

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-3

INTRODUCED BY:

AN ORDINANCE

**APPROVING TECHNICAL CORRECTIONS TO ORDINANCE NO. 2011-37 RELATED TO
CHAPTER 14 SFCC 1987 BY AMENDING §§ 14-2.3(C)(7), 14-3.1(H)(1)(a), 14-3.10(E), 14-
7.1(C)(1), 14-8.5(A)(1); REENACTING § 14-8.11(F); AND AMENDING §14-9.2(D), TABLE
14-9.2-1, §14-9.2(K)(1) AND ARTICLE 14-12 TO REFINE THE DEFINITION OF "GROUP
HOME", INCLUDE THE PREVIOUSLY APPROVED DEFINITION OF "HOUSING
OPPORTUNITY PROGRAM" AND REPEAL THE OBSOLETE DEFINITION OF "ONE
HUNDRED YEAR FLOOD"; ALL FOR THE SOLE PURPOSE OF PROVIDING
TECHNICAL CORRECTIONS.**

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

**Section 1. Section 14-2.3(C)(7) SFCC 1987 (being Ord. #2011-37, §2) is amended to
read:**

(7) Other Recommendations to Governing Body

The planning commission shall review and make recommendations to the *governing
body* regarding:

1 (a) the adoption of the *General Plan* and proposed revisions and
2 amendments to the *General Plan*;
3 (b) annexations;
4 (c) rezonings; and
5 (d) proposed amendments to Chapter 14, except for proposed amendments
6 to Sections 14-2.7 (Archaeological Review Committee), 14-3.13 (Archaeological Clearance
7 Permits) and 14-5.3 (Archaeological Review Districts), on which the archaeological review
8 committee shall review and issue recommendations; to Sections 14-3.14 (Demolition of Historic or
9 *Landmark Structure* and 14-5.2 (Historic Districts), on which the historic districts review board shall
10 make recommendations; and to Section 14-8.13 (Development Water Budgets) on which the public
11 utilities committee shall review and issue recommendations.

12 **Section 2. Section 14-3.1(H)(1)(a) (being Ord. 2011-37, §3) is amended to read:**

13 **(a) General Notice Requirements**

14 This section applies for all *applications* and ENN meetings, except those
15 initiated by the *City* described in Section 14-3.1(H)(1)(e), Archaeological Clearance Permits for
16 which notice shall be provided in accordance with Section 14-3.13(C)(3) and appeals described in
17 Section 14-3.1(H)(4).

18 **Section 3. Section 14-3.10(E) SFCC 1987 (being Ord. #2011-37, §3) is amended to**
19 **read:**

20 **E. Waivers**

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

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

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

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

8 (4) Waivers may be issued for the repair or rehabilitation of *historic structures* upon
9 a determination that the proposed repair or rehabilitation will not preclude the *structure's* continued
10 designation as a *historic structure* and the [~~variance~~] waiver is the minimum necessary to preserve the
11 historic character and design of the *structure*.

12 (5) Waivers may be approved for *new* construction and substantial improvements
13 and for other *development* necessary for the conduct of a *functionally dependent use* provided that the
14 *structure* or other *development* is protected by methods that minimize *flood* damages during the *base*
15 *flood* and create no additional threats to public safety.

16 (6) The prerequisites for granting waivers are:

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

19 (b) waivers shall only be issued upon:

20 (i) showing a good and sufficient cause;

21 (ii) a determination that failure to grant the [~~variance~~] waiver would
22 result in exceptional hardship to the applicant, and

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

ordinances.

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

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

Section 4. Section 14-7.1(C)(1) SFCC 1987 (being Ord. #2011-37, §9) is amended to read:

(1) Measurement of Maximum Height

No point on a *structure* shall be higher than the most restrictive of the following calculations:

(a) the maximum height specified in the tables of *development* standards in ~~[this Article 7]~~ Sections 14-7.2, 14-7.3 and 14-7.4, measured from the average of the highest point and the lowest point of the finished grade at the perimeter of the *structure*; or

(b) the maximum height specified plus four feet, measured from the finished grade at the closest point on the perimeter of the *structure*; and

(c) step-back regulations for maximum heights relative to distances from property lines that apply in certain districts as set forth in the tables of dimensional standards.

Section 5. Section 14-8.5(A)(1) SFCC 1987 (being Ord. #2011-37, §10) is amended to read:

A. Applicability

(1) The retaining *wall* height standards in this Section 14.8.5 apply to the portion of

1 a wall, fence or similar structure that supports a higher finished grade on one side than on the other.
2 The height of the [higher] retaining wall is measured from the finished grade at the base of the wall to
3 the finished grade at the top of the wall.

4 **Section 6. Section 14-8.11(F) SFCC 1987 (being Ord. #2011-37, §11) is repealed**
5 **and a new Section 14-8.11(F) SFCC 1987 is reenacted and ordained to read:**

6 **(F) Santa Fe Homes Program Requirements**

7 (1) If a SFHP developer obtains a residential construction permit for a SFHP
8 development between June 8, 2011 through June 7, 2014, then 20 percent of the total number of
9 dwelling units or manufactured home lots in an SFHP development shall be SFHP units and meet all
10 requirements of Section 26-1 SFCC 1987. A modification to a SFHP agreement or HOP agreement
11 that was entered into prior to June 8, 2011 shall be made to reflect the 20 percent requirement; and if
12 applicable, an annexation agreement, subdivision plat or development plan shall be administratively
13 amended to reflect the reduction and redistribution of SFHP or HOP lots and the amended annexation
14 agreement, subdivision plat or development plan shall be recorded or filed, as applicable, by the
15 owner or developer.

16 (2) Effective June 8, 2014, and thereafter, 30 percent of the total number of dwelling
17 units or manufactured home lots in an SFHP development shall be SFHP units and meet all
18 requirements of Section 26-1 SFCC 1987.

19 (3) Fifteen percent of the total number of dwelling units or manufactured home lots
20 offered for rent in an SFHP development shall be SFHP units and meet all requirements of Section
21 26-1 SFCC 1987.

22 (4) However, the governing body may approve alternative means of compliance as
23 provided in Section 26-1.33 SFCC 1987 (SFHP – Alternate Means of Compliance).

24 **Section 7. Section 14-9.2(D) SFCC 1987 (being Ord. #2011-37, §12) is amended to**
25 **read:**

D. Access and Traffic Calming

(1) Where a *development* abuts or contains an existing or proposed arterial *street*, a *land use board* may require marginal access for collector or local *streets*, reverse frontage with *screen* planting or *walls* contained in a non-access reservation along the rear *property* line, *lots* with rear service alleys or such other treatment as may be necessary for adequate protection of *residential properties* and to afford separation of through and local traffic.

(2) Where a *development* borders on or contains a railroad *right of way* or limited access highway *right of way*, a *land use board* may require a *street* approximately parallel to and on each side or on either side of such *right of way*, at a distance suitable for the appropriate use of the intervening land for park or recreational purposes when such purposes are appropriate in the relevant area. Such distances also shall be determined with due regard for the requirements of approach grades and future grade separations.

(3) At least one through street that traverses the entire developed area shall be provided for each one thousand feet of developed area. [~~See General Plan 6-1-I-10.~~]

(4) At least two connections to the existing road network points shall be provided for every ten acres of *development*. [~~See General Plan 6-1-I-10.~~]

(5) Where a trail network exists or is planned, access to the trail network must be provided every 500 feet, where feasible. [~~See General Plan 6-3-I-9.~~]

(6) Reserve strips controlling access to *streets* are prohibited unless the *City* controls the reserve strip under conditions approved by the planning commission.

(7) Traffic calming measures are allowed in new *developments* and specific measures may be required by the planning commission to ensure traffic safety in new neighborhoods.

(8) Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.

Section 8 Table 14-9.2-1 SFCC 1987 (being Ord. #2011-37, §12) is amended to

read:

TABLE 14-9.2-1: Design Criteria for Street Types

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

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector or 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	50 or 56 [46 or 52]	38 or 42	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

Notes:

NA - Not Applicable

NR - Not Required

1. Refer to 14-9.2(C)(8) for additional standards for lanes and lot access driveways. Lot access driveway standard applicable to access from street to not more than eight single family lots.

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.

1 **Section 9. Section 14-9.2(K)(1) SFCC 1987 (being Ord. #2011-37, §12) is amended**
2 **to read:**

3 **(1) Standards and Specifications:**

4 (a) connection to *City* water service except as provided in Section 25-1.10
5 SFCC 1987(Regulations for the Drilling of New Domestic Water Wells);

6 (b) connection to *City* sewer services except as provided in Section 22-3.1
7 SFCC 1987 (Sewers – Connection to the Public System);

8 (c) approval of storm sewer system and other drainage improvement plans
9 by the city engineer;

10 (d) approval of *grading* and centerline gradients by the city engineer;

11 (e) approval of major and secondary arterial *street* cross-section by the city
12 engineer; provided, however, that the cost of improvement to the subdivider shall not exceed that
13 which is required for improving a collector street.

14 (f) installation of *street* name *signs* of a material and design approved by the
15 *governing body* at all street intersections;

16 (g) approval of complete *street* lighting facilities by the city engineer; and

17 (h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

18 **Section 10. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to**
19 **amend the following definition:**

20 **GROUP HOME.** A *dwelling unit* licensed by the appropriate state agency where full-time
21 shelter, rehabilitation, care and supervision are given on a non-institutional basis to children or adults
22 who are neglected, abandoned, or who have physical, mental or developmental disabilities, mental
23 illness, or substance or alcohol dependence [~~physically handicapped, developmentally disabled,~~
24 ~~mentally ill, mentally disabled or substance or alcohol dependent children or adults on a private,~~
25 ~~nonprofit basis~~]. Live-in nursing care is not a primary part of the services provided.

1 Section 11. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to
2 reenact and ordain the following definition:

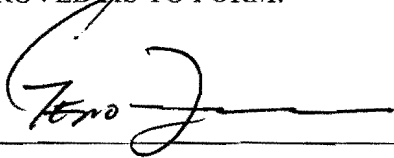
3 **[NEW MATERIAL] HOUSING OPPORTUNITY PROGRAM (HOP).** The Housing
4 Opportunity Program set forth in Article 26-1 (Santa Fe Homes Program).

5 Section 12. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15) is amended to
6 repeal the following definition:

7 ~~[ONE HUNDRED YEAR FLOOD or ONE HUNDRED YEAR FREQUENCY FLOOD.~~
8 ~~A flood having a one percent chance of being equaled or exceeded in any given year.]~~

9 Section 13. **Effective Date.** This ordinance shall be published one time by title and general
10 summary and shall become effective on March 1, 2012.

11 APPROVED AS TO FORM:

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14 GENO ZAMORA, CITY ATTORNEY