensity* of land uses that are proposed;
- 7 (d) the proposed boundaries of *tracts* comprising the various land use areas
- 8 and *development* phases,
- 9 (e) proposed modifications to the *infrastructure* serving the site, including
- 10 locations of utilities and public and private *streets* and driveways and traffic control measures;
- 11 (f) phases of *development*, if applicable,
- 12 (g) if public or private *infrastructure* is proposed to be constructed in phases,
- 13 a plan for the timing, financing and responsibility for *infrastructure* construction;
- 14 (h) for residential development, a proposal for provision of affordable
- 15 housing as required by Section 14-8.11 (Santa Fe Homes Program);
- 16 (i) A *development* water budget as required by Section 14-8.13; and
- 17 (j) for master plans involving five or more acres of land, the *land use*
- 18 *director* may require an analysis of the fiscal impact to the *City* of providing utility and other
- 19 municipal services to the area.

20 **(2) Special Development Standards and Design Guidelines**

- 21 (a) Approval of the master plan may include approval of special
- 22 *development* standards or design guidelines to be applied within the master plan area when such
- 23 regulations are necessary to implement specific goals of the master plan.
- 24 (b) Special standards and guidelines must be approved as part of the master
- 25 plan.

1 (c) Special standards and guidelines are normally more restrictive than the  
2 general standards contained in Chapter 14. All aspects of land use and *development* within a master  
3 planned area that are not addressed by a special guideline or standard are subject to the general  
4 standards of Chapter 14.

5 **(3) PRC and PRRC Master Plans**

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

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

14 (i) neighborhood shopping centers intended primarily to serve  
15 *development* within the PRC district and immediate vicinity as provided in Subsection 14-4.4(K) (SC-  
16 1 Planned Shopping Center Districts) and Section 14-7 (Building Envelope and Open Space  
17 Standards);

18 (ii) not more than thirty-five percent of a planned residential  
19 community may be designated for *development* with mixed uses consistent with the standards for the  
20 MU district; and

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

23 **(4) Notice**

24 Action by a *land use board* to recommend approval of a master plan, or to approve an  
25 amendment as provided in Subsection 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 Subsection 14-3.1(H).

#### **D. Approval Criteria; Conditions**

##### **(1) Necessary Findings**

To approve a master plan, the *governing body* must make 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.

1                   **(3) Expiration**

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

4                   **14-3.10 DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS**

5                   **A. Applicability**

6                   A *plat* governed by Article 14-9, or showing land all or partly within the *special flood hazard*  
7 *area*, shall meet the requirements of this section and Section 14-8.3 (Flood Regulations) and shall be  
8 approved and signed by *the floodplain administrator*.

9                   **B. Administration by Floodplain Administrator**

10                   (1) The *floodplain administrator* shall administer and enforce this section and other  
11 appropriate sections of 44 CFR Part 59 *et. seq.* (National Flood Insurance Program Regulations)  
12 pertaining to *floodplain* management.

13                   (2) Duties and responsibilities of the *floodplain administrator* shall include the  
14 following:

15                               (a) maintain and hold open for public inspection all records pertaining to the  
16 provisions of this section and Section 14-8.3;

17                               (b) review *permit applications* to determine whether proposed *development*  
18 will be reasonably safe from *flooding*;

19                               (c) review and approve or deny all *applications for development permits*  
20 required by this section and Section 14-8.3;

21                               (d) review *applications* for proposed *development* to assure that all  
22 necessary *permits* have been obtained from those federal, *state* or local governmental agencies,  
23 including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C.  
24 1334, from which prior approval is required;

25                               (e) where interpretation is needed as to the exact location of the boundaries



1 of the *flood hazard area*, for example, where there appears to be a conflict between a mapped  
2 boundary and actual field conditions, the *floodplain administrator* shall make the necessary  
3 interpretation;

4 (f) in riverine situations, notify adjacent communities and the New Mexico  
5 office of the state engineer prior to any *alteration* or relocation of a watercourse, and submit evidence  
6 of such notification to the federal emergency management agency (FEMA);

7 (g) assure that the *flood* carrying capacity within the altered or relocated  
8 portion of any watercourse is maintained;

9 (h) when *base flood elevation* data has not been provided in accordance with  
10 Subsection 14-8.3(C) Engineering Criteria, the *floodplain administrator* shall obtain, review and  
11 reasonably use any *base flood elevation* data and *floodway* data available from federal, *state* or other  
12 sources in order to administer the provisions of Subsection 14-8.3(C) (General Provisions for  
13 Development in Special Flood Hazard Areas);

14 (i) when a regulatory *floodway* has not been designated, the *floodplain*  
15 *administrator* shall require that no *new* construction, substantial improvements or other development,  
16 including fill, be permitted within Zones A and AE on the *City's flood insurance rate map* (FIRM),  
17 unless it is demonstrated that the cumulative effect of the proposed *development*, when combined  
18 with all other existing and anticipated *development*, will not increase the *base flood elevation* of the  
19 *base flood* more than one foot at any point within the *City*;

20 (j) establish a *floodplain* management program to meet the prerequisites for  
21 the sale of flood insurance as set forth in 44 CFR part 59.22;

22 (k) maintain a record of all appeals; and

23 (l) report all waivers to FEMA upon request.

#### 24 **C. Enforcement**

25 (1) An *application* for a *permit*, license or certificate pertaining to the use of land or

1 *building* in any *special flood hazard area* shall be approved by the *floodplain administrator*.

2 (2) The *floodplain administrator* may make reasonable entry upon any lands and  
3 waters within the *City's* jurisdiction for the purpose of making any investigation, survey, removal or  
4 repair contemplated by this section or Section 14-8.3. An investigation of any obstruction shall be  
5 made by the *floodplain administrator* either on the *floodplain administrator's* own initiative or by the  
6 written request of any member of the public.

7 (3) Whenever it is necessary to make an inspection to enforce any of the provisions  
8 of this section or Section 14-8.3, the *floodplain administrator* may enter such *buildings* or *premises* at  
9 a reasonable time to inspect the same or to perform any duty imposed upon the *floodplain*  
10 *administrator* by this section; provided that if such *building* or *premises* is occupied, the *floodplain*  
11 *administrator* shall first present proper identification and demand entry, and if such *building* or  
12 *premises* be unoccupied, the *floodplain administrator* shall first make a reasonable effort to locate the  
13 *owner* or other person having charge or control of the *building* or *premises* and demand entry.

14 (4) Each *floodplain administrator* shall carry identification indicating the *floodplain*  
15 *administrator's* authority and shall present such identification to the magistrate court or district court  
16 for the purpose of this section and to other persons when requested to do so during the performance of  
17 the *floodplain administrator's* duty.

18 (5) The powers and duties of the *floodplain administrator* relative to obstructions in  
19 a *special flood hazard area* shall include the following:

20 (a) removal of the obstruction to a *floodway* that has been created by fallen  
21 trees, silt, debris and like matter; and

22 (b) removal or repair of an obstruction when, after investigation, an order  
23 has been issued to the property *owner* for its removal or repair and the order is not complied with  
24 within a reasonable time as may be prescribed by the *City* or the *owner* cannot be found or  
25 determined; provided that if the *City* causes the obstruction to be removed or repaired, the reasonable

1 cost of the removal or repairs shall constitute a lien against the *lot* from which the obstruction was  
2 removed or on which it was repaired. The lien shall be foreclosed in the manner provided in Sections  
3 3-36-1 through 3-36-7 NMSA 1978.

#### 4 **D Appeals**

5 An appeal of a *final action* of the *floodplain administrator* shall be pursuant to  
6 Section 14-3.17.

#### 7 **E Waivers**

8 The planning commission may waive the provisions of this section and Section 14-8.3.  
9 Waivers shall be approved by the planning commission as provided in this section.

10 (1) Waivers may be issued for the reconstruction, rehabilitation or restoration of  
11 *structures* listed on the National Register of Historic Places or the State Inventory of Historic Places,  
12 without regard to the procedures set forth in this section.

13 (2) Waivers may be issued for *development* on a *lot* of one-half acre or less in size  
14 contiguous to and surrounded by *lots* with existing *structures* constructed below the *base flood level*,  
15 providing the relevant factors in Subsections (E)(5) and (6) of this section have been fully considered.  
16 As the *lot* size increases beyond the one-half acre, the technical justification required for issuing the  
17 variance increases.

18 (3) Waivers shall not be issued within any *floodway* if any increase in flood levels  
19 during the *base flood* discharge would result.

20 (4) Waivers may be issued for the repair or rehabilitation of *historic structures* upon  
21 a determination that the proposed repair or rehabilitation will not preclude the *structure's* continued  
22 designation as a *historic structure* and the variance is the minimum necessary to preserve the historic  
23 character and design of the *structure*.

24 (5) Waivers may be approved for *new* construction and substantial improvements  
25 and for other *development* necessary for the conduct of a *functionally dependent use* provided that the

1 *structure* or other *development* is protected by methods that minimize *flood* damages during the *base*  
2 *flood* and create no additional threats to public safety.

3 (6) The prerequisites for granting waivers are:

4 (a) waivers shall only be issued upon a determination that the waiver is the  
5 minimum necessary, considering the *flood* hazard, to afford relief;

6 (b) waivers shall only be issued upon:

7 (i) showing a good and sufficient cause;

8 (ii) a determination that failure to grant the variance would result in  
9 exceptional hardship to the applicant, and

10 (iii) a determination that the granting of a waiver will not result in  
11 increased *flood* heights, additional threats to public safety, extraordinary public expense, create  
12 nuisances, cause fraud on or victimization of the public or conflict with existing local laws or  
13 ordinances.

14 (7) Procedures for the consideration of a request for a waiver shall be as provided in  
15 Section 14-3.16 (Variances), including notice of the hearing in accordance with  
16 Subsection 14-3.1(H)(1) and requiring the prerequisites in Subsection 3.10(E)(6) instead of the  
17 findings specified in Section 14-3.16.

18 (8) An applicant to whom a waiver is granted shall be given written notice that the  
19 *structure* may be permitted to be built with the lowest floor elevation below the *base flood elevation*,  
20 and that the cost of flood insurance will be commensurate with the increased risk resulting from the  
21 reduced lowest floor elevation.

## 22 **14-3.11 CONSTRUCTION PERMITS**

### 23 **A. Applicability**

24 (1) A *building* or other *structure* that is regulated by Chapter 14 shall not be erected,  
25 moved, added to or altered, nor shall other *development* activities described in this section occur,

1 without a construction *permit* issued by the *land use director* or *building official*. However, no  
2 construction *permit* shall be required for construction, *alterations* or other *development* activities that  
3 are specifically exempted from *permit* requirements by the provisions of Chapter 14 or Chapter 7  
4 (Building and Housing), or by written policies adopted by the *land use director* or the *building*  
5 *official* for specified minor repairs, minor construction, minor *alterations* and minor *development*  
6 activities.

7 (2) A construction *permit* shall not be issued by the *land use director* except in  
8 conformity with the provisions of Chapter 14. When required by the provisions of Chapter 7 SFCC  
9 1987 (Building and Housing), the *building official* shall approve the construction *permit* prior to  
10 issuance. When required by the provisions of Chapter 12 SFCC 1987 (Fire Prevention and  
11 Protection), the fire marshal or other code official shall approve the construction *permit* prior to  
12 issuance.

13 (3) Construction *permits* issued on the basis of plans and *applications* approved by  
14 the *land use director* or *building official*, and other officers or agencies where additional approval is  
15 required, authorize only the use, arrangement, location and construction set forth in the approved  
16 plans and *applications* and no other use, arrangement, location or construction. Any use,  
17 arrangement, location or construction that is at variance with that authorized is a violation of Chapter  
18 14 and is punishable as provided in Article 14-11 (Enforcement).

## 19 **B. General Procedures**

### 20 **(1) Applications and Approvals**

21 (a) All *applications* for construction *permits* pursuant to this section shall  
22 include plans and other documentation as required by the *land use director* that show compliance  
23 with the applicable provisions of Chapter 14 as provided in Subsection 14-3.1(C) (Form of  
24 Applicaton).

25 (b) A construction *permit* shall not be approved until it is determined that the

1 construction or other *development* activity authorized by the *permit* complies with all applicable  
2 provisions of Chapter 14 and applicable *state* and federal laws and regulations.

3 (c) The approval of construction *permits* by the *land use director* or other  
4 *City* officials shall be coordinated with the approval of *permits* required by other agencies.

5 (d) The *land use director* shall retain one approved set of plans in the *City's*  
6 records for not less than ten years, use one set of plans for inspections and enforcement and return one  
7 set of plans to the applicant after they are reviewed and approved.

## 8 (2) Amendments to Applications

9 Any change from the approved site plans or floor plans shall first be approved by the  
10 *land use director* and shall be submitted in writing and approved prior to commencement of any  
11 construction related to the proposed amendment.

## 12 (3) Expiration, Extension and Renewal

13 For expiration of construction *permits* see Section 7-1.6 SFCC 1987. The *land use*  
14 *director* may adopt procedures for the extension and renewal of construction *permits* consistent with  
15 the provisions of Section 7-1.6 SFCC 1987.

## 16 (4) Record of Construction Permits

17 The *land use director* shall maintain a record of all construction *permits*, including  
18 the person to whom the *permit* is issued, the address, the date of issuance, the proposed use, the  
19 square footage of *buildings* constructed or altered and the type of construction. The record shall be  
20 retained in the *City's* records for not less than fifty years. *Permit* copies or summary records for  
21 secondary construction *permits* such as plumbing, mechanical and electrical *permits* shall be retained  
22 for not less than ten years.

## 23 (5) Posting of Construction Permits

24 Within twenty-four hours after issuance of a construction *permit*, the applicant shall  
25 post the property for which the *permit* has been issued with posters obtained from the *land use*

1 *director*. One or more posters shall be prominently displayed, readable from each public and private  
2 road abutting the property, and securely placed on the property. If the property does not abut a public  
3 *street* or road, the *land use director* may require additional posters within nearby public *streets* or  
4 roads to provide effective notice to the public. Placement of the posters shall be in such a manner as  
5 not to compromise public safety. The posters shall remain in place until after the completion and  
6 final inspection of all work covered by the *permit*.

#### 7 (6) Compliance with Permit Requirements

8 No construction or other *development* for which a *permit* is required shall be done  
9 prior to obtaining the *permit*. All work shall comply with the provisions of the approved *permit*.

#### 10 (7) Combined Permits

11 The *land use director* may require separate construction *permits* for each of the  
12 categories of *development* identified in this section or may issue a combined construction *permit* for  
13 two or more of the categories.

### 14 C. Architectural Design Review

#### 15 (1) Applicability

16 (a) New construction, additions, exterior remodeling, repainting and re-  
17 stuccoing of *buildings* in a different color shall comply with the requirements of Section 14-8.7  
18 (Architectural Design Review) except as set forth in Subsection (C)(1)(b) of this section.

19 (b) Architectural design review is not required for the following:

20 (i) *detached single-family* and two-family *dwelling*s and related  
21 *accessory structures*;

22 (ii) *structures* other than *buildings*, with the exception of *filling*  
23 *station canopies*, except as required in this article;

24 (iii) *buildings* located in the historic districts and *buildings*  
25 designated as *landmarks*, which are subject to review under Section 14-5.2 SFCC 1987 (Historic

Districts); and

(iv) exterior *building* features not visible from any *street*, way or public place without trespassing.

## **(2) Procedures**

### **(a) Application**

An applicant for a project subject to architectural design review shall submit an *application*, in a form and accompanied by such supporting materials as specified by the *land use director* to enable the *land use director* to review the project's compliance with the architectural design review requirements set forth in Section 14-8.7. The review shall be conducted as part of construction *permit* review.

### **(b) Point Review**

The *land use director* shall determine compliance or noncompliance with this section by means of a point system. Point allotments shall be made according to the criteria set forth in Subsection 14-8.7(D).

### **(c) Preliminary Review (Optional)**

(i) A preliminary calculation of architectural design points will be performed by the *land use director* at the schematic design or design development stage upon request of an applicant.

(ii) Upon completion of the preliminary review, an itemized score sheet and one set of project plans shall be returned to the applicant. A copy of the score sheet and the other set of project plans shall be retained by the *land use director*.

(iii) Points will be recalculated at time of final review. Points allotted at time of final review may differ from those granted during preliminary review if dimensions, features, details or specifications have been altered or in any way modified. The preliminary evaluation shall not be construed to result in any responsibility of the *City*, the *land use*



1 *director* or any other officers, employees or agents of the *City* for damages to the applicant as a result  
2 of the applicant's reliance on a preliminary evaluation. A preliminary evaluation does not limit the  
3 discretion of the plan reviewer during the final review.

4 (iv) A final calculation of architectural design points shall be  
5 performed and compliance with the point requirements of Subsection 14-8.7(C) shall be achieved  
6 prior to the issuance of a construction *permit*.

7 (v) If the number of points calculated does not meet the point  
8 requirements set forth in Subsection 14-8.7(C), the applicant shall modify the submittals so as to  
9 achieve the necessary number of points prior to issuance of a construction *permit*. All actual  
10 construction work shall comply with the approved submittals.

#### 11 **D. Construction Permits for Signs**

##### 12 **(1) Applicability**

##### 13 **(a) Construction Permit Required**

14 Construction *permits* are required for all *signs* displayed to be readable from  
15 off the *premises*, unless specifically exempted in this section. All *signs* shall comply with the  
16 requirements of Section 14-8.10.

##### 17 **(b) Construction Permit Not Required**

18 A construction *permit* is not required for the following:

19 (i) the changing of the advertising copy or message on an approved  
20 painted or printed *sign structure* or on a *marquee* or similar approved *sign*, including the interchange  
21 of *sign* facings; provided that no portion of the size or color of the *sign* or size or color of the lettering  
22 or background are changed; or

23 (ii) the changing of the message or display of an electronic  
24 messaging *sign* in compliance with the provisions of Subsection 14-8.10(B)(5)(b);

25 (iii) painting, cleaning and other normal maintenance and repair of

1 a *sign* or *sign structure* unless a structural change is made.

2 **(2) Permit Applications**

3 New construction *permit applications* for *signs* shall contain:

- 4 (a) the signature of the applicant;
- 5 (b) the name and address of the *sign owner* and *sign* erector;
- 6 (c) three scaled lined drawings showing the design and dimensions
- 7 of the *sign* and standard *sign structure*; and
- 8 (d) three scaled lined drawings of the site plan or *building façade*
- 9 indicating the proposed location of the *sign* and all other existing *signs* maintained on the *premises*
- 10 and regulated by Chapter 14.

11 **E. Construction Permits for Grading and Drainage**

12 (1) Prior to the issuance of a construction *permit* for *grading*, all projects shall

13 comply with applicable provisions of Section 14-8.12 (Relocation of Gunnison's Prairie Dogs) and

14 may be subject to an archaeological review under Section 14-3.13 (Archaeological Clearance

15 *Permits*). Minimum standards and submittal requirements for construction *permits* for *grading* are

16 provided in Subsection 14-8.2(D).

17 (2) A construction *permit* for *grading* shall be required for *grading* that is not

18 exempt under Subsection (E)(3) of this section, including:

- 19 (a) work within an arroyo or *drainageway* that in the natural course of
- 20 events may lead to changes in flow characteristics, including earthwork, construction of drainage
- 21 devices or erosion control devices, removal of *significant trees* and modifications of arroyo or
- 22 *drainageway* banks or bottom, in addition to *state* or federal *permits* that may be required;
- 23 (b) *grading* and paving for driveways and roads;
- 24 (c) utility trenching for all commercial and public projects; and
- 25 (d) any of the following individual activities:

(i) removal of more than twenty-five percent of *significant trees* or grass coverage on a site; or

(ii) clearing and *grading* of more than five thousand square feet.

(3) A construction *permit* is not required for the following activities if mature landscaping and natural *slopes* thirty percent or greater are not disturbed:

(a) removal, trimming or replacement of streambed vegetation that does not alter the *channel* shape or flow characteristics and does not require or result in mechanized earth moving;

(b) refuse disposal sites controlled by other regulations;

(c) cemetery graves in approved cemeteries;

(d) *excavation* for wells;

(e) exploratory *excavations* under the direction of archaeologists, soil engineers, engineering geologists or environmental engineers; and

(f) grading that is exempt from the terrain and storm water management standards provided in Subsection 14-8.2(B)(2).

#### **F. Construction Permits for Landscaping and Utilities**

A construction *permit* is required for the following *development*:

(1) work for which a *landscape plan* is required by Section 14-8.4; and

(2) site improvements, including private utilities that are subject to the provisions of Chapter 14 but for which a construction *permit* is not otherwise specifically required, as determined by the *land use director*.

#### **G. Building Codes**

For applicable building codes and additional requirements for construction *permits*, see Chapter 7 SFCC 1987 (Building and Housing).

#### **14-3.12 CERTIFICATES OF OCCUPANCY**

1           **A. General Provisions**

2                   (1) The *land use director* must issue a *certificate of occupancy* that certifies  
3 compliance with all provisions of Chapter 14 before any change in the use or occupancy of land or  
4 change of use or occupancy of a *building* or *premises*, or part thereof, is created, erected, changed,  
5 converted or wholly or partially altered or enlarged in its use or *structure*, other than the change of  
6 residential occupants, or before any new *building* is occupied for any purpose. (2)

7 The *land use director* may require the renewal of *certificates of occupancy* on an annual or other  
8 appropriate basis.

9                   (3) The approval of *certificates of occupancy* shall be coordinated with the approval  
10 of *permits* or certificates required by other agencies, including:

11                           (a) when required by the provisions of Chapter 8 SFCC 1987 (Building and  
12 Housing), the *building official* shall approve the *certificate of occupancy* prior to issuance; and

13                           (b) when required by the provisions of Chapter 7 SFCC 1987 (Fire  
14 Prevention and Protection), the fire marshal or other code official shall approve the *certificate of*  
15 *occupancy* prior to issuance.

16                   (3) The *land use director* shall maintain for at least fifty years a record of all  
17 *certificates of occupancy* issued.

18           **B. Temporary Uses/Temporary Certificates of Occupancy**

19                   (1) Temporary uses allowed by Chapter 14 may be approved by obtaining a  
20 temporary *certificate of occupancy*. Such certificates shall be obtained in the same manner as general  
21 *certificates of occupancy*.

22                   (2) The *land use director* may issue a temporary *certificate of occupancy* for a use  
23 that is not intended to be temporary in the following circumstances:

24                           (a) the *land use director* determines that it is impossible to fully comply with  
25 the provisions of Chapter 14 due to weather conditions or other factors beyond the control of the

1 permittee; or

2 (b) the *certificate of occupancy* is part of a phased *development* for which  
3 multiple *permits* are issued or for which one *permit* comprises multiple *buildings* or *structures*.

4 (3) Temporary *certificates of occupancy* shall comply with the following provisions:

5 (a) the *land use director* shall impose conditions that ensure compliance  
6 with the provisions of Chapter 14 and other applicable regulations that protect the public health,  
7 safety and welfare;

8 (b) the certificate is subject to an enforceable agreement by the permittee  
9 and landowner that:

10 (i) does not rely on the actions of a person that is not a party to the  
11 agreement;

12 (ii) provides a schedule for meeting all provisions of Chapter 14  
13 within a reasonable time;

14 (iii) provides a financial guarantee in a form acceptable to the *land*  
15 *use director* for completion of all public or quasi-public improvements required by Chapter 14; and

16 (iv) provides for revocation of the certificate by the *land use*  
17 *director* and termination of the approved occupancy by the permittee if the terms of the agreement are  
18 not complied with; and

19 (c) the temporary certificate of occupancy shall not be approved for an initial  
20 period of longer than six months. The *land use director* may approve extensions not to exceed an  
21 additional six months.

#### 22 **14-3.13 ARCHEOLOGICAL CLEARANCE PERMITS**

23 [Editor's Note: Substantive amendments not within the scope of this project; reviewed for cross-  
24 reference accuracy and formatting only]

1           **A. Purpose and Intent**

2           [RESERVED]

3           **B. Applicability**

4                   (1) Historic Downtown Archaeological Review District

5           In this district, an archaeological clearance *permit* shall be required:

6                   (a) Prior to issuance of a *building permit* for projects with gross *lot*  
7 coverage of 2,500 square feet or more involving new construction, parking *lots* and/or *alterations*.

8                   (b) Prior to issuance of a *grading permit* for projects with 2,500 square feet  
9 or more in gross *lot* coverage.

10                  (c) For all *City* projects over 2,500 square feet in gross *lot* coverage.

11                  (d) For *alterations*, if the ground is dug up, graded, or otherwise disturbed.

12                  (e) No archaeological clearance *permit* is required for a demolition *permit*  
13 except as follows: For demolition requests for *structures* which are more than 75 years old and which  
14 are part of a project requiring an archaeological clearance *permit*, staff for the Archaeological Review  
15 Committee shall issue a report to the Historic Districts Review Board as set forth in Section 14-  
16 3.14. The report shall state whether demolition will damage possible archaeological *artifacts*. If the  
17 Board determines that damage may occur, then it may refer the case to the Archaeological Review  
18 Committee requesting that requirements for an archaeological clearance *permit* be met before a  
19 demolition *permit* is issued.

20                   (2) River and Trails Archaeological Review District

21           In this district, an archaeological clearance *permit* shall be required prior to approval of the  
22 final development plan or plat for the following projects:

23                   (a) All annexations, rezonings, *subdivisions*, planned unit *developments*, or  
24 other *development* requiring approval by the Planning Commission, having over 2.000 acres, or  
25 having any part lying within the area identified as the Santa Fe Trail.

1 (b) All *City* projects over 2.000 acres in size.

2 (c) All *City* park projects over 1.000 acre in size.

3 (3) Suburban Archaeological Review District

4 In this district, an archaeological clearance *permit* shall be required prior to approval  
5 of the final *development* plan or plat for the following projects:

6 (a) All annexations, rezonings, *subdivisions*, planned unit *developments*, or  
7 other *development* requiring approval by the Planning Commission, having over 10.000 acres

8 (b) All *City* projects over 2.000 acres in size.

9 (c) All *City* park projects over 1.000 acre in size.

10 (4) Utility Mains

11 An archaeological clearance *permit* is required for new construction of sewer mains  
12 or main lines of other utilities such as telephone lines, gas lines, and fiber optics, including the entire  
13 construction easement:

14 (a) With an extension of 60 feet or more if the main is in the historic  
15 downtown archaeological review district;

16 (b) With an extension of 550 or more if the main is in the river and trails or  
17 suburban archaeological review district.

18 (5) Exemptions

19 (a) *Applicants* who are requesting archaeological approval from federal  
20 agencies are exempted from requirements of the Archaeological Review Districts Ordinance, except  
21 that *applicants* must submit evidence to *City* staff of the application to the federal agency. In addition  
22 the applicant shall submit to *City* staff the *reconnaissance* report and other reports made to the federal  
23 agencies.

24 (b) *Applicants* requesting a lot split *subdivision* are exempted from the  
25 requirement of archaeological review districts and for archaeological clearance *permits*.

1 (c) In the river and trails or suburban districts, *applicants* with inheritance  
2 transfer *subdivisions* are also exempted.

3 (d) *Applicants* whose land is in areas where archaeological *reconnaissance*,  
4 excavation, or other treatment has previously been completed, are exempted from the *reconnaissance*,  
5 excavation, or other treatment as required, upon submitting evidence for such work to *City* staff. An  
6 exemption from any one requirement for a clearance *permit* does not exempt the *applicant* from other  
7 requirements of the Archaeological Review Districts Ordinance.

8 (e) In the historic downtown district, no clearance *permit* is required for  
9 projects for which a *building permit application* was made before September 30, 1987. In the river  
10 and trails and suburban districts, no clearance *permit* is required for projects for which *application*  
11 has been made for review by the Planning Commission before September 30, 1987.

12 (6) Environmental Assessments or Impact Statements

13 All environmental assessment or impact statements produced by or for the *City* for  
14 *City* projects shall include an archaeological element containing as a minimum, an archaeological  
15 *reconnaissance* as required for the archaeological review districts in which the project is located.

16 **C. Procedures**

17 (1) Pre-Application Conference

18 Prior to submission of any *application* for an archaeological clearance *permit*, an  
19 *applicant* shall request a pre-application conference, to be conducted pursuant to Section 14-3.1(E).

20 (2) Initiation of Building Permit

21 *Application* for an archaeological clearance *permit* is considered to be initiation of  
22 *application* for a *building permit*.

23 (3) Hearings; Notice

24 The Archaeological Review Committee shall make all determinations at a public  
25 hearing. The *applicant* shall be notified and staff shall post the preliminary committee agenda at City



1 Hall at least seven days in advance of the meeting.

2 (4) Procedures for Historic Downtown District

3 The *applicant* shall meet the following procedures before an archaeological clearance  
4 *permit* is issued for projects in the historic downtown archaeological review districts:

5 (a) Reconnaissance

6 *Reconnaissance* shall be completed by an archaeologist, hired by the  
7 *applicant*, meeting the professional qualifications set forth in Section 14-2.7(E). *Reconnaissance*  
8 requiring archaeology dealing with historic period sites shall be completed by person qualified as a  
9 historical archaeologist and as a historian. As a minimum, the *reconnaissance* shall consist of:

10 (i) Archival research and analysis of land titles, historic maps, the  
11 archaeological records management systems (ARMS) files of the state of New Mexico, and other  
12 existing data;

13 (ii) Visual examination of the *property* for evidence of  
14 *archaeological features, artifacts* or *culturally altered landscapes* at least 75 years old. A sample of  
15 surface *artifacts* shall be recovered; and

16 (iii) Test excavations encompassing a minimum of two percent of  
17 the total *lot* area. At least 18 square feet shall be dug by hand after which further excavations may be  
18 made by mechanical equipment. Excavations shall proceed to a depth where no *archaeological*  
19 *features* or *artifacts* are encountered, or until the maximum depth to which excavations can be safely  
20 made.

21 (b) Reconnaissance Report

22 Upon the completion of the *reconnaissance*, a *reconnaissance* report shall be  
23 submitted by the *applicant* to the Archaeological Review Committee containing materials prepared to  
24 the specifications of the Committee.

25 (c) Review and Decision by Committee

1 At a hearing the Committee shall review the *applicant's reconnaissance*  
2 report and vote to approve or disapprove the recommended *significance* status and if required, the  
3 recommended treatment of archaeological resources. The determination made by the Committee for  
4 treatment shall be a condition of approval for the archaeological clearance *permit* and the *building* or  
5 *grading permit*.

6 (i) If the project site is determined by the Committee not to be  
7 *significant*, then no further treatment is required and an archaeological clearance *permit* shall be  
8 issued.

9 (ii) If the project site is determined by the Committee to be  
10 *significant* and the Committee determines that the data potential of the site is exhausted because a  
11 sufficient sample has been taken and no subsurface cultural remains exist, then no further treatment is  
12 required and an archaeological clearance *permit* shall be issued.

13 (d) Treatment

14 If the project site is determined by the committee to be *significant* and to  
15 contain further potential data, then the recommended treatment shall be reviewed and shall include  
16 the following procedures:

17 (i) If additional surface remains exist, then additional collections  
18 shall be made; and/or

19 (ii) If subsurface cultural remains do exist then the test pits shall be  
20 expanded, *artifacts* shall be collected, and an excavation shall be made of *archaeological features*  
21 such as hearths, living surfaces, or other non-portable *cultural remains*. In addition further archival  
22 research shall be conducted concerning human occupation and the land use of the project site; or

23 (iii) The site shall either be treated as a *public or private open space*  
24 or shall be treated in such a way that no subsurface disturbance takes place. The procedure is  
25 intended as an alternate to paragraph (ii) above. The choice of alternatives is made by the

1 *applicant*. The committee may recommend but not require that one alternative rather than another be  
2 chosen.

3 (iv) Following implementation of the treatment plan, a treatment  
4 report is required containing a description of the collection, excavation, research, and other  
5 procedures, and a summary of the findings. The report shall be submitted by the *applicant* to and  
6 approved by the committee before an archaeological clearance *permit* is issued. A final report is due  
7 within one year of the date of the issuance of the clearance *permit*. Upon request of the archaeologist,  
8 the committee may grant a one-year's extension.

9 (v) A mapped and written record shall be kept by *City* staff of all  
10 surveyed areas and test excavations.

11 (e) Maximum Funding Limit

12 In the historic downtown archaeological review districts, in no case shall the  
13 *applicant* be required to spend more than one percent of the valuation of the *property* shown on the  
14 *building permit* in providing reports and other information requested by the Archaeological Review  
15 Committee.

16 (f) Maximum Time for Excavations and for Excavation of Significant Sites

17 In the historic downtown archaeological review district, in no case shall the  
18 archaeologist be required to spend more than 15 eight hour equivalent days in carrying out test  
19 excavations, or an additional 20 eight hour equivalent days in carrying out additional excavation of  
20 *significant* sites.

21 (5) Procedures for River and Trails Area, Suburban Area, and Utility Mains

22 The following procedures shall be met before an archaeological clearance *permit* is issued to  
23 an *applicant* in the archaeological review districts for the river and trails district, the suburban district,  
24 or a utility main.

25 (a) Reconnaissance

1                               *Reconnaissance* shall be completed by an archaeologist, hired by the  
2   *applicant*, meeting the professional qualifications set forth in the Archaeological Review Districts  
3   Ordinance. *Reconnaissance* requiring archaeology dealing with historic period sites shall be  
4   completed by a person qualified as a historical archaeologist and as a historian. The *reconnaissance*  
5   shall consist of:

6                               (i) Archival research and analysis of land titles, historic maps,  
7   ARMS files and other existing data; and

8                               (ii) Visual examination of the *property* for evidence of  
9   *archaeological features, artifacts, or culturally altered landscapes* at least 75 years old. Linear  
10   transects at intervals not exceeding 25 feet shall be walked. If a sample of surface *artifacts* is  
11   recovered during *reconnaissance*, then the archaeologist in charge of the *reconnaissance* shall inform  
12   the *property owner* of the desirability of permanently storing the *artifacts* in a statewide repository  
13   such as the museum of New Mexico.

14                               (b) Reconnaissance Report

15                               Upon the completion of the *reconnaissance*, a *reconnaissance* report shall be  
16   submitted by the *applicant* to the Archaeological Review Committee containing materials prepared to  
17   the specifications of the Committee.

18                               (c) Committee Review and Decision

19                               The Committee shall review the *reconnaissance* report and vote to approve  
20   or disapprove recommended *significance* status on an *archaeological site* by site basis and, if  
21   required, the recommended treatment of archaeological resources. The Committee's determination  
22   for treatment shall be a condition of approval for the archaeological clearance *permits*. Treatment  
23   shall be completed before approval by the Planning Commission of the final *development* plan or  
24   *plat*. For phased projects, treatment shall be completed before approval of the final *development* plan  
25   or *plat* for the phase in question.

1 (d) Treatment

2 (i) No further treatment is required if the *archaeological site* is  
3 determined by the Committee not to be *significant*, and an archaeological clearance *permit* shall be  
4 issued.

5 (ii) If the *archaeological site* is determined by the Committee to be  
6 *significant* and to contain potential data then the recommended treatment shall be reviewed and shall  
7 meet the following:

8 A. A sample of surface *artifacts* shall be collected; and

9 B. If there is reason to believe that subsurface remains do  
10 exist, then test excavations shall take place. At least 18 square feet shall be dug by hand, after which  
11 further excavations may be made using mechanical equipment. Excavations shall proceed to a depth  
12 where no *archaeological features* or *artifacts* are encountered, or until the maximum depth to which  
13 excavation can be safely extended.

14 C. In addition, further archival research shall be conducted  
15 concerning human occupation and the land use of the site; or

16 D. Surface *artifacts* shall be collected and  
17 documented. The site shall alternatively be treated as a *public or private open space*, park or  
18 greenbelt or shall be treated in such a manner that no subsurface disturbance takes place. The choice  
19 of alternatives is made by the *applicant*. The committee may recommend but not require that one  
20 alternative rather than another be chosen.

21 (iii) Following implementation of the treatment plan, a treatment  
22 report is required containing a description of the collection, excavation, research, and other  
23 procedures, and a summary of the findings. The report shall be submitted to and approved by the  
24 committee before an archaeological clearance *permit* is issued and before approval of the final  
25 *development plan* by the Planning Commission. A final report is due within one year of the date of

1 the issuance of the clearance *permit*. Upon the request of the archaeologist, the committee may grant  
2 a one-year's extension.

3 (iv) A map and written record shall be kept by *City* staff of all  
4 surveyed areas and test excavations.

5 (e) River and Trails and Suburban Area: Funding Limit

6 (i) In the river and trails area, in no case shall the *applicant* be  
7 required to spend more than 3,000 dollars plus 100 dollars per acre for the treatment of an  
8 *archaeological site*.

9 (ii) In the suburban area, in no case shall the *applicant* be required  
10 to spend more than 4,000 dollars plus 100 dollars per acre for the treatment of an *archaeological site*.

11 (iii) The definition of treatment of an *archaeological site* is as set  
12 forth in this chapter. The procedures for treatment are set forth in paragraph (5)(d) above.

13 (iv) The dollar amounts of the cost ceiling shall be reviewed on an  
14 annual basis and updated for cost-of-living increases.

15 (6) Procedures for Santa Fe Trail

16 (a) The tracks of the Santa Fe Trail are shown on the map located in the  
17 *City* Land Use Department and incorporated herein by reference.

18 (b) For *development* within such an area as set forth by paragraph (a) above,  
19 the *applicant* is required to submit a *reconnaissance* report which identifies on an aerial map of at  
20 least a scale of one inch equals 400 feet the precise location of the tracks, and which recommends  
21 measures for the on-site preservation of the tracks. The Committee shall approve the *reconnaissance*  
22 report before the issuance of an archaeological clearance *permit*.

23 (c) In no case shall the tracks of the Santa Fe Trail be disturbed by the  
24 *development*, except upon the approval of the archaeological review districts committee. Criteria for  
25 approval by the Committee for allowing disturbance of the tracks shall be as follows:

1 (i) The tracks have been mapped and photographed and such  
2 information has been provided to *City* staff; and

3 (ii) The portion of the tracks to be disturbed is ten percent or less of  
4 the total square footage of tracks on the *applicant's* site; or

5 (iii) The square footage of the tracks constitutes more than 60  
6 percent of the total square footage of the *lot* and preservation of all of the tracks would constitute a  
7 "taking" of the *lot*.

8 (7) Appeals

9 Any aggrieved *person* may appeal a final action of the Archaeological Review  
10 Committee to the *governing body* pursuant to Section 14-3.17.

11 **D. Other General Provisions**

12 (1) Ownership of Artifacts

13 All *artifacts* discovered as a result of a *reconnaissance* or further treatment, with the  
14 exception of human remains, are the property of the *property owner*. *Property owners* are  
15 encouraged to donate *artifacts* to the museum of New Mexico or a similar repository.

16 (2) Human Remains

17 (a) If human remains are discovered, compliance with Section 18-6-11.2  
18 NMSA 1978 is required in addition to the requirements of this section. *Persons* making the discovery  
19 shall contact the City police department to ensure compliance with state law and the City Land Use  
20 Department to ensure compliance with *City* law.

21 (b) If the human remains are determined to be prehistoric, or from the  
22 historic period and older than 75 years, then the site is considered to be *significant*. In this case, a  
23 treatment plan and report for the remains, meeting the requirements of this section shall be approved  
24 by the Archaeological Review Committee.

25 (c) Any treatment plan dealing with human remains shall include

1 consideration of local Native American or other religious concerns, if applicable.

2 (d) If the remains represent an unplatted cemetery from the historical  
3 period, they may not be disturbed unless a district court order is granted authorizing their removal in  
4 conformance with Section 30-12-12 NMSA 1978 as amended.

5 (3) Unexpected Discoveries

6 (a) Any *cultural remains* that are discovered during construction activities  
7 shall be reported to *City* staff. Construction activities shall immediately cease within the area of the  
8 discovery for a maximum of 24 hours from time of discovery. Sunday hours may not be included in  
9 the 24 hour time period. No construction activity shall continue that in any way endangers the  
10 *cultural remains*. Every effort should be made by the *City* to prevent unnecessary construction  
11 delays. Designated *City* staff and one archaeologist from the Archaeological Review Committee shall  
12 visit the site and shall determine the archaeological *significance* and the data potential of the site. If  
13 the site is determined to be *significant* and to have data potential, then:

14 (i) Designated *City* staff and one archaeologist from the  
15 Archaeological Review Committee shall determine a buffer area in which construction activities shall  
16 temporarily cease; and

17 (ii) The *property owner* shall present a treatment plan to the  
18 committee for their approval. The treatment plan shall meet the requirements of paragraphs (C)(4) or  
19 (5) above, depending on the archaeological district in which the discovery is located pursuant to  
20 Sections 18-6-11 and 18-6-11.1 NMSA 1978 as amended.

21 (b) Failure to report such finds can result in a suspension of construction  
22 *permits*.

23 (c) If human remains are discovered, *City* officials must be contacted. If  
24 remains are determined to be deposited less than 75 years ago, determination of jurisdiction will be  
25 made by the county coroner. If the remains are determined to be prehistoric or isolated burials of



1 early historical age, consultation with the Archaeological Review Committee shall be undertaken to  
2 identify an appropriate treatment plan. This treatment plan shall indicate consideration of local  
3 Native American or other religious concerns, if applicable. If the remains represent  
4 an unplatted cemetery, they may not be disturbed less a district court order is granted authorizing their  
5 removal in conformance with Section 30-12-12 NMSA 1978 as amended.

6 (4) Emergency Actions

7 Nothing in this Section 14-3.13 shall be construed as preventing or delaying  
8 emergency actions as needed to protect human health or well being, or public or private  
9 *property*. However, if *cultural remains* are uncovered or disturbed as a consequence of such  
10 emergency actions, the disturbed *remains* will be treated as unexpected discoveries in accordance  
11 with paragraph (D)(3) above once a state of emergency has ceased to exist.

12 (5) Archaeological Fund and Projects

13 (a) An archaeological fund shall be established to receive revenue from  
14 *building permits*, the general fund and other sources.

15 (b) The Archaeological Review Committee may recommend expenditure of  
16 money from this fund for the following projects:

17 (i) Additional analysis or other treatment of a site of  
18 Citywide *significance* when the funding limit for treatment of a site as set forth in this section has  
19 been reached;

20 (ii) Additional analysis or other treatment of a site designated as an  
21 "unexpected discovery" by the Archaeological Review Districts Ordinance, when the funding limit  
22 for treatment of a site as set forth in this section has been reached and the site is determined to have  
23 Citywide *significance*;

24 (iii) Analysis of *artifacts* from a site of Citywide *significance*  
25 collected prior to adoption of the Archaeological Review Districts Ordinance; or

(iv) Archaeological surveys or studies of a Citywide scope.

(c) For the purpose of this section, Citywide *significance* means:

- (i) An outstanding example of a certain category of site or of a type not adequately documented; or
- (ii) A site associated with a person or event of special historical *significance* to Santa Fe.

#### **E. Approval Criteria / Archaeological Significance**

Sites identified as *significant* shall be those that have yielded or may be likely to yield information important in the study of prehistory or history. These shall be those:

- (1) With *cultural remains* that are more than 75 years old; and
- (2) With *cultural remains* that are directly associated with events or developments that have made an important contribution to local history or prehistory; or
- (3) With *cultural remains* that are directly associated with the lives of persons *significant* in local history; or
- (4) Areas where a high frequency, *density*, diversity or a substantial number of prehistoric *cultural remains* are present; or
- (5) Areas having *cultural remains* known to rarely occur in the Santa Fe area; or
- (6) Any site containing human remains over 75 years old.

#### **14-3.14 DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE**

[Editor's Note: Substantive amendments not within the scope of this project; reviewed for cross-reference accuracy and formatting only]

##### **A. Summary of Procedure**

(1) Upon receiving an *application* for demolition of a *structure* within the H district the HDRB shall, within 65 calendar days from the date of *application*, either grant or deny the *application*. Ordinarily, the HDRB will act on an *application* for demolition at its next regular

1 meeting, if the *application* is submitted in proper form at least seven days before its next regular  
2 meeting; however, the HDRB may use the entire 65-day time period if the HDRB, on motion duly  
3 passed, determines such delay is necessary.

4 (2) Upon receiving an *application* for demolition of a *landmark structure* the HDRB  
5 shall, within 65 calendar days from the date of *application*, make a recommendation to the *governing*  
6 *body* to either grant or deny the *application*.

#### 7 **B. Hearing Required**

8 (1) In all *applications* involving the demolition of a *structure*, provision shall be  
9 made for a hearing, as set forth in the preceding section.

10 (2) The HDRB or *governing body*, as applicable, shall restrict its review to a  
11 consideration of whether the *application* will be in conformity with the standards established by this  
12 section.

13 (3) Notice of the time and place for each hearing shall be sent in writing to each  
14 *applicant*.

15 (4) An agenda of the HDRB shall be sent to all groups requesting notification and  
16 copies of meeting agendas, as set forth in the officially adopted neighborhood planning policies.

17 (5) On-site notice, by a sign of proposed demolition and of the time, date and place  
18 of the HDRB or *governing body* review shall be posted by the *City* on the affected *property* 14 days  
19 prior to HDRB or *governing body* review of *application* for demolition. Such notice shall be  
20 prominently displayed, visible from a public *street* and securely placed on the *property*.

#### 21 **C. Staff Review and Report**

22 Before granting approval or denial to a demolition request, the *land use director* shall provide  
23 the following information on the *structure* under consideration.

24 (1) A report on the historic or architectural *significance* of the *structure*;

25 (2) A report from the City Building Inspector on the state of repair and structural

1 stability of the *structure*;

2 (3) If the *structure* is more than 75 years old, and the entire project of which  
3 demolition is a part requires an archaeological clearance *permit*, a report from the *land use director*  
4 on whether the demolition would damage possible archaeological *artifacts*; and

5 (4) Other information as requested by the *HDRB* or *governing body*.

#### 6 **D. Referral to Archaeological Review Committee**

7 Upon receiving an *application* for demolition of *structure* in an H district or a *landmark*  
8 *structure*, the *land use director* shall refer the *application* to the Archaeological Review Committee to  
9 determine whether damage to archaeological resources may be caused by the demolition and what  
10 actions should be taken regarding excavation and the archaeological clearance *permit*.

#### 11 **E. Appeals**

12 (1) *HDRB* decisions on demolition of *structures* may be appealed to the *governing*  
13 *body* pursuant to Section 14-3.17.

14 (2) The *governing body*, with the advice and assistance of the *HDRB*, may take such  
15 steps as it determines necessary to preserve the *structure* concerned, in accordance with the purposes  
16 of the H District regulations under Section 14-5.2. Such steps may include, but not be limited to,  
17 consultations with civic groups, public agencies, and interested citizens; recommendations for  
18 acquisitions of *property* by public or private bodies or agencies; and exploration of the possibility of  
19 moving one or more *structures* or other features.

#### 20 **F. Denial of Demolition Request**

21 A determination that the *structure* should not be demolished shall impose a duty on the *owner*  
22 or other persons having legal custody and control to immediately take the action required under  
23 Section 14-5.2(B) (Minimum Maintenance Requirements).

#### 24 **G. Standards**

25 (1) In determining whether a request for demolition in an H district should be

1 approved or denied, the HDRB shall consider the following:

2 (a) Whether the *structure* is of historical importance;

3 (b) Whether the *structure* for which demolition is requested is an essential  
4 part of a unique *street* section or block front and whether this *street* section or block front will be  
5 reestablished by a proposed *structure*; and

6 (c) The state of repair and structural stability of the *structure* under  
7 consideration.

8 (2) In determining whether a request for demolition of a *landmark structure* should  
9 be approved or denied, the HDRB and *governing body* shall consider the following:

10 (a) The historical importance of the *structure*; and

11 (b) The state of repair and structural stability of the *structure*.

#### 12 **14-3.15 MINOR MODIFICATIONS**

13 Land use boards have the same authority over procedures for alternate means of compliance,  
14 administrative deviations and minor plan modifications for cases before them as does the *land use*  
15 *director* pursuant to Subsection 14-2.11(C).

#### 16 **14-3.16 VARIANCES**

##### 17 **A. Purpose and Applicability**

18 *Land use boards* may approve variances to the provisions of Chapter 14 as provided in  
19 Section 14-2 and elsewhere in this chapter and in accordance with this section. Variances may be  
20 granted to provisions regulating the size, location and appearance of *structures*; the location and  
21 extent of *open space*; the extent of *grading*; the width and configuration of public and private roads,  
22 driveways and trails; and to similar standards for *development* established by this chapter. A variance  
23 shall not be granted to provisions that restrict the type or *intensity* of *principal* or *accessory* uses  
24 permitted within a district, including limits on maximum residential *density*, and no variance shall be  
25 granted to any procedural rule.

1                   **B. Procedures**

2                           **(1) Board Review and Decision**

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

6                           **(2) Special Review for Height Variances in Airport Area**

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

22                   **C. Approval Criteria**

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

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

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

6 (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of  
7 the regulation from which the variance is sought, or that was created by government action for which  
8 no compensation was paid;

9 (c) there is an inherent conflict in applicable regulations that cannot be  
10 resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

11 (d) the land or *structure* is *nonconforming* and has been designated as a  
12 *landmark, contributing or significant* property pursuant to Section 14-5.2 (Historic Districts).

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

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

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

19 (a) whether the property has been or could be used without variances for a  
20 different category or lesser *intensity* of use;

21 (b) consistency with the purpose and intent of Chapter 14, with the purpose  
22 and intent of the articles and sections from which the variance is granted and with the applicable goals  
23 and policies of the *General Plan*.

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

25 (6) There may be additional requirements and supplemental or special findings

required by other provisions of Chapter 14.

#### **D. Expiration of Variances**

If the variance has not been exercised within twenty-four months from the date of the approval of the variance, the approval expires and any subsequent use of the land shall conform to the provisions specified in Chapter 14.

#### **E. Conditions of Approval**

Variances may be approved with conditions that will assure substantially the objectives of the standards or requirements so varied or modified and that are reasonably related to the approval.

#### **F. Approval Limited.**

A variance applies only to the type and extent of *development* shown on the plans approved at the variance hearing. All other *development* on the property shall comply with the terms of Chapter 14 or shall require a new or amended variance.

### **14-3.17 APPEALS**

#### **A. Appealable Actions**

##### **(1) Final Action**

(a) Only *final actions* may be appealed.

(b) *Final actions* of a *land use board* include a decision made after a public hearing, including the final approval or denial of a preliminary *plat* or preliminary *development* plan.

(c) *Final actions* of the *land use director* include the written issuance or denial of a *permit* or other approval within the *land use director's* jurisdiction.

(d) *Final action* does not include:

(i) a recommendation;

(ii) a delay in rendering a decision;

(iii) a decision to postpone or remand;

(iv) a decision not to take enforcement action;



(v) an informational response to an inquiry;  
(vi) any action for which an appeal is specifically prohibited;  
(vii) any action regarding procedural matters or requirements,  
provision of notice, the admissibility, relevance or weight of evidence or the conduct of a public  
hearing; however, these actions may be raised by parties as part of an otherwise valid appeal.

## **(2) Basis for Appeal**

An appeal may only be filed for the following reasons:

- (a) to contest noncompliance of a *final action* with Chapter 14 or  
Sections 3-21-1 through 3-21-14 NMSA 1978;
- (b) to contest the application of Chapter 14; or
- (c) to appeal a decision lacking substantial evidence to support it.

## **B. Standing Required to Appeal**

Appeals of *final actions* may be filed by the following persons:

- (1) the applicant when the *application* is denied or, if approved, the approval  
included conditions not accepted by the applicant;
- (2) all persons or neighborhood associations that were required to be mailed notice  
for the *application* giving rise to the *final action* being appealed;
- (3) persons or organizations duly organized at the time the decision appealed from  
was rendered alleging injury to their economic, environmental or aesthetic interests;
- (4) *City* staff members acting in their official capacity; and
- (5) any person who has a recognized legal interest under New Mexico law.

## **C. Time for Appeal**

### **(1) Time for Appeal**

Appellants shall file an appeal as follows:

- (a) within thirty days for appeals of *final actions* by *land use boards* on

subdivision *plats*, master plans and *development* plans; or

(b) within fifteen days of the date of *final action* for all other appeals.

**(2) Amended Appeals**

An appellant may amend an appeal until the time for appeal has expired.

**(3) Response**

Any party may file a response to the appeal as set forth in Subsection 14-3.17(H)(2).

**(4) Date of Final Action**

The date of the final action shall be deemed to be the date of the final written decision and determined as follows:

(a) For final actions of the Land Use Director, the date of issuance of any written order (including a decision, letter, permit or other document) granting or denying relief or in the case of building permits, the date of the posting of the permit; or

(b) For final actions of a Land Use Board or the Governing Body, the date that body adopts a written decision containing findings of fact and conclusions of law; provided that if such body has not adopted findings of fact and conclusions of law within 31 days of the date the vote deciding the matter was taken, then the date of final action shall be deemed to be such 31st day.

**D. Process to File an Appeal**

**(1) Filing Appeal; Form; Verification**

The appellant shall file two copies of the written appeal with the *land use director*. The appeal shall be filed on a form provided for that purpose and shall be verified, signed by the appellant under oath and notarized.

**(2) Receipt; Service of Appeal**

The *land use director* shall initial and enter the date and time of filing on both copies of the appeal and return one copy to the appellant. Within three days of the filing date, the appellant shall hand deliver a copy of the appeal to any appellee or deliver it by first-class certified mail.

1                                   **(3) Appeal Fee**

2                                   (a) An appeal fee shall be paid at the time of filing an appeal.

3                                   (b) The *governing body* shall establish by resolution a schedule of fees for  
4 appeals. The *land use director* may waive or reduce the appeal fee if the *land use director* determines  
5 that the appellant would qualify for the *City's* utility fee poverty exemption set forth in Section 15-1.3  
6 SFCC 1987 (Utility Billing – Poverty Exemption).

7                                   **(4) Multiple Appeals and Multiple Jurisdictions**

8                                   (a) An appellant may not appeal any single *final action* more than once.

9                                   (b) Every appeal requires an independent basis. *Final actions* may not be  
10 appealed solely on the basis of alleged mistakes in prior stages of the same project, whether or not the  
11 prior *final actions* were appealed.

12                                  (c) More than one appellant may file an appeal of a *final action*, and  
13 appellants may combine their appeals and share the appeal fee proportionally. All appeals of any  
14 single final action shall be consolidated for hearing purposes.

15                                  (d) Any review by the *governing body* of a planning commission decision  
16 under Subsection 14-2.2(A)(3) shall be combined with the hearing on an appeal of that decision.

17                                  (e) In the case of an appeal that includes *final actions* that fall under the  
18 jurisdiction of more than one *land use board*, the *land use director* shall determine the appropriate  
19 *land use board* to hear any particular issue on appeal, except as otherwise provided in this section.

20                                   **(5) Withdrawal**

21                                   An appellant may withdraw the appeal at any time. A withdrawal does not affect any  
22 related appeal. At any time after an appeal has been filed, an appellant and appellee may agree to  
23 settle any matters raised in the appeal and the appellant may withdraw the appeal; provided that such  
24 settlement complies with applicable code requirements, including any conditions of approval of the  
25 *final action* being appealed.

1                   **(6) Conformity of Appeal**

2                   The *land use director* shall promptly review all appeals for conformity with the  
3 requirements of Section 14-3.17. Upon determining that an appeal does not conform to the  
4 requirements, the *land use director* shall refer the matter to the city attorney for review.

5                   (a) If the city attorney concurs with the *land use director's* determination, the  
6 city attorney's written recommendation shall be forwarded to the *governing body* for discussion. The  
7 *governing body* may accept the city attorney's written recommendation and the decision is final and  
8 may be appealed to district court. If the *governing body* does not accept the city attorney's  
9 recommendation, the appeal shall be heard as set forth in Chapter 14.

10                  (b) If the *city attorney* does not concur with the *land use director's*  
11 determination, the appeal shall be heard as set forth Chapter 14.

12                   **(7) District Court Appeals**

13                  An appeal of a *final action* of the *governing body* or a *land use board*, or of an action  
14 of the city manager, the city attorney or the *land use director* that is only subject to appeal to district  
15 court, shall be to the first judicial district court pursuant to Section 39-3.1.1 NMSA 1978, Rule 1-074,  
16 NMRA or Rule 1-075, NMRA, as amended, or other relevant statute or court rule.

17                  **E. Stay of Action and Suspension of Permits**

18                  (1) Except as otherwise provided in this section, the timely filing of an appeal shall:

19                         (a) suspend the issuance of a *permit* or the validity of a *permit* already issued  
20 that is the subject of the appeal;

21                         (b) prohibit the recordation of a *plat* or the filing of a *development plan*  
22 pursuant to that *final action*; and

23                         (3) prohibit the issuance of a *permit* pursuant to that *final action*.

24                  (2) The timely filing of an appeal of an enforcement action, including the revocation  
25 or suspension of a *permit*, shall not stop the enforcement action, except as provided in this section or

1 when due process otherwise requires a hearing.

2 (3) In the case of a *permit* that has been appealed, and the appeal has been denied by  
3 a *land use board*, the *permit* shall not be issued until the time for appeal to the *governing body* has  
4 expired.

5 (4) The filing of an appeal shall not limit the ability of an applicant to file other  
6 *applications*.

7 (5) The filing of an appeal shall not limit the ability of any party to file an appeal of  
8 any other *final action* related to the same project or *application* provided that there is an independent  
9 basis for such appeal.

10 (6) Upon determination by the *land use director* that the suspension of a *permit* or  
11 enforcement action would cause imminent peril to life or property, a *permit* approving only so much  
12 of the *application* as is required to address the immediate danger shall be issued. When reasonably  
13 practicable, the *land use director* shall give all parties such notice prior to the issuance of the *permit*  
14 as is possible. The *land use director's* action related to the issuance of the *permit* is not subject to  
15 appeal to any *land use board* or the *governing body*, and may be appealed only to the district court.

16 (7) The filing of an appeal of an action of the *land use director* revoking or  
17 suspending a *permit* in any matter involving a *sexually oriented business* shall stop or suspend the  
18 action before the appeal is heard, except upon determination by the Santa Fe police department that  
19 there is a reasonable expectation that stopping or suspending the *land use director's* action would  
20 constitute a grave imminent danger to the public welfare, including life or property, in which case the  
21 *City* may exercise its authority to restrain, prohibit or otherwise abate the source of such danger.

#### 22 **F. Scheduling a Public Hearing; Public Hearing Date**

23 The public hearing on the appeal shall be scheduled as soon as reasonably practicable.

24 (1) An appeal to a *land use board* or the *governing body* shall be heard at the next  
25 available regularly scheduled meeting after the appeal is filed that provides adequate time for notice

1 to be provided pursuant to Subsection 14- 3.1(H)(4) (Appeal Hearing Notice Requirements) and for  
2 the parties to make submittals in support of their positions for inclusion in the public hearing record.  
3 A hearing before the *governing body* shall not be conducted until five days after the *land use board*  
4 has approved the minutes adopting the findings of fact and conclusions of law for the matter being  
5 appealed.

6 (2) For good cause, a *land use board* or the *governing body* hearing an appeal may  
7 postpone the hearing until the next available regularly scheduled meeting.

#### 8 **G. Communication with Members Prohibited**

9 Communication regarding an appeal is limited as follows:

##### 10 **(1) Parties**

11 During the appeal period after a *final action* is taken or after an appeal is filed, a  
12 party shall not communicate with individual members of a *land use board* that may hear the appeal or  
13 the *governing body* outside an appeal hearing, concerning the merits or substance of the appeal,  
14 except in writing filed with the *land use director* within the prescribed time period for inclusion in the  
15 public hearing record.

##### 16 **(2) Other Persons**

17 Persons other than the city attorney shall not communicate outside a public hearing  
18 with a member of a *land use board* or the *governing body* concerning the merits or substance of an  
19 appeal to be heard by that body.

##### 20 **(3) Site Inspection**

21 Individual members of a *land use board* or the *governing body* may not inspect the  
22 site of any subject property, except pursuant to a publicly noticed site visit that affords all parties the  
23 opportunity to attend.

##### 24 **(4) Effect of Improper Communication**

25 A member of a *land use board* or the *governing body* receiving a communication in

violation of this section shall disclose the substance of the communication on the record, and the member shall recuse himself or herself if he or she cannot be fair and impartial in hearing the appeal.

## **H. Appeal Hearing Procedure**

### **(1) Administrative Procedures**

Appeals shall be conducted in accordance with administrative procedures to be adopted by resolution of the *governing body*. Copies shall be available to the public in the land use department and the city clerk's office.

### **(2) Submittals by Parties**

Up to ten days prior to the public hearing, a party to an appeal may submit any documents or written evidence on which the party intends to rely for review by the body hearing the appeal.

### **(3) Land Use Board Review**

(a) The *land use board* shall conduct a public hearing in accordance with adopted procedures and may reverse or affirm, in whole or in part, or may modify the *final action* appealed in accordance with the provisions of this section and shall have the powers of the *land use director* at the time the final action was taken. The hearing shall be de novo.

(b) Pursuant to Subsection 10-15-1(H)(3) NMSA 1978 (Open Meetings Act), the *land use board* or *governing body* may deliberate in executive session, provided the hearing and *final action* occur in open meeting.

(c) The *land use board* shall issue a written decision, including an explanatory statement of the factual and legal basis for the decision.

### **(4) Burden of Proof**

Unless otherwise provided by law, the appellant has the burden of proof under Subsection 14-3.17(A)(2).

## **I. Due Process**

1 Interpretation of this section shall be made in favor of a party's opportunity to be heard at a  
2 meaningful time and in a meaningful manner. Procedures shall adhere to procedural due process.

### 3 **14-3.18 UTILITY CONFORMITY REVIEWS**

4 Pursuant to Section 3-19-11 NMSA 1978, the planning commission shall conduct utility conformity  
5 reviews of electrical facilities as set forth in Subsection 14-6.2(F)(7).

### 6 **14-3.19 EXPIRATION, EXTENSION AND AMENDMENT OF DEVELOPMENT** 7 **APPROVALS**

#### 8 **A. Applicability**

##### 9 **(1) General Provisions**

10 The general provisions of this section shall apply to *final actions* to approve  
11 *development* pursuant to Chapter 14, including:

- 12 (a) special use *permits*;
- 13 (b) *development* plans, including preliminary and final *development* plans;
- 14 (c) master plans;
- 15 (d) variances;
- 16 (e) subdivisions, including preliminary and final *plats*, inheritance and  
17 family transfer subdivisions, summary committee *plats* and *resubdivisions*; and
- 18 (f) *development* within H districts or affecting *landmark* properties.

##### 19 **(2) Specific Provisions Pursuant to Conditions of Approval**

20 A *final action* may incorporate conditions of approval that establish shorter time  
21 limits than those specified in Chapter 14. *Final action* to approve a phased *development* project may  
22 incorporate a phasing plan with longer time limits than those specified in Chapter 14.

##### 23 **(3) Final Actions**

- 24 (a) Determination of final actions shall be as provided in Sections 14-  
25 17.1(A)(1) and (C)(4) (Appeals).



(b) For the purpose of computing expirations and time extensions, the date of *final action* for a *development* approval that is appealed one or more times pursuant to the provisions of Chapter 14 is the date of *final action* by the *land use board* or *governing body* on the last appeal. The date of *final action* for a *development* approval that is appealed pursuant to the provisions of Section 3-21-9 NMSA 1978 (Zoning – Appeal) is the date a written decision is filed pursuant to Subsection B(2) of that section.

#### **B. Expiration of Development Approvals**

Unless a time extension is approved pursuant to Section 14-3.19(C) or specific time limits under Section 14-3.19(A)(2) apply, *development* approvals shall expire in the following circumstances.

##### **(1) Master Plans**

Approval of a master plan shall expire five years after all applicable appeal periods, and any appeals of the *final action* approving it unless:

(a) approval is granted for a *development* plan or subdivision *plat* within the master plan boundaries; or

(b) actual *development* of the site or off-site improvements is begun and is continued pursuant to Section 14-3.19(B)(6)

##### **(2) Preliminary Subdivision Plats or Preliminary Development Plans**

Approval of a preliminary subdivision *plat* or preliminary *development* plan shall expire three years after *final action* approving it unless the final *plat* or *development* plan is approved.

##### **(3) Final Subdivision Plats**

Approval of a final *plat* for a subdivision, including a *plat* approved by the summary committee and *resubdivisions*, shall expire three years after *final action* approving it unless the *plat* is filed for record with the county clerk.

##### **(4) Final Development Plans**

1 Approval of a final *development* plan, or any *development* plan for which no  
2 preliminary *development* plan was required, shall expire three years after *final action* approving it  
3 unless actual *development* of the site or off-site improvements has begun and is continued pursuant to  
4 Section 14-3.19(B)(6).

5 **(5) Other Development Approvals**

6 Approval of special use *permits*, approval of *development* by the historic districts  
7 review board, approval of variances that are not associated with other types of *development* approval  
8 or types of *development* approvals not listed in this section, shall expire three years after *final action*  
9 approving them unless actual *development* of the site or off-site improvements has begun and is  
10 continued pursuant to Section 14-3.19(B)(6) or unless a different expiration date is specified  
11 elsewhere in Chapter 14. Variances associated with subdivisions, *development* plans or similar types  
12 of *development* approval shall be subject to the expiration provisions of the associated *development*.

13 **(6) Continuing Development Activity Required**

14 Approvals of *development* other than subdivisions shall expire if no substantive  
15 *development* progress occurs for a period of three years at any time after *final action* approving the  
16 development. Substantive *development* progress includes obtaining subsequent *development*  
17 approvals such as a final *development* plan subsequent to a preliminary *development* plan approval  
18 and actual *development* of the site or off-site improvements.

19 **(7) Effect of Expiration on Partial Development**

20 *Development* and use of *land* that occurs prior to expiration of a *development*  
21 approval shall continue to be subject to applicable provisions of that approval until and unless it is  
22 amended.

23 **C. Time Extensions**

24 **(1) Application Filing**

25 *Applications* for extensions shall be filed prior to the expiration of the *final action* for

1 which the extension is requested. The *application* shall state the reason for the extension request and  
2 shall document the progress made toward completion of the approved *development* and the proposed  
3 time schedule for final completion.

#### 4 (2) Administrative Extensions

5 (a) The *land use director* may approve two consecutive extensions to the  
6 time limits for an approved *development*, each not to exceed one year. Approval shall be based on  
7 review of the findings and conditions of approval of the original *final action* and a finding by the *land*  
8 *use director* that no substantive changes have occurred to the regulations or policies that apply to the  
9 *development* or to the circumstances affecting the site and its vicinity. The administrative extension  
10 shall not approve revisions to the *development* or amendments to the conditions of approval, and no  
11 early neighborhood notification is required.

12 (b) All actions taken by the *land use director* under this section are subject  
13 to review by the planning commission. The *land use director* shall identify the action taken and place  
14 it on a consent agenda for the planning commission. The *land use director* shall provide the planning  
15 commission with the applicant's written *application* and the *land use director's* written proposal.  
16 The planning commission may accept, reject or modify the proposal.

#### 17 (3) Time Extensions by Land Use Boards

18 Extensions of time that do not meet the requirements for administrative approval may  
19 be made by following the procedures for amending the type of action for which extension is  
20 requested.

### 21 D. Amendment of Development Approvals

#### 22 (1) Amendments Generally

23 Procedures for substantive amendment or revisions to *final actions* to approve  
24 *development* shall be the same as those that apply to a new *application* for the type of approval  
25 proposed for amendment, unless a specific alternative procedure is provided in this section or

1 elsewhere in Chapter 14.

2 **(2) Master Plans in the MU and BIP Districts**

3 The planning commission may approve amendments to master plans in the MU and  
4 BIP Districts.

5 **(3) Minor Amendments by the Planning commission to Plans Approved by the**  
6 **Governing Body**

7 (a) The planning commission may approve minor amendments to master  
8 plans, preliminary or other *development* plans approved by the *governing body*, including minor  
9 modifications to master plan design standards. Such amendments must be consistent with prior  
10 action by the *governing body*, including any specific restrictions, limitations or requirements adopted  
11 as provisions of the master plan, preliminary or other *development* plan, rezoning ordinance,  
12 annexation ordinance or annexation agreement.

13 (b) Action by the planning commission to approve a minor amendment must  
14 be taken at a public hearing with notice as required by Subsection 14-3.2(H).

15 (c) An amendment to significantly increase the density or intensity of  
16 development previously approved by the *governing body* may not be approved as a minor  
17 amendment, and requires amendment of the previous approval by the Governing Body.

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1           **Section 4.       Article 14-4 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
2 **and a new Article 14-4 SFCC 1987 is ordained to read:**

3 **14-4 [NEW MATERIAL] ZONING DISTRICTS**

4           **14-4.1   GENERAL PROVISIONS**

5           **A. Purpose of Dividing City into Districts**

6                   (1) To achieve the purposes stated in Section 14-1, the *City* is divided into districts  
7 within which there are distinct regulations for the *development* and use of *structures* and land.

8                   (2) The regulations are made in accordance with the *General Plan* and are designed  
9 to lessen congestion in the *streets* and public ways; to secure safety from fire, panic and other  
10 dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the  
11 overcrowding of lands; to avoid undue concentration of population; and to facilitate the adequate  
12 provision for transportation, water, sewerage, schools, parks and other public requirements.

13                  (3) The regulations and restrictions have been made with reasonable consideration  
14 for the character of each district and its peculiar suitability for particular uses and with a view to  
15 conserving the value of *buildings* and land and encouraging the most appropriate use of land  
16 throughout Santa Fe.

17           **B. Compliance with District Regulations**

18                  A *structure* or land shall not be used or occupied and a *structure* or part of a *structure* shall  
19 not be erected, constructed, reconstructed, moved or structurally altered unless in conformance with  
20 the regulations specified in Chapter 14 for the district in which it is located.

21           **C. Official Zoning Map**

22                  (1) The city is divided into zones or districts as shown on the official zoning map,  
23 which, together with all explanatory matter on the map and as amended from time to time, is adopted  
24 by reference and declared to be a part of Chapter 14.

1 (2) The official zoning map shall be maintained in electronic form and depicted in  
2 various formats and scales as appropriate to the need. The *land use director* is responsible for  
3 tracking and maintaining all changes to the map and shall be the final authority of reference as to the  
4 current zoning status of lands, *buildings* and other *structures* in the city.

5 (3) Changes affecting the zoning district designation of any portion of land  
6 represented on the official zoning map, including rezonings, annexations and the creation of new  
7 zoning districts, shall be made only as the result of action by the *governing body* related to the zoning  
8 change and shall follow the prescribed procedures for such action as set forth in Chapter 14.

9 (4) The *land use director* may make the following changes to the official zoning map  
10 at any time:

- 11 (a) revisions of style, format or layout to enhance clarity;
- 12 (b) additions of explanatory text or labels;
- 13 (c) corrections of spelling and grammar;
- 14 (d) corrections based on oversight or error and to identify official actions  
15 that are not reflected or are incorrectly reflected;
- 16 (e) and any other changes affecting the appearance, style, color or graphic  
17 presentation of the map.

18 (5) A revised official zoning map, including the proposed nonsubstantive changes,  
19 shall be administratively approved by the *land use director* in writing.

#### 20 **D. Rezoning Procedure**

21 Rezoning requirements set forth in this article are in addition to the requirements set forth in  
22 Section 14-3.5, which apply to all rezonings.

#### 23 **E. Rules for Interpretation of District Boundaries**

24 Where uncertainty exists as to the boundaries of districts as shown on the official zoning  
25 map, the following rules shall apply:

(1) district boundaries indicated as approximately following center lines of *streets*, highways or alleys shall be construed as following those center lines;

(2) district boundaries indicated as approximately following *platted lot* lines shall be construed as following those *lot* lines;

(3) district boundaries indicated as approximately following city limits shall be construed as following the city limits;

(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 the city limits;

(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

1 residential districts, including *single-family dwellings* or *multiple-family dwellings*, attached or  
2 detached *dwelling units*, site-built or nonsite-built *dwelling units*, conventional subdivision  
3 arrangements, *zero lot line*, *cluster developments* or *compounds*, as long as they are in keeping with  
4 the overall character of the district and all other applicable requirements are met.

#### 5 **B. Other Structures and Uses**

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

#### 10 **C. Rural Residential District (RR)**

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

#### 13 **D. R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts**

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

#### 16 **E. R-7, R-8 and R-9 Residential Districts**

##### 17 **(1) Purpose**

18 These districts are designed to accomplish the following:

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

##### 24 **(2) Rezoning Requirements**



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

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

##### 5 **(1) Purpose**

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

##### 9 **(2) Rezoning Requirements**

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

#### 13 **G. RC-5 and RC-8 Residential Compound Districts**

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

#### 17 **H. R-10, R-12, R-21 and R-29 Residential Districts**

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

#### 20 **I. RAC Residential Arts and Crafts District**

21 The purpose of the RAC residential arts and crafts district is to serve and preserve the  
22 prevalent characteristics of certain limited areas of the city. Within these areas, residential uses are  
23 intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-  
24 produced in small quantities and often one of a kind; where the arts or crafts are taught to small

1 numbers of people; or where the persons engaged in arts and crafts activities are not numerous. It is  
2 not intended that this district be applied to new areas not having these characteristics.

### 3 **J. MHP Mobile Home Park District**

#### 4 **(1) Purpose**

5 The mobile home park district is intended to provide *premises* for the continuous  
6 accommodation of more than one single-family *mobile homes*.

#### 7 **(2) Rezoning Requirements**

8 (a) Property is eligible for rezoning to MHP if the property is a minimum of  
9 two acres in size and if all other requirements of Chapter 14 are satisfied.

10 (b) Rezoning to MHP requires consideration and approval by the planning  
11 commission and *governing body* of a *development* plan for the property as provided in Section 14-3.8.

### 12 **14-4.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS**

#### 13 **A. C-1 Office and Related Commercial District**

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

#### 20 **B. C-2 General Commercial District**

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

1                   **C. C-4 Limited Office, Retail and Arts and Crafts District**

2                   **(1) Purpose**

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

9                   **(2) Boundaries**

10                  (a) Only property within a C-4 zoning eligibility area, as shown on the  
11 official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual *parcels* shall follow  
12 the procedures in Section 14-3.5.

13                  (b) Amendment to the existing eligibility area or a proposal for an additional  
14 C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the  
15 existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with  
16 the procedures set forth in Section 14-3.3.

17                  **(3) Rezoning Requirements**

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

20                   **D. HZ Hospital Zone Districts**

21                   **(1) Purpose**

22                   **(a) Christus St. Vincent Hospital Zone District**

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

1                                   **(b) Las Soleras Hospital Zone District**

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

4                                   **(2) Boundaries**

5                                   (a) Christus St. Vincent HZ district – Only properties within the area  
6 designated on the official zoning map for Christus St. Vincent HZ rezoning eligibility shall be eligible  
7 for rezoning to HZ pursuant to the procedures in Section 14-3.5. Amendment to the eligibility area  
8 constitutes an amendment to the text of Chapter 14 and shall comply with the procedures in Section  
9 14-3.3.

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

13                                  **E. BCD Business-Capitol District**

14                                  **(1) Purpose**

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

20                                  **(2) Boundaries**

21                                  (a) The BCD is composed of *townscape* subdistricts and redevelopment  
22 subdistricts. The district and its subdistricts are defined by the official zoning map.

23                                  (b) Changes to boundaries of the *townscape* subdistricts or redevelopment  
24 subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered  
25 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 Items (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 require 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**

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. It is the intent that this district not restrict commercial activity, but that its *development* not be encouraged.

**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**

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

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

## 6 **I. PRC Planned Residential Community District**

### 7 **(1) Purpose**

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

### 15 **(2) Rezoning Requirements**

16 (a) Only areas that contain one hundred sixty acres or more are eligible for  
17 rezoning to PRC, provided all other applicable requirements are satisfied.

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

## 21 **J. PRRC Planned Resort-Residential Community District**

### 22 **(1) Purpose**

23 The purpose of the planned resort-residential community district is to provide for the  
24 comprehensive and coordinated planning of large-scale resort-residential developments that allows  
25 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 Section 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

1 thousand families; and 3) composition of center is five to ten *retail establishments*, the major store is  
2 usually a supermarket or *pharmacy*; other *retail establishments* include those offering convenience  
3 goods and personal services, not including auto repair, *filling stations* or residential uses;

4 (ii) SC-2 community shopping center district: 1) radius of trade  
5 area is approximately four miles or more; 2) minimum market is approximately five thousand  
6 families; and 3) composition of center is ten or more *retail establishments*; the major *retail*  
7 *establishment* is usually a variety or department store, in addition to convenience goods and personal  
8 services as in SC-1. Other *retail establishments* may include *filling stations*, department stores,  
9 discount stores, furniture stores and other stores and services that provide for the regular needs of  
10 families residing in the adjacent residential neighborhoods or in the larger community; and

11 (iii) SC-3 regional shopping center district: 1) radius of trade area  
12 is approximately one hour drive by automobile; 2) minimum market is approximately one hundred  
13 fifty thousand people; and 3) composition of center is one or more full-time department stores with  
14 eighty thousand to one hundred thousand square feet of gross leasable area each and *retail*  
15 *establishments* providing convenience goods and personal services.

16 (d) *Development* and design standards, including square footage restrictions,  
17 for the three SC districts is in Article 14-7.

## 18 (2) Rezoning Requirements

19 (a) Property is eligible for rezoning to SC if:

20 (i) the property is: 1) an addition in depth to lands where frontage  
21 is already commercially zoned; 2) already commercially zoned and existing *development*, if any, can  
22 be brought into conformance with the SC district regulations; or 3) not already commercially zoned  
23 in whole or in part and is not now served by appropriate and convenient shopping facilities;

24 (ii) the shopping center will be convenient to and serve at least one  
25 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.

(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;

1 (e) promote *infill development* and pedestrian-oriented *streetscapes* in  
2 currently underused parking areas and along existing roadway corridors; and

3 (f) promote shared parking areas in the design and *development* of mixed-  
4 use projects.

5 **(2) Rezoning Requirements**

6 (a) *Application* for rezoning to MU is not allowed for *residentially zoned*  
7 *properties* located in historic districts, as shown on the official zoning map.

8 (b) Rezoning to MU requires consideration and approval by the planning  
9 commission and *governing body* of preliminary or final *development* plans for the property as  
10 provided in Section 14-3.8.

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**Section 5. Section 14-5.1 SFCC 1987 (being Ord. #2001-38, as amended) is repealed and a new Section 14-5.1 SFCC 1987 is ordained to read:**

**Article 14-5 [NEW MATERIAL] OVERLAY ZONING DISTRICTS**

**14-5.1 [NEW MATERIAL] GENERAL PURPOSE; RELATIONSHIP TO GENERAL USE ZONING DISTRICTS**

A. The overlay zoning districts of this article are intended to apply in combination with the underlying zoning districts of Article 14-4 to impose regulations and standards in addition to those required by the underlying districts. When the requirements of an overlay district are in conflict with those of the underlying district or those of another overlay district, the more restrictive limitation or requirement controls as provided for in Section 14-1.7. The following overlay districts are created:

- (1) historic (H) districts;
- (2) archaeological review districts;
- (3) arts and crafts district;
- (4) highway corridor protection (HCP) districts;
- (5) escarpment overlay districts;
- (6) PUD planned unit development district;
- (7) *residential suite hotel/motel* (RS) district; and
- (8) ecological resource protection (ERP) district.
- (9) neighborhood conservation overlay (NCO) districts.

B. Any rezoning requirements set forth in this article are in addition to the requirements set forth in Section 14-3.5, which apply to all rezonings.

**Section 6. Section 14-5.3 through 14-5.5 SFCC 1987 (being Ord. #2001-38, as amended) are repealed and new Sections 14-5.3 through 14-5.5 SFCC 1987 are ordained to read:**

**14-5.3 [NEW MATERIAL] ARCHAEOLOGICAL REVIEW DISTRICTS**

1           **A. Purpose**

2           To promote the economic, cultural and general welfare of the people of Santa Fe, the  
3 *governing body* deems it essential that the qualities relating to the unique cultural traditions,  
4 prehistory and history of Santa Fe, which attract tourists and residents alike, be preserved by  
5 establishing three archaeological review districts. The purpose of these districts is to:

6                   (1) recognize the value of archaeological resources from all periods of history and  
7 prehistory, including prehistoric Native American settlements, Spanish colonization and settlement  
8 and settlement and developments under Mexican and American governments;

9                   (2) provide the means for identifying *archaeological sites* by requiring surveys and  
10 test *excavations*, depending on the district, through the *development* review and construction *permit*  
11 process;

12                   (3) provide the means by which *archaeological sites* may be evaluated for their  
13 potential contribution to cultural, educational, historic, economic and scientific concerns;

14                   (4) establish a procedure for treatment of archaeological resources on private and  
15 public land, thereby mitigating the information loss from the sometimes unavoidable destruction of  
16 archaeological resources and providing for the treatment of those resources that can be preserved; and

17                   (5) provide methods for the emergency treatment of archaeological resources found  
18 through unexpected discovery.

19           **B. Application to State and Its Agencies, Political Subdivisions or Instrumentalities**

20           Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978 (Historic Districts and Landmarks),  
21 the provisions of this section apply to the *state* and its agencies, political subdivisions and  
22 instrumentalities, as well as to any other entity or activity in the archaeological review districts.

23           **C. Establishment of Districts; Boundaries**

24                   **(1) Districts Established**

25           Three archaeological review districts are established, to be known as the historic

downtown, the river and trails and the suburban archaeological review districts.

## **(2) Boundaries**

The boundaries of the historic downtown, the river and trail and the suburban archaeological review districts are as shown on the official zoning map. The boundaries are determined by the following criteria:

### **(a) Historic Downtown Archaeological Review District**

The center of Santa Fe since 1610 and occupied by Native Americans prior to that time, land within the historic downtown archaeological review district has a high potential of containing *significant* cultural remains and is part of the historic core of Santa Fe;

### **(b) River and Trails Archaeological Review District**

An area of prehistoric Native American occupation, settled by early Spanish colonists, and being primary transportation routes important to the settlement of Santa Fe, the river and trails archaeological review district has a high potential of containing *significant* cultural remains and is part of the Santa Fe river *floodplain*, escarpment, or ridges above the escarpment, and land adjacent to those areas, and contains historic trails such as Santa Fe Trail, Galisteo Road and Agua Fria;

### **(c) Suburban Archaeological Review District**

Land within the suburban archaeological review district has a moderate potential of containing *significant* cultural remains and is not a part of the historic downtown or river and trails archaeological review districts.

## **(3) Map Revisions**

The archaeological review districts may be revised upon a recommendation of the archaeological review committee as approved by the *governing body*. In revising the district boundaries the committee shall follow the criteria set forth in Section 14-5.3(C)(2).

## **D. Archaeological Clearance Permit Required**

1 An archaeological clearance *permit* is required for certain types of *development* activity  
2 within the archaeological review districts, as described in Section 14-3.14 (Archaeological Clearance  
3 Permit).

#### 4 **14-5.4 [NEW MATERIAL] ARTS AND CRAFTS DISTRICT**

##### 5 **A. Purpose and Intent**

6 It is the intent of the arts and crafts (AC) district to allow arts and crafts and other related  
7 commercial uses in eligible underlying districts. Within this overlay district, residential and limited  
8 office and retail commercial uses are intermixed with small arts and crafts shops, studios and galleries  
9 where the goods traded are custom-produced in small quantities and are often one of a kind; where  
10 the arts or crafts are taught to small numbers of people; or where small numbers of persons are  
11 engaged in arts and crafts activities.

##### 12 **B. Land Eligible**

13 An AC district may overlay any residential district or any portion of a residential district.

##### 14 **C. Uses**

15 The allowed *principal* uses, *accessory* uses, and special exceptions of the AC district are the  
16 same as the underlying zoning district with the addition of those uses specified in the corresponding  
17 column in Table 14-6.1-1 (Permitted Uses).

##### 18 **D. Standards**

19 The *development* and design standards within the AC district are the same as the underlying  
20 zoning district; however no more than three thousand square feet of the *gross floor area* of any  
21 *building* may be used for nonresidential purposes.

#### 22 **14-5.5 [NEW MATERIAL] HIGHWAY CORRIDOR PROTECTION DISTRICTS**

##### 23 **A. SCHC South Central Highway Corridor Protection District**

##### 24 **(1) Purpose and Intent**

25 Because openness, quiet and continuity adjoining the highway corridors in the south



central section of the city is considered a special asset that should be retained as the area develops, it is the intent of the SCHC district to:

(a) establish a clear sense of visual openness and continuity of *development*, as seen from major highway entrances to Santa Fe;

(b) protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant, low maintenance trees, shrubs and groundcovers;

(c) ensure that *landscaping* provides an appropriate and attractive visual buffer, compatible with neighborhood *landscaping* character; conserves water by use of storm water collection and drip irrigation systems; and screens transformers and loading areas or outdoor storage;

(d) encourage the use of architectural style and scale that is representative of Santa Fe; and

(e) preserve clean air and a sense of quiet and reduce the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.

## **(2) Boundaries**

(a) The SCHC district encompasses the land within six hundred feet of the edge of the *right of way* on both sides of the following *streets* designated as special review districts in the *General Plan* and shown on the *official zoning map* in the south central section of Santa Fe: St. Michael's Drive; Old Pecos Trail; St. Francis Drive; Rodeo Road; and Interstate 25 and its frontage roads.

(b) persons with property divided by the SCHC district boundary are required to comply with the SCHC district standards only for that segment of the property within the boundary. In cases where the rear *lot* line depth exceeds the six hundred foot boundary, property owners have the right to petition the *governing body* in the form of a rezoning *application* at any time for inclusion of the remainder of their property in the SCHC district.

1                   **(3) Uses**

2                   The uses allowed in this district are the same as those allowed in the underlying  
3 district.

4                   **(4) Standards**

5                   The standards applicable to *development* within the SCHC district are the same as the  
6 underlying zoning district and, in addition, any new *development* in the SCHC district shall comply  
7 with this paragraph.

8                   **(a) Development and Design Standards**

9                   (i) *density* -- the *density* for residential *development* shall be the  
10 same as in the underlying district, but in no case shall it exceed a maximum *density* of twenty-one  
11 units per acre;

12                   (ii) *height* -- the maximum height of *structures* shall be twenty-five  
13 feet, not including a parapet;

14                   iii) *setback* or *yard* -- the minimum *building setback* or *yard* from  
15 the edge of the *right-of-way* from the *street* shall be fifty feet; and

16                   (iv) *floor area ratio* -- the maximum floor area ratio for office  
17 uses allowed in the district are:

TABLE 14-5.5-1: Maximum Floor Area Ratio		
Building Use	Building Size	Maximum Ratio
Professional and Other Office	One story	0.25
	Two story	0.35
Medical Office	One story	0.20
	Two story	0.30

18                   **(b) Landscaping Standards**

19                   (i) existing *landscaping* -- to the greatest extent possible, existing  
20 natural *landscaping* shall not be disturbed within twenty-five feet of the property line that adjoins the  
21 *street right of way*. This area shall be labeled as *open space setback*. No *structures* or parking are

1 allowed in this *setback*;

2 (ii) plant material -- plant material shall be provided in the *open*  
3 *space setback* where that area has been disturbed and shall be provided for surrounding *buildings* and  
4 parking areas at a minimum width of five feet.

5 (iii) parking and loading area *screening* -- If parking is provided in  
6 the required *front yard*, it shall be effectively *screened* by earth berms or *landscaping* that shall be at  
7 least four feet above parking lot *grade*. Loading areas shall be *screened* and located on *side or rear*  
8 *yards*;

9 (iv) arroyos/*floodplains* -- In order to preserve natural *landscaping*  
10 on the banks of the arroyos, an undisturbed *setback* of ten feet shall be retained next to the major  
11 arroyos where *one percent chance flood events* have been recorded;

12 (v) *open space* -- for any nonresidential permitted use, a minimum  
13 of thirty-five percent of the *lot* and for any residential permitted use, a minimum of fifty percent of  
14 the *lot* shall be *open space*; and

15 (vi) outdoor storage -- *outdoor storage* shall not be allowed.

16 **(c) Additional standards**

17 When nonresidential uses abut R-1 through R-7 residential *densities*:

18 (i) all of the *structures* for the nonresidential uses shall be set back  
19 fifty feet from the residential property line and a twenty-five foot landscape buffer meeting the  
20 standards set forth in Section 14-5.5(A)(4)(b) shall be located between the residential and  
21 nonresidential uses; or

22 (ii) all of the *structures* for the nonresidential uses shall have a  
23 twenty-five foot landscape buffer meeting the standards set forth in Section 14-5.5(A)(4)(b) and a  
24 masonry *wall* or a fence as approved by the *land use director* located between the residential and  
25 nonresidential uses.

1                   **B. CRHC Cerrillos Road Highway Corridor Protection District**

2                   **(1) Purpose and Intent**

3                   Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of Santa Fe's primary  
4 entranceways, and one of the community's major commercial strips. For these reasons, it is the  
5 purpose and intent of the CRHC district to assure that Cerrillos Road:

6                   (a) accommodates, in a safe and efficient manner, both through and local  
7 traffic;

8                   (b) provides for a visually attractive and aesthetically appropriate  
9 introduction to Santa Fe;

10                  (c) allows for clear identification of, and easy access to, all commercial and  
11 institutional establishments;

12                  (d) provides for a gradual transition between the rural character of the  
13 county and the urban character of the city; and

14                  (e) accentuates, to the greatest extent possible, architecture and *landscaping*  
15 rather than parking lots and commercial signage.

16                   **(2) Boundaries**

17                  The CRHC district begins at the intersection of Cerrillos Road and St. Francis Drive  
18 and extends southwest along Cerrillos road to the southern city limits. The provisions of this section  
19 apply to all *legal lots of record* that directly abut Cerrillos Road *right of way*. The CRHC district is  
20 further subdivided into the following four zones:

21                  (a) CRHC Zone One, St. Francis Drive to St. Michael's Drive;

22                  (b) CRHC Zone Two, St. Michael's Drive to Calle del Cielo;

23                  (c) CRHC Zone Three, Calle del Cielo to Airport Road; and

24                  (d) CRHC Zone Four, Airport Road to the southern city limits.

25                   **(3) Uses**

1 The uses permitted in the CRHC district are the same as those permitted in the  
2 underlying district.

3 **(4) Standards**

4 The standards in the CRHC district are the same as those in the underlying district  
5 with the addition of the following standards that apply to all new *development* and not, unless  
6 otherwise indicated, to existing *buildings* and *structures*:

7 **(a) Development and Design Standards**

8 **(i) Lot Depth**

9 No new *legal lots of record* may be created abutting Cerrillos Road  
10 *right of way* having depth of less than seventy-five feet in CRHC zone one, one hundred twenty-five  
11 feet in CRHC zone two, one hundred seventy-five feet in CRHC zone three and two hundred twenty-  
12 five feet in CRHC zone four;

13 **(ii) Height**

14 The maximum height of *structures* in the CRHC district shall be that  
15 allowed in the underlying district, but in no case shall the height of any portion of a building exceed  
16 forty-five feet or exceed the distance which that portion of the *building* is set back from the property  
17 line abutting Cerrillos Road *right of way*;

18 **(iii) Setbacks and Yards**

19 The minimum *building setback* or *yard*, as measured from any  
20 property line abutting Cerrillos Road *right of way*, shall be fifteen feet in CRHC zone one, twenty-  
21 five feet in CRHC zone two, thirty-five feet in CRHC zone three and forty-five feet in CRHC zone  
22 four or twenty percent of a *lot's* depth, whichever is less. *Setback* requirements for other *front yards*  
23 shall be one-half the depth required for *front yards* in the underlying zoning district; and

24 **(iv) Lot Coverage**

25 The maximum *lot* coverage by *buildings* and *structures* in the CRHC

1 district shall be that allowed by the underlying zoning district, but in no case greater than sixty  
2 percent. The areas of all *buildings* and *structures*, both existing and new, shall be included in the  
3 calculation of maximum *lot* coverage.

4 **(b) Landscaping Standards**

5 **(i) Frontage Landscaping**

6 There shall be a frontage *landscaping* strip within the front property  
7 line abutting and parallel to Cerrillos Road *right of way* with a minimum depth of ten feet in CRHC  
8 Zone One, fifteen feet in CRHC Zone Two, twenty feet in CRHC Zone Three and twenty-five feet in  
9 CRHC Zone Four. Where an adjacent *lot* in the same CRHC Zone has a frontage *landscaping* strip of  
10 greater depth, the required frontage *landscaping* strip depth of the property at issue shall match the  
11 adjacent *lot's* frontage *landscaping* strip depth. In no case, however, shall the required frontage  
12 *landscaping* strip depth exceed fifteen feet in CRHC Zone One, twenty-five feet in CRHC Zone Two,  
13 thirty-five feet in CRHC Zone Three and forty-five feet in CRHC Zone Four, nor shall it exceed  
14 twenty percent of a *lot's* depth; and

15 **(ii) Screening**

16 Any new loading docks, *storage facilities* or trash disposal areas  
17 located in the CRHC district shall either be located at the rear of the property or be entirely screened  
18 from public view by an opaque *wall* or fence of no less than six feet in height.

19 **C. 599/I-25 Overlay District**

20 [RESERVED]

21 **Section 7. Section 14-5.7 through 14-5.10 SFCC 1987 (being Ord. #2001-38, as**  
22 **amended) are repealed and new Sections 14-5.7 through 14-5.10 SFCC 1987 are ordained to**  
23 **read:**

24 **14-5.7 [NEW MATERIAL] PUD PLANNED UNIT DEVELOPMENT DISTRICT**

25 **A. Purpose and Intent**

(1) This section is intended to allow the creation of planned districts, each conceived as a unit of cohesive *development* and integrated uses in either a single *development* operation or a planned series of *development* operations that may take place over a period of several years. It is also intended to allow and encourage innovative site planning and design to ensure that each planned unit *development* compatibly integrates with *development* on adjoining properties and creates an attractive, healthful, sustainable and stable environment for living and working that is superior to the *development* attainable under existing zoning regulations.

(2) It is further intended that PUD regulations in this section and throughout Chapter 14 accomplish the purposes of land use regulation to the same degree that existing zoning regulations do in cases where planning and *development* are not on a unified basis.

#### **B. Land Eligible**

A PUD district may overlay any zoning district or any portion of a zoning district as long as it is consistent with existing plans for *streets*, utilities, parks, and other uses and *structures*.

#### **C. Rezoning Requirements**

(1) An application for PUD rezoning shall be accompanied by a preliminary *development* plan and other related documents reasonably necessary to determine compliance with Chapter 14 as may be required by the *land use director*.

(2) At the time an *application* for PUD rezoning is filed, the applicant may submit a proposed final *development* plan and request that the requirement for a preliminary *development* plan be waived. The planning commission and the *governing body* may approve or deny the request to waive the preliminary *development* plan as part of their review of the PUD rezoning *application*.

#### **D. Uses**

Permitted, special use permit and prohibited uses within the PUD are the same as in the underlying zoning district.

#### **E. Standards**

(1) The *development*, design and *landscaping* standards permitted in the PUD may vary from the standards of the underlying district, provided that findings of fact are made that such variation:

(a) meets the PUD purpose and intent set forth in Section 14-5.7(A) by creating a unified *development* that is superior to what would otherwise be attainable,

(b) is appropriate in relation to the overall *development*, and

(c) minimizes the impact on surrounding properties.

(2) The *density* of population and *intensity* of land use allowed by the underlying zoning district shall be the overall *density* and *intensity* in the PUD. As long as the overall PUD *density* and *intensity* remain unchanged, the *density* and *intensity* of different local sites within the PUD may vary;

(3) Examples of the *development*, design and *landscaping* standards variable in the PUD include *lot* size, housing type, housing configuration, *yards/setbacks*, height, *lot* coverage, distance between *buildings*, terrain management and *mountainous and difficult terrain*. Where no variation of a *development*, design or *landscaping* standard has been approved, the *development*, design or *landscaping* standard at issue shall be the same as in the underlying district.

#### **14-5.8 [NEW MATERIAL] RS RESIDENTIAL SUITE HOTEL/MOTEL OVERLAY DISTRICT**

##### **A. Purpose and Intent**

It is the intent of the RS *residential suite hotel/motel* overlay district to provide a means whereby a *residential suite hotel or motel* may be approved for *development* in an SC-1 or SC-2 district and to provide criteria for *development* of such *residential suite hotels and motels* in conjunction with the planned shopping centers in SC-1 and SC-2 districts.

##### **B. Permitted Principal Uses and Structures**

Property in an RS district shall be used for a *residential suite hotel or motel* or for any other



1 use permitted in the SC zoning applicable to the property.

2 **C. Development Standards**

3 (1) All *buildings* shall be *set back* no less than thirty feet from an adjoining  
4 residential district.

5 (2) The minimum *open space* requirement in RS districts is twenty-five percent of  
6 the total lot area.

7 (3) Maximum height of all structures in an RS district is thirty-five feet unless  
8 otherwise restricted by Chapter 14.

9 **D. Supplemental Zoning Designation**

10 Any land that is zoned SC-1 and SC-2 is eligible for supplemental zoning designation as an  
11 RS overlay district through a rezoning action on a case-by-case basis pursuant to the procedures set  
12 forth in Section 14-3.5 (Rezoning). *Application* for RS overlay district designation shall be  
13 accompanied by a *development* plan.

14 **14-5.9 [NEW MATERIAL] ER ECOLOGICAL RESOURCE PROTECTION**  
15 **OVERLAY DISTRICT**

16 **A. Purpose and Intent**

17 The ecological resource protection overlay district is established to:

- 18 (1) protect the ecological resources of Santa Fe;  
19 (2) provide trail access to *City-owned open spaces* for the enjoyment and recreation  
20 of all Santa Fe citizens;  
21 (3) ensure, maintain and enhance water quality and quantity into the future by  
22 protecting groundwater recharge rates;  
23 (4) protect the quantity and contiguity of wildlife habitat;  
24 (5) ensure protection from noise pollution caused by high speed, limited access  
25 highways and other land use operations; and

(6) provide a way to comply with federal regulations, including the Clean Water Act and the Endangered Species Act.

**B. Land Eligible**

Land eligible for rezoning to ER include:

(1) the areas shown on the *General Plan* future land use map designated as *open space*;

(2) areas within a *one percent chance event floodplain*;

(3) other important natural drainage areas and wildlife habitat;

(4) other areas identified by a resolution of the *governing body* as meeting the purpose and intent of this section.

**C. Uses**

The allowed *principal* and *accessory* uses in the ER district are those consistent with the following:

(1) development of hike/bike/equestrian trails and limited, passive recreation activities;

(2) *ecological resource restoration* designed to increase the natural and beneficial function of the affected area, including increasing wildlife habitat, increasing the contiguity of wildlife habitat, increasing the variety and number of native plant species, increasing aquifer recharge rate, controlling erosion, *flood* management or increasing water quality;

(3) crossings required to meet community transportation goals, especially where the intent is to provide safety in terms of fire and police department access. The crossings shall be designed to have minimum impact on the ecological resource;

(4) *City* park maintenance facilities and activities; and

(5) other public uses that are deemed necessary by the planning commission to provide for the health, safety and welfare of the community.

1                   **D. Standards**

2                   (1) *development*, including earth moving activities, shall meet all relevant code  
3 requirements; and

4                   (2) *development* in existence at the time of rezoning to ER is exempt from these  
5 regulations.

6                   **14-5.10 [NEW MATERIAL] NEIGHBORHOOD CONSERVATION OVERLAY**  
7 **DISTRICTS**

8                   **A. General Provisions**

9                   **(1) Purpose**

10                  To protect the health, safety and general welfare of the residents of Santa Fe, it is  
11 deemed by the *governing body* that neighbors be allowed to conserve their neighborhoods by  
12 collectively identifying their neighborhood's distinctive characteristics, including: streetscape,  
13 architectural features, *density*, *lot* coverage, *setbacks*, height and some property uses. The  
14 neighborhood conservation overlay districts are a means to propose conservation of the substantive  
15 physical character of the neighborhoods and are not intended to be used as a tool simply to resist  
16 minor changes in neighborhood character. By proposing establishment of these overlay districts and  
17 tailoring the regulations to the attributes of the built environment that make the neighborhood  
18 distinctive, neighborhoods will have a tool to proactively affect new *development* and promote better  
19 harmony between new and existing structures.

20                  **(2) Underlying Zoning District Requirements**

21                  Property within a neighborhood conservation overlay district shall be subject to the  
22 requirements of the underlying zoning district, except for more specific requirements that are adopted  
23 for the applicable neighborhood conservation overlay district.

24                  **(3) Additional Overlay Zoning District Requirements**

25                  If a neighborhood conservation overlay district is contained within one or more

another zoning overlay districts, 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 and Uses**

A *structure* or use located in a neighborhood conservation overlay district not meeting the requirements for the applicable neighborhood conservation overlay district shall be considered legal nonconforming and shall comply with Article 14-10 (Nonconformities).

#### **(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 Section 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 conservation overlay district and shall be adopted by ordinance.

#### **(6) Appeals**

A person who is aggrieved by a staff decision regarding neighborhood conservation overlay district requirements may appeal that decision to the board of adjustment as set forth in Section 14-3.17.

### **B. Creation of Neighborhood Conservation Overlay Districts**

(1) Except as set forth in Section 5.10(C), prior to the creation of a specific neighborhood conservation overlay district, a neighborhood plan recommending the creation of the neighborhood conservation overlay district as one of the plan's implementation policies shall be adopted as a *General Plan* amendment as set forth in Section 14-3.2.

(2) The creation of a specific neighborhood conservation overlay district shall follow the procedures set forth in Section 14-3.1(H)(1)(e) for a *City*-initiated rezoning.

(3) After a neighborhood conservation overlay district is officially created,

1 amendments to the boundaries or the requirements shall also follow the provisions outlined in this  
2 section.

### 3 **C. Creation of Neighborhood Conservation Overlay Districts Alternative**

4 The procedures set forth in this subsection apply only when Section 14-3.2(E)(3)(e)(iv)  
5 occurs and a neighborhood plan is not prepared. For the purpose of calculating the percentages  
6 required in this subsection, each *parcel* is entitled to a single vote no matter how many persons or  
7 entities might own the *parcel*.

#### 8 **(1) Petition**

9 A neighborhood may petition the *City* to develop a neighborhood conservation  
10 overlay district. The petition shall contain a description of the proposed boundaries of the  
11 neighborhood conservation overlay district and the signatures of fifty-one percent of the property  
12 owners of record 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 the proposed  
15 neighborhood conservation overlay district shall be completed by the neighborhood with assistance  
16 from *City* staff. The characteristics may include some or all of those characteristics described in  
17 Section 5.10(E)(3)(b) (Neighborhood).

#### 18 **(3) Public Meetings**

19 (a) Upon verification of the petition by the *land use director*, department  
20 staff shall hold at least two public meetings at which the proposed neighborhood conservation overlay  
21 district boundaries and requirements shall be discussed and developed. The meetings shall be  
22 coordinated with *City* staff and held at a reasonable time and place to maximize public attendance.

23 (b) Notice for each public meeting shall follow the notice requirements for  
24 early neighborhood notification as set forth in Section 14-3.1(H). In addition to the postal  
25 notification, *persons* required to be notified of the public meetings may request an email notification

1 from the City on the same day that postal notification is mailed for second or subsequent public  
2 meetings. In the event that the proposed boundaries are enlarged, notice shall be given to those  
3 additional property *owners* and physical addressees as if for the first scheduled meeting.

4 **(4) Neighborhood Ballot**

5 (a) When the *land use director* has determined that forty percent of the  
6 property *owners* of record within the proposed boundaries in attendance or represented by written  
7 proxy at the public meeting agree to the final proposed requirements governing the proposed  
8 neighborhood conservation overlay district, the *land use director* shall mail a ballot by regular mail to  
9 all property *owners* of record within those boundaries. The ballot shall ask for a single affirmative or  
10 negative vote for the proposed requirements. The *City* shall include a stamped envelope addressed to  
11 the *land use director* for returning ballots.

12 (b) If within thirty days of mailing the ballot, the *City* receives an affirmative  
13 vote of the proposed requirements by sixty-seven percent of the property *owners* within the proposed  
14 boundaries, the proposed neighborhood conservation overlay district requirements shall be deemed to  
15 be approved by the neighborhood. The *land use director* may extend the thirty days for an additional  
16 fifteen days due to unforeseen circumstances.

17 (c) If the proposed requirements are not voted on in the affirmative by sixty-  
18 seven percent of the property *owners*, a like or similar petition shall not be submitted within twelve  
19 months from the date of verification by the *City* that the proposed neighborhood conservation overlay  
20 district has failed to receive the required affirmative vote.

21 (5) After the proposed neighborhood conservation overlay district requirements have  
22 been approved by the neighborhood, the procedures set forth in Section 14-3.5 with notice as set forth  
23 in Section 14-3.1(H) shall be followed as for a *City*-initiated rezoning. After a neighborhood  
24 conservation overlay district is officially created, amendments to the boundaries or the requirements  
25 shall also follow the provisions outlined in this subsection.

#### **D. Neighborhood Conservation Overlay Districts Requirements**

(1) At a minimum, a neighborhood conservation overlay district shall include all *residentially zoned property* within an area no fewer than two City blocks or four *blockfaces* unless the *land use director* determines that the blocks are unusually long or short or that the neighborhood characteristics are significantly different within the blocks.

(2) Neighborhood conservation overlay districts may regulate the following:

(a) building design, including scale, mass and distinctive architectural characteristics such as front *porches*, height or roof styles;

(b) streetscape, including *lot frontage*, fences, *walls*, parking, lighting and landscaping;

(c) *density* except *density* bonuses as allowed in Section 14-8.11(G)(1) (SFHP Density Bounus);

(d) *lot* coverage;

(e) *setbacks*;

(f) *building* height; and

(g) property use except as set forth in Section 14-5.10(D)(3).

(3) Neighborhood conservation overlay districts shall not restrict the following:

(a) citywide policies and priorities;

(b) *dwelling units* marketed to or occupied by any certain income such as any residential units covered by the Santa Fe Homes Program;

(c) *home occupations* as set forth in Section 14-6.3(D)(2);

(d) *group or foster homes*;

(e) day care facilities;

(f) public or private schools for elementary, middle or senior high students;

(g) religious institutions; or

1 (h) other uses determined by the *land use director* as necessary for the health  
2 and safety of the neighborhood.

3 (4) Requirements shall be measurable, definitive and uniform and enforceable by the  
4 *land use director* through the approval procedures set forth in Chapter 14 and the issuance of a  
5 construction *permit*. A neighborhood conservation overlay district shall not apply to a specific  
6 *application* required under Chapter 14 that has been submitted to the *land use director* prior to the  
7 date of adoption of a neighborhood conservation overlay district. If a subsequent but separate  
8 *application* for the same property is submitted after the date of adoption of the neighborhood  
9 conservation overlay district, the requirements shall apply. It is not the intent of the neighborhood  
10 conservation overlay districts to enforce private covenants.

11 **E. Review and Report; Amendments**

12 The *land use director* shall make a report to the *governing body* regarding the  
13 implementation, management and enforcement of Section 14-5.10 prior to December 24, 2010,  
14 including variances, appeals and related fees. Upon evaluation of the report, the *governing body* may  
15 consider amendments to the *City Code* regarding neighborhood conservation overlay districts.

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1           **Section 8.       Article 14-6 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
2 **and a new Article 14-6 SFCC 1987 is ordained to read:**

3 **14-6 [NEW MATERIAL] PERMITTED USES AND USE REGULATIONS**

4           **14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES**

5           **A. Land Use Categories**

6                   (1) Table 14-6.1-1 sets forth the uses allowed and prohibited within the general use  
7 zoning districts and the AC overlay zoning district.

8                   (2) The descriptions and categorizations of land uses are intended for convenience in  
9 classifying specific land uses and are not intended to be exhaustive or mutually exclusive descriptions  
10 of all possible specific uses.

11                  (3) These regulations are based on the patterns of *development* and physical  
12 activities that comprise the *principal* and *accessory* uses of land, rather than on whether the activity is  
13 conducted for profit, not for profit or other purposes.

14           **B. Permitted and Prohibited Uses; Explanation of Table Abbreviations**

15                   **(1) Permitted Uses**

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

21                   **(2) Special Use Permits**

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

24                   **(3) Accessory Uses**

25                   An "A" in a cell indicates that a use category is permitted as an *accessory* use as

described in Section 14-6.3.

#### (4) Prohibited Uses

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

#### (5) Additional Regulations

(a) Regardless of whether a use is permitted by right or as a special use *permit*, there may be additional regulations that are applicable to a specific use. The existence of these use-specific regulations is noted through a reference in the column of the use summary table entitled "Use-Specific Regulations". References refer to Section 14-6.2. These regulations apply to all districts unless otherwise specified. Additional regulations are also contained in and referenced in the notes at the end of the table.

(b) Uses may be subject to review or approval procedures in Chapter 14, including Section 14-3.8(B)(2), which requires *development* plan approval for new construction over ten thousand or thirty thousand square feet *gross floor area*.

(c) See Section 14-3.9(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

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.
R-7 - R-9	14-4.2E	
R7 (I)	14-4.2F	

<b>Abbreviations</b>	<b>Districts Described</b>	<b>District Designations</b>
RC-5, RC-8	14-4.2G	“(I)” indicates Infill.
R-10 - R-29	14-4.2H	
MHP	14-4.2J	Mobile Home Park
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

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Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
<b>RESIDENTIAL</b>																						
<b>Group Living</b>																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
<b>Household Living</b>																						
Dwelling, multiple- family	P <sup>1</sup>	P	P		P	P		P		P	P <sup>6</sup>	P	P	P				P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P	(A)(5), (A)(6)
Dwelling, single- family	P	P	P	P	P	P		P		P	P <sup>6</sup>	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P		P		P	P <sup>6</sup>	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P															(A)(3); See 14- 6.4(B)



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

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Cemeteries, mausoleums and columbariums	S	S	S								S	S		S	P								(B)(1)
Public parks, playgrounds, playfields	P	P	P			P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly																							
All	S	S	S			S	S		S		P	P	P	P	P	P	P	P	P	P	P	P	
Utilities																							
All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)	S	S	S			S	S		S		S	P	S	S	P	P						S	(B)(6)
COMMERCIAL																							
Animal Sales and Service																							
Veterinary establishments, pet grooming	S										P*	P*	P*		P	P		P*	P*	P*	P*	P <sup>2</sup>	
Kennel	S										P*	P*	P*		P	P		P*					
Arts Activities																							
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts									P	P	P	P			P	P						P <sup>2</sup>	

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Arts and crafts schools									P	P	P	P	P		P	P		P	P	P	P	P <sup>2</sup>	
Dance studios									P	P	P	P			P	P		P	P	P	P	P <sup>2</sup>	
Photographers' studios									P	P	P	P			P	P		P	P	P	P	P <sup>2</sup>	
<b>Assembly</b>																							
Private clubs and lodges	S	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P <sup>2</sup>	
<b>Financial Services</b>																							
Banks, credit unions (without drive-through)											P	P			P	P		P	P	P	P	P <sup>2</sup>	
Banks, credit unions (with drive-through)											P*	P*			P	P*		P*	P*	P*	P*	P <sup>2</sup>	
<b>Food and Beverages</b>																							
Bar, cocktail lounge, nightclub, no outdoor entertainment									S <sup>3</sup>	S <sup>3</sup>		P			P	P			P	P	P	P <sup>2</sup>	
Bar, cocktail lounge, nightclub, with outdoor entertainment									S <sup>*3</sup>	S <sup>3</sup>		P*			P*	P*			P*	P*	P*	P <sup>*2</sup>	
Restaurant - full service, with or without incidental alcohol service									S <sup>3</sup>	S <sup>3</sup>		P			P	P		S	P	P	P	P	



CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - R-9 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S* <sup>3</sup>	S* <sup>3</sup>		P*				P*			P*	P*	P*	P* <sup>2</sup>	
Restaurant - Fast service/take-out, no drive-through/drive-up								S		P <sup>4</sup>	P	P <sup>4</sup>			P	P	S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*				P*		S	P*	P*	P*	P* <sup>2</sup>	
<b>Medical</b>																						
Apothecary shops or pharmacies										P	P		P	P	P						P <sup>2</sup>	
Medical and dental offices or clinics								S	S	P	P	P	P	P	P		P	P	P	P	P <sup>2</sup>	
<b>Offices, Business and Professional</b>																						
Business and professional offices excluding medical and dental and financial services								S	S	P	P	P	P	P	P		P	P	P	P	P <sup>2</sup>	
<b>Public Accommodation</b>																						
Bed and breakfast houses and inns											P				P	P	P			P		
Conference and extended stay lodging facilities											P				P	P	P					

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

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

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

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

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Automobile salvage and wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automobiles or second hand automobile parts																	P						
Research, experimental and testing laboratories												P				P	P	P					(D)(4)
<b>Manufacturing and Production</b>																							
Light assembly and manufacturing												P				P	P	P					
<b>Outdoor Storage</b>																							

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 R-9	R-7 -I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Outdoor storage lots and yards, except wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts																P	P	A					
<b>Warehouse and Freight Movement</b>																							
Wholesaling and distribution operations - 3,000 square feet or less of storage												P				P	P	P					
Wholesaling and distribution operations - over 3,000 square feet of storage																P	P						
<b>AGRICULTURAL USES</b>																							
Animal production	S																						(H)
Crop production	S																						(H)
Commercial stable	S																						(H)

CATEGORY Specific Use	RR	R-1 -	R-7 -	R-7 -I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
<b>ACCESSORY USES</b>																						
Accessory structures of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts and such other accessory structures which exceed 30 inches in height from the average ground elevation.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Children's play areas and play equipment	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	
Accessory dwelling units	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	14-6.3(C)(1)
Greenhouses, noncommercial	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	
Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	14-6.3(C)(2)
Hospital heliport													A3									



CATEGORY Specific Use	RR	R-1 -	R-7 -	R-9 -	R-7 -I	RC- 5, RC- 8	R- 10 -R- 29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Other uses and structures customarily accessory and clearly incidental and subordinate to permitted permissible uses and structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	
Private barbecue pits, private swimming pools	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A				A	
Private daycare for infants and children	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A		
Private garages	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A		14-6.3(B)(5), (B)(6) and (B)(7)
Residential use ancillary to an approved use		A	A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A		
Utility sheds, located within the rear yard only	A	A	A	A	A	A	A		A		A		A									A	

\*Special use permit required if located within 200 feet, excluding *rights-of-way*, of residentially-zoned property; otherwise permitted.  
\*\*Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential* uses.

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

1           **14-6.2 USE-SPECIFIC STANDARDS**

2           **A. Residential Uses**

3                   **(1) Continuing Care Community**

4                           **(a) Density**

5                           Independent *dwelling units* are subject to the *density* standards of the district  
6 in which the *continuing care community* is located.

7                           **(b) Compliance with State and Federal Law**

8                           *Continuing care communities* must comply with all applicable *state* and  
9 federal laws and regulations.

10                   **(2) Mobile Home, Permanent Installation**

11                           In any district in which permanent single-family occupancy of a *mobile home* on an  
12 individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum  
13 standards apply:

14                                   (a) the *mobile home* shall be anchored to a concrete foundation and skirted  
15 as specified by the *land use director*;

16                                   (b) the rental or lease of *mobile homes* used as single-family residences on  
17 individual *lots* is prohibited; and

18                                   (d) minimum requirements for *lot size, front, side and rear yards*, and all  
19 other standards pertaining to single-family residential land use set forth in Chapter 14 apply.

20                   **(3) Mobile Home Park**

21                           **(a) Applicability**

22                           In a district in which *mobile home parks* are allowed, the minimum standards  
23 set out in this section apply.

24                           **(b) License**

25                           Prior to beginning operation, a *mobile home park* owner or operator must

1 obtain a business license from the *City* under the provisions of Article 18-1 SFCC 1987.

2 **(c) Inspection**

3 The *City* may inspect a *mobile home park* for conformance with the  
4 provisions of this section.

5 **(d) Transfer of License**

6 The *City* may issue a transfer of the license only after the following:

7 (i) *application* in writing for transfer of a license and payment of the  
8 transfer;

9 (ii) an inspection report by the *land use director* has been submitted  
10 to the *governing body*, stating conformance or nonconformance with the provisions of this section;

11 (iii) approval by the *governing body*.

12 **(e) Revocation of License**

13 The *governing body* may revoke a license to maintain and operate a *mobile*  
14 *home park*, as provided in Article 18-1 SFCC 1987 when the licensee has violated any provision of  
15 this section.

16 **(f) Posting**

17 The license certificate shall be conspicuously posted in the office of or on the  
18 *premises* of the *mobile home park* at all times.

19 **(g) Standards**

20 Before an *application* for a *mobile home park* is approved, the developer  
21 shall submit to the *land use director* an overall *development plan* showing proposed land uses for the  
22 entire area defined in the *mobile home park application*. The plan shall be in accordance with the  
23 provisions of this section, including the minimum site acreage of two acres. If the plan conforms  
24 with these requirements, the plan shall be submitted to the planning commission.

25 **(h) Location; Standards for Approval of Application**

1 All mobile home park development applications shall be reviewed by the  
2 planning commission.

3 **(4) Manufactured Homes**

4 *Manufactured homes:*

5 (a) are permitted in any district in which site-built, *single-family dwellings*  
6 are allowed,

7 (b) shall meet all requirements of other site-built, *single-family dwellings* in  
8 the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

9 (c) shall be constructed according to the Manufactured Home Construction  
10 and Safety Standards, 24 CFR Section 3280.

11 **(5) Short-Term Rental of Dwelling Units – Residentially Zoned Property**

12 **(a) Dwelling Units**

13 *Dwelling units* located on *residentially zoned property* may not be rented for  
14 less than thirty days except as set forth in this Section 14-6.2(A)(5).

15 **(b) Short-Term Rental Units**

16 *Short-term rental units* are prohibited on *residentially zoned property* except  
17 as provided in this Section 14-6.2(A)(5)(b).

18 (i) An owner may rent the *dwelling unit* that the owner normally  
19 resides in for two rental periods within a calendar year. The general provisions set forth in Section  
20 14-6.2(A)(5)(c) do not apply and a *permit* is not required.

21 (ii) *Short-term rental units* that are operated in compliance with  
22 Section 14-6.3(C) (*Accessory Dwelling Units*) and in compliance with this Section 14-  
23 6.2(A)(5)(b)(ii) are allowed.

24 (iii) *Short-term rental units* owned by the property owner who  
25 resides on a contiguous *lot* and in compliance with this paragraph are allowed. The operation of the

1 short-term rental shall cease immediately upon sale of either or both properties or if the property  
2 owner no longer resides on the contiguous *lot*.

3 (iv) *Short-term rental units* located in a *development* containing  
4 resort facilities approved pursuant to a special use *permit* prior to January 30, 2008, which are owned  
5 in common by the *owners* within the *development*, are allowed. As used in this item, "resort facility"  
6 means any combination of swimming pools, spa facilities, golf courses, restaurants and tennis  
7 facilities. The general provisions set forth in Section 14-6.2(A)(5)(c) shall not apply except for Item  
8 (ix) regarding applicable taxes.

9 (v) The *land use director* may issue up to three hundred fifty short-  
10 term rental *permits* for residential units not otherwise qualifying for *permits* under Items (ii), (iii) or  
11 (iv) above.

12 (vi) Whenever the number of *short-term rental units* permitted in  
13 accordance with Item (v) above falls below three hundred fifty, additional new *permits* may be issued  
14 by the *land use director*. New *permits* shall be issued in the order that qualifying *applications* are  
15 received.

16 (vii) *Permit* holders who have been issued a *permit* prior to October  
17 14, 2009 are not required to reapply for a *permit*; provided, however, if the *permit* expires pursuant to  
18 Section 14-6.2(A)(5)(d)(x), a new *application* may be submitted to the *land use director* in  
19 accordance with Item (vi) above.

20 **(c) General Provisions**

21 Unless otherwise stated, the following general provisions apply to *short-term*  
22 *rental units*:

23 (i) no more than one rental is allowed within a seven consecutive  
24 day period;

25 (ii) *short-term rental units* described in Section 14-6.2(A)(5)(b)(v)

are limited to seventeen rental periods per calendar year;

(iii) *off-street parking* shall be provided on site as follows: 1) one bedroom, one parking space; and 2) two or more bedrooms; two parking spaces;

(iv) all applicable building and fire life safety codes shall be met and all toilets, faucets and shower heads shall meet the water conservation requirements described in Section 25-2.6 SFCC 1987;

(v) occupants shall not park *recreational vehicles* on site or on the street;

(vi) the total number of persons that may occupy the short-term rental unit is twice the number of bedrooms;

(vii) noise or other disturbance outside the short-term rental unit is prohibited after 10:00 pm., including *decks, portals, porches*, balconies or patios;

(viii) all occupants shall be informed in writing of relevant *City* ordinances, including the *City's* nuisance and water conservation ordinances, by the owner/operator of the short-term rental unit;

(ix) the owner/operator shall pay all applicable local, *state* and federal taxes, including lodgers' tax, gross receipts tax and income taxes;

(x) the owner/operator shall make available to the *City* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this paragraph. The owner/ operator shall report to the *land use director* on a monthly basis in a format provided by the *land use director*; and

(xi) the owner shall maintain adequate property insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.

**(d) Applications**

1 Unless otherwise stated, an *application* for a *permit* for a short-term rental  
2 shall be submitted to the *City* as follows:

3 (i) the *application* shall include the name and phone number of the  
4 owner/operator who is available twenty-four hours per day, seven days per week to respond to  
5 complaints regarding the operation or occupancy of the short-term rental unit as well as the name and  
6 phone number of *City* staff responsible for enforcing this section;

7 (ii) the *application* shall include a verified, notarized statement  
8 signed by the owner/operator that the short-term rental shall be operated in compliance with this  
9 paragraph and all other applicable *City* codes and that the operation of the short-term rental is in  
10 compliance with any applicable private covenants;

11 (iii) prior to issuance of a *permit*, a *certificate of occupancy* is  
12 required to ensure compliance with this paragraph and all applicable codes.

13 (iv) the *permit* is not transferable to another person or property;

14 (v) within ten days of the issuance of the *permit*, the owner/operator  
15 shall mail notice by first class mail, with certificate of mailing, to the *owners* of properties within two  
16 hundred feet of the subject property, exclusive of rights of way, as shown in the records of the county  
17 treasurer, and by first class mail to the physical addresses of such properties where such address is  
18 different than the address of the owner. Notice shall be on a form approved by the *land use director*,  
19 and shall contain the name and phone number of the owner/operator who will be available twenty-  
20 four hours per day, seven days per week to respond to complaints regarding the operation or  
21 occupancy of the short-term rental as well as the name and phone number of *City* staff responsible for  
22 enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be  
23 provided to the *land use director* within ten days of the mailing;

24 (vi) each *application* shall be accompanied by a fee of one hundred  
25 fifty dollars (\$150) to cover *application* processing and inspections.

(vii) The annual *permit* fee schedule is as follows:

Annual Permit Fees*	
Short-term Rental Type	Fee per Unit
§14-6.2A(5)(b)(i) — Primary Residence; 2 rental periods per year	\$ 0.00
§14-6.2A(5)(b)(ii) — Accessory Dwelling Units	\$175.00
§14-6.2A(5)(b)(iii) — Unit(s) on Contiguous Lot	\$175.00
§14-6.2A(5)(b)(iv) — Resort Units	\$150.00
§14-6.2A(5)(b)(v) — Residential Units	\$350.00**
*The annual permit fee shall not be prorated for a portion of the year.	
* **If there is more than one short-term rental unit on a lot, the permit fee is \$140.00 for each additional unit.	

(viii) The annual fee includes the *City's* business registration fee and inspections related to issuance of the short-term rental *permit*. Revenue from fees imposed pursuant to this paragraph shall be used only to administer and enforce this section.

(ix) If payment of a *permit* fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city treasurer a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city treasurer may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.

(x) Unless revoked as set forth in Section 14-6.2(A)(5)(e), a *permit* holder may renew the *permit* annually. If not renewed by March 15 of each year, the *permit* expires. An owner of an expired *permit* may submit a new *application* for a short-term rental *permit* to the *land use director* in accordance with Section 14-6.2(A)(5)(b)(vi) subject to availability of *permits* within the three hundred fifty limit.

(xi) The *permit* number shall be included in all advertising of the



1 short-term rental.

2 **(e) Violations**

3 (i) The *land use director* shall document all alleged violations of this  
4 paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC  
5 1987 or in another appropriate court of law. Upon conviction of a third violation, the *land use*  
6 *director* shall revoke the *permit* and operation of the short-term rental shall cease within thirty days.

7 (ii) An owner who offers for rent as a short-term rental a *dwelling*  
8 *unit* that is not permitted for use as a short-term rental is in violation of this paragraph and is subject  
9 to prosecution.

10 (iii) An agent who knowingly assists an owner in advertising or  
11 renting a *dwelling unit* as a short-term rental unit that is not permitted under this paragraph is subject  
12 to prosecution and the agent's business license is subject to revocation.

13 (f) Private restrictive covenants, enforceable by those governed by the  
14 covenants, may prohibit short-term rental units.

15 (g) Real estate brokers listing residential property in Santa Fe shall provide  
16 prospective buyers a current copy of this paragraph.

17 (h) The *land use director* shall establish administrative procedures necessary  
18 to implement, manage and enforce this paragraph.

19 **(6) Short-term Rental of Dwelling Units – Non-residentially Zoned Property**

20 Short-term rental of *dwelling units* on non-residentially zoned property is permitted  
21 as set forth in Table 14-6.1-1.

22 **(7) Dwelling Units in Specified Commercial Districts**

23 In the C-2 and SC Districts, *dwelling units* do not include *mobile homes* or  
24 *recreational vehicles* and shall be either:

25 (a) *accessory dwelling units* for occupancy only by *owners*, employees or

tenants of nonresidential uses that are operated on the same *premises*;

(b) part of a planned *development*; or

(c) part of a use for which a *development plan* or special use *permit* is required.

## **B. Public, Institutional and Civic Uses**

### **(1) Cemeteries, Mausoleums and Columbariums**

The total *lot* area shall not be less than ten acres.

### **(2) Residential Colleges and Universities**

The total *lot* area shall not be less than ten acres. Minimum *street* frontage shall not be less than three hundred feet.

### **(3) Hospitals**

#### **(a) Business and Industrial Park District**

*Hospitals* in the BIP District shall not be located less than fifty feet from the boundary of a residential use or residential zoning district.

#### **(b) Las Soleras Hospital Zone District**

(i) A *hospital* and a heliport serving a *hospital* requires a *development plan* as set forth in Section 14-3.8.

(ii) Prior to the submittal for *development* plan approval for each phase of *development* within the Las Soleras HZ district, the applicant shall conduct and submit a market analysis and fiscal impact analysis that analyzes in detail the need for the proposed hospital. The market analysis shall address demand, projected service capacity and build-out; identify primary and secondary market area; estimate projected revenue and expense; and identify the scale and extent of local competition. The fiscal impact analysis shall contain an estimate of net local public costs, including capital outlay and operating expenses, and revenues attributable to the proposed project. Additionally, as a condition for and prior to the granting of *development* plan approval, any new

hospital to be constructed shall participate in meetings at which the Santa Fe county health policy planning commission, Christus St. Vincent Hospital and interested local and regional health care providers have been invited to attend to address impacts of dual hospitals in the community.

**(c) Christus/St. Vincent Hospital Zone District**

In the Christus/St. Vincent Hospital Zone District, hospitals require approval of a special use *permit*.

**(4) Human Services Establishments**

*Open space* is required as provided in Section 14-7.5 for each lodging unit that contains kitchen facilities.

**(5) Sheltered Care Facilities**

The requirements for *sheltered care facilities* are as follows:

(a) the ratio of floor area to *lot* area shall not be greater than 0.4;

(b) the required *yard* on all sides is twenty five feet; provided, however, if a solid masonry *wall* is built around the perimeter of the property, then the *yard* may be five feet;

(c) *open space* shall equal one hundred percent of the heated floor area.

*Open space* does not include parking area, *streets*, driveways, heated space, garages, carports or *accessory buildings*. *Open space* shall not measure less than fifteen feet in any of its dimensions, shall be noted as *open space* on the *plat* and shall meet all other requirements for common *open space* as provided in Sections 14-7.5 (Open Space Standards) and 14-8.4(H) (Open Space Planting Standards);

(d) no more than one *sign*, one square foot in area, hung flush to the fence or *wall* of the *structure* is allowed to advertise the existence of the *structure*;

(e) complaints about operation shall be investigated by the *land use director* and, if a complaint is valid, the facility shall be given thirty days' written notice to remedy the complaint. If the operator fails to remedy the complaint within thirty days after written notice, the

governing body, after providing notice to the operator and an opportunity of the operator to be heard, may revoke the license to operate the facility; and

(f) all *sheltered care facilities* shall be licensed by the *State*.

#### **(6) Public or Private Utilities**

(a) The *lot* area; *screening* against light, fumes, noise or unsightliness; protection against unattractive nuisance characteristics; and protection against interference with radio and television reception shall be as required by the board of adjustment.

(b) *Telecommunication facilities* are subject to Section 14-6.2(E).

(c) *Electric facilities* are subject to Section 14-6.2(F).

### **C. Commercial Uses**

#### **(1) Adult Entertainment Facilities**

##### **(a) Purpose**

In adopting this section, it is recognized that *businesses* that provide certain types of adult entertainment, wherever and by whomever provided, may provide services or goods that have certain characteristics that can have deleterious effects on the public health, safety or general welfare. It is further recognized that the location of adult entertainment, whether in commercial *buildings* or private homes, is of interest to the *City* since there may be exposure of such adult services or goods to minors. It is further recognized that many persons are offended by the display of certain sexual acts or materials, by the appearance of nude or partially nude persons exposing parts of the body that customarily would be covered in public and that include private body parts of either males or females and the female breast portion showing the areola; and that persons are providing adult entertainment services or material. Regulation of adult entertainment through the police power of the municipality is reasonable, necessary and appropriate for the benefit of the public welfare and to ensure that adverse effects do not contribute to the blighting or downgrading of neighborhoods, commercial districts or public facilities and do not adversely affect minors. It is not a

1 deprivation of property to prohibit, limit or otherwise regulate adult entertainment as provided in this  
2 paragraph.

3 **(b) Location of Sexually Oriented Businesses**

4 (i) A *sexually oriented business* shall not be located or presented in a  
5 residential district, even temporarily; within one thousand feet of a district zoned for residential uses  
6 or a district in which *single-family dwellings* or *multiple-family dwellings* are allowed as *principal*  
7 uses and *structures*; or within one thousand feet of any *parcel* of real property on which is located any  
8 of the following facilities: 1) a school, academy, center or other entity that provides instruction  
9 primarily for and attended by minors; 2) a religious institution that conducts religious services,  
10 education classes or other gatherings for minors; 3) a public park, playground or public recreation  
11 facility; 4) eating and drinking establishments; 5) hotels, motels, rooming and boarding houses; 6)  
12 commercial *recreational uses* and *structures* such as theaters and bowling alleys; 7) private day-care  
13 nurseries and kindergartens; or 8) libraries.

14 (ii) This section does not apply to *sexually oriented businesses*  
15 existing at the time of adoption of this section. Such *businesses* shall be considered *nonconforming*  
16 uses and *structures* and shall be governed by Article 14-10 (Nonconformities).

17 **(c) Public Display of Certain Material Prohibited**

18 Materials offered for sale from *adult newsracks* shall not be displayed or  
19 exhibited in a manner that exposes to public view any pictures or illustrations of adult human genitals  
20 or specified sexual activities in a manner that exposes the material to the view of persons outside the  
21 *building* in which the *adult bookstore* or *adult motion picture theater* is located.

22 **(d) Adult Newsracks, Book Stores and Motion Picture Theaters;**  
23 **Violations; Impoundment of Newsracks**

24 (i) The provisions of Article 14-10 pertaining to *nonconforming* uses  
25 are applicable to *adult newsracks*, *adult bookstores* and *adult motion picture theaters* and they are

1 required to comply with the provisions of this section.

2 (ii) An *adult newsrack* that violates this section may be impounded  
3 by a *City* police officer or the *land use director* after: 1) a notice of violation has been affixed to the  
4 *adult newsrack* stating the provision of this section that has been violated and stating that the *adult*  
5 *newsrack* will be impounded if the violation is not abated within three days; 2) the violation is not  
6 abated within three days of the posting of the notice of violation; 3) the police department presents to  
7 the municipal court affidavits or other evidence sufficient to show a *prima facie* violation of this  
8 section; and 4) the municipal court issues a written order for the impoundment of the *adult newsrack*  
9 pursuant to this section.

10 (iii) When an *adult newsrack* is impounded, a complaint for  
11 violation of this section shall be filed within fourteen days of the impounding; if such action is not  
12 commenced within fourteen days or if a final appealable decision in such action is rendered more than  
13 sixty days from the filing of the action, the *adult newsrack*, together with its contents and all money,  
14 if any, shall be released to the person who provides sufficient proof of ownership of the *adult*  
15 *newsrack*, without requiring the payment of an impound fees. No *adult newsrack* shall be released  
16 because a final appealable decision was not rendered within sixty days of the filing of the action if the  
17 claimant of the *adult newsrack* is responsible for extending the judicial determination beyond the  
18 allowable time limit.

19 (iv) The person who provides sufficient proof of ownership of the  
20 *adult newsrack* may have the *adult newsrack*, together with its contents and all money, if any,  
21 returned upon paying an impound fee of twenty-five dollars (\$25.00) or upon order of the municipal  
22 court, if any, that authorized the seizure of the *adult newsrack*, or pursuant to the terms of Item (iii) of  
23 this section. Should there be a dismissal of the action charging a violation of this section or an  
24 acquittal of the charges, the court ordering the dismissal or entering the acquittal may provide for the  
25 release of the *adult newsrack* and its contents impounded or the return of an impound fee paid for the

1 release of the *adult newsrack* impounded pursuant to such charges.

2 (v) All *adult bookstores* and *adult motion picture theaters* as defined  
3 in Chapter 14 that were lawful before the effective date of Ordinance 2002-37 and that violate any  
4 provision of this section shall have ninety days from the effective date of Ordinance 2002-37 within  
5 which to terminate the violation. If the violation is not terminated within ninety days, the *adult*  
6 *bookstore* or *adult motion picture theater* shall be subject to the penalties set forth in Section 14-  
7 6.2(C)(1)(e) and, in addition, the city attorney may apply to the district court for an injunction to  
8 prohibit the offending *adult bookstore* or *adult motion picture theater* from operating its *business*  
9 until the violation is terminated.

10 (e) **Penalty**

11 Notwithstanding any other provision of this section, a person who violates  
12 this section may be punished as follows:

13 (i) by imprisonment in the county jail not to exceed ninety days;  
14 (ii) by forfeiture of the *adult newsrack* impounded pursuant to  
15 Section 14-6.2(C)(1)(d), providing a reasonable value of the *adult newsrack* does not exceed three  
16 hundred dollars (\$300);

17 (iii) a fine not to exceed three hundred dollars (\$300); or  
18 (iv) a combination of imprisonment, forfeiture and fine; provided  
19 that in no event shall a fine imposed, when added to the reasonable value of the impounded *adult*  
20 *newsrack* that is forfeited, exceed the sum of three hundred dollars (\$300).

21 (f) **Licensing of Sexually Oriented Businesses**

22 (i) Except as provided in Item (iv) below, after the effective date of  
23 this section, no *sexually oriented business* shall be operated or maintained in Santa Fe without first  
24 obtaining a license to operate issued by the *City*.

25 (ii) A license may be issued for only one *sexually oriented business*

1 located at a fixed and certain place. A person who desires to operate more than one *sexually oriented*  
2 *business* must have a license for each business.

3 (iii) A license or interest in a license is not transferable to any other  
4 person.

5 (iv) All *sexually oriented businesses* existing and properly registered  
6 with the *City* at the time of the passage of this section must submit an *application* for a license within  
7 ninety days of the passage of this section. If an *application* is not received within the ninety-day  
8 period, the existing *sexually oriented business* shall forfeit registration and cease operations.

9 (v) A person desiring to secure a license shall make *application* to  
10 the *City's* accounts receivable office. The *application* shall be filed in triplicate with and dated by the  
11 accounts receivable office. A copy of the *application* shall be distributed promptly to the Santa Fe  
12 Police Department and to the applicant.

13 (vi) The *application* shall be on a form provided by the accounts  
14 receivable office. An applicant, which includes all partners or limited partners of a partnership  
15 applicant; all officers or directors of a corporate applicant; and all stockholders holding more than  
16 five percent of the stock of a corporate applicant; or any other person who is interested directly in the  
17 ownership or operation of the business, shall furnish the information requested on the accounts  
18 receivable office form, which shall include the following information under oath: 1) name and  
19 address, including all aliases; 2) written proof that the individual is at least eighteen years of age; 3)  
20 whether the applicant previously operated in this or any other county, city or state under a *sexually*  
21 *oriented business* license or similar business license; 4) whether the applicant has ever had *sexually*  
22 *oriented business* license suspended or revoked and the reason for such suspension or revocation and  
23 the business entity or trade name under which the applicant operated that was subject to the  
24 suspension or revocation; 5) all convictions of criminal statutes, whether federal or state or city  
25 ordinance violations, forfeiture of bond and pleadings of nolo contendere on any charges except



1 minor traffic violations; 6) the address of the *sexually oriented business* to be operated by the  
2 applicant and a full description of the nature of the *business*; and 7) if the applicant is a corporation,  
3 the *application* shall specify the name of the corporation, the date and state of incorporation, the name  
4 and address of the registered agent and the name and address of all shareholders owning more than  
5 five percent of the stock in the corporation and all officers and directors of the corporation.

6 (vii) Within twenty-one days of receiving an *application* for a  
7 license, the accounts receivable office shall notify the applicant whether the license is granted or  
8 *application* denied.

9 (viii) If *application* is denied, the accounts receivable office shall  
10 advise the applicant in writing of the reasons for the denial. If the applicant requests a hearing within  
11 thirty days of receipt of notification of denial, a public hearing shall be held in accordance with  
12 Section 14-6.2(C).

13 (ix) Failure or refusal of the applicant to give requested information  
14 or the giving by the applicant of false or misleading information relevant to the *application*  
15 constitutes an admission by the applicant that he or she is ineligible for a license and is grounds for  
16 denial of a license.

17 **(g) Standards for Issuance of License**

18 To receive a license to operate a *sexually oriented business*, an applicant  
19 must meet the following standards:

20 (i) If the applicant is an individual: 1) must be at least eighteen  
21 years of age; 2) shall not have been convicted of or pleaded nolo contendere to a felony or any crime  
22 involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction  
23 within five years immediately preceding the date of the *application*; 3) the applicant shall not have  
24 been found to have previously violated this section within five years immediately preceding the date  
25 of the *application* and the municipal court shall provide disposition of all ordinance violations at the

request of the accounts payable office.

(ii) If the applicant is a corporation: 1) all officers, directors and stockholders required to be named under Section (C)(2)(f)(vii) shall be at least eighteen years of age; 2) no officer, director or stockholder required to be named under that subitem shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the *application*; and 3) no officer, director or stockholder required to be named under that subitem shall have been found to have previously violated this section within five years immediately preceding the date of this *application*.

(iii) If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest: 1) all persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen years of age; 2) no persons having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the *application*; and 3) no person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated any provision of this section within five years immediately preceding the date of this *application*.

**(h) Display of License**

The license shall be displayed in a conspicuous public place in the *sexually oriented business*.

**(i) Renewal of License**

(i) Every license issued pursuant to this paragraph terminates at the expiration of one year from the date of issuance, unless sooner revoked, and must be renewed before

1 operation is allowed in the following year. An operator desiring to renew a license shall make  
2 *application* to the accounts receivable office. The *application* for renewal must be filed not later than  
3 sixty days before the license expires. The *application* for renewal shall be filed in triplicate with and  
4 dated by the accounts receivable office. A copy of the *application* for renewal shall be distributed  
5 promptly to the Santa Fe police department and to the operator. The *application* for renewal shall be  
6 upon a form provided by the accounts receivable office and shall contain such information and data,  
7 given under oath or affirmation, as is required for an *application* for a new license.

8 (ii) A renewal fee shall be submitted with the *application* for  
9 renewal. In addition to the renewal fee, a late penalty shall be assessed against the applicant who files  
10 for a renewal less than sixty days before the license expires. If the *application* is denied, one-half of  
11 the renewal fee shall be returned.

12 (iii) If the Santa Fe police department is aware of any information  
13 bearing on the operator's qualifications, that information shall be filed in writing with the accounts  
14 receivable office.

#### 15 (j) Revocation of License

16 (i) The *governing body* shall revoke a license for any of the  
17 following reasons: 1) discovery that false or misleading information or data was given on any  
18 *application* or material facts were omitted from an *application*; 2) the operator or any employee of  
19 the operator, violated any provision of this section or any regulation adopted by the *governing body*  
20 pursuant to this section; provided, however, that in the case of a first offense by an operator where the  
21 conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty days if the  
22 *governing body* finds that the operator had no actual or constructive knowledge of the violation and  
23 could not by the exercise of due diligence have had actual or constructive knowledge; 3) the operator  
24 becomes ineligible to obtain a license; 4) any cost or fee required to be paid by this section is not  
25 paid; and 5) any intoxicating liquor or cereal malt beverage is illegally served or consumed on the

1 *premises* of the *sexually oriented business*.

2 (ii) The *governing body*, before revoking or suspending a license,  
3 shall give the operator at least ten days' written notice of the charges and the opportunity for a public  
4 hearing before the *governing body*, as provided in this section (C)(1)(j)(ii).

5 (iii) The transfer of a license or any interest in a license shall  
6 automatically and immediately revoke the license.

7 (iv) An operator whose license is revoked shall not be eligible to  
8 receive a license for one year from the date of revocation. No location or *premises* for which a  
9 license has been issued shall be used as a *sexually oriented business* for six months from the date of  
10 revocation of the license.

11 **(k) Physical Layout of Sexually Oriented Businesses**

12 A *sexually oriented business* that has available for customers, patrons or  
13 members a booth, room or cubicle for the private viewing of any adult entertainment must comply  
14 with the following requirements:

15 **(i) Access**

16 Each booth, room or cubicle shall be totally accessible to and from  
17 aisles and public areas of the *sexually oriented establishment* and shall be unobstructed by a door,  
18 lock or other control-type devices.

19 **(ii) Construction**

20 Every booth, room or cubicle shall meet the following construction  
21 requirements: 1) each booth, room or cubicle shall be separated from adjacent booths, rooms and  
22 cubicles and any nonpublic areas by a wall; 2) have at least one side totally open to the public lighted  
23 aisle so that there is an unobstructed view at all times of any occupants; 3) all walls shall be solid and  
24 without any openings, extended from the floor to the height of not less than six feet and be light  
25 colored, nonabsorbent, smooth textured and easily cleaned; 4) the floor must be light colored,

1 nonabsorbent, smooth textured and easily cleaned; 5) the lighting level of each booth, room or  
2 cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured at the floor.

3 **(iii) Occupants**

4 Only one person shall occupy a booth, room or cubicle at any time.

5 An occupant shall not engage in any type of sexual activity or cause any bodily discharge or litter  
6 while in the booth. A person shall not damage or deface any portion of the booth.

7 **(l) Responsibilities of the Operator**

8 (i) The operator shall maintain a register of all employees, showing  
9 the name and aliases used by the employee, home address, age, birth date, sex, telephone numbers,  
10 social security number, date of employment and termination and duties of each employee. The  
11 information on each employee shall be maintained in the register on the *premises* for a period of three  
12 years following termination.

13 (ii) The operator shall make the register of employees available  
14 immediately for inspection by police upon demand of a member of the Santa Fe police department at  
15 all reasonable times.

16 (iii) Every act or omission by an employee constituting a violation  
17 of the provisions of this paragraph shall be deemed the act or omission of the operator if such act or  
18 omission occurs either with the authorization, knowledge or approval of the operator or as a result of  
19 the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable  
20 for an employee's act or omission in the same manner as if the operator committed the act or caused  
21 the omission.

22 (iv) Any act or omission of an employee constituting a violation of  
23 the provisions of this paragraph shall be deemed the act or omission of the operator for purposes of  
24 determining whether the operator's license shall be revoked, suspended or renewed.

25 (v) An employee of a *sexually oriented business* shall not allow any

1 minor to loiter around or to frequent the *sexually oriented business* or to allow any minor to view the  
2 sexually oriented activities, performances, materials or other related matter or act as defined in the  
3 Santa Fe City Code.

4 (vi) The operator shall maintain the *premises* in a clean and sanitary  
5 manner at all times.

6 (vii) The operator shall maintain at least ten foot candles of light in  
7 the public portions of the establishment, including aisles, at all times.

8 (viii) The operator shall ensure compliance of the establishment and  
9 its patrons with the provisions of this paragraph.

10 **(m) Administrative Procedure**

11 A person aggrieved by a *final action* of a City official, officer or department  
12 may file an appeal contesting the *final action* of the City relating to denial, renewal, nonrenewal,  
13 revocation, or suspension of a license for a *sexually oriented business* pursuant to Section 14-3.17.

14 **(n) Exclusions**

15 All accredited and duly licensed private schools and public schools in Santa  
16 Fe are exempt from obtaining a license pursuant to this paragraph when instructing pupils in sex  
17 education as part of their curriculum.

18 **(o) Enforcement**

19 The land use department may enter any *sexually oriented business* at all  
20 reasonable times to inspect the premises and enforce this paragraph. If during the inspection  
21 circumstances indicate a violation of an ordinance or other law, the code enforcement officers shall  
22 report their findings to the Santa Fe police department for further investigation or other response as  
23 indicated.

24 **(2) Apothecary Shops or Pharmacies**

25 The *business* shall be confined *principally* to the compounding and dispensing at

1 retail of drugs and medicines and the sale of medical and dental supplies and devices.

2 **(3) Flea Markets**

3 (a) Such uses shall:

4 (i) meet the requirements of Sections 14-8.4 (Landscape and Site  
5 Design), 14-8.6 (Off-Street Parking and Loading) and 14-8.10 (Signs). For the purposes of  
6 implementing *sign* regulations of Section 14-8.10, a *flea market* constitutes one *business*  
7 establishment;

8 (ii) meet the requirements of the garbage, litter and weed  
9 ordinances;

10 (iii) not operate as a campground;

11 (iv) not be located on *open space* or *landscaping* areas required by  
12 Chapter 14 for another *building* or use;

13 (v) be located on parking areas only so long as enough area remains  
14 to meet all parking required by Chapter 14 for both the *flea market* and the other *building* or use.

15 This cumulative parking requirement may be reduced pursuant to Section 14-8.6(B)(4); however, if a  
16 *development plan* is required, the reduction may be approved by the planning commission  
17 concurrently with the *development plan*; and

18 (vi) be required to obtain a *certificate of occupancy* whether or not a  
19 construction *permit* is required.

20 (b) For *flea markets* with fifteen or more vendors, *development plans*  
21 showing parking, vendor area and *landscaping* shall be approved by the planning commission as set  
22 forth in Section 14-3.8. For *flea markets* with fewer than fifteen vendors, a site plan showing parking,  
23 vendor area and *landscaping* shall be approved by the *land use director*. Fewer than five individual  
24 vendors located on a property does not constitute a *flea market*.

25 (c) Complaints about *flea market* operation shall be reviewed by the *land use*

1 *director* and, if valid, the facility shall be given one to five days' written notice to remedy the  
2 complaint. If the operator fails to remedy the complaint within the time provided in the written  
3 notice, the *governing body* may set a public hearing to consider revocation of the operator's license.  
4 The operator shall be given notice of the public hearing and an opportunity to be heard.

5 (d) These provisions do not apply to markets located on *City* property that  
6 are subject to an alternate approval process.

#### 7 (4) Neighborhood Grocery Stores and Laundromats

8 (a) a solid masonry *wall* not less than six feet in height shall be erected along  
9 side and rear *lot* lines of neighborhood *grocery stores* and *laundromats* with adjoining residential *lots*;

10 (b) no more than one wall *sign* of not more than twenty percent of the front  
11 *wall* area, excluding doors and windows, is allowed; and

12 (c) the maximum floor area ratio is 3.0. The maximum floor area is three  
13 thousand square feet; and

#### 14 (5) Private Clubs and Lodges

15 (a) This use type does not include uses the chief activity of which is a  
16 service customarily carried on as a business.

17 (b) In all residential districts except R-10, R-12, R-21, R-29 and RAC, the  
18 following additional standards apply:

19 (i) the facility shall not have a *lot* area of less than two acres; and

20 (ii) a *structure* in connection with the facility shall not be closer than  
21 twenty-five feet to any *lot* line.

#### 22 (6) Personal Care Facilities for the Elderly

23 All *state* and federal laws and regulations governing the facility shall be complied  
24 with prior to issuance of a *certificate of occupancy*.

#### 25 (7) Vacation Time Share Projects



1 The provision of operating or management services to single or multiple *owners* of  
2 *vacation time share projects* is a commercial use whether or not the management services are  
3 provided on the same site as the timeshare units, and operators and managers are required to obtain a  
4 business registration from the *City*.

#### 5 (8) Veterinary Establishments

6 Except in an RR district, the following shall apply:

7 (a) the facilities provide treatment for animals of a nonagricultural, domestic  
8 household nature only, including dogs, cats, caged birds and other animals typically capable of being  
9 housed within a family *dwelling unit*;

10 (b) the facilities contain no external *kennels* or areas of boarding, training,  
11 breeding or exercising of animals;

12 (c) overnight boarding of animals for medical purposes is only  
13 accommodated by soundproof rooms contained within the facility

14 (d) continuous or repetitious noise or odors discernible at the *lot* line are  
15 cause for investigation by the *land use director*, potentially leading to revocation of the occupancy  
16 *permit*; and

17 (e) any treatment facility for large or typically farm animals, including  
18 horses, cows, sheep, chickens and pigs, are excluded from the list of permitted uses.

#### 19 D. Industrial Uses

##### 20 (1) Salvage Yards

21 *Salvage* yards are subject to the following limitations:

22 (a) *front yards* and *yards* adjoining residential districts shall have a  
23 minimum depth of fifty feet. The *yards* may be used for customer parking or for *landscaping* and  
24 shall not be used for storage or display;

25 (b) they shall be enclosed by solid *walls* or solid fences at least six feet in

height, with access only through solid gates that are kept closed when not in use;

(c) objects shall not be stacked or stored higher than the minimum height of the enclosing *wall* or fence required in Section 14-6.2(D)(1)(b), except within a completely enclosed *building*; and

(d) all uses shall conform to performance standards as set forth in Section 10-4 SFCC 1987.

### **(2) Individual Storage Areas Within a Completely Enclosed Building**

Storage units that are not directly accessible from outside a *building* are subject to the following limitations:

(a) the plan for operation of the storage area is compatible with other permitted uses existing in the vicinity;

(b) the storage area shall not unreasonably interfere with permitted uses because of glare, traffic congestion or any similar nuisance;

(c) an individual storage unit shall not exceed two hundred square feet;

(d) outdoor storage is prohibited on the site if located within a C-2 district or the BCD;

### **(3) Mini Storage Units**

Storage units that are directly accessible from outside a *building* are subject to the following limitation:

(a) a *wall* or fencing plan shall be submitted for staff review and approval prior to issuance of a construction *permit*. *Walls* or fences shall provide a visual buffer or *screen* and be constructed of opaque materials;

(b) a landscape plan meeting all the requirements of Section 14-8.4 shall be submitted to the *land use director* for approval prior to issuance of a construction *permit*;

(c) the architecture shall be compatible with the zoning district as approved

1 by the *land use director*. One *dwelling unit*, excluding *manufactured homes*, is allowed as part of the  
2 storage unit *development* and it must be architecturally compatible with the storage units. No portion  
3 of the storage units or the *dwelling unit* shall exceed one story in height;

4 (d) lighting shall be of a nature that is not intrusive to surrounding  
5 residential uses;

6 (e) *mini-storage units* approved after July 25, 2007 shall comply with the  
7 following:

8 (i) a *building* shall not be located fewer than one hundred feet from  
9 a *residentially zoned property* unless the required *landscaping* buffer adjacent to the *residentially*  
10 *zoned property* is twice the otherwise required width; and

11 (ii) an eight foot masonry *wall*, either stuccoed on the outside or  
12 made of decorative block, is required along any property line abutting a *residentially zoned property*;

13 **(4) Research, Experimental and Testing Laboratories**

14 These uses shall comply with the performance standards of Section 10-4 SFCC 1987  
15 and shall not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare or electrical  
16 interference or otherwise create a risk to health, safety or property of residents or occupants of  
17 adjacent or neighboring residential properties.

18 **E. Telecommunication Facilities**

19 **(1) Purpose**

20 The purposes of this section are to:

21 (a) comply with applicable *state* and federal laws and regulations regarding  
22 the provision of *telecommunications services*;

23 (b) consistent with the federal Telecommunications Act of 1996, establish  
24 regulations that do not discriminate among *telecommunications providers*;

25 (c) promote regulatory certainty;

1 (d) minimize adverse land use impacts of *towers* and *antennas* by:

2 (i) encouraging the location of *towers* in nonresidential districts in  
3 order to preserve the character of Santa Fe neighborhoods;

4 (ii) requiring co-location of *antennas*, minimizing new *tower* sites,  
5 and encouraging the use of minimally visually intrusive technology to the maximum extent  
6 technically feasible; and

7 (iii) requiring careful design, siting, landscape *screening* and  
8 innovative camouflaging techniques, including *tower* alternatives, consistent with applicable *state* and  
9 federal requirements, including FAA requirements; and

10 (e) enhance the ability of *telecommunications providers* to provide  
11 *telecommunication services* to the community quickly, effectively and efficiently.

12 **(2) Applicability**

13 (a) This section applies to all *towers* and *antennas* located within the *City's*  
14 jurisdiction, whether upon private or public lands, except as provided in Section 14-6.2(E)(2)(b).

15 (b) except as otherwise noted, this subsection shall not apply to the  
16 following:

17 (i) *towers* and *antennas* located within the *City's* public *rights of*  
18 *way* for which a franchise agreement is required pursuant to Article 27-2 SFCC 1987;

19 (ii) *towers* and *antennas* located on *state* or federal land, except to  
20 the extent the *City* has jurisdiction over the same by law or by contract;

21 (iii) *towers* under seventy feet in height used for receive-only  
22 *antennas* that are owned and operated by a federally licensed amateur radio station operator or  
23 otherwise used exclusively for receive-only *antennas*;

24 (iv) *towers* or *antennas* existing prior to March 25, 1998 or for  
25 which a construction *permit* had been issued prior to March 25, 1998, but only to the extent of

1 *permits* issued prior to June 11, 2011;

2 (v) *towers* or *antennas* constructed or installed on *City*-owned  
3 property pursuant to a lease with the *City* approved by the *governing body* prior to June 11, 2011, but  
4 only to the extent of *permits* issued prior to June 11, 2011;

5 (vi) *towers* and *antennas* used exclusively for emergency services,  
6 including police and fire, and operation of the *City* water utility;

7 (vii) *antennas* and other over-the-air receiving devices for the  
8 reception of video images that do not exceed one meter in diagonal length or diameter or are designed  
9 to receive television broadcast signals only; provided that any such *antenna* located in a historic  
10 district or on *residentially zoned property* shall, to the maximum extent technically feasible without  
11 requiring new or additional construction, be screened from the view of adjacent properties and public  
12 *rights of way* unless the *screening* would create a greater visual impact than the unscreened *antenna*.

13 *Screening* may include existing parapets, *walls* or similar architectural elements if they are painted  
14 and texturized to integrate with the architecture of the *building* or other *structure* or *landscaping*;

15 (viii) maintenance, repair and replacement of existing  
16 *telecommunications facilities* to the extent that there is no significant adverse visual impact and  
17 maintenance or improvements to existing *infrastructure* such as painting over graffiti on walls or  
18 renewing *landscaping*; or

19 (ix) the modification of existing *telecommunications facilities* to the  
20 extent that there is no significant adverse visual impact.

21 (c) Notwithstanding the applicability of this section, all *telecommunications*  
22 *facilities* are subject to the requirements of Chapter 7 SFCC 1987.

### 23 (3) Administrative Approval

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

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

- 3 (i) the addition of an *antenna* to an existing *tower* or structure;  
4 (ii) relocation of an existing *tower* to within fifty feet of the original  
5 *tower* site for the purpose of accommodating the co-location of one or more additional *antennas*;  
6 (iii) new *towers* or *antennas* in C-2, I-1 and I-2 districts;  
7 (iv) face-mounted and roof mounted *antennas* that are painted and  
8 texturized to match the *building* or *structure* to which they are attached and that do not have  
9 significant adverse visual impact; and  
10 (v) *tower* alternatives outside residentially zoned districts.

11 (b) *Applications* for administrative approval shall comply with the submittal  
12 requirements of Section 14-6.2(E)(6).

13 (c) Administrative approval shall not be granted for new *antennas* in the  
14 historic, escarpment or south central highway corridor overlay districts.

15 (d) Within forty-five days of receiving a complete *application* for  
16 administrative approval, the *land use* director shall review and approve the *application* if it complies  
17 with the requirements of this section. Denial of an *application* for administrative approval shall be in  
18 writing and shall set forth the reasons for the denial. Denial of an *application* constitutes a *final*  
19 *action* and is subject to appeal pursuant to Section 14-3.17.

20 **(4) Planning commission and Historic Design Review Board Review Required**

21 (a) A *tower* or *antenna* that is not otherwise permitted or administratively  
22 approved shall be reviewed and approved by the planning commission for compliance with this  
23 section and all applicable *City* codes. In approving an *application*, the planning commission shall  
24 determine that:

- 25 (i) the *application* complies with this section;

1 (ii) the proposed *telecommunications facilities* are necessary to close  
2 a demonstrated significant gap in service coverage of the applicant based on actual signal strength  
3 data for the area where the gap is claimed and for the type of gap claimed;

4 (iii) the applicant has demonstrated that no other less intrusive  
5 means or alternative to the proposed *telecommunications facilities* siting and design is practicable;

6 (b) A *tower* or *antenna* that is located in a historic district and is not  
7 otherwise permitted or administratively approved shall be reviewed and approved by the historic  
8 design review board in accordance with applicable requirements of Section 14-5.2 (Historic Districts)  
9 and in accordance with this Section 14-6.2(E) as follows. In approving an *application*, the historic  
10 design review board shall determine that:

11 (i) the *application* complies with applicable requirements of  
12 Section 14-5.2 and this section; and

13 (ii) the applicant has demonstrated that no other less intrusive means  
14 or alternative to the proposed *telecommunications facilities* siting is practicable.

15 (c) The planning commission or the historic design review board may not  
16 regulate the placement of *telecommunications facilities* on the basis of the environmental effects of  
17 radio frequency emissions where such *telecommunications facilities* comply with  
18 47 C.F.R. 1.1310 et seq.

19 (d) The planning commission or the historic design review board may place  
20 conditions upon its approval of an *application*, but the conditions shall not prohibit or have the effect  
21 of prohibiting the provision of *telecommunication services*.

22 (e) A denial of an *application* or an approval of an *application* with  
23 conditions not approved by the applicant shall:

24 (i) be in writing;

25 (ii) cite to the administrative record; and

(iii) shall not become final until the writing is approved by the planning commission or historic design review board, as applicable, at its next regularly scheduled meeting.

(f) The planning commission and historic design review board shall each review *applications* submitted under this section as soon as reasonably practicable without regard to the other's schedule or decision.

#### **(5) General Requirements**

All *towers* and *antennas*, whether administratively approved or requiring planning commission or historic design review board approval, shall comply with all applicable *City* codes and with the following:

##### **(a) Zoning Districts; Location**

*Telecommunications facilities* are permitted in all zoning districts in accordance with the requirements of this section. However, to the maximum extent technically feasible, *telecommunications facilities* shall be sited:

- (i) on existing *structures*;
- (ii) in nonresidential districts; and
- (iii) in C-2, I-1 and I-2 districts.

##### **(b) Maximum Height**

*Telecommunications facilities* located on existing *structures* shall not exceed the height of the *structure* upon which the facility is located unless otherwise allowed under this section. *Telecommunications facilities* located on new *structures* shall not exceed the maximum height for *buildings* otherwise allowed as set forth in Chapter 14 with the exception that in C-2, I-1 and I-2 districts the height limit of *telecommunications facilities* shall be one hundred feet.

##### **(c) Aesthetic Requirements**

Subject to applicable federal standards and design and safety codes, the



1 following criteria must be met:

2 (i) *telecommunications facilities* shall be installed underground to  
3 the maximum extent technically feasible;

4 (ii) if above ground, the *telecommunications facilities* shall be  
5 designed, installed and maintained in such a manner as to minimize the visual impact upon adjacent  
6 lands, public *rights of way* and *residentially zoned property*. Acceptable methods to minimize visual  
7 impact include concealment, *screening*, camouflaging, color, materials, texture, shape, size and  
8 location;

9 (iii) consideration shall be given to minimize disruption to or  
10 *alteration* of the natural land forms and landscape; and

11 (iv) permanent lighting of *telecommunications facilities* shall not be  
12 allowed unless there is no alternative available to comply with federal law, in which case all proposed  
13 lighting shall be shown in the *application*. Permanent lighting shall not include equipment status  
14 indicator lights exceeding fifteen watts of power.

15 **(d) Archaeological Requirements**

16 Compliance with Section 14-5.3 SFCC 1987 regarding the *City's*  
17 archaeological review districts is required.

18 **(e) Signs**

19 *Signs* are not allowed unless required for safety reasons or otherwise in  
20 compliance with federal, state or local law, or unless permitted by the *City*.

21 **(f) Telecommunications facilities Maintenance**

22 All *telecommunications facilities* shall be maintained so as to be safe,  
23 orderly, attractive and in conformity with all applicable federal, state and *City* laws, ordinances,  
24 regulations and codes. Weeds, trash and graffiti shall be promptly removed. All lockable  
25 *telecommunications facilities* shall be kept locked when not being actively serviced. All non-lockable

1 *telecommunications facilities* shall be kept closed when not being actively serviced. All  
2 telecommunication facilities shall be kept free of graffiti.

3 **(g) Noise**

4 All *telecommunications facilities* shall be designed, constructed and installed  
5 in such a manner as to minimize noise to the maximum extent feasible, but in no event shall noise  
6 exceed the standards set forth in Article 10-2 SFCC 1987.

7 **(h) Restoration of Improvements**

8 Promptly upon completion of a *tower* or *antenna* construction, all public and  
9 private property improvements, *landscaping*, fixtures, *structures* and facilities damaged in the course  
10 of construction shall be restored to a condition not less than its condition before commencement of  
11 construction or as otherwise agreed to by the applicant.

12 **(i) Airport**

13 *Telecommunications facilities* within the Class D airspace surrounding the  
14 Santa Fe airport shall be constructed in conformity with all applicable FAA regulations. A copy of  
15 any submittals required to be made to the FAA shall be provided to the *City's* airport manager at the  
16 time the submittal is made to the FAA.

17 **(j) Co-location Requirement**

18 A *tower* or *tower* alternative shall not be approved unless the applicant and  
19 the *telecommunications owner* agree to allow on a nondiscriminatory basis, to the maximum extent  
20 technically feasible, the co-location of other *antennas* on commercially reasonable terms on the  
21 approved *tower* or *tower* alternative.

22 **(k) Tower Setbacks and Separation Distances Between Towers**

23 All *towers* shall be *set back* a distance equal to at least one hundred percent  
24 of the height of the *tower* from any adjoining lot line, measured from the base of the *tower*. A *tower*  
25 shall not be closer than one thousand linear feet to another *tower*, measured from the base of the

1 towers.

2 **(I) Certification**

3 On or before one year after the date of any *final action* approving an  
4 *application* and annually thereafter, the applicant shall provide to the *land use director* the  
5 certification of qualified independent parties that based on an inspection of the approved  
6 *telecommunications facilities* their structural integrity remains intact and they remain in compliance  
7 with the radio frequency exposure limits set out in 47 C.F.R. 1.310 Table 1(A) and (B).

8 **(6) Application Submittal Requirements**

9 (a) All *applications* shall be in writing in a form prescribed and as necessary  
10 updated by the *land use director*. If an *application* is determined to be incomplete, the *land use*  
11 *director* shall provide written notice to the applicant no later than fifteen business days after the  
12 submittal date of missing and incomplete items. Applicants submitting for planning commission  
13 approval pursuant to Article 27-2 SFCC 1987 (Telecommunication Services) may, but need not,  
14 include *telecommunications facilities* located outside the public *rights of way* in that submittal.

15 (b) All *applications* for *telecommunications facilities* shall include the  
16 following:

17 (i) an *application* letter describing the proposed *telecommunications*  
18 *facilities* and signed by an authorized representative of the applicant with knowledge of its contents  
19 and attesting to its truth and completeness;

20 (ii) a scaled site plan clearly indicating the location, type and height  
21 of the *telecommunications facilities*; on-site land uses and zoning; adjacent land uses and zoning,  
22 including when adjacent to other jurisdictions; adjacent roadways; proposed means of access;  
23 *setbacks* from property lines; elevation drawings of the proposed *telecommunications facilities* and  
24 any other *structures*, equipment cabinets, topography and parking; and other information deemed by  
25 the *land use director* to be necessary to assess compliance with this section;

(iii) the *setback* distance between the proposed *telecommunications facilities* and an adjacent *residentially zoned property* or BCD zoned property;

(iv) a map and corresponding inventory of *telecommunications facilities* owned or operated by the applicant within the *City's* jurisdiction and within three miles of the *City's* jurisdiction, including the location, height and design type of each *antenna* and *tower* as follows: 1) proposed *telecommunications facilities* for which an approval is being sought; 2) existing *telecommunications facilities*; 3) approved but not yet constructed *telecommunications facilities*; and 4) additional *telecommunications facilities* proposed in the twelve months immediately following the *application* submittal date.

(v) a radio frequency (RF) coverage map showing the level of existing RF coverage and RF coverage after construction of the proposed *telecommunications facilities*;

(vi) a search ring map illustrating the area within which the applicant explored for potential *telecommunications facilities* sites;

(vii) an analysis assessing the feasibility of alternative sites to the one proposed, including the potential for co-location, in the vicinity of the proposed site, including an explanation of why other sites were not selected for siting;

(viii) an analysis assessing the feasibility of alternative *antenna* configurations, both at the proposed site and in the surrounding vicinity, that might result in less visual impact, including an explanation of why other *antenna* configurations were not selected;

(ix) technical information supporting the proposed height of the proposed *antenna* mount;

(x) written and notarized certifications by the applicant as follows:  
1) that co-location, to the maximum extent technically feasible and upon commercially reasonable terms, will be allowed on a non-discriminatory basis if the *application* is approved, or an explanation

1 of why co-location is not technically feasible; 2) to the extent that the proposed *telecommunications*  
2 *facilities* are located in the historic, escarpment or south central highway corridor overlay districts or  
3 do not comply with the priorities set forth in Section 14-6.2(E)(5)(a), that the applicant has  
4 investigated alternative siting and that no other practicable alternative exists; 3) that the proposed  
5 *telecommunications facilities* comply with all applicable federal , state and local requirements,  
6 including without limitation radio frequency radiation exposure limits set out in 47 C.F.R. 1.310  
7 Table 1(A) and (B), building codes and all other safety standards; National Historic Preservation Act  
8 requirements for the siting of facilities that are listed or are eligible for listing in the National Register  
9 of Historic Places; and all franchises, leases and other contracts, if any, for the use of real property  
10 required by any regulatory body with jurisdiction, for the construction or operation of  
11 *telecommunications facilities* in the *City* have been obtained; 4) that the proposed  
12 *telecommunications facilities* are necessary to close a defined and significant gap in service coverage  
13 based on actual signal strength data for the area where the gap is claimed and for the type of gap  
14 claimed and that the proposed facilities are the least intrusive method to do so; 5) that the applicant  
15 will remove the proposed *telecommunications facilities* if required to pursuant to Section 14-  
16 6.2(E)(11) and that if the applicant fails to do so, the *City* may remove the facilities at the applicant's  
17 expense and that expense, if unpaid upon demand, shall constitute a lien upon the property where  
18 such facilities are located. In the event that the applicant is not the *owner* of the facilities and  
19 property, the applicant shall provide certification to this effect by the *owner* of the facilities and the  
20 property; and 6) that the proposed *telecommunications facility* will be completed and will be used to  
21 provide *telecommunication services* within one hundred eighty days of the date the *application* is  
22 finally approved, or, if a construction *permit* is required, the date the construction *permit* is issued;

23 (xi) a traffic control plan if required by Section 23-2.17 SFCC 1987;

24 (xii) construction drawings sealed by a *professional engineer*;

25 (xiii) written acknowledgment by the applicant that the *application*

1 and related submittals constitute a public record under the New Mexico Inspection of Public Records  
2 Act and are required to be made available to members of the public for inspection upon request in  
3 accordance with *City* practice; and

4 (xiv) such other information as may reasonably be required by the  
5 *land use director*.

6 **(7) Fees**

7 *Applications* shall be accompanied by a nonrefundable fee as established by  
8 resolution of the *governing body*.

9 **(8) Waivers**

10 (a) The planning commission may grant a waiver of the standards set forth  
11 in this section or otherwise within its jurisdiction only if the planning commission finds that the  
12 waiver:

13 (i) is in the best interest of the community as a whole;  
14 (ii) will expedite the approval of an *antenna* or *tower*;  
15 (iii) will not jeopardize the public health, safety and welfare, to the  
16 extent the *City* has jurisdiction;

17 (iv) will either mitigate the adverse visual impacts of *antenna* and  
18 *tower* proliferation or limit the need for construction of new *towers* or *antennas*;

19 (v) will better serve the purposes set forth in Section 14-6.2(E)(1);  
20 and

21 (vi) if the proposed site is located in the escarpment or south central  
22 highway corridor overlay districts, that the applicant has demonstrated to the satisfaction of the  
23 planning commission that it has explored all alternatives to the proposed site and to the proposed  
24 design and that location outside those districts is not practicable.

25 (b) Factors to be considered in granting a waiver include:

1 (i) the design of the proposed *telecommunications facilities*, with  
2 particular reference to design elements that reduce or eliminate adverse visual impact including  
3 lighting;

4 (ii) the nature of uses on adjacent and nearby properties, including  
5 proximity to *residentially zoned property*, the BCD and historic, escarpment and south central  
6 highway corridor overlay districts;

7 (iii) the surrounding topography;

8 (iv) the surrounding vegetation;

9 (v) the availability of existing *towers* or other *structures* for co-  
10 location or of alternative *antenna* configurations with less visual impact;

11 (vi) the proposed ingress and egress; and

12 (vii) improved *telecommunication services* to Santa Fe residents and  
13 institutions.

14 (c) The historic design review board may grant a waiver of the standards set  
15 forth in this subsection or otherwise within its jurisdiction only if the board finds that:

16 (i) the applicant has demonstrated to the satisfaction of the board  
17 that it has explored all alternatives to the proposed site in the historic district and to the proposed  
18 design; and

19 (ii) the conditions of Sections 14-5.2(C)(5)(c)(i) through (iii), (v) and  
20 (vi) have been met.

21 **(9) Appeals**

22 Appeals shall be made in accordance with Section 14-3.17 SFCC 1987.

23 **(10) Notice**

24 **(a) Administrative Approvals**

25 *Applications* for administrative approvals shall comply with the following

notice requirements:

(i) within twenty-four hours of submitting an *application* to the *land use director*, the applicant shall provide notification by certificate of mailing, proof of which is submitted to the *land use director* to be included with the *application*, to all property owners and addresses within two hundred feet of the proposed site, exclusive of *right of way*, and, if the proposed site lies within the boundaries of a neighborhood association that has been listed with the *land use director*, to such neighborhood association;

(ii) within twenty-four hours of submitting an *application* to the *land use director*, the applicant shall post at the proposed *tower* or *antenna* site a public notice poster provided for that purpose by the *land use director*. The notice shall be prominently displayed, visible from a public *street*. The applicant shall use its best efforts to ensure that the poster remains in place until the appeal period as set forth in Section 14-3.17 has expired.;

(iii) the notification and poster shall describe generally the *telecommunications facilities* proposed for the site and identify the applicant, the nature of the *application*, the proposed *tower* or *antenna* site and the contact phone number of the *land use director*.

#### **(b) Early Neighborhood Notification**

*Applications* for review by the planning commission shall comply with the early neighborhood notification procedures set forth in Section 14-3.1(F)

#### **(c) Public Hearings**

Notice of public hearings shall comply with Section 14-3.1(H).

### **(11) Removal of Abandoned Towers and Antennas**

(a) This paragraph applies to all *towers* and *antennas* regardless of the date of construction.

(b) An *antenna* or *tower* that is not used for the provision of



1 *telecommunication services* for a continuous period of six months shall be deemed to be abandoned  
2 and the *owner* of the *antenna* or *tower* shall remove it within ninety days of receipt of notice from the  
3 *City* notifying the *owner* of the *telecommunications facilities* and the *owner* of the property upon  
4 which the *telecommunications facilities* are located.

5 (c) Failure to remove an abandoned *tower* or *antenna* within the ninety days  
6 shall be grounds for the *City* to remove it at the expense of both the *owner* of the *telecommunications*  
7 *facilities* and the *owner* of the property upon which the *telecommunications facilities* are located.  
8 The *City* may file a lien on the property where the *telecommunications facilities* are located for the  
9 expenses incurred by the *City*, including the costs associated with filing the lien.

#### 10 (12) Enforcement

11 The *land use director* has the authority to interpret this section in accordance with its  
12 purposes and shall administer and enforce its provisions.

### 13 F. Electric facilities

#### 14 (1) Purpose

15 The purposes of this section are to:

16 (a) identify and, to the extent reasonable and practicable, reduce negative  
17 impacts on Santa Fe residents due to new and expanded *electric facilities*;

18 (b) ensure that electric service providers can continue to provide safe and  
19 reliable electric service that meets both the current and future needs of Santa Fe;

20 (c) promote planning and regulatory certainty;

21 (d) ensure the highest degree of coordination between the *City*, its residents  
22 and electric service providers to achieve the objectives of both the providers and the public;

23 (e) encourage thoughtful design of *electric facilities* through careful siting,  
24 *landscaping* and architectural enhancements consistent with local, *state* and federal requirements and  
25 recognize the need for an electric service provider to operate and maintain the electrical system

1 safely;

2 (f) support the joint use of *electric facilities* and distribution facilities; and

3 (g) ensure compliance with Section 3-19-11 NMSA 1978 (Legal Status of  
4 Master Plan) and all other controlling regulatory requirements under *state* and federal law and such  
5 other laws and regulations that may be applicable.

6 **(2) Electric facilities Plan**

7 The *governing body* shall adopt an *Electric facilities* Plan as an amendment to the  
8 *General Plan* by passage of a resolution.

9 **(3) Annual Informational Meeting for Proposed Electric Projects**

10 Notwithstanding any other process contemplated by this section, an electric service  
11 provider shall provide a list of proposed electric projects and request an annual meeting for an  
12 informational presentation with the *land use director*, the planning commission, the historic design  
13 review board and the public utilities committee. The electric service provider, if requested, shall  
14 provide an informational briefing to the *governing body*.

15 **(4) Applicability**

16 (a) This subsection applies to electric projects located within the city limits  
17 whether upon private or public lands; provided, however, that this subsection applies to electric  
18 projects on *state* and federal lands only to the extent of the *City's* jurisdiction or in accordance with  
19 any contractual understanding. Nothing in this section shall be deemed a waiver of the *City's* police  
20 power authority to seek redress against any person placing *electric facilities* in such a location or  
21 manner as to create a risk to public safety.

22 (b) This subsection does not apply to the following:

23 (i) the installation of distribution facilities consisting of three or  
24 fewer *poles*;

25 (ii) *electric facilities* and distribution facilities in existence prior to

1 October 29, 2008;

2 (iii) emergency and temporary facilities or the emergency repair of  
3 electrical facilities; and

4 (iv) the installation of any distribution underground system.

5 **(5) No Application Required**

6 The following shall not require submittal of an *application* for review under this  
7 subsection; however, compliance with Section 14-6.2(F)(9) is required:

8 (a) station maintenance, including equipment replacement or upgrade inside  
9 existing *walls* to a higher capacity, and maintenance or improvements to existing *infrastructure* such  
10 as painting over graffiti on *walls* or renewing *landscaping*;

11 (b) the modification or addition of equipment, control units or electric  
12 *structures* within a substation to the extent that there is no significant outside visual impact;

13 (c) use of substation property for temporary storage for less than one year of  
14 materials to the extent there is no outside visual impact;

15 (d) any line maintenance, including repair, modification or replacement of  
16 *poles* with *poles* of similar height and appearance, such *poles* to be not more than ten feet taller than  
17 existing *poles* measured above ground height, and repair or replacement of components with a similar  
18 component such as guy wires and anchors, insulators and hardware on existing electric *structures*;

19 (e) reconductoring or reframing on existing electric *structures* or lines to the  
20 extent not inconsistent with 14-6.2(F)(5)(f), below;

21 (f) upgrade of line capacity that does not increase the total number of  
22 electric *structures* by ten percent added electric structures, or more than ten added feet of height on  
23 any individual electric *structure* or any additional new conductor on the electric *structures*;

24 (g) installation of equipment, such as switches or splice boxes, and  
25 communications cables and appurtenances on existing electric *structures* or lines;

(h) erection and removal of temporary facilities;

(i) relocation of electric *structures* within fifty feet of current site to accommodate *pole* replacement for maintenance or to provide clearances for public improvements;

(j) retirement, topping or removal of electrical facilities;

(k) developer- or *City*-initiated projects that have received planning commission or other *City* approval; and

(l) temporary erection or removal of fencing or other improvements, for less than one year, so long as the fencing or other improvements comply with all other *City* requirements, regulations and *permits*;

**(6) Administrative Approval**

(a) The following requires submittal of an *application* for administrative review and approval by the *land use director* unless they are located in the escarpment overlay district or a highway corridor district, in which case they shall require approval by the planning commission:

(i) station improvements, including relocation of nonelectric- related *infrastructure* outside the wall, such as driveways or sidewalks and expansion of station size by expanding *walls* or fences at existing sites; and

(ii) relocation of electric *structures* within fifty feet of the current site other than those to accommodate *pole* replacement for maintenance or to provide clearance for public improvements.

(b) Administrative review and decision shall be made in a timely fashion, and, if not made within thirty days of the date a complete *application* was submitted, the electric service provider will be provided with written notification explaining why delay continues and expected time frame for decision.

(c) The *land use director* shall review and approve *applications* if the proposed use complies with all relevant *City* ordinances and regulations; provided, however, the *land*

1 *use director* may choose not to make a decision on an *application* and refer the *application* to the  
2 planning commission for review upon notice to the electric service provider.

3 **(7) Planning commission; Governing Body Approval**

4 (a) All electric projects not eligible under Sections 14-6.2(F)(5) or (6),  
5 except transmission facilities, shall require submittal of an *application* for review and approval by the  
6 planning commission. Transmission facilities except those described in Sections 14-6.2(F)(5) or (6)  
7 shall require submittal of an *application* for review and recommendation by the planning commission  
8 for approval by the *governing body*.

9 (b) The planning commission shall consider the siting policies of the Electric  
10 Facility Plan as it may be amended and grant approvals with such conditions as appropriate under  
11 Chapter 14 or deny approvals when electric projects are not harmonious with and adaptable to  
12 *buildings, structures* and uses of properties underlying or adjacent to the electric project and other  
13 properties in the vicinity of the electric project, and shall specify such requirements for ingress and  
14 egress to public *streets*, provisions for drainage and *screening* as the planning commission deems  
15 necessary for the electric project to achieve conformity with the purposes of this section and the  
16 *General Plan*.

17 (c) Pursuant to Section 3-19-11 NMSA 1978, if the planning commission  
18 disapproves an *application* for which it has approval authority, it shall state its reasons to the  
19 *governing body*. The *governing body* may overrule the planning commission and approve the  
20 *application* by a two-thirds' vote of all its members.

21 **(8) Historic District Review; Authority**

22 All electric projects eligible in Sections 14-6.2(F)(6) or (7) that are located within a  
23 historic district shall require historic design review board approval. Additional restrictions are set  
24 forth in Section 14-6.2(F)(9)(j).

25 **(9) General Requirements**

1                                   **(a) Aesthetics, Lighting, Signs and Noise**

2                                   Electric projects shall comply with all *City* ordinances and regulations with  
3 respect to materials, colors, textures, finish, *screening* and *landscaping*, and the design of related  
4 *structures*, subject to applicable design codes and safety standards. All electric projects shall also  
5 comply with all lighting, signage and noise ordinances and regulations of the *City*.

6                                   **(b) Design Codes; Safety Standards**

7                                   Design and operation of *electric facilities* is governed by the National  
8 Electrical Safety Code (NESC) as adopted by the *state* and other applicable national, *state* and  
9 industry codes and guidelines.

10                                  **(c) Electric and Magnetic Fields (EMF)**

11                                  Electric and magnetic fields shall be considered when locating transmission  
12 lines and distribution lines in accordance with the *Electric facilities* Plan.

13                                  **(d) Property Maintenance**

14                                  All real property owned or leased by the electric service provider used for  
15 switching stations or substations shall be maintained, without expense to the *City*, so as to be safe,  
16 orderly, attractive and in conformity with all applicable *City* codes and regulations with respect to the  
17 removal of weeds, trash and graffiti.

18                                  **(e) Permits; Plans Required**

19                                  Construction *permits* shall not be required for *electric facilities* and  
20 distribution facilities. For other uses, construction *permits* shall be required as set forth in the Santa  
21 Fe City Code.

22                                  **(f) Restoration of Improvements**

23                                  Upon completion of an electric project, the electric service provider shall  
24 promptly repair any and all public and private property improvements, *landscaping*, fixtures,  
25 *structures* and facilities damaged during the course of construction, restoring them to a condition not

1 less than their condition before the start of construction or as agreed to by the affected property owner  
2 and the electric service provider.

3 **(g) Electric Facility Heights**

4 *Electric facilities* shall meet applicable clearances specified in the National  
5 Electrical Safety Code (NESC). Transmission facilities are between sixty and one hundred feet in  
6 height; distribution facilities are between thirty-five and fifty-five feet in height.

7 **(h) Airport**

8 An electric project within the Class D airspace surrounding the Santa Fe  
9 airport shall be built in conformity with all applicable FAA regulations. Any facilities requiring FAA  
10 submittal shall also be provided for informational purposes to the *City*.

11 **(i) Traffic Control Plan**

12 A traffic control plan shall be submitted as required by Section 23-2.17  
13 SFCC 1987 (Maintenance of Traffic and Pedestrian Flow).

14 **(j) Switching Stations and Substations**

15 (i) *Walls* that protect and screen electric equipment shall be a  
16 maximum of twelve feet in height in the historic districts and fourteen feet in height elsewhere. *Walls*  
17 over six feet high shall be *set back* no less than fifteen feet from the property line. This paragraph  
18 takes precedence over other height limits set forth in Chapter 14.

19 (ii) In H Districts *walls* shall be earth tone stucco and articulated so  
20 that there is a change in *wall* height of no less than eight inches at least every twenty-five linear feet  
21 of *wall* and there is a horizontal jog of at least one foot at least every fifty linear feet of *wall*. *Walls*  
22 shall be constructed so that no block seams are visible and nothing is placed on top of the *wall*. Gates  
23 shall be constructed as see-through wrought iron.

24 (iii) Lighting shall be used only when utility personnel are on site.

25 **(10) Application Submittal Requirements**

1                                   **(a) General Requirement**

2                                   All *applications* submitted to the *land use director* shall be in writing. If an  
3 *application* is determined to be incomplete, the *land use director* shall provide notice, within ten  
4 business days of the date the *application* is submitted, to the electric service provider along with an  
5 explanation of the *application's* deficiencies. Electronic submittals will be considered on a case-by-  
6 case basis, subject to security requirements.

7                                   **(b) Transmission Line Facilities**

8                                   The following information shall be submitted:

- 9                                   (i) purpose and need for the electric project;
- 10                                  (ii) analysis of conformity with the *General Plan* and the *Electric*  
11 *facilities* Plan, as amended, or successor plans, and relevant guiding policies;
- 12                                  (iii) description of the proposed action and alternative corridors  
13 examined;
- 14
- 15                                  (iv) constraints and opportunities associated with each alternative  
16 corridor;
- 17                                  (v) electric project location map and aerial *photograph*;
- 18                                  (vi) details of typical electric *structures*, including height diameter  
19 and phase spacing;
- 20                                  (vii) electric project "in service date" and estimated construction  
21 start date;
- 22                                  (viii) proposed action cost;
- 23                                  (ix) within two hundred feet along the proposed corridor: 1)  
24 existing and proposed land uses and existing zoning along the corridor; 2) location of existing  
25 watercourses, drainage channels and water bodies; 3) location of existing and proposed *streets* and



1 roads; 4) topography, natural features, *slopes, floodplains* and cultural resources; 5) visual  
2 considerations and general appearance, including visual simulations; 6) existing and proposed  
3 electric project utility easements, including location and width; 7) whether and to what extent *rights*  
4 *of way* will be used; and 8) other environmental considerations that may be relevant to the electric  
5 project such as information on airport control zones and *flood hazard zones*;

6 (x) discussion of the public input processes used;  
7 (xi) electric and magnetic field profiles;  
8 (xii) landscape restoration plan;  
9 (xiii) feasibility and estimated cost of an underground option, if  
10 requested by the *land use director*; and

11 (xiv) a list of all known and related approvals required to complete  
12 the electric project, regardless of the jurisdiction requiring approval.

13 **(c) Distribution Line Facilities**

14 The following information shall be submitted:

15 (i) purpose and need for the electric project;  
16 (ii) statement of conformity with the *General Plan* and the Electric  
17 Facility Plan, as amended, or successor plans, and relevant guiding policies;

18 (iii) description of the proposed action;  
19 (iv) constraints and opportunities;  
20 (v) electric project location map and aerial photograph;  
21 (vi) details of typical electric *structures*, including height, diameter  
22 and configuration;

23 (vii) electric project "in service date" and estimated construction  
24 start date;

25 (viii) proposed action cost;

(ix) within fifty feet along the proposed corridor: 1) land uses along the corridor; and 2) whether and to what extent *rights of way* will be used;

(x) discussion of the public input processes used;

(xi) landscape restoration, if applicable; and

(xii) feasibility and estimated cost of an underground option, if requested by the *land use director*.

**(d) Switching Stations and Substations**

The following information shall be submitted:

- (i) purpose and need for the electric project;
- (ii) analysis of conformity with the *General Plan* and the *Electric facilities Plan*, as amended, or successor plans, relevant guiding policies;
- (iii) description of the proposed action and alternative station sites examined;
- (iv) constraints and opportunities associated with each alternative;
- (v) electric project location map and aerial photograph with property *plat*;
- (vi) evidence of property control or intent to purchase the property;
- (vii) electric project "in service date" and estimated construction start date;
- (viii) within a two hundred foot radius from property line to include:
  - 1) existing and proposed land uses and existing zoning; 2) location of existing watercourses, drainage channels and water bodies; 3) location of existing and proposed *streets* and roads; 4) topography, natural features, *slopes*, *floodplains* and cultural resources; 5) visual considerations and general appearance, including visual simulations; and 6) other environmental considerations that may be relevant to the electric project such as information on airport control zones and *flood hazard zones*;

(ix) proposed *electric facilities* and site design to include a site plan; elevation drawings, including fencing and *walls*; outdoor lighting; *signs*; vehicular access; parking; revegetation; and landscape plan and terrain management plan, if applicable;

(x) discussion of the public input processes used; and

(xi) a list of all known and related approvals required to complete the electric project, regardless of the jurisdiction requiring approval.

#### **(11) Fees**

*Applications* shall be accompanied by a nonrefundable fee as established by resolution of the *governing body*.

#### **(12) Waivers**

(a) The planning commission may grant a waiver of the standards set forth in this subsection only if it finds that the waiver:

(i) is in the best interest of the community as a whole;

(ii) will not jeopardize public health, safety and welfare; and

(iii) will better serve the purposes contained in Section 14-6.2(F)(1).

(b) The planning commission shall consider the following criteria when granting a waiver:

(i) the general appearance of the facility,

(ii) the nature of uses on adjacent and nearby properties;

(iii) the surrounding topography;

(iv) the proposed ingress and egress;

(v) improved electrical service for Santa Fe; and

(vi) such other factors as may be relevant.

#### **(13) Appeals**

*Final actions* of the *land use director* may be appealed pursuant to Section 14-3.17.

1                   **(14) Public Notice**

2                   **(a) Administrative Approvals**

3                   Fifteen days prior to the submittal of an *application* to the *land use director*,  
4 the electric service provider shall provide notification by first class mail with mailing certificate,  
5 proof of which is to be included with the *application*, to all property *owners* within two hundred feet  
6 of the subject property, exclusive of *right of way*. If the property proposed to be used lies within the  
7 boundaries of a neighborhood association that has been listed with the *land use director*, notice also  
8 shall be provided to the neighborhood association.

9                   **(b) Planning commission Approvals**

10                  For *applications* requiring planning commission approval, the electric service  
11 provider shall comply with the provisions of Sections 14-3.1(F) (Early Neighborhood Notification  
12 Procedures) and (H) (Notice Requirements).

13                  **(c) Waivers**

14                  For requests for waivers, the electric service provider shall comply with the  
15 provisions of Sections 14-3.1(F) and (H).

16                  **(d) Appeals**

17                  For appeals to the planning commission, notice shall be given as provided in  
18 Section 14-3.1(H).

19                  **(15) Conformity Review**

20                  Compliance with Section 14-6.2(F) serves as the utility conformity review set forth in  
21 Section 3-19-11 NMSA 1978 and Section 14-3.18(A).

22                  **(16) Noncomplying Work**

23                  Upon order of the *land use director*, all work that does not comply with the  
24 *application* requirements and specifications for the work or other requirements of this section shall be  
25 removed or made to comply within thirty days or sooner if the work poses an immediate threat to the

1 health or safety of the community.

2 **(17) Notification of Sale of Land**

3 The *City* shall be notified when a *parcel* of land owned by the electric service  
4 provider becomes available for purchase.

5 **G. Underground Electric and Cable Utility Lines**

6 **(1) Findings; Purpose**

7 (a) The *governing body* recognizes that it is in the best interest of the health,  
8 safety and welfare of all citizens of Santa Fe that the *City* immediately takes the steps necessary to  
9 adopt policies that conserve open skies and improve public accessibility along *City* sidewalks and  
10 *rights of way*.

11 (b) The *governing body* recognizes that overhead electric and cable utility  
12 lines and associated in-ground *poles* and *structures* adversely affect the open skies and may impede  
13 public accessibility along *City* sidewalks and *rights of way*.

14 (c) The *governing body* recognizes that as a planning and land use matter,  
15 overhead electric and cable utility lines detract from orderly and modern planning models.

16 (d) Underground electric and cable utility lines have the least environmental  
17 impact for any neighborhood.

18 **(2) Applicability**

19 This section applies to electric and cable utility lines, that are collectively referred to  
20 as utility lines. This section applies to electric lines of less than forty-six kilovolts unless otherwise  
21 specified.

22 **(3) New Utility Lines**

23 All new utility lines shall be placed underground except as provided in Sections 14-  
24 6.2(G)(4) and (5).

25 (a) The developer of a project subject to Chapter 14 shall be responsible for

1 the undergrounding of the utilities needed to serve the project.

2 (b) The *utility provider* is responsible for the undergrounding of all other  
3 utilities pursuant to Section 14-6.2(G)(5).

#### 4 (4) Governing Body Waiver

5 (a) The *governing body*, after review by the planning commission, may grant  
6 a waiver of the standards set forth in Section 14-6.2(F)(3) if the *governing body* finds that the waiver:

7 (i) is in the best interest of the community;

8 (ii) will not jeopardize the public's health, safety and welfare; and

9 (iii) will better serve the purposes contained in Section 14-6.2(F)(1).

10 (b) The *governing body* shall consider the following when granting a waiver:

11 (i) the nature of uses on adjacent and nearby properties;

12 (ii) the surrounding topography;

13 (iii) improved electrical and cable services for Santa Fe;

14 (iv) the cost of placing the utility lines underground and all  
15 associated costs; and

16 (v) such other factors as may be relevant.

#### 17 (5) Utility Provider Accounting

18 (a) Prior to initiating the underground utility project, the *utility provider*  
19 shall present an accounting to the *governing body* regarding:

20 (i) the difference in cost for the undergrounding compared to above  
21 ground; and

22 (ii) what is the anticipated additional monthly cost to *City* customers  
23 based on customer classification.

24 (b) The *governing body* may:

25 (i) direct the *utility provider* to seek approval of the New Mexico

1 public regulation commission for an additional fee to be paid by all *City* customers to cover the cost  
2 of undergrounding;

3 (ii) allocate *City* funds to cover the cost or partial cost of  
4 undergrounding. Possible funding sources include general funds, capital improvement program  
5 funds, special assessment districts, project improvement districts, state legislative appropriations,  
6 grand money, bond revenues, utility franchise revenues or other appropriate funding; or

7 (iii) authorize the utility lines to be above ground.

8 (c) In making its decision, the *governing body* shall consider the same  
9 criteria as set forth in Section 14-6.2(F)(4).

10 (d) This paragraph does not apply to undergrounding required of the  
11 developer set forth in Section 14-6.2(F)(5)(a).

#### 12 **(6) Existing Utility Lines**

13 The *governing body* shall initiate a process to:

14 (a) identify and prioritize those areas of the *City* that are most in need of  
15 placing existing utility lines underground in keeping with the purpose set forth in Section 14-  
16 6.2(F)(1); and

17 (b) identify appropriate funding sources from *City* and non-*City* sources for  
18 such projects.

#### 19 **(7) Undergrounding for Public Health and Safety**

20 The *governing body* shall consider an ordinance establishing a hearing process and  
21 the standards for when the *governing body* may order the undergrounding of existing, new or  
22 replacement utility lines of any voltage due to public health and safety reasons. Such determination  
23 shall be considered by the public regulation commission in approving a statewide rate increase.

#### 24 **(8) Administrative Procedures**

25 To the extent necessary to carry out the provisions of this subsection, the *governing*

body may adopt administrative procedures and policies by resolution.

**(9) Enforceability**

To the greatest extent possible, the provisions of this subsection shall be construed in a manner most consistent with any and all valid and enforceable franchise agreements executed by and between various entities and the *City*.

**H. Agricultural Uses**

(1) Agricultural uses for noncommercial purposes that are *accessory* uses to a permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance and shall meet all other applicable *City* codes.

(2) Agricultural uses for commercial purposes are restricted as set forth in Table 14-6.1-1; however, the following commercial agricultural uses are specifically prohibited:

(a) mink and poultry production; and

(b) feedlots.

**I. General Provisions**

(1) The *governing body* or planning commission may further regulate uses in planned districts or impose conditions on those uses when it approves a special use *permit*, master plan or *development* plan.

(2) Additional regulations concerning uses may be located in the special use *permit*, master plan or *development* plan for a particular property.

**14-6.3. MULTIPLE PRINCIPAL USES; ACCESSORY USES OR STRUCTURES**

**A. Multiple Principal Uses**

More than one type of *principal* use may be located within the same *building* or on the same *premises*, if each use complies with all applicable provisions of Chapter 14.

**B. Permitted Accessory Uses and Structures**

**(1) General Provision**



1 In addition to the *principal* use or uses allowed by Chapter 14, land and *structures*  
2 may be used for *accessory* uses, including those specifically listed as permitted *accessory* uses in  
3 Table 14-6.1-1 or in this section.

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

6 (a) The following *accessory* uses and *structures* are permitted in the RR,  
7 R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,, RAC, C-1, C-4 and HZ districts:

- 8 (i) *home occupations*, as provided for in Section 14-6.3(D)(1);
- 9 (ii) noncommercial *greenhouses* and plant nurseries;
- 10 (iii) private *garages*;
- 11 (iv) *utility sheds*, located within the *rear yard* only;
- 12 (v) children's play areas and play equipment;
- 13 (vi) private barbeque pits and private swimming pools;
- 14 (vii) except in the RR district, *accessory dwelling units* as regulated  
15 in Section 14-6.3(D)(1);
- 16 (viii) other uses and structures customarily accessory and clearly  
17 incidental and subordinate to permitted or permissible uses and structures; and
- 18 (ix) *accessory structures* of a permanent, temporary or portable  
19 nature such as coverings not constructed of solid building materials, including inflatable covers over  
20 swimming pools and tennis courts, and such other *accessory structures* that exceed thirty inches in  
21 height from the average ground elevation.

22 (b) All *accessory* uses and *structures* allowed under Section 14-6.3(B)(2)(a)  
23 shall:

- 24 (i) not involve the conduct of business on the *premises*, except *home*  
25 *occupations*;

(ii) be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership; and

(iii) not be likely to attract visitors in larger numbers than would normally be expected in a single-family residential neighborhood;

**(3) R-10 through R-29 Districts**

In addition to the list of *accessory* uses allowed in Section 14-6.3(B)(2), *greenhouses* and plant nurseries also are permitted as *accessory* uses in this district.

**(4) AC District**

The permitted *accessory* uses and *structures* for the AC district are the same as for the underlying zoning district.

**(5) C-2 and I-1 Districts**

The *accessory* uses and *structures* permitted in C-2 and I-1 districts include those that are:

(a) on the same *premises* and in connection with permitted *principal* uses and *structures*;

(b) *dwelling units* for occupancy only by *owners* or employees of *owners*, including live/work spaces, but not including *manufactured homes* or *recreational vehicles*;

(c) outdoor storage areas, subject to compliance with the standards of Section 14-6.3C(3);

(d) *telecommunication facilities* as set forth in Section 14-6.2(E).

(e) other uses and *structures* that are customarily *accessory* and clearly incidental to permitted or permissible uses and *structures*.

**(6) I-2 District**

(a) The *accessory* uses and *structures* permitted in an I-2 District include those that are on the same *premises* as permitted *principal* uses and *structures* and only as required

1 for the conduct of the operation, *dwelling units* for *owners* or employees, and other uses and  
2 *structures* incidental and subordinate to the *principal* use or *structure* and otherwise meeting the  
3 requirements of this district, except that *manufactured homes* or *recreational vehicles* are not  
4 permitted as *accessory* uses.

5 (b) This section does not apply to *telecommunication facilities* that are  
6 regulated pursuant to Section 14-6.2(E).

7 **(7) Business and Industrial Park (BIP) District**

8 (a) This paragraph does not apply to *telecommunication facilities* that are  
9 regulated pursuant to Section 14-6.2(E).

10 (b) The *accessory* uses and *structures* permitted in a BIP district are those  
11 that support the operation of a permitted *principal* use. Such uses may exceed the floor area of the  
12 permitted *principal* use. Examples of permitted *accessory* uses and *structures* for the BIP district  
13 include:

14 (i) *dwelling units* for *owners*, tenants or employees;

15 (ii) warehouses and storage *buildings*; provided that such *buildings*  
16 shall be incorporated into the primary *building* design and shall be constructed of materials of  
17 comparable quality and appearance;

18 (iii) *outdoor storage lots* and *yards*; provided that areas for outdoor  
19 storage, trash collection and loading shall be fully *screened* and constructed of materials of  
20 comparable quality and appearance to the *principal* use *structure*; and provided further that  
21 materials stored in outdoor storage *lots* and *yards* shall not exceed the height of the enclosure;  
22 and

23 (iv) parking structures.

24 **C. Mobile Homes and Recreational Vehicles Prohibited as Accessory Structures**

25 *Mobile homes* and *recreational vehicles* shall not be permitted as *accessory structures* in any

1 district.

2 **D. Standards for Specific Accessory Uses**

3 **(1) Accessory Dwelling Units**

4 *Accessory dwelling units:*

5 (a) are required to meet parking standards as set forth in Section 14-8.6;

6 (b) shall be regulated pursuant to *City* regulations and policies regarding  
7 *City* utilities;

8 (c) are exempt from the *density* restrictions set forth in Chapter 14; provided,  
9 however, that only one *accessory dwelling unit* shall be permitted per *legal lot of record*;

10 (d) shall be built only when permission to construct is granted to the *owner-*  
11 *occupant of the principal dwelling unit*;

12 (e) shall have *lot* coverage not exceeding the square footage of the *lot*  
13 coverage of the *principal dwelling unit* or not more than one thousand five hundred square feet,  
14 whichever is less;

15 (f) shall be limited to one story and shall not exceed fifteen feet to the top of  
16 the parapet or to the highest point of the roof if there is no parapet;

17 (g) shall be of the same architectural style as the *principal dwelling unit*;

18 (h) the *owner* of the property shall occupy either the *principal dwelling unit*  
19 or the *accessory dwelling unit* and may rent the other unit. The *principal dwelling unit* or the  
20 *accessory dwelling unit* may not be rented for less than thirty days except as provided in  
21 Section 14-6.2(A)(5); and

22 (i) an affidavit shall be recorded prior to issuance of any construction *permit*  
23 for an *accessory dwelling unit* stating that the property *owner* agrees to comply with these provisions.  
24 An affidavit filed prior to the adoption of Ordinance No. 2008-5 (ordaining Section 14-6.2(A)(5) and  
25 amending Section 14-6.3(C)(1) remains in effect and is automatically amended to reflect the

1 provisions of Ordinance No. 2008-5.

2 **(2) Home occupations**

3 **(a) Purposes**

4 The purposes of the *Home occupations* Ordinance are to increase the  
5 economic vitality of Santa Fe; provide increased worker independence, self-sufficiency and  
6 motivation; decrease traffic congestion through the enhancement of community; increase the safety of  
7 the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in  
8 the same environment; protect the stability and character of the neighborhood; and encourage  
9 neighborhood participation in the determination of a successful balance between neighborhood  
10 residents and home-based *businesses*.

11 **(b) Standards**

12 *Home occupations* are permitted on all property, including residential or  
13 mixed-use residential/commercial if the standards provided in this paragraph are met.

14 **(c) General Standards**

15 (i) The *home occupation* shall involve the primary sale of goods or  
16 services in connection with the *home occupation*, including: 1) goods that are prepared, produced or  
17 grown on the *premises*; 2) services that are developed on the *premises* and provided on or off the  
18 *premises*; 3) the sale of goods that are not produced on the *premises* and that are only distributed off  
19 the *premises*; or 4) repair services that take place solely within the home.

20 (ii) The *home occupation* shall be located on the same *lot* as the  
21 permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership.

22 (iii) The *home occupation* shall be conducted by a person residing  
23 on the *premises* in which the *home occupation* is conducted. Not more than two persons, other than  
24 members of the family residing on the *premises*, in which a *home occupation* is conducted, shall be  
25 regularly engaged in the *home occupation*. Residency shall be established by any standard

1 identification that proves residency such as a driver's license, passport or voter registration or other  
2 documentation that proves that the person conducting the *home occupation* has resided at the site of  
3 the *home occupation* for one month or more.

4 (iv) Except for on-street parking, as set forth in this section, a *home*  
5 *occupation* shall be completely contained within the property lines of the *lot* on which the *home*  
6 *occupation* is located. A *home occupation* shall be in compliance with the performance standards set  
7 forth in Section 10-4 SFCC (General Environmental Standards); not produce any offensive noise,  
8 vibration, smoke, dust, odors, heat, gas, glare or electrical interference; or otherwise create a risk to  
9 health, safety or property of residents and occupants of adjacent and neighboring properties. The  
10 storage of firearms, ammunition, fireworks or similar explosives for sale or service is prohibited.  
11 Mechanical or electrical equipment that is incidental to the *home occupation* may be used if it does  
12 not create visible or audible interference in radio, computer or television receivers or cause  
13 fluctuation in voltage of the premises or neighboring premises. Depending upon the nature of the  
14 *home occupation*, City staff may require proof of compliance with these restrictions prior to issuance  
15 of a *business* registration.

16 (v) Employees, customers, clients or deliveries shall not enter the  
17 *premises* between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m.  
18 weekends. Depending on the nature of the *home occupation*, the *land use director* may reduce the  
19 hours of operation. Deliveries are limited to vehicles that do not exceed eleven feet in height and  
20 twenty feet in length.

#### 21 (d) Structural Standards

22 (i) Not more than twenty-five percent of the *gross floor area* of the  
23 *dwelling unit*, including *accessory buildings*, shall be used to conduct a *home occupation*. In  
24 determining the *gross floor area* of an *accessory dwelling unit*, no more than one thousand square feet  
25 shall be used.

(ii) Nothing incidental to the conduct of a *home occupation* shall be constructed, installed, placed, parked or stored on a residentially zoned *lot* on which a *home occupation* is being conducted if it is visible from any adjacent or neighboring property and if it is not in keeping with the residential character of the neighborhoods surrounding the *lot*, except for signs and parking set forth in Item (iii) below. A person who conducts a *home occupation* and applies for a construction *permit* shall demonstrate to the *land use director* that the proposed construction does not violate any section of the *Home occupation Ordinance*.

(iii) No more than one sign is permitted, and the area of the sign shall not exceed one square foot.

**(e) Parking Standards**

(i) Depending on the nature of the *home occupation*, the following parking spaces shall be provided on the *lot*: 1) if there are no employees who reside off the *premises* and customers or clients do not come to the *premises*, only parking for the *dwelling unit* is required; 2) if there are no employees who reside off the *premises* and customers or clients come to the *premises*, at least one parking space shall be provided on the *lot* for every four hundred square feet of the *gross floor area* of the *premises* used for the *home occupation*, in addition to that required for the *dwelling unit*; 3) if there are any employees who reside off the *premises* and customers or clients do not come to the *premises*, at least one parking space shall be provided on the *lot* for every employee simultaneously working, in addition to that required for the *dwelling unit*; 4) if there are employees who reside off the *premises* and customers or clients come to the *premises*, at least one parking space shall be provided on the *lot* for every employee simultaneously working and at least one parking space shall be provided on the *lot* for every four hundred square feet of the *gross floor area* of such *premises* used for the *home occupation* in addition to that required for the *dwelling unit*;

(ii) No more than one vehicle relating to a *home occupation* may be parked at any one time on the streets adjacent or proximate to the *lot* on which the *home occupation* is

1 being conducted; however, in light of the character of the surrounding neighborhood, the *land use*  
2 *director* may prohibit any vehicles used in connection with a *home occupation* from parking on the  
3 street. This item regulates parked vehicles not associated with the residential use of the *dwelling unit*.

4 **(f) Other Requirements; Inspections**

5 (i) The *home occupation* shall comply with all other applicable  
6 codes, including without limitation the currently adopted fire and building codes, the federal  
7 American Disabilities Act and the *City's* wastewater requirements. Depending on the location of the  
8 *home occupation*, private covenants enforceable by those governed by the covenants may apply.

9 (ii) Inspections by the *City* are required prior to issuance of the  
10 *business* registration for the *home occupation* only for those *home occupations* in which the following  
11 occur: 1) employees reside off the *premises* come to the *premises*; 2) customers or clients come to  
12 the *premises*; or 3) goods for sale are prepared, produced, grown or stored on the *premises*. The *City*  
13 reserves the right to inspect all *home occupations* for code compliance at such times as the *City*  
14 receives a complaint or has reason to believe the *City's* codes may be violated.

15 **(g) Notice; Registration; Violations; Complaints; Variances; Appeals**

16 (i) A person proposing to conduct a *home occupation* that will have  
17 more than one employee who will reside off the *premises* or that will have customers or clients  
18 coming to the *premises*, shall as part of the *application* be required to give notice, by first class mail  
19 with mailing certificate, of the *home occupation application* to all residents and property owners  
20 within one hundred fifty feet of the *premises* and nearby neighborhood associations. The notice shall  
21 include the nature of the *home occupation*, the number of employees, whether customers or clients  
22 will be involved, the willingness of the applicant to meet with the neighboring residents and property  
23 owners and that the neighboring resident and property owner may review the *application* at the *City*  
24 offices. The neighboring residents and property owners have fifteen days from the date the notice  
25 was mailed to review the *application*. The *land use director* shall collect and evaluate this public



comment that shall be used in determining whether the *home occupation* shall be approved and what restrictions, if any, shall be placed on it.

(ii) Each person who engages in a *home occupation* shall register the *home occupation* with the *City* on forms designated by the *City*, shall provide such information as required by the forms to verify compliance with the regulations, and shall renew such registration each year.

(iii) A person shall not conduct a *home occupation* in violation of this section. In addition to any other remedies available, the *City* may revoke the *business* registration for the *home occupation* or the *certificate of occupancy* for any *building* in which a *home occupation* is being conducted in violation of this section. A person who fails to comply with the provisions of this section is subject to a penalty as provided in Article 14-11.

(iv) A person who is aggrieved by an approved *home occupation business* may file a complaint with the *City*. Within thirty calendar days of the *City's* receipt of the complaint, the *City* shall investigate the complaint and issue a written decision as to whether the *home occupation* against which the complaint was filed violates or complies with this section. If a violation is found, the *land use director* shall determine the actions that have been or should be taken to address the violation. Complaints shall be kept on file and be open to the public. When investigating complaints, the *land use director* shall review the file for prior complaints.

### **(3) Outdoor Storage Areas**

(a) Such uses shall be enclosed by solid *walls* at least six feet in height, with access only through solid gates that shall be kept closed when not in use.

(b) No objects shall be stacked or stored higher than the minimum height of the enclosing *wall* required in Section 14-6.3(C)(3)(a).

## **14-6.4 TEMPORARY STRUCTURES OR USES**

### **A. Temporary Structures and Uses Allowed in All Districts**

1 The following *temporary structures* and uses are allowed in all districts: *temporary structures*  
2 and operations in connection with and on the site of *buildings* or land *development*, including  
3 *grading*, paving, installation of utilities, erection of field offices, erection of *structures* for storage of  
4 equipment and building materials and the like; provided that a *permit* shall not be for a period of more  
5 than twelve months, renewable for periods of not more than six months. In addition, the area  
6 occupied by the *temporary structures* and operations shall be *screened* against fumes, noise and  
7 unsightliness.

#### 8 **B. Mobile Home, Temporary Placement**

9 (1) In a district where temporary, single-family occupancy of a *mobile home* on an  
10 individual *lot* is permitted as a special use *permit* by the board of adjustment, the following minimum  
11 standards apply:

- 12 (a) the mobile home unit shall be skirted;
- 13 (b) the rental or lease of *manufactured homes* as temporary single-family  
14 residences on individual *lots* is prohibited; and
- 15 (c) minimum requirements for *lot size*, *front*, *side* and *rear yards* and all  
16 other standards pertaining to single-family residential land use set forth in Chapter 14.

17 (2) Upon the granting of a special use *permit* by the board of adjustment, a  
18 temporary *permit* may be issued by the inspections and enforcement office for a period of twelve  
19 months, subject to satisfactory compliance with the requirements in Section 14-6.3(B)(1). The *permit*  
20 may be renewed one time only for a period of up to ninety days by the *land use director*.

#### 21 **C. Temporary Structures Treated as Permanent Structures**

22 *Structures* that remain in place for a period of more than thirty days in a *nonresidential*  
23 district or ninety days in a *residential* district are subject to the same provisions of Chapter 14 as  
24 permanent *structures*, whether or not they are permanently affixed to the ground or constructed of  
25 lightweight or nondurable materials.

1           **Section 9.       Article 14-7 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
2 **and a new Article 14-7 SFCC 1987 is ordained to read:**

3 **14-7 [NEW MATERIAL] BUILDING ENVELOPE AND OPEN SPACE STANDARDS AND**  
4 **MEASUREMENTS**

5           **14-7.1 GENERAL RULES OF MEASUREMENT AND EXCEPTIONS**

6           **A. General Requirements**

7                   **(1) Applicability of Other Standards**

8                   In addition to the standards in this Section 14-7.1, *development* may be subject to  
9 standards in other portions of Chapter 14, including those in Articles 14-5 (Overlay Zoning Districts),  
10 14-6 (Permitted Uses and Use Regulations) and 14-8 (Development and Design Standards).

11                   **(2) General Standard for Measurements**

12                   Measurement of the standards in Chapter 14 shall be made as accurately as possible  
13 with measurement methods and technology that are commonly used in the construction industry.  
14 Where measurements are subject to specific standards contained elsewhere in Chapter 14 or are  
15 adopted by *state* or other regulatory agencies, those standards shall be met.

16                   **(3) Responsibility for Compliance**

17                   Each person engaged in the *development* of *property*, and the *owner* of *property* that  
18 has been developed or that is under *development*, shall comply with the applicable standards of  
19 Chapter 14 and provide documentation of compliance to the *land use director* as necessary to verify  
20 compliance.

21           **B. Dimensional Calculations**

22                   **(1) Lot Area**

23                   Minimum required *lot* area for residential subdivisions is calculated excluding *rights*  
24 *of way, street* and driveway easements.

25                   **(2) Lot Depth**

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

#### **(4) Lot Coverage**

*Lot* coverage is measured by the total projected area on the ground of all *structures* in relation to the *lot* area, excluding:

- (a) the types and portions of *structures* listed in Section 14-7.1(D)(2); and
- (b) eaves and similar roof projections within two feet of the wall of a *building*.

#### **(5) Structure Perimeter**

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

#### **(6) Slope Measurement**

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

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

D

where H equals the highest elevation of the portion of the *tract* measured; L equals the lowest elevation on the portion of the *tract* measured; and D equals the horizontal distance between H and L.

#### **(7) Building Frontage**

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

1 the interior layout of the *building*, traffic on adjacent *streets* or other indicators available.

## 2 (8) Floor Area Ratio

3 The *gross floor area* of all *buildings* on a *lot*, including covered parking *structures*  
4 but not roof deck parking, divided by the *lot* area; for example: twenty thousand square feet of *gross*  
5 *floor area* on a ten thousand square foot *lot* is a floor area ratio of 2.0:1.

## 6 C. General Height Standards

7 The general height limits contained in this article do not apply to *structures* for which specific  
8 standards are provided elsewhere in Chapter 14, including Section 14-8.5 (Walls and Fences). In  
9 addition to the maximum height limits and height calculation methods contained in this article,  
10 *structures* may be subject to height limits and calculation methods in Article 14-5 (Overlay Zoning  
11 Districts) or elsewhere in Chapter 14. Unless there is a specific provision to the contrary, the most  
12 restrictive height limit is applied as provided in Section 14-1.7 (Conflicting Provisions).

### 13 (1) Measurement of Maximum Height

14 No point on a *structure* shall be higher than the most restrictive of the following  
15 calculations:

16 (a) the maximum height specified in the tables of *development* standards in  
17 this Article 7, measured from the average of the highest point and the lowest point of the finished  
18 grade at the perimeter of the *structure*; or

19 (b) the maximum height specified plus four feet, measured from the finished  
20 grade at the closest point on the perimeter of the *structure*; and

21 (c) step-back regulations for maximum heights relative to distances from  
22 property lines that apply in certain districts as set forth in the tables of dimensional standards.

### 23 (2) Height of Building Attachments

24 Except as further restricted by Section 14-5.2 (Historic Districts), the height  
25 limitations set out in Chapter 14 may be exceeded for chimneys, *antennas*, ventilators, elevator

1 housings or other non-freestanding *structures* placed on and anchored to the roof of a *building* and  
2 not intended for human occupancy, by up to four feet for residential *structures* and eight feet for  
3 *mixed use and nonresidential structures*.

### 4 (3) Telecommunication Facilities

5 When referring to a *tower* or other telecommunications *structure*, height is the  
6 distance measured from the finished grade to the highest point on the *tower, antenna* or other  
7 *structure*, including the base pad and any *antenna*.

### 8 D. Required Yards

9 (1) No *structure* shall occupy a *required yard* except as provided in this Section 14-  
10 7.1(D) or elsewhere in Chapter 14.

11 (2) The following types of *structures* may occupy *required yards* if they comply  
12 with applicable height, *setback* and other regulations in Chapter 14 and elsewhere in the Santa Fe City  
13 Code, including Chapters 7 (Building and Housing), 12 (Fire Prevention and Protection) and 23  
14 (Streets, Sidewalks and Public Places) SFCC 1987.

15 (a) *walls* and fences;

16 (b) *decks*, planters, driveways, walkways, stairways, uncovered *porches* and  
17 similar *structures* less than thirty inches above grade;

18 (c) above-ground and underground facilities of public and private utilities to  
19 the extent provided in Sections 14-6.2(E) (Telecommunication Facilities), (F) (*Electric Facilities*),  
20 and (G) (Underground Electric, Telecommunications and Cable Utility Lines).

21 (d) above-ground and underground transformers, equipment enclosures or  
22 vaults and similar facilities of public or private utilities when located and *screened* as provided on an  
23 approved subdivision *plat, development* plan or as approved by the *land use director*;

24 (e) underground pipes, wires and conduits such as service laterals that  
25 provide utility service to the *property* on which they are located or that interconnect permitted

1 *structures* and equipment on the *property*;

2 (f) above-ground wires such as service drops that are necessary to connect  
3 permitted *structures* to existing overhead utility distribution facilities; and

4 (g) eaves or other roof projections may extend into *required yards* a distance  
5 of two feet or less.

6 (3) Minimum *street yards* may be reduced to match the average existing yards of the  
7 *street* within one hundred fifty feet of the *property*.

8 (4) *Yard* requirements on *corner lots* are:

9 (a) at least one *street yard* shall be of the size required in the district for  
10 *street yards*;

11 (b) other *street yards* on the *lot* shall have no less than half the depth  
12 generally required for *street yards* in the district; provided, however, that the *street yard* shall not be  
13 less than seven feet; and

14 (c) this Section 14-7.1(D)(4) does not apply to the BCD.

15 **E. Separate Regulations for Properties in Escarpment Overlay District**

16 *Properties* in the escarpment overlay district are subject to the *slope* calculations, *lot*  
17 disturbance limitations and other regulations set forth in Section 14-5.6 (Escarpment Overlay  
18 District).

19 **F. Visibility at Driveways and Yards**

20 **(1) Adequate Visibility; Waiver**

21 The provisions of this Section 14-7.1(F) may be waived by the public works director  
22 upon a determination that adequate visibility exists consistent with the standards adopted by the  
23 American Association of State Highway and Transportation Officials (AASHTO). This Section 14-  
24 7.1 is not intended to limit the authority of the public works director to impose stricter requirements  
25 pursuant to the authority provided in Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places).

## (2) Visibility at Driveways

At driveways that provide access to a public or private *street*, no parking *lot*, fence, *wall* or other *structure*, hedge or planting that will obstruct vision between a height of three feet and eight feet shall be erected, placed or maintained within a triangular area on either side of the driveway as follows:

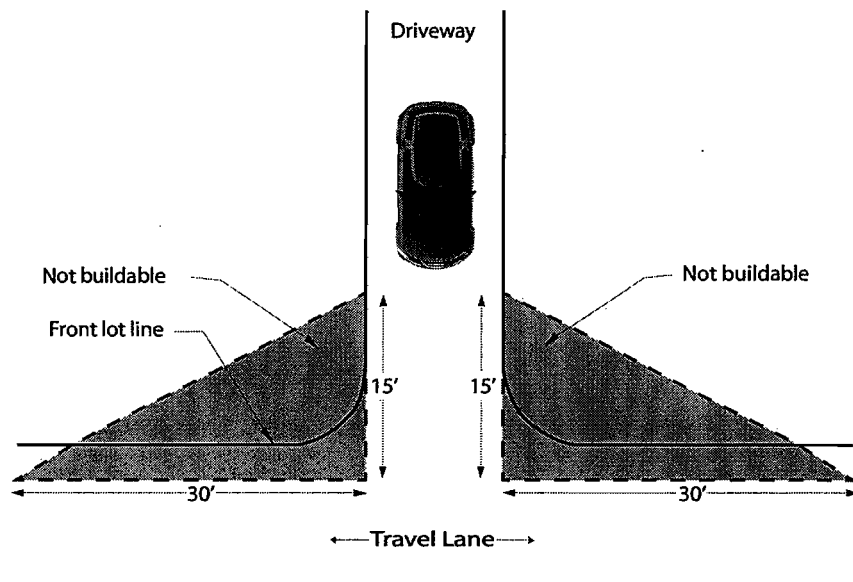
(a) for driveways in the BCD, driveways serving non-residential uses on all *streets* and roads and driveways serving residential uses on arterial and collector roads, the required visibility triangles for each driveway are determined by the public works director based on AASHTO standards;

(b) for driveways serving residential uses on *streets* and roads classified as subcollectors or lanes, the required visibility triangles are determined by the more restrictive of:

(i) measurements of five feet along the edge of the driveway and fifteen feet along the street property line; and

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

**Illustration 14-7.1-1 Visibility at Driveways on Public and Private Streets**



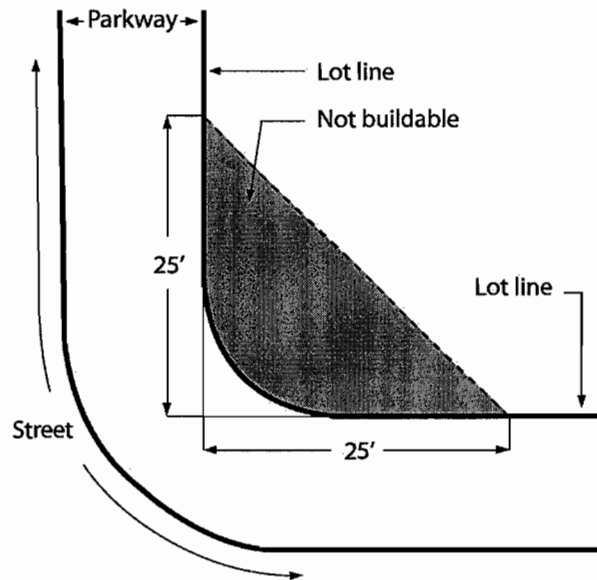


1                   **(3) Visibility at Intersections**

2                   On any ninety-degree *corner lot*, no fence, *wall*, hedge or other planting or *structure*  
3 that will obstruct vision between a height of three feet and eight feet above the centerline grades of  
4 the intersecting *streets* shall be erected, placed or maintained within the triangular area formed by the  
5 *right-of-way* lines at points that are twenty-five feet from the intersection of the *right-of-way* lines.

6 On any *corner lot* of other than ninety degrees or on *corner lots* with grade variations, the visibility  
7 requirement shall be adjusted by the public works director based on AASHTO standards to ensure  
8 public safety. See Illustration 14-7.1-2. This Section 14-7.1(F)(3) does not apply to the BCD district.

9                   **Illustration 14-7.1-2 Visibility at Intersections**



19                   **(4) Street Setback for Garage or Carport**

20                   A garage or carport with a vehicle entry facing the street shall be set back at least  
21 twenty feet from the street property line as shown on Illustration 14-7.1-3.

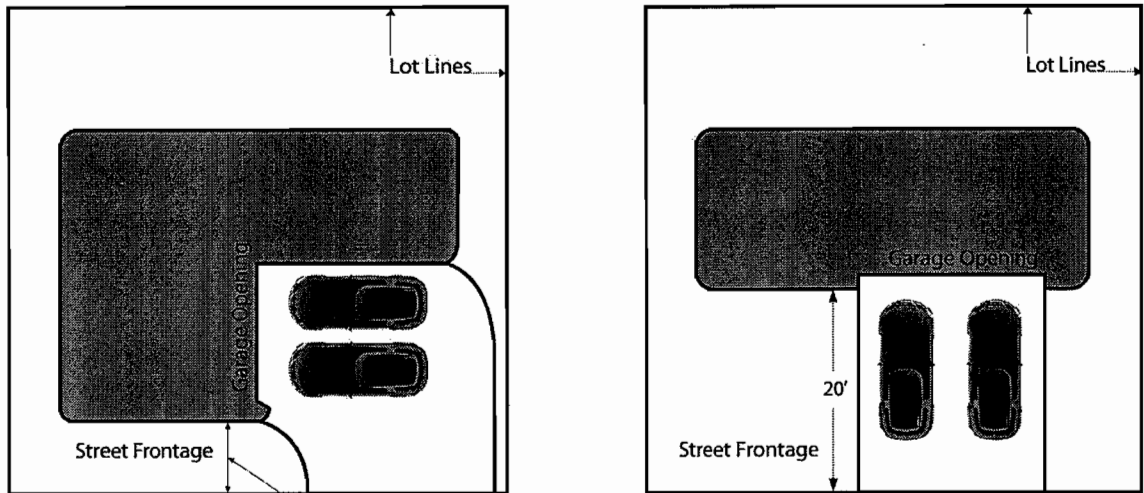
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23                   [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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**Illustration 14-7.1-3 Street Setback for Garage or Carport**



Required street yard varies by zone district.

## **14-7.2 RESIDENTIAL DISTRICTS**

### **A. Table of Dimensional Standards**

The standards set forth in Table 14-7.2-1 apply to all *principal* and *accessory structures* unless otherwise provided in Chapter 14.

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

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) Note 2	Minimum Lot Size Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Qualifying open space (Square Feet) Note 9, 10
RR	1 du/acre if public sewer or water is available; 2 du/acre if both public sewer and water are available; 3 du/acre if both public sewer and water are available and common open space is provided as set forth in §14-7.2(G); otherwise, 0.4 du/acre.	Area: 1 acre if public sewer or water is available; as per R-1 if both public sewer and water are available; otherwise, 2.5 acres	As per R-1 – R-6	As per R1 if both public sewer and water are available.  Otherwise: Street <sup>Note 4</sup> : 25; Other <sup>Note 4</sup> yards: As per R-1,	As per R1 if both public sewer and water are available; otherwise, 40	Detached single-family dwellings: See Note 3. Multiple-Family Dwellings: 250 square feet of qualifying common and/or private open space per dwelling unit
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6	Area: Single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) Multiple-family dwellings: 4,000 sq. ft. per dwelling unit.	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height setback from side and rear property lines)	Street: 7 (20 for garage or carport; <sup>Note 4</sup> ) Side: 5 or 10 (See Note 6 for required height setback from side and rear property lines) Rear 15, or 20% of the average depth dimension of lot, whichever is less	40; 50 if private open space is provided (See §14-7.5(C)(1); Increase in maximum lot coverage if private open space is provided.)	Detached single family dwellings: <sup>Note 3</sup> Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) Note 2	Minimum Lot Size Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Qualifying open space (Square Feet) Note 9, 10
R-7 R-8 R-9	R-7=7; R-8=8; R-9=9	Area: 4,000 sq. ft. per unit; 2,000 sq. ft. if common open space is provided Note 3. Width: No minimum, except to meet other Chapter requirements.	Same as R1-R6 Districts	Generally, setbacks are established by a development plan approved by the Planning Commission. Otherwise, same as R1- R6 Districts.	40; 55 if private open space provided See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.	Detached single-family dwellings: Note 3 Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.
R7(l)	7	Area: 4,000 sq. ft.; Width: 30 ft.	Same as R1-R6 Districts	Same as R1-R6 districts	Same as R-1 to R-6 districts	Detached single-family dwellings: Same as R-1 to R-6 Districts

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) Note 2	Minimum Lot Size Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7 Note 4	Maximum Lot Coverage (%) Note 10	Minimum Qualifying open space (Square Feet) Notes 9, 10
RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8 Note 7	Area: 4,000 sq. ft. Also see § 14- 7.1(B)(4)(a): "Minimum Open Space Requirements"	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Street Note 4: required if wall between 6 and 8 feet high is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	Without compound dwelling units: 40. With compound dwelling units: See § 14- 7.5(C)(1)(c): Increase in maximum lot coverage if private open space is provided.	Same as R7 to R-9 districts

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) Note 2	Minimum Lot Size Note 2, Note 3	Maximum Height of Structures Notes 6, 8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Qualifying open space (Square Feet) Note 9, 10
R-10 R-12 R-21 R-29	R-10=10; R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F))	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) Note 3 Multiple-family: As required to comply with gross density factor.	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-LD: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for R-6 through R-9 districts. (See Note 6 for required height stepback from side and rear property lines)	Multiple-family of 6 or more units: 40 single-family, or two-family, or multiple-family of less than 6 units: 40; 70 if private open space is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single-family dwellings or multiple-family dwellings: 250 square feet of common and/ or private open space per unit
RAC	21	Same as R-21 district.	All structures: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for R-6 through R-9 districts.	40; Also see §14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district
MHP	See §14-7.2(I).					

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) Note 2	Minimum Lot Size Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Qualifying open space (Square Feet) Note 9, 10
<b>NOTES:</b>						
1. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 (Overlay Zoning Districts) and zoning map.						
2. See Section 14-8.2(B)(1) (Calculation of Allowable Dwelling Units), number of <i>lots</i> created and number of <i>dwelling units</i> constructed cannot exceed allowed density.						
3. See also Section 14-7.2(C) (Lot Size Averaging in Single-Family Subdivisions).						
4. See Section 14-7.1(F)(4) (Street Setback for Garage or Carport): A <i>garage</i> or carport with a vehicle entrance facing the <i>street</i> must be set back 20 feet from the <i>street</i> property line as shown in Illustration 14-7.1-3.						
5. <i>Side</i> and <i>rear required yards</i> may be reduced with the concurrence of adjoining <i>property owners</i> as shown on a recorded agreement, <i>plat</i> or other recorded declaration signed by the adjoining <i>property owners</i> in a form approved by the <i>land use director</i> , and in compliance with the Building Code as set forth in Article 7-1 SFCC 1987 (Building Codes; General Provisions).						
6. Within ten feet of a <i>property</i> line, no point on a <i>structure</i> shall be higher than twelve feet above the finished grade at the closest point on the perimeter of the <i>structure</i> . Within fifteen feet of a <i>property</i> line, no point on a <i>structure</i> shall be higher than twenty-four feet above the finished grade at the closest point on the perimeter of the <i>structure</i> .						
7. See also Section 14-8.4(J)(3) (Buffer for Nonresidential Development Abutting Residential).						
8. See also Section 14-7.1(B) for calculation of maximum height limits.						
9. See Section 14-7.5 for <i>qualifying open space</i> regulations.						
10. See Section 14-7.5 (D) for amount of open space required for non-residential uses.						

**B. Calculation of Allowable Dwelling Units**

Prior to any *development* approval, the maximum allowable number of *dwelling units* shall be calculated for the site as a whole as follows:

(1) determine the total number of acres in the site to two decimal places, as certified by a *professional land surveyor* or *professional engineer*; and

(2) determine the total *flood way* acres in the site to two decimal places, as certified by a *professional land surveyor* or *professional engineer*; and

(3) subtract the sum of the *flood way* acres calculated in Section 14-7.2(B)(2) from the total number of acres of the site calculated in Section 14-7.2(B)(1);

(4) multiply the remaining acres by the applicable *gross density* factor of the district as shown in Table 14-7.2-1;

(5) for a *parcel*, any portion of which lies in the area labeled as *mountainous and difficult* terrain on Exhibit "I" following Chapter 14 and where twenty-five percent or more of the *parcel* has a natural *slope* greater than twenty percent, multiply the result calculated in Section 14-7.2(B)(4) by 0.75;

(6) if the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Sections 14-7.2(B)(7) or (8). This is the allowable number of *dwelling units* for the site;

(7) if the calculation is for a *family* transfer subdivision as set forth in Section 14-3.7(F)(2)(b) and the result in Section 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

(8) if the result in Section 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of *Santa Fe Homes Program (SFHP)* set forth in Section 26-1



1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced *dwelling unit* meeting the requirements set  
2 forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced *Dwelling Units*);

3 (9) *SFHP development* incentives pursuant to Section 14-8.11(G) may increase the  
4 maximum number of *dwelling units* allowed on any site; however, if a *development* plan has been  
5 approved, in no case shall more *dwelling units* be constructed than described on the approved  
6 *development* plan.

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

16 (11) The allowable number of *dwelling units* shall not be exceeded for the site as a  
17 whole, regardless of subdivisions or *lot* splits. In the event of subdivision, including *lot* split, the  
18 allowed number of *dwelling units* shall be allocated among all resulting *parcels* so that no *parcel*  
19 exceeds the allowable number of units for that *parcel* calculated separately and the total number of  
20 units on all *parcels* shall not exceed that of the original site as a whole. A note shall be placed on the  
21 *plat* or *development* plan prior to recording the first and each subsequent subdivision or *lot* split that  
22 prohibits a further increase in the number of *dwelling units* for each portion of the site unless  
23 approved by the *governing body* as a rezoning action or other action authorized by Chapter 14.

#### 24 C. Lot Size Averaging in Single-Family Subdivisions

25 (1) It is intended that the *common open space* required in single-family subdivisions

1 where the *lot* size has been reduced from that of a conventional subdivision be a compensation to  
2 occupants for reduced *lot* size. It is further intended that *common open space* be usable and be  
3 provided for occupants outside of the *lot* but within the subdivision.

4 (2) Where the *lot* size is between two thousand and four thousand square feet,  
5 *common open space* is required in an amount such that the sum of the square footage of the *lots* in the  
6 *development* plus the sum of the square footage for *common open space*, all divided by the number of  
7 single-family *lots*, equals no less than four thousand square feet.

#### 8 **D. Minimum Yard Requirements**

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

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

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

18 (a) with the exception of detached allowed *accessory structures* for which  
19 *required yards* are set forth in Section 14-6.3 (Multiple *Principal* Uses; *Accessory* Uses or  
20 *Structures*), the minimum *street yard* shall be ten feet for multiple-family *buildings* containing six or  
21 more *dwelling units*, and seven feet for all other *buildings*. The distance between a *garage* or carport  
22 facing the *street* and the front *property* line shall be a minimum of twenty feet as provided in Section  
23 14-7(D); and

24 (b) except as otherwise provided in Article 14-6 (Permitted Uses and Use  
25 Regulations), the other *required yards* shall be a minimum of five feet subject to the stepback

1 requirements of Section 14-7.1(C)(2) (General Height Standards). For all *structures* other than  
2 multiple-family buildings containing six or more *dwelling units*, zero-foot other yards are allowed  
3 with the concurrence of adjoining *property owners* as shown on a recorded agreement, *plat* or other  
4 recorded declaration signed by the adjoining *property owners* in a form approved by the *land use*  
5 *director*, and in compliance with the building code as set forth in Article 7-1 SFCC 1987 (Building  
6 Code; General Provisions).

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

9 **E. Increase in Maximum Height in R-21 and R-29 Districts**

10 (1) A height up to thirty-six feet in R-21 and R-29 districts may be approved  
11 provided that the request is part of a *development* plan or special use permit requiring approval by a  
12 *land use board* or the *governing body*.

13 (2) In evaluating the proposed height, the following factors shall be considered:

14 (a) if the future land use designation shown on the *general plan* is high  
15 *density* residential;

16 (b) the need for the increased height; however, financial gain or loss shall  
17 not be the sole determining factor;

18 (c) if the height is needed to make the proposed *development* more  
19 affordable, what level of affordability will be provided and how that affordability will be guaranteed  
20 long term;

21 (d) heights of existing *buildings* in the vicinity; and

22 (e) impacts of the increased height upon the neighborhood and the  
23 community so that the increased height does not significantly interfere with the enjoyment of other  
24 land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

25 (3) In approving the proposed height, the planning commission or board of

1 adjustment may establish such conditions as the commission or board deems appropriate.

2 (4) This Section 14-7.2(E) does not supersede height restrictions established within  
3 an H district or other overlay district.

4 **F. Increase in Maximum Density in R-12, R-21 and R-29 Districts**

5 (1) *Residential density* up to twelve *dwelling units* per acre in an R-12 district; up to  
6 twenty-one *dwelling units* per acre in an R-21 district; and up to twenty-nine *dwelling units* per acre  
7 in an R-29 district may be approved provided that the proposed *density* is part of a *development* plan  
8 or special use permit requiring approval by a *land use board* or the *governing body*.

9 (2) In evaluating the proposed density, the following factors shall be considered:

10 (a) if the future land use designation shown on the *general plan* is high  
11 *density* residential;

12 (b) the need for the increased *density*; however, financial gain or loss shall  
13 not be the sole determining factor;

14 (c) if the increased *density* is needed to make the proposed *development*  
15 more affordable, what level of affordability will be provided and how that affordability will be  
16 guaranteed long term;

17 (d) *densities* of existing *developments* in the vicinity; and

18 (e) impacts of the increased *density* on the neighborhood and the community  
19 so that the increased *density* does not significantly interfere with the enjoyment of other land in the  
20 vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

21 (3) In approving the proposed density, the planning commission or board of  
22 adjustment may establish such conditions as the commission or board deems appropriate.

23 **G. Increase in Maximum Density in RR District**

24 In the RR district, if public sewer and water are provided, the maximum gross density may be  
25 increased to three *dwelling units* per acre if forty percent of the site remains undeveloped and is

dedicated to a homeowners' association or other private entity as *common open space* accessible to the residents of the *development*. The land to remain undeveloped is also intended to serve as a buffer to adjoining *property* and to protect natural features and may be counted toward the *common open space* requirements set forth in Table 14-7.2-1 and Section 14-7.5(B). As an alternative, and on approval of the *City* as to its suitability, all or part of the designated *open space* may be dedicated to the *City* as park or *open space* accessible to the public. Land dedicated to the *City* may be counted toward the park and *open space* requirements set forth in Section 14-8.15 (Dedication and *Development of Land for Parks, Open Space, Trails and Recreation Facilities*).

#### **H. Maximum Nonresidential Use Area in RAC District.**

Not more than three thousand square feet of the *gross floor area* of a *building* shall be devoted to *nonresidential* uses .

#### **I. Mobile Home Park Standards**

##### **(1) General Site Standards**

(a) *Qualifying open space* shall be provided as required for *development* in the R-8 district as provided in Section 14-7.5(C).

(b) The *mobile home park* site shall be *graded* to ensure proper drainage.

(c) The *mobile home park* shall provide spaces that are well defined and delineated. Minimum *lot* size per *mobile home unit* shall be four thousand square feet.

(d) Each *mobile home space* shall provide a *mobile home stand* of concrete footing adequate to support a *mobile home*. The stand and space shall be graded to provide adequate storm drainage away from the *mobile home*.

(e) A maximum of eight *mobile home spaces* per acre shall be allowed in any *mobile home park*.

(f) There shall be at least a twenty-foot clearance between *mobile homes*.

No *mobile home* shall be located closer than ten feet to any *building* or to any *property* line.

1 *Accessory structures* such as *decks* and stairways may be attached to the *mobile home* to which they  
2 provide access, but shall be separated from other *buildings* and *structures* by ten feet.

3 (g) Each *mobile home space* shall be provided with two *off-street parking*  
4 spaces, which shall be paved or covered with crushed stone or other suitable material. No on-street  
5 parking shall be allowed.

6 (h) Walkways not less than thirty-six inches in width shall be provided from  
7 all *mobile home spaces* to all service *buildings*.

8 (i) All driveways and walkways within the *mobile home park* shall be hard-  
9 surfaced and well lighted.

10 (j) All private subcollector, lane and *place streets* within the *mobile home*  
11 *park* shall have a minimum pavement width of twenty-four feet. Private collector *streets* within the  
12 *mobile home park* shall have a minimum pavement width of thirty feet. All public *streets* shall  
13 comply with the *right-of-way* requirements and subdivision design standards set forth in Article 14-9  
14 SFCC 1987 (*Infrastructure Design, Improvement and Dedication Standards*) except as specified in  
15 this Section 14-7.2.

16 (k) The perimeter of the *mobile home park* shall be *landscaped* and fenced.  
17 *Landscaping* shall consist of deciduous canopy trees spaced no more than twenty feet apart, having a  
18 minimum two-inch *caliper* at the time of planting. Fencing shall consist of either a six-foot tall solid  
19 *wall* or fence constructed of opaque materials.

20 (l) All *mobile home park signs* shall conform to the requirements of  
21 Section 14-8.10 (Signs).

## 22 (2) Service Buildings

23 (a) If provided, service *buildings* that house sanitation facilities shall be  
24 permanent *structures* complying with all applicable ordinances and statutes regulating *buildings*,  
25 electrical installations and plumbing and sanitation systems.

1 (b) Service *buildings* shall be:

2 (i) well-lighted at all times of the day and night;

3 (ii) well-ventilated with screened openings;

4 (iii) constructed of moisture-proof material, which may be painted  
5 woodwork, that allows for repeated cleaning and washing;

6 (iv) maintained at a temperature of at least sixty-eight degrees  
7 Fahrenheit during the period from October 1 to May 1; and

8 (v) have floors of water-impervious material.

9 (c) All service *buildings* and the grounds of the *mobile home park* shall be  
10 maintained in a clean, sightly condition and kept free of any condition that menaces the health of any  
11 occupant or the public or constitutes a nuisance.

12 **(3) Solid Waste Containers**

13 Solid waste containers shall be provided, maintained and emptied in accordance with  
14 applicable regulations and as approved of the Solid Waste Division.

15 **(4) Fire Protection**

16 Every *mobile home park* shall be equipped at all times with fire extinguishing  
17 equipment in good working order, of such type, size and number and so located within the *mobile*  
18 *home park* as to satisfy applicable reasonable regulations of the fire department.

19 **(5) Supervision**

20 An attendant or caretaker shall be in charge at all times to keep the *mobile home*  
21 *park*, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or  
22 caretaker shall be answerable, with the permittee, for violations of any provision of this Section 14-  
23 7.2 to which the permittee is subject.

24 **14-7.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS**

25 **A. Table of Dimensional Standards**

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

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non- residential open space requirements
C-1	Same as R-21 district: See Table 14-7.2-1	36	Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as for R-21 district.	Nonresidential Uses: 60  Residential Uses: 40
C-2	None  Also see §14- 7.5(D)(8)(c): Open Space Requirements	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for setback abutting residential district)	60
C-4	Same as R-21 zoning district  Also see 14- 7.5(D)(8)(d): "Minimum Open Space Requirements"	24 (See note 6 for height stepback from property lines)	(See note 6 for height stepback from property lines) Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as R-21 zoning district	Nonresidential Uses: 60  Residential Uses: 40
HZ	21,780 sq ft	70 for a hospital in the Las Soleras Hospital District; 36 otherwise	Same as for R1-R5 Districts.	In the Christus St. Vincent Hospital Zone District: Gross floor area shall not exceed 30% of total lot area.  In the Las Soleras Hospital Zone District: floor area ratio shall not exceed 1.8:1
I-1	None, except as may be needed to satisfy other limitations applicable to an I-1 District.	65 (provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height	Same as for C-2 District.	50



TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non- residential open space requirements
		above 36 feet)		
I-2	None, except as may be needed to satisfy other limitations applicable to an I-2 District.	Same as I-1 District.	Street: 15 Side: 10 if abutting a residential district; 5 if not abutting a residential district Rear: 25 if abutting a residential district; 10 if not abutting a residential district	60
BIP	Minimum District Size: 4 acres Note 3	No portion of any structure located within 25 feet of any residential zoning district or residential use shall exceed 24 feet in height Maximum height calculation shall not include a parapet. - Structures may exceed 24 feet, not to exceed 36 feet, exclusive of the parapet, provided the structure wall shall be stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted.	No building, parking or loading facilities, or driveway shall be located less than 50 feet from the boundary of any residential use or residential zoning district Note 4	None, except to meet the open space, setback, parking, and other applicable requirements
PRC NOTE 9 8	Minimum District Size: 160 acres	---	---	---
PRRC NOTE 9	Minimum District Size: 160 acres	---	---	---
SC1 SC2 SC3	Minimum Lot Requirements: Note 5 SC1: 5 acres SC2: 10 acres SC3: 40 acres  See also §14- 4.3(K)(2), "Rezoning	SC1: 35 SC2: 45 SC3: 45	The requirements for minimum yards in SC districts shall be equivalent to the minimum yard requirements in any adjoining zoning district.	None

**TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)**

<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures</b>	<b>Minimum Setback Requirements (feet) See Note 1 for additional setback regulations</b>	<b>Maximum Lot Coverage (%) See Note 8 for non- residential open space requirements</b>
	to the SC district"			
<b>MU</b>	None, except as may be needed to satisfy other limitations applicable to a MU district Also see § 14-7.5(D)(8)(b) for open space requirements.	A maximum height of 35 feet shall be permitted where two or more stories are included in a building; where the mixed-use development is located adjacent to residential uses or residential zoning, all buildings and structures within 70 feet of the adjoining residential property line shall not exceed 25 feet in height. Also see §14-7.3(B)(1) for step-back requirements.	Street: Equivalent to the minimum yard requirements in any adjoining residential zoning district if not separated by a street; otherwise none is required. Side: 30 feet from property line when abutting a residential district; 5 feet from property line if not abutting a residential district. Right-of-way may be counted as part of setback. Rear: 30 feet from property line when abutting a residential district; 10 feet from property line if not abutting a residential district. Right-of-way may be counted as part of setback. Also see §14-7.3(B)(1) for separation requirements.	None, except as may be needed to satisfy other limitations applicable to a MU district Also see §14-7.3(B)(1) for footprint requirements and residential requirements

**TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)**

<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures</b>	<b>Minimum Setback Requirements (feet) See Note 1 for additional setback regulations</b>	<b>Maximum Lot Coverage (%) See Note 8 for non- residential open space requirements</b>
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**NOTES:**

1. Additional regulations, see also:  
 Section 14-5 Overlay Districts and official zoning map. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table;  
 Section 14-8.4(J)(3), fifteen-foot buffer required nonresidential uses adjacent to residential uses;  
 Section 14-8.4(I)(2)(d), five-foot *planting strip* where parking lot abuts *street required yard*;  
 Section 14-8.2(D)(4)(e)(i), *setback* from shoulder of arroyo, stream of watercourse; and  
 Section 14-7.1(D), *required yards*.
2. Additional regulations: *Rear yard* ten feet, except on the rear of a lot abutting a residential district, in which case there shall be a *rear required yard* of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the least. See also Section 14-8.4(J)(3) (Landscape Buffer for Nonresidential Uses), fifteen-foot buffer required for nonresidential uses adjacent to residential uses.
3. Additional regulations: The minimum total area of a BIP district shall be four acres. The minimum total area may be further divided into individual lots; however, the site shall be master planned in its entirety and the master plan approved by the planning commission.
4. Additional regulations: The planning commission may consider reduced *required yards* to allow for greater flexibility in site design, and based on the proposed use and site *development* proposal. *Required yard* reduction may also be mitigated by other factors, including topography, proposed fences or walls or dense landscape separation. In no case, however, shall the *required yards* be less than twenty-five feet.
5. Additional regulations: *Lots* may be combined to meet the minimum site requirements or subdivided smaller than the minimum site requirements; provided that the planned shopping center district shall be preserved in such ownership or control so as to ensure the continued maintenance of private common use areas, including *open space*, drives, walks and *off-street parking* and loading facilities. This shall be accomplished by contracts, agreements, deed restrictions, covenants running with the land or other instruments in writing.
6. Within ten feet of a side or rear *property* line, no point on a *structure* shall be higher than twelve feet above the finished grade at the closest point on the perimeter of the *structure*. Within fifteen feet of a *property* line, no point on a *structure* shall be higher than twenty-four feet above the finished grade at the closest point on the perimeter of the *structure*.
7. See Section 14-3.9(C)(3) (Procedures) for *development* standards in PRC and PRRC districts.
8. See Section 14-7.5(D) for amount of open space required for non-residential uses.
9. In the PRC and PRRC districts, development standards shall correspond to the approved master plan as provided in Section 14-3.8(C)(3).

**B. Additional Regulations**

**(1) MU District Standards**

1                                   **(a) Architectural Step-Backs**

2                                   Third floors shall have a step-back (balcony or roof area) of a minimum of  
3 five feet from all the *building's façades* at the ground level.

4                                   **(b) Separation of Uses**

5                                   Where any of the following uses exist on an adjoining site, group living or  
6 household living uses shall be separated from the following uses by a minimum distance of fifty feet:

7                                   (i) a drive-through use or facility, including gas stations, car washes,  
8 restaurants and banks;

9                                   (ii) animal hospitals or clinics with external overnight boarding;

10                                  (iii) child care facilities with more than thirty children;

11                                  (iv) outdoor storage of material;

12                                  (v) restaurants and bars operating between the hours of 10:00 p.m.  
13 and 7:00 a.m.;

14                                  (vi) liquor stores;

15                                  (vii) hotels and motels; and

16                                  (viii) any land use that the planning commission determines will  
17 produce environmental impacts, processes or products that are incompatible with residential uses, and  
18 that is noted on the approved master plan or *development* plan.

19                                   **(c) Building Tenant Space**

20                                   No single commercial tenant space shall exceed a total of twenty thousand  
21 square feet.

22                                   **(d) Residential Uses**

23                                   (i) Residential uses shall consist of at least forty percent of the  
24 *development's* total floor area if located adjacent to residentially zoned districts. If not, residential  
25 uses shall consist of at least twenty percent of the *development's* total floor area. The master plan,

plat and development plan shall show this residential/commercial mix.

(ii) *Buildings* of twenty-five feet or less in height shall not exceed a maximum of twelve *dwelling units* per acre and *buildings* of between twenty-five feet and thirty-five feet or less in height shall not exceed fourteen *dwelling units* per acre.

(iii) Each *dwelling unit* shall be provided with a minimum of two hundred fifty square feet of qualifying private or *common open space*.

**(2) Property formerly zoned Industrial Park**

Any *property* previously zoned industrial park with master plan approval on or before the date of adoption of the BIP zoning district shall be governed by and subject to the approved master plan. Where a conflict exists between the approved master plan and the requirements of this Section 14-7.3, the more lenient standard shall prevail.

**14-7.4 BUSINESS-CAPITOL DISTRICT**

**A. Table of Dimensional Requirements for Townscape Subdistricts**

**14-7.4(A)-1 Table of Dimensional Requirements for Townscape Districts** <sup>Note 1</sup>

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
Alameda Street							
56 Stepback: 1' Horiz.: 2' Vert. above 36'	67%, for portion of block bounded by Cathedral Place, Alameda, Paseo de Peralta and Palace Avenue. None for remainder of this district	No requirements	None generally, except on lots fronting Alameda Street, where open space equal in area to the front footage multiplied by 2.5 feet must be provided adjacent to front property line	Required for lots fronting Alameda St. Note 3	With the exception of buildings fronting Alameda Street, buildings set back from the public ROW shall have a solid wall of stuccoed masonry no less than 3 and no greater than 3 feet high along public	No requirements	Portals prohibited within ROW on lots fronting Alameda Street

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
					ROW		
<b>Barrio De Analco</b>							
West portion: 24 East portion: 18	67%	West portion: Buildings may be 7 feet maximum from property line  East portion: No restrictions	No requirements	Note 3	Walls and fences up to 8 feet high permitted	Parking prohibited in required front yards	Permitted within ROW at discretion of Governing Body
<b>Cerrillos Road</b>							
45 Stepback: 1' Horiz.: 2' Vert. above 27'; wall stepbacks shall be a minimum of 10 horizontal feet.	No requirements	15 minimum on Cerrillos; where a lot abuts a residential district outside of the BC district, the requirements for the residential district shall be met along the common property line	No requirements	Note 3	No restrictions	No restrictions	Prohibited within ROW
<b>Don Gaspar</b>							
24	No requirements	Building Setback Requirements Street: 10 Side: 5 Rear: 15	No requirements	No requirements	No restrictions	Parking prohibited in required front yards	Prohibited within ROW
<b>East Marcy/East Palace</b>							
27	No requirements	Building Setback Requirements: Street: Note 4 Side: 5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
				prohibited in planting strip. Note 3.			
<b>Loretto</b>							
Note 5	No requirements	No requirements	None generally, except on lots fronting Alameda Street, where open space equal in area to the front footage multiplied by 2.5 feet must be provided at some points adjacent to the Alameda property line	Note 3	Walls or fences not to exceed 7' required for front yards on Old Santa Fe Trail frontage. Elsewhere, walls or fences not to exceed 8' required for front yards where buildings are set back from the right-of-way	Note 6	Prohibited within ROW on lots fronting Alameda Street, elsewhere permitted at discretion of Governing Body
<b>Marcy</b>							
42 1' Horiz.: 1" Vert. above 24'; wall stepbacks shall be a minimum of 10 horizontal feet.	No requirements	Note 7	An open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as a yard or courtyard	Same as East Marcy/East Palace Subdistrict	4 maximum	Parking prohibited in front yard	Prohibited within ROW
<b>McKenzie Street</b>							
24	No requirements	Building Setback Requirements: Street: 10 Side: 5 Rear: 15	No requirements	Note 3, Note 8.	No restrictions	Parking prohibited in required front yard	Prohibited within ROW
<b>Old Santa Fe Trail</b>							
24	No requirements	10 maximum from front property line	No requirements	Landscape treatment required in front yard	Walls and fences not exceeding 5 feet are required for front yards. Fences may be of wrought iron.	Parking prohibited in front yard	Permitted over ROW at discretion of Governing Body
<b>Plaza/San Francisco</b>							

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
36	No requirements	Note 9	No requirements	No requirements	If in H District, as specified in §14-5.2	Parking must be located off-site or in rear yard, with access from rear	Permitted within ROW at discretion of Governing Body
Rosario Blvd./ NW Paseo de Peralta							
36	67%	On the north side of Paseo de Peralta, buildings shall be set back from the sidewalk a minimum of 20 feet; residential district setback applies along common property line where lot abuts a residential district.	None, except to meet yard requirements	Note 3	No requirement, except to meet landscape treatment requirements	No restriction	Prohibited within ROW
Sandoval/Montezuma							
36	67%	Where lot abuts residential area, must meet setback requirements for abutting residential district along common property line	No requirements	Required; Note 3	No restrictions	No requirements	Prohibited on lots fronting Guadalupe and Sandoval Streets, elsewhere permitted within ROW at discretion of Governing Body
State Capitol							
48	50%	Minimum setback from street must equal building height; minimum side yard building setbacks of 5 feet	No requirements	Required; Note 3	No walls allowed, except for retaining walls, existing walls around parking lots, and walls or fences	No requirements	Prohibited within ROW



Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
					around delivery or trash areas		
Westside							
24	No requirements	Building Setback Requirements; Street: 10 Side: 5 Rear: 15	No requirements	No requirements	No restrictions	No requirements	Prohibited within ROW

**Notes:**

- Provisions of overlay districts including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 Overlay Districts and zoning map.
- Wall setbacks are expressed as ratio of increased horizontal *setback* required to vertical height increase, above a specified *building* height. Example: 1' Horiz: 2' Vert. above 36' means that a wall setback equivalent to one horizontal foot for each two vertical feet over thirty-six feet is required. The setback required shall be measured horizontally from the face of the *building façade* or *portal*. Wall setbacks shall be measured vertically from grade for all walls except those that directly abut another *zero lot line building*, in which case the vertical measurement may be taken from the roof plane of the abutting *building*; and those to which a *portal* is attached, in which case the vertical measurement may be taken from the roof plane of the *portal*.
- On-site parking must be separated from public sidewalks by a solid *wall* no less than three feet in height or by a landscaped area no less than four feet in width measured from the back of the sidewalk; or, in the absence of a sidewalk, from the *property* line, and planted with plant materials whose mature height is at least three feet six inches. *Landscaping* must be protected from vehicular damage by placement of physical barriers.
- There is a ten-foot *building setback* requirement in the East Marcy/East Palace Subdistrict, except (a) on the north side of Marcy Street between Otero Street and Paseo de Peralta; and (b) both sides of Palace Avenue between Paseo de Peralta and Delgado Street, where a *front required yard building setback* equal to the average depth of existing *front yards* on the block is required.
- No portion of a *building* shall exceed sixty-five vertical above a point at grade level at the center of the site. The part of a *building* exceeding thirty-six vertical feet above a point at grade level at the center of the site shall be set back from each abutting public *street right-of-way* line at least one foot for each two feet of *building* height above thirty-six feet.
- No restrictions, except that for a depth of forty feet from the *property* line for that portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel, there shall be no parking.
- Front required yard* equal to the average depth of existing *front yards* on the block shall be required for (a) the east side of Washington Avenue between Place Avenue and Paseo de Peralta (Hillside); and the west side of Grant Avenue between Place Avenue and Paseo de Peralta. Elsewhere in the subdistrict there are no *required yards*.
- Landscape treatment required in *required yards* and *open space*. *Street trees* and landscape treatment required if *planting strip* exists. The *planting strip* should have a minimum width of three feet. Asphalt or concrete pavement prohibited in *planting strip*.
- Buildings* fronting San Francisco Street between Sandoval and Cathedral Place shall be built to the *street property* line. *Buildings* elsewhere in the subdistrict should also be built to the *street*

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
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*property line*, but where a *building* is set back from the *street right of way*, a solid *wall* shall be built at the *street property line* unless at least eighty percent of the yard is paved and designated for public pedestrian use. There are no *required yards* in this subdistrict.

## **B. Additional Regulations**

### **(1) Standards for Entire District**

#### **(a) Baseline Land-Use Intensity**

For the BCD in general, the *baseline floor area ratio* shall be 2.0:1, except for the Plaza/San Francisco, Alameda, redevelopment and Loretto subdistricts, where the *baseline floor area ratio* shall be 2.5:1; provided, however, that a *baseline floor area ratio* of 2.5:1 shall not be allowed if it is judged to be incompatible with an adjacent neighborhood or *townscape* subdistrict. Areas within a *structure*, the ceiling of which are below average finished grade, and at-grade parking areas, do not count toward the allowable floor area.

#### **(b) Land-Use Intensity Credits:**

(i) a *land-use intensity credit* of up to fifty percent of all floor area in *residential* use may be granted in conjunction with approval of a master plan, *development* plan or special use *permit*, provided that no floor area ratio shall exceed 3.0:1. The additional floor area granted may be used for any permitted use. Floor area granted as a credit is not eligible for any additional credit. Floor area of parking *structures* above-grade count toward *gross floor area* except for the floor area of roof *deck* parking. Subsurface areas and at-grade parking areas do not count toward the allowable floor area;

(ii) the final floor area ratio of a project, including *land-use intensity credits*, shall be limited by *infrastructure* capacity and *townscape* standards, where applicable; and

(iii) calculation of the floor area ratio shall include existing *structures* on a *legal lot of record* where *development* is proposed.

1                                   **(c) Drive-in or Drive-through Facilities**

2                                   *Drive-in* or drive-through facilities are permitted as *principal* or *accessory*  
3 uses and structures in the Rosario Boulevard/Northwest Paseo de Peralta, Sandoval/Montezuma and  
4 Cerrillos Road Subdistricts, where traffic generated by the use will not substantially interfere with  
5 existing vehicular and pedestrian traffic. *Drive-in* or drive-through facilities are prohibited in the  
6 other subdistricts of the BCD.

7                                   **(2) Standards for Redevelopment Subdistricts**

8                                   **(a) Land-use Intensity:**

9   (i) transfer of allowed floor area, including *land use intensity*  
10 *credits*, within a *property* or between contiguous *properties* with a single ownership and within a  
11 project is allowed; and

12   (ii) public benefit uses shall not count against the allowable floor  
13 area for a *parcel*.

14                                   **(b) Maximum Height of Buildings**

15                                   The maximum *building* height permitted in a redevelopment subdistrict shall  
16 not exceed sixty-five feet; provided, however, that the maximum height shall be compatible with the  
17 character of adjacent subdistricts and the surrounding neighborhood.

18                                   **(c) Additional Standards**

19                                   Additional standards for redevelopment subdistricts are located in the  
20 subdistrict master plan. *Development* in a redevelopment subdistrict shall comply with the master  
21 plan.

22                                   **(3) Design Objectives for Individual Townscape Subdistricts**

23                                   The best existing qualities of the individual *townscape* subdistricts should be  
24 preserved, while encouraging diversity of design in the individual *townscape* subdistricts. New  
25 *development* should be harmonious with the specific physical characteristics and *development* and

design objectives listed below:

**(a) Alameda Street Subdistrict:**

- (i) allow more intensive *development* because of the lack of historical or well-defined *townscape* characteristics;
- (ii) strengthen continuity of block forms;
- (iii) strengthen the built edge of *street* sections and extend features of the Plaza *streetscape* to this district;
- (iv) improve the sense of enclosure to pedestrian spaces;
- (v) separate vehicles and pedestrians;
- (vi) emphasize the river park by allowing relatively dense *buildings* north of the Alameda in contrast to the park;
- (vii) recognize the importance of the river as an urban design feature; and
- (viii) provide some natural *landscape* on the north side of the Alameda to reflect the natural *landscape* of the Santa Fe river park.

**(b) Barrio de Analco Subdistrict:**

- (i) maintain narrow streets and closely spaced small *buildings*;
- (ii) avoid the widening of existing streets;
- (iii) maintain the historic character and residential scale of *buildings*; and
- (iv) maintain and encourage enclosed courtyards.

**(c) Cerrillos Road Subdistrict:**

- (i) recognize this area as one undergoing renewal;
- (ii) encourage the redevelopment of large *parcels*;
- (iii) provide flexible and permissive standards to encourage

1 redevelopment and imaginative design;

2 (iv) develop this area as an entranceway to the downtown with  
3 consideration for safety due to high traffic volume;

4 (v) discourage massive, block-shaped *buildings*; and

5 (vi) encourage the concept of this area as a gateway to downtown

6 Santa Fe.

7 **(d) Don Gaspar Subdistrict:**

8 Maintain the small scale and residential character and *streetscape*.

9 **(e) East Marcy/East Palace Subdistrict:**

10 (i) maintain the continuity of block faces, including *street trees* and  
11 yards;

12 (ii) retain the residential scale of the area by limiting *building*  
13 heights and requiring yards;

14 (iii) encourage low *walls* that are compatible with the characteristic  
15 open yards; and

16 (iv) encourage a sense of openness.

17 **(f) Loretto Subdistrict:**

18 In recognition of City Council Resolution 1971-3, the design and  
19 development standards in the Loretto subdistrict:

20 (i) encourage the continued redevelopment of this subdistrict; and

21 (ii) provide for architectural harmony within the subdistrict and with  
22 adjoining subdistricts.

23 **(g) Marcy Street Subdistrict:**

24 (i) maintain *street trees* and stands of trees as dominant elements in  
25 the subdistrict;

(ii) maintain avenue features, such as broad streets, *planting strips*, *street trees* and wide sidewalks;

(iii) maintain a sense of openness to provide occasional view of the mountains;

(iv) separate pedestrians from vehicles using *planting strips* and *street trees* while providing an enclosed space; and

(v) maintain the relationship between the height and mass of trees and the height and scale of *buildings*.

**(h) McKenzie Street Subdistrict:**

(i) maintain the residential scale;

(ii) maintain yards, with or without fences; and

(iii) maintain separation of individual *structures*.

**(i) Old Santa Fe Trail Subdistrict:**

(i) maintain the small scale quality of *buildings* and *streets*;

(ii) maintain the existing width of the old Santa Fe Trail;

(iii) maintain the scale of *buildings*; and

(iv) encourage compliance by the *state* in design of future *development*.

**(j) Plaza/San Francisco Subdistrict:**

(i) maintain narrow *streets* and continuous *street façades*;

(ii) encourage additional *portals* for pedestrian use and provide continuity of *building* mass;

(iii) limit *building* height to heights characteristic of existing *buildings*;

(iv) encourage high *walls* to separate open or vacant areas from the

1 public *right of way* and provide continuity of *street façade*;

2 (v) except for Plaza and Cathedral areas, confine *landscaping* to  
3 interior patios or *walled* courtyards; and

4 (vi) emphasize verticality of *façades* on San Francisco Street.

5 **(k) Rosario Boulevard/NW Paseo de Peralta Subdistrict:**

6 (i) recognize the area as one in the process of change;

7 (ii) facilitate the redevelopment of large *parcels* within single  
8 ownership;

9 (iii) provide flexible standards that encourage redevelopment and  
10 diversity of design;

11 (iv) emphasize the strategic position of this area as a gateway into  
12 downtown Santa Fe; and

13 (v) provide standards that minimize the impact or height and bulk of  
14 *structures* on the entryways to the downtown.

15 **(l) Sandoval/Montezuma Subdistrict:**

16 (i) recognize that the area is in transition;

17 (ii) encourage adaptive reuse of existing *buildings* on Guadalupe  
18 Street and existing bungalows on west Manhattan, Read, Garfield, Montezuma and Aztec Streets;

19 (iii) maintain and strengthen the continuity of the existing *street*  
20 *façade* on the east side of Guadalupe Street;

21 (iv) encourage access from side streets;

22 (v) discourage additional curb cuts on main streets; and

23 (vi) encourage redevelopment of under-used *property* along  
24 Sandoval Street and Cerrillos Road.

25 **(m) State Capitol Subdistrict:**

- (i) retain the open “campus” quality of this area as a contrast to surrounding developed areas;
- (ii) recognize the area as complementary to the Santa Fe river park;
- and
- (iii) maintain intensive landscape treatment.

**(n) Westside Subdistrict:**

Maintain the small scale and residential character and *streetscape*.

**14-7.5 Open Space Standards**

**A. General Provisions**

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

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

(2) *Qualifying open space* does not include *streets*, driveways, parking or loading areas, storage areas or *buildings*.

**B. Residential Common Open Space Standards**

(1) The intent of *common open space* is to provide useable outdoor space for residents of *developments*, promote compact urban form, screen and buffer conflicting zoning categories and, in general, enhance the quality of the urban environment. Where appropriate, *open space* should contribute to the preservation of Santa Fe's natural features, especially hillsides and arroyos. Consideration shall be given to providing wildlife habitat, especially by providing *open space* along arroyos, stream corridors and linkages to other habitat areas. To the greatest extent



possible, connections shall be provided to public *open space* and the urban trail system and bicycle paths or in such a way that a future connection is facilitated. The most appropriate use or uses for outdoor space shall be proposed and assessed on a case-by-case basis and may include active or passive use.

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

(3) Except where both *private and common open space* are specifically required by Table 14-7.2-1, qualifying *private open space* may be used to meet *common open space* requirements.

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

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

(6) *Common open space* shall be no less than fifteen feet in any one dimension and no less than five hundred square feet per segment.

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

(8) *Accessory dwelling units* are required to provide the same amount of qualifying

1 *private open space* as other *dwellings* in the district; however, qualifying *private open space* for the  
2 *accessory dwelling unit* may be connected to qualifying *private open space* for the primary *dwelling*  
3 *unit*, and up to fifty percent of the qualifying *private open space* required for the *accessory dwelling*  
4 *unit* may be the same qualifying *private open space* provided for the *primary dwelling unit*.

### 5 **C. Residential Private Open Space Standards**

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

9 (1) the maximum *lot* coverage may be increased in accordance with Table  
10 14-7.2-1 if qualifying *private open space* for each *dwelling unit* is provided as follows:

11 (a) for *lots* in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-7I, R-8 or R-9 districts,  
12 an amount not less than fifty percent of the total *gross floor area* of that *dwelling unit*; and

13 (b) for *lots* in R-10, R-12, R-21 and R-29, an amount not less than thirty  
14 percent of the total *gross floor area* of that *dwelling unit*.

15 (c) for *compounds* in RC-5 and RC-8 districts, there is no *lot coverage* limit  
16 when *qualifying open space* is provided as required by this Section 14-7.5.

17 (2) balconies, roof decks or roofed areas such as *porches* or *portals* may be included  
18 as twenty-five percent of the required *private open space*;

19 (3) *private open space* does not include parking areas, driveways or related access  
20 for automobiles or stormwater ponding areas;

21 (4) the minimum dimension for required *private open space* shall not be less than  
22 twelve feet;

23 (5) finished grade for required *private open space* shall have a *slope* no greater than  
24 one vertical foot in ten horizontal feet; and

25 (6) *accessory dwelling units* shall also be required to meet the *private open space*

criteria in this Section 14-7.5(C); provided, however, that *private open space* for the *accessory dwelling unit* does not have to be physically separated from the *private open space* for the *primary dwelling unit*, and up to fifty percent of the *private open space* required for the *accessory dwelling unit* may be the same *private open space* provided for the *primary dwelling unit*; and

(7) there are no planting requirements for *private open space*.

#### **D. Nonresidential and Mixed Use Open Space Standards**

(1) *Open space* shall be provided in non-residential and *mixed use developments* to promote environmental health; foster a sense of openness; provide light and air; preserve existing vegetation or provide new vegetation to help oxygenate the air; provide shade; help control stormwater runoff and erosion; and improve ground water quality.

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

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

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

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

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

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

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

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

## 18 (8) Open Space Requirements

### 19 (a) BIP districts

20 (i) To encourage pedestrian amenities and preservation of existing  
21 vegetation, *qualifying open space* shall be provided at a minimum of forty percent of the total master  
22 plan area.

23 (ii) As an incentive for providing commonly shared site amenities,  
24 and as may be appropriate to more urban *development*, the planning commission may grant double  
25 the square footage of site amenities to be counted toward the *qualifying open space* requirement. Site

amenities shall be accessible, and include the following examples: 1) interior trail systems; 2) small plazas; 3) fountains; 4) children's play areas; and 5) public art. In no case shall the amount of *qualifying open space* be less than twenty-five percent of the total master plan area.

**(b) MU districts**

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

**(c) C-2 District**

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

**(d) C-4 District**

(i) *Single-family* -- where the *lot* size is between two thousand and three thousand square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for qualifying *common open space*, all divided by the number of single *family lots*, equals no less than three thousand square feet.

(ii) *Multiple-family* -- *qualifying common open space* is required at a minimum of two hundred fifty square feet per unit.

**(e) C-1 District**

(i) *Single-family* -- where the *lot* size is between two thousand and four thousand square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single *family lots*, equals no less than four thousand square feet.

(ii) Multiple-family -- qualifying *common open space* is required at a minimum of two hundred fifty square feet per unit.

(9) Any residential *qualifying open space* provided in a mixed residential and *commercial development* may be credited toward the total *qualifying open space* requirement.

**Section 10. Section 14-8.1 through 14-8.9 SFCC 1987 (being Ord. #2001-38, as amended) are repealed and new Sections 14-8.1 through 14-8.9 SFCC 1987 are ordained to read:**

**Article 14-8 [NEW MATERIAL] DEVELOPMENT AND DESIGN STANDARDS**

**14-8.1 [NEW MATERIAL] GENERAL PROVISIONS**

**A. Purpose**

The purposes of Article 14-8 are to:

(1) provide proper standards that ensure a high quality appearance of the Santa Fe area and promote good design while also allowing individuality, creativity and artistic expression;

(2) encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation of *open space* and natural environmental resources;

(3) protect private and public investment through preservation of *open space*, protection of natural resources, including the existing tree canopy; providing buffers between incompatible uses and along roadways; and encouraging the planting of appropriate vegetation;

(4) preserve and protect the identity and character of Santa Fe, and enhance the *business* economy; and

(5) promote water conservation and efficiency through preserving natural areas, encourage good soil management and encourage the use of native or drought tolerant plant materials.

(6) ensure compliance with the *City's* obligations to the U.S. Environmental Protection Agency (EPA) as a National Pollutant Discharge Elimination System (NPDES) Municipal

1 Separate Storm Sewer System (MS4) Phase II permittee.

2 **B. Applicability**

3 Unless otherwise noted, the requirements of this article apply to all land *development* activity  
4 covered under Chapter 14.

5 **14-8.2 [NEW MATERIAL] TERRAIN AND STORMWATER MANAGEMENT**

6 **A. Purpose**

7 The purpose of this Section 14-8.2 is to protect, maintain and enhance the health, safety and  
8 general welfare of the citizens and natural environment of Santa Fe. The following considerations  
9 shall be used during the design and planning process for all proposed *developments* subject to this  
10 Section 14-8.2:

- 11 (1) ensure sound and orderly development of the natural terrain;
- 12 (2) protect life and *property* from the dangers of *flooding* and the hazard of improper  
13 *cuts and fills*;
- 14 (3) minimize erosion and sedimentation;
- 15 (4) minimize destruction of the natural landscape;
- 16 (5) protect the scenic character of Santa Fe from the visual blight of indiscriminate  
17 *cuts and fills* and vegetation removal resulting from extensive *grading* and utility scars;
- 18 (6) treat stormwater runoff as a valuable natural resource in Santa Fe, a community  
19 that is prone to drought, by encouraging water collection and infiltration on site;
- 20 (7) control the adverse impacts associated with accelerated stormwater runoff on  
21 natural drainage ways and all *structures* due to increased development and impervious surfaces;
- 22 (8) minimize erosion and degradation of arroyo channels and improve the condition  
23 of the channels where possible;
- 24 (9) respect, protect, maintain and restore natural *drainageways*, wetlands, bosques,  
25 *floodplains*, steep *slopes*, riparian vegetation and wildlife habitat areas;

1 (10) prevent stormwater runoff from entering or damaging acequias or other  
2 irrigation facilities;

3 (11) integrate stormwater management measures into the landscape and site planning  
4 process as set forth in Section 14-8.4 (Landscape and Site Design);

5 (12) provide aesthetically pleasing solutions to stormwater management and erosion  
6 control measures by integrating measures into the overall landscape and site design; and

7 (13) promote improved water quality through compliance with the EPA NPDES  
8 MS4 permit and Construction General Permit (CGP).

9 **B. Applicability**

10 **(1) Minimum standards and Submittal Requirements**

11 (a) Minimum standards and submittal requirements for terrain and  
12 stormwater management are based on the type of project and all projects shall meet the minimum  
13 standards in Section 14-8.2(D) (Standards for All *Grading*).

14 (b) Projects for which a construction *permit* for *grading* is required by  
15 Section 14-3.10(E) (*Development* in *Special Flood Hazard Areas*) shall also meet the applicable  
16 minimum standards and submittal requirements in Section 14-8.2(E) for minor *development* or  
17 Section 14-8.2(F) for all other *development*.

18 (c) Master plan, preliminary *development* plan and preliminary subdivision  
19 *plat applications* shall also meet the minimum standards and submittal requirements in Section 14-  
20 8.2(G).

21 (d) Final *development* plan and subdivision *plat applications* shall also meet  
22 the requirements in Section 14-8.2(H).

23 (e) All *City* departments that implement construction projects shall comply  
24 with the objectives, intent and minimum standards of this Section 14-8.2.

25 **(2) Exemptions**



1                   A *development* is exempt from the requirements of this Section 14-8.2 if it  
2 meets the following conditions:

- 3                   (a) less than two hundred fifty square feet of total land area is disturbed;
- 4                   (b) no *slopes* greater than ten percent are disturbed;
- 5                   (c) existing drainage patterns on the *property* are not changed in a way that  
6 would increase the amount of stormwater runoff leaving the *property* or cause significant change to  
7 on-site drainage patterns as determined by the *city engineer*, and  
8                   (d) adequate erosion control is provided.

9                   **(3) Alternate Means of Compliance**

10                  Applicants may propose alternatives to standard stormwater management techniques,  
11 so long as these alternatives allow the project to meet the minimum standards and general  
12 requirements of this Section 14-8.2. Alternative techniques may be proposed that achieve improved  
13 environmental performance, including reduced stormwater runoff, increased infiltration, reduced  
14 sedimentation and erosion, and for aesthetic purposes. Proposals for alternative compliance to  
15 standard stormwater management techniques are subject to review and approval of the *city engineer*  
16 in writing, stating the basis for such a waiver.

17                  **C. Procedures and General Requirements**

- 18                  (1) The *city engineer* may determine the following:
  - 19                   (a) the completeness of all required terrain and stormwater management  
20 submittals;
  - 21                   (b) compliance with all minimum standards;
  - 22                   (c) the acceptability of all proposed erosion control and stormwater  
23 management methods; and
  - 24                   (d) the need for additional information or written approval in order to  
25 determine compliance with the purposes, intent and minimum standards of this Section 14-8.2.

1 (2) The preparation of submittals shall be as provided in this Section  
2 14-8.2(C)(2) and in accordance with the provisions of Chapter 61 NMSA 1978 (Professional and  
3 Occupational Licensing) regulating the practice of architecture, landscape architecture, engineering  
4 and land surveying.

5 (a) *Grading* submittals for minor *development* or for *grading* incidental to  
6 the construction or modification of a *structure* may be prepared by any person, including the  
7 homeowner, who has the legal authority to design the *structure*; however, the *city engineer* may  
8 require that submittals be prepared and signed by a *professional engineer, architect* or landscape  
9 architect licensed in New Mexico if necessary to fulfill the requirements of this Section 14-8.2,  
10 Chapter 61 NMSA 1978 or applicable regulations;

11 (b) Submittals for *development* other than minor *development* or incidental  
12 to the construction or modification of a *structure* shall be prepared as follows:

13 (i) topographic plans shall be prepared and certified by a  
14 *professional engineer* or *professional land surveyor*;

15 (ii) stormwater management submittals for master plans,  
16 subdivisions and *development* plans shall be prepared and certified by a *professional engineer*.  
17 Stormwater management submittals for all other types of *development* shall be prepared by a  
18 *professional engineer* or an *architect* or landscape architect registered in New Mexico; and

19 (iii) site restoration submittals shall be prepared and certified by a  
20 *professional engineer, architect* or landscape architect licensed in New Mexico.

21 (3) No *certificate of occupancy* or any type of final construction approval shall be  
22 issued by the *City* unless a *parcel* is in full compliance with the requirements of this Section  
23 14-8.2 and all inspections have been conducted as described in this Section 14-8.2.

24 (4) Activities permitted pursuant to this Section 14-8.2 may also require notification  
25 or permitting by other agencies, including written approval from the Acequia Madre de Santa Fe

community acequia association or other official watercourse-related entity, the EPA, the United States army corps of engineers, the federal emergency management agency (FEMA) and the New Mexico department of environment. It is the responsibility of each applicant to determine whether additional notification or permitting is required.

(5) All inspections shall be documented in written form, shall be made available to the *city engineer* or code enforcement officer upon request.

#### **D. Standards for All Grading**

When a construction *permit* for *grading* is required by this Section 14-8.2, *applications* for the *permit* shall show compliance with the following minimum standards:

##### **(1) Cut and Fill Slopes**

(a) *cut slopes* on a site shall not exceed ten feet in height, except as otherwise permitted by this Section 14-8.2. In no case shall the height of a cut exceed the height of any *building* constructed in the excavated area;

(b) *fill slopes* on a site shall not exceed fifteen feet in height. Retaining *walls* for *fill slopes* shall be no greater than six feet in height as provided in Section 14-8.5(B)(1), except as otherwise provided in Section 14-5.6(G) (Escarpment Overlay District Landscaping). *Fill slopes* shall be no steeper than 3:1, unless a structural alternative such as a retaining *wall* or some other measure acceptable to the city engineer is provided;

(c) *cut* or *fill slopes* for roads shall not exceed fifteen feet in height; and

(d) all *cut slopes* that are not stabilized by a retaining *wall* or some other measure acceptable to the *city engineer*, shall be no steeper than 2:1, unless a structural alternative is provided or unless it can be demonstrated by a geotechnical study that existing soils will naturally accommodate a steeper *slope* and acceptable revegetation or other erosion control can be achieved;

##### **(2) Grading**

(a) *Grading* for *buildings* is limited to fifteen feet beyond the outer edge of

1 the *building* foundation, patio, *wall*, driveway, road, parking area or other constructed facility except  
2 as necessary:

3 (i) for the construction of stormwater runoff management measures  
4 in compliance with this Section 14-8.2; or

5 (ii) to accommodate required horizontal to vertical measurements  
6 for *cut* and *fill slopes*.

7 (b) Natural *slopes* thirty percent or greater shall remain undisturbed, except  
8 for arroyo crossings and for no more than three isolated occurrences of *sloped* areas where each  
9 individual disturbance shall not exceed one thousand square feet, as approved by the *city engineer*.

10 The *city engineer* may waive this provision, in writing, stating the reasons and basis for such  
11 approval, if evidence is provided by the applicant showing that strict enforcement of this provision  
12 would prohibit access to the *lot* or placement of utilities. This provision applies solely to the  
13 construction of roads, driveways and utility placement and is not intended to allow *development* on  
14 natural *slopes* exceeding thirty percent. The other provisions of the escarpment overlay district  
15 ordinance and the terrain and stormwater management regulations shall remain in effect.

16 (c) Phasing for *grading* and clearing may be required by the *city engineer* on  
17 all sites where construction will not begin immediately after clearing and *grading*;

18 (d) A construction *permit* for *grading* for driveway construction shall not be  
19 issued unless the *city engineer* has first determined that the driveway provides access to a buildable  
20 area as defined in Section 14-8.2(D)(3) and that the *permit* complies with the requirements of Section  
21 14-5.6 (Escarpment Overlay District); and

22 (e) All *grading* completed on the site shall conform to the approved *grading*  
23 plan.

### 24 (3) Topography

25 (a) Each *lot* shall have an area designated as suitable for a *structure* of not

1 less than two thousand square feet, which can be developed in accordance with the terrain and  
2 stormwater management standards and with other applicable *development* standards, including  
3 required *setbacks* and access requirements.

4 (b) At least one-half of the area designated as suitable for building and at  
5 least one-half of any *building* footprint shall have a natural *slope* of less than twenty percent; the  
6 remainder of the area or *building* footprint may have a natural *slope* of twenty percent or greater, but  
7 less than thirty percent.

8 (c) The first floor finished floor elevation at any point of any portion of a  
9 *building* built on a natural *slope* of twenty percent or greater shall not exceed five vertical feet above  
10 the natural *slope* at that point.

11 (d) A *structure* shall not be built on a natural *slope* of thirty percent or  
12 greater.

#### 13 (4) Stormwater Management

##### 14 (a) General Standards:

15 (i) stormwater management measures shall be selected to best  
16 accommodate the specific geologic, hydrologic and topographic features of the land to be developed;

17 (ii) stormwater management measures shall be designed as both a  
18 comprehensive and integral part of the *development*;

19 (iii) stormwater management measures shall be designed to directly  
20 address additional flows from the proposed *development*. Compliance with these standards shall not  
21 be achieved solely by alternations to flows upstream of a proposed *development*; and

22 (iv) stormwater management plans may be designed to incorporate  
23 measures that are shared by two or more *developments*; provided that the measures comply with the  
24 minimum standards of this Section 14-8.2, including provision of an enforceable legal agreement for  
25 construction and maintenance.

**(b) Discharge Standards:**

(i) except as otherwise required by this Section 14-8.2, the stormwater runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the one percent chance, twenty-four-hour storm event at each discharge point;

(ii) runoff control measures may include the use of *detention* or *retention* basins and *active water harvesting* and *passive water harvesting* techniques, *swales*, berms, check dams, vegetative ground cover, permeable pavements, tree wells, dry wells, cisterns and other techniques appropriate for retaining and infiltrating water on site;

(iii) stormwater shall not be discharged into any watercourse or drainage channel without adequate reduction of flow velocity, which shall be accomplished by erosion control techniques that may include the routing or energy dissipation of stormwater runoff to a vegetated *swale*, vegetated basin or stone-protected area. The techniques used shall be sufficient to diminish runoff velocity and spread runoff flow adequately to avoid erosion upon entering the watercourse;

(iv) stormwater runoff shall not be routed into irrigation ditches, canals, acequias or watercourses related to an acequia system unless specific plans have been approved in writing by the person legally responsible for the operation and maintenance of the facility and the *city engineer*. The developer is responsible for obtaining all such approvals before submittal of an *application*; and

(v) an active, historic acequia, whether on site or off site, shall not be disturbed in any way by *building development* or construction activity unless specific plans have been approved in writing by the person or entity legally responsible for the operation and maintenance of the acequia. The developer is responsible for obtaining all such approvals before submittal of an *application*.

1                                   **(c) Detention Basin Standards:**

2                                   (i) stormwater *detention* basins and overflow *structures* shall be  
3 sized and designed to adequately accommodate flows from one percent chance, twenty-four-hour  
4 storm events; provided, however, that such basins shall also be equipped with outflow *structures* that  
5 limit flow-through from lesser magnitude storms to runoff rates equal to or less than pre-development  
6 runoff rates;

7                                   (ii) infiltration, *detention* and *retention* basins shall provide a means  
8 of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment  
9 traps, filters on drop inlets or other methods. All basins shall be designed to empty within no more  
10 than twenty-four hours;

11                                  (iii) landscape treatment of *detention* and *retention* basins may be  
12 required in accordance with Section 14-8.4 (Landscape and Site Design); and

13                                  (iv) discharge standards for minor *development* are provided in  
14 Section 14-8.2(E)(2).

15                                   **(d) Detention in Cisterns**

16                                  (i) *Cisterns* may be used if they are connected to an irrigation system  
17 or other water use.

18                                  (ii) A maximum of fifty percent of required stormwater *detention*  
19 volume may be stored in *cisterns*, except that one hundred percent may be stored in cisterns for minor  
20 development.

21                                  (iii) *Cisterns* shall be installed and operated in compliance with  
22 applicable provisions of other regulations, including Section 14-8.4 (Landscape and Site Design) and  
23 Chapter 7 SFCC 1987 (Building and Housing).

24                                   **(e) Arroyo, Stream and Watercourse Standards:**

25                                  (i) for arroyos, streams or watercourses that carry one hundred cubic

1 feet per second or more of stormwater flow in a *one percent chance event*, all *structures*, paved roads,  
2 driveways and parking *lots* shall be set back a minimum of twenty-five feet from the top shoulder of  
3 an arroyo plus the depth of the arroyo channel. This *setback* provision does not apply to stormwater  
4 management *structures* or public access trails. The *city engineer* may waive this provision, in  
5 writing, stating the reasons and basis for such approval, if evidence is provided by a *professional*  
6 *engineer* demonstrating arroyo bank stability;

7 (ii) for arroyos, streams or watercourses that carry less than one  
8 hundred cubic feet per second in a *one percent chance event*, the *city engineer* may require a *setback*  
9 based on soils and hydrologic information supplied by the applicant.

10 (iii) except for erosion control measures, stormwater management  
11 measures, public access trails or the placement of underground utilities required for *development*, no  
12 *grading* shall occur within the *setback* area;

13 (iv) where practical, erosion control and *channel* stability in arroyos,  
14 streams or watercourses shall be achieved using techniques that reduce stormwater velocity and  
15 pollution, preserve active *floodplains*, provide adequate room for *flood* waters to spread safely and  
16 use native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion  
17 baskets, sheet piling, rip-rap or similar hardened material unless no reasonable alternative exists to  
18 protect public *infrastructure* or pre-existing *structures*; and

19 (v) fences, *walls* and similar *structures* may not be constructed in or  
20 across an arroyo, stream or watercourse.

21 **(5) Site Restoration:**

22 (a) soil stabilization and erosion control measures for all land disturbed by  
23 construction shall be completed within twenty-one days after completion of construction or other  
24 activities on site that interfere with soil stabilization measures. If the time of year is not conducive to  
25 planting, it may be delayed until the next appropriate planting season if all appropriate temporary



erosion control measures are maintained until permanent erosion control measures are implemented;

(b) one or more of the following stabilization and erosion control measures shall be used:

(i) revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover;

(ii) restoration with bioengineering techniques such as *live staking*, *brush layering*, *brush mattress* and *live crib walls*; and

(iii) stabilization with stones, terracing or similar techniques; and

(c) all trees and shrubs shall be *mulched* and irrigated until established.

Grass seed should either be hydroseeded or covered with biodegradable material or synthetic soil erosion control blankets or matting and irrigated until established. Irrigation shall be pursuant to the irrigation requirements in Section 14-8.4 (Landscape and Site Design).

#### **(6) Increase in Minimum Standards**

The *city engineer* may require implementation of more than the minimum stormwater standards if arroyos on site or immediately downstream of a site show evidence of increased *flooding*, channel erosion or sedimentation as a direct result of conditions on the site. Increased requirements shall be limited to the following on-site measures:

(a) erosion and sediment control measures extended to a broader area of the site than the *development* area;

(b) revegetation or stabilization of highly eroded areas;

(c) arroyo restoration or other erosion control measures within highly eroded channels; or

(d) a combination of the measures specified in Sections 14-8.2(D)(6)(a) through (c).

#### **(7) Best Management Practices**

1                   The following best management practices shall be used before and during the  
2 construction process:

3                   (a) disturbed areas shall be protected from erosion during construction by  
4 diverting stormwater around the disturbed area, dissipating the energy of stormwater adequate to  
5 prevent erosion, retaining sediment on the disturbed area or other means adequate to retain soil on  
6 site;

7                   (b) except as necessary to install temporary erosion and sediment control  
8 devices, land shall not be *graded* or cleared of vegetation until all such temporary devices have been  
9 properly installed and inspected. Temporary erosion and sediment control devices may include silt  
10 fencing, *swales*, straw bales, berms, geotextiles, sediment basins or traps and fencing. Control  
11 devices shall be kept in place and used until the disturbed area is permanently stabilized;

12                   (c) *significant trees*, areas with substantial grass coverage and *drainageways*  
13 that are to remain undisturbed shall be fenced off prior to the use of any heavy machinery on-site and  
14 shall remain fenced during the entire construction process. Fencing material may include snow  
15 fencing, plastic mesh or other similar fencing material. To protect the root zone of *significant trees*,  
16 fencing shall be placed five feet to the outside of their dripline;

17                   (d) to prevent soil from leaving a site, soil stockpiles shall be protected from  
18 wind and water erosion throughout the construction process by using appropriate erosion control  
19 techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall  
20 be kept on site, within the disturbance zone of a construction site and then reintroduced into planting  
21 areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other  
22 *drainageways*;

23                   (e) techniques to prevent the blowing of dust or sediment from the site, such  
24 as watering down exposed areas, are required for projects that disturb greater than five thousand  
25 square feet; and

1 (f) protection for storm drain inlets, *drainageways* and any stormwater  
2 conveyance shall be provided to prevent the entry of sediment and pollutants from the site while still  
3 allowing the entry of stormwater.

#### 4 **E. Standards for Minor Development; Submittal Requirements**

##### 5 **(1) Minor Development**

6 A minor *development* includes the construction of any *structure*, including single  
7 *family* residences, additions, sheds, *garages*, fences, driveways or pavement, that meets all of the  
8 following criteria:

- 9 (a) it takes place on a single *lot* or a subdivision of fewer than three *lots*;
- 10 (b) it results in cumulative total disturbance of less than five thousand square  
11 feet of land on a *lot*;
- 12 (c) it disturbs no *slope* equal to or greater than twenty percent; and
- 13 (d) no more than three thousand five hundred square feet of new impervious  
14 surface is created per *lot*.

##### 15 **(2) Minimum Standards; Discharge Standards**

16 Minor *development* must comply with the standards in Section 14-8.2(D), except that  
17 the minimum volume of water to be contained or infiltrated on site shall be determined by  
18 multiplying the total area of new impervious surface, in square feet, by 0.16 feet to arrive at a value  
19 expressed in cubic feet, i.e. one hundred sixty cubic feet of water containment is required per one  
20 thousand square feet of impervious surface.

##### 21 **(3) Submittals**

22 Construction *permit applications* for *grading* for *minor development* must provide  
23 sufficient information to demonstrate compliance with the standards in Section  
24 14-8.2(D) and Section 14-8.2(E)(1) and (2), including the following, unless the requirement is waived  
25 by the *land use director*:

- 1 (a) a brief narrative description of the proposed project;
- 2 (b) a topographic map of the *property* to scale, including United States
- 3 geological survey quadrangle maps or maps generated by the *City*, adequate to show elevation
- 4 contours, natural *drainageways* and existing and proposed improvements;
- 5 (c) a brief written description or representative photographs of the type of
- 6 existing vegetation, such as piñon and juniper trees, annual weeds, grass cover, bare ground and so
- 7 on, and approximate coverage of existing vegetation at the site, and a plan for vegetation removal at
- 8 the site;
- 9 (d) a description of all proposed *grading* or ground disturbance;
- 10 (e) calculations and a plan drawing showing:
- 11 (i) the size, volume, dimensions and location of all proposed runoff
- 12 containment *structures* or methods and how water will be directed to the *structures* or methods; and
- 13 (ii) percolation test results or other means of demonstrating that
- 14 containment *structures* will empty within twenty-four hours;
- 15 (f) a roof run-off drainage plan; and
- 16 (g) a planting plan for revegetation showing proposed plant materials and a
- 17 description of the proposed irrigation method or other methods used to establish vegetation and
- 18 prevent erosion until vegetation becomes established.

19 **F. Submittal Requirements For All Other Development**

20 All other *development* that requires a construction *permit* for *grading* that is not classified as

21 minor *development* under the provisions of Section 14-8.2(E) shall meet the following minimum

22 submittal requirements:

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

1 (a) a topographic survey and *grading* plan with elevation contours shown at  
2 not more than two feet intervals on *slopes* less than thirty percent and five foot intervals on *slopes* of  
3 thirty percent or greater that shows:

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

7 (ii) ground elevations that conform to either the United States  
8 geological survey sea level datum, as modified, or to the *City's* monument system, showing elevation  
9 contours at not more than two foot intervals on *slopes* less than thirty percent and not more than five  
10 foot intervals on *slopes* greater than or equal to thirty percent;

11 (iii) the designated *building lot* areas;

12 (iv) all areas to be *graded* on the site and the final contours to be  
13 achieved by the *grading*;

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

15 (vi) spot elevations, as needed;

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

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

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

21 (x) a construction schedule when the project will be developed in  
22 phases;

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

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

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

(xiv) all existing disturbed areas;

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

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

(b) a stormwater management plan that includes:

(i) a vicinity map;

(ii) existing and proposed contours, all watercourses, arroyos, *drainageways*, impoundments and wetlands on or adjacent to the site or into which stormwater from the site flows;

(iii) location of all existing and proposed improvements, including *buildings, structures*, impervious surface, stormwater management measures, roads and utilities;

(iv) location of all easements and *rights of way*;

(v) the delineation, if applicable, of the *one percent chance event*, including the *flood fringe* and *flood way*, if available, and any on-site or adjacent wetlands;

(vi) description of all soils, including general soil characteristics and areas of solid rock;

(vii) percolation test results for all areas with *retention* ponds or other facilities designed for infiltration and a description of techniques to be used to prevent the clogging of soil pores by fine sediment;

(viii) a description of the approximate area of the watershed above the site, including the vegetative coverage and impervious surfaces;

(ix) the total peak flow rate of stormwater that would be discharged from the site for pre-development and post-development runoff conditions in the fifty-, ten-, two- and one percent chance, twenty-four-hour storm event and type of calculation method used;

(x) sizing, volume and peak flow rate calculations in cubic feet per second for stormwater management facilities;

(xi) structural and construction details for all components of the proposed drainage system;

(xii) data for total site area, disturbed area, new impervious area and total impervious area; and

(xiii) a plant schedule of materials to be used as landscape treatment for stormwater management measures; and

(c) a site restoration plan that includes the location of all permanent erosion control methods, including location, type and amount of plant and seed material to be used; proposed irrigation; any soil stabilization needed prior to plant establishment; time schedule for installation; and maintenance schedule for one year beyond the planting date.

#### **G. Standards for Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats; Submittal Requirements**

##### **(1) Minimum Standards:**

(a) projects shall meet the minimum standards of Section 14-8.2(D);

(b) all land below the *base flood elevation* for a *one percent chance event* shall be dedicated as a drainage easement and as public or *private open space* or *public right of way*; and

(c) for all *development* where one-half or more of the land within the project site exceeds twenty percent *slope*, the quantity and peak flow rate of post-development stormwater runoff on all developed or disturbed land shall not exceed seventy-five percent of the quantity and

1 peak flow rate of the pre-development runoff.

2 **(2) Submittals**

3 Submittals for master plans, preliminary *development* plans and subdivision *plats*  
4 shall include:

5 (a) a conceptual plan and report that shows the general approach proposed  
6 for terrain and stormwater management, and how the proposed *development* meets all of the  
7 minimum standards described in Section 14-8.2(D);

8 (b) a topographic survey and grading plan as outlined in Section  
9 14-8.2(F)(5); and

10 (c) a brief description of the watershed directly upstream and downstream of  
11 the *parcel*, including the size, terrain, type and extent of vegetation cover and degree of *development*  
12 for all areas draining to the project site.

13 **H. Final Development Plans and Subdivision Plats**

14 **(1) Minimum standards**

15 Final *development* plans and subdivision *plats* shall meet the minimum standards  
16 described in Section 14-8.2(D) and (G).

17 **(2) Submittals**

18 Submittals for final *development* plans and subdivision *plats* shall include:

19 (a) all submittals required pursuant to Section 14-8.2(F);

20 (b) a long-term maintenance schedule for the life of the stormwater  
21 management measures, including the time frame for completion and the responsible party who shall  
22 perform the maintenance; and

23 (c) an as-built certification signature block to be executed by a *professional*  
24 *engineer* after the project completion to ensure that the constructed stormwater management systems  
25 comply with the approved stormwater plans.



1           **I. Inspections and Violations During Construction Process**

2                   (1) For all *nonresidential* projects and all residential projects that do not qualify as  
3 minor *development*, an applicant shall notify the *land use director* to set up an inspection at the  
4 following times:

5                           (a) when the construction erosion and sediment control devices and  
6 measures are in place;

7                           (b) when final stormwater management measures are completed;

8                           (c) when the final site restoration measures are completed; provided,  
9 however, that if final site restoration measures are being delayed due to the season, the applicant shall  
10 notify the *land use director* when temporary erosion control measures, for use until site restoration is  
11 complete, in place and ready for inspection; and

12                           (d) further construction or issuance of any *permits* shall not occur until  
13 written approval has been granted by the inspector after each inspection that the best management  
14 practices and stormwater management control methods have been completed in accordance with  
15 approved plans;

16                   (2) the *land use director* may enter upon any *property* subject to this Section  
17 14-8.2 at reasonable times to conduct inspections of *grading*, erosion and stormwater management  
18 measures to determine compliance with *City* policies and procedures and to carry out duties in the  
19 enforcement of this Section 14-8.2; and

20                   (3) the *land use director* may waive or consolidate any inspections required under  
21 this Section 14-8.2.

22           **J. Dedications, Easements and Rights of Way**

23                   (1) All land below the *base flood elevation* for a one percent, twenty-four-hour storm  
24 event shall be dedicated as a *drainage easement* and as public or *private open space* or *public right of*  
25 *way*.

1 (2) Dedications to the *City* may be required by the *city engineer* for the components  
2 of the stormwater drainage system, including access for maintenance. The types of all easements and  
3 *open space* dedications shall be determined by the *city engineer*. If a dedication is required, it shall  
4 be designated on the plan or *plat* and in effect prior to construction *permit* approval.

5 (3) An applicant may make requests for acceptance of dedications of a stormwater  
6 drainage system to the *City*; however, the *City* is not obligated to accept a dedication offer. Only the  
7 *governing body* may accept dedications to the *City*. If a dedication is offered to and accepted by the  
8 *City*, it shall be designated on the plan or *plat* and shall be in effect prior to construction *permit*  
9 approval.

#### 10 **K. Long-Term Maintenance Responsibilities and Inspections**

##### 11 **(1) Responsibilities**

12 All stormwater management measures and facilities shall be maintained by the fee  
13 simple *owner* of the *property* or a property *owners* association, unless a dedication of the stormwater  
14 management system was required and accepted by the *City*, in which case, the *City* is responsible for  
15 maintenance. The stormwater management system shall be maintained in good condition and  
16 promptly repaired. Maintenance shall include the repair and restoration of all grade surfaces, *walls*,  
17 *swales*, drains, dams, ponds, basins, site restoration measures, associated vegetation and any other  
18 stormwater measure constructed on site. The maintenance shall be in accordance with approved  
19 stormwater management plans.

##### 20 **(2) City Inspections**

21 The *City* or its authorized agent may enter upon a *property* that is subject to this  
22 Section 14-8.2 at reasonable times to access the stormwater management system to ensure that the  
23 system is maintained in proper working condition that meets the approved stormwater management  
24 plans and the objectives and minimum standards of this section.

##### 25 **(3) Maintenance Violations**

1 If, after notice by the *City* to correct a violation requiring maintenance work,  
2 satisfactory corrections are not made by the *owner* or responsible party within a reasonable period of  
3 time, the *City* may perform all necessary work to place the facility in proper working condition. The  
4 *owner* or responsible party of the facility shall be assessed the associated costs of the work.

### 5 **14-8.3 [NEW MATERIAL] FLOOD REGULATIONS**

#### 6 **A. Adoption of Special Flood Hazard Areas**

7 (1) The *City* adopts the *special flood hazard areas* identified by FEMA in the current  
8 scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe County,  
9 New Mexico and Incorporated Areas", with accompanying *FIRM*, effective June 17, 2008 and  
10 subsequent letters of map amendment and letters of map revision as approved by FEMA.

11 (2) The *City* may adopt and establish other *flood hazard zones* or elevations as  
12 identified in:

- 13 (a) subsequent *drainage* studies prepared for and accepted by the *City*;
- 14 (b) subsequent letters of map amendment and letters of map revision, as  
15 prepared for and accepted by FEMA; and
- 16 (c) other known *flood hazard zones* identified by the *floodplain*  
17 *administrator* and adopted by the *governing body*.

#### 18 **B. Applicability; Permit Required**

19 (1) The requirements of this Section 14-8.3 are in addition to and not in lieu of other  
20 provisions of Chapter 14.

21 (2) New *development*, including *substantial improvements* to existing *structures*  
22 shall comply with the standards of this Section 14-8.3. However, this Section 14-8.3 does not apply to  
23 an *application* meeting either of the following criteria:

- 24 (a) the project is limited to work that does not change the footprint, size or  
25 enclosed area of an existing *structure*, such as re-roofing, re-stuccoing or interior remodeling; or

(b) the project will not result in an increased *flood* risk to persons or structures or their contents as determined by the *floodplain administrator*, who may require certification by a *professional engineer*.

(3) Regardless of applicability of this Section 14-8.3, all *development* in a *special flood hazard area*, including *excavation* and *fill* operations, requires approval of the *floodplain administrator* and a *permit*.

### C. General Provisions for Development in Special Flood Hazard Areas

(1) All newly created *lots* shall contain a *buildable area* that is entirely outside of any *special flood hazard area*.

(2) If an existing *lot* contains land both within and outside of the *special flood hazard area*, any *new* construction, including roads and driveways, shall only be outside of the *special flood hazard area*, except as allowed by Sections 14-8.3(E), (F) and (G).

(3) If an existing *lot* contains no land outside the *special flood hazard area*, any *new* construction shall only occur in the *flood fringe* and only pursuant to Sections 14-8.3(E), (F) and (G).

(4) On an *application* for subdivision *plat* or *development* plan approval, where the *tract* or portions of the *tract* are located within a *special flood hazard area*, the applicant shall submit detailed hydrologic data indicating the water surface elevations for a *one percent chance event*, to be shown for sections of the *drainage channel* at intervals of no greater than one hundred feet. The *special flood hazard area* shall be further defined as *floodway* and *flood fringe*. The *floodplain administrator* may waive the requirement for the submission of detailed hydrologic data based on a site investigation. A *professional land surveyor* shall certify on the subdivision *plat* the *special flood hazard area*, *FIRM* panel number and date. The *special flood hazard area*, *FIRM* panel number and date shall be accurately depicted by an *architect*, *professional land surveyor* or *professional engineer* on the *development plan*.

(5) For purposes of this Section 14-8.3, the *special flood hazard area* is that shown

on the appropriate FIRM. *Flood fringe, floodway and base flood elevation* shall be shown as required by the *floodplain administrator*.

(6) In A and AE zones, *recreational vehicles* shall be:

(a) elevated and anchored;

(b) on the site for fewer than one hundred eighty consecutive days; or

(c) fully licensed and highway ready.

#### **D. Engineering Criteria**

(1) The analysis, determination and designation of *base flood elevation, special flood hazard areas, floodway or flood fringe* shall adhere to professional hydrologic and hydraulic engineering techniques supplemented with data obtained by field examination and surveys as necessary. Engineering practice manuals of the American Society of Civil Engineers and similar competent manuals of professional hydrologic and hydraulic engineering techniques may be used in accordance with FEMA requirements. In all cases, the *base flood elevation* or the boundary of the *special flood hazard area* or *flood fringe*, or the *floodway* shall be delineated by a given area's topographic land features and its physical characteristics.

(2) The following objectives shall be evaluated by the *floodplain administrator* wherever a *floodway* is defined through hydrological methods. The *floodplain administrator* may, as becomes necessary, draft more detailed rules and regulations pursuant to Section 14-3.10(B)(2) (Flood Plain Administrator - Duties):

(a) a *floodway* shall be designed to minimize *erosion*. Preferably a *floodway* shall be designed with a pervious bottom to allow infiltration to the subsurface;

(b) initial construction costs and estimated maintenance and repair costs evaluated over the project life shall be considered;

(c) plans, ordinances and policies adopted by the *governing body* shall be considered;

1 (d) the effect of storm runoff shall be analyzed by hydrologic methods to  
2 ensure that any change in the *special flood hazard area* will not unreasonably or adversely affect the  
3 *special flood hazard area* or cause its capacity to be exceeded;

4 (e) standing wave action and superelevation at horizontal curve shall be  
5 determined and adequate freeboard heights established; and

6 (f) *channel slope* and alignment shall be established by analysis of  
7 engineering data and hydraulic calculations.

#### 8 **E. Land Use and Development in Floodway**

9 No uses shall be permitted within the *floodway*, except those set out in this Section  
10 14-8.3(E); provided that such uses comply with the provisions of Article 14-6 (Permitted Uses and  
11 Use Regulations) and any other applicable federal or state law; and further provided that such uses do  
12 not constrict the flow or create a rise in the *base flood elevation* during the *one percent chance event*:

13 (1) cultivating and harvesting of crops according to recognized soil conservation  
14 practices;

15 (2) pasture, grazing land and outdoor plant nursery;

16 (3) wildlife sanctuary, woodland preserve, arboretum;

17 (4) outlet installations for sewage treatment plants and sealed public water supply  
18 wells;

19 (5) *passive recreational uses* such as parks, picnic areas or trails;

20 (6) open area residential uses, such as lawns, gardens and play areas;

21 (7) stormwater management and arroyo or watercourse stabilization *structures*, such  
22 as check dams and gabions;

23 (8) *legal nonconforming uses* occupying *structures* in existence on June 17, 2008;  
24 provided that such uses may not be intensified and that the *structures* that such uses occupy comply  
25 will all applicable FEMA requirements and all provisions of this Section 14-8.3 that are more

1 stringent than the FEMA requirements;

2 (9) active recreational uses that do not include permanent *structures* and so long as  
3 any *temporary structures* or equipment are removed when not in active use; and

4 (10) railroads, *streets*, driveways, bridges, private and public utility lines that cross  
5 the *floodway* with minimal disturbance as determined by the *floodplain administrator*, and structural  
6 works for the control and handling of *flood* flows, such as dams, embankments, flood *walls*, velocity  
7 control *structures* or storm drainage control and handling works with the exception of required  
8 stormwater detention facilities.

9 **F. Land Use and Development in Flood Fringe**

10 (1) No uses shall be permitted within the *flood fringe* except those set out in this  
11 Section 14-8.3(F); provided that such uses comply with the provisions of Chapter 14, Article 6  
12 (Permitted Uses and Use Regulations) and any other applicable federal or state law; and further  
13 provided that such uses do not constrict the flow or create a rise in the *base flood elevation* during the  
14 *one percent chance event*:

15 (2) All uses permitted in the *floodway* pursuant to Section 14-8.3(E) are also allowed  
16 in the *flood fringe*.

17 (3) Storage, processing or disposal of materials that in time of *flooding* are buoyant,  
18 flammable, explosive, toxic or could be injurious to human, animal or plant life, are prohibited within  
19 the *flood fringe*.

20 (4) No fence, *wall* or similar *structure* shall be erected in or across any arroyo,  
21 stream or watercourse.

22 (5) At-grade parking facilities are allowed so long as such facilities cannot be  
23 reasonably accommodated outside the *flood fringe*, as determined by the *floodplain administrator*.

24 (6) *Structures* or uses within the *flood fringe* portion of the *special flood hazard area*  
25 meeting the following requirements are allowed upon review by the *floodplain administrator* and

issuance of a *permit*, to the extent that they are not prohibited by any other ordinance, plan or policy:

(a) residential or nonresidential *structures*, to be constructed or *substantially improved* in the *flood fringe*, shall have the elevation of the lowest floor at least one foot above the *base flood elevation*. Where the elevation of existing *streets* or utilities make compliance with this provision infeasible, or in other special circumstances, the *floodplain administrator* may authorize other techniques for protection of the *structures*;

(b) *structures* shall be designed and constructed to withstand *flood* conditions at the proposed construction site;

(c) *new* construction and *substantial improvements* with fully enclosed areas below the *lowest floor* that are subject to *flooding* shall be designed to automatically equalize hydrostatic *flood* forces on exterior walls by allowing for the entry and exit of *flood* waters. Designs for meeting this requirement shall either be certified by a *professional engineer* or an *architect* or meet or exceed the following minimum criteria:

(i) a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to *flooding* shall be provided;

(ii) the bottom of all openings shall be no higher than one foot above finished grade; and

(iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided that they allow the automatic entry and exit of *flood* waters;

(d) all *new* construction or *substantial improvements* shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of *flooding*;

(e) sanitary and storm sewer drains shall be equipped with valves capable of



1 being closed, manually or automatically, to prevent backup of sewage and stormwaters into the  
2 *building or structure*;

3 (f) the *base flood elevation* shall be certified and superimposed on the site  
4 plan, and accurately depicted on the elevation drawings for all sides of a *building* by a *professional*  
5 *surveyor, professional engineer or architect*. The elevation drawings shall also indicate the lowest  
6 floor elevation and location of all windows, doors or other openings. The *floodplain administrator*  
7 may request additional data for the construction *permit* if deemed necessary;

8 (g) before issuance of a construction *permit* for the construction of a  
9 *structure* in the *flood fringe*, a *professional engineer* shall certify that the *structure* has been designed  
10 to conform with the provisions of this Section 14-8.3(F), and that the bottom of all openings in the  
11 enclosure are no more than one foot above the *base flood elevation*. The same *professional engineer*  
12 shall also certify, upon completion of the *structure*, that construction complies with the submitted  
13 plans;

14 (h) a *manufactured home* or *mobile home* shall be elevated on compacted *fill*  
15 or pilings. The lowest floor of the *manufactured home* or *mobile home* shall be at least one foot above  
16 the *base flood elevation*;

17 (i) *manufactured homes or mobile homes* shall be anchored to resist  
18 flotation, collapse or lateral movement by providing:

19 (i) over-the-top ties at each of the four corners, with two additional  
20 ties per side at intermediate locations, and for *manufactured homes* or *mobile homes* less than fifty  
21 feet long, one over the-top tie at each of the four corners is required;

22 (ii) frame ties at each corner with five additional ties per side at  
23 intermediate points and for *manufactured* or *mobile homes* less than fifty feet long, four ties are  
24 required per side;

25 (iii) all components of the anchor system shall be capable of

1 carrying a force of four thousand eight hundred pounds; and

2 (iv) additions to the *manufactured home* or *mobile home* shall be  
3 similarly anchored;

4 (j) for existing *manufactured home* or *mobile home* parks located in the  
5 *special flood hazard area*, a vehicular circulation plan indicating alternative vehicular access and  
6 escape routes during the *one percent chance event* shall be submitted as part of any improvement,  
7 construction or *development* project; and

8 (k) no new *manufactured homes*, *mobile homes* or foundations for either  
9 type of *structure* shall be permitted in the *special flood hazard area*.

10 **G. Repair or Replacement of Legal Nonconforming Structures in the Special Flood**  
11 **Hazard Area**

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

15 (1) if there is a site on the *property* outside the *special flood hazard area* that will  
16 accommodate a *structure* of the same *gross floor area* as the *legal nonconforming structure*, the  
17 *structure* shall not be repaired or replaced within the *special flood hazard area*.

18 (2) if the *legal nonconforming structure* was located within the *flood fringe* and  
19 there is no other site on the *property* that will accommodate a *structure* of the same *gross floor area*,  
20 the *structure* may be repaired or replaced in the *flood fringe*. The repaired or replacement *structure* must  
21 not exceed the *gross floor area* or the footprint of the *legal nonconforming structure* and the footprint  
22 must be sized to minimize *flood hazard*.

23 (3) if the *legal nonconforming structure* was located in the *floodway* but there is a site  
24 on the *property* outside the *floodway* that will accommodate a *structure* of the same *gross floor area*  
25 as the *legal nonconforming structure*, the *structure* must not be repaired or replaced within the

1 *floodway*. The footprint of the replacement *structure* must be sized to minimize *flood* hazard and must  
2 not exceed the *gross floor area* or the footprint of the *legal nonconforming structure*;

3 (4) if the *legal nonconforming structure* was located within the *floodway*, and  
4 there is no other site on the *property* that will accommodate a *structure* of the same *gross floor area*, the  
5 *structure* may be repaired or replaced in the *floodway*. The repaired or replacement *structure* must not  
6 exceed the *gross floor area* or the footprint of the *legal nonconforming structure* and the footprint must  
7 be sized to minimize *flood* hazard;

8 (5) a *structure* that is repaired or replaced within the *special flood hazard area* shall  
9 comply with all applicable FEMA requirements and all provisions of this Section 14-8.3 that are more  
10 stringent than FEMA requirements;

11 (6) a *structure* that is repaired or replaced in accordance with this Section 14-8.3(G)  
12 shall not require a waiver to be constructed in a *special flood hazard area*; provided that any  
13 necessary variance to other requirements of Chapter 14, including *setbacks* and terrain management,  
14 is granted; and

15 (7) as a condition of construction *permit* issuance for a replacement *structure*, any  
16 remaining portion of the *legal nonconforming structure* in the *special flood hazard area* shall be  
17 demolished or removed.

#### 18 **H. Amendment to FIRM**

19 (1) Amendments to the established *base flood elevations* and *special flood hazard*  
20 *areas* may be initiated either by the *floodplain administrator* or by any other person through  
21 *application* to FEMA. The *application* shall be accompanied by sufficient copies of supporting plans  
22 and reports as required by FEMA to meet the minimum requirements of the National Flood Insurance  
23 Program (NFIP). If the *application* is not made by the *floodplain administrator*, a copy of the  
24 submission to FEMA shall be forwarded to the *floodplain administrator*. Submission of inaccurate  
25 information with an *application* is grounds for denial from FEMA. The *floodplain administrator* may

1 provide comments to FEMA on any submission for a map change.

2 (2) In addition to the change described in Section 14-8.3(H) and on the basis of  
3 hydrologic data, the *governing body* may change the established *flood hazard zones* by ordinance.  
4 The amendment may be for non-FEMA-approved changes but shall not be less restrictive than FEMA  
5 requirements. Where the change affects land owned by persons other than the applicant, all affected  
6 *property owners* shall be notified of the change by certified mail, return receipt requested. The signed  
7 receipts shall be submitted to the *floodplain administrator*.

8 (3) The *governing body's* decision to add or amend a *special flood hazard area* shall  
9 be based on appropriate information, including detailed engineering analysis and recommendations in  
10 reports and plans done by or for the *City* or other governing agencies, including those prepared for  
11 construction *permits* and subdivisions.

12 (4) If the *governing body* denies a change to the *flood hazard zone*, the reasons for  
13 denial shall be stated in a written report.

14 (5) Prior to approval by the *governing body*, the *floodplain administrator* shall notify  
15 the state coordinator for the NFIP at the New Mexico homeland security and emergency management  
16 department.

17 (6) If major *alterations* to a watercourse are proposed adjacent to the corporate limits  
18 of Santa Fe, the *floodplain administrator* shall notify the Santa Fe county manager and Santa Fe  
19 county *floodplain administrator* of such proposal.

#### 20 **I. Warning and Disclaimer of Liability**

21 The degree of *flood* protection intended to be provided by this Section 14-8.3 is considered  
22 reasonable for regulatory purposes and is based on engineering and scientific methods of study.  
23 Larger *floods* may occur on occasions or the *flood* height may be increased by natural or manmade  
24 causes. This Section 14-8.3 does not imply that areas outside the *special flood hazard area* or land  
25 uses allowed within such area will always be totally free from *flooding* or *flood* damages. This

1 Section 14-8.3 does not create liability on the part of the *governing body* or any official, employee or  
2 agent of the *governing body* for any *flood* damages that result from reliance on this Section 14-8.3 or  
3 any administrative decision lawfully made pursuant to this Section 14-8.3.

#### 4 **14-8.4 [NEW MATERIAL] LANDSCAPE AND SITE DESIGN**

##### 5 **A. Purpose and Intent**

6 (1) It is the purpose and intent of this Section 14-8.4 to foster the creation of  
7 regionally appropriate, sustainable landscapes. This Section 14-8.4 requires *water harvesting* and  
8 encourages the development of alternate sources of landscape irrigation water, because potable water  
9 is an increasingly scarce resource. Water conservation, *water harvesting* and irrigation efficiency  
10 shall guide landscape design, installation and maintenance to foster a responsible and judicious use of  
11 our water and other natural resources.

12 (2) It is also the purpose of this Section 14-8.4 to protect and promote the health and  
13 beauty of natural settings and urban landscapes, to recognize and provide for appropriate changes in  
14 the urban context and to protect and preserve public and private landscape resources. This Section  
15 14-8.4 is part of the purpose and intent of Chapter 14, which is to enhance the appearance of Santa  
16 Fe's *streets* and public places in order to promote their role as community amenities and social spaces  
17 that contribute to civic pride and vitality.

18 (3) It is also the purpose and intent of this Section 14-8.4 to preserve existing healthy  
19 vegetation to the greatest extent possible as an important cultural, environmental and economic  
20 resource.

##### 21 **B. Applicability**

22 (1) This Section 14-8.4 applies to, and a landscape plan that demonstrates  
23 compliance of the entire *property* with this Section 14-8.4 is required with, the following:

24 (a) *applications* for subdivision *plat* approval, except *lot split* and  
25 *resubdivision plats*;

1 (b) *applications* for *development* plan approval;

2 (c) *applications* for master plan approval;

3 (d) *applications* for construction *permits* as follows:

4 (i) all *new nonresidential* and *multiple-family* construction resulting  
5 in an enclosed *structure* with a *gross floor area* greater than one thousand square feet; and

6 (ii) for additions or remodeling of existing *nonresidential* and  
7 *multiple-family structures* with a construction valuation over one hundred thousand dollars  
8 (\$100,000), landscape improvements to comply with this Section 14-8.4, as prioritized by the *land*  
9 *use director*, shall be required up to a total cost of twenty percent of the construction valuation; and

10 (e) *development* on *City-owned* land.

11 (2) The following requirements of this section apply to all *development*, including  
12 *applications* for construction of and exterior *alterations* to *single family dwellings* and apply to  
13 *landscaping* activities not directly associated with *development applications*:

14 (a) Sections 14-8.4(E)(1)(b) (Passive Water Harvesting), (E)(3) (Water  
15 Features), and (E)(4) (Irrigation Standards); and

16 (b) Sections 14-8.4(F)(3) (Controlled or Prohibited Plant Materials), (F)(4)  
17 (Turf Limitations), and (F)(5) (Preservation of Existing Vegetation).

18 (3) The requirements of this Section 14-8.4 other than those cited in Section 14-  
19 8.4(B)(2) do not apply to the following:

20 (a) *applications* for new or modified *single-family dwelling units*, except  
21 that they shall comply with applicable provisions of Sections 14-8.4(E) (Water Harvesting and  
22 Irrigation Standards) and (F) (Plant Material Standards);

23 (b) interior *residential* remodeling.

24 (c) where standards of Section 14-7.4 (BCD) conflict with the provisions of  
25 this section, the BCD standards shall apply. In any other case in which more than one set of

landscape requirements are applicable, the more stringent shall apply as provided in Section 14-1.7 (Conflicting Provisions).

(4) Additional landscape requirements may apply to *properties* subject to terrain management regulations as set forth in Section 14-8.2 (Terrain and Stormwater Management) and to those located in the escarpment overlay district as set forth in Section 14-5.6. Additional *landscaping* requirements applicable to outdoor and emergency water use are set forth in Chapter 25 SFCC 1987 (Water).

(5) Guidelines for design of medians and *planting strips* may be found in Resolution 2010-66. Landscape irrigation standards may be found in Resolution 2010-17.

### **C. Compliance and Enforcement**

(1) Construction *permits*, *development* plans, master plans and subdivision *plats* shall comply with this Section 14-8.4.

(2) If the requirements of this section cannot be met prior to the request for a *certificate of occupancy*, the applicant may provide a *financial guarantee* in accordance with Section 14-3.12(B) (Temporary Certificate of Occupancy) and with policies issued by the *land use director*.

(3) In the escarpment overlay district, compliance with both this Section 14-8.4 and Section 14-5.6 (Escarpment Overlay District) are required.

(4) The *land use director* shall have discretion to allow alternate means of compliance with the requirements of this section when the proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of, this Section 14-8.4 and when:

(a) site conditions, including the configuration of the *lot*, topography or existing vegetation, make full compliance impossible or impractical;

(b) the proposed alternate means of compliance are appropriate to the design intent, especially in response to landscape or site design consistent with the surrounding area or with

1 the historic character of Santa Fe; and

2 (c) the proposed alternate means of compliance promote good stormwater  
3 management, water conservation and *water harvesting* equal to or greater than the original  
4 requirement.

5 (5) Existing *landscaping* or other improvements may meet the requirements of this  
6 Section 14-8.4.

7 **D. Landscaping Plan Submittal Requirements**

8 When the requirements of this Section 14-8.4 apply, information shall be provided as  
9 required by the *land use director*. *Landscaping* plans shall be consistent with other required plans  
10 including terrain management, utilities and siting of *structures*.

11 **E. Water Harvesting and Irrigation Standards**

12 Water conservation and stormwater management shall guide landscape and site planning,  
13 design, installation and management. Landscape planning shall begin early in the *development*  
14 process in conjunction with the requirements of Section 14-8.2 (Terrain and Stormwater  
15 Management). Landscape design shall apply the principles of *xeriscaping* and achieve the highest  
16 industry standards for irrigation efficiency. Alternative sources of irrigation water shall be developed,  
17 including harvested water from roof and site runoff. *Gray water* use is recommended where  
18 appropriate. Potable water shall be used only as a back-up or temporary irrigation water source to the  
19 greatest extent possible. The purpose of these strategies is to develop drought tolerant landscapes and  
20 to reduce the demand on the potable water system.

21 **(1) Water Harvesting**

22 (a) The *landscaping* plan shall include *passive water harvesting* for  
23 landscape irrigation purposes as a minimum requirement. *Water harvesting* that is a primary  
24 component of stormwater management may qualify for *open space* reduction as provided in Section  
25 14-7.5(D)(6).



1 (b) *Passive water harvesting* techniques include:

2 (i) surface collection, such as *swales*, parking *lot* islands, bar  
3 ditches, *detention* or *retention* ponds and constructed wetlands. *Detention* and *retention* ponds should  
4 be integrated landscape features, rather than single-purpose *flood* control ponds;

5 (ii) in-ground storage, such as soil amendments, constructed rain  
6 gardens, *French drains*, pumice wicks, permeable paving and collection *structures* with infiltration  
7 fields or galleries. In-ground *structures* shall use techniques and materials that have been proven  
8 effective, safe and structurally sound; and

9 (iii) low impact *development* and green *infrastructure* guidelines and  
10 techniques recommended by the Federal Environmental Protection Agency.

11 (c) *Active water harvesting* systems include storage and distribution systems  
12 such as above-ground rain barrels and storage tanks and below-grade *cisterns* that use gravity or  
13 pumps to distribute water to an irrigation system;

14 (d) *Active water harvesting* systems shall be maintained and the water used  
15 for landscape irrigation purposes. The *land use director* may inspect, test and monitor the  
16 components of *active water harvesting* systems, including tanks, pumps and controllers, as needed.

17 **(2) Gray Water**

18 *Gray water* irrigation is appropriate for some landscape installations. *Gray water* use  
19 is regulated by New Mexico department of environment liquid waste disposal regulations, which  
20 define minimum *lot* size and imposes other standards.

21 **(3) Water Features**

22 (a) *Water features*, are classified as high water use.

23 (b) The water surface area of the *water feature* shall not exceed twenty  
24 percent of the total allowable *cool season turf* area and shall be included in the total area of *cool*  
25 *season turf* allowed as specified in Section 14-8.4(F)(4).

1 (c) Water used in *water features* shall be re-circulated.

2 (d) The *water feature* shall be designed to prevent seepage and leaks.

3 **(4) Irrigation Standards**

4 Irrigation systems shall be provided for all landscaped areas. Landscape irrigation  
5 plans shall integrate *water harvesting* and stormwater management with the highest industry  
6 standards for efficient irrigation use. The development of alternative sources of irrigation water is  
7 recommended, including harvested water from *cistern* collection and *gray water*. Potable water  
8 irrigation may be used as a supplemental or temporary system. Irrigation designers and installers are  
9 encouraged to use the *City Landscape Irrigation Systems Standards* as a guide to minimum  
10 specifications for irrigation systems. All new irrigation systems and major renovation of existing  
11 systems shall comply with the following standards:

12 (a) a code-approved backflow prevention device is required for all irrigation  
13 systems connected to the *City* water system, including existing irrigation systems. Atmospheric  
14 vacuum breakers are the minimum required standard for above grade systems such as those connected  
15 to hose bibs and frost-free hydrants;

16 (b) an automatic, digital multi-programmable controller is required for all  
17 irrigation systems with an irrigated landscaped area larger than one thousand square feet installed in  
18 commercial, industrial and multiple-family *residential development*.

19 (c) hand watering for commercial, industrial and multiple-family  
20 installations of less than one thousand square feet of landscaped area is allowed. Shut-off nozzles are  
21 required on hoses used for hand watering;

22 (d) irrigation system operation information, including recommended  
23 monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape  
24 plantings for years one and three, shall be included on the irrigation plan or with attached  
25 documentation;

(e) irrigation systems shall be designed for the site-specific topography, site orientation, microclimate, prevailing winds and soil type so as to prevent runoff, minimize evaporation and promote infiltration;

(f) irrigation systems shall be designed to prevent water waste, over-watering and overspray or drainage of water onto any paved or unplanted surface;

(g) planting beds shall be *swaled*, *sloped* or recessed below grade to prevent *fugitive water*;

(h) irrigation systems shall be zoned by levels of water use. For the most efficient water use, plants with similar water use requirements shall be grouped together. Separate zones are required for permanent and temporary irrigation lines;

(i) overhead spray irrigation is prohibited for watering trees and shrubs, but is allowed for turf and ground cover plants and for temporary irrigation systems for revegetation with drought tolerant plant species. Spray irrigation is prohibited in areas where any dimension is less than ten feet;

(j) temporary irrigation systems are allowed and encouraged in conjunction with the use of revegetation with drought tolerant plant material. Temporary irrigation systems shall be reviewed on a case-by-case basis and removed after the vegetation is established;

(k) turf, sod or grass seeding of *cool season turf* species shall not be planted on *slopes* greater than twenty-five percent or in areas where any dimension is less than ten feet.

Revegetation using temporary irrigation, with annual plant species used for erosion control to meet the requirements set forth in Section 14-8.2 (Terrain and Stormwater Management) is exempt from this restriction.

## **F. Plant Material Standards**

### **(1) Plant Material Selection**

Plant material selection shall emphasize drought tolerant plant species and shall limit

the use of high water use plant species. All required plant material shall be cold hardy to USDA Classification Zone 5 , which is minus fifteen degrees Fahrenheit, or colder.

**(2) Installation**

Required plant material shall be installed as follows:

- (a) all required deciduous trees shall be two-inch *caliper* minimum;
- (b) all required shrubs shall be five gallon minimum except as noted on the City of Santa Fe Recommended Plant List;
- (c) all required evergreen trees shall be a minimum of six feet in height.
- (d) when more than ten trees are required by this Section 14-8.4, more than one species shall be provided unless otherwise approved by the *land use director*;
- (e) stormwater *detention ponds* and *retention ponds* shall be planted with appropriate trees, shrubs and grasses ,with a minimum of one tree and three shrubs per five hundred square feet of required ponding area. Plants located in the bottom third of the *detention pond* or *retention pond* must be adaptable to periods of submersion and may require replacement during periodic maintenance to remove silt;
- (f) any plant material required by this Section 14-8.4 that fails to show healthy growth due to damage, pest, disease or neglect shall be promptly replaced with a similar plant;
- (g) required new plant material shall be protected from damage by vehicles;
- (h) new plant material shall be *mulched* to a minimum depth of two inches and the *mulch* renewed yearly or as needed. *Mulch* may be of organic or inorganic material.
- (i) plastic sheeting is not permitted as weed barrier; and
- (j) the *owner* shall properly maintain all materials and installation required by this Section 14-8.4, including proper pruning, soil testing, fertilizing and weeding.

**(3) Controlled or Prohibited Plant Materials**

1 (a) Turf grass sod or turf grass seed mixes installed within the city limits  
2 shall contain no more than twenty-five percent Kentucky Bluegrass.

3 (b) Russian Olive (*Elaeagnus angustifolia*) and Salt Cedar (*Tamarix* spp)  
4 shall not be sold or installed within the city limits.

5 **(4) Turf Limitations**

6 *Warm season grasses* are recommended for most turf applications. The installation  
7 of *cool season turf* grasses is discouraged, as they require greater quantities of irrigation water. Refer  
8 to the City of Santa Fe Recommended Plant List for specific information on grass species. *Cool*  
9 *season turf* shall be limited to areas with relatively low evaporation from wind and heat or in  
10 locations used for active or *passive recreational use*. The total area of *cool season turf* shall be  
11 limited as follows:

12 (a) *single-family dwelling units* shall not have *cool season turf* in excess of  
13 one thousand square feet or ten percent of the total *lot* area, whichever is less;

14 (b) *multiple-family residential developments* shall not have *cool season turf*  
15 in excess of twenty per cent of the required *common open space*;

16 (c) *industrial and commercial developments* shall not have *cool season turf*  
17 in excess of one thousand square feet or three percent of the required *open space*, whichever is  
18 greater; and

19 (d) *public parks and commercial recreational uses* are exempt from this  
20 restriction, but shall install only the minimum *cool season turf* required for the active recreational use.

21 **(5) Preservation of Existing Vegetation**

22 (a) The *land use director* shall review *grading* plans during the *permit*  
23 process and may require the preservation, relocation or replacement of existing *significant trees* in  
24 accordance with the following criteria:

25 (i) priority is given to preserving *significant trees* that provide

1 screening, buffering, wildlife habitat or linkages to wildlife habitat;

2 (ii) *significant trees* that are to be preserved or relocated shall be  
3 healthy and free from serious insect or parasite infestation;

4 (iii) *significant trees* to be relocated shall be selected from areas  
5 with adequate soil conditions for successful relocation;

6 (iv) the recommended season for relocation of piñon (*Pinus edulis*)  
7 trees is September 15 to May 15;

8 (v) if relocation of existing *significant trees* is not possible within  
9 these guidelines, then equivalent plant material shall be provided. Replacement evergreen trees shall  
10 be six feet tall or taller, replacement deciduous trees shall be two inches *caliper* or greater; and

11 (vi) relocated or replacement trees shall be irrigated until they are  
12 established.

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

17 (c) No existing deciduous tree with a six-inch *caliper* or greater or evergreen  
18 tree over eight feet tall shall be removed without the approval of the *land use director*. Trees  
19 classified by the New Mexico department of agriculture as *noxious weeds* that are smaller than a  
20 twelve-inch *caliper* are exempt from this review, including Russian olive (*Elaeagnus angustifolia*),  
21 Siberian elm (*Ulmus pumila*), tree of heaven (*Ailanthus altissima*) and salt cedar (*Tamarix* species).

22 (d) During construction, existing plant material to be preserved shall be  
23 enclosed by a temporary fence at least five feet outside the dripline. In no case shall vehicles be  
24 parked or materials or equipment be stored or stockpiled within the enclosed area.

25 (e) All areas with exposed soil surfaces disturbed by construction shall be

1 revegetated to minimize erosion and stormwater runoff and to improve the infiltration of  
2 precipitation.

3 (f) Destroyed vegetation shall be removed promptly to prevent insect  
4 infestation of healthy vegetation.

5 (g) The preservation of plant species classified as *noxious weeds* is  
6 discouraged.

7 (h) Topsoil removed during construction shall be stockpiled on site and  
8 reused on site in landscaped areas or areas to be revegetated.

### 9 **G. Street Tree Standards**

10 (1) *Street trees* are required to reduce heat, dust, *glare* and the need for cooling or  
11 heating; to help clean and oxygenate the air; to reduce road noise; to promote continuity between  
12 *developments*; and to enhance the appearance of Santa Fe's *streets*. Consideration should be given to  
13 urban density, historic or vernacular character of the location; continuity with native vegetation and  
14 the natural landscape; and the ability to provide water for irrigation.

15 (2) Required *street trees* do not substitute for required landscape material in parking  
16 *lots*, except as provided in Section 14-8.4(I)(2) (*Parking Lots – Perimeter Screening*). *Street trees*  
17 shall be located as follows:

18 (a) on major and secondary arterials, one tree an average of every thirty to  
19 forty feet;

20 (b) on all other *streets*, one tree an average of every twenty-five to thirty-five  
21 feet; and

22 (c) where *street trees* or *planting strips* are required but not practical, the  
23 equivalent area in square feet and amount of plant material may be provided elsewhere on the site,  
24 with approval of the *land use director* and based on existing conditions or design intent;

### 25 **(3) Location of Street Trees:**

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

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

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

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

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

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

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

## 20 **H. Open Space Planting Requirements**

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

24 (2) In addition to required trees and shrubs, *open space* areas shall be landscaped  
25 with groundcover plants or decorative mulch or naturally occurring groundcover plants shall be



1 maintained.

2 (3) *Street trees* and parking required for parking *lots* may be counted toward meeting  
3 the minimum planting requirements for *qualifying open space*.

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

## 7 **I. Parking Lots**

### 8 **(1) Purpose and General Requirements**

9 Parking *lots* are transitional spaces where users change modes of travel from car, bus  
10 or bicycle to pedestrian or assisted movement in wheel chairs or by other means. Parking *lots* shall  
11 safely and attractively serve all transportation modes, especially pedestrian. Parking *lots* shall  
12 complement and define the *buildings* they serve by the use of roadways, pedestrian ways and interior  
13 *landscaping* to emphasize *open space*, *building* entrances and other site or architectural elements.  
14 Parking *lots* shall use stormwater *harvesting* in parking *lot* islands and perimeter *screening* strips to  
15 reduce the use of potable water irrigation.

### 16 **(2) Perimeter Screening**

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

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

25 (c) The parking *lot* shall be *screened* from all public *streets* and adjacent

1 *properties* by a continuous *wall* or berm four feet or more in height, a hedge a minimum four feet  
2 high at maturity, other vegetative *screening* appropriate to the landscape design intent or any  
3 combination of these so long as the *screening* objective is achieved. Topography and adjacent uses  
4 shall be taken into account to determine the most effective means of *screening*.

5 (d) A continuous *planting strip* must be provided where a parking *lot* abuts a  
6 *street yard*. The *planting* strip must be at least five feet wide. Trees shall be planted an average of  
7 twenty-five feet on center, in an area with a minimum dimension of five feet and containing a  
8 minimum of seventy-five square feet of permeable surface exclusive of curbing.

### 9 (3) Interior Parking Lot Landscape Requirements

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

13 (b) When forty or more *off-street parking* spaces are required, interior *lot*  
14 *landscaping* shall be provided.

15 (c) No single parking area shall exceed one hundred twenty spaces unless  
16 divided into two or more subareas by an internal landscaped *street* or landscaped pedestrian way that  
17 is a minimum ten feet wide.

18 (d) A minimum of ten square feet of permeable landscaped area shall be  
19 provided per parking space. A minimum of one deciduous tree shall be planted per ninety square feet  
20 of landscaped area.

21 (e) Traffic islands shall have a minimum dimension of six feet and contain a  
22 minimum of ninety square feet of permeable surface, exclusive of curbing, and shall be distributed  
23 throughout the *lot*. As a component of a stormwater management plan, traffic islands may be  
24 combined to facilitate *water harvesting* and these combined islands shall be distributed within each  
25 subarea.

1 (f) No more than twenty cars shall be parked in a row without a planting  
2 island adjacent to the length of the parking space having a minimum area of ninety square feet, and  
3 including at least one tree.

#### 4 (4) Stormwater Management

5 (a) Stormwater runoff shall be used to provide irrigation for the perimeter  
6 and interior plantings to the greatest extent possible.

7 (b) Stormwater runoff water shall be harvested and infiltrated as close to  
8 where it falls as possible.

9 (c) The consolidation of planting islands is allowed to facilitate stormwater  
10 *harvesting* and promote plant growth. The consolidated planting islands shall be distributed in each  
11 subarea.

12 (d) The use of *biofiltration* techniques such as *constructed rain gardens* to  
13 filter pollutants carried by runoff and infiltrate stormwater for irrigation is recommended.

#### 14 (5) Pedestrian Circulation

15 When forty or more *off-street parking* spaces are required, sidewalks for primary  
16 pedestrian routes shall be provided. At a minimum this includes pedestrian ways from the primary  
17 off-site entrance or entrances to the primary building entrance or entrances.

18 (a) All pedestrian ways shall be landscaped with a minimum six foot wide  
19 *planting strip* on at least one side, exclusive of curbs, and trees an average of twenty five feet on  
20 center, parallel to and adjacent to the walkway.

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

#### 23 (6) Vehicle Overhangs

24 Vehicles may not overhang the minimum required landscaped area unless the  
25 following conditions are met, in which case adjacent parking spaces may also be reduced by the

amount of the overhang:

(a) the planting islands have a minimum depth of five feet plus the amount of the overhang for each side of parking, exclusive of curbing, as defined in Section 14-8.6 (*Off-Street Parking and Loading*);

(b) either curbing or wheel stops are provided; and

(c) plant material is located outside the overhang area or is no greater than twelve inches in height at maturity;

#### **(7) Compliance**

Projects that do not require an increase in existing parking are not required to eliminate parking spaces to comply with the requirements of this Section 14-8.4. Projects that require an increase in existing parking are required to comply with the requirements of this Section 14-8.4.

#### **(8) Display Lots and Flea Markets**

Display *lots* and *flea markets* are exempt from interior pedestrian circulation requirements, but are required to include interior landscape islands or *swales* for stormwater management. Such islands shall be planted with one deciduous tree per one thousand square feet of *impervious* surface area.

### **J. Screening and Buffering**

#### **(1) Wall and Fences**

For any project to which this Section 14-8.4(J) applies, publicly visible *walls* and fences shall be wrought iron or simulated wrought iron, wood or simulated wood, cedar pole, *adobe*, split-faced concrete block, stone, stuccoed or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material.

#### **(2) Residential Developments on Arterials**

(a) Residential *developments* contiguous to major or secondary arterials shall be screened from the *street* to mitigate noise and to promote *residential* privacy.

1 (b) *Screening* shall be by *walls*, fences, the planting of trees and shrubs or a  
2 combination of these.

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

5 (d) An alternative to *screening* shall be a twenty-five foot *setback* of  
6 undisturbed trees, shrubs, grasses or landscape treatment consisting of appropriate vegetative cover.

7 **(3) Buffer for Nonresidential Development Abutting Residential**

8 (a) *Nonresidential development* that abuts a residential *development* or an  
9 undeveloped *parcel* in a residential zoning district shall provide a continuous landscaped buffer strip  
10 not less than fifteen feet wide.

11 (b) Plant material in the landscaped buffer shall, at a minimum, conform to  
12 the requirements for *open space* provided in Section 14-8.4(H).

13 (c) The landscaped buffer may be considered part of any required *open*  
14 *space* so long as all other conditions of the *open space* requirement are satisfied.

15 **(4) Storage, Trash and Equipment**

16 (a) All trash areas, dumpsters, outdoor storage, service areas, ground and  
17 wall-mounted mechanical and electrical equipment, excluding transformers, and pedestals shall be  
18 *screened* so that they are not substantially visible from any public *street*, way or *place* or any adjacent  
19 *residential property*.

20 (b) *Screening* shall be by *walls*, fences or planting of trees or shrubs  
21 sufficient to meet the *screening* objective within two years of installation, or any combination of these  
22 so long as the *screening* objective is achieved. Topography and adjacent uses shall be taken into  
23 account to determine the most effective means of *screening*.

24 (c) All trash areas, dumpsters, grease collection areas, outdoor storage,  
25 service areas and other uses that may contribute to stormwater pollution shall be constructed so as not

1 to allow pollutants to be collected in runoff and discharged to the public stormwater system.  
2 Topography, adjacent uses and constructed barriers and stormwater treatment controls shall be taken  
3 into account and incorporated into the site design to provide the most effective means of preventing  
4 stormwater pollution.

#### 5 **14-8.5 [NEW MATERIAL] WALLS AND FENCES**

##### 6 **A. Applicability**

7 (1) The retaining *wall* height standards in this Section 14.8.5 apply to the portion of  
8 a *wall*, fence or similar structure that supports a higher finished grade on one side than on the other.  
9 The height of the higher retaining *wall* is measured from the finished grade at the base of the *wall* to  
10 the finished grade at the top of the *wall*.

11 (2) The fence height standards in this Section 14-8.5 apply to fences, screen *walls*  
12 and similar structures, and hedges. Railings or similar barriers required by building or other codes to  
13 protect against falling hazards are exempt when built to the minimum height required by those codes  
14 and when constructed to maximize transparency. Fence height is measured from the finished grade at  
15 the base of the fence, excluding the height of any retaining *wall* upon which it is built.

16 (3) Additional regulations may apply to *walls* and fences, including Section  
17 14-5.2 (Historic Districts), Section 14-5.4(A)(4) (South Central Highway Corridor Overlay District  
18 Standards) and Section 14-7.1(F) (Visibility at Driveways and Yards). If those or other provisions of  
19 Chapter 14 conflict with the requirements of this Section 14-8.5, conflicts shall be resolved pursuant  
20 to Section 14-1.7 (Conflicting Provisions).

##### 21 **B. Maximum Height of Retaining Walls and Fences**

###### 22 **(1) Maximum Height of Retaining Walls**

23 (a) No retaining *wall* shall exceed six feet in height.  
24 (b) Retaining *walls* shall be stepped or terraced so that they are separated by  
25 a distance equal to the height of the higher *wall*.

1                   **(2) Maximum Height of Fences**

2                   (a) On a *property* developed for residential use or on undeveloped *property*  
3 zoned for residential use, no fence shall exceed six feet in height. Within a residential compound, the  
4 maximum height of fences is eight feet.

5                   (b) On a *property* developed for *nonresidential* use or on undeveloped  
6 *property* zoned for *nonresidential* use, no fence shall exceed eight feet in height.

7                   **(3) Maximum Height of Fences Built on Retaining Walls**

8                   In addition to the height limits in Sections 14-8.5(B)(1) and (2), the combined height  
9 of a fence built on a retaining *wall* shall not exceed the maximum fence height plus four feet as  
10 measured above the finished grade on the downslope side.

11                  **C. Additional Fence Regulations for Specified Nonresidential Uses**

12                  (1) For neighborhood grocery stores or laundromats catering to local pedestrian trade  
13 in a residential district, there must be a solid masonry *wall* not less than six feet in height erected  
14 along side and rear *lot* lines with adjoining residential *lots*.

15                  (2) For a parking *lot* contiguous to a residential district or one or more of the RAC,  
16 AC, SC or I districts, a six-foot solid masonry *wall* shall be erected along edges of portions of the  
17 parking *lot* adjoining *property* in the residential district; provided, however, that in the *front required*  
18 *yard*, the maximum height of a *wall* or fence shall be three feet.

19                  (3) In *outdoor storage yards* or *salvage yards*, a solid *wall* or fence at least six feet in  
20 height, with access only through solid gates that are kept closed when not in use, shall be erected  
21 around the entire yard. No object shall be stacked or stored higher than the minimum height of the  
22 enclosing *wall* or fence.

23                  **14-8.6 [NEW MATERIAL] OFF-STREET PARKING AND LOADING**

24                  **A. Specific Parking Requirements**

25                  The minimum number of *off-street* parking spaces shall be provided in accordance with Table

14-8.6-1 Parking and Loading Requirements. [Editor's Note: Table is Exhibit A located in the Appendix following Section 14-12.]

**B. Standards for Off-Street Parking Spaces and Parking Lots**

**(1) General Standards**

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

(a) they shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public *street*, walk or alley; provided that parking *lots* serving one or two *dwelling units* and comprising four or fewer parking spaces may be designed to allow vehicles to back onto a public *street*, walk or alley subject to the approval of the public works director;

(b) they shall be designed so that vehicles may be removed without moving another vehicle except in attended *lots*, or single-*family* residences where not more than two spaces assigned for use to the same *dwelling unit* may be arranged in tandem;

(c) they shall have barriers that prevent vehicles from extending over the public sidewalks, abutting *lots* or the minimum required landscaped area;

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

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

(f) if they are required parking spaces, they shall be available at all times for parking the personal vehicles of employees and customers or residents and guests for which the spaces are required. Required parking spaces shall be unobstructed and shall not be used for storage, display, sales or parking of commercial or other vehicles used by employees in the conduct of the use for which the spaces are required, unless an itinerant vending *permit* or special use *permit* has been



1 issued. Required off-street loading spaces shall not be included as *off-street parking* spaces in the  
2 computation of required *off-street parking*.

### 3 (2) Parking Space Requirements

4 (a) Required parking spaces shall be arranged and constructed in accordance  
5 with parking and driveway standards contained in Illustrations 14-8.6-1, 2 and 3. [Editor's Note:  
6 Illustrations are Exhibit B Illustrations of Parking Space Layout and Dimensional Standards located  
7 in the Appendix following Section 14-12.].

8 (b) No required *off-street parking* space shall be located within the *right of*  
9 *way* of any *street*, roadway or public alley.

10 (c) Calculations of the number of spaces required shall be rounded up to the  
11 next whole number.

### 12 (3) Changes in Use

13 (a) When the type or *intensity* of use of any *building*, *structure* or *premises*  
14 is increased by any means, including through addition of *dwelling units*, *gross floor area* or seating  
15 capacity, *off-street parking* shall be supplemented to accommodate the intensified use.

16 (b) For a use that is *legally nonconforming* with regard to the number of  
17 parking spaces provided, the number of spaces that are lacking may be subtracted from the number of  
18 required *off-street parking* spaces for a new use at the same location so that the degree of  
19 nonconformity is maintained but is not increased.

### 20 (4) Combined Uses; Shared Parking

21 (a) Combined uses on the same *premises* shall provide the combined total  
22 number of spaces required for each use separately, unless a shared parking plan is approved.

23 (b) Uses on *premises* comprising more than one *legal lot of record* may  
24 provide shared parking in accordance with an approved shared parking plan.

25 (c) Parking required for uses located on adjoining *lots* in RAC, C, BCD,

1 MU, SC or I districts, or for institutional uses located on adjoining *lots* in residential districts, may be  
2 provided on a joint basis. Within the joint parking areas, the spaces required for each of the  
3 participating uses shall be marked on the parking plan and maintained as allocated to the individual  
4 use, unless a shared parking plan is approved.

5 (d) Cumulative parking space requirements for *mixed-use* occupancies or  
6 adjoining *mixed uses* may be reduced if the applicant demonstrates that the peak requirements of the  
7 several occupancies occur at different times, such as mid-day for office uses and evening for  
8 *residential* uses, as supported by a parking demand study.

9 (e) Reduction in the total number of spaces required by the addition of all  
10 uses in the BCD or as specified in Section 14-8.6(A) may be approved by a *land use board* pursuant  
11 to a special use *permit* or *development* plan if the reduction is supported by a parking demand study.

#### 12 (5) Parking Spaces Designated for Disabled Persons

13 Parking *lots* shall comply with applicable standards for provision of parking spaces  
14 designated for disabled persons contained in construction codes adopted pursuant to Chapter 7 SFCC  
15 1987 (Building and Housing) and pursuant to New Mexico laws and regulations, including standards  
16 for compliance with the federal Americans with Disabilities Act.

#### 17 (6) Parking Structures

18 (a) Parking *structures* shall have architecturally compatible, articulated  
19 *façades* designed to screen the view of parked vehicles from all floors above the ground floor except  
20 on *façades* abutting an alley.

21 (b) In a MU district, if eighty percent of the ground floor of any side of an  
22 above-grade parking *structure* is adjacent to a public *street*, except an alley, or adjacent to a public  
23 *open space* or plaza, it shall be constructed to an adequate depth to allow future occupancy by a  
24 *commercial* or other non-parking permitted use allowed in the MU district.

#### 25 D. Provisions for Specific Districts

1                               **(1) Off Street Visitor Parking in Single Family Developments**

2                               In single *family* residential *developments*, depending on the size and layout of the  
3 *development* and if driveways are located in such proximity to each other that adequate visitor  
4 parking is unavailable on the *street*, the planning commission may require that additional visitor  
5 parking of up to one-half space per *dwelling unit* be accommodated within the *development*.

6                               **(2) BCD, C-2**

7                               (a) In the BCD district, there shall be provided the minimum number of off-  
8 street parking spaces as follows:

9                                       (i) For residential uses, one space for each dwelling unit;

10                                      (ii) For commercial uses: (1) One parking space for each 500 square  
11 feet of net leasable floor area for office uses; (2) One parking space for each 350 square feet of net  
12 leasable floor area for other commercial uses, except that the requirements for hotels and motels shall  
13 be one parking space for each rental unit;

14                                      (iii) For all uses not classified as commercial or residential, the  
15 applicable standards set forth in Table 14-8.6-1 located in the appendix following Section 14-12 shall  
16 apply;

17                               (b) In the BCD or C-2 district, the parking requirements established in this  
18 Section (D)(2) shall be met at the time of *application* for certificates of occupancy or for *business*  
19 registration by either on-site *off-street parking* or *off-street parking* located within six hundred feet of  
20 the nearest *property* line of the *parcel*. Leased parking is not acceptable unless documentation is  
21 shown for a lease of a minimum of five years and that the lease of such parking will not cause the  
22 lessor *property* to be in noncompliance with parking requirements. The lessee shall submit a site plan  
23 with the *application* that delineates the available parking spaces on the lessor *property* and the spaces  
24 to be leased. The leased parking spaces shall be designated for the exclusive use of the lessee on the  
25 site plan and shall be so reserved by clear, appropriate signage on the lessor *property*.

1 (c) Parking spaces in the BCD that are not in conformance with Appendix  
2 Table B shall not be considered legal spaces in determining whether the lessor *property* has sufficient  
3 parking spaces to lease under the provisions of Section 14-8.6(D)(2)(b). After the expiration of the  
4 lease period, the *business* registration shall not be issued unless renewal of the lease or a new lease,  
5 and compliance of the lessor *property* with the parking requirements of this Section 14-8.6(D)(2)(c),  
6 are documented;

7 (d) Any modification of the parking requirements granted by the *board of*  
8 *adjustment* shall not constitute a waiver of the assessment fee; and

9 (e) Assessment districts – Reserved

### 10 (3) BIP Districts

11 (a) The configuration and distribution of parking areas may be proposed for  
12 the entire site or portions of the site and need not be allocated on an individual *lot* basis.

13 (b) Quantities and sizes of parking and *loading spaces* shall be as required in  
14 Sections 14-8.6(A) and (B). Truck loading shall be confined to the rear and sides of *buildings*. To  
15 the extent possible, areas for *outdoor storage*, trash collection and loading shall not be located  
16 adjacent to residential *lots*. Where such facilities are located adjacent to residential *lots*, they shall  
17 include a solid acoustic buffer. In all cases, the areas shall be effectively screened from public view.  
18 *Signs* shall be installed prohibiting vehicular idling in areas adjacent to residential *lots*. Areas for  
19 *outdoor storage*, trash collection and loading shall be incorporated into the primary *building* design  
20 and construction for these areas shall be of materials of comparable in quality and appearance to the  
21 *building*. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent  
22 possible. When the loading or refuse collection area is adjacent to a residential district, *signs* shall be  
23 installed prohibiting deliveries and collections between 10:00 p.m. and 6:00 a.m.

### 24 (4) MU District

25 (a) The configuration and distribution of parking areas may be proposed for

1 the entire site or portions of the site and need not be allocated on an individual *lot* basis.

2 (b) Quantities and sizes of parking and loading areas shall be as required in  
3 Sections 14-8.6(A) and (B); however, the quantity of parking provided may be reduced if approved  
4 by the planning commission concurrently with the *development* plan.

## 5 **E. Loading Standards**

### 6 **(1) General Requirements**

7 (a) *Loading space* shall be paved in conformance with paving requirements  
8 specified in *off-street parking* standards.

9 (b) All permitted or permissible uses requiring *loading space* for normal  
10 operations shall provide adequate *loading space* so that no vehicle being loaded or unloaded in  
11 connection with normal operation shall stand in or project into any public *street*, walk, alleyway, *front*  
12 *required yard*, required parking space or access aisle or common ingress-egress easement.

13 (c) The minimum dimensions of the *loading space* shall be scaled to  
14 accommodate the largest vehicle used for pickups and deliveries, including vertical clearance.

### 15 **(2) Additional District-Specific Requirements**

16 (a) In SC districts, space for normal off-street loading operations shall be  
17 provided at the rear or side of or beneath any shopping center *building*.

18 (b) In I-1, I-2 and BCD districts, there shall be an adequate area for the  
19 storing of all vehicles used incidental to or as part of the primary operation of the establishment.

20 (c) In the C-2 district, loading areas shall not be allowed within fifty feet of  
21 the *front lot* line and truck loading shall be confined to the rear or sides of *buildings*.

## 22 **F. Off-Street Bicycle Parking**

### 23 **(1) Applicability**

24 Off-street bicycle space parking standards shall apply to all uses except single-*family*  
25 residential uses.

1                   **(2) Requirements**

2                   Off-street bicycle spaces shall be provided in accordance with Exhibit C Off-Street  
3 Bicycle Parking Tables 14-8.6-3, 14-8.6-4 and 14-8.6-5. [Editor's Note: Tables are located in the  
4 appendix located following Section 14-12.]

5                   **G. Procedures for Securing Approval**

6                   **(1) Applications; Parking Plan**

7                   *Applications* for construction *permits*, special use *permits*, *development* plans or other  
8 *development* approvals shall include parking plans that show compliance with applicable  
9 requirements of this Section 14-8.6, adopted parking and driveway standards and other applicable  
10 provisions of Chapter 14 as required by the *land use director*. The applicant shall also obtain any  
11 access *permits* required by Chapter 23 SFCC 1987 (Streets, Highways and Public Places) or required  
12 by *state* or federal law or regulation.

13                   **(2) Review of Plans**

14                   Parking plans, including shared parking plans, shall be reviewed by the *land use*  
15 *director* for compliance with this Section 14-8.6.

16                   **(3) Special Provisions for Shared Parking Plans**

17                   (a) An *application* for a shared parking plan shall contain a parking demand  
18 study or other information required by the *land use director* and shall include plans showing the  
19 proposed shared parking facilities in relation to the uses for which they are to be provided.

20                   (b) Pursuant to the same procedure and subject to the same limitations and  
21 requirements by which the shared parking plan is approved, a shared parking plan may be amended or  
22 withdrawn, either partially or completely, if all land and *structures* remaining under the special plan  
23 and if all land and *structures* withdrawn from the shared parking plan comply with the provisions of  
24 this article.

25                   (c) Upon approval of a shared parking plan, a copy of the plan shall be

1 recorded in the office of the county clerk and its contents shall:

2 (i) be binding upon the applicants, their heirs, successors and  
3 assigns;

4 (ii) limit and control the issuance and validity of all construction  
5 *permits* and certificates; and

6 (iii) restrict and limit the use and operation of all land and *structures*  
7 included within the shared-use plan to conditions and limitations specified in the plan.

#### 8 **14-8.7 [NEW MATERIAL] ARCHITECTURAL DESIGN REVIEW**

##### 9 **A. Findings and Purpose**

10 (1) The *governing body* finds that it is in the interest of Santa Fe's social and  
11 economic welfare to preserve and promote Santa Fe's unique cultural heritage, distinct visual  
12 character and regional architectural traditions.

13 (2) The *governing body* finds that creation of an aesthetically cohesive and  
14 harmonious urban *townscape* is essential to maintaining Santa Fe's exceptional cultural and visual  
15 character.

16 (3) The *governing body* finds that in order for Santa Fe's urban *townscape* to be one  
17 of visual cohesion and identity rather than visual clutter and anonymity, architecture outside the  
18 Historic Districts must possess a degree of compatibility with architecture inside the Historic  
19 Districts.

20 (4) Because Santa Fe's distinct visual character and regional architectural traditions  
21 are deemed essential to the welfare of the city's citizens, the *governing body* hereby establishes an  
22 architectural design review process to review *building* massing, form, color, proportion, texture and  
23 materials as part of the construction *permit* process for areas outside the H districts.

24 (5) The architectural design review process is intended to promote beauty and visual  
25 harmony throughout Santa Fe and to encourage respect for the traditional character and quality of

1 wall-dominated architecture. This Section 14-8.7 does not promote or require adherence to a  
2 particular architectural style, but rather to the general qualities that have given Santa Fe architecture  
3 its unique and appealing character.

4 (6) The architectural design review process is not intended to stifle architectural  
5 creativity, to decrease or limit one's use of *property* or to impose undue economic hardship on any  
6 *property owner* as a result of the requirements set forth in this Section 14-8.7.

#### 7 **B. Applicability and Procedures**

8 The list of projects subject to the architectural design review requirements of this Section 14-  
9 8.7 and the procedure for scoring such projects are set forth in Section 14-3.11(C).

#### 10 **C. Total Points Required**

11 The total number of points required for a given project are set forth in this Section 14-8.7(C);

##### 12 **(1) Point Requirements for New Construction**

13 Point requirements for new construction, excluding additions, vary according to the  
14 zoning district in which the project is located.

15 **Table 14-8.7-1: Point Requirements by Zoning District**

<b>TABLE 14-8.7-1: Point Requirements by Zoning District</b>	
<b>Zoning District</b>	<b>Points Required</b>
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, RC-5, RC-8, PRC, RM, RAC, AC	180
I-1, I-2, BIP	155

##### 16 **(2) Additions to Nonconforming Buildings**

17 Point requirements for additions to a *building* that conforms to the provisions of this  
18 Section 14-8.7 are as set forth for new construction in Section 14-8.7(C)(1) for the entire *property*,  
19 including both existing and proposed *publicly visible* improvements. Point requirements for additions  
20 to a *building* that is legally nonconforming with regard to the provisions of this Section 14-8.7(C)  
21 shall be as provided in Sections 14-8.7(C)(2)(a), (b) or (c).



1 (a) If a proposed addition to a *legal nonconforming building* increases the  
2 *gross floor area* on a *lot* by more than seventy-five percent of the original floor area, architectural  
3 design points shall be calculated based on the entire *property*, both existing and proposed *publicly*  
4 *visible* improvements.

5 (b) If a proposed addition to a *legal nonconforming building* increases the  
6 *gross floor area* on a *lot* by less than or equal to seventy-five percent of the original floor area,  
7 architectural design points shall be calculated based on the new construction only.

8 (c) A specific number of architectural design points is not required for  
9 structurally connected additions that do not exceed twenty-five percent of the *gross floor area* of the  
10 existing *legal nonconforming building* and that match the existing architecture.

11 (d) A specific number of architectural design points is not required for  
12 structurally connected additions to *buildings* of unique architectural merit, as determined on a case-  
13 by-case basis by the *land use director* in consultation with the state historic preservation division and  
14 the Santa Fe chapter of the American institute of architects, that either match the existing architecture  
15 or comply with the secretary of the interior's standards for rehabilitation. Architectural review in such  
16 cases shall be performed by the *land use director*.

17 (e) For the purposes of this Section 14-8.7 "addition" means additional *gross*  
18 *floor area* constructed on a single *lot* and "structurally connected addition" means additional *gross*  
19 *floor area* that directly adjoins and abuts an existing *building*.

### 20 (3) Remodeling, Repainting and Restuccoing in a Different Color

21 Point requirements for exterior *remodeling* requiring structural *alterations* and  
22 involving more than fifty percent of a *building's* total publicly visible *façade* and roof area are as set  
23 forth for new construction in Section 14-8.7(C)(1). Architectural design points shall be calculated  
24 based on the entire *building*, both existing and *publicly visible* new construction. Cosmetic  
25 *remodeling*, repainting, restuccoing in a different color or exterior *remodeling* requiring structural

alterations and involving less than or equal to fifty percent of a *building's* total *publicly visible façade* and roof area do not require any specific number of architectural design points; however, no proposed architectural design shall result in the assignment of negative points. For the purposes of this Section 14-8.7, "structural *alteration*" means the addition or deletion of *building* elements, including doors, windows or fenestration and any changes in the type of finish material used.

#### **D. Architectural Design Standards and Point Allocations**

Point allotments are granted to *building* projects according to the criteria set forth in this Section 14-8.7(D). The total number of points required for a given project shall be as set forth in Section 14-8.7(C). Points shall be calculated only for those architectural design features that are *publicly visible* from a *street*, way or public *place*. All exterior architectural design features shall be considered *publicly visible* unless the applicant can show otherwise. Partial point allotments shall not be granted. If a *building* feature or element cannot be evaluated because it is not required and does not exist, the maximum allowable point allotment for that feature or element shall be granted. For the purposes of this Section 8.7, "predominant" means having the most *publicly visible* surface area.

**Table 14-8.7-2: Architectural Design Standards and Point Allocations**

<b>TABLE 14-8.7-2: Architectural Design Standards and Point Allocations</b>		
<b>Architectural Design Standards</b>		<b>Points</b>
<b>WALLS</b>		
Predominant Exterior Surface Material	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	25
	Concrete and non-integrally colored unit masonry	20
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10
	Mirrored glass curtainwall systems	-10
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15
	High-intensity colors, metallic colors, glass and black	-10

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		Points
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10
ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15
	(C) Flat tiles of clay, concrete or slate	10
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10
	(C) Low-intensity colors other than those stated above	5
	(D) White	0
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15
BUILDING FORM		

<b>TABLE 14-8.7-2: Architectural Design Standards and Point Allocations</b>		
<b>Architectural Design Standards</b>		<b>Points</b>
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0
<b>DOORS AND WINDOWS</b>		
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	0
	(C) Any use of mirrored glazing	-10
<b>EQUIPMENT</b>		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5

**TABLE 14-8.7-2: Architectural Design Standards and Point Allocations**

Architectural Design Standards		Points
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10

**E. Explanatory Handbook**

The *governing body* may adopt by resolution guidelines, graphics and other information in handbook form to clarify, explain and expedite the use and enforcement of this Section 14-8.7(E).

**14-8.8 [NEW MATERIAL] SUPPLEMENTARY REGULATIONS FOR RETAIL STRUCTURES THIRTY THOUSAND GROSS SQUARE FEET OR LARGER**

**A. Purpose and Intent**

The purpose of this Section 14-8.8 is to:

(1) break up the apparent mass and scale of large *retail structures* to ensure that the *development* is compatible with and does not detract from Santa Fe's unique historic character, scale and sense of place;

(2) help integrate large *retail structures* with their surroundings;

(3) promote and facilitate a safe and comfortable pedestrian scale environment;

(4) encourage a mixture of uses and sizes of *structures*; and

(5) reduce the visual impact of large areas of parking.

**B. Applicability**

**(1) Standards**

(a) In addition to compliance with all other requirements of Chapter 14, new construction and *alteration* of *retail structures* exceeding thirty thousand square feet of *gross floor area* shall comply with the standards established by this Section 14-8.8.

(b) Existing *structures* that are legally nonconforming to the provisions of this Section 14-8.8 and that are to be *remodeled* or enlarged shall comply as provided in Sections 14-8.8(B)(2) and (3). The extent of modification is based on the cumulative square footage of additions and the cumulative value of remodeling that has occurred since January 1, 2001.

1                                   **(2) Additions**

2                                   (a) Additions of five percent or more to the square footage of the *gross floor*  
3 *area* of an existing *retail structure*, that is already at least thirty thousand square feet of *gross floor*  
4 *area* or that would become thirty thousand square feet of *gross floor area* or more after the addition,  
5 shall comply with Sections 14-8.8(E)(3) through (7).

6                                   (b) Additions of ten percent or more to the square footage of the *gross floor*  
7 *area* of an existing *retail structure*, that is already at least thirty thousand square feet of *gross floor*  
8 *area* or that would become thirty thousand square feet of *gross floor area* or more after the addition,  
9 shall comply with the provisions listed in Section 14-8.8(B)(3)(a) and with Sections 14-8.8(D)(1) and  
10 (2) and (E)(5)(a). Compliance with Sections 14-8.8(E)(2) and (5)(a) shall be to the extent possible as  
11 determined by the *land use director*.

12                                   **(3) Remodeling**

13                                   (a) When the value of proposed *remodeling* exceeds ten percent of the value  
14 of an existing *retail structure* that is greater than thirty thousand square feet of *gross floor area*,  
15 compliance with Sections 14-8.8(E)(3) and (4), (5)(b) and (c), (6) and (7) is required.

16                                   (b) When the value of the proposed *remodeling* exceeds twenty five percent  
17 of the value of an existing *retail structure* that is greater than thirty thousand square feet of *gross*  
18 *floor area*, compliance with this Section 14-8.8(B) and with Sections (D)(1) and (2) and (E)(1), (2)  
19 and (5)(a) is required. Compliance with Sections 14-8.8(E)(2) and (5)(a) shall be to the extent  
20 possible as determined by the *land use director*.

21  
22  
23                                   [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]  
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**TABLE 14-8.8-1: Regulatory Triggers for Retail Establishments Thirty Thousand Gross Square Feet and Larger**

TABLE 14-8.8-1: Regulatory Triggers for Retail Establishments 30,000 Gross Square Feet and Larger Santa Fe City Code Requirements	Additions > 5% sq. ft. of gross floor area or Remodels > 10% value	Additions > 10% sq. ft. of gross floor area or Remodels > 25% value	New Buildings
Massing (§14-8.8(D)(1))		X	X
Entryways & Architectural Features (§14-8.8(D)(2))		X	X
Height (§14-8.8(D)(3))			X
Integration into Street Network (§14-8.8(E)(1))		X	X
*Minimum Tenant Mix (§14-8.8(E)(2))		X	X
Pedestrian Circulation and Amenities (§14-8.8(E)(3))	X	X	X
Relationship to Residential (Lighting) (§14-8.8(E)(4))	X	X	X
*Screening (§14-8.8(E)(5)(a))		X	X
Surface Parking (§14-8.8(E)(5)(b))	X	X	X
Number of Spaces (§14-8.8(E)(5)(c))	X	X	X
Public Transit (§14-8.8(E)(6))	X	X	X
Outdoor Storage and Service (§14-8.8(E)(7))	X	X	X
* To the extent possible			

#### (4) Waivers

The planning commission may grant waivers to the standards of this Section 14-8.8 under the following circumstances:

(a) the proposed alternative *building* or site design satisfies the intent of Chapter 14 as well or better than would strict compliance with the standard or the new siting of parking areas and *buildings* in relation to the *street* is not possible with the *remodel* or addition; and

(b) granting of the waiver would not impose significantly more negative impacts on nearby *properties*.

#### C. Maximum Commercial Activity Areas

In no case shall any one *retail establishment* exceed one hundred fifty thousand square feet of *gross floor area* in combination with all outdoor display, sales, rental or storage. The outdoor display, sales, rental or storage of new or used automobiles, *recreational vehicles* or *mobile homes* is not subject to this limit.

**D. Architecture**

The following standards apply to all publicly visible parts of a *structure*:

**(1) Massing**

(a) Every thirty thousand square feet of *gross floor area* shall be designed to appear as a minimum of one distinct *building* mass, preferably with two or more *building* masses expressed.

(b) Horizontal wall plane projections of all publicly visible *façades* must be a minimum depth of three percent of the length of the *façade* and must extend at least twenty percent of the length of the *façade*.

**(2) Entryways and Architectural Features**

Multiple entryways or architectural features shall be incorporated into the design to break up the apparent mass and scale of large *retail structures*. Entrances may be to tenant spaces other than the primary retail tenant.

(a) For *structures* less than seventy-five thousand square feet of *gross floor area* there shall be a clearly articulated public entrance on at least two sides of the *structure*. At least one of these entrances shall be visible from a public *street* and connected to that *street* by a pedestrian sidewalk. It is permissible to have pedestrians cross vehicular traffic within the parking *lot* so long as a sidewalk is provided. When *structures* are adjacent to a residentially zoned district and separated from that district by either a public or private *street*, and where residential uses front or may reasonably be expected to front that *street*, the *structure* shall have at least one entryway on that side.

(b) *Structures* with tenants occupying greater than seventy-five thousand square feet of *gross floor area* shall provide either a significant pedestrian amenity or a public entrance, at a minimum of one per seventy-five linear feet of publicly visible *façade*. The public entrance may be to either the *principal* retail use or to any other tenant. Examples of significant pedestrian amenities include outdoor seating areas, play areas for children and public courtyards.



1 This provision does not apply to more than three sides of any *structure*.

2 **(3) Height**

3 Height is regulated by the underlying zoning district regulations, but shall be further  
4 restricted as follows if the retail *structure* adjoins residential development as follows:

5 (a) the maximum height, not including parapet, of any *structure* within one  
6 hundred feet of a residential zoning district *property* line shall be twenty-four feet or one hundred ten  
7 percent of the average of the heights of adjacent residential *buildings*, whichever is less; and

8 (b) *structures* may exceed the heights specified in Section  
9 14-8.8(D)(3)(a), up to the limit specified in the zoning district in which they are located, if the  
10 *structure* wall is stepped back two horizontal feet for each vertical foot of additional height up to the  
11 maximum permitted after the first twelve feet of height.

12 **(4) Architectural Unity**

13 All *new* construction, additions and *remodeling* on the same site shall be related in  
14 architectural style, color scheme and building materials.

15 **E. Site and Contextual Planning**

16 **(1) Integration into the Street Network**

17 Vehicular access to the site shall be from *streets* other than arterial wherever  
18 possible. If access from an arterial is necessary, right turns in and out from the arterial are required.  
19 Insofar as possible, delivery vehicles shall not access the site from sub-collector or smaller *streets* that  
20 serve residential neighborhoods. Internal and new *streets* shall connect to existing *streets* or be  
21 designed to facilitate future connections to the maximum extent possible.

22 **(2) Minimum Tenant Mix**

23 *Developments* with a single retail *establishment* occupying greater than seventy-five  
24 thousand square feet of *gross floor area* shall provide additional tenant spaces, not greater than thirty  
25 thousand square feet in *gross floor area* each, whose total gross square footage is equal to or exceeds

1 twenty-five percent of the largest *retail establishment*.

2 **(3) Pedestrian Circulation and Amenities**

3 A safe and landscaped pedestrian circulation system shall be provided on-site that  
4 connects to public *streets* and neighborhoods. Pedestrian walkways within the *development* shall be  
5 differentiated from driving surfaces through a change in materials. At least one significant pedestrian  
6 amenity, such as an outdoor seating area, play area for children or courtyard, shall be provided for  
7 every seventy-five thousand square feet of *gross floor area*. Required pedestrian amenities may be  
8 combined into one or more locations to create a larger amenity, as long as all other provisions of this  
9 Section 14-8.8 are satisfied.

10 **(4) Lighting**

11 *Retail structures* to which this Section 14-8.8 applies shall make accommodations  
12 when located next to residential *development* or undeveloped residential *property* as follows:

13 (a) light design and installation shall emphasize low-level uniform lighting  
14 to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential  
15 *properties* from the greater or more intensive lighting because of the large *retail structures*, *nuisance*  
16 *glare* is prohibited. In addition, *structures* shall meet the following requirements:

17 (b) parking and security lights shall be no taller than any *building* on the site,  
18 or twenty-four feet above the pavement, whichever is less; and

19 (c) *street* lights shall not be no taller than twenty-four feet above the  
20 pavement.

21 **(5) Parking and vehicular circulation**

22 Parking facilities shall safely and attractively serve all modes of transportation,  
23 especially pedestrian.

24 **(a) Screening**

25 (i) seventy-five percent of the *lot frontage* adjacent to any arterial

1 *street*, exclusive of vehicular and pedestrian entrances, shall provide *screening* of on-site parking by  
2 means of on-site *buildings* or other architectural features, which may include the primary *structure*.

3 (ii) fifty percent of the *lot frontage* adjacent to all other *streets* shall  
4 provide *screening* of on-site parking by means of on-site *buildings*.

5 (iii) *lot frontage* adjacent to residential uses or residential zoning  
6 districts shall provide *screening* of on-site parking by means of *walls*, *landscaping* or *buildings*.

7 **(b) Surface Parking**

8 No single parking area shall exceed one hundred twenty spaces unless  
9 divided into subareas of fewer than one hundred twenty spaces each by a *building*, internal  
10 landscaped *street* or landscaped pedestrian way.

11 **(6) Public Transit**

12 A *structure* that has one or more tenants of seventy-five thousand gross square feet or  
13 more and that is adjacent to an arterial *street*, which is or may be on a transit route as determined by  
14 the city transit division, shall provide for on-site or adjacent to the site accommodations for public  
15 transit access, including a bus pullout and shelter.

16 **(7) Outdoor Storage, Display, Sales, Rental and Service**

17 To the extent possible, areas for *outdoor storage*, display, sales, rental, trash  
18 collection and loading shall not be located adjacent to residential *lots*. Where such facilities are  
19 located adjacent to residential *lots*, they shall include a solid acoustic buffer. In all cases, such  
20 facilities shall be effectively *screened* from public view. To the extent possible, idling of delivery  
21 trucks shall not be allowed in areas adjacent to residential *lots*. *Signs* shall be installed advising  
22 tenants not to allow idling of delivery trucks in areas adjacent to residential *lots*. Areas for *outdoor*  
23 *storage*, trash collection and loading shall be incorporated into the primary *building* design and  
24 construction and shall be of materials of comparable quality and appearance as that of the primary  
25 *building*. *Outdoor storage*, display, sales or rental areas shall be adjacent to the primary *building*.

1 *Outdoor storage*, display, sales or rental areas shall be designed to minimize visual clutter. Visual  
2 and acoustic impacts of these functions shall be mitigated to the greatest extent possible. When the  
3 loading or trash collection area is adjacent to a residential district, deliveries and collections shall not  
4 occur between 10:00 p.m. and 6:00 a.m.

#### 5 **F. Economic Impact Study**

6 (1) For all new *retail establishments* that are one hundred thousand gross square feet  
7 and larger, the *City* shall commission a report on the predicted economic impact of that *business* from  
8 an economist qualified by the *City* pursuant to Section 14-8.8(F)(4). The report shall be available  
9 prior to the first public hearing required for the project. The applicant shall reimburse the City for the  
10 cost of the study prior to the hearing.

11 (2) The report shall include the following:

12 (a) net impact on gross receipts tax collections, including taxes from the  
13 proposed construction activity as well as the proposed *business*;

14 (b) cost and burden on government for services for the *business* and for the  
15 *employees*;

16 (c) impact on jobs, including the number and types of jobs, wages paid,  
17 benefits paid and changes in the number of union jobs, and the company's history of labor and  
18 employment practices;

19 (d) impact on the choice of goods and services for consumers;

20 (e) impact on the costs of goods and services for consumers and potential  
21 changes on discretionary spending available to consumers;

22 (f) physical impact on *City infrastructure* compared to impact fees  
23 collected;

24 (g) retention of revenue in the local economy; and

25 (h) opportunities for local suppliers.

1 (3) The results of the economic impact study may be used to require the applicants to  
2 address or offset negative economic impacts, if any, as a part of the approval process.

3 (4) The *City* shall, through the request for qualifications process, develop and  
4 maintain a list of economists who are qualified to do economic impact studies pursuant to this Section  
5 14-8.8.

#### 6 **14-8.9 [NEW MATERIAL] OUTDOOR LIGHTING**

##### 7 **A. Purpose**

8 The purpose of this Section 14-8.9 is to regulate outdoor lighting in order to reduce *light*  
9 *pollution*, reduce or prevent glare, reduce or prevent *light trespass*, conserve energy, promote a sense  
10 of safety and security and ensure aesthetically appropriate outdoor lighting in keeping with the  
11 character of Santa Fe.

##### 12 **B. Applicability and General Provisions**

13 (1) All new outdoor *luminaires* installed on private or *City property* shall comply  
14 with this Section 14-8.9.

15 (2) All outdoor *luminaires* existing and legally installed and operative before the  
16 effective date of this Section 14-8.9 are exempt from these requirements.

17 (3) If a nonconforming *luminaire* is replaced, the replacement *luminaire* shall meet  
18 the requirements of this Section 14-8.9. Modifications to nonconforming *luminaires* in the H districts  
19 shall also comply with Section 14-5.2 (Historic Districts).

20 (4) Agencies of the *county, state* and federal governments are encouraged to comply  
21 with the provisions of this Section 14-8.9.

22 (5) This Section 14-8.9 applies to *street* lighting as well as other types of lighting.

##### 23 **C. Submittals**

24 (1) *Applications* for construction *permits* or *applications* for review by the historic  
25 design review board that include the installation or replacement of outdoor lighting fixtures for new

construction, additions or *remodeling* shall contain the following information:

(a) plans indicating the location, type and height of both *building* and ground mounted *luminaires*;

(b) a description of the *luminaires*, including lamps, poles or other supports, and shielding devices, that may be provided as catalogue cuts from the manufacturer; and

(c) photometric data, such as that furnished by the manufacturer, showing the angle of light emission

(2) *Applications* for *single-family* residential or other projects where no lamp exceeds one hundred sixty watts are not required to comply with Section 14-8.9(C)(1).

#### **D. General Standards**

(1) The following type of lamps are allowed and shall be shielded as provided in the table.

**Table 14-8.9-1: Lamp Types and Required Shielding**

TABLE 14-8.9-1: Lamp Types and Required Shielding	
Lamp Type	Required Shielding
Low pressure sodium	Yes
High pressure sodium	Yes
Metal halide	Yes
Mercury vapor	*
Fluorescent, quartz-halogen and incandescent over 160 watts (per luminaire)	Yes
Incandescent 160 watts or less (per luminaire)	No
Glass tubes filled with neon**, argon, or krypton	No
Any light 50 watts or less (per luminaire)	No
Other sources***	Yes
NOTES: * Mercury vapor may be permitted only for the purpose of lighting landscaping and shall be limited to 100 watts per luminaire. ** Neon is further restricted in H districts per Section 14-8.10(H)(10). *** May be approved by the land use director outside the H districts or may be approved by the HDRB within H Districts.	

(2) Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society of North America (IESNA) as

1 available from the *land use director*. Recommended standards of IESNA shall not be exceeded.

2 (3) All outdoor *luminaires* shall be designed, installed, located and maintained such  
3 that *nuisance glare* onto adjacent *properties* or *streets* shall be minimized to the greatest extent  
4 practicable. Disabling glare onto adjacent *properties* or *streets* is not allowed.

5 (4) Except for certain *structures* in the H districts or *landmark structures*, which are  
6 regulated by Section 14-8.10(H), *accent lighting* shall be directed onto the *building* or object and not  
7 toward the sky or onto adjacent *properties*. Direct light emissions must not be visible above the roof  
8 line or beyond the *building* edge.

#### 9 E. Maximum Illumination Standards

10 (1) Illumination levels shall not exceed the standards in Table 14-8.9-2.

11 Table 14-8.9-2 Average Maintained Horizontal Footcandles at Grade

Average Maintained Horizontal Footcandles at Grade		
Area	Commercial	Residential
Sidewalks	1.0	0.2
Pedestrian Area	2.0	0.5
Parking Lots	1.0	-
Building Entrances	5.0	-
Building Grounds	1.0	-
Public Spaces	3.0	-
The maximum illumination at any point shall not exceed the allowed average by more than 1.5 Footcandles.		

12 (2) In all cases, the average maintained footcandles at residential *property* lines shall  
13 be zero.

14 (3) Higher levels of illumination may be appropriate for specific or unusual  
15 applications. Requests for higher allowed levels may be considered for individual projects or  
16 locations. An applicant for illumination levels higher than those in Table 14-8.9-2 must justify the  
17 request in writing to the *land use director*, who shall have sole authority to grant or deny the request.  
18 Additional standards of the Illuminating Engineering Society of North America (IESNA) shall be the  
19 preferred justification for consideration.

#### 20 F. Maintenance

1       The *property owner* or tenant is responsible for properly maintaining illumination levels and  
2 required shielding.

3       **G. Further Restrictions**

4       The *City* reserves the right to further restrict outdoor lighting, including restrictions on pole  
5 height and level of illumination, when it is deemed to be in the best public interest in keeping with the  
6 stated purpose of this Section 14-8.9.

7       **Section 11.     Section 14-8.11 through 14-8.16 SFCC 1987 (being Ord. #2001-38, as**  
8 **amended) are repealed and new Sections 14-8.11 through 14-8.16 SFCC 1987 are ordained to**  
9 **read:**

10       **14-8.11 [NEW MATERIAL] SANTA FE HOMES PROGRAM (SFHP)**

11       **A. Authority**

12       The *SFHP* is enacted pursuant to the authority set forth in Section 26-1.2 SFCC 1987 (Santa  
13 Fe Homes Program).

14       **B. Adoption of SFHP**

15       The *governing body* has adopted the *SFHP* as set forth in Section 26-1 SFCC 1987.

16       **C. Responsibilities**

17       The *land use director* shall:

18               (1) administer and enforce all planning and land use ordinances that apply to  
19 *development* requests that are subject to this Section 14-8.11;

20               (2) require, as part of the *development* review process, that the applicant prepare and  
21 submit a *SFHP* proposal to the office of affordable housing to assure compliance with the *SFHP*  
22 Ordinance;

23               (3) administer provisions for *development* incentives in the *development* review  
24 process as set forth in this Section 14-8.11;

25               (4) record the *SFHP* agreements with the respective subdivision *plat* or *development*



1 plan at the county clerk's office; and

2 (5) where applicable, invoke sanctions for noncompliance with *SFHP* agreements at  
3 the request of the city manager.

#### 4 **D. Applicability**

5 (1) Except as set forth in this Section 14-8.11(D), the *SFHP* shall apply to any  
6 application for development, including annexation, rezoning, subdivision plat, increase in density,  
7 development plan, extension of or connection to City utilities for land outside the city limits, and  
8 construction permits that propose two or more dwelling units or buildings or portions of buildings that  
9 may be used for both nonresidential and residential purposes and manufactured home lots. *SFHP*  
10 applies to the residential portion of the development.

11 (a) The *SFHP* applies to new construction and to the conversion of existing  
12 rental units to ownership units.

13 (b) The *SFHP* does not apply to a family transfer as set forth in Section 14-  
14 3.7(F)(2) or a division of land into two lots as set forth in Section 14-3.7(D) (Summary Procedure).

15 (c) The applicant is responsible for determining the applicability of *SFHP* to  
16 the proposed development and complying with the requirements of *SFHP*.

17 (2) The *SFHP* applies to dwelling units in vacation time share projects.

18 (3) The *SFHP* does not apply to:

19 (a) a development or portion of a development that is subject to a formal  
20 written and binding agreement entered into prior to August 15, 2005 with the City or Santa Fe county  
21 in which the signatories agreed to provide affordable housing or payment in lieu thereof; or

22 (b) dwelling unit or manufactured home lots for an elementary, middle or  
23 high school; college or university; hospital; or similar institution to be used exclusively by its  
24 employees or enrolled students and their families. If the dwelling units or manufactured homes are no  
25 longer exclusively used by its employees or enrolled students and their families, the *SFHP* shall apply

1 at the time the units are converted.

2 (4) Petitioners for annexations and the office of affordable housing shall negotiate all  
3 terms for providing affordable housing on site, including the distribution of *development* types and  
4 the number of *SFHP* units required or alternate means of compliance. The number of *SFHP* units  
5 required or alternate means of compliance may be in excess of that required by *SFHP*. These terms  
6 shall be included in the annexation agreement. To the extent practicable, all other *SFHP*  
7 requirements apply to annexations. In no case shall the agreement provide for less affordable housing  
8 or a lesser in-lieu contribution than required by *SFHP*. As the *property* is developed, a separate  
9 *SFHP* agreement in compliance with the annexation agreement shall be recorded with each  
10 subdivision *plat* or *development* plan.

11 (5) All provisions of the prior ordinance, titled Housing Opportunity Program  
12 (HOP), remain in effect with respect to any agreements executed by the *City* and others which were  
13 required by HOP or incorporated HOP provisions by reference. However, the office of affordable  
14 housing is responsible for administering such agreements according to the administrative procedures  
15 for the *SFHP* ordinance until such time as all obligations under the agreements have been satisfied  
16 except for sale prices or rental rates. Sale prices and rental rates shall be based on the prior HOP  
17 administrative procedures and annually updated by staff.

#### 18 **E. Presubmittal Conference, SFHP Proposals and Agreements**

19 Presubmittal conferences, *SFHP* proposals and *SFHP* agreements are required as set forth in  
20 Section 26-1 SFCC 1987.

#### 21 **F. SFHP Requirements**

22 Thirty percent of the total number of *dwelling units* or *manufactured home lots* in a *SFHP*  
23 *development* shall be *SFHP* units and meet all requirements of Section 26-1 SFCC 1987. Fifteen  
24 percent of the total number of *dwelling units* or *manufactured home lots* offered for rent in a *SFHP*  
25 *development* shall be *SFHP* units and meet all requirements of Section 26-1 SFCC 1987. However,

1 the *governing body* may approve alternative means of compliance as provided in Section 26-1.33  
2 SFCC 1987 (SFHP – Alternate Means of Compliance).

### 3 **G. Development Incentives**

#### 4 **(1) Density Bonus**

5 (a) A developer who is subject to and complying with *SFHP* is entitled to an  
6 additional *density* bonus of fifteen percent over the *density* allowed by the zoning district.

7 (b) A *density* bonus is the right to build the described percentage of  
8 residential units, in addition to those that are otherwise allowed by the zoning district, in accordance  
9 with the following standards and procedures:

10 (i) base units allowed means the total number of units that would  
11 otherwise be allowed by the zoning district.

12 (ii) in calculating any bonus units, the base units allowed in the  
13 *development* shall be multiplied by fifteen percent. If the result is other than a whole number, the  
14 number shall be rounded down if less than 0.5, and rounded up if 0.5 or more.

15 (c) A *density* bonus does not require an amendment to the *general plan* or  
16 approval by the *governing body* unless appealed pursuant to Section 14-3.17 (Appeals).

17 (d) Except where the planning commission is authorized to grant a variance or  
18 waiver as set forth in Chapter 14, a *density* increase shall not negate, supersede or limit other Santa  
19 FE City Code provisions that limit the number of units that may be built on the site.

#### 20 **(2) Fee Waivers**

21 Fees for *SFHP developments* subject to and complying with the *SFHP* requirements  
22 shall be reduced as follows:

23 (a) *development* review and construction *permit* fees shall be reduced  
24 proportionately to the number of *SFHP* units certified by the office of affordable housing; and

25 (b) impact fees as set forth in Section 14-8.14 (Impact Fees) and utility

expansion charges as set forth in Chapters 22 (Sewers) and 25 (Water) SFCC 1987 shall be reduced at the time of construction *permit application* for *SFHP* units.

#### **H. Enforcement**

Enforcement of *SFHP* shall be as provided by Sections 14-11.5 and 26-1.19 SFCC 1987.

#### **I. Appeals**

An applicant aggrieved by a *final action* of the *land use director* regarding the *SFHP* provisions may file an appeal pursuant to Section 14-3.17 .

### **14-8.12 [NEW MATERIAL] RELOCATION OF GUNNISON'S PRAIRIE DOGS**

#### **A. Purpose and Intent**

It is the purpose and intent of the Gunnison's prairie dog relocation regulations to protect the diminishing populations of Gunnison's prairie dogs by ensuring their safe and humane relocation prior to the *development of property* within the city to appropriate and protected habitat areas as designated by the *City*.

#### **B. Applicability**

Except for single-lot, single-family residential *development*, compliance with these regulations is required for any public or private proposed *development* or phase of *development* approval, prior to *grading* or any other disturbance of *property* where Gunnison's prairie dogs are located; provided that for *family* transfers and all *dwelling units* that meet the criteria for affordable homes or affordable rental units for income ranges 1, 2 or 3 pursuant to SFCC §26-1.16 and 1.24, the *property owner* or *developer* is not responsible for relocation expenses, costs or fees that amount to more than one thousand five hundred dollars (\$1,500) per acre. This amount shall be subject to periodic review at the discretion of the city manager and may be amended to reflect increased costs due to inflation or other circumstances.

#### **C. Exemptions**

(1) An exemption from these regulations may be granted by the *land use director*

1 under the following circumstances:

2 (a) there is no *City*-approved *property* available for a proposed relocation of  
3 Gunnison's prairie dogs;

4 (b) there is no *City*-certified relocater available within a reasonable time as  
5 determined by the *City* for a proposed relocation; or

6 (c) a *City*-certified relocater determines that the timing of the proposed  
7 project is such that the start of construction operations, including *grading* or other disturbance of  
8 *property* where Gunnison's prairie dogs are located, would have to be delayed more than sixty days.

9 (2) The *land use director* may require written verification or other proof of such  
10 circumstances prior to granting an exemption from these regulations.

#### 11 **D. Appeals**

12 An appeal of the granting or denying of an exemption to the Gunnison's prairie dog relocation  
13 regulations shall be pursuant to Section 14-3.17 (Appeals).

#### 14 **E. Violations and Penalties**

15 Violations of a provision of this Section 14-8.12 shall be punishable in accordance with  
16 Article 14-11 (Enforcement).

#### 17 **F. City-Approved Lands**

18 The *City* shall approve relocation sites that are:

19 (1) private lands protected as wildlife habitat by a conservation easement held in a  
20 land trust or other conservation organization or protected by organizational by-laws or other legal  
21 vehicles;

22 (2) public lands protected for the purpose of indefinite, long-term prairie dog  
23 habitation;

24 (3) private or public lands that meet best management practices criteria for  
25 suitability.

1                   **G. Certified Trappers/Relocators**

2                   (1) The *City* shall certify those Gunnison's prairie dog trappers/relocators that may  
3 be hired by the *owners* or developers of private *property*. To be certified, a person must meet the  
4 following minimum requirements:

5                               (a) training by a qualified and experienced trapper/relocator in:

6                                       (i) two trapping methods, being flushing and live trapping; and

7                                       (ii) two methods of relocation, being use of existing holes and  
8 augured holes;

9                               (b) participation and attendance at a day of orientation to include prairie dog  
10 facts and proper techniques for trapping and relocating; and

11                               (c) fifteen days of on-the-job training in both trapping and relocating.

12                   (2) The trainer shall provide written verification that the person has met the  
13 requirements of Section 14-8.12(G)(1).

14                   (3) At a minimum, a qualified and experienced trainer must have had the training  
15 described in Section 14-8.12(G)(1).

16                   (4) Certification is a privilege and shall not be construed as a *property* right. The  
17 city manager may withdraw certification for failure to comply with the Santa Fe City Code.

18                   **H. General Requirements**

19                               **(1) Intent**

20                               Unless an exemption has been granted, it is prohibited to intentionally destroy or  
21 otherwise harm the Gunnison's prairie dog on any lands within Santa Fe at any time in relation to a  
22 *development*.

23                               **(2) Procedures and Submittals**

24                                       **(a) Pre-application inspection**

25                               As a *pre-application* requirement, the *land use director* shall inspect the

1 *development* site for prior *grading* and the existence of Gunnison's prairie dogs. If Gunnison's prairie  
2 dogs are found on the *property*, then the *owner* or developer shall contact a certified trapper/relocator  
3 who shall develop a relocation schedule and plan.

4 **(b) Submittals**

5 The *owner* or developer shall submit a relocation schedule and plan for  
6 review and approval as part of the *development* submittal that addresses the requirements provided in  
7 this Section 14-8.12(H) before *development* takes place. Approval of the relocation plan is required  
8 before a *grading permit* or any other construction *permit* is issued.

9 **(c) Preferred Relocation Times**

10 The preferred relocation times are June 15 through September 15. The  
11 Gunnison's prairie dog may also be relocated in April, but may not be relocated or otherwise  
12 disturbed between May 1 and June 15, which is its breeding season, unless exempted pursuant to  
13 Section 14-8.12(C). *Owners* and developers of *property* shall make every effort to coordinate their  
14 *development* stages and operations with this schedule.

15 **(d) Relocation Services**

16 Only a certified prairie dog trapper/relocator may perform the relocation  
17 services.

18 **(e) Relocation Costs**

19 The *property owner* or developer is responsible for all relocation expenses,  
20 costs and fees related to the relocation of Gunnison's prairie dogs.

21 **(f) Written Notice**

22 Upon completion of the prairie dog relocation, the *owner* or developer shall  
23 submit written notice to the *City* from the certified trapper/relocator hired for the relocation work that  
24 the relocation has occurred.

25 **I. Additional Requirements**

1           If a *development* does not occur within one year of the *plat* or *development* plan approval or  
2 the issuance of a *building* or *grading permit* and reestablishment of the Gunnison's prairie dog colony  
3 occurs, the applicant must again comply with the provisions of this Section 14-8.12.

4           **14-8.13 [NEW MATERIAL] DEVELOPMENT WATER BUDGETS**

5           **A. Summary**

6           Section 14-8.13 establishes:

7                   (1) Procedures for the calculation of water budgets for *development* projects  
8 proposing new *City* water system demand that must be offset; and

9                   (2) Thresholds that determine which *City* water budget program applies to a  
10 particular *development* project. The Water Conservation Credit Program, Section 25-11 SFCC 1987,  
11 administers water conservation credits created through conservation contracts or retrofit rebates at  
12 existing developed *property* within the *City's* water service area which credits may be used to offset  
13 new system demands of small *development* projects. The Water Rights Transfer Program, Section 25-  
14 12 SFCC 1987, administers water rights transfers required to offset new system demands of larger  
15 *development* projects.

16           **B. Development Water Budget**

17                   (1) The *development* water budget shall be reviewed and approved by the  
18 Engineering Section of the Water Division and shall contain the following information:

19                           (a) A description of all proposed and existing *structures* on the subject  
20 *parcel* of land together with a complete description of all proposed and existing water fixtures and  
21 other water using devices and equipment to be installed or constructed on the subject *parcel* (not  
22 including water to be used during and for construction);

23                           (b) A description of all proposed water uses proposed for the subject *parcel*  
24 of land, separating such uses by indoor and outdoor categories and including the total area of  
25 proposed and existing landscaping; and



1 (c) A quantification in gallons and acre-feet of the total proposed water  
2 usage on the subject *parcel* of land on an annual basis. In the case of phased *development*, the  
3 quantification shall also include the proposed water usage by each phase of *development*.

4 (2) *Applicants* may choose to:

5 (a) Allow the Water Division to calculate a *development* water budget based  
6 on standard formulas using historical water use data for similar type of *development*; or

7 (b) Develop a detailed alternative *development* water budget for the  
8 *development* project supported by reliable data that demonstrates that the anticipated annual water use  
9 will be less than if based on the Water Division's standard formulas.

10 (3) When a proposed new *structure* or use replaces an existing *structure* or use, and  
11 that new *structure* or use is similar to the existing *structure* or use, and when the prior *structure* was  
12 occupied or the use active no less than 12 months prior to application for which a *development* water  
13 budget is required, the *development* water budget may be reduced to an amount equal to the average  
14 annual consumption in the previous 24 months, or some other time period approved by the *governing*  
15 *body* for a specific *development*.

16 (4) A *development* water budget may also be reduced by an amount equal to a  
17 specific approved annual water allocation made by the *governing body* for the *development* project as  
18 set forth in Section 25-9.6 SFCC 1987.

19 (5) The *City* shall allow reduction in the consumptive water rights required to be  
20 transferred in this subsection by the amount of consumptive water rights required for any Santa Fe  
21 Homes Program unit, a Housing Opportunity Program unit as per a valid Housing Opportunity  
22 Program Agreement or any *dwelling unit* meeting the definition of a low-priced *dwelling unit* as set  
23 forth in Section 26-2 SFCC 1987. The reduction is contingent upon the applicant entering into an  
24 agreement or other approved document with the *City* regarding the low-priced *dwelling units*. The  
25 document shall be recorded with the *county* clerk.

(6) A *development* water budget may be for a single phase of a multi-phase *development* project.

### **C. Applicability of Development Water Budgets**

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

(1) Final subdivision *plats* except:

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

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

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

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

(4) Major project plans in the Business Capital District;

(5) *Building permits* (whether or not a meter for service has been previously installed) except the following:

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

(b) Replacement of 33% or less of an existing *building*;

(c) Remodels;

(d) Additions:

- 1 (i) Where there are no new fixture installations;
- 2 (ii) Where there are up to three new water fixtures provided that the
- 3 increased *building* area does not exceed 500 square feet; and
- 4 (e) Shell only *permits* which will later require *permits* for tenant
- 5 improvements at which time the *development* water budget is required;
- 6 (6) Secondary plumbing *permits* (plumbing *permits* independent of a *building*
- 7 *permit*) resulting in an increase of water use, unless multiple installations in either commercial or
- 8 multifamily residential uses, except the following:
- 9 (a) A spa not exceeding 500 gallons;
- 10 (b) An oversized tub not exceeding 100 gallons;
- 11 (c) A swamp cooler;
- 12 (d) A recirculating fountain not exceeding 1000 gallons of containment area;
- 13 and
- 14 (e) A garden pond not exceeding 2000 gallons;
- 15 (7) Changes in permitted land use resulting in an increase in water use;
- 16 (8) Projects located outside the *City* limits, prior to application for an agreement to
- 17 construct and dedicate water lines; and
- 18 (9) City of Santa Fe, Santa Fe County, New Mexico, Federal, and any other
- 19 governmental, or quasi-governmental *development* not subject to the *City's development* review or
- 20 *building permit* processes which will require water service from the *City's* water system.

21 **D. Monitoring, Violations, Penalties, Remedies, and Disclosure**

22 The following shall apply to alternative *development* water budgets, as set forth in Section

23 14-8.13(B)(2)(b) and to water conservation contracts as set forth in the water conservation credit

24 program, Section 25-11.3(C)(1):

- 25 (1) Beginning the first year that a customer's water service is subject to usage

1 restrictions from an alternative *development* water budget or a contract for water conservation the  
2 Water Division shall monitor water customer's water usage on an annual basis.

3 (2) If a water customer exceeds water usage allowable under the customer's  
4 alternative *development* water budget or conservation contract in any annual period measured from  
5 the commencement of the restriction, the Water Division shall monitor the customer's water usage on  
6 a monthly basis and compare current monthly use to the previous year's use in the same month to  
7 determine whether the customer has returned to compliance. The Water Division shall, at the same  
8 time, notify the customer that the alternative *development* water budget or conservation contract has  
9 been exceeded, that the customer's usage will be monitored monthly to determine whether the  
10 customer has reduced water usage to the amount permitted under the alternative *development* water  
11 budget or the conservation contract, and the consequences that will ensue if the customer does not  
12 return to compliance. Water customers shall be charged a 50% surcharge over the base rate of water  
13 on the excess water delivered over annual budgeted or contracted amount for that year.

14 (3) If, after four months of monitoring, the customer is in compliance with the  
15 alternative *development* water budget or conservation contract, the customer shall be so informed and  
16 shall then be monitored on an annual basis.

17 (4) If, after four months of monitoring, the customer's water usage still exceeds the  
18 alternative *development* water budget or conservation contract by 10% or more on a monthly pro-rata  
19 basis, the Water Division shall immediately notify the customer that the customer has exceeded the  
20 alternative *development* water budget or conservation contract. The Water Division shall recalculate  
21 the alternative *development* water budget or the conservation contract for the customer based on  
22 actual consumption over the period of noncompliance and shall notify the customer of the additional  
23 water rights, water credits or conservation credits needed to meet the new budget or contract. If the  
24 customer does not transfer sufficient water rights, water credits or conservation credits to the *City*  
25 within 90 days to make up the difference, the Water Division shall transfer sufficient water

1 conservation credits to the customer to offset the net difference and shall include in the customer's  
2 next billing the current cost of those water conservation credits. In addition, the *City* shall bill the  
3 customer the 50% surcharge for the water delivered during this second year over the budgeted or  
4 contracted amount. A customer may, at any time, transfer additional water rights, water credits or  
5 conservation credits to the *City* to increase the customer's alternative *development* water budget or  
6 conservation contract restriction in order to forestall the imposition of further surcharges for excess  
7 water usage.

8 (5) Customers that fail to provide sufficient water rights, water  
9 credits or conservation credits or to pay the cost of the water conservation credits and the imposed  
10 surcharges shall have water service disconnected in accordance with Rule No. 9, Exhibit A of Chapter  
11 25 SFCC 1987.

12 (6) Representatives of a *development* project that have adopted an alternative  
13 *development* water budget and property *owners* that have agreed to a conservation contract shall  
14 provide disclosure statements to prospective buyers which shall be included on all recorded *plats* and  
15 *development* plans. The statements shall include the amount of water to which each *lot*, unit or other  
16 portion of the project is limited under the alternative development water budget or conservation  
17 contract and shall include a description of the penalties set forth in this paragraph.

#### 18 **E. Dedication of Water to Development**

19 (1) A *building permit* application shall not be approved until the *applicant* has  
20 dedicated water to meet the approved *development* water budget for the *development* project plus a  
21 9.8% contingency that covers water utility delivery requirements, as documented by the Water  
22 Division dedication form and complied with the conditions thereof. This contingency water is  
23 comprised of water used for community health and safety purposes, such as firefighting and fire  
24 hydrant testing, water used in production for flushing of water distribution and sewer lines, and also  
25 results from meter errors, line leaks, and losses from water main breaks.

1 (2) Based on the approved water budget for a *development* project, the *applicant*  
2 shall obtain water through either the water rights transfer program (Section 25-12 SFCC 1987) or the  
3 water conservation credits program (Section 25-11 SFCC 1987) to meet the *development* water  
4 budget according to the following criteria:

5 (a) *Applications* for *residential* uses which have a *development* water budget  
6 equal to or greater than ten acre-feet per year shall obtain water through the water rights transfer  
7 program;

8 (b) *Applications* for *residential* uses which have a *development* water budget  
9 less than ten acre-feet per year, designated as small *development* projects, shall obtain water through  
10 the water rights transfer program or the water conservation credit program or through a combination  
11 of both;

12 (c) *Applications* for *non-residential* uses which have a *development* water  
13 budget equal to or greater than five acre-feet per year shall obtain water through the water rights  
14 transfer program;

15 (d) *Applications* for *non-residential* uses which have a *development* water  
16 budget less than five acre-feet per year, designated as small *development* projects, shall obtain water  
17 through the water rights transfer program or the water conservation credit program or through a  
18 combination of both;

19 (e) *Applications* with both *residential* and *non-residential* uses each in  
20 substantial amounts which have a *development* water budget equal to or greater than seven and one  
21 half acre-feet per year shall obtain water through the water rights transfer program; and

22 (f) *Applications* with both *residential* and *non-residential* uses each in  
23 substantial amounts which have a *development* water budget less than seven and one half acre-feet per  
24 year shall either obtain water through the water rights transfer program or the water conservation  
25 credit program or through a combination of both.

1           **F. Variances**

2           Variances to the requirements set forth in Section 14-8.13 shall be heard by the *governing*  
3 *body* according to the procedures set forth in Section 14-3.16.

4           **G. Appeals**

5           Appeals of decisions of the *City* staff regarding Section 14-8.13 shall be heard as set forth in  
6 Section 14-3.17.

7           **14-8.14 [NEW MATERIAL] IMPACT FEES**

8           **A. Short Title and Applicability**

9                     (1) This Section 14-8.14 may be known as the "Impact Fee Ordinance".

10                    (2) The provisions of this Section 14-8.14 apply to all of the territory within the  
11 planning and *planning* jurisdiction of the *City*.

12           **B. Intent**

13           To respond to the increasing demand for *capital improvements* that are related to the actual  
14 impact of new *development*, the *governing body* deems essential the imposition of impact fees on new  
15 *development* within Santa Fe. It is the intent of the *governing body* to:

16                     (1) promote the health, safety and general welfare of the people of Santa Fe and  
17 accommodate orderly growth and development;

18                     (2) provide for the imposition and collection of an impact fee upon *new development*  
19 within Santa Fe to serve the demand for capital facilities and public improvements; and

20                     (3) ensure that new *development* contributes its proportionate share of the cost of  
21 capital expenditures necessary to provide public facilities and *infrastructure* that has a rational nexus  
22 to the proposed *development*.

23           **C. Fee Assessment and Collection**

24                     (1) The assessment for impact fees occurs on the date a *plat* or *development* plan  
25 receives final approval, from the *City* or the *state* construction industries division or, in the absence of

1 a *plat* or plan, the date of the *development permit application*. Impact fees collected within four years  
2 of the date of assessment shall be based on the impact fee schedule in effect at the time of assessment.  
3 After the expiration of the four-year period, the new *development* shall be subject to the fee schedule  
4 in effect at the time of *application* for a construction *permit*. No action on the part of the *City* is  
5 required for assessment to occur.

6 (2) The collection of impact fees shall occur at the time of issuance of a construction  
7 *permit* according to the fee schedule in effect for the *development*.

#### 8 **D. Exemptions, Waivers and Reimbursements**

9 (1) Certain types of *permits* for new construction shall be exempt from the terms of  
10 this Section 14-8.14. An exemption shall be claimed at the time of construction *permit application*.  
11 The *impact fee administrator* shall determine the validity of a claim for exemption pursuant to the  
12 criteria set forth in this Section 14-8.14(D). The following are exempt from the provisions of this  
13 Section 14-8.14:

14 (a) *alterations* of, or additions to, existing residential uses where no  
15 additional *dwelling units* are created;

16 (b) replacement of a destroyed, partially destroyed or moved residential  
17 *building* or *structure* with a new *building* or *structure* of the same use and the same size and with the  
18 same number of *dwelling units*;

19 (c) replacement of destroyed, partially destroyed or moved *non-residential*  
20 *building* or *structure* with a new *building* or *structure* of the same *gross floor area* and use;

21 (d) construction *permits* for new residential units that are part of a master  
22 plan, *development* plan or subdivision *plat* where land is dedicated to the *City* to provide park land, as  
23 provided in Section 14-8.15 (Dedication and *Development* of Land for Parks, *Open Space*, Trails and  
24 *Recreation Facilities*), are exempt from park impact fees; and

25 (e) parking *garages* or parking *lots*.



1 (2) *Application* for waivers of impact fees shall be made at the time of *application*  
2 for a construction *permit*. *Applications* shall be reviewed by the office of affordable housing. Impact  
3 fees shall be waived for:

4 (a) Santa Fe homes or Santa Fe rental units as defined in Article 26-1 SFCC  
5 1987;

6 (b) housing opportunity program home or housing opportunity program  
7 rental units subject to a valid housing opportunity program agreement; or

8 (c) A low-priced *dwelling unit* as defined in Article 26-2 SFCC 1987.

9 (3) The impact fee calculation for an approved waiver shall be tracked by the *land*  
10 *use director* for accounting purposes.

11 (4) When a *dwelling unit* for which impact fees have been paid is later deemed by  
12 the *City* to qualify for the waiver described in Section 14-8.14 (D)(2), it is entitled to a full  
13 reimbursement of the impact fees paid.

14 (5) To promote the economic development of Santa Fe or the public health, safety  
15 and general welfare of its residents, the *governing body* may agree to pay some or all of the impact  
16 fees imposed on a proposed new *development* or redevelopment from funds of the *City* other than  
17 impact fees from other *developments*.

18 (6) Governmental entities shall pay all impact fees imposed under this Section 14-  
19 8.14.

#### 20 **E. Fee Determination**

21 (1) A person who applies for a construction *permit*, except those exempted or  
22 preparing an independent fee calculation study, shall pay impact fees in accordance with one of the  
23 following fee schedules. If a credit is due pursuant to Section 14-8.14(I), the amount of the credit  
24 shall be deducted from the amount of the fee to be paid.

25 (2) The fee schedule in this Section 14-8.14(E)(2), also referred to as the "new" fee

schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *City* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

#### NEW FEE SCHEDULE

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	<b>\$3,130</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	<b>\$3,498</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	<b>\$3,714</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	<b>\$3,837</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	<b>\$3,942</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	<b>\$4,024</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	<b>\$4,147</b>
Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	<b>\$891</b>
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	<b>\$1,782</b>
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
Other (Apts., Condos, S.F. Attached Guest H)	Dwelling	\$1,554	\$97	\$110	\$39	<b>\$2,674</b>
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas	1000 sq. ft.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>

<b>Land Use Type Single-Family Detached Dwelling or Manufactured Home</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
Sales						
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	<b>\$1,689</b>
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	<b>\$3,370</b>
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	<b>\$754</b>
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	<b>\$1,710</b>
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	<b>\$1,210</b>
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	<b>\$480</b>

(3) The fee schedule in this Section 14-8.14(E)(3), also referred to as the "old" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that received final approval from the *City* or the *state* construction industries division on or before June 30, 2008, which assessment is valid for a period not to exceed four years from the date of the subdivision or *development* plan approval. The "old" fee schedule shall also be applied to construction *permits* issued on or before June 30, 2008.

## OLD FEE SCHEDULE

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
<b>S-F Detached Dwelling or Guesthouse</b>						
Heated Living Area						
(0 to 1,500 sq. ft.)	Dwelling	\$1,135	\$767	\$118	\$29	<b>\$2,049</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$1,527	\$1,128	\$165	\$40	<b>\$2,860</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$1,820	\$1,397	\$212	\$52	<b>\$3,481</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,053	\$1,614	\$259	\$63	<b>\$3,989</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,247	\$1,793	\$306	\$75	<b>\$4,421</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,414	\$1,946	\$353	\$86	<b>\$4,799</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,560	\$2,080	\$400	\$98	<b>\$5,138</b>
Other (Apts., Condos, S.F. Attached)	Dwelling	\$1,485	\$863	\$94	\$61	<b>\$2,503</b>
Hotel/Motel	Room	\$2,017	\$0	\$182	\$61	<b>\$2,260</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$3,893	\$0	\$182	\$61	<b>\$4,136</b>
Auto Sales/Service	1000 sq. ft.	\$3,123	\$0	\$182	\$61	<b>\$3,366</b>
Bank	1000 sq. ft.	\$5,249	\$0	\$182	\$61	<b>\$5,492</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$7,336	\$0	\$182	\$61	<b>\$7,579</b>
Health Club, Recreational	1000 sq. ft.	\$2,814	\$0	\$182	\$61	<b>\$3,057</b>
Movie Theater	1000 sq. ft.	\$8,730	\$0	\$182	\$61	<b>\$8,973</b>
Restaurant, Sit-Down	1000 sq. ft.	\$4,248	\$0	\$182	\$61	<b>\$4,491</b>
Restaurant, Fast Food	1000 sq. ft.	\$9,247	\$0	\$182	\$61	<b>\$9,490</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,191	\$0	\$182	\$61	<b>\$2,434</b>
Medical Building	1000 sq. ft.	\$3,503	\$0	\$182	\$61	<b>\$3,746</b>
Nursing Home	1000 sq. ft.	\$981	\$0	\$182	\$61	<b>\$1,224</b>
Church	1000 sq. ft.	\$1,632	\$0	\$182	\$61	<b>\$1,875</b>
Day Care Center	1000 sq. ft.	\$3,404	\$0	\$182	\$61	<b>\$3,647</b>
Elementary/Sec. School	1000 sq. ft.	\$534	\$0	\$182	\$61	<b>\$777</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,557	\$0	\$182	\$61	<b>\$1,800</b>
Warehouse	1000 sq. ft.	\$1,109	\$0	\$182	\$61	<b>\$1,352</b>
Mini-Warehouse	1000 sq. ft.	\$386	\$0	\$182	\$61	<b>\$629</b>
G.F.A. - <i>Gross Floor Area</i> ; fees shown for nonresidential uses are per one thousand square feet of gross floor area						

- 2 (4) If the type of new *development* for which a construction *permit* is requested is
- 3 not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of
- 4 the fee applicable to the most nearly comparable type of land use on the fee schedule. The following
- 5 shall be used as a guideline for impact fee determination when the specific use is not identified in the
- 6 fee chart.

1                                   **(a) Residential**

2                                   (i) a home occupation *business* shall be charged according to the fee  
3 schedule for the appropriate residential category; and

4                                   (ii) the hotel/motel ancillary use fee shall apply to meeting rooms,  
5 lobby area and general use areas of the facility. Retail and restaurant square footage shall be charged  
6 under the commercial use category.

7                                   **(b) Retail/Commercial**

8                                   (i) the general retail fee shall be used for a hair salon, laundromat,  
9 dry cleaner, garden center/nursery retail display area, gas station without a convenience store and  
10 inventory storage for a retail *business*, including growing area for a garden center/nursery;

11                                  (ii) the bank fee assessment shall include the square footage of any  
12 drive-thru kiosk and parking area with or without a roof;

13                                  (iii) the restaurant fast food fee shall include square footage for the  
14 drive-thru kiosk and parking area with or without a roof; and

15                                  (iv) the packaged food restaurant fee shall be used for a restaurant or  
16 bar that does not have any food preparation facilities.

17                                  **(c) Office/Institutional**

18                                  (i) the office general fee shall be used for a studio that is not  
19 residential and not retail;

20                                  (ii) the office general fee shall be used for a medical office that does  
21 not have any medical equipment, such as an office for psychiatry;

22                                  (iii) the medical office fee shall be used for an animal hospital; and

23                                  (iv) the nursing home fee shall be used for an assisted living facility.

24                                  **(d) Industrial**

25                                  (i) the warehouse fee shall be used for an animal shelter, storage that

1 is not inventory storage or maintenance equipment; and

2 (ii) the mini-warehouse fee shall be used for a single storage unit or  
3 for multiple storage units.

4 (5) Impact fees shall be assessed and collected based on the primary use of the  
5 *building* as determined by the *impact fee administrator*. Uses that are distinct and separate from the  
6 primary use, which are not merely ancillary to the primary use and are one thousand square feet or  
7 greater, will be charged the impact fee category based on the distinct and separate use.

8 (6) Where a *permit* is to be issued for a *building* "shell" and the *impact fee*  
9 *administrator* is unable to determine the intended use of the *building*, the *impact fee administrator*  
10 shall assess and collect impact fees according to the zoning district in which the *building* is to be  
11 located as follows:

12 (a) C-2 and all SC zones - "Shopping Center/General Retail" fee rate;

13 (b) HZ zone - "Medical *Building*" fee rate; and

14 (c) C-1, C-4 and all other nonresidential zones - "Office, General" fee rate.

15 (7) If there is an increase in the amount of the impact fee calculation once a tenant  
16 improvement *permit* is submitted, the difference from what was paid at the time of the shell *permit*  
17 and the tenant improvement fee calculation shall be paid prior to issuance of the construction *permit*.  
18 If the fee schedule determination for the square footage of the use identified in the tenant  
19 improvement construction *permit* results in a net decrease from what was paid at the time of the shell  
20 *permit*, there shall be no refund of impact fees previously paid.

21 (8) Live/work *developments* containing *dwelling units* in combination with  
22 *nonresidential* floor area in a common *building* shall pay impact fees for each *dwelling unit* according  
23 to the residential fee rate for "Other" and for the *gross floor area* intended for *nonresidential* use  
24 according to the "Office, General" fee rate. If the initial Live/Work construction *permit application* is  
25 for a shell construction *permit*, the *impact fee administrator* shall collect impact fees at the "Office,

1 General" fee rate. If *dwelling units* are added as a use within the *building* after the *building* has been  
2 charged impact fees at a *nonresidential* fee rate, and there is no increase in *gross floor area*, the  
3 *impact fee administrator* shall collect only the required park impact fees for the *dwelling units* at the  
4 residential fee rate for "Other" at the time of the *dwelling unit permit application*.

5 (9) If a construction *permit application* changes or intensifies the use of an existing  
6 *building*, increases the *gross floor area* of an existing *building*, or replaces an existing *building* with a  
7 new *building* and new use, the fee shall be based on the net increase in the fee for the new use or  
8 increase as compared to what the current fee would be for the previous use or floor area. If the  
9 proposed change results in a net decrease in the fee there shall be no refund of impact fees previously  
10 paid.

#### 11 **F. Independent Fee Calculation**

12 (1) The *impact fee administrator* may require an independent fee calculation for any  
13 proposed *development* interpreted by the *impact fee administrator* as not one of those types listed on  
14 the fee schedule or as one that is not comparable to any land use on the fee schedule.

15 (2) The preparation and cost of the independent fee calculation study is the sole  
16 responsibility of the applicant.

17 (3) The independent fee calculation study shall be based on the same service  
18 standards and facility costs used in the impact fee *capital improvements plan* and shall document the  
19 methodologies and assumptions used.

20 (4) An independent fee calculation study submitted by an applicant to calculate a  
21 road impact fee shall address all three factors relevant to the generation of service units, namely, trip  
22 generation rates, primary trip factors and average trip lengths.

23 (5) After review, the *impact fee administrator* shall approve or reject the conclusions  
24 of the independent fee calculation study.

#### 25 **G. Use of Fees**

1 (1) An "impact fee fund" that is distinct from the general fund of the *City* is created,  
2 and the impact fees received shall be deposited in the following interest-bearing accounts of the  
3 impact fee fund:

- 4 (a) fire impact fee account;
- 5 (b) police impact fee account;
- 6 (c) parks impact fee account; and
- 7 (d) roads impact fee account.

8 (2) The impact fee accounts shall contain only those impact fees collected pursuant  
9 to this Section 14-8.14 for the type of facilities reflected in the title of the account, plus accrued  
10 interest.

11 (3) The money in each impact fee account shall be used only for the following:

12 (a) to acquire or construct *capital improvements* or *facility expansions* of the  
13 type reflected in the title of the account and identified in the *capital improvements plan*;

14 (b) to pay debt service on the portion of any current or future general  
15 obligation bond or revenue bond used to finance *capital improvements* or *facility expansions* of the  
16 type reflected in the title of the account and identified in the *capital improvements plan*;

17 (c) planning, surveying and engineering fees paid to an independent  
18 qualified professional who is not an employee of the *City* or county for services provided for and  
19 directly related to the construction of *capital improvements* or *facility expansions*;

20 (d) fees actually paid or contracted to be paid to an independent qualified  
21 professional, who is not an employee of the *City*, for the preparation or updating of a *capital*  
22 *improvements plan*;

23 (e) up to three percent of total impact fees collected for administrative costs  
24 for *City* personnel, for professional services related to impact fee assignment/distribution or for  
25 reporting to the capital improvements advisory board;



1 (f) refunds as provided in Section 14-8.14(H); and

2 (g) credits as provided in Section 14-8.14(I).

3 **H. Refunds**

4 (1) Upon the request of an *owner* of the *property* for which an impact fee has been  
5 paid, any money in the impact fee fund paid for that *property* that has not been spent within seven  
6 years after the date on which the fee was paid shall be returned to the current *owner* of record as listed  
7 with the county assessor with interest since the date of payment.

8 (a) Money in each impact fee account shall be considered to be spent in the  
9 order collected on a first in/first out basis.

10 (b) Interest shall be calculated from the date of collection to the date of  
11 refund at the statutory rate set forth in Section 56-8-3 NMSA 1978 (Interest Rate; No Written  
12 Contract).

13 (c) Requests shall be filed with the *City* within thirty days of the eligibility  
14 for the refund.

15 (d) Response to a request for a refund, including the amount of the refund  
16 and the procedure for applying for and receiving the refund, shall be sent or served in writing to the  
17 current *owner* of the *property* within thirty days of the date the refund was requested.

18 (e) All refunds shall be made to the current *owner* of the *property* at the time  
19 the refund is paid.

20 (f) Notwithstanding the provisions of Section 14-8.14(H)(1)(a) through (e),  
21 if the impact fees were paid by a government entity, notice shall be given to and the refund shall be  
22 made to the government entity.

23 (2) If an applicant has paid an impact fee required by this Section 14-8.14 and the  
24 construction *permit* later expires without the possibility of further extension, and the *development*  
25 activity for which the impact fee was imposed did not occur and no impact has resulted, the applicant

1 who paid the fee is entitled to a refund of ninety-seven percent of the fee paid, without interest. To be  
2 eligible to receive such refund, the applicant who paid the fee must submit an *application* for the  
3 refund within thirty days after the expiration of the *permit* or extension for which the fee was paid.

#### 4 **I. Credits**

5 (1) Credit against impact fees shall be provided for contributions made by  
6 developers toward the cost of *capital improvements* or *facility expansions* identified in the Impact  
7 Fees *Capital Improvements Plan* and eligible for funding with impact fees pursuant to the provisions  
8 of this Section 14-8.14.

9 (a) Credits for eligible improvements are effective when the payment has  
10 been made, the land has been dedicated in fee simple to the *City* or the improvements have been  
11 completed and have been accepted by the *City*.

12 (b) No credit shall be applied to the road impact fee for improvements to the  
13 major roadway system that primarily serve traffic generated by the *development* project, such as  
14 acceleration/deceleration lanes into and out of the project.

15 (c) No credit shall be applied to the road impact fee for installation of a  
16 traffic signal or intersection improvement at the intersection of a public *street* and a private road or  
17 driveway.

18 (2) To receive credit for eligible improvements, the developer shall submit complete  
19 engineering drawings, specifications and construction cost estimates to the *impact fee administrator*.  
20 The *impact fee administrator* shall determine the amount of credit due based on the information  
21 submitted, or where such information is inaccurate or unreliable, then on alternative engineering or  
22 construction costs acceptable to the *impact fee administrator*.

23 (3) The planning commission or *governing body* may approve a credit for eligible  
24 improvements as a condition of approval for a *plat*, *development* plan or other similar *application*.

25 (4) To qualify for an impact fee credit, the developer shall enter into an impact fee

1 credit agreement with the *City* prior to *plat* or plan recordation. The approved impact fee credit shall  
2 be identified on the *plat* to be used at the time of construction *permit* in the fee calculation. The  
3 impact fee credit agreement shall specify the following:

4 (a) the amount of the credit;

5 (b) how the credit will be allocated within the *development* project; and

6 (c) how the developer will be reimbursed for the cost of in-kind contributions  
7 that exceed the amount of impact fees due from the *development* project.

8 (5) If the *new development* for which credits have been issued is sold to different  
9 *owners*, the credits usable by each new *owner* shall be calculated in terms of each *owner's* percentage  
10 share of the impact fees against which the credits were issued that would otherwise be due from the  
11 entire *new development*.

12 (6) The right to claim credits shall run with the land and may be claimed only by  
13 *owners of property* within the *new development* for which the land was dedicated or the improvement  
14 was made. Credits issued for a particular *new development* shall not be transferable to another  
15 *development*.

16 (7) Credits provided pursuant to this Section 14-8.14 shall be valid for ten years  
17 from the effective date of the impact fee credit agreement.

18 (8) In the absence of an impact fee credit agreement specifically providing  
19 otherwise, no reimbursement shall be made to a developer for the amount of credit due in excess of  
20 impact fees otherwise due from the *development*.

#### 21 **J. Miscellaneous Provisions**

22 (1) Nothing in this Section 14-8.14 shall restrict the *City* from requiring the  
23 construction of reasonable project improvements required to serve the *new development* project,  
24 whether or not the improvements are of a type for which credits are available under Section 14-  
25 8.14(I).

1                   (2) The *impact fee administrator* shall maintain accurate records of the impact fees  
2 paid, including the name of the person paying the fees, the project for which the fees were paid, the  
3 date of payment of each fee, the amounts received in payment for each fee, the amount of any credits  
4 provided against the fees or refunds paid and any other information the *City* deems appropriate or  
5 necessary for the accurate accounting of the fees. Records shall be available for review by the public  
6 during normal *business* hours and with reasonable advance notice.

7                   (3) If an impact fee has been calculated and paid based on a mistake or  
8 misrepresentation, it shall be recalculated and paid as follows:

9                               (a) the amount overpaid by an applicant shall be refunded by the *impact fee*  
10 *administrator* to the applicant within thirty days after the approval of the recalculated amount;

11                              (b) the amount underpaid by the applicant shall be paid to the *impact fee*  
12 *administrator* within thirty days after the acceptance of the recalculated amount; and

13                              (c) in the case of an underpayment or nonpayment of impact fees, the *City*  
14 shall not issue any additional *permits* or approvals for the project for which the impact fee was  
15 previously underpaid until such underpayment is corrected and, if amounts owed to the *City* are not  
16 paid within the thirty-day period, the *City* may also issue a stop work order or rescind any *permits*  
17 issued in reliance on the previous payment of the impact fee.

18                   (4) A determination made by the *impact fee administrator* may be appealed to the  
19 *land use director* within thirty days from the date of the determination. The *land use director's*  
20 decision is final.

21                   (5) Furnishing false information on any matter relating to the administration of this  
22 Section 14-8.14, including the furnishing of false information regarding the expected size, use or  
23 impacts from a proposed *new development*, is a violation of this Section 14-8.14. The *City* may issue  
24 a stop work order or rescind any *permits* issues in reliance on the previous payment of such impact  
25 fee.

1           **K. Annual Report and Periodic Updates**

2           The capital improvements advisory committee (CIAC) shall make an annual report to the  
3 *governing body* on impact fee revenues collected during the previous year, current impact fee fund  
4 amounts, *capital improvements plan* projects under construction that are using impact fee revenues,  
5 the effects of impact fees on new housing prices and new affordable housing as well as any perceived  
6 inequities in implementing the plan or imposing the impact fee. The land use assumptions and *capital*  
7 *improvements plan* on which the impact fees imposed by this Section 14-8.14 are based shall be  
8 updated at least every five years. The five-year period begins on the day the *capital improvements*  
9 *plan* is adopted. The *City* shall review its current land use assumptions and update the *capital*  
10 *improvements plan* in accordance with Sections 5-8-1 to 5-8-42 NMSA 1978 (Development Fees  
11 Act).

12           **14-8.15 [NEW MATERIAL] DEDICATION AND DEVELOPMENT OF LAND FOR**  
13 **PARKS, OPEN SPACE, TRAILS AND RECREATION FACILITIES**

14           **A. Purpose**

15           (1) The *governing body* deems it in the best interest of the *City* and its citizens that  
16 adequate provision be made for parks, *open space*, trails and *recreation facilities*, and for *City*  
17 maintenance of those parks, *open space*, trails and *recreation facilities*.

18           (2) These regulations provide standards for the dedication of land or easements to  
19 the *City* to assist in implementing the *City's* parks, open space, trails and recreation master plan.

20           (3) These regulations provide standards based on the average number of persons per  
21 housing unit according to Census 2000, which is two persons per unit for Santa Fe.

22           (4) Land dedicated for neighborhood parks shall be based on a rate of three acres per  
23 one thousand persons, or per five hundred housing units.

24           (5) Land dedicated for regional parks, community parks, *open space* and trails shall  
25 be based upon a rate of twelve acres per one thousand persons, or per five hundred housing units.

1 (6) For usable park land, park dedication should result in a park area of no less than  
2 one acre.

3 (7) Land or easements dedicated for public, nonmotorized trails may be used to  
4 satisfy the requirement for dedication of regional parks under Section 14-8.15(A)(5) and to establish  
5 an interconnected regional transportation system.

6 **B. Applicability**

7 (1) Except as limited in Section 14-8.15(B)(3), this Section 14-8.15 applies to  
8 *applications* for subdivision or *development* approvals that create new residential *lots* or *dwelling*  
9 *units* submitted after the effective date of this Section 14-8.15.

10 (2) *Developments* that are part of an annexation *plat*, master plan or similar  
11 document that dedicated park land in compliance with this Section 14-8.15 are not required to comply  
12 at time of individual subdivision or plan approval.

13 (3) Public, nonmotorized trail dedication requirements set forth in Section 14-  
14 8.15(D) shall apply only to all subdivision *plats* and *development* plans.

15 **C. Land Dedication Requirements; Park Development Requirement**

16 (1) A master plan, *development* plan or subdivision proposing one hundred sixty-  
17 seven or more single-family residential *lots* shall dedicate park land to the *City* according to the  
18 requirements set out in Section 14-8.15(C)(3).

19 (2) For any other *development* proposing *dwelling units*, the *City* shall require land to  
20 be dedicated for either neighborhood parks or regional parks or both, unless the amount of land or  
21 type of land is not suitable for public parks, *open space* or *recreation facilities*. Where the *City*  
22 determines that no land is to be dedicated for neighborhood parks, then neighborhood park impact  
23 fees shall be collected according to Section 14-8.14. Where the *City* determines that no land is to be  
24 dedicated for regional parks, then regional park impact fees shall be collected according to Section  
25 14-8.14.

1 (3) Where land is to be dedicated to the *City* for parks, *open space* and *recreation*  
2 *facilities*, the amount of land dedicated shall be calculated as follows, in accordance with Sections 14-  
3 8.15(A)(4) and (5):

4 (a) neighborhood parks – six one-thousandths acres per new *housing unit*;  
5 and

6 (b) regional and community parks, *open space* and trails – twenty-four one  
7 thousandths acres per new *housing unit*;

8 (4) The *City* shall determine the suitability and location of land to be dedicated as set  
9 forth in the parks, open space, trails and recreation master plan, as well as the type, size and  
10 dimensions of land dedicated.

11 (5) Land dedicated shall be suitable for public use, including community,  
12 neighborhood, special use and pocket parks; *open space*; *recreation facilities* for *passive and active*  
13 *recreation* and sports, playgrounds and trails.

14 (6) Land to be dedicated shall be specified at the time of final subdivision *plat* or  
15 final *development* plan approval and it shall be clearly written on the *plat* or plan the specific category  
16 of park impact fees to be waived when the construction *permit* is issued.

17 (7) The developer shall be responsible for the *development* of all neighborhood and  
18 regional park land dedicated to the *City*. The park land shall be developed in accordance with the  
19 *City's* minimum *landscaping* and equipment standards, including playground, ball courts, sports  
20 fields, paved trails, benches and picnic tables, for each type of park created.

#### 21 **D. Public, Nonmotorized Trail Dedication Requirements**

22 (1) Dedications to the *City* for public, nonmotorized trails shall be made either by the  
23 dedication of fee simple land or by dedication of a public easement as determined by *City* staff. Such  
24 dedications are required wherever the approved parks, open space, trails and recreation master plan  
25 indicates a trail within or along the *property* line of a *parcel* to which this Section 14-8.15 applies.

1 The *City* may, at its discretion, also require trail dedication where it can be demonstrated that public  
2 trail use has occurred continuously for a period of ten years or more, as demonstrated by *City* staff  
3 through aerial photography supplemented by written testimony from affected parties.

4 (2) Staff shall determine the width of the required dedication based on the type of  
5 trail, existing topography and current *City* standards. The alignment of the trail may be modified by  
6 staff from that shown in the parks, open space, trails and recreation master plan to accommodate  
7 preservation of natural resources, address drainage and topography, improve public access or  
8 accommodate design goals of the *property owner*, as long as the connections between *public rights-*  
9 *of-ways*, *open space* or parks shown on the parks, open space, trails and recreation master plan are  
10 accomplished.

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

15 (4) The developer is responsible for the *development* of the trail in accordance with  
16 the *City's* standards. The *City* is responsible for maintenance of the trail upon inspection and  
17 acceptance of the improvements.

#### 18 **14-8.16 [NEW MATERIAL] SCHOOL REQUIREMENTS**

##### 19 **A. Purpose**

20 The *governing body* deems it in the best interest of the *City* and its citizens to assist the Santa  
21 Fe Public School District in planning for adequate school facilities and operations in response to  
22 residential *development*.

##### 23 **B. Applicability**

24 (1) This Section 14-8.16 applies to *applications* for *development* approvals or  
25 construction *permits* that create six or more new *residential lots* or *dwelling units* submitted after June



1 11, 2008. If an *application* is for a project which was included within a previous *application* for  
2 which notice and school district comment was submitted to the *City*, resubmittal of the previous  
3 documents shall be adequate provided that the project has not materially changed and that the school  
4 district's comments are not more than two years old.

5 (2) *Nonresidential developments* are encouraged to provide notice to the school  
6 district as set forth in this section.

### 7 **C. Notice Requirement**

8 Prior to submittal of an *application*, the applicant shall provide written notice of the proposed  
9 *application* to the Santa Fe Public School District. The notice shall include:

- 10 (1) The proposed number, size and price of *dwelling units*;
- 11 (2) Description of the project's target market;
- 12 (3) Proposed timeline for build out of the project; and
- 13 (4) Such other information as the school district determines is necessary to evaluate  
14 the potential impact of the proposed development on the school district.

### 15 **D. School District Response**

16 The applicant shall include in the *application* to the *City* a written response from the Santa Fe  
17 Public School District acknowledging receipt of the notice of the proposed project as well as written  
18 comment from the school district as to potential impacts of the proposed project on its facilities and  
19 operations. Such written comment shall be included in the materials reviewed by any *land use board*  
20 or the *governing body*. If the school district fails to provide written comments to the applicant within  
21 thirty days of receipt of the notice set forth in Section 14-8.16(C) above, the applicant may submit the  
22 *application* to the *City* without the school district's comment.

23 **Section 12. Article 14-9 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
24 **and a new Article 14-9 SFCC 1987 is ordained to read:**

25 **14-9 [NEW MATERIAL] INFRASTRUCTURE DESIGN, IMPROVEMENT AND**

1 **DEDICATION STANDARDS**

2 **14-9.1 GENERAL PURPOSE AND APPLICABILITY**

3 **A. Purpose**

4 The provisions of this article are intended to:

5 (1) ensure that improvements to *City infrastructure* that are necessary to directly  
6 serve specific new *development* projects are coordinated with the occurrence of that *development*;

7 (2) ensure that *infrastructure* is constructed in accordance with applicable provisions  
8 of Chapter 14;

9 (3) ensure that *infrastructure* is constructed in a manner that is consistent with  
10 applicable provisions of adopted policies, including the *general plan*; and

11 (4) coordinate the provision of *infrastructure* that directly serves specific new  
12 *development* projects with the provision of facilities needed to remedy existing deficiencies and with  
13 the provision of facilities that are subject to impact fees as provided in Section 14-8.14.

14 **B. Applicability**

15 All *developments* approved pursuant to the provisions of Chapter 14 must dedicate land and  
16 easements and must construct, or provide funding for the *City* to construct, the public and quasi-  
17 public *infrastructure* improvements required by Chapter 14 to address effects on existing and new  
18 *infrastructure* that serves the new *development*, including:

19 (1) fire hydrants, fire lanes, emergency access roads and access gates as required by  
20 Chapter 12 SFCC 1987 (Fire Prevention and Protection);

21 (2) *streets*, curbs, gutters, sidewalks, signing, striping, traffic control devices and  
22 *street* lighting consistent with the standards in this article and Chapter 23 SFCC 1987 (Streets,  
23 Sidewalks and Public Places);

24 (3) *grading* and retaining *walls* within the *right-of-way* and adjacent to the *right of*  
25 *way*;

(4) fences, walls and landscaping required for screening facilities from public view as required by Articles 14-7 (*Building Envelope and Open Space Standards and Measurements*) and 14-8 (*Development and Design Standards*);

(5) solid waste enclosures required by Section 21-4 SFCC 1987 (Refuse Collection);

(6) landscaping, irrigation and other improvements to common open space required by Articles 14-7 and 14-8;

(7) drainage or other facilities necessary to comply with Sections 14-8.2 (Terrain and Stormwater Management) and 14-8.3 (Flood Regulations) and Chapter 13 SFCC 1987 (Stormwater Utility);

(8) connections to and extensions of sewer mains as provided in Chapter 22 SFCC 1987 (Sewers);

(9) connections to and extensions of water mains as provided in Chapter 25 SFCC 1987 (Water);

(10) parks, trails and other facilities required by Section 14-8.15 (*Dedication and Development of Land for Parks, Open Space, Trails and Recreational Facilities*);

(11) other required utilities, including natural gas and electricity; and

(12) other improvements determined to be necessary in accordance with written policies of the land use director.

## **14-9.2 STREET IMPROVEMENT AND DESIGN STANDARDS**

### **A. Street Network**

(1) The arrangement, character, extent, grade and location of all streets shall conform to the general plan and shall be considered in their relationship to existing and planned streets, to topographic conditions and to public convenience and safety.

(2) Major streets shall be constructed, extended and widened in accordance with the general plan and the metropolitan transportation plan.

1 (3) Local *streets* shall be constructed, extended and widened in accordance with the  
2 *general plan* and to accommodate the orderly *development* of the types and *intensities* of *development*  
3 shown on the future land use map.

4 (4) The arrangement of *streets* in a *development* shall:

5 (a) provide for the continuation or appropriate projection of existing *streets*  
6 in surrounding areas; or

7 (b) conform to a plan for the neighborhood approved by the planning  
8 commission to meet a particular situation where topographic or other conditions make continuance of  
9 or conformance to existing *streets* impracticable.

10 **B. Street Types-Design Criteria**

11 (1) New public *streets* shall be constructed according to projected *average daily*  
12 *traffic* as shown in the *street* types-design criteria chart and Illustration 14-9.2-1, "Street Types  
13 Design Criteria". The design criteria are intended to recognize that *streets*:

14 (a) function as a critical urban design component of the neighborhoods they  
15 serve;

16 (b) together with sidewalks and trails, must safely meet the transportation  
17 needs of all users, including pedestrians of all ability levels, bicyclists, motorists and transit users;

18 (c) provide needed parking in many neighborhoods;

19 (d) serve as corridors for utilities and storm drainage.  
20  
21

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23  
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1

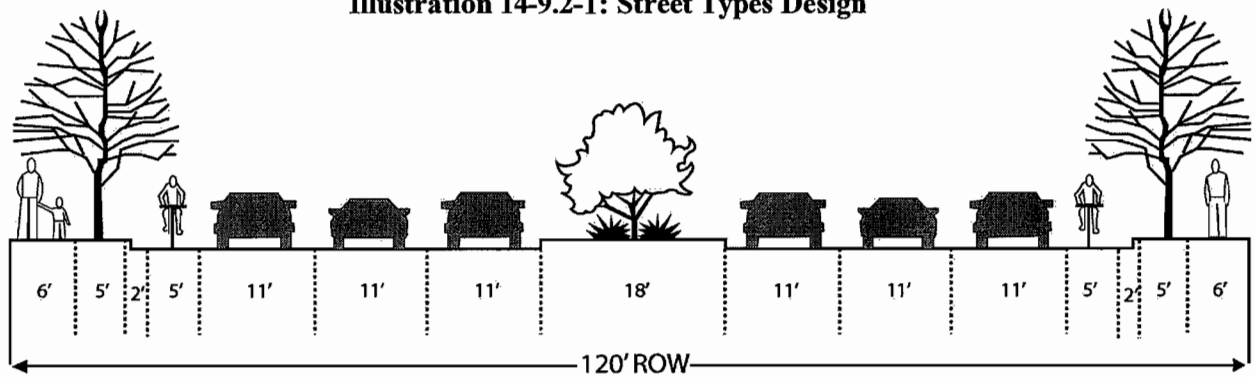
Table 14-9.2-1: Design Criteria for Street Types

<b>TABLE 14-9.2-1: Design Criteria for Street Types</b> <b>See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage</b>									
Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	50	50	42	46 or 52	38	NA
Slope/Grading Easement (conditional upon staff review)	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	4	NR	5	3	3-4	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR
<b>Notes:</b> NA - Not Applicable NR - Not Required 1. Refer to 14-9.2(C)(8) for additional standards for lanes and <i>lot</i> access driveways. <i>Lot</i> access driveway standard applicable to access from street to not more than eight single <i>family lots</i> . 2. Includes Median/Turn Lane 3. Parking required on both sides of street, except no parking on that side of a street adjoining the plaza. 4. Parking may be on one side or both sides of the street; parking lane should not be continuous.( ) All measurements in feet, unless otherwise noted.									

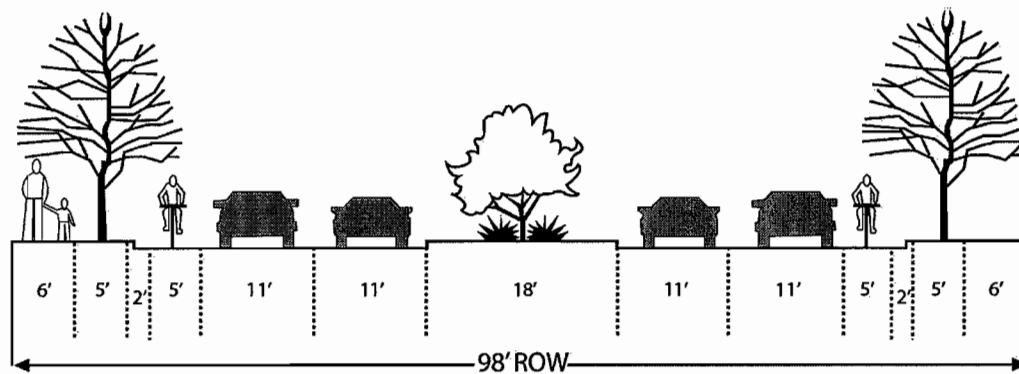
2

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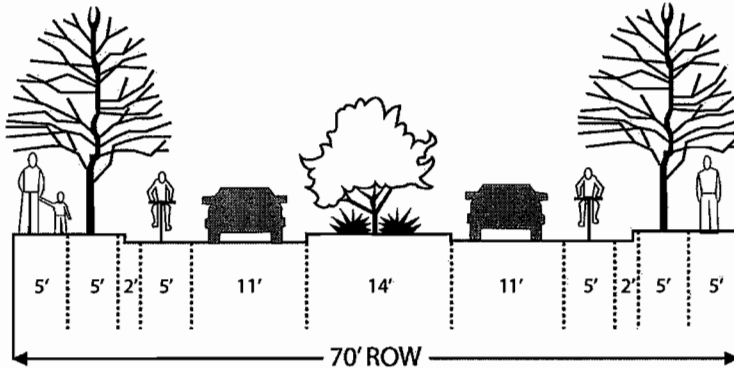
**Illustration 14-9.2-1: Street Types Design**



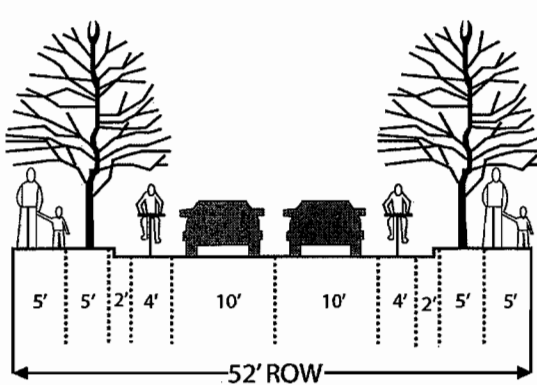
**MAJOR ARTERIAL 6-LANE**



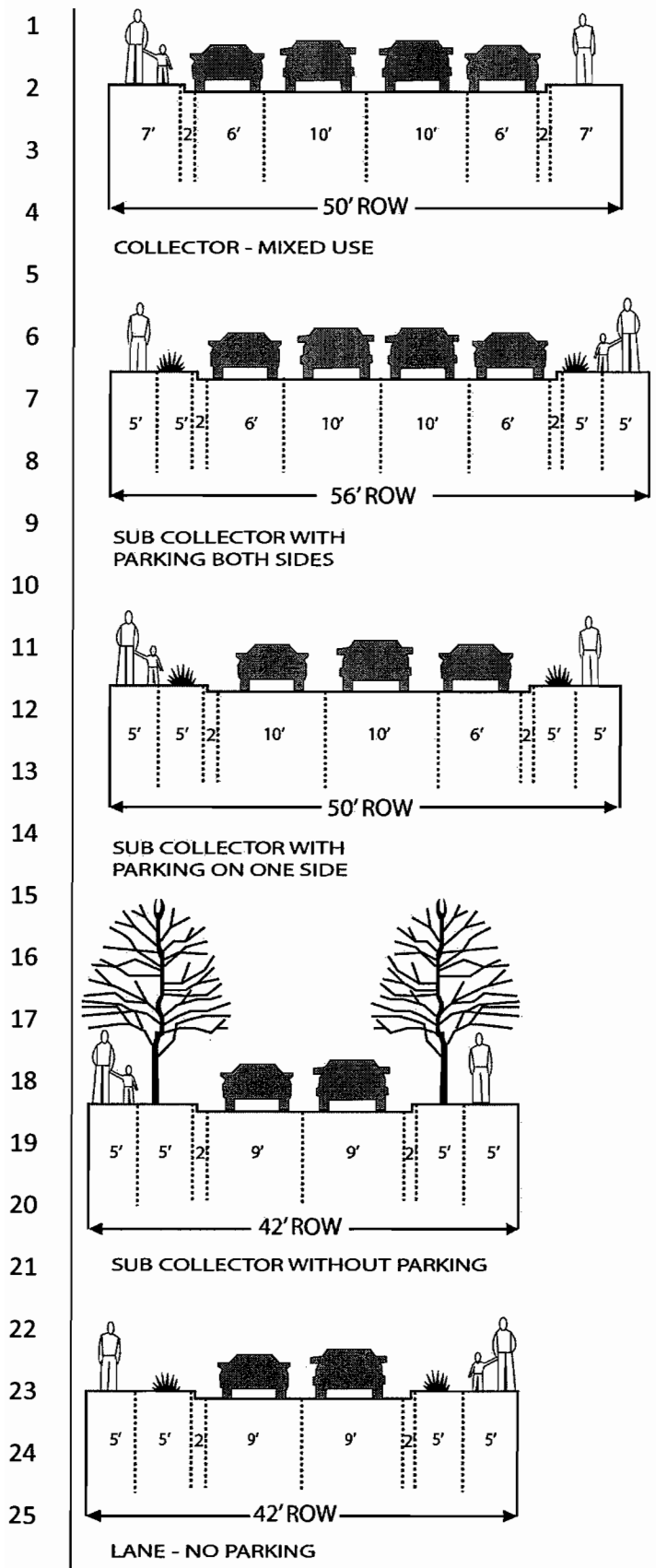
**MAJOR ARTERIAL 4-LANE**



**SECONDARY ARTERIAL**



**COLLECTOR**



1 (2) The collector mixed use *street* type is to be constructed in conjunction with the  
2 *development* of neighborhood centers and is designed to function like many of the *streets* near the  
3 plaza.

4 (3) To better achieve the intent of this Section 14-9.2, a *land use board*, or, in the  
5 case of *City street* projects, the *governing body*, may consider and approve innovative *street* designs  
6 that are not included among the *street* types and *street* sections shown or described in this Section 14-  
7 9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities.

8 (4) New *development* on an existing public *street* that does not meet the width or  
9 other applicable standards in Table 14-9.2-1 and that cannot be improved to meet those standards may  
10 exceed the *average daily traffic* or *dwelling unit* access standards in Table  
11 14-9.2-1 without a variance.

### 12 C. Street Design Engineering Standards

13 (1) Public and private *streets* and *lot* access driveways shall be designed and  
14 constructed in accordance with the provisions of this chapter; Chapter 12 SFCC (Fire Prevention and  
15 Protection) and any engineering standards adopted pursuant to this chapter.

16 (2) Where no specific standard has been adopted, *streets* shall be designed in  
17 accordance with applicable standards adopted by national engineering organizations such as the  
18 American Association of State Highway and Transportation Officials and the Institute of  
19 Transportation Engineers.

20 (3) Where no specific standard has been adopted, construction must comply with the  
21 current edition of the "New Mexico Department of Transportation Standard Specifications for Road  
22 and Bridge Construction".

23 (4) A private *street* built and subsequently proposed to be dedicated to the *City* must  
24 meet all applicable public *street* standards set forth in this Section 14-9.2.

25 (5) The *City* shall not maintain private *streets*.



1 (6) Following are specific construction and engineering standards:

2 (a) each *street* shall terminate in a cul-de-sac or other approved turnaround,  
3 except where the planning commission or summary committee requires a *street* to be stubbed out at a  
4 *property* boundary in anticipation of future extension;

5 (b) *property* lines at *street* intersections shall be rounded with a radius of ten  
6 feet, or a greater radius when necessary to allow the construction of a curb having a desirable radius.  
7 Sidewalks may not be curtailed at *street* corners to less than normal width. The planning commission  
8 may allow comparable cutoffs or chords in place of rounded corners;

9 (c) new *streets* shall be dedicated and improved to the full width for which  
10 they are planned, except where a *land use board* or the *governing body* determines that an interim  
11 width or level of improvements provides safe and adequate service as part of an enforceable plan for  
12 the phased completion of the improvements;

13 (d) when a *tract* to be developed borders an existing *street* having a *right-of-*  
14 *way* width insufficient to conform to the minimum width standards required by these regulations, the  
15 necessary additional *right of way* shall be *platted* and dedicated in such a way to make the resulting  
16 *street* conform;

17 (e) *street* names shall not duplicate or be so similar as to be confusing with  
18 existing *street* names. Where a proposed *street* is to be a continuation of an existing named *street*, the  
19 proposed *street* shall have the name of the existing *street*. *Street* names must be approved by the  
20 planning commission;

21 (f) curbs at intersections shall be designed with a minimum radius of twenty-  
22 five feet. The planning commission may approve a smaller radius;

23 (g) in areas zoned for residential *development*, *planting strips* are required  
24 between the edge of pavement and the edge of the required sidewalks. *Planting strips* must have a  
25 width of not less than five feet;

1 (h) the planning commission may approve *street* access to adjoining  
2 *property*, requiring proposed *streets* to be extended by dedication to the boundary of that *property*.  
3 Such *streets* shall be improved in the same manner as prescribed for other *streets* in the *development*;  
4 and

5 (i) *street* grades shall not exceed the following, with allowances for vertical  
6 curves:

- 7 (i) major and secondary arterial *streets* or highways, six percent;  
8 (ii) collector and subcollector *streets*, ten percent;  
9 (iii) lanes, fifteen percent except when a lesser grade is required by  
10 the fire marshal pursuant to fire apparatus access road standards; and  
11 (iv) no *street* grade shall be less than one half of one percent.

12 (7) All new *streets* must be paved; provided, however, that the planning commission  
13 may approve gravel surfaces for roadways classified as private lanes or shared private driveways if it  
14 finds, based on substantial evidence, that:

15 (a) vegetation or topographical maps or other evidence shows that dust from  
16 the roadways will not be a problem for residents living next to the roadway;

17 (b) the gravel lane is an important consideration in the area's *streetscape* or  
18 in the overall project design; and

19 (c) the gravel lane will not cause erosion or sediment problems or those  
20 problems will be eliminated by the use of accepted engineering methods.

21 (8) Specific construction and engineering standards, *lot* access driveways and *streets*  
22 classified as lanes:

23 (a) *streets* classified as "lanes" shall be laid out so that use by through traffic  
24 is minimized;

25 (b) *lot* access driveways shall be private. *Streets* classified as "lanes" may

1 be constructed as private *streets*;

2 (c) *lot* access driveways and private *streets* classified as “lanes” may be  
3 approved for access to newly created *lots* where the planning commission or summary committee  
4 determines that no public *street* is needed to provide access to the *property* being subdivided or to  
5 surrounding *properties*, based on existing and planned future uses of the *properties*.

6 (d) a roadway classified as a lane must meet the following standards:

7 (i) paved lanes; and

8 (ii) unpaved lanes that are approved for construction with gravel  
9 surfacing as provided in Subsection (B)(7) above

10 (A) twenty-two feet driving surface width;

11 (B) eight feet shoulder and drainage on each side;

12 (C) six-inch crushed gravel base course surfacing material;

13 and

14 (D) thirty-eight feet total right-of-way or access easement.

15 (e) A *lot* access driveway that is required to provide emergency vehicle  
16 access pursuant to Chapter 12 SFCC (Fire Prevention and Protection) must meet the standards of that  
17 chapter. Otherwise, a *lot* access driveway must have an all-weather driving surface at least ten feet in  
18 width, must be no steeper than fifteen percent grade, or as required by the fire marshal and must  
19 accommodate drainage and utility facilities and easements.

20 **D. Access and Traffic Calming**

21 (1) Where a *development* abuts or contains an existing or proposed arterial *street*, a  
22 *land use board* may require marginal access for collector or local *streets*, reverse frontage with *screen*  
23 planting or *walls* contained in a non-access reservation along the rear *property* line, *lots* with rear  
24 service alleys or such other treatment as may be necessary for adequate protection of *residential*  
25 *properties* and to afford separation of through and local traffic.

1 (2) Where a *development* borders on or contains a railroad *right of way* or limited  
2 access highway *right of way*, a *land use board* may require a *street* approximately parallel to and on  
3 each side or on either side of such *right of way*, at a distance suitable for the appropriate use of the  
4 intervening land for park or recreational purposes when such purposes are appropriate in the relevant  
5 area. Such distances also shall be determined with due regard for the requirements of approach  
6 grades and future grade separations.

7 (3) At least one through street that traverses the entire developed area shall be  
8 provided for each one thousand feet of developed area. See *General Plan 6-1-I-10*.

9 (4) At least two connections to the existing road network points shall be provided for  
10 every ten acres of *development*. See *General Plan 6-1-I-10*.

11 (5) Where a trail network exists or is planned, access to the trail network must be  
12 provided every 500 feet, where feasible. See *General Plan 6-3-I-9*.

13 (6) Reserve strips controlling access to *streets* are prohibited unless the *City* controls  
14 the reserve strip under conditions approved by the planning commission.

15 (7) Traffic calming measures are allowed in new *developments* and specific  
16 measures may be required by the planning commission to ensure traffic safety in new neighborhoods.

#### 17 **E. Sidewalks**

18 (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and  
19 sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and  
20 constructed in accordance with applicable standards as part of the subdivision or *development* plan  
21 *infrastructure*.

22 (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and  
23 sidewalks shall be constructed in accordance with applicable standards and dedicated to the *City* prior  
24 to issuance of a *certificate of occupancy* for:

25 (a) construction of a new *principal building*;

1 (b) all additions over five hundred square feet *gross floor area*;

2 (c) remodeling or renovations over five hundred square feet *gross floor area*  
3 for multiple-family residential and nonresidential *permits*; and

4 (3) sidewalk construction is not required to exceed twenty percent of the value of the  
5 other construction covered by the *permit* for additions and remodeling.

6 (4) Sidewalks shall be located in a *City right of way* or, if adequate *right of way* is  
7 not available, sidewalks shall be located in a public access easement dedicated to the *City* on an  
8 approved *plat*. The sidewalk shall be consistent with the *street* standards of Section 14-9.2(C) and  
9 located along each *street* frontage immediately adjacent to the *development*.

10 (5) New sidewalks, drive pads and curb ramps required pursuant to Section 14-  
11 9.2(E)(1)(a) or (b) must comply with the Americans with Disabilities Act accessible guidelines  
12 (ADAAG) and with New Mexico department of transportation pedestrian access details  
13 (NMDOTPAD). New sidewalks constructed pursuant to Section 14-9.2(E)(1)(a) must be constructed  
14 of concrete meeting standards adopted by the *City* or alternative materials approved by the *land use*  
15 *director* and be free of any *structures, signs, landscaping*, above ground utility elements or other  
16 items that prevent free passage along the sidewalk.

17 (6) Existing sidewalks are adequate if they are in good condition and substantially in  
18 compliance with ADAAG. Existing sidewalks shall be free of any *structures, signs, landscaping*,  
19 above ground utility elements or other items that prevent free passage along the sidewalk. However,  
20 in the situations described in Section 14-9.2(E)(1)(b), the *land use director* may allow the sidewalk  
21 barrier to remain or approve an alternate sidewalk alignment creating free passage if the removal of  
22 the sidewalk barrier is deemed not feasible.

23 (7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

24 (a) the width of the existing sidewalk;

25 (b) the required minimum width set forth in Table 14-9.2-1;

1 (c) the NMDOTPAD as may be amended by the *City*; or

2 (d) the minimum width required by ADAAG.

3 (8) A curb/access ramp meeting NMDOTPAD and *City* standards shall be  
4 constructed where two paved *streets* with curb, gutter and sidewalk intersect.

5 (9) Drive pads shall comply with NMDOTPAD and any *City street* standard details.

6 (10) If there is no curb or gutter, an alternative pedestrian route may be approved as  
7 part of a subdivision *plat* or *development* plan. The alternative pedestrian route shall comply with  
8 ADAAG. Consideration shall be given to future maintenance, the surrounding uses, *density* and the  
9 location and type of the *street*.

10 (11) Colored concrete shall be required in the *City's* H districts according to the color  
11 palette approved by the historic design review board available from the state historic preservation  
12 division. Alternative materials may also be required by the historic design review board. In addition,  
13 the *City* reserves the right to specify sidewalk color or alternative materials in other sections of the  
14 *City* as may be appropriate.

15 (12) Construction of sidewalks shall comply with Section 23-3 SFCC 1987 (Construction  
16 and Maintenance of Curbs, Gutters and Sidewalks).

#### 17 **F. Pedestrian Crosswalks**

18 Pedestrian crosswalks shall be included in the design of each signalized intersection and at  
19 any other *street* crossing locations required by the *land use director* and they must meet engineering  
20 standards adopted by the *City*. Crosswalks must connect sidewalks and must have sidewalk  
21 wheelchair ramps on each side of the *street*. Crosswalks shall be installed at the time of intersection  
22 construction.

#### 23 **G. Curbs and Gutters**

24 (1) All new *streets* must have curbs and gutters that meet *City* standards, except for  
25 roadways classified as lanes or shared private driveways if the planning commission finds, based on

substantial evidence, that the following conditions are met:

(a) absence of curbs and gutters will not contribute to the deterioration of the pavement edge, particularly on *streets* where on-street parking is allowed;

(b) curbs and gutters are not necessary to channel stormwater, as shown by a site-specific *drainage* and stormwater control plan analysis or other means; and

(c) curbs and gutters are not necessary to confine driveway access to specific locations and to maintain the appearance of the *streetscape*.

(2) Colored concrete is required in the H districts according to the color palette approved by the historic design review board available from the *state* historic preservation division.

#### **H. Maintenance of Public Parkways**

Maintenance of the public parkway, generally comprised of the *sidewalk setback* and the *sidewalk* itself, is the responsibility of the person owning or in charge or control of the *lot* or *property* contiguous to the parkway, exclusive of controlled access arterials. Maintenance shall be to eliminate public nuisances and ensure pedestrian and vehicular safety and visibility, and shall include the eradication of weeds and the trimming of trees and shrubs. Maintenance shall comply with Sections 10.3 SFCC 1987 (Weeds) and 23-3 SFCC 1987 (Construction and Maintenance of Curbs, Gutters and Sidewalks).

#### **I. Alleys**

Alleys shall comply with the following provisions:

(1) the *right-of-way* width of an alley shall not be less than twenty feet.

(2) alley intersections and sharp changes in alignment are not allowed and, where necessary, corners shall be cut off sufficiently to allow safe vehicular movement; and

(3) dead-end alleys are not allowed.

#### **J. Easements**

(1) Easements across *lots* or centered on rear or side *lot* lines shall be provided for

1 utilities if the planning commission or the city engineer finds that they are necessary for adequate and  
2 necessary utility service to the subdivision or surrounding areas. Such easements shall be at least ten  
3 feet wide and may be located over a *lot* line so that there is a five-foot easement on each *lot*; and

4 (2) Where a subdivision is traversed by a watercourse, *drainageway*, channel or  
5 stream, the *owner* shall provide a stormwater *drainage easement* or *right of way* conforming  
6 substantially with the lines of the watercourse, *drainageway*, channel or stream and of such width and  
7 construction the planning commission finds is adequate for the purpose. Parallel *streets* or parkways  
8 may be required by the planning commission in connection with the *drainage easement* or *right of*  
9 *way*.

10 (3) Easements required by this Section 14-9.2 shall not interfere with other  
11 easements or uses of the *property* on which the easement exists.

#### 12 **K. Utilities, Storm Drainage and Street Improvements**

13 Utilities, *storm drainage facilities* and *street* improvements shall be provided as follows.

##### 14 **(1) Standards and Specifications:**

15 (a) connection to *City* water service;  
16 (b) connection to *City* sewer services;  
17 (c) approval of storm sewer system and other drainage improvement plans  
18 by the city engineer;

19 (d) approval of *grading* and centerline gradients by the city engineer;  
20 (e) approval of major and secondary arterial *street* cross-section by the city  
21 engineer; provided, however, that the cost of improvement to the subdivider shall not exceed that  
22 which is required for improving a collector street.

23 (f) installation of *street* name *signs* of a material and design approved by the  
24 *governing body* at all street intersections;

25 (g) approval of complete *street* lighting facilities by the city engineer; and



(h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

**(2) Design Details, Construction Standards and Specifications**

Design details, construction standards and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the *governing body*.

**L. Landscaping**

*Landscaping* plans shall be submitted for all roadway medians and all *parkway strips*.

*Landscaping* plans shall include proposed location, size and type of vegetation or xeriscaping, including *street trees*, shrubs, ground cover or other proposed ground treatment in conformance with the *City's landscaping* regulations. Location of proposed *landscaping* shall meet sight distance and other safety criteria as determined by the *land use director*. *Landscaping* plans shall show any irrigation system necessary to maintain the roadway *landscaping*. The final approved *landscaping* plans shall be implemented at the *developer's* cost as part of road construction and all materials shall be maintained and guaranteed by the *developer* for a minimum of one year or until established. *Landscaping* plans should comply with Resolution 2010-66, Landscape Design Guidelines for Medians and *Planting Strips*, as amended.

**M. Bikeways**

Bikeways shall:

(1) be provided on each side of the *street* on collectors except collector mixed-use, secondary arterials and major arterials, unless a *street* is approved as a one way in which case a bikeway shall be placed to the right of the driving lane;

(2) be located between the driving lane and the curb and gutter or between the driving lane and right turn lane.;

(3) be separated from the driving lane by a solid white stripe or other appropriate pavement marking or traffic separation device approved by the *City*; and

(4) have a pavement width that conforms to the criteria set out in the *street* types-

design criteria chart.

### 14-9.3 BLOCK AND LOT AND DESIGN STANDARDS

#### A. Blocks

(1) The lengths, widths and shapes of blocks shall be determined with due regard to:

(a) provision of adequate *building* sites suitable to the special needs of the type of use contemplated;

(b) zoning requirements as to *lot* sizes and dimensions;

(c) need for convenient access, circulation, control and safety of *street* traffic;

(d) opportunities and limitations of topography; and

(e) special design standards and guidelines, including the standards provided in Section 14-5.5 (Highway Corridor Protection Districts) and applicable policies of the *general plan*.

(2) Blocks shall be wide enough to allow for two rows of *lots*, except that a single row of *lots* is allowed where such *lots* abut an arterial *street*, limited access highway, drainage course, railroad right of way, a single row of *lots* in an abutting subdivision or a different zoning district; to overcome specific disadvantages of topography or location; or in similar situations.

(3) Where restrictions on access to an adjoining road are required for all or part of the block, those restrictions shall be noted on the *plat*.

(4) A *landscaping* easement or screen *wall* shall be provided where appropriate.

(5) Pedestrian crosswalks shall not be permitted, except where the planning commission finds that they are essential to provide circulation or access to schools, parks, playgrounds, shopping areas, transportation and other public facilities and, if required, their location and width shall be as the planning commission requires to serve these purposes.

#### B. Lots

(1) Depth, width, area and shape of sites or *lots* shall be adequate, as determined by

the planning commission, to allow *development* in accordance with the applicable standards of Chapter 14, including the provisions of this article for the district in which the subdivision is located.

(2) Each *lot* shall be provided with access by means of a public *street*, private *street* or private driveway in accordance with the requirements of Section 14-9.2(B) (*Street Types – Design Criteria*).

(3) Side *lot* lines shall be substantially at right angles to straight *street right-of-way* lines and radial to curved *street right-of-way* lines.

(4) *Through lots* are prohibited, except as provided in Section 14-9.3(A)(2).

#### **14-9.4 UTILITY AND STORM DRAINAGE IMPROVEMENT AND DESIGN STANDARDS**

**[RESERVED]**

#### **14-9.5 INFRASTRUCTURE DEDICATION, COMPLETION AND GUARANTEES**

##### **A. Dedication of Rights of Way and Easements**

On-site and off-site *rights of way* and easements required for public and quasi-public *infrastructure* shall be dedicated before or concurrently with recording a subdivision *plat* or filing a *development* plan or issuance of a construction *permit* for any *development* for which no *development* plan or subdivision *plat* is required.

##### **B. Infrastructure Completion or Agreement to Construct Improvements Required**

The public or quasi-public *infrastructure* required for any *development* shall be completed by the developer in accordance with plans approved by the *City* prior to commencing other aspects of the *development*, or the developer must enter into an agreement with the *City* to construct improvements as described in Section 14-9.5(C). The *infrastructure* must be completed or the agreement to construct improvements must be executed prior to the earliest of the following:

(1) recording the *plat* for *development* that requires a subdivision *plat* other than a *plat* for a *family* transfer subdivision, a summary procedure *lot* split or a *resubdivision*;

1 (2) recording or filing in *City* archives an approved *development* plan;

2 (3) issuance of a construction *permit* for any construction other than the  
3 *infrastructure*, for *development* for which a *plat* for an inheritance or *family* transfer subdivision, a  
4 summary procedure *lot* split or a *resubdivision* is required; and

5 (4) issuance of a construction *permit* for any construction other than the  
6 *infrastructure*, for *development* for which no subdivision *plat* or *development* plan is required;

7 **C. Agreement to Construct Improvements, Financial Guarantee**

8 (1) The agreement to construct improvements must be executed by the developer  
9 according to *infrastructure* completion policies approved by the *land use director*.

10 (2) The agreement to construct improvements establishes the sequence of permitting,  
11 construction, completion and acceptance of *infrastructure* relative to the permitting, construction,  
12 completion and occupancy of *buildings* and other *development* activities, consistent with the  
13 requirements of Chapter 14 and applicable provisions of other chapters of the Santa Fe City Code and  
14 consistent with *City infrastructure* completion policies, including requirements for:

15 (a) partial completion of *infrastructure* prior to issuance of a construction  
16 *permit* for a *building*; and

17 (b) substantial completion of the *infrastructure* prior to issuance of a  
18 *certificate of occupancy*.

19 (3) The agreement to construct improvements shall include a financial guarantee in a  
20 form acceptable to the *land use director* for the construction cost of the *infrastructure* as estimated  
21 according to Section 14-9.5(G). If the financial guarantee uses an out-of-state financial institution, an  
22 additional contingency fee is required to reflect potential costs of possible out-of-state legal action.

23 (4) All required improvements shall be completed within two years after  
24 construction begins, unless a longer time period is approved by a *land use board* or by the *land use*  
25 *director* for a project that is to be constructed in phases.

1 (5) The developer may request a reduction in the amount of the financial guarantee  
2 when specific improvements are completed. To qualify for a financial guarantee reduction:

3 (a) the improvements must be completed according to approved plans and  
4 inspected by the *land use director*; and

5 (b) a written request for the reduction must be made using Form A1A G702  
6 or approved equivalent format and certified by the *architect* or *professional engineer* of record.

7 **D. Completion and Warranty Period Financial Guarantee**

8 (1) All *infrastructure* improvements shall be completed in accordance with the  
9 requirements of *City* regulations and approvals, and the *land use director* must inspect and accept all  
10 work.

11 (2) The developer shall warranty the *infrastructure* improvements for a period of one  
12 year after acceptance and must repair or replace defects at no cost to the *City* during the warranty  
13 period.

14 (3) During the warranty period, the developer shall maintain on file with the *City* a  
15 construction financial guarantee in an amount equal to ten percent of the cost estimate in Section 14-  
16 9.5(G) and it shall remain in effect until the required *infrastructure* has passed a final warranty  
17 inspection by the *land use director*. If there is no agreement to construct improvements, a separate  
18 financial guarantee for the warranty period consistent with *City infrastructure completion policies*  
19 shall be provided.

20 **E. Use of Funds by City**

21 If the required improvements are not completed in accordance with the agreement to  
22 construct improvements or the required repairs are not completed satisfactorily within the warranty  
23 period, the *City* may use the financial guarantee funds in any manner and in any combination it deems  
24 necessary to complete or repair the required improvements. This provision does not relieve the  
25 applicant of the obligation to complete the improvements or repairs according to the schedule in the

1 agreement, using other funds.

## 2 **F. Refund**

3 If all conditions of this Section 14-9.5 have been met, including acceptance of improvements,  
4 and the warranty period has passed, the *City* shall refund all money not called for within thirty days of  
5 a written request from the applicant.

## 6 **G. Construction Cost Estimate**

7 A construction cost estimate, prepared by a *professional engineer* or other qualified person  
8 approved by the *land use director* shall be provided for all public or quasi-public improvements that  
9 are required as a condition of approval or that will be maintained by the *City*, unless such  
10 improvements are built out prior to *plat* recordation. Required improvements include those described  
11 in Section 14-9.2 (Street Improvement and Design Standards) and as listed in the *City infrastructure*  
12 completion policies. The construction cost estimate is the basis for the financial guarantees required  
13 by Sections 14-9.5(C) and (D). The estimate and guarantees must include a ten percent contingency;  
14 provided that a five percent contingency is acceptable for nonprofit housing and economic  
15 development organizations approved by the community services department.

# 16 **14-9.6 STANDARDS FOR INHERITANCE OR FAMILY TRANSFER SUBDIVISIONS**

## 17 **A. Installation of Improvements**

18 Any improvements required to be constructed on inheritance or *family* transfer subdivisions  
19 are only required to be completed at the time a construction *permit* is issued on any *lot* contained in  
20 the subdivision, and not at the time of *plat* approval or recordation. A financial guarantee is not  
21 required at the time of *plat* recordation.

## 22 **B. Density and District Regulations**

23 Inheritance and *family* transfer subdivisions are required to meet the standards for use,  
24 *density*, *building* placement, height, *open space*, parking and other items set forth in the district  
25 regulations. *Densities* for newly annexed areas must conform to the *density* range provisions set forth

1 in the *general plan*.

2           **Section 13.     Article 14-10 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
3 **and a new Article 14-10 SFCC 1987 is ordained to read:**

4 **14-10 [NEW MATERIAL] NONCONFORMITIES**

5           **14-10.1 GENERAL PROVISIONS**

6           **A. Purpose and Intent**

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

14           **B. Construction in Progress**

15           Nothing in Chapter 14 requires a change in the plans, construction or designated use of a  
16 *structure* on which *actual* construction is in compliance with all *permits* and was lawfully begun prior  
17 to the effective date of adoption or amendment of Chapter 14 rendering the structure or designated  
18 use *nonconforming*.

19           **C. Determination of Nonconformity Status**

20           The *land use director* shall determine the status of a *nonconforming lot*, *nonconforming use*,  
21 *nonconforming structure* or *nonconforming sign*. For purposes of this Article 14-10, each *sign* shall  
22 be treated as a separate *structure*, including those attached to or painted on *buildings*. Appeals of the  
23 *land use director's* determination shall be pursuant to Section 14-3.17 (Appeals).

24           **D. Change of Tenancy or Ownership**

25           Change in tenancy or ownership of a *legal nonconforming lot* or a *lot* containing a *legal*

1 *nonconforming structure* or *legal nonconforming use* without change in the use or *structure*, does not  
2 affect the status of that *lot*, *structure* or use, except as provided in Section 14-10.5 (Nonconforming  
3 Signs).

#### 4 **14-10.2 LEGAL NONCONFORMING USES**

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

##### 6 **A. No Increase in Nonconformity**

7 *A legal nonconforming use* shall not be enlarged, *intensified*, increased or extended to occupy  
8 a greater area of land or *structure* than was occupied at the time the use became *nonconforming* and a  
9 *structure* containing a *legal nonconforming use* shall be subject to the provisions of Section 14-10.3  
10 unless the *legal nonconforming use* of the *structure* is terminated.

##### 11 **B. No Relocation on Parcel**

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

##### 14 **C. Termination of Nonconforming Use**

15 If a *legal nonconforming use* of land or use of a *structure* ceases for any reason for a period  
16 of more than one hundred eighty days or is replaced by a permitted use, that *nonconforming use* may  
17 not be resumed and any subsequent use of the land or *structure* shall conform to Chapter 14.

##### 18 **D. No Additional Structures**

19 Additional *structures* shall not be erected in connection with a *legal nonconforming use* of  
20 land or *structure*; and

##### 21 **E. Change of Use**

22 *A legal nonconforming use* may, as a special use permit, be changed to another *legal*  
23 *nonconforming use* if the board of adjustment finds that the proposed use is equally appropriate or  
24 more appropriate to the district than the existing *legal nonconforming use* and the new used does not  
25 increase the level of nonconformity. In allowing such change, the board of adjustment may require



appropriate conditions and safeguards in accordance with the purposes of Chapter 14.

### **14-10.3 LEGAL NONCONFORMING STRUCTURES**

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

#### **A. No Increase in Nonconformity**

A *legal nonconforming structure* shall not be enlarged or altered in a way that increases the degree or extent of its nonconformity. This Section 14-10.3 is not intended prohibit additions or *alterations* that do not increase the nonconformity.

#### **B. Reduction in Nonconformity**

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

#### **C. Substantial Destruction of Legal Nonconforming Structure**

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

#### **D. Relocation of Legal Nonconforming Structure**

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

#### **E. Repairs and Alterations**

(1) Ordinary repairs and maintenance are allowed, including replacement of *exterior wall and roof coverings*.

(2) Repair, maintenance or replacement of *interior nonstructural elements*, fixtures, wiring or plumbing, is allowed.

1 (3) *Alterations* to the legally nonconforming portions of the *building structure* are  
2 not allowed except to bring the structure into conformance with the provisions of Chapter 14.

3 (4) Nothing in Section 14-10 prevents *alteration* or repairs necessary to ensure the  
4 safety of a *structure* that has been declared to be unsafe by an official charged with protecting public  
5 safety, on order of such official.

#### 6 **14-10.4 LEGAL NONCONFORMING LOTS OF RECORD**

##### 7 **A. Use of Legal Nonconforming Lot**

8 Notwithstanding limitations imposed by other provisions of Chapter 14 with regard to  
9 minimum *lot* size or width or maximum *density*, a *single-family dwelling* and *accessory buildings*  
10 may be erected on a single *legal nonconforming lot* in a district in which *single-family dwellings* are  
11 allowed; provided that the *lot* does not adjoin a commonly owned *lot*, except as provided in Sections  
12 14-10.4(C) and (D). *Dimensions of required yards* and other requirements that do not involve area or  
13 width of the *lot* shall conform to the regulations for the district in which the *lot* is located.

##### 14 **B. Adjoining Lots**

15 Within the R-5, R-6, R-7, R-7(I), R-8 and R-9 districts, two adjoining commonly owned *legal*  
16 *nonconforming lots* may each be developed in accordance with the provisions of this Section 14-  
17 10.4(B) if each of the *lots* has a minimum *lot* area of four thousand square feet and has a width, depth  
18 and frontage equal to at least eighty percent of the minimum dimensions required by Chapter 14.  
19 Development of one or more adjoining, commonly owned *legal nonconforming lots* requires a  
20 conditional use *permit*, based on a finding that the development is consistent with the overall *lot*  
21 patterns and development characteristics of the surrounding neighborhood regardless of the area or  
22 width of the *legal nonconforming lot*.

##### 23 **C. Combination of Lots**

24 Contiguous commonly owned *lots* may be combined in order to meet the standards of  
25 Sections 14-10.4(A) and (B). The boundaries between adjoining commonly owned *lots* may be

adjusted in order to meet the standards of those sections; provided that no *lot* with an area of less than one thousand nine hundred square feet may be expanded to create an individually developable *lot*.

### **14-10.5 LEGAL NONCONFORMING STRUCTURES IN SPECIAL FLOOD HAZARD AREAS**

*Legal nonconforming structures in special flood hazard areas* may be replaced as set forth in Section 14-8.3(G).

**Section 14.**     **Article 14-11 SFCC 1987 (being Ord. #2001-38, as amended) is repealed and a new Article 14-11 SFCC 1987 is ordained to read:**

### **14-11 [NEW MATERIAL] ENFORCEMENT**

#### **14-11.1 COMPLIANCE WITH CHAPTER; QUESTIONS**

##### **A. Compliance**

All persons shall comply with the provisions of Chapter 14 and any regulations, orders or conditions of approval issued pursuant to Chapter 14.

##### **B. Questions**

Questions of administration and enforcement shall be presented first to the *land use director*. Questions shall be presented to the Board of Adjustment only by reference from the *land use director*.

#### **14-11.2 ENFORCEMENT OFFICER**

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

#### **14-11.3 ENFORCEMENT PROCEDURES**

##### **A. Complaints of Violations**

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

provided in this chapter.

## **B. Notice of Violations**

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

- (1) describes the specific violation;
  - (2) orders the action necessary to correct the violation;
  - (3) establishes a specific and reasonable period for the correction of the violation;
  - (4) states that failure to comply with the notice may result in one or more of the sanctions provided in Section 14-11.4 below; and
  - (5) is posted on the property in a conspicuous place, delivered in person to the property *owner* and/or tenant if applicable, or mailed by certified mail, return receipt requested, to the last-known address of the property *owner* and/or to the tenant, if applicable.
- (6) The enforcement officer may issue a citation or proceed with any other lawful remedy in addition to or in lieu of a written notice of violation.

## **14-11.4 REMEDIES AND PENALTIES**

### **A. Remedies**

(1) If a *structure* is erected, constructed, reconstructed, *altered*, repaired, converted or maintained; or a *structure* or property is used in violation of Chapter 14; or if any other violation of this chapter occurs, the *governing body*, city attorney, enforcement officer or other proper city official may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or to mandate compliance.

(2) The *land use director* may:

- (a) withhold or revoke construction *permits*;
- (b) withhold or revoke certificates of occupancy;

(c) withhold the recording of *plats* or *development* plans;  
(d) order discontinuance of illegal use of land or *structures*;  
(e) order discontinuance of any illegal work being done;  
(f) order removal of illegal *structures* or *alterations*; and  
(e) order that any land or *structure* modified in violation of this Chapter be restored to compliance.

(3) The *land use director* may use one or more of the remedies and penalties provided in this Article 11 without limiting the authority of the *land use director* or other officials to take other enforcement actions provided in this Code, including the suspension or revocation of a *permit* by the *building official* pursuant to Chapter 7 Building and Housing.

#### **B. Fines, Imprisonment**

Violations of Chapter 14 or of terms of approvals made pursuant to this chapter may be punished as provided in Article 1-3 (General Penalty) of the Santa Fe City Code.

#### **C. Civil Penalties**

In addition to other penalties or remedies, a penalty fee may be assessed for construction without proper *permit* approvals in accordance with a schedule adopted by resolution of the *governing body*.

#### **D. Revocation of Approvals**

Land use and development approvals such as special use *permits*, *development* plan approvals, variances, design approvals by the HDRB or BCDDRC and construction *permits* may be revoked by whichever body or official approved them, upon determining that there exists a substantial, continuing or recurring violation of any of the conditions of approval or other provisions of this Code and that revocation is an appropriate remedy given the nature of the violation.

(1) The procedure to revoke an approval shall be similar to the procedure for its issuance.

1 (a) For an approval that was granted by a *land use board* or the *governing*  
2 *body*, a public hearing shall be required at the same body to consider revocation. The *land use*  
3 *director* shall provide public notice of the revocation hearing by publication of the meeting agenda  
4 and/or a public hearing notice and by posting the property as required for the approval hearing. The  
5 *land use director* shall also provide notice fifteen days prior to the hearing by certified mail with  
6 return receipt requested to the permittee and to any person who has filed a written complaint  
7 concerning the violation.

8 (b) The *land use director* or other administrative official may revoke an  
9 approval that he or she has granted upon written notice delivered to the permittee by hand, by posting  
10 a notice on the property where the violation occurs, or by certified mail with return receipt requested.

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

14 **14-11.5 ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE**  
15 **CITY LIMITS**

16 If, after having been given notice as set forth in Section 26-1.19 SFCC 1987 (Enforcement of  
17 SFHP), a property *owner* subject to a SFHP agreement fails to comply with this section, Section 14-  
18 8.11 (Santa Fe Homes Program) or Article 26-1 (Santa Fe Homes Program), the office of affordable  
19 housing may request that the city manager authorize the city attorney's office to pursue enforcement  
20 of specific performance requirements in accordance with the SFHP agreement.

21 **Section 15. Article 14-12 SFCC 1987 (being Ord. #2001-38, as amended) is repealed**  
22 **and a new Article 14-12 SFCC 1987 is ordained to read:**

23 **14-12 [NEW MATERIAL] DEFINITIONS**

24 **14-12.1 DEFINITIONS**

25 As used in Chapter 14:

1       **ACCENT LIGHTING.** Any directional lighting that emphasizes a particular object or draws  
2 attention to a particular area.

3       **ACCESSORY.** As applied to a use or *structure*, means customarily subordinate or incidental  
4 to and on the same *lot* of such use or *structure* or on a contiguous *lot* in the same ownership.

5       **ACCESSORY DWELLING UNIT.** A *dwelling unit* that qualifies as an *accessory* use and  
6 *structure*. See Section 14-6.3(D)(1) (Standards for Specific Accessory Uses).

7       **ACTIVE WATER HARVESTING.** Containing precipitation or run-off in a storage tank or  
8 other device and distributing that water with a mechanical system by means of gravity or a pump.

9       **ACTUAL CONSTRUCTION.** Placing construction materials in permanent position and  
10 fastening in a permanent manner; provided that where demolition or removal of an existing structure  
11 has been substantially begun preparatory to new construction, such demolition or removal is actual  
12 construction as long as the work is diligently carried on until completion of the new construction  
13 involved.

14       **ADOBE.** Sun-dried block or coursing of dirt, clay, asphalt-impregnated earth or other natural  
15 earth materials.

16       **ADULT ARCADE.** A place open to the public in which coin-operated or slug-operated or  
17 electronically, electrically or mechanically controlled still or motion picture machines, projectors or  
18 other image-producing devices, including computer imaging, are maintained to show images to five  
19 or fewer persons at any one time and where the images so displayed are distinguished or  
20 characterized by the depicting or describing of specified anatomical areas.

21       **ADULT BOOKSTORE or ADULT VIDEO STORE.** A commercial establishment that as  
22 its *principal business* offers for sale or rent for any form of consideration any one or more of the  
23 following:

24               A. books, magazines, periodicals or other printed matter or photographs, films,  
25 motion pictures, videocassettes or video reproductions, slides or other visual representations that

1 depict or describe specified sexual activities or specified anatomical areas; or

2 B. instruments, devices or paraphernalia that are designed for use in connection with  
3 specified sexual activities.

4 **ADULT CABARET.** A *nightclub*, bar, restaurant or similar establishment whose primary  
5 activities regularly feature and include:

6 A. persons who appear in a state of nudity;

7 B. live performances that are characterized by the exposure of *specified anatomical*  
8 *areas* or by *specified sexual activities*; or

9 C. films, motion pictures, videocassettes, slides, computer-generated images or other  
10 photographic reproductions that are characterized by the depiction or description of *specified*  
11 *anatomical areas* or *specified sexual activities*.

12 **ADULT ESCORT AGENCY.** A person that furnishes, offers to furnish or advertises to  
13 furnish escorts for a fee, tip or other consideration.

14 **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:

15 A. offers accommodations to the public for any form of consideration; provides  
16 patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or  
17 other photographic reproductions that are characterized by the depiction or description of specified  
18 sexual activities or specified anatomical areas and has a *sign* visible from the public right of way that  
19 advertises the availability of this adult type of photographic reproductions;

20 B. offers a sleeping room for rent for a period less than ten hours; or

21 C. allows a tenant or occupant of a sleeping room to subrent the room for a period  
22 less than ten hours.

23 **ADULT MOTION PICTURE THEATER.** A commercial establishment that for any form  
24 of consideration, is substantially devoted to showing films, motion pictures, videocassettes, slides,  
25 computer-generated images or similar photographic reproductions that are distinguished or



1 characterized by an emphasis on matter depicting, describing or relating to specified sexual activities  
2 or specified anatomical areas. The term does not include theaters that primarily feature films rated  
3 NC-17, R, PG, PG-13 and films other than unrated or X-rated films.

4 **ADULT NEWSRACK.** A coin-operated machine or device that dispenses material  
5 substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

6 **ADULT PERFORMANCES AND ENCOUNTERS (LIVE).** A *business* that offers as the  
7 primary purpose:

8 A. physical contact in the form of wrestling or tumbling between persons engaging  
9 in specified sexual activities or exposing specified anatomical areas; or

10 B. activities by one or more persons, either male or female, when at least one of the  
11 persons is engaging in specified sexual activities or exposing specified anatomical areas; provided  
12 that the term does not apply to artist models who pose in art classes for adult students or other settings  
13 solely for the purpose of assisting a sculptor, a painter or other artist in rendering an artist rendition or  
14 presentation of the model.

15 **ADVERTISING STRUCTURE.** A *structure*, part of a structure or a device attached to,  
16 painted on or otherwise represented on a *building*, fence or other structure, upon which is displayed or  
17 included any letter, work, model, banner, flag, pennant, insignia, decoration, direction, advertisement  
18 or other attention-getting device, including a *sign*. *Advertising structure* does not include a similar  
19 structure located within a building except illuminated *signs* within show windows.

20 **ALTERATION.** A change of the architectural features of a *structure*, including the erection,  
21 construction, reconstruction or removal of the structure or any of its parts. Additions are considered  
22 *alterations*.

23 **ANIMAL PRODUCTION.** An area which is used for the raising of animals except as  
24 limited in Section 14-6.2(H) (Agricultural Uses).

25 **ANTENNA.** An exterior transmitting or receiving device that may be mounted on a *structure*

1 and that is used in communications that radiate or capture electromagnetic waves, digital signals,  
2 analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or  
3 other communication signals.

4 **ANTIQUE SHOP.** A *retail establishment* that offers for sale, within a *building*, articles such  
5 as glass, china, furniture or similar furnishings and decorations that have value and significance as a  
6 result of age, design or sentiment.

7 **APPELLANT.** A *person* filing an appeal.

8 **APPLICANT.** A *person* who has submitted an *application*. As used in Section 14-8.14  
9 (Impact Fees), the applicant for a *building permit* for which an impact fee is due.

10 **APPLICATION.** A request for a permit or other approval within the jurisdiction of the *land*  
11 *use director*, a *land use board* or the *governing body* that is required pursuant to Chapter 14, and  
12 includes the fees, forms, plans and associated documents.

13 **ARCHAEOLOGICAL FEATURES.** Nonportable *cultural remains*, including storage pits,  
14 firepits, burials, worksites, middens, architectural remains and undisturbed layers of deposited  
15 materials.

16 **ARCHAEOLOGICAL SITE.** A concentration of *cultural remains* inferred to be the  
17 locations of specific human activities of the past.

18 **ARCHITECT.** A person who is licensed by the *state* to design and supervise the  
19 construction of *buildings* and other large *structures*.

20 **ARCHIVAL RESEARCH.** Research in primary documents that is likely to yield  
21 information concerning the human occupation of a site, including deed, census, cartographic and  
22 judicial records.

23 **AREA MEDIAN INCOME.** The median income for the Santa Fe metropolitan statistical  
24 area as adjusted for various household sizes and published and revised periodically by the United  
25 States Department of Housing and Urban Development.

1           **ARTIFACT.** Portable material remains that exhibit evidence of human use or *alteration*.

2           **ARTS AND CRAFTS STUDIO.** A *building* that contains artist or craft studio space or  
3 schools in which works of art or craft are produced that may be sold on or off the *premises*.

4           **ASSESSMENT,** as used in Section 14-8.14 (Impact Fees), means the determination of the  
5 amount of an impact fee.

6           **AVERAGE DAILY TRAFFIC.** The total volume of traffic during the time period from  
7 7:00 a.m. to 6:00 p.m. in whole days, greater than one day and less than one year, divided by the  
8 number of days in that time period.

9           **AWNING.** A roof-like covering projecting from the wall of a *building* and that is typically  
10 made of metal, plastic, canvas or other textile.

11           **BACK-HAUL NETWORK,** as used in Section 14-6.2(E) (Telecommunications Facilities),  
12 means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching  
13 offices or long distance providers or the public switched telephone network.

14           **BAR DITCH.** A continuous shallow ditch parallel to a roadway that collects and distributes  
15 surface run-off from the roadway and adjacent terrain.

16           **BASAL AREA.** The cross section area of the stem or stems of a plant or of all plants in a  
17 stand expressed as square feet per acre. Bushes and shrubs, including piñon and juniper, are generally  
18 measured at or less than one inch above soil level. All other trees generally are measured at 4.5 feet  
19 above ground inclusive of bark. Measurements are taken from the uphill side of the *slope*. For the  
20 purposes of explanation only, 60 basal area is approximately equal to evergreen trees, each 6 feet tall,  
21 planted on 12 foot centers over one acre.

22           **BASE FLOOD.** The *flood* having a one percent chance of being equaled or exceeded in any  
23 given year.

24           **BASE FLOOD ELEVATION (BFE).** The elevation shown on the *FIRM* and found in the  
25 accompanying Flood Insurance Study (FIS) for Zones A and AE that indicates the water surface

elevation resulting from the *base flood*.

**BASELINE FLOOR AREA RATIO**, as used in the BCD, means the maximum permitted floor area ratio subject to the *townscape* standards where applicable, not taking into account allowable land-use intensity credits.

**BED AND BREAKFAST INN**. A *dwelling unit* that contains no more than twelve guest rooms where lodging, with or without meals, is provided for compensation.

**BEDROCK**. In-place, solid rock.

**BIO-FILTRATION**. A process by which waterborne pollutants are absorbed, captured or broken down by soil or are absorbed by plant materials.

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

**BOARDING HOUSE**. An *owner-occupied dwelling unit* where lodging for periods of thirty days or longer, with or without meals, is provided for compensation.

**BRUSH LAYERING**. An erosion control method that places branches perpendicular to a contour on excavated terraces to build living *structures*, which terraces are then backfilled with soil, covering the branches except for the tips.

**BRUSH MATTRESS**. An erosion control method where woven pads of live branches are staked to *slopes* to build living *structures* for coverage.

**BUILDABLE AREA**. That portion of a *lot* upon which *buildings* may be placed in compliance with *required yards*, *lot* coverage restrictions and other applicable provisions of Chapter 14.

**BUILDABLE SITE**, as used in Section 14-5.6 (Escarpment Overlay District), means a contiguous area of land located within a single *lot* on which a *structure* of not less than two thousand square feet can be developed in compliance with all requirements of that section, all requirements of the underlying zone and all applicable performance standards, including the terrain management

1 regulations set forth in Section 14-8.2 (Terrain and Stormwater Management).

2 **BUILDING.** A *structure* or parts of a structure covered and connected by a permanent roof  
3 and intended for shelter, housing or enclosure.

4 **BUILDING FRONTAGE.** The horizontal distance across the front of a *building*.

5 **BUILDING OFFICIAL.** The director of the inspections and enforcement division or other  
6 person designated by the *land use director*.

7 **BUILDING STRUCTURE.** The load-bearing portions of a *building*, including decking and  
8 sheathing for floors, walls and roofs.

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

14 **BUSINESS SERVICES.** A *business* primarily engaged in rendering services to other  
15 *businesses* on a fee or contract basis, including advertising and mailing, *building* maintenance,  
16 employment service, management and consulting services, protective services and equipment rental  
17 and leasing.

18 **CALIPER.** The diameter of the trunk of a tree as measured six inches above ground level, up  
19 to and including four-inch diameter, and twelve inches above ground for larger sizes.

20 **CABLE ACT.** The Cable Communications Policy Act of 1984, 47 U.S.C §532, et seq., as  
21 now and hereafter amended.

22 **CABLE SERVICE,** as used in Section 14-6.2(E) (Telecommunications), means cable  
23 service as defined in the Cable Communications Policy Act of 1984, 47 U.S.C §532, et seq., as now  
24 and hereafter amended.

25 **CAMPGROUND.** A plot of ground upon which one or more sites for camping are located,

1 established or maintained for occupancy by a tent, trailer, recreational vehicle, cabin, lean-to or  
2 similar *structure* established, maintained and operated for the general public as temporary living  
3 quarters.

4 **CANOPY.** An overhanging shelter or shade.

5 **CAPITAL IMPROVEMENT**, as used in Section 14-8.14 (Impact Fees), means any of the  
6 following facilities that have a life expectancy of ten or more years and are owned and operated by or  
7 on behalf of the *City*:

8 A. roadway facilities located within the service area, including roads, bridges, bike  
9 and pedestrian trails, bus bays, rights of way, *landscaping* and any local components of state and  
10 federal highways;

11 B. traffic signals located within the service area at the intersection of two *City*-  
12 maintained arterial streets;

13 C. neighborhood or pocket parks and related areas and facilities, referred to in  
14 Chapter 14 as "neighborhood parks" and community and regional parks, *open space* and trails and  
15 related facilities, referred to in Chapter 14 as "regional parks";

16 D. *buildings* for fire and rescue and essential equipment costing ten thousand dollars  
17 (\$10,000) or more and having a life expectancy of ten years or more; or

18 E. *buildings* for police and essential equipment costing ten thousand dollars  
19 (\$10,000) or more and having a life expectancy of ten years or more.

20 **CAPITAL IMPROVEMENTS PLAN**, as used in Section 14-8.14 (Impact Fees), means a  
21 plan that identifies *capital improvements* or *facility expansions* for which impact fees may be  
22 imposed. Capital Improvements or facility expansions needed to serve projected development in the  
23 service area based on the approved land use assumptions are identified in the capital improvement  
24 plan for water, wastewater, roads, parks, fire and police development impact fees, April 2003 or  
25 similar subsequent report approved by the *governing body*.

1       **CERTIFICATE OF OCCUPANCY.** A written document issued by the *land use director*  
2 certifying that a *structure* or use of land has been constructed or will be used in compliance with all  
3 applicable *City* codes and ordinances.

4       **CHANNEL,** as used in Section 14-8.3 (*Flood Regulations*), means a portion of a  
5 *drainageway* that has a naturally or artificially developed bed or banks to confine and conduct a  
6 continuous or periodic flow of water.

7       **CHECK DAM.** A small dam built within a drainage *channel* to decrease flow velocity and  
8 reduce erosion by reducing the channel gradient, minimize scour and promote deposition of sediment.

9       **CHILD DAY-CARE FACILITY.** A *building*, including an occupied residence, and its  
10 *premises*, that is used by the facility's operator to care for children on an all- or part-day basis.

11       **CISTERN.** An artificial, closed reservoir for storing water, often underground.

12       **CITY.** The City of Santa Fe.

13       **CITY ENGINEER.** A designated employee of the *City* who is both a professional engineer  
14 and a *state-certified floodplain manager*.

15       **CLINIC.** A medical, dental or other health care establishment with fewer than five beds or  
16 their equivalent where patients are admitted for examination and treatment by two or more health care  
17 practitioners sharing one office, and where patients are not lodged overnight.

18       **CLUB.** A nonprofit organization and its *premises*, including a lodge, that caters exclusively  
19 to members and their guests for social, intellectual, political, recreational, athletic or other common  
20 purposes.

21       **CLUSTER DEVELOPMENT.** A *development* in which dwelling units are grouped together  
22 and where *common open space* is provided.

23       **CLUSTERED SUBDIVISION.** A form of *development* for a single-family subdivision that  
24 allows a reduction in *lot* area, provided there is no increase in the number of *lots* permitted by the  
25 zoning district, and the undeveloped land resulting from the *lot* reduction is devoted to *open space*.

1           **COLLEGE OR UNIVERSITY.** An educational institution accredited at the college level by  
2 an agency or association recognized by the U.S. secretary of education and legally authorized to offer  
3 at least a one-year program of study creditable towards a post-secondary degree.

4           **COMMERCIAL DEVELOPMENT,** for the purpose of the *annual water budget* in Section  
5 14-8.13, means one or more *buildings* constructed for nonresidential use. Commercial development  
6 includes hotels, motels, offices, stores and other *retail establishments* and industrial, manufacturing,  
7 wholesaling and warehousing activities.

8           **COMMERCIAL RECREATIONAL USE OR STRUCTURE.** A facility for commercial  
9 recreational purposes such as a theater, bowling alley, pool room, driving range, miniature golf,  
10 health club, sports field or amusement park.

11           **COMMERCIAL STABLE.** A facility for the *business* of boarding horses or renting horses  
12 to the public.

13           **COMMERCIAL STRUCTURE.** A *structure* that is put to a commercial use as provided in  
14 Article 14-6 (Permitted Uses and Use Regulations).

15           **COMMON OPEN SPACE.** The outdoor area accessible to all residents within a  
16 *development*, which may be owned in undivided interest by all the residents of the *development* or  
17 dedicated for acceptance as a *City* park to the *City*, and it may remain in its natural state or may be  
18 landscaped or improved for passive or active recreational activities.

19           **COMPACT CAR.** A motor vehicle that is one hundred eighty-one inches or less in length,  
20 measured from front to rear bumper.

21           **COMPANY.** As used in Section 14-6.2(F) (*Electric facilities*), means electric service  
22 provider or its contractors or other *persons* constructing *electric facilities* and distribution facilities.

23           **COMPOUND.** Three or more attached or detached *dwelling units* on one *lot*.

24           **COMMUNITY RESIDENTIAL CORRECTIONS PROGRAM.** A community  
25 residential program for *persons* currently in the custody of, or recently released by, correctional



authorities which is designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life.

**CONDUCTOR.** As used on Section 14-6.2(F) (*Electric facilities*), means a substance or body, usually in the form of a wire, cable or busbar, that allows a current of electricity to pass continuously along it.

**CONSTRUCTED RAIN GARDEN.** A shallow water retention pond built to store water and provide *bio-filtration*, where the soil is amended to a minimum depth of eighteen inches with one part organic matter to two parts soil and planted with grasses, shrubs or trees.

**CONSTRUCTED WETLAND.** An artificial wetland designed and planted to store water and filter, process, absorb or breakdown waste products or pollutants.

**CONTIGUOUS LOTS.** Two or more *lots* with one or more common boundaries.

**CONTINUING CARE COMMUNITY.** A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or disabled persons as follows:

A. a continuing care community shall include:

(1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and

(2) a full nursing care unit with beds;

B. a continuing health care community may include:

(1) independent *dwelling units* for the elderly or disabled who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and

(2) an extended care facility; and

C. a *hospital* is not a continuing care community;

**CONTOUR LINE.** A line adjoining points of equal elevation on a topographic map.

**CONTRIBUTING STRUCTURE.** A *structure*, located in an H district, approximately fifty years old or older that helps to establish and maintain the character of that H district. Although a *contributing structure* is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The *contributing structure* may have had minor *alterations*, but its integrity remains.

**COOL SEASON TURF.** Grasses that require large volumes or frequent applications of water, including Kentucky bluegrasses, perennial rye grasses, fine fescues and tall fescues.

**COUNTY.** The *county* of Santa Fe.

**CROP PRODUCTION.** An area used for the raising or harvesting of agricultural crops intended to provide food or fiber.

**CULTURAL REMAINS.** The remains of prior human occupation or activity over seventy-five years of age, whether portable or nonportable, including historic and prehistoric *artifacts*, architectural features, human skeletal remains, animal skeletal remains found in an archaeological context, rock carvings and *culturally altered landscapes*.

**CULTURALLY ALTERED LANDSCAPE.** A landscape modified by human activity, including roadways, agricultural fields, farming terraces and irrigation ditches or other water control devices.

**CUT.** The removal of earth material from the surface of the land.

**DECK.** A *structure*, without a roof, directly adjacent to a *principal building* that has an average elevation of thirty inches or greater from finished grade. A deck may be constructed of any material.

**DENSITY.** The extent of *development* per unit of area. In *residential areas* or *development projects*, density is typically expressed in *dwelling units* per acre.

**DESIGN DEVELOPMENT DRAWINGS.** Preliminary submittals drawn to scale that fully

delineate the architectural characteristics of a *structure*, but that are not detailed enough to be considered working or construction drawings.

**DESIGN OBJECTIVES**, as used for the BCD, means a desirable or optimum set of physical characteristics that distinguish each *townscape* subdistrict. Design objectives for each subdistrict form the basis for the development of townscape district standards governing the preservation or development, or both, within subdistricts.

**DETENTION**. The temporary storage of storm water to prevent excessive or excessively rapid runoff.

**DEVELOPMENT**. A manmade change in improved and unimproved real estate, including *buildings* or other *structures*, mining, dredging, filling, *grading*, paving, excavation or drilling operations, with the exception of routine maintenance and repair.

**DISPLAY LOT**. A *lot* used primarily for the purpose of retail sales.

**DISTRIBUTION FACILITIES**. As used in §14-6.2(F) (*Electric facilities*), means the system of lines and poles, including the transformers and switches, and related appurtenances located thereon, that connects between transmission network and customer load that operates at electrical voltages of 40kV or below.

**DRAINAGE EASEMENT**. The total area of land dedicated or reserved by plat or otherwise acquired by the *City*, the *county* or the *state* primarily for the movement of storm water through a *drainageway*, a *floodplain* or land susceptible to *flooding* and for the maintenance of drainage *structures*.

**DRAINAGEWAY**. A natural or artificial land surface depression, with or without perceptibly defined bed and banks, to which or through which surface runoff gravitates, collects, impounds or is channeled for disposition.

**DRIVE-IN**. An establishment that by design, physical facilities, service or packaging procedures encourages or allows customers to receive services, obtain or consume goods or be

entertained while remaining in their motor vehicles.

**DWELLING, MULTIPLE-FAMILY.** A residential *building* containing two or more *dwelling units* on one *lot*, or two or more detached *principal* units on one *lot*.

**DWELLING, SINGLE-FAMILY.** One *principal dwelling unit*, occupied by one *family*, located on a *lot* without other *principal* uses or *structures*. Single-family dwelling includes a *manufactured home* but does not include a *mobile home*.

**DWELLING UNIT.** One or more rooms connected together constituting a separate, independent housekeeping establishment occupied by one *family*, for either *owner* occupancy, rental or lease and physically separated from any other *dwelling unit* that may be in the same *structure*, and containing independent cooking and sleeping facilities; provided that the term does not include group housing, hotels or motels.

**EARTH COLOR or EARTH TONE.** Muted and flat colors found in the earth in the area of the *development*, consistent with a sample palette of earth tone colors maintained by the *land use director*, and which may include dull or matte off-white (yeso) but not bright white or chocolate brown.

**EARTH MATERIAL.** Rock, natural soil or fill and any combination of these.

**ECOLOGICAL RESOURCE RESTORATION:**

A. erosion prevention and control, including protection of natural drainage channels and compliance with an approved storm water drainage management plan;

B. preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones;

C. conservation of water, including preservation of existing native vegetation, reduction in amounts or irrigated areas and similar considerations;

D. stream corridor and wetland protection and buffering;

E. site topography, including such characteristics as steepness of *slopes*, existing

1 drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic  
2 topographic features;

3 F. *floodplains* and *flood ways*;

4 G. wildlife movement corridors; and

5 H. hydrology and groundwater flow.

6 **ELECTRIC FACILITIES.** As used in §14-6.2(F) (*Electric Facilities*):

7 A. 40kV and above transmission lines;

8 B. Switching stations;

9 C. Substations; or

10 D. The placement of 3 or more distribution poles and related lines.

11 **ELECTRIC PROJECT.** As used in §14-6.2(F) (*Electric Facilities*), the placement of 40kV  
12 and above transmission lines, switching stations, and substations; the upgrade, replacement, or  
13 relocation of any 40kV and above transmission lines, switching stations and substations; and the  
14 placement of more than 3 new distribution poles (not reviewed through the development review and  
15 building permit process).

16 **ELECTRIC STRUCTURE.** As used in §14-6.2(F) (*Electric Facilities*), one or more poles  
17 connected to each other by braces, cross arms or grounding systems with insulators and other  
18 hardware and carrying device electric service.

19 **EMERGENCY.** As used in §14-6.2(F) (*Electric Facilities*), means any repair, restoration or  
20 replacement of an *electric facilities* made necessary because of a sudden unexpected event which has  
21 created a condition which is an immediate and continuing threat to the safety of property or persons.

22 **EMERGENCY FACILITIES.** As used in §14-6.2(F) (*Electric Facilities*), means *electric*  
23 *facilities* and distribution facilities used to provide service due to emergency conditions.

24 **EMPLOYEE,** as used in Section 14-6.3(C)(2) (Standards for Specific *Accessory Uses*),  
25 means a person who is a full- or part-time worker, partner or independent contractor of a *home*

1 *occupation* and who visits the site of the *home occupation* on a regular basis.

2 **EQUIPMENT CABINET**, as used in Section 14-6.2(E) (Telecommunications), means a  
3 storage cabinet used exclusively for the protection of telecommunications equipment.

4 **EQUIVALENT DWELLING UNIT (EDU)**. As used in §14-8.14, means a *service unit*  
5 measure representing the impact of a typical *single-family dwelling* on the park system. A typical  
6 *single-family dwelling* represents, on average, one EDU. Other types of units each represent a fraction  
7 of an EDU, based on their relative average household sizes.

8 **ERECT**. To build, construct, attach, hang, place, suspend or affix and includes the painting  
9 of *wall signs*.

10 **EROSION**. The wearing away of ground surfaces as a result of the movement of wind, water  
11 and ice.

12 **EROSION CONTROL STRUCTURES**. Manmade improvements that are intended to limit  
13 or control erosion.

14 **EXCAVATION**. The mechanical removal of earth material.

15 **EXISTING CONDITIONS ASSESSMENT**, as used in Section 14-5.2, means written,  
16 graphic and photographic documentation of existing conditions in a historic compound as specified  
17 by City policy.

18 **EXTENDED CARE FACILITY**. A facility that provides health-related care and services on  
19 a regular basis to persons who do not require the degree of care and treatment that a *hospital* is  
20 designated to provide, but who, because of their mental or physical condition, require extended care  
21 and services that can be made available to them only through an institutional facility that provides at  
22 least two and three quarters hours of nursing care to each person daily. Extended care facility  
23 includes nursing homes and convalescent homes.

24 **EXTERIOR WALL AND ROOF COVERING**. The material or assembly of materials  
25 applied to the exterior surface of a wall or roof for weather resistance or appearance, but excluding

1 structural elements of the wall or roof such as decking or sheathing;

2 **FAÇADE.** One whole exterior face or elevation of a *structure* from grade up to and including  
3 the top of the parapet. An individual façade is defined as including at least an eight-foot width that is  
4 offset from an adjacent plane by at least four feet.

5 **FACEMOUNT ANTENNA,** as used in Section 14-6.2(E) (Telecommunications), means a  
6 camouflaged *antenna* attached to and covering a small portion of the surface of a *building*,  
7 architecturally integrated into the supporting *structure*.

8 **FACILITY EXPANSION,** as used in Section 14-8.14 (Impact Fees), means the expansion  
9 of the capacity of an existing facility that serves the same function as an otherwise necessary new  
10 *capital improvement*, in order that the existing facility may serve new development. The term does  
11 not include the repair, maintenance, modernization or expansion of an existing facility to better serve  
12 existing development.

13 **FAMILY:**

14 A. a natural person;

15 B. two or more natural persons related by blood, marriage, legal guardianship or  
16 adoption, plus resident domestic servants; or

17 C. a group of not more than five natural persons living together in a *dwelling unit*;

18 **FILL.** The artificial deposition of earth material;

19 **FILLING STATION.** The *buildings* and *premises* where motor vehicle fuels, lubricating  
20 oils, grease, batteries, tires and incidental vehicular accessories may be supplied and dispensed at  
21 retail, or, in connection with a private operation where the general public is excluded from the use of  
22 the facilities, where vehicular lubrication, brake adjustment, washing and related services may be  
23 rendered. Filling station does not include facilities that provide major mechanical and body work,  
24 straightening of body parts, painting, welding, storage of automobiles not in operating condition or  
25 other work involving noise, glare, fumes, smoke or other characteristics found in a repair garage or a

body shop.

**FINAL ACTION.** The action taken that completes review of and decision on an *application* or appeal; see Section 14-3.17(A)(1).

**FINAL APPROVAL.** As used in Section 14-8.14, means the date that a *plat* or *development* plan is recorded with the county clerk. This date is to be used to determine the beginning of the assessment period for which a *permit* would be charged impact fees according to a given fee schedule.

**FINANCIAL GUARANTEE.** A fully funded account approved by the *City* and established with the City of Santa Fe or a financial institution in the state of New Mexico that may be drawn upon by the *City* to cover specific improvements or repairs and pursuant to Chapter 55 of NM Statutes 1978.

**FLEA MARKET.** An outdoor market conducted by an operator as a *business* where spaces are rented, leased or are otherwise available to individual vendors who offer goods for sale to the public. Fewer than five individual vendors located on a property do not constitute a flea market. Flea markets do not include carnivals or similar functions primarily offering services or recreation.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. the overflow of inland waters; or

B. the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD FRINGE.** The portion of the *special flood hazard area* that in the one percent chance event will:

A. on a predominantly residential *premises*, neither attain a maximum depth greater than one foot nor exceed a numerical product of four when the velocity of the *flood* waters in feet-per-second is multiplied by the depth in feet; or

B. on a *premises* not predominantly residential, neither attain a maximum depth



greater than two feet nor exceed a numerical product of seven when the velocity of the flood waters in feet-per-second is multiplied by the depth in feet.

**FLOOD HAZARD ZONE.** A *floodplain*, inclusive of the *floodway* and the *flood fringe*.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of Santa Fe on which the federal emergency management agency has delineated both the areas of *special flood hazards* and the risk premium zones applicable to Santa Fe.

**FLOODPLAIN.** An area inundated by the *one percent chance flood event*, which contains the *floodway* and *flood fringe*.

**FLOODPLAIN ADMINISTRATOR.** The person designated by the *land use director* to administer the *City's flood* regulations. The person shall be a *state-certified floodplain* manager as provided in Section 3-18-7 NMSA 1978.

**FLOODPLAIN INSURANCE STUDY.** The official report provided by the federal emergency management agency that contains *flood* profiles, *water surface elevation* of the *base flood*, as well as the *flood* boundary-*floodway* map.

**FLOOD PROOFING.** Any combination of structural and nonstructural additions, changes or adjustments to *structures* that reduce or eliminate *flood* damage to real estate or improved real property, water and sanitary facilities or structures and their contents..

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land area that is reserved to discharge the one-percent chance event without cumulatively increasing the *water surface elevation* more than one foot in height.

**FLORIST.** A cultivator of or dealer in flowers or ornamental plants.

**FOOTPRINT.** The configuration of the area of ground covered by a *structure*, including all its parts.

**FOSTER HOME.** A *dwelling unit* maintained by a person licensed by the appropriate State agencies to have the control of a maximum of eight children, including foster, adopted and natural

1 children, for periods exceeding twenty-four hours.

2 **FREEBOARD**, as used in Section 14-8.3 (Flood Regulations), means a factor of safety  
3 usually expressed in feet above a *flood* level for purposes of *floodplain* management. Freeboard tends  
4 to compensate for the many unknown factors that could contribute to flood heights greater than the  
5 height calculated for a selected size flood and *floodway* conditions, such as wave actions, bridge  
6 openings and the hydrological effect of urbanization of the watershed.

7 **FRENCH DRAIN**. An artificial in-ground trench or other volume of rock or other material  
8 that distributes water for plant material use or infiltration.

9 **FUGITIVE WATER**. The pumping, flow, release, escape or leakage of water from a pipe,  
10 valve, faucet, connection, diversion, well or water supply, transport, storage, disposal or delivery  
11 system or facility onto adjacent property or the public or private right of way, an arroyo or other water  
12 course, whether natural or manmade, or onto a paved or non-planted landscape area.

13 **FUNCTIONALLY DEPENDENT USE**. As used in Section 14-3.10 (Development in  
14 Special Flood Hazard Areas) means a use which cannot perform its intended purpose unless it is  
15 located or carried out in close proximity to water, such as bridges and piers.

16 **FUNERAL HOME**. A *building* used for the preparation of the dead for burial and the  
17 display of the dead and ceremonies connected with the dead before burial or cremation.

18 **GABLED ROOF**. A type of pitched roof characterized by a vertical triangular portion at two  
19 opposite sides of the *building* and frequently characterized by dormers. The triangular portion  
20 extends from the level of the cornice or eaves to the ridge of the roof. See Illustration 14-5.2-7,  
21 "Examples of Roof Types".

22 **GARAGE**. A *structure*, or part of a structure used or intended to be used for the parking and  
23 storage of vehicles.

24 **GENERAL PLAN**. The Santa Fe general plan adopted by Resolution No. 1999-45, as  
25 amended.

1       **GIFT SHOP.** *A retail establishment, a majority of whose gross receipts are derived from the*  
2 *sale of items commonly referred to as gifts or souvenirs, including arts and crafts; toys; clothing, such*  
3 *as caps and t-shirts; house wares, such as novelty or souvenir mugs, glasses and plates; souvenir*  
4 *photographs; collectibles; natural or manmade artifacts; leather goods; jewelry; home furnishings;*  
5 *imported gift items; candy; glassware; and toiletries.*

6       **GLARE.** The brightness of a light source that causes eye discomfort, including:

7           A. nuisance glare, which means light that creates an annoyance or aggravation, but  
8 does not create a potentially hazardous situation; and

9           B. disabling glare, which means light that impairs visibility and creates a potentially  
10 hazardous situation for either pedestrians or motorists.

11       **GOVERNING BODY.** The *City* council and the mayor acting in their official capacities  
12 during a meeting of a quorum.

13       **GRADE.** The average of the finished ground level at the center of all façades of a *building* or  
14 at the center of a designated line; in the case of a garden *wall* or fence, it means the elevation of the  
15 finished ground level at all points.

16       **GRADING.** Any excavating or filling or combination of excavating and filling.

17       **GRAY WATER.** Untreated household wastewater that has not come into contact with toilet  
18 waste. Gray water includes used water from bathtubs, showers, bathroom wash basins, clothes  
19 washing machines and laundry tubs, but does not include wastewater from kitchen sinks or  
20 dishwashers.

21       **GREENHOUSE.** *A structure* whose roof and sides are made largely of glass or other  
22 transparent or translucent material and in which the temperature and humidity can be regulated for the  
23 cultivation of delicate or out-of-season plants.

24       **GROCERY STORE, NEIGHBORHOOD.** *A retail establishment, with or without a related*  
25 *dwelling unit, catering mainly to a local market area, primarily dispensing foods and beverages, but*

1 also dispensing certain incidental items not intended for human consumption, but not including the  
2 sale of motor vehicle fuels nor any sales or display outside of an enclosed *building*.

3 **GROSS DENSITY.** The housing density calculated by dividing the total number of *dwelling*  
4 *units* by the total area in residential development in accordance with Chapter 14.

5 **GROSS FLOOR AREA.** The total floor area, including basements, mezzanines, interior  
6 balconies and upper floors expressed in square feet, measured from the outside surface of the outside  
7 walls.

8 **GROUP HOME.** A *dwelling unit* licensed by the appropriate state agency where full-time  
9 shelter, rehabilitation, care and supervision are given on a non-institutional basis to neglected,  
10 abandoned, physically handicapped, developmentally disabled, mentally ill, mentally disabled or  
11 substance or alcohol dependent children or adults on a private, nonprofit basis. Live-in nursing care is  
12 not a primary part of the services provided.

13 **GROUP RESIDENTIAL CARE FACILITY** A *non-family dwelling unit* where care,  
14 supervision and services are provided to residents of any age who have difficulty caring for  
15 themselves, including the elderly, *persons* with disabilities and children living apart from *families*.  
16 This category includes facilities commonly known as *group homes*, community residential care,  
17 board and care or assisted living facilities, halfway houses and *foster homes*. This category does not  
18 include facilities that provide services to nonresident clients; that provide more than incidental or  
19 occasional nursing, medical or other therapeutic treatment, such as *extended care facilities*, hospitals  
20 or detoxification centers; or *community residential corrections programs*.

21 **GROUP RESIDENTIAL CARE FACILITY, LIMITED** A *group residential care facility*  
22 for eight or fewer resident clients who are not participants in a *community residential correctional*  
23 *program*.

24 **HEATED LIVING AREA,** as used in Section 14-8.14 (Impact Fees) and for the purpose of  
25 assessing and collecting impact fees for residential *dwelling units*, means all floor area enclosed,

1 heated and intended for daily habitation, including kitchens, bedrooms, living or *family* rooms, dens,  
2 laundry rooms and associated interior stairs and closets. Unless heated and intended as living area,  
3 the term excludes garages, solariums and porches. *Heated living area* is measured from the outside  
4 surface of the outside walls enclosing the contiguous floor area.

5 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior  
6 to construction next to the proposed walls of a *structure*.

7 **HIPPED ROOF.** A type of pitched roof characterized by the intersection of four or more  
8 roof planes, the eave lines of which are not parallel. See Illustration 14-5.2-7, "Examples of Roof  
9 Types".

10 **HISTORIC COMPOUND.** An identifiable grouping of historic resources, including  
11 *buildings, structures* and *landscaping* elements, as described in Section 14-5.2(K)(2)(a). Historic  
12 compounds may be comprised of more than one *lot*.

13 **HISTORIC COMPOUND PLAN.** A comprehensive, long-term plan describing any  
14 planned modifications, including demolitions, additions or exterior rehabilitations, to existing  
15 *structures or buildings, landscaping* or new construction in the historic compound.

16 **HISTORIC STRUCTURE.** A *structure* that is fifty years old or older.

17 **HOME OCCUPATION.** An occupation or *business* activity that results in a product or  
18 service and that is conducted for gainful employment in a *dwelling unit* by a person residing in that  
19 dwelling unit. A home occupation is customarily incidental to the residential use of the dwelling unit.

20 **HOMEOWNERS' ASSOCIATION.** A private nonprofit corporation of homeowners for the  
21 purpose of owning, operating and maintaining various common properties.

22 **HOSPITAL.** An institution providing primary health services and medical or surgical care to  
23 persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal  
24 physical or mental conditions, and includes, as an integral part of the institution, related facilities such  
25 as laboratories, outpatient facilities or training facilities.

1           **HOTEL.** A facility offering transient lodging and accommodations, with or without  
2 individual kitchens, to the general public and providing additional services such as restaurants,  
3 meeting rooms and recreational facilities.

4           **HUMAN SERVICES ESTABLISHMENT.** A facility, which may or may not be a lodging  
5 facility, operated by a organization that provides aid to more than twenty-five persons in need of  
6 counseling, food, clothing, lodging, financial or legal assistance, out-patient health services,  
7 vocational and educational training and related services. Lodging may be provided on an emergency  
8 or transitional basis and consist of dormitory rooms or individual lodging units containing sleeping  
9 facilities with or without kitchen or living room facilities available for daily, weekly or monthly stays.

10          **IMPACT FEE ADMINISTRATOR.** The *City* employee primarily responsible for  
11 administering the provisions of Section 14-8.14 (Impact Fees).

12          **IMPERVIOUS SURFACE.** A built or paved area that will not absorb storm water; provided  
13 that impervious surface does not include graveled surfaces.

14          **INCOMBUSTIBLE MATERIAL.** Any material that will not ignite at or below a  
15 temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at  
16 that temperature.

17          **INDIVIDUAL STORAGE AREAS WITHIN A COMPLETELY ENCLOSED**  
18 **BUILDING.** Mini-storage units that are not directly accessible from the outside of the building.

19          **INFILL.** The development of more intensive land uses on vacant or underutilized sites.

20          **INFILTRATION BASIN.** Storage of storm water or other runoff in a facility that empties  
21 solely by moving into the soil or through evaporation.

22          **INFILTRATION FIELD OR GALLERY.** A below grade water system that collects,  
23 infiltrates and distributes storm water or other run-off.

24          **INFRASTRUCTURE.** Facilities needed to sustain development activities, including water  
25 and sewer lines, electric, gas, telephone service, storm drainage systems and streets and roads.

1           **INSIDE TURNING RADIUS.** The radius of the curve made by the inside wheel of the  
2 vehicle.

3           **INSTITUTIONAL BUILDING.** A *building* used for governmental, religious, educational,  
4 public health care and similar purposes, but does not include *clinics* and medical offices.

5           **INTENSITY.** The extent of *development* per unit of area; or the level of use as determined  
6 by the number of employees and customers and degree of impact on surrounding properties such as  
7 noise and traffic.

8           **INTERIOR NONSTRUCTURAL ELEMENTS.** Interior walls, doors, floor coverings and  
9 ceiling systems that are not part of the *building structure*.

10          **INTERVAL USE.** The use of a unit or units for which the exclusive right of use or  
11 occupancy circulates among various *owners* for a contractually limited period or periods of time.

12          **JOINT USE.** As used in Section 14-6.2(F) (*Electric Facilities*), the use in common of a  
13 particular facility by two or more entities, such as the attachment of a telecommunications company's  
14 antenna or other telecommunications apparatus on the transmission structure of an electric utility.

15          **JUNKYARD.** Any area, *lot*, land, *parcel*, *building* or *structure* or part of these used for the  
16 storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or  
17 other scrap; discarded goods, materials or machinery; two or more unregistered, inoperable motor  
18 vehicles; or other type of junk. A junkyard does not include such uses conducted entirely in an  
19 enclosed building.

20          **KENNEL.** A commercial establishment where animals are boarded, kept or maintained.

21          **LAMP.** The light-producing source installed in a *luminaire*.

22          **LAND USE ASSUMPTIONS,** as used in Section 14-8.14 (Impact Fees), means a  
23 description of the service area and projections of changes in land uses, densities, intensities and  
24 population in the service area over at least a five-year period.

25          **LAND USE BOARD.** A *City* board, commission, committee or authority that has

jurisdiction over any matter arising under Chapter 14 or otherwise within the jurisdiction of the *land use director*, including the board of adjustment, the planning commission and summary committee, the H districts review board and the archaeological review committee.

**LAND USE DIRECTOR.** The director of the land use department or the director's designee.

**LAND-USE INTENSITY CREDIT.** The granting of additional development capacity above the base line floor area ratio, expressed in gross floor areas.

**LANDMARK.** A site, *building, structure* or natural feature that has visual, historic or cultural significance and is listed on the State Register of Cultural Properties or the National Register of Historic Places.

**LANDMARK STRUCTURE.** A *structure* outside an H district that otherwise meets the definition of a significant structure. A structure may also be a landmark structure if it is listed on or is eligible to be listed on the State Register of Cultural Properties or the National Register of Historic Places.

**LANDSCAPE ARCHITECT.** A person who is licensed by the State to design, construct and install decorative and functional *alterations* and plantings of grounds, including natural and manmade irrigation and drainage facilities.

**LANDSCAPE DESIGN INTENT.** The project design approach, including the proposed treatment of existing vegetation, if applicable that is:

- A. primarily native landscape, which may incorporate non-native plant material;
- B. urban landscape, with street trees or other urban design elements; or
- C. a combination of Subsections A and B of this definition.

**LANDSCAPE TREATMENT.** The addition of a predominantly vegetative combination of trees, shrubs, ground cover, rocks, woodchips, gravel, fences, *walls*, earth berms, planters, water features, art objects and landscape furniture to accomplish functions such as screening, shade, special definition, buffers, erosion control and ornamental enhancement.



1           **LANDSCAPING.** The planting and maintaining of live plants and the use of some natural  
2 and manufactured materials, including *walls*, fences and earth berms.

3           **LAUNDROMAT.** An establishment providing washing and drying machines on the  
4 *premises* for rent to the general public.

5           **LEGAL LOT OF RECORD.** A *lot* that was created prior to the date of any applicable  
6 provision of law that required the *lot* to be approved as part of a subdivision, or that has been created  
7 as part of a subdivision created in accordance with all applicable laws or ordinances. The *lot* must be  
8 shown on a duly recorded plat or other written instrument that adequately describes the *lot*, that is  
9 recorded with the county clerk, and that documents compliance with this definition.

10          **LEGAL NONCONFORMING LOT.** A *legal lot of record* that fails to conform to the  
11 standards of this Chapter for *lots*, such as the area, dimension or location or access requirements;

12          **LEGAL NONCONFORMING STRUCTURE.** A *structure* or portion of a *structure* that  
13 was lawfully constructed but that fails to conform to the standards of Chapter 14 for *structures*, such  
14 as restrictions on area, *lot* coverage, height, *required yards* or other characteristics of the *structure* or  
15 its location on the *lot* as a consequence of annexation of the structure into the *City* or as a  
16 consequence of adoption of or amendments to Chapter 14.

17          **LEGAL NONCONFORMING USE.** A use that was lawfully established, but that fails to  
18 conform to the use regulations of this chapter as a consequence of annexation into the *City* or as a  
19 consequence of adoption of or amendments to Chapter 14.

20          **LICENSEE.** A person who has received written permission or a license to undertake an  
21 activity regulated by Chapter 14.

22          **LIGHT ASSEMBLY AND MANUFACTURING.** The manufacturing and assembly of  
23 small electronic or machine parts, consumer goods, food or food ingredients, dry goods and other  
24 goods and services that are produced or assembled inside a *building*.

25          **LIGHT POLLUTION.** The general sky glow caused by the scattering of artificial light in

1 the atmosphere that results in decreased ability to see the natural night sky.

2 **LIGHT TRESPASS.** The light emitted by a *luminaire* that shines beyond the property on  
3 which the luminaire is installed.

4 **LINEAR FACILITIES.** The lines, cables, fibers or any other such carriers that are linear in  
5 nature and that are used for the transmission of water, gas, electricity, data, video images, voice  
6 images or other such services.

7 **LIVE CRIB WALLS.** A bioengineering method by which box-like *structures* of  
8 interlocking timbers backfilled with alternating layers of soil and branch cuttings are used to stabilize  
9 a *slope*, with roots of cuttings extending into the *slope* to provide structural support.

10 **LIVE STAKING.** A bioengineering method by which plant cuttings are inserted directly into  
11 a *slope* to provide initial *slope* protection and to strengthen the *slope's* resistance to erosion and  
12 undercutting.

13 **LOADING SPACE.** A distinct area logically and conveniently located for bulk pickups and  
14 deliveries scaled to the size of the delivery vehicles expected to be used and accessible to such  
15 vehicles.

16 **LOADING SPACE, OFF-STREET.** The space logically and conveniently located for bulk  
17 pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles  
18 when required off-street parking spaces are filled.

19 **LOT.** A tract, plot or portion of a subdivision or other *parcel* of land with clearly defined  
20 boundaries.

21 **LOT FRONTAGE.** The part of a *lot* abutting the *street* from which primary access to the *lot*  
22 is obtained.

23 **LOT ACCESS DRIVEWAY.** A driveway providing access from a *lot* to a *street* that the *lot*  
24 does not front on, other than any frontage provided by the driveway, such as occurs with flag *lots* and  
25 common access driveways.

1       **LOT, CORNER.** A *lot* located at the intersection of two or more streets or at the intersection  
2 of a common driveway or access road servicing more than one *lot*. A *lot* abutting on a curved street  
3 or streets shall be considered a *corner lot* if straight lines drawn from the foremost point of the side  
4 *lot* lines to the foremost point of the *lot*, or an extension of the *lot* where it has been rounded by a  
5 street radius, meet at an interior angle of less than one hundred thirty-five degrees. See *lots* marked  
6 AE in the *Lot Types* diagram.

7       **LOT, DOUBLE FRONTAGE.** A *lot* having its front and rear *lot* lines coincident with street  
8 right-of-way lines.

9       **LOT, INTERIOR.** A *lot* other than a *corner lot*, with only one frontage on a street other than  
10 an alley. See *lots* marked B in the *Lot Types* diagram.

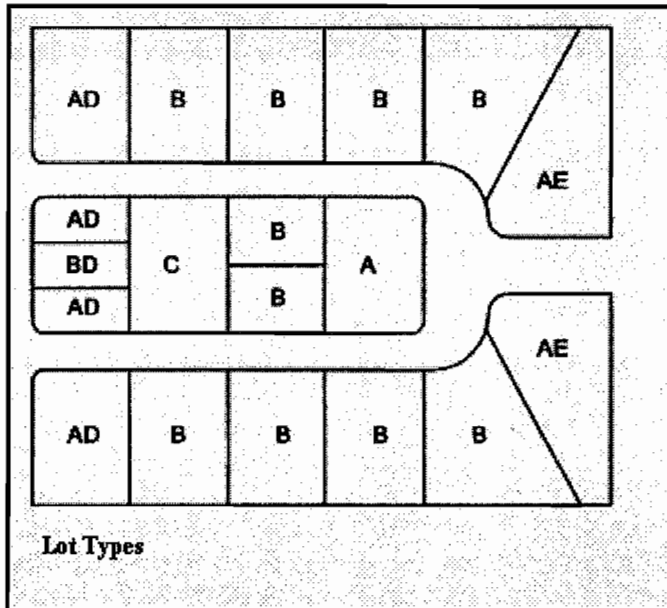
11       **LOT, IRREGULAR.** A *lot*, other than a *regular lot*, not necessarily abutting a public street,  
12 that is located, shaped or oriented to adjacent *lots* in such a way that the usual *required yards* of this  
13 Chapter are impractical and may not be logically determined. See definition of "*YARD, SPECIAL*".

14       **LOT, REGULAR.** A *lot* abutting a *public street* that is so located, shaped or oriented to  
15 adjacent *lots* that the *required yards* of this Chapter may be applied. A *regular lot* has the location of  
16 its front, side and rear *required yards* determined by and related to adjacent yard patterns.

17       **LOT, REVERSED FRONTAGE.** A *lot* that is at right angles, or approximately right angles,  
18 to the general pattern of *lots* in the area involved. A reversed frontage *lot* may also be a *corner lot* or  
19 an *interior lot*, A-D and B-D in the *Lot Types* diagram, or even, in rare cases, a *through lot*, which is  
20 not illustrated.

21  
22  
23                   [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]  
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**LOT, THROUGH.** A lot other than a *corner lot* with frontage on more than one *street* other than an alley. Through lots with frontage on two streets may be referred to as "*double frontage lots*". See lot marked C in the Lot Types diagram.



**LOWEST FLOOR**, as used in Section 14-8.3 (*Flood Regulations*), means the lowest floor of the lowest enclosed area, including a basement. An unfinished or *flood* resistant enclosure usable solely for parking or vehicles, *building* access or storage in an area other than a basement is not considered a building's lowest floor; provided that such enclosure is built in compliance with the applicable non-elevation design requirement of 44 CFR Section 60.3 , the national flood insurance program regulations.

**LUMINAIRE.** A complete lighting unit, including the lamps, together with the parts required to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

1       **MAJOR ROADWAY SYSTEM**, as used in Section 14-8.14 (Impact Fees), means all major  
2 and minor arterials identified on the Santa Fe functional road classifications map within the urban  
3 area.

4       **MANUFACTURED HOME**. A *structure* transportable in one or more sections that is:

- 5           A. built on a permanent chassis;
- 6           B. designed for use with or without a permanent foundation;
- 7           C. constructed to the standards of the United States department of housing and  
8 urban development, the National Manufactured Housing Construction and Safety Standards Act of  
9 1974, the Housing and Urban Development Zone Code 2 or the applicable building code, as of the  
10 date of the unit's construction;
- 11          D. installed consistent with the Manufactured Housing Act and with the rules  
12 promulgated pursuant to that act relating to permanent foundations; and
- 13          E. for the purposes of Section 14-8.3 (*Flood Regulations*), connected to the required  
14 utilities.

15       For *floodplain* management purposes, manufactured home also includes park trailers, travel  
16 trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive  
17 days, but does not include those vehicles as manufactured homes for flood insurance purposes.

18       **MANUFACTURING**. The mechanical or chemical transformation of materials or  
19 substances into new products, including the assembling of component parts, the manufacturing of  
20 products and the blending of materials such as lubricating oils, plastics, resins or liquors.

21       **MARQUEE**. An exterior roof-like projection over an entrance or window.

22       **MINI-STORAGE UNITS**. The separate storage spaces of varying sizes within one or more  
23 *structures* that are leased or rented on an individual basis.

1           **MIXED USE.** The development of a tract of land, *building* or *structure* in a compact urban  
2 form with two or more different uses, including residential, office, manufacturing, retail, public use,  
3 light industrial or entertainment.

4           **MOBILE HOME.** A *structure* that is:

5                   A. transportable in one or more sections;

6                   B. built on a permanent chassis and designed to be used as a *dwelling unit*, with or  
7 without a permanent foundation; and

8                   C. not constructed to the standards of the United States department of housing and  
9 urban development, the National Manufactured Housing Construction and Safety Standards Act of  
10 1974, the Housing and Urban Development Zone Code 2 and the Uniform Building Code.

11           **MOBILE HOME PARK.** The *premises* where one or more *mobile homes* are parked for  
12 residential use or where spaces or *lots* are set aside or offered for sale or rent for use by mobile homes  
13 for residential use, including any land, *building*, *structure* or facility used by occupants of mobile  
14 homes on such *premises*, but does not include a single *mobile home* located on a *lot* in a residential  
15 district pursuant to a special use permit.

16           **MOBILE HOME SPACE.** A plot of land within a *mobile home park* designed for the  
17 accommodation of one *mobile home*.

18           **MOBILE HOME STAND.** that portion of the *mobile home space* intended for occupancy  
19 by the *mobile home* proper, consisting of a rectangular plot of dimensions to be determined by the  
20 size of the unit to be accommodated.

21           **MODULAR HOME.** A prefabricated *structure* built to all applicable *building* codes and  
22 used as a permanent *building* or *dwelling unit* that does not have permanent or temporary axles of its  
23 own and that is connected permanently to an on-site foundation made exclusively for that modular  
24 home or *building*.

25           **MOTEL.** An establishment providing transient lodging and accommodations, with or

1 without kitchens, to the general public and containing six or more rooms with at least twenty-five  
2 percent of all rooms having direct access to the outside *premises* without the necessity of passing  
3 through the main lobby of the *building*.

4 **MOUNTAINOUS AND DIFFICULT TERRAIN.** Any *parcel* or portion of a *parcel* that  
5 lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over  
6 twenty-five percent of the square footage of the *parcel* has an existing *slope* of over twenty percent.

7 **MULCH.** Any material applied to the surface of the soil to decrease moisture loss and  
8 control the growth of weeds; organic mulches include bark and wood chips, straw, grass, hay,  
9 compost and seed shells and inorganic mulches include rock and gravel.

10 **NATURAL SLOPE.** The elevation of the ground surface before any grading.

11 **NET LEASABLE AREA.** Present or potentially habitable space designed for *owner* or  
12 tenant occupancy and exclusive use.

13 **NEW CONSTRUCTION,** as used in Section 14-8.3 for *floodplain* management purposes,  
14 means *structures* for which the start of construction commenced on or after the effective date of  
15 Ordinance No. 1977-47.

16 **NEW DEVELOPMENT,** as used in Section 14-8.14 (Impact Fees), means the subdivision  
17 of land; reconstruction, redevelopment, conversion, structural *alteration*, relocation or enlargement of  
18 any *structure*; or any use or extension of the use of land, any of which increases the number of service  
19 units.

20 **NIGHTCLUB.** An establishment that provides, in combination with service of alcoholic  
21 beverages, amplified live entertainment or amplified music for dancing after the hour of 10:00 p.m..

22 **NONCONTRIBUTING STRUCTURE.** A *structure*, located in an H district, that is less  
23 than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the  
24 character of the H District.

25 **NONRESIDENTIAL.** All uses not defined as *residential*.

1           **NOXIOUS WEED.** Any living stage, including seeds and reproductive parts, of any parasitic  
2 or other plant designated as a noxious weed by the New Mexico Department of Agriculture, including  
3 Siberian elm (*Ulmus pumila*), Russian olive (*Elaeagnus angustifolia*), tree of heaven (*Ailanthus*  
4 *altissima*) and salt cedar (*Tamarix* spp.);

5           **OBJECT**, as used in Section 14-5.2 (H districts), means the term used to distinguish from  
6 *structures* those constructions that are primarily artistic in nature or are relatively small in scale and  
7 simply constructed, for example, sculpture, monuments, boundary markers, statuary and fountains.

8           **OBSTRUCTION**, as used in Section 14-8.3 (*Flood* Regulations), means any object,  
9 *structure*, embankment, excavation, *channel* or *drainage way* that may impede, retard or change the  
10 direction of the flow of water, either by itself or by catching or collecting debris carried by water, or  
11 that is placed where the flow of water might carry the obstruction downstream to the danger and  
12 injury of life or property.

13           **OCCUPANCY** The purpose for which a *building* is used or intended to be used or the  
14 number of people who are allowed to live in a *dwelling unit* or to occupy an assembly area. Also, the  
15 act of occupying or commencing occupation of land or *structures*.

16           **OFFICE.** A room or group of rooms used for conducting the affairs of a *business*,  
17 profession, service, industry or government.

18           **OFF-STREET PARKING.** The area of a *lot* used for required temporary vehicular parking.

19           **ONE HUNDRED YEAR FLOOD** or **ONE HUNDRED YEAR FREQUENCY FLOOD.**

20 A *flood* having a one percent chance of being equaled or exceeded in any given year.

21           **ONE PERCENT CHANCE EVENT.** A *flood* having a one percent chance of being equaled  
22 or exceeded in any given year. A **ONE PERCENT CHANCE EVENT** is the same as a *base flood*.

23           **OPEN SPACE.** A ground area that permanently provides light and air and that satisfies, in  
24 whole or in part, the community's visual, psychological and recreational needs.

25           **OPERATING LICENSE**, as used in Section 14-6.2(A)(5) (Residential Uses), means a



1 *business* license valid for one year, that authorizes the maintenance and operation of a *mobile home*  
2 *park*.

3 **OTHER ADVERTISING STRUCTURE**, as used in Section 14-5.2 (H districts), means a  
4 *canopy, awning* or street clock.

5 **OUTDOOR STORAGE**. The keeping in an open area of any equipment, goods, junk,  
6 material, merchandise or vehicles in the same place for more than twenty-four hours.

7 **OWNER**. A *person* who holds fee simple title to real *property*, or a *person* acting lawfully  
8 on behalf of the *person* who holds title.

9 **OWNER-OCCUPANT or RESIDENT OWNER**. As used in Sections 14-6.12(A)(5)  
10 (Short Term Rental of Dwelling Units) and 14-6.3(C) (*Accessory Dwelling Units*) means a natural  
11 *person* who holds fee simple title and resides on the *property*.

12 **PARCEL**. A *lot* of record or *tract* of land.

13 **PARTY**, as used in Section 14-3.17 (Appeals), means an *applicant*, an *appellant* or the *land*  
14 *use director* and all agents and representatives of that person.

15 **PASSIVE RECREATION**. Recreational activities that are not dependent on recreational  
16 apparatus such as swings, slides, goal posts or backstops and sports that do not comprise organized  
17 recreational activities such as baseball, volleyball, football or soccer.

18 **PASSIVE WATER HARVESTING**. The collection or storage of precipitation or runoff in  
19 surface or in-ground *structures* with no means of mechanical distribution.

20 **PERFORMANCE STANDARD**. A set of criteria or limits relating to elements that a  
21 particular use or process may not exceed.

22 **PERMEABLE PAVING**. Paving and subgrade that allow surface water to penetrate the  
23 paved surface and infiltrate the subsoil.

24 **PERMIT**. A document issued by the *City* that allows a person to begin an activity provided  
25 for in Chapter 14.

1           **PERSON.** Except where limited to natural persons by definition, context or intent, *person*  
2 includes natural persons, corporations, companies, associations, joint stock companies, associations,  
3 firms, partnerships, limited liability companies or other legal entities.

4           **PERSONAL CARE FACILITY FOR THE ELDERLY.** A residential facility for twenty-  
5 six or more persons sixty years of age or older that provides living and sleeping facilities with  
6 common meal preparation, laundry services, room cleaning and assistance in daily living activities,  
7 and may provide other services such as transportation for routine social and medical appointments  
8 and counseling. A personal care facility for the elderly does not include independent kitchens or  
9 complete *dwelling units* and is not an *extended care facility, hotel, motel or residential suite hotel or*  
10 *motel*.

11           **PERSONAL SERVICE ESTABLISHMENT.** A *business* primarily engaged in providing  
12 frequent or recurrent needed services of a personal nature, including beauty or barber shops, shoe  
13 repair shops and tailor shops.

14           **PHARMACY.** A place where drugs and other medicines are dispensed.

15           **PLACEMENT.** As used in §14-6.2(F) (*Electric Facilities*), means installation of *electric*  
16 *facilities*, but which are not *relocation* or *replacement* as defined in Article 14-12, where similar  
17 facilities have not previously existed.

18           **PLANTING STRIP.** The part of the *street right of way* lying between the back of the curb  
19 and the edge of the sidewalk.

20           **PLAT.** The map, chart, survey, plan or replat certified by a licensed or registered surveyor  
21 that contains a description of subdivided land with ties to permanent monuments.

22           **POLE.** As used in §14-6.2(F) (*Electric Facilities*), means steel, wood or other material  
23 placed in the ground to hold associated insulators, braces and other attachment hardware for electric  
24 service.

25           **PORCH.** A roofed space outside the main walls of a *structure* at *street* or first floor level,

1 which has a depth of not less than four feet from the outside face.

2 **PORTAL.** A long *porch* or portico with roof, supported by vertical posts.

3 **POTABLE WATER.** Water that is suitable for consumption by humans.

4 **PREEXISTING TOWERS AND PREEXISTING ANTENNAS.** As used in §14-6.2(E),  
5 any *tower* or *antenna* for which a *building permit* has been issued prior to the effective date of this  
6 section, including permitted towers or antennas that have not yet been constructed so long as such  
7 approval is current and not expired and including towers and antennas given interim approvals during  
8 the pendency §14-6.2(E), and not found by the Governing Body to be contrary to the purposes of §14-  
9 6.2(E).

10 **PREMISES.** A *lot* or combination of contiguous *lots developed* or approved for *development*  
11 as a unified complex of *structures* or uses, such as a planned unit development or a commercial or  
12 industrial center with common parking or access easements, regardless of whether the *lots* are held in  
13 single ownership and the *buildings, structures* or other appurtenances on the *lots*;

14 **PRESERVATION.** The act or process of applying measures to maintain and sustain the  
15 existing form, integrity and material of a *building, structure* or district and the existing form of a site.

16 **PRESIDING OFFICER.** The person elected or appointed to direct the conduct of a public  
17 hearing. The presiding officer of a committee is the chairperson; the presiding officer of the  
18 *governing body* is the mayor or mayor pro tempore.

19 **PRIMARY FAÇADE.** One or more *principal* faces or elevations of a *building* with features  
20 that define the character of the building's architecture.

21 **PRINCIPAL.** Primary or predominant, as applied to a use or *structure*, as distinguished from  
22 secondary or *accessory*.

23 **PRIVATE CLUB or LODGE.** A facility for social, cultural or educational activities open  
24 only to bona fide members and guests of the private organization operating the club or lodge, except  
25 those the chief activity of which is a service customarily carried on as a *business*.

**PRIVATE OPEN SPACE.** Open space adjoining each *dwelling unit*, designed to provide privacy and having one or more points of ingress to the residence.

**PROFESSIONAL ENGINEER.** A person licensed by the *state* to practice engineering.

**PROFESSIONAL LAND SURVEYOR.** A person licensed by the *state* to practice land surveying.

**PROJECT.** As used in Sections 14-3.11(C) (Architectural Design Review) and 14-8.7 (Architectural Design Review), means all new exterior construction, except for maintenance, minor repairs, restoration and *temporary structures*, submitted to the *City* under a single *application*.

**PROPERTY.** A *parcel* or *parcels* of land commonly owned and contiguous, excluding *streets* and *rights of way*.

**PUBLIC BENEFIT USE.** Public parks, playgrounds, trails, paths, courtyards or other recreational areas and other public *open spaces*; scenic and historic sites; and property used by a nonprofit or charitable organization.

**PUBLIC IMPROVEMENTS and QUASI PUBLIC IMPROVEMENTS.** Certain improvements with a life expectancy of ten or more years and that will be used by the public or used in common by *owners* of *lots* within a subdivision, or used in common by *owners* or tenants of a commercial or multiple-family *residential development*. Public and quasi-public improvements include infrastructure, emergency access and fire suppression, terrain management improvements including revegetation and site restoration, storm drainage facilities and landscaping of common areas as determined by the *land use director* in accordance with written policies. Infrastructure that will be dedicated to the *City* or another government agency, to a public utility company or to an *owners* association is also included. See Section 14-9.1(B).

**PUBLIC RIGHT OF WAY.** The total area of the land deeded, reserved by *plat* or otherwise acquired by the *City*, the *county* or the *state* primarily for the use of the public for the movement of people, goods and vehicles and for the installation and maintenance of *public utilities* or *drainage*

ways.

**PUBLIC UTILITY.** An agency that, under public franchise or ownership or under a certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or similar service.

**PUBLICLY VISIBLE.** The portion of a *structure* visible from a public *street*, way or other area to which the public has legal access; and provided that to be publicly visible, a *structure* need not be adjacent to a public *street* or way or area to which the public has legal access.

**PUMICE WICK.** An artificial in-ground trench or other volume of porous rock that stores water for plant material use.

**QUALIFIED PROFESSIONAL,** as used in Section 14-8.14 (Impact Fees), means a *professional engineer, professional land surveyor*, financial analyst or planner who provides services within the scope of his license, education or experience.

**QUALIFYING OPEN SPACE.** Open space that complies with the standards specified in Chapter 14 for the particular type of open space; see *common open space* and *private open space*.

**RAIN BARREL.** A small above-ground storage tank, typically twenty-five to two hundred gallons, that collects and stores roof runoff from canals, downspouts or other sources.

**RANCH STYLE ROOF.** A type of pitched roof with two sloping planes with a pitch less than a six-inch vertical rise in a twelve-inch horizontal run.

**RECONDUCTOR.** As used in § 14-6.2(F) (Electric Facilities), means to increase the capacity of a line by removing the existing conductor and replacing it with a larger size conductor that will be operated at the same voltage.

**RECONNAISSANCE.** A visual examination of land surfaces that are to be disturbed, and includes *archival research* of that property.

**RECONSTRUCT.** Substantially replace a *structure* or portion of a *structure*.

**RECREATION FACILITY.** A *City*-owned facility used for public recreation, including

1 active or *passive recreation* and sports, playgrounds and trails.

2 **RECREATIONAL VEHICLE.** A vehicular-type portable *structure* without permanent  
3 foundation that can be towed, hauled or driven and that is primarily designed as temporary living  
4 accommodation for recreational, camping or travel use and includes travel trailers, truck campers,  
5 camping trailers and self-propelled motor homes.

6 **REFRAMING.** As used in §14-6.2(F) (*Electric facilities*), means work on a *pole* or electric  
7 *structure* that involves replacing structural members, improving clearances, and other maintenance,  
8 replacement or retrofits on existing *poles* or electric *structures*.

9 **RELIGIOUS ASSEMBLY.** A use located in a permanent *building* that provides regular  
10 organized religious worship and related incidental activities, except primary or secondary schools and  
11 day care facilities.

12 **RELOCATION.** As used in §14-6.2(F) (*Electric facilities*), means removal of existing  
13 *electric facilities* and reinstallation of those facilities or new similar facilities in a new location not  
14 more than 50 feet distant from the original location.

15 **REMODELING.** A change, including a reconstruction, in an architectural feature of a  
16 *structure*; provided that remodeling does not include the construction of additions.

17 **REPLACEMENT.** As used in §14-6.2(F) (*Electric facilities*), means removal of existing  
18 facilities and installation of new similar facilities in a location as close as practicable to the original  
19 location.

20 **REPAIR GARAGE.** The *buildings* and *premises* that are designed and intended for some or  
21 all of the purposes indicated under the definition of *filling station* and designed and intended to  
22 perform major mechanical repairs and body work; provided, that body work and painting must be  
23 conducted within fully enclosed *buildings* and self-propelled vehicles not in safe operating condition  
24 must be stored in fully enclosed *buildings*.

25 **RESIDENTIAL.** Term used to describe *occupancy*, *structures* or districts primarily intended

1 for or restricted to *development* and use for *dwelling units*. It does not include hotels or motels.

2       **RESIDENTIAL SUITE HOTEL OR MOTEL.** An establishment with two or more guest  
3 rooms that offers transient lodging accommodations, including daily accommodations, to the general  
4 public whose guest rooms uniformly contain bathroom, sleeping and independent cooking or kitchen  
5 or living room facilities, but that does not maintain or operate an on-site bar or restaurant facilities  
6 open to the general public; provided that if the residential suite hotel or motel is used by a nonprofit  
7 organization that provides human services, lodging for the organization's clients may be provided on  
8 a transient or more than thirty-day basis.

9       **RESIDENTIALLY ZONED PROPERTY.** Those zones within Santa Fe that primarily  
10 permit accommodation of residential housing, including: RR, R-1 through R-6, R-7, R-8, R-9, R-10,  
11 R-12, R-21, R-29, R-7-I, RC-5, RC-8 and RAC districts and *tracts* of land designated by a PRC  
12 district master plan or other master plan for residential use.

13       **RESTORATION.** The replication or reconstruction of a *building's* original architectural  
14 features.

15       **RESUBDIVISION.** The adjustment of *platted lot* lines for the following purposes:

16           A. increasing or reducing the size of contiguous *lots*, but not less than the minimum  
17 standard size required by the *City*, or changing the shape of contiguous *lots*, commonly known as a *lot*  
18 line adjustment; and

19           B. combining contiguous *lots*, commonly known as a *lot* consolidation.

20 The resubdivision must result in the same or a fewer number of *lots*.

21       **RETAIL ESTABLISHMENT.** A *business* engaged in selling goods to the general public  
22 for personal or household consumption and rendering services incidental to the sale of such goods,  
23 including department stores; supermarkets; pharmacies; bakeries; meat markets; liquor stores;  
24 hardware, paint or wallpaper stores; camera shops; *florist's* shops; *gift shops*; hobby shops; stationery  
25 shops; bookstores, apparel shops; shoe stores; variety stores; jewelry stores; stores for sales of

1 gardening supplies and equipment; movie theaters; and bowling alleys.

2 **RETAIL STRUCTURE.** A *structure* housing one or more *retail establishments*.

3 **RETAIL TENANT.** For the purposes of determining the applicability of special  
4 requirements that apply to large-scale *retail establishments* with single retail tenants greater than  
5 seventy-five thousand gross square feet or, for the purposes of determining the applicability of the  
6 one hundred fifty thousand gross square foot floor area maximum, means a single *retail* establishment  
7 that shares checkstands, management, a controlling ownership interest and storage areas, for example,  
8 a plant nursery or a grocery store associated with a general merchandise store, such as a home  
9 improvement store.

10 **RETENTION.** The storage of storm water or other runoff in a facility that empties solely by  
11 infiltration or evaporation and does not have an engineered outlet *structure*.

12 **RIGHT OF WAY.** The total area of land deeded, dedicated by *plat* or otherwise acquired by  
13 a governmental unit or private organization primarily for the use of the public for the movement of  
14 people, goods and vehicles or by a public or private organization primarily for the installation and  
15 maintenance of utilities or by a railroad primarily for the laying of its tracks.

16 **ROADWAY FACILITIES,** as used in Section 14-8.14 (Impact Fees), means arterial or  
17 collector *streets* or roads that have been designated on an officially adopted roadway plan of the *City*  
18 or *county*. For the purposes of Santa Fe's road impact fees, roadway facilities are limited to the major  
19 roadway system.

20 **ROOF MOUNTED ANTENNAS,** as used in Section 14-6.2(E) (Telecommunications),  
21 includes a *telecommunications facility* placed on a rooftop through gravity mounts or other surface  
22 attachments.

23 **ROOFTOP APPURTENANCE.** Skylights, air conditioning units, solar collectors,  
24 stairwells, vertical transportation or other roof-mounted mechanical, electrical or communications  
25 equipment.



1           **RUNOFF.** The water from natural precipitation that flows over the surface of the land and  
2 does not percolate into the soil.

3           **SALVAGE YARD.** An open use of land on which two or more inoperable vehicles are  
4 standing or on which salvaged auto parts, auto bodies, waste or scrap materials of any kind, including  
5 *building* materials, are processed, stored, displayed, sold, exchanged or handled.

6           **SCALE.** The relationship of the parts of a *building, structure*, block or district to each other,  
7 to the whole and to the human figure.

8           **SCREENING.** A visual barrier composed of suitable live plant material or other natural or  
9 artificial materials.

10          **SECTOR PLAN.** A plan for an area with multiple ownership, prepared with the participation  
11 of the residents and *property owners*, neighborhood associations if any are included in the area, the  
12 *City* and the *county* and including a plan for road improvements, land uses, land use intensities,  
13 schools and parks and drainage. When adopted by the *governing body*, a sector plan is incorporated  
14 into the *general plan*.

15          **SERVICE AREA,** as used in Section 14-8.14 (Impact Fees), means an area within the  
16 corporate boundaries or extraterritorial jurisdiction of the *City* or the boundaries of the *county* to be  
17 served by the *capital improvements* or *facility expansions* specified in the *capital improvements plan*  
18 that is designated on the basis of sound planning and engineering standards. The service area for the  
19 *City's* road, traffic signal, neighborhood park, regional park and fire and police impact fees is the area  
20 within the corporate boundaries of Santa Fe as well as unincorporated areas within the urban area as  
21 set forth in the *general plan*.

22          **SERVICE ESTABLISHMENT.** A *business*, other than a *home occupation*, that is primarily  
23 engaged in providing services, including personal, *business*, repair and amusement services; health,  
24 legal, engineering and other professional services; educational; membership; and other miscellaneous  
25 services.

1           **SERVICE UNIT**, as used in Section 14-8.14 (Impact Fees), means the standardized measure  
2 of consumption, use, generation or discharge attributable to an individual unit of development  
3 calculated in accordance with generally accepted engineering or planning standards for a particular  
4 category of *capital improvements* or *facility expansions*. The service unit for road and traffic signal  
5 impact fees is average daily vehicle-miles of travel. The service unit for neighborhood and regional  
6 park impact fees is equivalent *dwelling units*. The service unit for fire and police impact fees is  
7 square feet, which are measured in terms of *heated living area* for residential uses and gross floor  
8 area for *nonresidential development*.

9           **SETBACK**. The minimum distance prescribed between the nearest point of a *structure* and a  
10 *lot line*.

11           **SEXUALLY ORIENTED BUSINESS**. An *adult arcade, adult bookstore or adult video*  
12 *store, adult cabaret, adult escort agency, adult motel, adult motion picture theater, adult news rack or*  
13 *adult performance and encounter (live) business*.

14           **SFHP**. The Santa Fe Homes Program.

15           **SFHP DEVELOPMENT**. A *tract* of land or any improvements on the tract that are subject  
16 to a SFHP agreement.

17           **SFHP UNIT**. A *dwelling unit* required to be provided on site by a *SFHP* developer or a  
18 SFHP property *owner* to satisfy the SFHP requirements.

19           **SHELTERED CARE FACILITY**. A boarding home or other home for the sheltered care of  
20 adult or juvenile persons that, in addition to having the capacity to provide food and shelter to  
21 between nine and twenty-five persons unrelated to the proprietor, provides personal care and services,  
22 habilitation or supervision beyond food, shelter and laundry; provided that live-in nursing care is not  
23 a primary part of the services provided. Sheltered care facility includes group homes, half-way  
24 houses, homes for battered persons and children and homes designed to provide a transition from  
25 long-term institutional care to normal activities.

1           **SHIELDING.** That portion of a *luminaire* that ensures that no light rays are emitted above  
2 the horizontal plane running through the lowest point of the luminaire where light is emitted.

3           **SHORT TERM RENTAL UNIT.** A *dwelling unit* or *accessory dwelling unit* rented for less  
4 than 30 days per Section 14-6.2(A)(5).

5           **SIGN.** Includes every sign, billboard, ground sign, *wall sign*, roof sign, illuminated sign,  
6 projecting sign, temporary sign, *marquee*, banner, awning, canopy and street clock and includes any  
7 announcement, declaration, demonstration, display, illustration or insignia used to advertise or  
8 promote the interests of any person when it is placed out-of-doors or in view of the general public,  
9 including outdoor electric lights placed in trees, shrubs or other types of vegetation.

10          **SIGN AREA.** The net geometric area enclosed by the sign, including all elements such as  
11 borders or frames or perforated or solid background, but not including projected area or structural  
12 supports for ground signs, unless it is designed in such a manner as to form an integral part of the  
13 background of the display.

14          **SIGN, BUILDING MOUNTED.** A sign mounted on a *building* and includes canopy sign,  
15 *marquee sign*, projecting sign, roof sign and *wall sign*.

16          **SIGN, CANOPY.** A sign mounted under and supported by a permanent *awning*, arcade or  
17 *portal*.

18          **SIGN, DIRECTIONAL.** A sign used only for the purpose of indicating the location or  
19 direction of an object, place or area and containing no advertising.

20          **SIGN, ELECTRONIC MESSAGING.** An electronic changeable copy sign, an electronic  
21 graphic display sign, or video display sign as follows:

22               **A. Electronic Changeable Copy Sign.** A sign or portion thereof that displays  
23 electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol  
24 is defined by a small number of matrix elements using different combinations of light emitting diodes  
25 (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic

changeable copy signs include computer programmable, microprocessor controlled electronic display.

**B. Electronic Graphic Display Sign.** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes.

Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto *buildings* or other objects.

**C. Video Display Sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto *buildings* or other objects.

**SIGN FACING or SURFACE.** The surface of the *sign* on, against or through which the message is displayed or illustrated.

**SIGN, FREESTANDING.** A sign or sign *structure* that is permanently affixed to the ground supported by uprights or braces placed upon the ground and that is not attached to a *building* or other *structure*.

**SIGN, HANGING.** A sign that is not supported by any means from the ground or sidewalk and that is fastened to or suspended from a *structure*.

**SIGN HEIGHT.** The vertical distance from grade to the highest point of the sign.

**SIGN, ILLUMINATED.** An illuminated sign that has characters, letters, figures, designs or

outline illuminated by electric lights or luminous tubes as a part of the sign proper.

**SIGNS, NUMBER.** For the purpose of determining the number of signs, a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

**SIGN, PORTABLE.** A movable sign *structure* not permanently attached to the ground or to any other structure.

**SIGN, PROJECTING.** A sign that is attached to a *structure* and extends beyond the line of the structure.

**SIGN, ROOF.** A sign painted, erected or constructed wholly upon or over the roof of a *building* and supported solely on the roof *structure*.

**SIGN, SANDWICH.** A sign that rests on the ground and consists of two sign faces attached at the top, with the sides of the sign forming a triangle and the base of the triangle forming the baseline of the sign.

**SIGN, TEMPORARY.** A sign that relates to an event, function or activity of a specific, limited duration, including flags, banners, pennants and similar paraphernalia.

**SIGN, WALL.** A sign that displays a single advertising surface and is painted on or attached to and erected parallel to the face of the outside wall of a *building* and supported by the wall, fence or building. *Wall signs* includes flat signs, signs with projecting letters attached to a wall or a painted sign board attached securely to a wall.

**SIGNIFICANT STRUCTURE.** A *structure* located in an H district that is approximately fifty years old or older, and that embodies distinctive characteristics of a type, period or method of construction. For a *structure* to be designated as significant, it must retain a high level of historic integrity. A *structure* may be designated as significant:

A. for its association with events or persons that are important on a local, regional,

1 national or global level; or

2 B. if it is listed on or is eligible to be listed on the State Register of Cultural  
3 Properties or the National Register of Historic Places.

4 **SIGNIFICANT TREE.** A deciduous tree six inches in *caliper* or greater or an evergreen tree  
5 eight feet or greater in height.

6 **SIGNIFICANCE.** The determination of the potential value of an *archaeological site* to  
7 increase the knowledge of the prehistory or history of Santa Fe, as set forth in Section  
8 14-3.13 (Archaeological Clearance Permits).

9 **SITE WATER BUDGET.** A written document, reviewed and approved by the engineering  
10 section of the water division, that demonstrates that a proposed *structure* or *development* will use a  
11 specified volume of water and that contains the following information:

12 A. a description of all proposed and existing *structures* on the subject *parcel* of land  
13 together with a complete description of all proposed and existing water fixtures and other water using  
14 devices and equipment to be installed or constructed on the subject *parcel*, not including water to be  
15 used during and for construction;

16 B. a description of all proposed water uses proposed for the subject *parcel* of land,  
17 separating such uses by indoor and outdoor categories and including the total area of proposed and  
18 existing *landscaping*; and

19 C. a quantification in gallons and acre-feet of the total proposed water usage on the  
20 subject *parcel* of land on an annual basis, an average and maximum monthly basis and an average and  
21 maximum daily basis.

22 **SLOPE.** An inclined ground surface, expressed in terms of measures of horizontal distance to  
23 measures of vertical distance or percent of vertical component to horizontal component.

24 **SOIL AMENDMENT.** Material added to improve the fertility, permeability or water storage  
25 capacity of soil.

1        **SOILS ENGINEERING REPORT.** A report prepared by a *professional engineer* indicating  
2 the nature, distribution and strength of existing soils; conclusions and recommendations for grading  
3 procedures; design criteria for corrective measures when necessary and opinions and  
4 recommendations covering adequacy of sites to be developed by the proposed *grading*.

5        **SOLID WALL OR FENCE.** A *structure* consisting of a continuous, non-transparent vertical  
6 surface.

7        **SPECIAL FLOOD HAZARD AREA.** The land in the *floodplain* within the *City* that has a  
8 one percent or greater chance of *flooding* in any given year. After detailed ratemaking has been  
9 completed in preparation for publication of the *FIRM*, Zone A usually is refined in Zones A, AE, X or  
10 shaded X. For the *City*, the *special flood hazard area* is further defined as *floodway* and *flood fringe*.

11        **SPECIFIED ANATOMICAL AREAS** includes:

12                A. less than completely and opaquely covered human genitals or pubic region or  
13 buttock or female breast below a point immediately above the top of the areola; or

14                B. human male genitals in a discernibly turgid state, even if completely and  
15 opaquely covered.

16        **SPECIFIED SEXUAL ACTIVITIES:**

17                A. human genitals in the state of sexual stimulation or arousal;

18                B. acts of human masturbation, sexual intercourse or sodomy;

19                C. fondling or other erotic touching of human genitals, pubic region, buttock or  
20 female breast;

21                D. excretory functions as part of or in connection with any of the activities set forth  
22 in Subsections A through C of this definition; or

23                E. a simulation of any of activities provided in Subsections A through D of this  
24 definition.

25        **START OF CONSTRUCTION,** as used in Section 14-8.3 (*Flood Regulations*) and for

1 other than new construction or *substantial improvements* under the federal Coastal Barrier Resources  
2 Act (Pub. L. 97-348), means the date the construction *permit* is issued; provided that the actual start  
3 of construction, repair, reconstruction, placement, or other improvement is within one hundred eighty  
4 days of the permit date. The actual start of construction means either the first placement of  
5 permanent construction of a *structure* on a site, such as the pouring of slabs or footings, the  
6 installation of piles, the construction of columns or any work beyond the stage of *excavation*; or the  
7 placement of a *manufactured home* on a foundation. Permanent construction does not include land  
8 preparation, such as clearing and grading; installation of *streets* or walkways; excavation for a  
9 basement, footings, piers or foundations or the erection of temporary forms; or the installation on the  
10 property of *accessory buildings* such as garages or sheds not occupied as *dwelling units* or not as part  
11 of the main structure.

12 **STATE.** The *state* of New Mexico.

13 **STORM DRAINAGE FACILITIES.** Includes drainage courses, constructed *channels*,  
14 underground storm sewers, *streets*, drop inlets, detention basins and other drainage improvements.

15 **STORY.** The division of a *building* comprising the space between two successive floors  
16 above ground level. As used in height limits for *residential development*, story means a maximum  
17 height of twelve feet;

18 **STREET.** A *right of way* dedicated to public or private use to provide primary vehicular and  
19 pedestrian access to adjoining properties and is any public thoroughfare and the approach to a public  
20 thoroughfare, the boundaries of which extend to the abutting property line.

21 **STREET FRONTAGE.** The length of the boundary of the *premises* abutting the *street*.

22 **STREET TREE.** A tree that is planted within or along a street right-of-way, and that can be  
23 pruned for pedestrian clearance where appropriate.

24 **STREET WIDTH.** The area of *street* within which vehicles are permitted, including travel  
25 lanes and parking areas, but not including shoulders, curbs, sidewalks or swales.



1           **STREETSCAPE.** The visual character of a *street* or section of a street as defined by  
2 topography; the pattern of *structures* and *open space*; *building* and *wall* setbacks; street design;  
3 architectural design; and heights, widths and proportions of structures, fixtures and graphics.

4           **STRUCTURAL TRIM.** The moldings, battens, cappings, nailing strips, latticing and  
5 platforms that are attached to a *sign structure*.

6           **STRUCTURE.** Anything that is constructed or erected with a fixed location on the ground or  
7 attached to something having a fixed location on the ground, including *buildings*, *mobile homes*,  
8 *walls*, fences, swimming pools, spas, tennis courts, signs, flag poles, microwave satellite receiving  
9 dishes, TV *antennas* and communication devices.

10          **SUBDIVIDE.** To divide land into two or more parts by platting or by metes and bounds  
11 description to:

- 12           A. sell for *building* purposes;
- 13           B. laying out a municipality or any part of a municipality;
- 14           C. adding to a municipality;
- 15           D. laying out suburban *lots*; or
- 16           E. resubdivide.

17          **SUBSTANTIAL IMPROVEMENT**, as used in Section 14-8.3 (*Flood Regulations*), means  
18 any repair, reconstruction or improvement of a *structure*, the cost of which equals or exceeds fifty  
19 percent of the market value of the *structure*, either before the improvement or repair is started or, if  
20 the *structure* has been damaged and is being restored, before the damage occurred;. For the purpose  
21 of this definition, substantial improvement is considered to occur when the first *alteration* of any  
22 wall, ceiling, floor or other structural part of the *building* commences, whether or not that *alteration*  
23 affects the external dimensions of the structure. Substantial improvement does not include either:

- 24           A. any project for improvement of a *structure* to comply with existing state or local  
25 health, sanitary or safety code specifications that are necessary solely to assure safe living conditions;

1 or

2 B. any *alteration* of a structure listed on the National Register of Historic Places or a  
3 state inventory of historic places.

4 **SUBSTANTIALLY DAMAGED.** As used in §14-8.3 (*Flood Regulations*), means damage  
5 of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its before  
6 damaged condition would equal or exceed 50 percent of the market value of the *structure* before the  
7 damage occurred.

8 **SUBSTANTIVE CHANGE,** as used in Section 14-5.2 (H districts), means a change to a  
9 property in the H districts or a landmark property outside the H districts that requires review and  
10 approval by the historic design review board.

11 **SUBSTATION.** As used in Section 14-6.2(F) (*Electric facilities*), means facility equipment  
12 that switches, changes, or regulates electric voltage. An electric power station that services as a  
13 control and transfer point on an electrical transmission system. Substations route and control  
14 electrical power flow, transform voltage levels, and serve as delivery points to industrial customers.

15 **SUBSURFACE AREAS.** Areas within a *structure*, the floor of which is at least six feet  
16 below average finished grade.

17 **SUSTAINABLE.** The ability of a system to maintain processes, functions and productivity  
18 over time using a defined quantity of resources.

19 **SWALE.** A shallow *excavation* constructed perpendicular to overland flow direction to  
20 detain storm water runoff, keeping it on-site and allowing it to infiltrate.

21 **SWITCHING STATION.** As used in Section 14-6.2(F) (*Electric facilities*), means facility  
22 equipment used to tie together two or more electric circuits through switches. The switches are  
23 selectively arranged to permit a circuit to be disconnected or to change the electric connection  
24 between the circuits.

25 **TANK.** An artificial reservoir for storing water, often above ground.

1       **TELECOMMUNICATIONS FACILITIES.** The plant, equipment and property, including  
2 but not limited to, fiber optic lines, cables, wires, conduits, ducts, pedestals, towers, antennas,  
3 electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer  
4 *telecommunications services*.

5       **TELECOMMUNICATIONS OWNER.** Includes every person that directly or indirectly  
6 owns, controls, operates or manages plant, equipment or property within the City, used or to be used  
7 for the purpose of offering *telecommunications service*.

8       **TELECOMMUNICATION SERVICES.** The providing or offering for rent, sale or lease,  
9 or in exchange for other value received, of the transmittal of voice, data, image, graphic and video  
10 programming information between or among points excluding only cable services.

11       **TELECOMMUNICATIONS PROVIDER.** Includes every person who provides  
12 *telecommunications service* over *telecommunications facilities* without any ownership or management  
13 control of the facilities.

14       **TEMPORARY FACILITIES.** As used in Section 14-6.2(F) (Electric facilities), means  
15 *electric facilities* and distribution facilities used to provide service for less than one year.

16       **TEMPORARY STRUCTURE.** A *structure* erected for a specific purpose, which is  
17 removed when the designated time period, activity or use for which it was erected has ceased. See  
18 Section 14-6.4(C) (Temporary Structures Treated as Permanent Structures).

19       **TOPSOIL.** The uppermost part of a soil, ranging in depth from three to six inches, that can  
20 sustain vegetation and is free of caliche, trash or toxic materials.

21       **TOWER,** as used in Section 14-6.2(E) (Telecommunications), means any *structure* that is  
22 designed and constructed primarily for the purpose of supporting one or more *antennas* used for  
23 *telecommunications services*, including self-supporting lattice towers, guyed towers, or monopole  
24 towers. The term includes radio and television transmission towers, microwave towers, common-  
25 carrier towers, cellular telephone towers, and the like. The term includes the structure and any support

thereto.

**TOWER ALTERNATIVE**, as used in Section 14-6.2(E) (Telecommunications), means manmade trees, clock *towers*, bell steeples, light poles and similar alternative-design mounting *structures* that camouflage or conceal the presence of *antennas* or towers.

**TOWNSCAPE**. The interrelated elements of the urban landscape, including the physical setting, *street* patterns, watercourses, vegetation, *building* placement, building height, scale, *wall* types and prominent views.

**TOWNSCAPE STANDARDS**, as used in the BCD, means the specific requirements within a *townscape* subdistrict that provide for:

- A. maximum height of *structures*;
- B. maximum *lot* coverage;
- C. *building* placement and *setback* requirements;
- D. minimum *open space* requirements;
- E. landscape treatment;
- F. height of *walls* and fences;
- G. placement of parking;
- H. curb cuts; and
- I. portals.

**TRACT**. An area for which a single project is proposed.

**TRANSIENT LODGING**. A stay of fewer than thirty consecutive days.

**TRANSMISSION FACILITIES**. As used in §14-6.2(F) (*Electric facilities*), means the network of high-voltage lines, transformers, and switches used to move electrical power from generators to the distribution system. Also used to interconnect different utility systems and independent power producers into a synchronized network. Transmission is considered to end when the energy is transformed for distribution to the customer.

1           **TRANSPORTATION TERMINAL.** A station where transportation services are provided to  
2 the public, primarily transportation of persons as opposed to freight, to a regional area, including the  
3 city, or serves as a junction to points outside the city for the conveyance of passengers as a  
4 commercial enterprise.

5           **TREATMENT.** A plan for the recovery or protection of discovered *cultural remains* at those  
6 *archaeological sites* that are considered significant, including proposed *excavation* or preservation  
7 methods, proposed analysis techniques and plans for the final disposition of *artifacts* recovered.

8           **UNDERGROUND SYSTEM.** As used in Section 14-6.2(F) (Electric facilities), means a  
9 system of underground primary and/or secondary distribution cables which may have transformers,  
10 terminal boxes, switching devices and other facilities necessarily appurtenant to such a system on the  
11 surface, or any portion thereof.

12           **UNIT.** For purposes of a vacation time share or interval use project, means a unit means each  
13 portion of real property or real property improvement in a project which is divided into time shares or  
14 interval uses.

15           **UPGRADE.** As used in Section 14-6.2(F) (Electric facilities), means to rebuild, improve, or  
16 increase the voltage or current carrying capability of an electric transmission line, switching station,  
17 or substation.

18           **USDA CLASSIFICATION ZONE.** A United States department of agriculture system of  
19 plant hardiness classifications grouped by the ability to withstand defined temperature ranges.

20           **USED OR OCCUPIED** includes "intended, designed or arranged to be used or occupied".

21           **UTILITY EASEMENT.** An easement acquired, established, dedicated or devoted for *public*  
22 *utility* purposes.

23           =

24           **UTILITY PROVIDER,** as used in Section 14-6.2(G) (Underground Electric,  
25 Telecommunications and Cable Utility Lines), means electric or cable service providers or their

1 contractors constructing electric, telecommunication or cable utility lines.

2 **UTILITY SHED.** A prefabricated, one-story, detached *accessory structure* constructed of  
3 light material and used as a tool shed, play house or other suitable purpose; provided that the  
4 projected roof area shall not exceed one hundred twenty square feet.

5 **VACATION TIME SHARE PROJECT.** Real property for which the right to use and  
6 occupy a *dwelling unit* on a periodic basis constitutes a time share arrangement under the laws of  
7 New Mexico, in which the exclusive right of use or occupancy of a unit circulates among various  
8 *owners* for a contractually limited period or a private club with shared ownership in a vacation  
9 residence similar to the above including interval use.

10 **VETERINARY ESTABLISHMENT.** A facility or place where animals, including  
11 agricultural and farm animals, are given medical and surgical care and treatment and the boarding of  
12 animals limited to short-term care incidental to the hospital use.

13 **VIEWLINE,** as used in Section 14-5.6 (Escarpment Overlay District), means either the  
14 boundary between the ridge top subdistrict and foothill subdistrict or the delineated portion of the  
15 boundary of the ridge top subdistrict if there is no contiguous foothill subdistrict, as shown on the  
16 *City's* official escarpment overlay district maps.

17 **VOCATIONAL SCHOOL.** A secondary or post-secondary education facility that meets  
18 State requirements as a vocational facility and that primarily teaches usable skills that prepare  
19 students for jobs in a trade.

20 **WALL.** A constructed solid barrier of concrete, stone, brick, tile, wood or similar material  
21 that closes, marks or borders a field, yard or *lot* and that limits visibility and restricts the flow of air  
22 and light.

23 **WAREHOUSE.** A *building* used primarily for the storage of goods and materials.

24 **WARM SEASON GRASS.** Grass that requires moderate or infrequent applications of water  
25 throughout its life, such as blue grama, buffalo and other grass species.

1           **WATER FEATURE.** An ornamental water *structure* used in a landscape, including  
2 fountains, streams and ponds.

3           **WATER HARVESTING.** The capture and use of precipitation from surfaces such as roofs,  
4 roads, parking *lots* and landscapes for plant irrigation, soil recharge or the collection and storage for  
5 future use.

6           **WATER SURFACE ELEVATION,** as used in Section 14-8.3 (Flood Regulations), means  
7 the height, in relation to the national geodetic vertical datum (NGVD) of 1929, of *floods* of various  
8 magnitudes and frequencies in the *floodplains* of riverine areas.

9           **WHOLESALE OPERATIONS.** *Businesses* primarily engaged in selling merchandise or  
10 acting as agents or brokers and buying merchandise for retailers; industrial, commercial, institutional  
11 or professional *business* users; or other wholesalers.

12           **XERISCAPE.** A water conserving landscape, emphasizing the use of drought tolerant plant  
13 material and efficient watering systems. The principles of xeriscape include planning and design,  
14 appropriate choice of plants, soil analysis, efficient irrigation, practical and limited use of turf,  
15 mulching and proper maintenance.

16           **YARD.** The substantially open area adjacent to a property line; see “*yard, required.*”

17           **YARD, FRONT.** The part of a *lot* on the *lot frontage* side between the *front lot* line and the  
18 closest part of the perimeter of a *structure* on the *lot*, extended to both side *lot* lines.

19           **YARD, REAR.** The part of a *lot* opposite the *lot frontage* side between the rear *lot* line and  
20 the closest part of the perimeter of a *structure* on the *lot*, extended to both side *lot* lines.

21           **YARD, REQUIRED.** A required unoccupied, unobstructed *open space* adjacent to a  
22 property line.

23           **YARD, SIDE.** The part of a *lot* between the side *lot* lines and the closest part of the perimeter  
24 of a *structure* on the *lot*, extending from front to rear *lot* lines.

25           **YARD, SPECIAL.** In the case of an *irregular lot*, means a yard required to perform the same

1 functions as a *front, side or rear yards*, but adjacent to the *lot* line so placed or oriented that the  
2 standard requirements are not clearly applicable. In such cases, the *land use director* shall require a  
3 special yard with minimum dimensions as would apply for a comparable *front, side or rear yards* in  
4 the district. Such determination shall be based on the relation of the *lot* in question to the adjoining  
5 *lots* with due regard to the orientation and location of *structures* and *buildable areas* on the *lot*.

6 **YARD, STREET.** The *yard* or *required yard* adjoining a street.

7 **ZERO LOT LINE.** The location of a *building* wall on a side or rear *lot* line.

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1           Section 16.     Appendix A of Chapter 14 SFCC 1987 (being Ord. #2001-38, as  
2 amended) is repealed and a new Appendix A is ordained to read:

3 **APPENDIX A [NEW MATERIAL]**

4                           **APPENDIX**

5                           **for**

6                           **Chapter 14**

7                           **LAND DEVELOPMENT**

8 **Exhibit A**

9 Table 14-8.6-1 Parking and Loading Requirements

10 **Exhibit B**

11 Illustrations of Parking Space Layout and Dimensional Standards

12 **Exhibit C**

13 Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4

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**Exhibit A Table 14-8.6-1 Parking and Loading Requirements**

<b>TABLE 14-8.6-1: Parking and Loading Requirements</b>		
<b>Category</b>	<b>Specific Use</b>	<b>Parking and Loading</b>
<b>RESIDENTIAL</b>		
Group Living	Continuing care communities	1 space per dwelling unit; plus one space per 2 beds in congregate housing plus one space per 2 beds in a nursing care unit or extended care facility
	Group homes for 8 or fewer residents	2 spaces per group home
	Group homes for more than 8 residents	1 space per two beds
Household Living	Attached dwelling unit (2-5 units):	2 spaces per dwelling unit
	Attached dwelling unit (over 5 units): Less than 800 square feet of heated floor area	1 assigned space and .25 unassigned space per dwelling unit
	Attached dwelling unit (over 5 units): 800–1,200 square feet of heated floor area	1 assigned space and 0.5 unassigned space per dwelling unit
	Attached dwelling unit (over 5 units): More than 1,200 square feet of heated floor area	1 assigned space and 1 unassigned space per dwelling unit
	Detached dwelling unit	2 spaces per dwelling unit
Short term rental unit (Ord. No. 2008-5 § 4)	One bedroom	One parking space
	Two or more bedrooms	2 parking spaces
<b>PUBLIC, INSTITUTIONAL AND CIVIC</b>		
Day Care, Nursery, or Kindergarten	Day care facilities	Two spaces plus one additional space for each ten children
Educational	Elementary and junior high schools	One space for each classroom, workshop, laboratory or office plus one space per 200 square feet of auditorium, gymnasium and cafeteria
	Senior high schools	Four spaces for each classroom, workshop, laboratory or office plus one space per 200 square feet of auditorium, gymnasium and cafeteria
Government Services	Municipal neighborhood and community buildings	One space per each 250 square feet of net leasable area
	Post offices	One space per each 200 square feet of net leasable area

**TABLE 14-8.6-1: Parking and Loading Requirements**

Category	Specific Use	Parking and Loading
<b>RESIDENTIAL</b>		
Hospital	Hospital, medical center, other treatment facilities	One space per four beds, plus the number required, based on square feet measurement, for office, clinic, testing, research, administrative, teaching and similar activities associated with the principal use, at one space per each 350 square feet of net leasable area except for teaching facilities, which shall be one per each four seats
Human Services	Extended and sheltered care facilities, including group homes	One space per each two beds
	Human services establishments	One space per each 350 square feet of net leasable area except for lodging which shall be 1 space per 2 beds for dormitory rooms or 1 space per individual lodging unit
Libraries, museums (not for profit)	All uses	One space per each 250 square feet of net leasable area
Parks and Open Space	Parks, athletic fields, tennis and pool facilities, golf courses, etc.	As determined by the City
	Public buildings and grounds other than elementary or high schools	One space per each 250 square feet of net leasable area
	Uses for general public gatherings	One space per four seats, based on total capacity
Religious Assembly	All uses	One space per four seats
Transportation terminals	All uses	One space per each 200 square feet of net leasable area
<b>COMMERCIAL</b>		
Assembly	Fraternal organizations	One space per each 200 square feet of net leasable area
	Private clubs and lodges	One space per each 200 square feet of net leasable area
Financial	Drive-in banks	One space per each 350 square feet of net leasable area plus customer drive-in spaces as determined by the City
Food & Beverages	Drive-in eating and drinking establishments	One space per each 30 square feet with a 10 space minimum
	Eating and drinking establishments	One space per each 50 square feet of serving area
	Liquor stores	One space per each 200 square feet of net leasable area

**TABLE 14-8.6-1: Parking and Loading Requirements**

Category	Specific Use	Parking and Loading
<b>RESIDENTIAL</b>		
	Restaurants	One space per each 200 square feet of net leasable area
Offices	Medical offices	One space per each 200 square feet of net leasable area
	Non-medical offices	One space per each 350 square feet of net leasable area
Public Accommodation	Bed and breakfast inns	0.7 space per rental unit
	Boarding, lodging, and bed and breakfast houses	0.7 space per rental unit in addition to the spaces required for the dwelling unit
	Hotels and motels	One space per rental unit
	Residential suite hotels and motels	One space per rental unit, plus one employee average shift
	Vacation time share project	Same as household living, plus one employee per six units (see page 1 of table for household living)
Recreation & Entertainment	Auditoriums	One space per 100 square feet of net leasable area
	Bowling alley	5 spaces per lane
	Enclosed recreational buildings, specialized facilities and related uses	As determined by the City
	Gymnasiums, stadiums, field houses, grandstands and related facilities	One space per each four seats or spectator spaces equal to 30 percent of the total permitted occupancy
	Private schools of instruction (music, karate, etc.)	One space per each 200 square feet of net leasable area
	Recreational and community center buildings, recreation clubs and related uses	Spaces equal to 30 percent of total permitted occupancy or as determined by the City
	Recreational and entertainment theater	One space per each three seats
Retail Sales & Services	Art galleries	One space per each 200 square feet of net leasable area
	Bicycle sales and repair	
	Blueprinting and photocopying	
	Business machines sales and service	
	Carpet stores	
	Currency exchanges	
	Drug stores	

**TABLE 14-8.6-1: Parking and Loading Requirements**

Category	Specific Use	Parking and Loading
<b>RESIDENTIAL</b>		
	Dry cleaning establishments	
	Flea markets	One space for every 500 square feet of total vendor area as designated on the site plan
	Florist shops	One space per each 200 square feet of net leasable area
	Food stores	
	Funeral parlors	
	Furniture stores	
	Garden supply and nursery	
	General merchandise and appliance stores	
	General repair shops, e.g. electrical	
	Gift shops	
	Hardware stores	
	Interior decorators	
	Neighborhood groceries and laundromats	One space per each 400 square feet of net leasable area
	Opticians or optometrists	One space per each 200 square feet of net leasable area
	Other specific merchandise stores, e.g. draperies, fireplaces, glass, greeting cards, jewelry	
	Paint and wallpaper stores	
	Radio and television service and repair shops	
	Shopping centers	5 spaces per 1,000 square feet of net leasable area
	Sporting goods stores	One space per each 200 square feet of net leasable area
Service Establishments	Barber shops and beauty salons	One space per each 200 square feet of net leasable area
Vehicles & Equipment	Auto sales, new and used	One space per each 200 square feet of building area, including repair shop minus area used for displaying cars
	Automotive service station and garage for minor repair	One space per each 200 square feet of net leasable area
<b>INDUSTRIAL</b>		
Industrial Service & Storage	Auto and junkyards	One space per 1,700 square feet of land and buildable area
	Mini warehouses	One per 10 storage areas

**TABLE 14-8.6-1: Parking and Loading Requirements**

Category	Specific Use	Parking and Loading
<b>RESIDENTIAL</b>		
	Other industrial and industrial parks	As determined by the City
Warehouse & Freight Movement	Warehouse and distribution	One space per 500 square feet of net leasable area
<b>ACCESSORY</b>		
Accessory dwelling units	All	One space per unit if the accessory dwelling unit is less than 1,000 square feet, otherwise, two spaces per unit
Home occupations	All	See Section 14-6.3(C)(2)(iii)

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## Exhibit B Illustrations of Parking Space Layout and Dimensional Standards

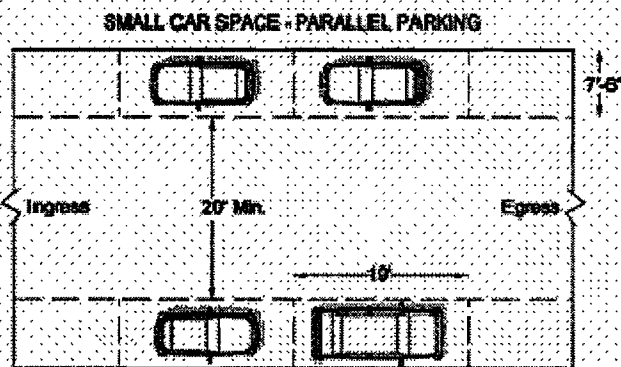
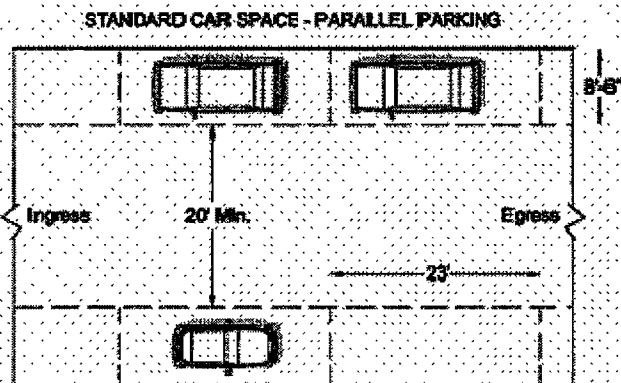
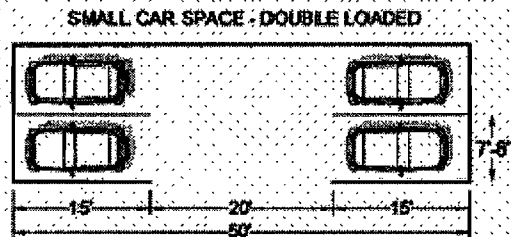
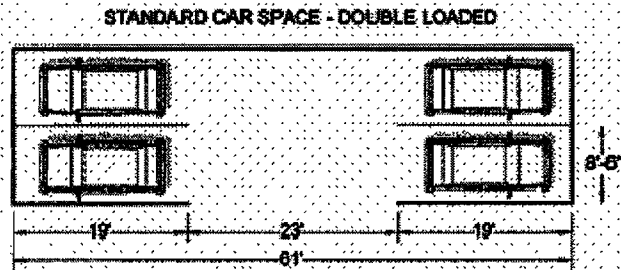
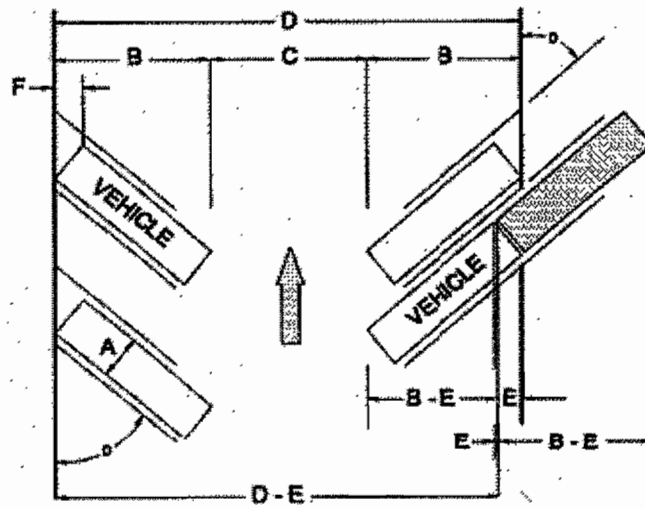


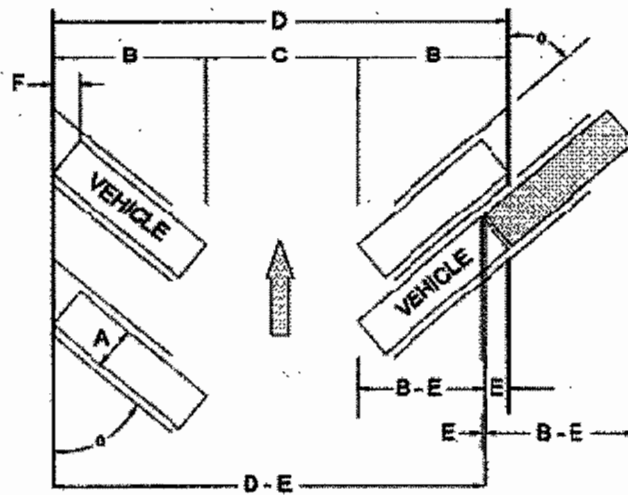
Illustration 14-8.6-1: Non-Angle Parking Requirements



Angle	Minimum Width (A)	Vehicle Projection (B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	8'-4"	17'-4"	12'-3"	48'-22"	2'-0"	2'-0"
50	8'-4"	18'-0"	12'-8"	48'-9"	1'-10"	2'-1"
55	8'-4"	18'-6"	13'-3"	50'-3"	1'-7"	2'-2"
60	8'-4"	18'-10"	14'-3"	51'-11"	1'-4"	2'-3"
65	8'-4"	19'-0"	15'-2"	53'-2"	1'-2"	2'-4"
70	8'-4"	19'-2"	16'-1"	54'-5"	0'-11"	2'-5"
75	8'-4"	19'-0"	17'-6"	55'-6"	0'-8"	2'-6"
90	8'-4"	18'-0"	22'-6"	58'-4"		2'-8"

**Illustration 14-8.6-2: Parking Module Dimensions – One Size Fits All**





Angle	Stall Type	Minimum Width (A)	Vehicle Projection (B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	CO STD	7'-6" 8'-6"	15'-2" 18'-4"	10'-9" 13'-0"	41'-1" 49'-8"	1'-6" 2'-3"	1'-6" 2'-3"
50	CO STD	7'-6" 8'-6"	15'-8" 19'-2"	11'-2" 13'-6"	42'-6" 51'-10"	1'-4" 2'-0"	1'-7" 2'-4"
55	CO STD	7'-6" 8'-6"	16'-0" 19'-8"	11'-7" 14'-0"	43'-7" 53'-4"	1'-2" 1'-0"	1'-8" 2'-5"
60	CO STD	7'-6" 8'-6"	16'-4" 20'-0"	12'-6" 15'-0"	45'-2" 55'-0"	1'-0" 1'-6"	1'-8" 2'-6"
65	CO STD	7'-6" 8'-6"	16'-5" 20'-2"	13'-3" 16'-0"	46'-1" 56'-4"	0'-10" 1'-3"	1'-9" 2'-7"
70	CO STD	7'-6" 8'-6"	16'-5" 20'-4"	14'-1" 17'-0"	46'-11" 57'-8"	0'-8" 1'-0"	1'-10" 2'-8"
75	CO STD	7'-6" 8'-6"	16'-6" 20'-2"	16'-4" 18'-0"	49'-4" 58'-4"	0'-6" 0'-9"	1'-10" 2'-9"
90	CO STD	7'-6" 8'-6"	15'-0" 19'-0"	19'-0" 23'-0"	50'-0" 61'-0"		2'-0" 3'-0"

Illustration 14-8.6-3: Parking Module Dimensions – Small and Standard Cars

**Exhibit C Off-Street Bicycle Parking Tables 14-8.6-3, 14-8.6-4**

<b>TABLE 14-8.6-3: General Off-Street Bicycle Parking For all uses except hotels or motels</b>	
<b>Automobile Parking Spaces Required</b>	<b>Bicycle Spaces Required</b>
10 or less	5
11-50	10
51-100	15
101-150	20
151 or more	25

<b>TABLE 14-8.6-4: Hotel or Motel Off-Street Bicycle Parking For hotels or motels</b>	
<b>Number of Employees per Shift</b>	<b>Bicycle Spaces Required</b>
20 or less	5
21-40	10
More than 40	15

<b>TABLE 14-8.6-5: School Off-Street Bicycle Parking For schools</b>	
<b>Type of School</b>	<b>Bicycle Spaces Required</b>
Elementary or middle	One space per 20 students
High school, commercial, trade or vocational school	One space per 50 students
Colleges and universities	One space per 20 students

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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