

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2013-1

3
4
5 AN ORDINANCE

6 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987
7 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO
8 ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER
9 STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

10
11 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

12 Section 1. [REPEAL] Section 14-5.5(C) is repealed.

13 Section 2. A new Subsection 14-5.5(C) SFCC 1987 is ordained to read:

14 (C) [NEW MATERIAL] AIRPORT ROAD OVERLAY DISTRICT

15 (1) Purpose and Intent

16 The purpose and intent of the Airport Road Overlay District is to:

- 17 (a) Establish an attractive, street-oriented character on this multi-use
18 corridor to encourage development and redevelopment on Airport
19 Road;
- 20 (b) Create a unique sense of place and identity for this major arterial that
21 serves the southwest part of the city;
- 22 (c) Promote a healthy and safe environment through the development of
23 walkable neighborhoods, less dependence on the automobile, street-
24 oriented building design; and the reduction of crime, nuisances, and
25 public health harms associated with alcohol sales and advertising;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(2) Boundaries

The Airport Road Overlay District begins at the intersection of Airport Road and NM 599 and extends east along Airport Road to the intersection of Airport Road and Cerrillos Road. The provisions of this Section apply to all *legal lots of record* that directly abut the Airport Road *right of way*.

(3) Applicability

- (a) The provisions of this Section do not apply to single-family *residential* uses.
- (b) Additions to or remodeling of existing *buildings* shall comply with the provisions of this Section to the extent practical or feasible as determined by the *land use director*.

(4) Standards

- (a) Unless otherwise specified, permitted uses and *development* standards within the Airport Road Overlay District shall conform to the requirements of the underlying zoning district of a property.
- (b) The *land use director* may permit alternate means of compliance with the provisions of this Section as provided in Section 14-2.11(C).
- (c) In the event of conflicts between the requirements of this Section and platted *building setbacks* or existing easements, the requirements of this Section shall apply.

(5) Site Design, Circulation and Parking

- (a) New *buildings* or additions to existing *buildings* shall be oriented so that their primary *façades* face Airport Road or to integral courtyards that shall face Airport Road.
- (b) No more than one single-loaded row of parking is permitted adjacent

1 to Airport Road.

2 (c) Perimeter screening of parking lots shall be in accordance with
3 Section 14-8.4(I)(2) except that screening walls, hedges or berms
4 shall not exceed four feet at maturity and shall be provided with
5 openings adjacent to the Airport Road *right of way* to allow multiple
6 points of pedestrian access to Airport Road.

7 (d) Sidewalks adjacent to Airport Road shall be provided in accordance
8 with Section 14-9.2.

9 (e) Vehicular access shall be from the side or rear of the lot.

10 (f) New *buildings* shall have accessible pedestrian connections to
11 Airport Road.

12 (g) Loading docks shall be located at the side or rear of buildings and
13 shall be fully screened so that the loading dock is not visible from
14 Airport Road. The *screening* shall be integrated with the *building*
15 architecture, materials and construction.

16 (h) Vehicular access between and among adjacent lots shall be provided
17 where possible.

18 (i) Electrical transformers and water system backflow preventer
19 cabinets shall be screened from view of public roadways and
20 sidewalks by walled enclosures or landscape *screening*. Water
21 system backflow preventer cabinets and *wall*-mounted utility boxes
22 shall be painted the same color as the closest *building* on site.

23 (6) **Architecture**

24 In addition to requirements found in Section 14-8.7 SFCC 1987,
25 Architectural Design Review, the following provisions shall apply:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (a) The primary entrance to any new *building* shall be visible from Airport Road.
- (b) The finished floor elevation of the primary entrance to any new *building* shall not be three feet higher or lower than the elevation of the adjacent sidewalk within the Airport Road *right of way*.
- (c) Lot configuration permitting, the longest *façade* of all new *buildings* shall be aligned with Airport Road.
- (d) No *garage* doors shall face Airport Road.
- (e) The square footage of retail *building façades* that face Airport Road or any abutting street shall be comprised of between thirty percent and sixty percent double pane windows. Storefront glazing systems may be used to meet this requirement and shall not exceed fifty percent of the *façade*.
- (f) A *façade* exceeding one hundred feet, measured horizontally, shall incorporate *wall* plane projections or recesses of at least twenty-four inches in depth encompassing at least fifty percent of the *façade* length.
- (g) A *façade* exceeding one hundred feet, measured horizontally, shall be of at least two different colors or materials with each color or material applied to an entire projection or recess.
- (h) Except when covered by a *portal* or other permanent shade *structure*, windows shall be recessed a minimum of eight inches.
- (i) With the exception of *buildings* constructed for industrial uses in I-1 and I-2 zoning districts, no portion of any *building wall* facing Airport Road or any street shall extend more than twenty feet,

1 measured horizontally, without openings. Doors, windows or
2 display windows shall be considered openings.

3 (j) Rooftop equipment shall be fully screened so that the equipment is
4 not visible from the public right of way. The screening shall be
5 integrated with the building architecture, materials and construction.
6 Rooftop solar equipment shall be screened to the extent that the
7 screening does not impair the performance of the solar equipment.

8 (k) Drive-through and *drive-in* facilities shall be located to the rear of
9 *buildings*.

10 (7) **Landscaping Standards**

11 In addition to requirements found in Section 14-8.4 SFCC 1987, Landscape
12 and Site Design, the following provisions shall apply:

13 (a) On-site storm water *detention* or *retention* facilities:

- 14 (i) shall be integrated with the required *landscaping* on the site;
15 (ii) when located adjacent to the Airport Road *right of way*, shall
16 not be wider than ten feet measured perpendicular to the
17 Airport Road *right of way*; and
18 (iii) shall not create a physical barrier to pedestrian access from
19 the Airport Road *right of way* to the site.

20 (b) Street trees shall be planted at a minimum of twenty feet on-center
21 adjacent to the Airport Road property line. Street trees shall be two
22 and one half inches minimum caliper at time of planting and a
23 minimum mature height of thirty feet. The location and minimum
24 mature height of street trees may be adjusted where conflicts with
25 overhead utility lines exist.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (c) A minimum of thirty percent of required plant material shall be evergreen.
- (d) The area between the Airport Road curb and the Airport Road sidewalk adjacent to the *development* site shall be landscaped as part of the required *landscaping* of the *development* site.

(8) Signage

In addition to the requirements found in Section 14-8.10 SFCC 1987, Signs, the following provisions shall apply:

- (a) Pole-mounted *signs* are prohibited.
- (b) Monument *signs* shall not exceed eight feet in height.
- (c) *Signs* shall be setback a minimum of ten feet from any public *right of way*.
- (d) *Wall* or *building*-mounted *signs* shall not extend above the roofline or parapet.
- (e) Roof-mounted *signs* are prohibited.

(9) Site Furnishings

- (a) A minimum of one bench per five thousand gross square feet of *building* is required on the site and shall be located adjacent to the Airport Road sidewalk, or to the primary *building* entrance, or to a public or private amenity provided by the development.
- (b) At least one bench per *development* shall be shaded by a tree or a shade structure.
- (c) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.
- (d) All site furnishings on a *development* site, including bicycle racks,

1 benches, trash receptacles and light fixtures shall be of a coordinated
2 design style and color.

3 **(10) Outdoor Lighting**

4 In addition to compliance with 14-8.9 SFCC 1987, Outdoor Lighting, the
5 following provisions apply:

- 6 (a) Pole-mounted lights shall not exceed twenty feet in height.
7 (b) Lamps of *building*-mounted light fixtures shall not be placed more
8 than twelve feet above the exterior grade at the perimeter of the
9 *building*.

10 **(11) Incentives**

11 (a) Permit Fees

12 (i) Construction *permit* fees are waived for the following uses:

- 13 A. Grocery stores;
14 B. Farmer's markets;
15 C. Medical practitioners including physicians, dentists,
16 chiropractors, alternative medicine providers and
17 clinics;
18 D. Schools, day-care centers; and
19 E. Recreational facilities including martial arts studios,
20 dance studios, gymnasiums, fitness centers, aquatic
21 centers, sports centers and miniature golf courses.

22 (ii) Construction *permit* fees are reduced by fifty percent for the
23 following uses:

- 24 A. Restaurants, including bakeries, coffee shops, tea
25 shops, and other shops selling food for on-site or

1 take-away consumption, without drive-through
2 service, provided that food and beverage services
3 constitute the primary use of the establishment;

- 4 B. Adult day-care;
- 5 C. Local arts and crafts studios, galleries and shops;
- 6 D. Gift shops for the sale of arts and crafts;
- 7 E. Bookshops;
- 8 F. Floral shops;
- 9 G. Laundromats; and
- 10 H. Stores that commit a minimum of fifteen percent of
11 the total floor area for the sale of fresh produce.

12 (b) Public Art; Active Play Opportunities.

13 Applicants for a *permit* for new construction, redevelopment or
14 additions who provide public art or active play opportunities
15 accessible to the public shall have their total construction *permit* fees
16 reduced in an amount equal to the cost of the public art or active play
17 amenity provided.

18 (c) Community Gardens and Orchards

19 Applicants for a *permit* for new construction, redevelopment or
20 additions to a multi-family housing *development* who provide a
21 community garden or orchard space for use of the residents of the
22 *development* shall have their total construction *permit* fees reduced in
23 an amount equal to the cost of the community garden provided.

24 (12) **Alcoholic Beverage Sales Activities**

25 In addition to the provisions of Chapter IV SFCC 1987, Alcoholic

1 Beverages, the following provisions apply:

2 (a) New *alcoholic beverage sales activities* established after January 26,
3 2013 are prohibited in the following locations:

4 (i) Within five hundred feet of an existing *alcoholic beverage*
5 *sales activity*; and

6 (ii) Within five hundred feet of any of the following:

7 A. An accredited public or private elementary, middle,
8 or high school;

9 B. A public park, playground or recreational area;

10 C. A nonprofit youth facility;

11 D. A place of *religious assembly*;

12 E. A *hospital*;

13 F. An alcohol or other drug abuse recovery or treatment
14 facility; or

15 G. A county social service office.

16 For the purposes of this Subsection, all measurements taken
17 in order to determine the location of new *alcoholic beverage*
18 *sales activity* shall be the shortest straight-line distance from
19 the property line of the *alcoholic beverage sales activity* to
20 the property line of any of the above locations or other
21 *alcoholic beverage sales activities*.

22 (iii) A location where the new *alcoholic beverage sales activity*
23 would lead to the grouping of more than four *alcoholic*
24 *beverage sales activities* within a five hundred foot radius
25 from the new *alcoholic beverage sales activity*.

1 (b) New *alcoholic beverage sales activities* established after January 26,
2 2013, where *alcoholic beverages* are sold in unbroken packages for
3 offsite consumption and not for resale off the licensed premises and
4 where *alcoholic beverage sales* comprise less than sixty percent of
5 total sales of a *business* shall comply with the following
6 regulations:

7 (i) All *alcoholic beverages* shall be consolidated in an *alcoholic*
8 *beverage display area* located within a clearly designated
9 and marked area of the licensed premises. No *alcoholic*
10 *beverages* may be displayed or stored outside the designated
11 *alcoholic beverage display area*; and

12 A. Signs saying: "ALCOHOLIC BEVERAGE SALES
13 AREA – NO ONE UNDER 21 UNLESS
14 ACCOMPANIED BY PARENT, LEGAL
15 GUARDIAN OR ADULT SPOUSE" shall be
16 conspicuously posted around the boundaries of the
17 *alcoholic beverage display area*;

18 B. An employee of the *alcoholic beverage licensee* who
19 is at least twenty-one years of age and has a valid
20 State of New Mexico alcohol server permit shall be
21 responsible for the overall supervision of both the
22 receiving and sale of *alcoholic beverages*, including
23 supervision of the *alcoholic beverage display area*.
24 For purposes of this Subsection, "supervision"
25 means the ability to observe who enters and leaves

1 the *alcoholic beverage display area* and means
2 actively checking identification of those who may be
3 under the age of twenty-one years who attempt to
4 enter the *alcoholic beverage display area*. The
5 *alcoholic beverage licensee* shall designate
6 employees within the licensed premises to serve in
7 this capacity as part of their job description and shall
8 ensure that such a designated employee is on duty on
9 the licensed premises during *alcoholic beverage*
10 sales hours; and

11 C. Small displays of chips, snacks, or similar items may
12 be displayed for sale in the *alcoholic beverage*
13 *display area* so long as those items are also available
14 in other parts of the licensed premises outside the
15 *alcoholic beverage display area*. Except for such
16 small displays, displays of food or other
17 merchandise that would require customers to enter
18 the *alcoholic beverage display area* for food or other
19 merchandise are not permitted; or

20 (ii) Alternatively, *alcoholic beverages* shall be stored and
21 displayed in such a manner that only the *alcoholic beverage*
22 *licensee's* employees have access to the *alcoholic beverages*,
23 and the *alcoholic beverage licensee's* employees shall
24 deliver the *alcoholic beverages* to customers only at the
25 point of sale; and

1 (iii) The floor plan of the licensed premises shall be submitted to
2 the *land use director* for review and approval. The *land use*
3 *director* has the authority to require changes to the floor
4 plan.

5 A. The floor plan shall show the area where the
6 *alcoholic beverages* are displayed within the
7 licensed premises or show that only the *alcoholic*
8 *beverage licensee's* employees have access to the
9 *alcoholic beverages*.

10 B. The *alcoholic beverage licensee* shall notify the *land*
11 *use director* at least seven business days prior to
12 making any changes to the *alcoholic beverage*
13 *display area* of the floor plan.

14 (c) All *alcoholic beverage sales activities* shall comply with the
15 following provisions after January 26, 2013:

16 (i) No more than thirty-three percent of the square footage of
17 the windows and clear doors of an *alcoholic beverage* retail
18 outlet may bear advertising or signs of any sort, and all
19 advertising and signage shall be placed and maintained in a
20 manner that ensures that law enforcement personnel have a
21 clear and unobstructed view of the interior of the premises,
22 including the area in which the cash registers are maintained,
23 from the exterior public sidewalk or entrance to the
24 premises. This requirement does not apply to premises where
25 there are no windows, or where existing windows are located

1 at a height that precludes a view of the interior of the
2 premises by a person standing outside the premises.

3 (ii) Outdoor advertising of *alcoholic beverages*, including
4 permanent or *temporary signs* visible from outside a
5 *building*, is prohibited within five hundred feet of any of the
6 following:

- 7 A. A public or private elementary, middle, or high
8 school;
- 9 B. A public park, playground or recreational area;
- 10 C. A nonprofit youth facility;
- 11 D. A place of *religious assembly*;
- 12 E. A *hospital*;
- 13 F. An alcohol or other drug abuse recovery or treatment
14 facility; or
- 15 G. A county social service office.

16 (iii) A restaurant with a beer and wine license may post outside
17 its *building* but only on the property occupied by the
18 restaurant, a copy of its menu, including beer and wine
19 offered and their prices, in type no larger than any menu
20 posted or provided to patrons inside the restaurant.

21 (iv) Unless contained in packages of four or more, single serving
22 containers of *alcoholic beverages*, in sizes of eight ounces or
23 less, shall not be sold or offered for sale.

24 **(13) Severability**

25 If any Section or Subsection of this Ordinance is for any reason held to be

1 invalid, such decision shall not affect the validity of the remaining portions
2 of this Ordinance. The governing body hereby declares that it would have
3 adopted the Ordinance and each Section and Subsection thereof, including
4 those in any amendment to the Ordinance, irrespective of the fact that any
5 one or more of the Sections or Subsections may be declared unconstitutional.

6 **Section 3. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is**
7 **amended to include the following definitions:**

8 **ALCOHOLIC BEVERAGES**

9 Distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing
10 federal internal revenue strip stamps or any similar alcoholic beverage, including blended or
11 fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-
12 half percent alcohol, but excluding medicinal bitters.

13 **ALCOHOLIC BEVERAGE DISPLAY AREA**

14 The portion of an alcoholic beverage licensee's premises in which all alcoholic beverages on display
15 for sale are contained.


16 **ALCOHOLIC BEVERAGE LICENSEE**

17 The holder of any license or permit authorizing the sale of alcoholic beverages issued under the
18 provisions of the New Mexico Liquor Control Act, but does not mean the holder of a server permit.

19 **ALCOHOLIC BEVERAGE SALES ACTIVITIES**

20 The retail sale of alcoholic beverages for offsite consumption.

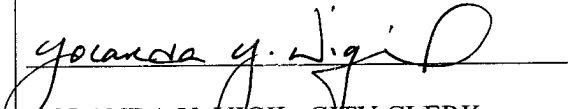
21 PASSED, APPROVED and ADOPTED this 9th day of January, 2013.

22
23 

24 DAVID COSS, MAYOR
25

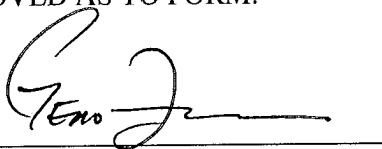
1 ATTEST:

2

3 
4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7 

8 GENO ZAMORA, CITY ATTORNEY

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 *M/Melissa/Ordinances 2013/2013-1 Airport Road Overlay District*