CITY OF SANTA FE, NEW MEXICO
SCRIVENER'S NOTE
ORDINANCE NO. 2025-25
Chapter 14 Rewrite – Phase I

Mayor and Members of the City Council:

In relation to Ordinance No. 2025-25:

AN ORDINANCE

REPEALING AND REPLACING SFCC 1987 CHAPTER 14 ("LAND DEVELOPMENT CODE"); CLARIFYING AND CONSOLIDATING VARIOUS REFERENCES TO CODE VIOLATIONS INTO ONE VIOLATIONS SECTION; SPECIFYING THAT THE APPLICANT OR THE PROPERTY OWNER HAVE THE BURDEN OF PROOF FOR ESTABLISHING LEGAL NON-CONFORMITIES; REDUCING THE EARLY NEIGHBORHOOD NOTIFICATION REQUIREMENT FOR CITY CAPITAL IMPROVEMENT PROJECTS TO THOSE EXCEEDING TWO HUNDRED AND FIFTY THOUSAND DOLLARS; RENAMING "SPECIAL USE PERMIT" TO "CONDITIONAL USE PERMIT"; REMOVING HISTORIC DISTRICT REVIEW BOARD'S ("HDRB") AUTHORITY TO RECOMMEND PERSONAL PROPERTY ACQUISITIONS; REQUIRING ARCHAEOLOGISTS TO HOLD A NEW MEXICO STATE BURIAL EXCAVATION PERMIT FOR CERTAIN WORK; REMOVING WAIVERS OF QUALIFICATIONS FOR ARCHAEOLOGISTS BY ARCHAEOLOGICAL REVIEW COMMITTEE; INCREASING PERMITTED BUILDING HEIGHTS FOR RESIDENTIAL DISTRICTS AND NON-RESIDENTIAL DEVELOPMENT; ESTABLISHING DENSITIES AND HEIGHT BY RIGHT FOR CERTAIN RESIDENTIAL ZONES EXCEEDING TEN UNITS PER ACRE; CREATING A PARKS AND OPEN SPACE ZONING DISTRICT; PERMITTING ADDITIONAL FLEXIBILITY FOR CERTAIN STRUCTURES AND SITUATIONS REGARDING SETBACKS; ELIMINATING RESIDENTIAL SUITE HOTEL/MOTEL AND ECOLOGICAL RESOURCE PROTECTION OVERLAY ZONING DISTRICTS; REDUCING THE LENGTH AT WHICH AN ARCHAEOLOGICAL CLEARANCE PERMIT IS REQUIRED FOR SEWER AND UTILITY MAIN CONSTRUCTION; REMOVING ALCOHOL SALE REGULATIONS IN THE AIRPORT ROAD OVERLAY; IDENTIFYING A STRATEGY TO REVIEW AND APPROVE LAND USES NOT SPECIFICALLY LISTED IN THE "SUMMARY TABLE OF ALLOWED USES"; CLARIFYING THAT DUPLEXES, TRIPLEXES, TOWNHOMES, AND RESIDENTIAL COMPLEXES ARE PERMITTED USES; CREATING USE CATEGORIES AND SUBCATEGORIES AND REORGANIZING SOME EXISTING USES INTO NEW CATEGORIES WITHIN THE TABLE OF ALLOWED USES; REQUIRING TREES TO BE INTEGRATED INTO STORMWATER INFRASTRUCTURE IN THE AIRPORT ROAD OVERLAY DISTRICT; REMOVING CERTAIN PROHIBITIONS FOR VEHICLE PARKING AT RESIDENCES; ALLOWING ACCESSORY DWELLING UNITS TO BE THE MAXIMUM ALLOWABLE

HEIGHT OF THE ZONING DISTRICT; ESTABLISHING DESIGN AND DIMENSIONAL STANDARDS FOR RESIDENTIAL COMPOUND DEVELOPMENT; REGULATING IN-GROUND AND ABOVE-GROUND POOLS; REGULATING AGRICULTURAL HOME OCCUPATIONS; REASSIGNING THE USE, "LABORATORY, RESEARCH, OR TESTING" FROM INDUSTRIAL TO COMMERCIAL; REGULATING OUTDOOR DINING; UPDATING TELECOMMUNICATION FACILITIES CODE TO BE CONSISTENT WITH FEDERAL STANDARDS; SPECIFYING PRIMARY FACADES FOR SIGNIFICANT STRUCTURES AND THE STRATEGY FOR IDENTIFYING PRIMARY FACADES ON CONTRIBUTING STRUCTURES; UPDATING DEFINITIONS FOR FAÇADE AND ELEVATION; PROHIBITING ENCLOSURE OF EXISTING PORCHES AND PORTALS ON PRIMARY FACADES OF CONTRIBUTING STRUCTURES; REQUIRING WINDOW DEPTH AND OTHER CHARACTERISTICS OF WINDOWS AND DOORS BE PRESERVED IN HISTORIC DISTRICTS; INCREASING AFFORDABILITY INCENTIVES, INCLUDING ADMINISTRATIVE REVIEW AND DENSITY BONUSES; SPECIFYING THAT OPEN SPACE REQUIREMENTS IN THE C-2 DISTRICT ARE PER DWELLING UNIT; EXPANDING OPTIONS TO REDUCE ON-SITE PARKING AND EXEMPTING THE BUSINESS CAPITAL DISTRICT FROM PARKING REQUIREMENTS IN TABLE 7-4; REDUCING REQUIRED OFF-STREET PARKING SPACES; REQUIRING ELECTRIC VEHICLE CHARGING STATIONS FOR ALL NEW DEVELOPMENTS; DISTINGUISHING PARKING REGULATIONS APPLICABLE TO BICYCLES FROM THOSE APPLICABLE TO VEHICLES, AND REQUIRING LONG-TERM BICYCLE STORAGE AND PARKING; ELIMINATING CONTENT-BASED SIGN RESTRICTIONS; IMPOSING A VARIETY OF NEW REGULATIONS PROTECTING THE CITY'S TERRAIN AND STORMWATER MANAGEMENT; IMPOSING NEW LANDSCAPING STANDARDS FOR PLANTS AND TREES; ELIMINATING ALLOWANCE FOR HIGH- AND LOW-PRESSURE SODIUM LAMPS AND MERCURY VAPOR, ADDING LED AS THE PERMITTED LAMP TYPE, AND DECREASING THE PERMITTED INCANDESCENT WATTS FROM 160 TO 150; SUNSETTING THE BUSINESS CAPITOL DISTRICT DESIGN REVIEW COMMITTEE AND LONG RANGE PLANNING SUBCOMMITTEE; DEFINING NUMEROUS TERMS; IMBEDDING GRAPHICAL DEPICTIONS OF PROCESSES; AND MAKING NON-SUBSTANTIVE CHAPTER ORGANIZATIONAL CHANGES.

The following scrivener's error corrections are hereby incorporated into Ordinance No. 2025-25, Exhibit A, which is attached to this note:

1. ***Repair*** document's corrupted text and ***correct*** inconsistent paragraph and numbering styles throughout.
2. ***Standardize*** cross-reference terminology from the use of the section symbol, "§", to the word "Section" for a single section and from "§§" to the plural "Sections" throughout.
3. ***Recreate*** approximately 1,000 cross-reference links to restore the document's navigation and interconnectivity throughout.

4. ***Restore*** all intended cross-references eliminating all instances of "0" and "Error! Reference source not found" throughout.
5. ***Standardize*** code terminologies such that the ordinance is divided into "Chapter", "Section", and "subsection" throughout, and ***delete*** the word "Article".
6. In subsection 14-1.13(C)(6) "Legal Nonconforming Structures" "Exception for Single-Family Dwellings" after "as provided in" ***replace*** "SectionError! Reference source not found." with "subsection 14-1.13(B)(6), *Exception for Single-Family Dwellings*".
7. In subsection 14-2.1(C)(5)(III)(i) "General Plan Amendment" "General Plan Amendment Approval Criteria" "Procedure for Neighborhood Plans" "Planning Commission Subcommittee", ***delete*** "such as the long-range planning subcommittee, ".
8. In subsection 14-2.2(H)(2)(IV) "Review and Decision-Making Bodies" "Planning and Land Use Director" "Powers and Duties" after "pursuant to" ***replace*** "Section Error! Reference source not found., *Error! Reference source not found..*" with "subsection 14-1.10, *Interpretations*".
9. In subsection 14-4.5(B)(5)(XI)(c) "Midtown Local Innovation Corridor (LINC) Overlay District" "Uses" "Additional Requirements for Qualifying Projects" after "pursuant to" ***replace*** "Section Error! Reference source not found.)" with "subsection 14-2.1(F)(4), *Development Plan*".
10. In subsection 14-4.5(B)(5)(XII) "Highway Corridor Protection Districts" "Midtown Local Innovation Corridor (LINC) Overlay District", in "Table 4-6: Midtown LINC Fee Waivers", under the section "Impact Fees", after the words "in accordance with" ***replace*** "Section Error! Reference source not found., *Error! Reference source not found.*" with "subsection 14-7.9(E), *Exemptions, Waivers and Reimbursements*".
11. In subsection 14-4.6(I)(1)(IV) "Historic Districts" "Landmarks" "Official Map of Landmark Structures-Procedures", ***replace*** "shall be poste" with "can be found", making it "The official map can be found on the city's website".
12. In subsection 14-7.2(F)(3) "Enhanced Affordability Incentives", "Fee Waivers", "Table 7-1: SFHP Enhanced Affordability Fee Waivers", under "Impact Fees", ***replace*** "Section Error! Reference source not found., *Error! Reference source not found.*" with "subsection 14-7.9(E), *Exemptions, Waivers, and Reimbursements*".
13. In subsection 14-7.5(E)(5)(VI) "Parking and Loading" "Parking Alternatives" "Shared Parking", after "Planning and Land Use Director pursuant to" ***replace*** "Section Error! Reference source not found.)" with "subsection 14-4.5(C), *Midtown Local Innovation Corridor (LINC) Overlay District*".
14. In subsection 14-9.3(L) "General Definitions" "LEGAL LOT OF RECORD", ***replace*** "Section 14-2.1E.1.VIIIPlats Containing Special Flood Hazard Area Land" with "subsection 14-2.1(E)(1)(k)(II), *Approval by the Planning Commission*".
15. In subsection 14-9.3 "General Definitions", in the following definitions, cure duplicative word errors, by retaining the italicized word and deleting the plain text duplication:
    a. 14-9.3(H), "Heated Living Area", ***delete*** "Impact Fees";
    b. 14-9.3(J), "Joint Use", ***delete*** "Electric Facilities";
    c. 14-9.3(O), "Object", ***delete*** "14-4.6Historic Districts";
    d. 14-9.3(S), "Substantive Change", ***delete*** "14-4.6Historic Districts";
    e. 14-9.3(S), "Switching Station", ***delete*** "Electric Facilities";
    f. 14-9.3(T), "Tower Alternative" ***delete*** "Telecommunication Facilities"
    g. 14-9.3(T), "Transmission Facilities", ***delete*** "Electric Facilities";
    h. 14-9.3(U), "Underground System" ***delete*** "Electric Facilities";
    i. 14.9.3(U), "Upgrade" ***delete*** "Electric Facilities, Electric Facilities";
    j. 14-9.3(W), "Waiver", ***delete*** "Development in Special Flood Hazard Areas".

APPROVED:

Marcos D. Martínez

MARCOS D. MARTINEZ, CITY ATTORNEY

DATE:_____

APPROVED:

_____
GERALYN F. CARDENAS, CITY CLERK

DATE:_____

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

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Section 14-1 General Provisions

14-1.1 Title

This Chapter XIV of the Santa Fe City Code (SFCC) shall be known as "Chapter XIV" and may be referred to internally as "this Chapter," "the Land Development Code (LDC)," "LDC," or "this Code."

14-1.2 Authority

(A) Chapter XIV is adopted pursuant to the enabling authority in N.M. Const. art. X, Sections 6(D), 6(E), the following sections of New Mexico Statutes Annotated (NMSA) 1978, and any other applicable authority:

- **(1)** subsection 3-15-1 et. seq., Municipal Charter Act;
- **(2)** subsections 3-17-1 through 3-17-6, *Ordinances;*
- **(3)** subsection 3-18-1, *General Powers*;
- **(4)** subsections 3-19-1 through 3-19-12, *Planning and Platting;*
- **(5)** subsections 3-20-1 through 3-20-16, *Subdivisions;*
- **(6)** subsections 3-21-1 through 3-21-26, *Zoning Regulations;*
- **(7)** subsections 3-21A-1 through 3-21A-8, *Manufactured Housing and Zoning*;
- **(8)** subsections 3-22-1 through 3-22-6, *Historic Districts and Landmarks*; and
- **(9)** subsections 3-41-1 through 3-41-5, *Flood Control.*

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

14-1.3 General Purposes

The purposes of Chapter XIV are to:

(A) Implement the purposes of the General Plan, including guiding and accomplishing coordinated, adjusted, and harmonious development of Santa Fe that best promotes health, safety, order, convenience, prosperity, and the general welfare, while providing for efficiency and economy in the development review and approval process; and

(B) Create conditions favorable to the health, safety, convenience, prosperity, and general welfare of the residents of Santa Fe by coordinating streets within proposed subdivisions with existing or planned streets or other features of the General Plan; providing parks and trails; providing sewer, water, and other infrastructure; providing

adequate open space for traffic, recreation, drainage, light, and air; and providing for the appropriate distribution of population and traffic.

14-1.4 Minimum Requirements; Uniform Application

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

14-1.5 Schedule of Fees, Charges and Expenses

The Governing Body may amend by resolution its schedule of fees, charges, and expenses and a collection procedure for construction permits, appeals, subdivisions, amendments, and other applications. This schedule of fees, charges, and expenses in place in Ordinance 2020-23 shall remain until replaced by resolution and shall be available on the City's web site and may be altered or amended only by the Governing Body. No application shall be processed, nor any permit or approval required under Chapter 14 shall be issued or granted unless and until applicable charges, fees and expenses are paid in full.

14-1.6 General Plan

The General Plan is the basic policy guide for the administration of Chapter XIV. The General Plan serves as the statement of goals, recommendations and policies guiding the development of the physical environment of Santa Fe and any other geographic areas specifically addressed by the General Plan. The goals, vision, recommendations, and policies of the General Plan may be amended from time to time to meet the changing requirements of the City. Procedures for amending the General Plan are set forth in subsection 14-2.1(C), *General Plan Amendment*.

14-1.7 Jurisdiction and Applicability

To the extent allowed by law, the provisions of Chapter XIV shall apply to all land, buildings, structures, and uses, including those owned or operated by local, County state, and federal agencies, within the corporate limits of Santa Fe. Where the provisions of this title do not apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this title.

14-1.8 Conflicting Provisions

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

(B) In the case of a conflict within Chapter XIV, or between Chapter XIV and any other ordinance or regulation, the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires:

(1) The greater width or size of yards, courts, or other open spaces,

(2) The lower height of structure or lesser number of stories,

(3) The greater percentage of lot or land to be left unoccupied, or

(4) Other higher standards.

14-1.9 Transitional Rules

(A) Violations Continue

A violation of the former Chapter XIV continues to be a violation under this Chapter XIV and is subject to penalties and enforcement under subsection 14-1.12, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this Chapter XIV. A civil penalty assessed under the former Chapter XIV must be paid, even if the original violation is no longer considered a violation under this Chapter XIV.

(B) Approved Projects

As to approved projects:

(1) Except as provided in subsection 14-1.9(E)*, Specific Findings* approvals or permits granted under the former Chapter XIV that were valid on [adoption date], shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval.

(2) A provision of Chapter XIV shall not require any change in the plans, construction, or designated use of any structure for which a construction permit was issued prior to [adoption date].

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

(C) Nonconformities Under Prior Ordinance

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

(D) Effect of Code Amendments

An amendment to Chapter XIV does not affect the following approvals or permits that are otherwise valid on the date of the amendment, except as otherwise provided in this subsection:

(1) Construction permits;

(2) Recorded plats;

(3) Recorded development plans; and

(4) Permit, plan, or plat applications deemed complete at the time of the effective date of the amendment.

(E) Specific Findings

A code amendment may affect projects that otherwise comply with subsection 14-1.9(B), *Approved Projects,* if the Governing Body makes a specific finding of such applicability.

14-1.10 Interpretations

The Planning and Land Use Director is responsible for interpreting the provisions of Chapter XIV, after consultation with the City attorney, as follows:

(A) Interpretations of Chapter XIV 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 XIV.

(C) The Planning and Land Use Director shall make all current interpretations available for public inspection.

(D) Final action of the Planning and Land Use Director interpreting provisions of Chapter XIV may be appealed pursuant to subsection 14-2.1(B)(6)(d), *Appeals*.

14-1.11 Applicability to Owners, Occupants, and Premises

(A) Responsibility for Compliance

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

(B) Applicability to Premises

The requirements of Chapter XIV and any development approval made pursuant to this Code apply to each individual legal lot of record except when the Planning and Land Use Director determines that a recorded easement, enforceable agreement, or the intent of any specific regulation or development approval is such that it applies to premises that include more than one lot, whether owned by different persons or not.

14-1.12 Enforcement

(A) Compliance with Chapter; Questions

(1) Compliance

All persons shall comply with the provisions of Chapter XIV and any regulations, orders, or conditions of approval issued by a decision-making body pursuant to Chapter XIV.

(2) Questions

Questions of administration and enforcement shall be presented first to the Planning and Land Use Director. Questions shall be presented to the Board of Adjustment only by reference from the Planning and Land Use Director.

(B) Enforcement Officer

One or more administrative officials designated by the City Manager shall enforce Chapter XIV. The enforcement officer may be provided with the assistance of such other persons as the City Manager directs.

(C) Enforcement Procedures

(1) Complaints of Violations

A person may file a written complaint alleging a violation of Chapter XIV. 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.

(2) 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 XIV have been violated, the enforcement officer shall issue a written notice of violation that:

(a) Describes the specific violation;

(b) Orders the action necessary to correct the violation;

(c) Establishes a specific and reasonable period for the correction of the violation;

(d) States that failure to comply with the notice may result in one or more of the sanctions provided in subsection 14-1.12(E); and

(e) Is posted on the property in a conspicuous place, delivered in person to the property owner and/or tenant if applicable, or sent by first class mail, with a certificate of mailing provided by the U.S. post office, to the last-known address of the property owner and/or to the tenant, if applicable.

(f) 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.

(D) Violations

(1) Activities Constituting a Violation

Any person who violates any provision of this LDC or assists in the commission of any violation shall be guilty of a misdemeanor and shall be subject to a fine as provided in subsection 14-1.12(E), *Remedies and Penalties*. Each of the following activities constitutes a violation of this LDC:

(a) Activity Inconsistent with LDC

Any construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this LDC.

(b) Activity Inconsistent with a Permit or Approval

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this LDC.

(c) Illustrative Examples of Violations

Example violations of this LDC include but are not limited to:

(I) Increase the density or intensity of any use or structure except in accordance with the requirements of this LDC;

(II) Reduce or diminish the lot area, setbacks, buffers, landscaping, trees, open space, or other standards below the minimum requirements established by this LDC;

(III) Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;

(IV) Failure to abide by conditions of any approval or agreements such as annual reporting executed in association with an approval;

(V) Failure to comply with applicable requirements for a certificate of occupancy or construction permit; or

(VI) Failure to obtain any required permit.

(2) Continuing Violations

Any violation of this LDC shall be considered a separate offense for each day during any portion of which any violation of this LDC is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with subsection 14-1.12(E), *Remedies and Penalties*.

(3) Prior Violations

Violations of the prior development regulations are continued in effect and are not excused by the adoption of this LDC. However, upon adoption of this LDC, if a development or activity that was in violation of the prior development

regulations now fully complies with this LDC, that development or activity shall no longer be deemed a violation.

(4) Persons Liable

The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this LDC or a permit or approval issued pursuant to this LDC, may be held responsible for the violation and be subject to the penalties and remedies provided in this subsection.

(E) Remedies and Penalties

(1) Remedies

(a) If a structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of Chapter XIV; or a structure or property is used in violation of Chapter XIV; or if any other violation of this Chapter XIV 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.

(b) The Planning and Land Use Director may:

(I) Withhold or revoke permits that the Planning and Land Use Director is authorized to issue, including construction permits and short-term rental permits, if the applicant or permittee has violated a regulation relating to the granting of the permit, or if in the judgment of the Planning and Land Use Director the public welfare requires that the permit be revoked or withheld;

(II) Withhold or revoke certificates of occupancy;

(III) Withhold the recording of plats or development plans;

(IV) Order discontinuance of illegal use of land or structures;

(V) Order discontinuance of any illegal work being done;

(VI) Order removal of illegal structures or alterations;

(VII) Order that any land or structure modified in violation of this Chapter XIV be restored to compliance; or

(VIII) Order a one-year waiting period for application for a short-term rental permit by a person who has operated a short-term rental unit in violation of the short-term rental ordinance, subsection 14-5.3(C)(12), *Short-Term Rental Unit*, or has failed to pay or report taxes on the short-term rental unit as required by law.

(c) The Planning and Land Use Director may use one or more of the remedies and penalties provided in subsection 14-1.12(E), *Remedies and Penalties* without limiting the authority of the Planning and 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,* or the pursuit of other legal remedies.

(2) Fines, Imprisonment

Violations of Chapter XIV or of violations of terms of approvals made pursuant to Chapter XIV may be punished as provided in Chapter 1, Section 1-3, *General Penalty*.

(3) Civil Penalties

(a) Assessment of Civil Fines

(I) In addition to other penalties or remedies, the Planning and Land Use Director may assess civil fine for any of the following:

(a) Violation of any provision of Chapter XIV;

(b) Construction or other development without a required permit;

(c) Rental of a short-term rental unit without a permit or registration;

(d) Material misrepresentation of fact on an application submitted to the Planning and Land Use Department; or

(e) Failure to pay or report fees or taxes owed.

(b) Civil Fine Schedule

Each act subject to a civil fine constitutes a separate civil violation. For violations that can be remedied within one day, each day after receipt of notice of violation constitutes a separate civil violation. A civil violation shall subject the applicant, permittee, owner, operator of a short-term rental unit, and/or tenant, as applicable, to civil fines for violations during any consecutive 36-month period as set forth in the fine schedule adopted by the Governing Body.

(I) A civil fine of $100.00 for the first offense;

(II) A civil fine of $250.00 for the second offense; and

(III) A civil fine of $500.00 for the third and subsequent offenses.

(c) Civil Citation

If the Planning and Land Use Director determines that a civil penalty should be assessed, the Planning and Land Use Department shall issue a written civil citation.

(I) Delivery

The civil citation shall be posted on the property in a conspicuous place; delivered in person; or by sent via first class mail, with a certificate of mailing provided by the U.S. post office, to the last-known address of the applicant, permittee, owner, operator of a short-term rental unit, and/or tenant, as applicable.

(II) Form and Contents

The civil citation shall contain the following information:

(a) The address, location, or legal description of the parcel where the violation occurred;

(b) A description of the specific violation;

(c) A statement of whether this is the first, second, third or subsequent offense;

(d) Instructions for submitting payment of the civil fine;

(e) A statement that within 15 days of issuance of the civil citation the cited person must either pay the civil fine or submit a written request for hearing;

(f) The name and phone number of the City employee from whom the person cited may obtain further information or submit a request for hearing; and

(g) A copy of this subsection.

(d) Administrative Hearing

(I) Request for Hearing

A person who is issued a civil citation may request an administrative appeal hearing before a hearing officer, who shall be appointed by the City Manager. If there is no hearing officer, the citation will be heard in civil court. Any request for hearing must be made in writing and must be submitted to the Planning and Land Use Director within 15 days of the date that the civil citation was posted, delivered, or mailed.

(II) Deposit Pending Appeal

Payment in an amount equal to the civil fine assessed must accompany a request for hearing. The City shall hold the payment as a deposit until the hearing officer or court makes a decision. The hearing officer shall schedule a hearing within 30 days of the request for hearing. If the hearing officer upholds the civil citation, the City shall apply the deposit toward the civil citation. If the hearing officer or court decides in favor of the requestor, the City shall return the deposit to the requestor.

(e) Appeal to District Court

If the hearing officer denies an appeal, the appealing party may file an appeal in the first judicial district court under Rule 1-074 NMRA. If the court rules in favor of the appealing party, the City shall dismiss the civil citation and return the deposit to the requestor.

(f) Revenue

The revenue generated through civil fines shall be retained by the Planning and Land Use Department and shall be used exclusively for enforcement of the land use code.

(F) Revocation of Approvals

Land use and development approvals, including but not limited to conditional use approvals, development plan approvals, variances, design approvals by the HDRB, construction permits, or short-term rental 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.

(a) For an approval that was granted by a land use board or the Governing Body, a public hearing shall be required at the same body to consider revocation. The Planning and Land Use Director shall provide public notice of the revocation hearing by publication of the meeting agenda and/or a public hearing notice and by posting the property as required for the approval hearing. The Planning and Land Use Director shall also provide notice 15 days prior to the hearing by first class mail, with a certificate of mailing provided by the U.S. post office, to the permittee and to any person who has filed a written complaint concerning the violation.

(b) The Planning and Land Use Director or other administrative official may revoke an approval that he or she has granted upon written notice delivered to the permittee by hand, by posting a notice on the property where the violation occurs, or by by the applicant via first class mail, with a certificate of mailing provided by the U.S. post office.

(2) Vacation of recorded subdivision plats shall be as provided in Section 3-20-12 NMSA 1978 and Section 23-1.2 SFCC 1987. Revocation of approved amendments to the General Plan future land use map or the official zoning map shall be as provided for City-initiated amendments to those maps.

(G) Enforcement of Santa Fe Homes Program Outside City Limits

This provision only applies to projects outside city limits that have an agreement under the Santa Fe Homes Program. If, after having been given notice as set forth in Chapter 26, subsection 26-1.19, *Enforcement of SFHP,* a property owner subject to a SFHP agreement fails to comply with subsection 14-7.2, *Santa Fe Homes Program (SFHP),* or Section 26-1, *Santa Fe Homes Program*, the Office of Affordable Housing may request that the City Manager authorize the City Attorney's office to pursue enforcement of specific performance requirements in accordance with the SFHP agreement.

14-1.13 Nonconformities

(A) General Provisions

(1) Purpose

The purpose of this subsection is to allow legal nonconforming uses to continue until they cease and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their continuance. Nonconforming uses are deemed incompatible with permitted uses. It is further the intent of this subsection to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter XIV.

(2) Conflicting Provisions

Where any applicable provision of this subsection 14-1.13 conflicts with the standards and provisions in any other Section, subsection, or provision of Chapter XIV, the standard that imposes the greater restriction or higher standard controls.

(3) Authority to Continue

Nothing in Chapter XIV requires a change in the plans, construction, or use of a structure on which actual construction is in compliance with all permits and that was lawfully initiated prior to the effective date of adoption or amendment of Chapter XIV that rendered the structure or designated use nonconforming.

(4) Determination of Nonconformity Status

The Planning and Land Use Director shall determine the status of a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign; however the burden of proof for establishing legal nonconforming status rests with the applicant or property owner. For purposes of this subsection, each sign is treated as a separate structure, including those attached to or painted on buildings.

(5) Change of Tenancy or Ownership

Change in tenancy or ownership of a legal nonconforming lot or a lot containing a legal nonconforming structure or legal nonconforming use without change in the use or structure, does not affect the status of that lot, structure, or use.

(B) Legal Nonconforming Uses

A legal nonconforming use may be continued subject to the following provisions:

(1) No Increase in Nonconformity

A legal nonconforming use shall not be enlarged, intensified, increased, or extended to occupy a greater area of land or structure than was occupied at the time the use became nonconforming, and a structure containing a legal

nonconforming use shall be subject to the provisions of subsection 14-1.13(C), unless and until the legal nonconforming use of the structure is terminated.

(2) No Relocation on Parcel

A legal nonconforming use shall not be moved in whole or in part to any other portion of the parcel occupied by that use at the time the use became nonconforming.

(3) Termination of Nonconforming Use

(a) Except as provided in subsection 14-1.13(B)(3)(b), a legal nonconforming use of land or use of a structure that ceases for any reason for a period of more than 180 days or is replaced by a permitted use, may not be resumed and any subsequent use of the land or structure shall conform to Chapter XIV.

(b) If a legal nonconforming use of land or use of a structure owned by a federal, state, or local governmental entity and used by that entity for governmental purposes ceases, regardless of the length of time for which activity ceases, it may be resumed. Such resumed uses may not be enlarged or intensified, except that in zoning districts where a conditional use approval is required, a conditional use request must be approved per subsection 14-2.1(F)(2), *Conditional Use Approval*, before the use is enlarged or intensified.

(4) No Additional Structures

Additional structures shall not be erected in connection with a legal nonconforming use of land or structure.

(5) Change of Use

A legal nonconforming use may, according to the conditional use procedure in subsection 14-2.1(F)(1), *Certificate of Occupancy*, be changed to another legal nonconforming use if the Board of Adjustment finds that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use and the new use does not 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 XIV.

(6) Exception for Single-Family Dwellings

Notwithstanding the provisions of subsections 14-1.13(B)(1) through 14-1.13(B)(4) , a single-family dwelling that is a legal nonconforming use and associated accessory uses may be expanded if:

(a) The nonconforming dwelling and associated accessory uses are the only uses on a legal lot of record.

(b) The combined gross floor area of the dwelling and accessory uses after expansion does not exceed 2,500 square feet.

(c) The expansion will not cause or increase the degree or extent of nonconformity with applicable development standards such as lot coverage, setbacks, or height.

(C) Legal Nonconforming Structures

Legal nonconforming structures may be maintained subject to the following provisions:

(1) 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; however, this subsection is not intended to prohibit additions or alterations that do not increase the nonconformity.

(2) 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 XIV.

(3) Substantial Destruction of Legal Nonconforming Structure

If a legal nonconforming structure is destroyed by any means to an extent of more than 66 and 2/3 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 XIV. If any structure containing a legal nonconforming use is similarly destroyed, the legal nonconforming use shall not be resumed.

(4) 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 zoning district in which it is located after it is moved.

(5) Repairs, Maintenance, and Alterations

(a) Ordinary repairs and maintenance to the exterior elements of a structure are allowed, including replacement of exterior wall and roof coverings.

(b) Repair, maintenance, or replacement of interior nonstructural elements, fixtures, wiring or plumbing, is allowed.

(c) Alterations to the legally nonconforming portions of the building structure are not allowed except to bring the structure into conformance with the provisions of Chapter XIV.

(d) Nothing in this subsection prevents alteration or repairs necessary to ensure the safety of a structure that has been declared to be unsafe by an official charged with protecting public safety, on order of such official.

(6) Exception for Single-Family Dwellings

Notwithstanding the provisions of subsections 14-1.13(C)(1) through 14-1.13(C)(5) in this subsection, a single-family dwelling that is a legal nonconforming structure and associated accessory structures may be expanded as provided in subsection 14-1.13(B)(6), *Exception for Single-Family Dwellings*.

(D) Legal Nonconforming Lots of Record

(1) Use of Legal Nonconforming Lot

(a) Within a district in which single-family dwellings are allowed, and notwithstanding limitations imposed by other provisions of Chapter XIV, a single-family dwelling and accessory buildings may be erected on a single legal lot of record that is nonconforming with regard to minimum lot area or dimensions, maximum density, or the dwelling unit access standards in Table 6-1: *Design Criteria for Street Types*, provided that the lot does not adjoin a lot under common ownership, except as provided in subsections 14-1.13(D)(2) and (3).

(b) Dimensions of required setbacks, along with all other requirements that do not involve lot area or dimensions of the lot, density, or access standards, shall conform to the regulations for the district in which the lot is located.

(2) Adjoining Lots

(a) Within the R-5, R-6, R-7, R-7(I), R-8 and R-9 districts, two adjoining commonly owned legal nonconforming lots may each be developed if each of the lots has a minimum lot area of 4,000 square feet and has a width, depth, and frontage equal to at least 80 percent of the minimum dimensions required by Chapter XIV.

(b) Development of one or more adjoining, commonly owned legal nonconforming lots requires a conditional use approval, as described in subsection 14-2.1(F)(2), *Conditional Use Approval.* Conditional use approval shall depend upon a finding that the proposed development is consistent with the overall lot patterns and development characteristics of the surrounding neighborhood regardless of the area or width of the legal nonconforming lot.

(3) Combination of Lots

Contiguous lots under common ownership may be combined in order to meet the standards of provisions (1) and (2) or this subsection. The boundaries between adjoining commonly owned lots may be adjusted in order to meet the standards of those provisions; provided that no lot with an area of less than 1,900 square feet may be expanded to create an individually developable lot.

(E) Legal Nonconforming Structures in Special Flood Hazard Areas

A structure that on June 17, 2008, was legally nonconforming because of its location within a special flood hazard area, and that is substantially damaged by flood, fire or other casualty may be replaced or repaired within the special flood hazard area subject to the following:

(1) If there is a site on the property outside the special flood hazard area that will accommodate a structure of the same gross floor area as the legal nonconforming structure, the structure may be reconstructed outside the special flood hazard area, but shall not be repaired or replaced within the special flood hazard area.

(2) If the legal nonconforming structure was located within the flood fringe and there is no other site on the property that will accommodate a structure of the same gross floor area, the structure may be repaired or replaced in the flood fringe. The repaired or replacement structure must not exceed the gross floor area or the footprint of the original legal nonconforming structure and the footprint must be sized to minimize flood hazard.

(3) If the legal nonconforming structure was located in the floodway but there is a site on the property outside the floodway that will accommodate a structure of the same gross floor area as the legal nonconforming structure, the structure may be reconstructed outside of the floodway, but shall not be repaired or replaced within the floodway. The footprint of the replacement structure must be sized to minimize flood hazard and must not exceed the gross floor area or the footprint of the original legal nonconforming structure.

(4) If the legal nonconforming structure was located within the floodway, and there is no other site on the property that will accommodate a structure of the same gross floor area, the structure may be repaired or replaced in the floodway. The repaired or replacement structure must not exceed the gross floor area or the footprint of the original legal nonconforming structure and the footprint must be sized to minimize flood hazard;

(5) A structure that is repaired or replaced within the special flood hazard area shall comply with all applicable FEMA requirements and all provisions of this subsection that are more stringent than FEMA requirements.

(6) A structure that is repaired or replaced in accordance with this subsection shall not require a waiver to be constructed in a special flood hazard area; provided that any necessary variance to other requirements of Chapter XIV, including setbacks and terrain management, is granted; and

(7) As a condition of construction permit issuance for a replacement structure, any remaining portion of the original legal nonconforming structure that existed in the special flood hazard area shall be demolished or removed.

(F) Nonconforming Residential Condominiums

(1) Applicability

This subsection applies to a condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) if the condominium declarations were recorded prior to May 30, 2012, and:

(a) The condominium does not meet the zoning density requirements of Chapter XIV; and

(b) The condominium did not meet the zoning density requirements of Chapter XIV when the most recent condominium declarations were recorded.

(2) Density Exception for Constructed Condominium Units

Constructed condominium units described in subsection 14-1.13(F)(1) are legal nonconforming uses and structures with regard to the zoning density requirements of Chapter XIV. A constructed condominium unit as described in subsection 14-1.13(F)(1) that is destroyed by any means may be reconstructed if the reconstructed unit complies with all other applicable provisions of Chapter XIV.

(3) Unconstructed Condominium Units

Unconstructed condominium units described in subsection 14-1.13(F)(1) that are in the form of reserved development rights in excess of the zoning density requirements of Chapter XIV, are not legal and may not be developed.

(4) Condominium Units Owned by the Original Declarant

A condominium described in subsection 14-1.13(F)(1) where all condominium units are owned as of May 30, 2012, by the original declarant, or by an entity controlled by the original declarant, are not legal and are nonconforming uses and structures.

(5) Condominium Units Constructed without Required Permits

Condominium units described in subsection 14-1.13(F)(1) that were constructed without required construction permits are not legal and are nonconforming uses and structures. Such condominium units must be issued all required construction permits and a certificate of occupancy to legal nonconforming uses and structures subject to subsection 14-1.13(F)(2).

(6) Applicability of Other Regulations

The density exception described in subsection 14-1.13(F)(2) is not intended to provide an exception to the other provisions of this subsection regarding nonconforming uses and structures.

Section 14-2 Administration and Procedures

14-2.1 Review and Approval Procedures

(A) Summary Table of Review Procedures

Table 2-1 shows the review and decision-making bodies for all development approvals authorized by Chapter XIV.

Table 2-1: Summary Table of Review Procedures

Table Abbreviations
R = Review
REC = Recommendation
REP = Report
D = Decision
A = Appeal
[ ] = Public hearing
***** = See individual procedures for addtl. detail

Decision-Making Bodies
PLUD = Planning and Land Use Director
ARC = Archaeological Review Committee
HDRB = Historic Districts Review Board
BOA = Board of Adjustment
PC = Planning Commission
GB = Governing Body
rfrd. = Referred

Procedure	Subsection	PLUD	ARC	HDRB	BOA	PC	GB
Plan Amendment							
General Plan Amendment	14-2.1(C)	R / REP				R / REC	R / [D]
Ordinance Amendments							
Annexation	14-2.1(D)(1)	R / REP				R /REC	R / [D]
Code Text Amendment	14-2.1(D)(2)	R / REP	R /REC*	R /REC*		R /REC	R / [D]
Rezoning	14-2.1(D)(3)	R / REP	R (if rfrd.)	R (if rfrd.)		R /REC	R / [D]
Subdivision Procedures							
Subdivision of Land	14-2.1(E)	R / REP R / D*				R / D A*	A
Development Review Procedures							
Certificate of Occupancy	14-2.1(F)(1)	R / D*					
Conditional Use Approval	14-2.1(F)(2)	R / REP			R / [D]	R / [D]*	A
Construction Permit	14-2.1(F)(3)	R / D*					
Development Plan	14-2.1(F)(4)	R / REP R / D*				R / D A*	A
Master Plan	14-2.1(F)(5)	R / REP				R / REC	R / [D]
Residential Condominium	14-2.1(F)(6)	R / D			A		
Utility Conformity Review	14-2.1(F)(7)	R / REP R / D*				R / D* A*	A

Table 2-1: Summary Table of Review Procedures

Table Abbreviations
R = Review
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A = Appeal
[ ] = Public hearing
***** = See individual procedures for addtl. detail

Decision-Making Bodies
PLUD = Planning and Land Use Director
ARC = Archaeological Review Committee
HDRB = Historic Districts Review Board
BOA = Board of Adjustment
PC = Planning Commission
GB = Governing Body
rfrd. = Referred

Procedure	Subsection	PLUD	ARC	HDRB	BOA	PC	GB
Archaeology and Historic Preservation Procedures							
Archeological Clearance Permit	14-2.1(G)(1)	R / REP	R / [D]				A
Creation of New Historic Overlay District	14-2.1(G)(2)	R / REP	R (if rfrd.)	R / REC (if rfrd.)		R / REC	R / [D]
Demolition of Historic or Landmark Structure	14-2.1(G)(3)	R / REP	R (if rfrd.)	R / [D]			R / A
Flexibility and Relief Procedure							
Variance	14-2.1(H)(1)	R / REP			R / [D]	R / [D]*	
Minor Modifications	14-2.2(H)(3)(b)	R / D				A	
Alternative Means of Compliance	14-2.2(H)(3)(a)	R / D				A	
Administrative Deviations	14-2.2(H)(3)(c)	R / D				A	
Historic District Exception	14-4.6(D)	R / REC		R / D			A

(B) Common Review Procedures

This subsection describes the standard review procedures required for all applications unless otherwise stated in this LDC. Generally, the review procedures include the steps shown below; however, not every application requires every step. Application-specific procedures are described in subsections 14-2.1(C) through 14-2.1(H).

(1) Pre-Development Meetings

(a) Pre-Application Conference

(I) Purpose

The pre-application conference is an opportunity for potential applicants to discuss the proposed development plans, review procedures, submittal requirements, any impact to public facilities,

infrastructure needs, and mitigation measures, if necessary. For annexations and rezonings, the purpose of the pre-application conference is to review the proposal for conformity with the General Plan, availability of community facilities and utilities, proposed utilities, street improvements, required park and open space improvements, and other requirements as may be dictated by City ordinance.

(II) Applicability

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

(i) Annexations;

(ii) Rezonings;

(iii) Subdivisions, unless the Planning and Land Use Director waives, in writing, the requirement for good cause shown; and

(iv) Any residential development request on a lot that is subject to the Santa Fe Homes Program set forth in Chapter 26, Section 26-1, and described in this LDC in subsection 14-7.2, *Santa Fe Homes Program (SFHP)*.

(b) The Planning and Land Use Director may determine that a preapplication conference is necessary for other applications to land use boards due to the scope or complexity of the proposed project; and

(c) The Planning and Land Use Director may waive or modify the preapplication conference procedures based on a determination that the purposes of the conference have been achieved by other means or that the limited scope or simplicity of the project does not warrant a formal pre-application conference.

(III) Procedure

(a) Scheduling

At least 15 calendar days before the application is submitted, the applicant shall request a pre-application conference with the Planning and Land Use Director.

(b) Subdivision Preapplication Required Submittals

(i) The applicant shall submit to the Planning and Land Use Director a sketch plan and supplementary data sufficient to determine the feasibility of the proposal. The applicant should employ a competent land planner, professional engineer, architect, or professional land surveyor to assist in the development of the proposed subdivision.

(ii) The Planning and Land Use Director, the public works department and other City departments as appropriate shall advise the applicant as to the appropriateness of the subdivision proposal in relation to the General Plan, utility accessibility, road and street system capacity, terrain management and suitability of the proposed subdivision in relation to present City codes, regulations, and ordinances; and

(iii) For subdivisions comprising fewer than ten lots, the Planning and Land Use Director may waive the requirement to provide the sketch plan and supplementary data at the pre-application conference.

(IV) Effect of Discussion and Information

Discussions that occur and information that is conveyed at a preapplication conference are preliminary, advisory, and not binding upon the City or the meeting participants. Advice to the applicant does not limit the discretion of any land use board or the Governing Body in making conditions of approval for the proposed development, whether or not anticipated at the time of the pre-application conference.

(b) Early Neighborhood Notification Meetings

(I) Purpose

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

(II) Applicability to Projects Reviewed by the Board of Adjustment, Planning Commission, or the Governing Body

(a) ENN is required prior to submission of applications for the following types of projects when they require public hearings with the Board of Adjustment, Planning Commission, or Governing Body:

(i) Annexations;

(ii) Master plans;

(iii) Rezonings;

(iv) Development plans, except final development plans for which ENN procedures were followed at the preliminary development plan review stage;

(v) Subdivision plats, except final subdivision plats for which ENN procedures were followed at the preliminary plat review stage;

(vi) Vacation and dedication of rights-of-way, as described in Chapter 23, *Streets, Sidewalks and Public Places*, subsection 23-1.2; vi. Conditional use approval, except those for mobile homes;

(vii) Telecommunications facilities as set forth in subsection 14-5.3(I)(3), *Telecommunication Facilities*;

(viii) Electric facilities as set forth in subsection 14-5.3(I)(1), *Electric Facilities*;

(ix) Amendment to any of the preceding;

(x) Amendments to the future land use map of the General Plan; and

(xi) Variances, except those requesting:

(a) Construction or modification of an individual single-family dwelling and appurtenant accessory structures;

(b) A reduction in the total parking requirements of 20 percent or less and

(c) Variances to subsection 14-7.6, *Signs*;

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

(i) Projects or amendments to project approvals that do not require public hearings before the Board of Adjustment, Planning Commission or the Governing Body; and

(ii) Time extensions that do not otherwise modify a project approval.

(III) Applicability to City Capital Improvement Projects

ENN is required for any City capital improvement in excess of $250,000.

(IV) Procedure

(a) Scheduling and Notice

ENN meetings shall be scheduled with the Planning and Land Use Director prior to issuing notice. Notice of meeting shall be given in accordance with subsection 14-2.1(B)(4)(b), *Notice Requirements.*

(b) ENN Meeting

(i) The announced meeting shall take place at least ten days before the development project application is submitted.

(ii) The applicant shall present schematic or preliminary plans for the proposed project and a drawing or other

graphical representation suitable to reasonably indicate streets and structures within a 200-foot radius from the perimeter of the property that is the subject of the application.

(iii) A representative of the Planning and Land Use Department shall attend the meeting with the objective of explaining to attendees and the applicant the applicable provisions of City ordinances, City codes, and the development review process.

(c) Expiration

If no application has been filed for the project discussed at the ENN within six months of the meeting date, a new ENN shall be required before an application for substantially the same project will be accepted for consideration.

(V) ENN Guidelines

For any project application required to meet ENN requirements, the guidelines provided in this subsection are adopted for use by applicants meeting with community members, to assist in the discussion of the project. The guidelines are based on the requirements of Chapter XIV and the General Plan and other formally adopted City plans.

(a) Effect on Character and Appearance of Surrounding Neighborhoods

When applicable, the applicant shall state how existing requirements for architectural design review, historic districts, lighting, signs, telecommunications, open space, landscaping, trails, parks, and the business-capitol district (BCD) regulations are met. Considerations may include:

(i) The number of stories of buildings;
(ii) The building setbacks;
(iii) The mass and scale of the project;
(iv) Architectural style of any construction;
(v) Landscaping;
(vi) Lighting; and
(vii) Access to public places, open spaces, and trails.

(b) Effect on Protection of Physical Environment

When applicable, the applicant shall state how existing code requirements and adopted plans for terrain management, escarpment, landscape, BCD, architectural design, open space and trails, and flood management regulations are met. Considerations may include:

(i) Existing tree cover,

(ii) Existing open space,
(iii) Rivers, arroyos, and floodplains,
(iv) Rock outcroppings and escarpments,
(v) Trash generation,
(vi) Lighting,
(vii) Fire risk,
(viii) Use of hazardous materials, and
(ix) Whether the project involves easements, density transfers or other legal mechanisms that result in open space or other environmental protection.

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

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

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

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

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

When applicable, the applicant shall state how the requirements for parking, the Americans with Disabilities Act, the General Plan future land use map and other policies and traffic studies are met. Considerations may include:

(i) Increased access to public transportation and public transportation corridors,
(ii) Effects of design or services provided on traffic in the neighborhood and Citywide,
(iii) Whether the project helps in the equitable distribution of traffic Citywide, reduces overall travel distance or encourages alternate transportation modes,
(iv) Traffic mitigation measures, including changes in flow of pedestrian and vehicular traffic,
(v) Cumulative traffic impacts,
(vi) vi. Enhancement of transit options,
(vii) vii. Pedestrian access to destinations; and

(viii) New or improved pedestrian trails to recreational and cultural activities and human and educational services.

(f) Impact on Economic Base of Santa Fe

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

(i) Availability of jobs to Santa Fe residents,

(ii) Whether or how the project promotes and encourages businesses consistent with the City's economic development plan and compatible with neighborhood livability,

(iii) Market impacts on local businesses and potential displacement of local property and businessowners, and

(iv) How the project supports economic development efforts to improve living standards of neighborhoods and their businesses.

(g) Effect on Availability of Affordable Housing and Availability of Housing Choices

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

(i) Creation, retention, or improvement of affordable housing

(ii) How the project contributes to meeting the needs for various housing types serving different ages, incomes, and family sizes to maintain the unique, heterogeneous character of Santa Fe,

(iii) Whether or how the project increases or decreases the supply of housing for which there is an identified need,

(iv) Whether the project contributes to a more even distribution of this housing throughout Santa Fe,

(v) The creation or retention of affordable business space, and

(vi) Whether or how the project increases the availability of all housing types close to the City center or neighborhood centers.

(h) Effect On Public Services and Infrastructure Elements

When applicable, the applicant shall state how existing requirements for telecommunications and City and utility company requirements are met. Considerations may include

whether or how the project maximizes the efficient use or contributes to the improvement of existing public infrastructure and services.

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

When applicable, the applicant shall state how existing requirements for landscaping, water and sewer availability statements, water conservation and policies of the City's 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.

(2) Application Submittal and Acceptance

(a) Authority to File Applications

(I) Unless otherwise specified in Chapter XIV, applications for review and approval under Chapter XIV may be filed by:
(a) The owner of the property that is the subject of the application,
(b) The owner's authorized agent with written authorization,
(c) A land use board, or
(d) The Planning and Land Use Director.

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

(b) Form of Application

(I) Applications required by Chapter XIV shall be submitted in the form and format prescribed by the Planning and Land Use Director.

(II) Each application shall include information, plans, calculations, and reports sufficient to clearly demonstrate compliance with all applicable provisions of Chapter XIV and applicable state and federal regulations that are administered or enforced by the City.

(III) The Planning and Land Use Director shall provide standardized checklists and format guidelines for each type of application. The Planning and Land Use Director, a land use board, or the Governing Body may waive the submittal of items on the checklist, or require supplemental materials not included on the checklist where such action is necessary to clearly demonstrate compliance with applicable provisions.

(c) Schedule of Fees, Charges, and Expenses

The Governing Body shall establish by resolution a schedule of fees, charges, and expenses, and a collection procedure for construction permits, appeals, subdivisions, amendments, and other applications. This schedule of fees is accessible on the City's website and may be altered or amended only by the Governing Body. No permit or approval required under Chapter XIV shall be issued or granted unless and until all applicable charges, fees, and expenses have been paid in full.

(d) Required Submittals

It is the applicant's responsibility to submit all materials necessary to prove that an application complies with the terms of Chapter XIV. The Planning and Land Use Director may require additional materials reasonably necessary to determine compliance with the terms of this Chapter XIV.

(e) Relationships Among Different Applications, Permits and Approvals

Construction permits and certificates of occupancy are the final forms of approval for most development within Santa Fe. Issuance of construction permits and certificates of occupancy may be contingent on the applicant having previously received one or more other permits or forms of approval, such as a rezoning or development plan approval. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, simultaneous processing of applications for different permits and approvals that may be required for the same development project is allowed to expedite the overall review process for the project.

(f) Withdrawal

(I) A property owner or applicant may withdraw an application at any time, by submitting the withdrawal request in writing to the Land Use and Planning Department; however, no property owner or applicant may request to withdraw an application initiated by the Governing Body or other City or government entity.

(II) An applicant is not entitled to a refund of application fees for withdrawn applications. However, the City may refund a portion of fees not expended during the first round of staff review if the application is withdrawn within ten days of acceptance and prior to preparation or distribution of any official written comments or notices to the public.

(III) Applications withdrawn before any public meetings besides an ENN are held may be submitted for reapplication at any time. the Planning Commission holds a public hearing on it, reapplication may be made at any time.

(g) Applications Previously Denied

An application that is substantially similar to one that was denied shall not be resubmitted within 12 months from the date denial. If there is a question about whether an application is substantially different from what was previously denied, it shall be the responsibility of the Planning and Land Use Director to determine if such an application may proceed.

(3) Application Analysis

(a) Review for Application Completeness

(I) The Planning and Land Use Director shall determine application completeness. An application is complete if it is submitted in the required form; includes all mandatory information, including all exhibits specified by the Planning and Land Use Director; and is accompanied by the applicable fee. If an application is determined to be incomplete, the Planning and 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 resubmittal.

(II) Land Use and Planning Department staff shall review the application and submit recommendations and comments on revisions to the pending application. Such comments and recommendations shall be conveyed to the applicant in a form established by the Department. The application shall not move forward for further review until the applicant has adequately responded to the City’s recommendations and comments.

(b) Referral to City Departments and Review Agencies

The Land Use and Planning Department shall distribute the complete application to appropriate staff in other City departments, and pertinent reviewing agencies, as appropriate.

(c) Application Review and Staff Report

Following application review, the Land Use and Planning Department staff shall prepare a written staff report, stating whether or not the application complies with requirements of this LDC, other relevant Chapters of the City's Code of Ordinances, and any other applicable standards and requirements of the City. The staff report may include recommended conditions of approval for consideration by the decision-making body, and shall include a recommendation for approval, approval with conditions, or denial of the application.

(4) Scheduling and Notice of Public Hearings

(a) Scheduling Public Hearings

(I) Applications subject to a public hearing per Table 2-1: Summary Table of Review Procedures, shall be scheduled at a regular meeting of the designated decision-making body, after allowing sufficient time for staff analysis of the plat or development application, and preparation of a staff report.

(II) Where required, scheduling shall also allow sufficient time for review and recommendation by decision-making bodies, prior to final decision at a public hearing. This allowance is limited by the provision that if a land use board does not act on an application within 90 days of an application being deemed complete, the applicant may request review of the application by the Governing Body.

(b) Notice Requirements

(I) Notice Content

The notice shall be approved by the Planning and Land Use Director. Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the Planning and Land Use Director. The notices required by this subsection shall indicate:

(a) The action proposed (rezoning, conditional use approval, annexation, etc.);
(b) The property that will be affected by the action;
(c) The time, date, and place of the hearing or meeting; and
(d) The deadline for receiving written comments regarding the request, if applicable.

(II) General Notice Requirements

The notice requirements below apply to public hearings and ENN meetings, except that:

(a) Public hearings concerning development review actions initiated by the City require notification as described in subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(b) Public hearings concerning Archaeological Clearance Permits require notification in accordance with subsection 14-2.1(G)(1)(c)(III), *Scheduling of Hearings and Notice;*

(c) Public hearings concerning projects heard before the Historic Districts Review Board shall meet the requirements in subsections 14-2.1(B)(4)(b)(III)(a), *Agenda Notice*, and 14-2.1(B)(4)(b)(III)(b), *Posted Notice,* but mailed notification is not required; and

(d) Public hearings concerning appeals must provide notice as described in subsection 14-2.1(B)(5)(d), *Applications with No Public Hearing*.

(III) Types of Notice

(a) Agenda Notice

The Planning and Land Use Director shall post the tentative meeting agenda on the City's website and send a copy to neighborhood associations that are registered with the Planning and Land Use Director, at least 15 days prior to the scheduled meeting.

(b) Posted Notice

(i) For all ENN meetings and public hearings required before a land use board, except appeals, the property shall be posted by the applicant with posters obtained from the Planning and Land Use Director at the applicant's expense.

(ii) At least one poster shall be prominently displayed, visible from each public and private street and road abutting the property, and securely placed on the property at least 15 calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.

(iii) The posters shall be removed within 30 days after final action, and failure to do so may result in the City removing the poster and charging the applicant a civil fee of $50.00.

(c) Mailed/Emailed Notice

Except when state law requires certified mailing, notice of a public hearing or ENN meeting shall be sent by the applicant

via first class mail, with a certificate of mailing provided by the U.S. post office at least 15 calendar days prior the public hearing or meeting as follows:

(i) To all owners of property within 300 feet of the subject property's boundaries as shown in the records of the county treasurer, and to the physical addresses of such properties where the property's address is different than the address of the owner.

(ii) To neighborhood associations that have registered with the Planning and Land Use Director and that will be directly affected by the proposed action or that have a boundary within 300 feet of the subject property. Email notices to the neighborhood associations shall be provided on the same day the applicant sends postal notices.

(iii) For zoning changes encompassing one block or less, notices to property owners for public hearings before the Governing Body or the Planning Commission shall be sent by certified mail with return receipt requested as required by Section 3-21-6 NMSA 1978.

(iv) If a notice by certified mail of a zoning change is returned undelivered, the City shall attempt to discover the owner's most recent address and shall send the notice by certified mail to that address as required by Section 3-21-6 NMSA 1978.

(v) In the case of an application for a telecommunications facility, all property owners within the corresponding setback distances listed in subsection 14-5.3(I)(3), *Telecommunication Facilities*, shall also receive notices.

(vi) Copies of all required mailing lists, mailing certificates, or return receipts shall be provided to the Planning and Land Use Director prior to the public hearing or ENN meeting.

(d) Published Notice

At least 15 days before a public hearing before a land use board, the City must publish a display advertisement in a local daily newspaper of general circulation stating the action that will be considered at the public hearing, as well as the date, time, and place of the public hearing. This publication requirement does not apply to appeals.

(IV) Notice Requirements for City-Initiated Development Review Actions

(a) Agenda Requirement

Agendas must be posted and published as provided in subsection 14-2.1(B)(4)(b)(IV)(a), *Agenda Requirement*.

(b) Posting Requirement

For a project that affects one lot or other clearly delineated premises, posting must occur as provided in subsection 14-2.1(B)(4)(b)(IV)(b), *Posting Requirement*. For a project that affects a larger project area, 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 300 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 15 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.

(c) Mailing Requirements

Mailed notice shall be provided as required in subsection 14-2.1(B)(4)(b)(IV)(c), *Mailing Requirements*.

(d) Publishing Requirements

At least 15 days before the public hearing, the City must publish an advertisement as required in subsection 14-2.1(B)(4)(b)(IV)(d), *Publishing Requirements*.

(V) Notice to the Santa Fe Public School District for Certain Residential Development

(a) Purpose

The Governing Body deems it in the best interest of the City and its citizens to assist the Santa Fe Public School District in planning for adequate school facilities and operations in response to residential development.

(b) Applicability

(i) This subsection applies to applications for development approvals or construction permits that create six or more new residential lots or dwelling units.

(ii) Nonresidential developments are encouraged to provide notice to the school district as set forth in this subsection.

(c) Notice Requirement

Prior to submitting an application, the applicant shall provide written notice of the proposed application to the Santa Fe Public School District. The notice shall include:

- **(i)** The proposed number, size, and price of dwelling units;
- **(ii)** Description of the project's target market;
- **(iii)** Proposed timeline for build out of the project; and
- **(iv)** Such other information as the school district determines is necessary to evaluate the potential impact of the proposed development on the school district.

(d) School District Response

- **(i)** When submitting the application to the City, the applicant shall include a written response from the Santa Fe Public School District acknowledging receipt of the notice of the proposed project as well as written comment from the school district as to potential impacts of the proposed project on its facilities and operations.
- **(ii)** Such written comment shall be included in the materials reviewed by all decision-making bodies.
- **(iii)** If the school district fails to provide written comments to the applicant within 30 days of receipt of the notice set forth in subsection 14-2.1(B)(4)(b)(V)(c), *Notice Requirement*, the applicant may submit the application to the City without the school district's comment.

(c) Postponed or Recessed and Reconvened Public Hearings and Meetings

If a public hearing or ENN meeting is postponed prior to the scheduled meeting, re-notification is not necessary if notice of the new date, time and location of the meeting is clearly posted at the time and place where the original public hearing or meeting was to be held. A public hearing or meeting may be recessed and reconvened without re-noticing if the date, time, and place for the meeting is specified immediately prior to recessing.

(d) Minor Defects in Notice Shall Not Invalidate Proceedings

Minor defects in any notice shall not invalidate the public hearing proceedings if a bona fide attempt has been made to comply with applicable notice requirements.

(I) Failure to Receive Notice Shall Not Invalidate City Action
The failure of any person or entity to receive notice sent as set forth in this Chapter shall not constitute grounds to invalidate the actions of the City.

(II) Failure in Posted Notice Shall Not Invalidate City Action
Once posted, if a sign is removed, falls down, or becomes illegible due to effects of the elements, this does not constitute a substantial defect in notice, and shall not be sufficient cause on its own to invalidate public hearing proceedings.

(5) Hearing, Review, and Decision

(a) Public Hearing Procedure
Public hearings shall follow the procedures adopted by resolution of the Governing Body.

(b) Conditions of Approval
Applications may be approved with conditions of approval to ensure compliance with the purpose and intent of Chapter XIV or any subsection of this Chapter XIV and any applicable City land use policy.

(c) Alternative Compliance and Minor Modifications
Pursuant to subsection 14-2.2(H)(3), *Approval Authority*, the Planning and Land Use Director shall have the authority to approve alternate means of compliance, administrative deviations, and minor plan modifications to application for which they are the final decision-maker. Likewise, land use boards have the same authority for any applications that appear before them for recommendation or decision at public hearing.

(d) Applications with No Public Hearing

(I) Administrative Decisions
If an application is subject to staff review and a final decision by the Planning and Land Use and Planning Director, staff shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

(II) Finality of Decision

(a) For any application subject to administrative review and decision, the decision is immediately final.

(b) An applicant who disputes the validity of a staff-level decision or any condition attached thereto may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(e) Applications with Public Hearings

(I) The application shall be subject to review, recommendation(s), hearing(s), and decision(s) as indicated in Table 2-1: Summary Table of Review Procedures.

(II) The decision-making body listed in Table 2-1 shall have the authority to take final action.

(III) The decision-making body shall consider the project application, relevant supporting materials, staff report, recommendations from other reviewing bodies, along with any public comments or public testimony presented at the public hearing.

(IV) On the basis of the information in subsection 14-2.1(B)(5)(e)(III), and conformity with general and application-specific criteria for approval, the decision-making body may:

(a) Approve the application request as submitted;

(b) Approve the application request subject to conditions of approval (where applicable); or

(c) Deny the application request based on failure to comply with the requirements of this LDO or the applicable approval criteria.

(V) The decision-making body may also continue the hearing, or postpone the item at its own initiative, or at the request of the applicant.

(f) General Review and Approval Criteria and Findings

All applications shall be reviewed on the basis of the following criteria:

(I) Compliance with law;

(II) Consistency with the General Plan;

(III) Consistency with other plans and policies officially adopted by the

(IV) Governing Body;

(V) Compliance with all applicable provisions of Chapter XIV and all other chapters of the SFCC; and

(VI) Consideration of how the amendment relates to other provisions of the Santa Fe City code and the avoidance of unintended consequence.

(6) Post-Decision Actions and Limitations

(a) General Provisions

The general provisions of this subsection shall apply to final actions to approve development pursuant to Chapter XIV, including:

(I) Conditional use approvals;

(II) Development plans, including preliminary and final development plans;

(III) Master plans;

(IV) Variances;

(V) Subdivisions, including preliminary and final plats, inheritance and family transfer subdivisions, resubdivisions and other administrative plat approvals; and

(VI) Development within historic districts or affecting landmark properties.

(b) Final Actions

Determination of final actions shall be as provided in subsection 14-2.1(B)(6)(d)(I), *Final Action* and subsection 14-2.1(B)(6)(d)(IV), *Date of Final Action*.

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 XIV 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 Section 39-3-1.1 NMSA 1978.

(c) Specific Provisions Pursuant to Conditions of Approval

A final action may incorporate conditions of approval that establish shorter time limits than those specified in Chapter XIV. Final action to approve a phased development project may incorporate a phasing plan with longer time limits than those specified in Chapter XIV.

(d) Appeals

Only final actions may be appealed.

(I) Final Action

(a) Final action includes:

(i) Decision of a land use board after a public hearing, including the final approval or denial of a preliminary plat or preliminary development plan.

(ii) Decision of the Planning and Land Use Director, including the written issuance or denial of a permit, approval or denial of an application for a final plat for resubdivisions or administrative approval subdivision, or other approval or denial within the Planning and Land Use Director's jurisdiction.

(b) 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 procedure

controlling an upcoming public hearing; however, these actions may be raised by parties as part of an otherwise valid appeal.

(II) Basis for Appeal

An appeal may only be filed for the following reasons:

(a) To contest noncompliance of a final action with Chapter XIV or Sections 3-21-1 through 3-21-14 NMSA 1978;

(b) To contest the application of Chapter XIV; or

(c) To appeal a decision lacking substantial evidence to support it.

(III) Standing Required to Appeal

Appeals of final actions may be filed by the following persons:

(a) The applicant when the application is denied or, if approved, the approval included conditions not accepted by the applicant;

(b) All persons or neighborhood associations that were required to be mailed notice for the application giving rise to the final action being appealed;

(c) Persons or organizations duly organized at the time the decision appealed from was rendered alleging injury to their economic, environmental or aesthetic interests;

(d) City staff members acting in their official capacity; and

(e) Any person who has a recognized legal interest under New Mexico law.

(IV) 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) Final Action by Planning and Land Use Director
The date of issuance of any written decision, letter, permit (including construction permit) or other document, including recordation of a final plat for resubdivision or summary subdivision, that grants or denies an approval or request for relief; or

(b) Final Action by Land Use Board or the Governing Body
The date the decision-making body adopts a written decision containing findings of fact and conclusions of law; provided that if the decision-making body has not adopted findings of fact and conclusions of law within 35 days of the date the vote deciding the matter was taken, then the date of final action shall be deemed to be the 35th day after the date the vote deciding the matter was taken.

(V) Time Limit for Appeal

Appellants shall file an appeal as follows:

(a) Final actions by land use boards on subdivision plats, master plans, or development plans: within 30 days.

(b) Final action by the Planning and Land Use Director on application for a final plat for resubdivision or summary subdivision: within 30 days.

(c) All other final actions: within 15 days.

(VI) Amended Appeals

An appellant may amend an appeal until the time for appeal has expired.

(VII) Response

Any party may file a response to the appeal.

(VIII) Process to File an Appeal

(a) Filing an Appeal

The appellant shall file the written appeal with the Planning and 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.

(b) Receipt of Filing; Service of Appeal

The Planning and 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 mail, with a certificate of mailing provided by the U.S. post office.

(c) Appeal Fee

An appeal fee shall be paid at the time of filing an appeal, according to the fee schedule established by the Governing Body. The Planning and Land Use Director may waive or reduce the appeal fee if the Planning and Land Use Director determines that the appellant would qualify for the City's utility fee poverty exemption set forth subsection 15-1.3, *Utility Billing - Poverty Exemption*.

(IX) Multiple Appeals and Multiple Jurisdictions

(a) An appellant may not appeal any single final action more than once.

(b) Every appeal requires an independent basis. Final actions may not be appealed solely on the basis of alleged mistakes in prior stages of the same project, whether or not the prior final actions were appealed.

(c) More than one appellant may file an appeal of a final action, and appellants may combine their appeals and share the appeal fee proportionally. All appeals of any single final action shall be consolidated for hearing purposes.

(d) Any review by the Governing Body of a Planning Commission decision under subsection 14-2.2(B)(3) shall be combined with the hearing on an appeal of that decision.

(e) In the case of an appeal that includes final actions that fall under the jurisdiction of more than one land use board, the Planning and Land Use Director shall determine the appropriate land use board to hear any issue on appeal, except as otherwise provided in this subsection.

(X) Withdrawal

An appellant may withdraw the appeal at any time. A withdrawal does not affect any related appeal. At any time after an appeal has been filed, an appellant and appellee may agree to settle any matters raised in the appeal and the appellant may withdraw the appeal; provided that such settlement complies with applicable code requirements, including any conditions of approval of the final action being appealed.

(XI) Conformity of Appeal

The Planning and Land Use Director shall promptly review all appeals for conformity with the requirements of subsection 14-2.1(B)(6)(d)(XI), *Conformity of Appeal*. If the Planning and Land Use Director determines that an appeal does not conform to the requirements, the Planning and Land Use Director shall refer the matter to the City attorney for review.

(a) If the City Attorney concurs with the Planning and Land Use Director's determination, the City Attorney's written recommendation shall be forwarded to the Governing Body for discussion. The Governing Body may accept the City Attorney's written recommendation and the decision is final and may be appealed to district court. If the Governing Body does not accept the City Attorney's recommendation, the appeal shall be heard as set forth in Chapter XIV.

(b) If the City Attorney does not concur with the Planning and Land Use Director's determination, the appeal shall be heard as set forth Chapter XIV.

(XII) District Court Appeals

An appeal of a final action of the Governing Body or a land use board, or of an action of the City Manager, the City Attorney, or the Planning and Land Use Director that is only subject to appeal to

district court, shall be to the first judicial district court pursuant to Section 39-3-1.1 NMSA 1978, Rule 1-074, NMRA or Rule 1-075, NMRA, as amended, or other relevant statute or court rule.

(XIII) Stay of Action and Suspension of Permits

(a) Except as otherwise provided in this subsection, the timely filing of an appeal shall:

(i) Suspend the issuance of a permit or the validity of a permit already issued that is the subject of the appeal;

(ii) Prohibit the recordation of a plat or the filing of a development plan pursuant to that final action; and

(iii) Prohibit the issuance of a permit pursuant to that final action.

(b) The timely filing of an appeal of an enforcement action, including the revocation or suspension of a permit, shall not stop the enforcement action, except as provided in this subsection or when due process otherwise requires a hearing.

(c) The filing of an appeal shall not limit the ability of an applicant to file other applications.

(d) The filing of an appeal shall not limit the ability of any party to file an appeal of any other final action related to the same project or application provided there is an independent basis for such appeal.

(e) Upon determination by the Planning and Land Use Director that the suspension of a permit or enforcement action would cause imminent peril to life or property, a permit approving only so much of the application as is required to address the immediate danger shall be issued. When reasonably practicable, the Planning and Land Use Director shall give all parties such notice prior to the issuance of the permit as is possible. The Planning and Land Use Director's action related to the issuance of the permit is not subject to appeal to any land use board or the Governing Body and may be appealed only to the district court.

(f) The filing of an appeal of an action of the Planning and Land Use Director revoking or suspending a permit in any matter involving a sexually oriented business shall stop or suspend the action before the appeal is heard, except upon determination by the Santa Fe police department that there is a reasonable expectation that stopping or suspending the Planning and Land Use Director's action would constitute a grave imminent danger to the public welfare, including life or property, in which case the City may exercise its authority to restrain, prohibit or otherwise abate the source of such danger.

(XIV) Communication with Members Prohibited

Communication regarding an appeal is limited as follows:

(a) Parties

During the appeal period after a final action is taken or after an appeal is filed, a party shall not communicate with individual members of a land use board that may hear the appeal or the Governing Body outside an appeal hearing concerning the merits or substance of the appeal, except in writing filed with the Planning and Land Use Director within the prescribed time for inclusion in the public hearing record.

(b) Other Persons

No person other than the City attorney shall communicate outside a public hearing with a member of a land use board or the Governing Body concerning the merits or substance of an appeal to be heard by that body.

(c) Site Inspection

Individual members of a land use board or the Governing Body may not inspect the site of any subject property, except pursuant to a publicly noticed site visit that affords all parties the opportunity to attend.

(d) Effect of Improper Communication

A member of a land use board or the Governing Body receiving a communication in violation of this subsection shall disclose the substance of the communication on the record, and the member shall recuse themselves if the member cannot be fair and impartial in hearing the appeal.

(e) Amendment of Development Approval

(I) Minor Amendments by the Planning Commission to Plans Approved by the Governing Body

(a) The Planning Commission may approve minor amendments to master plans, preliminary or other development plans approved by the Governing Body, including minor amendments to master plan design standards. Such amendments must be consistent with prior action by the Governing Body, including any specific restrictions, limitations or requirements adopted as provisions of the master plan, preliminary or other development plan, rezoning ordinance, annexation ordinance or annexation agreement.

(b) Action by the Planning Commission to approve a minor amendment must be taken at a public hearing with notice.

(c) An amendment to significantly increase the density or intensity of development previously approved by the Governing Body may not be approved as a minor amendment and requires amendment of the previous approval by the Governing Body.

(II) Master Plans in the MU and BIP Districts

The Planning Commission may approve amendments to master plans in the MU and BIP Districts.

(III) Substantive Amendments

Substantive amendment or revisions to final actions approving development shall follow the same procedure that would apply to a new application, unless a specific alternative procedure is provided in this Section, or elsewhere in Chapter XIV.

(f) Expiration of Development Approval

(I) Timing

(a) Unless a time extension is approved as described in subsection 14-2.1(B)(6)(g), *Extension of Development Approval,* or shorter time limits are imposed as part of a condition of approval, development approvals shall expire as indicated in the specific review procedure.

(b) Approvals for development not otherwise specified in this Section shall expire three years after final action approving them unless actual development of the site or off-site improvements has begun and is continued pursuant to provision b, or unless a different expiration date is specified elsewhere in other applicable chapters of the City's Code of Ordinances.

(II) Continuing Development Activity Required

Approvals for the uncompleted portions of development other than recorded subdivisions expire if, at any time prior to completion of all phases of the approved development, no substantive development progress occurs:

(a) For an approved master plan, during any interval of five years; or

(b) For a development plan or other development approval as specified in subsection 14-2.1(B)(6)(f)(I)(b) during any interval of three years.

(c) Substantive development progress means actual development of the site or related off-site infrastructure, filing for record of a development plan or subdivision plat for a phase of the approved development, or obtaining subsequent development approvals from a land use board, such as a final development plan approval subsequent to a preliminary development plan approval.

(III) Effect of Expiration on Partial Development

Development and use of land that occurs prior to expiration of a development approval shall continue to be subject to applicable provisions of that approval until and unless it is amended.

(g) Extension of Development Approval

(I) Application Filing

Applications for extensions shall be filed prior to the expiration of the final action for which the extension is requested. The application shall state the reason for the extension request and shall document the progress made toward completion of the approved development and the proposed time schedule for final completion.

(II) Administrative Extensions

(a) The Planning and Land Use Director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year.

(b) Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the Planning and Land Use Director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity.

(c) The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.

(d) Administrative time extensions approved by the Planning and Land Use Director, pursuant to this subsection, for development approvals that were granted by the Planning Commission or the Governing Body, are subject to review by the Planning Commission. The Planning and Land Use Director shall identify the action taken and place it on a consent agenda for the Planning Commission. The Planning and Land Use Director shall provide the Planning Commission with the applicant's written application and the Planning and Land Use Director's written proposal. The Planning Commission may accept, reject, or modify the proposal.

(III) Time Extensions by Land Use Boards

Extensions of time that do not meet the requirements for administrative approval may be made by following the procedures for amending the type of action for which extension is requested.

(C) General Plan Amendment

(1) Purpose

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

(2) Applicability

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

(a) Annexations must conform to the General Plan. The General Plan must be amended before any annexations not already in conformance with the General Plan may be approved; and

(b) The official zoning map provided for in subsection 14-3.1(D), *Official Zoning Map*, must conform to the General Plan. The General Plan must first be amended before:

(I) New zoning regulations establishing new land use classifications may be approved; or

(II) Approval of a change in zoning district designation that is inconsistent with the land use classification shown on the General Plan's future land use map. The determination of consistency shall be made based on review of the future land use map and applicable policies of the General Plan, recognizing that there may not be in every case a direct correspondence between the land use

classifications in the General Plan and the zoning district designations in Chapter XIV.

(3) Amendments Not Required

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

(4) General Plan Amendment Procedure

(a) Pre-Development Meetings

No pre-development meetings are required for a General Plan amendment.

(b) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*. An application initiated by the City is exempt from fees.

(c) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(D)(2)(d), *LDC Text Amendment Approval Criteria*.

(d) Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

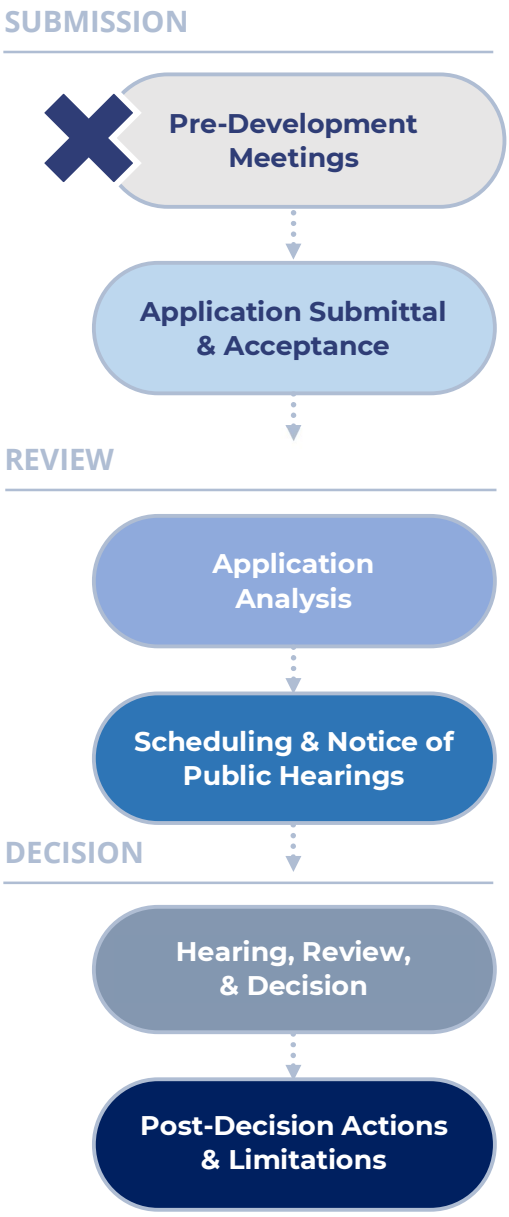


Figure 3.1 1: General Plan Amendment Procedure

(e) Hearing, Review, and Decision

(I) Planning and Land Use Director Review and Recommendation

(a) The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required for applications for annexations, rezonings or other Governing Body or Planning Commission cases.

(b) The Planning and Land Use Director shall review applications for amendment to the General Plan for compliance with Chapter XIV and other City land use policies and make a recommendation to the Planning Commission.

(c) If an amendment is required, the amendment may be considered by the Planning Commission and the Governing Body concurrently with other applications.

(II) Planning Commission Review and Recommendation

(a) All proposed General Plan amendments shall be submitted to the Planning Commission for review and recommendation at a public hearing.

(b) The Planning Commission shall then transmit the application to the Governing Body, together with a recommendation based on the approval criteria in subsection 14-2.1(C)(5), *General Plan Amendment Approval Criteria*, regarding approval, denial, desirable changes, and special conditions and safeguards.

(III) Governing Body Review and Decision

Before acting on a proposed General Plan amendment, the Governing Body shall hold a public hearing. After reviewing the Planning and Land Use Director report, the recommendation of the Planning Commission and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed General Plan amendment.

(IV) Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 14-2.1(B)(6), *Post-Decision Actions and Limitations* shall apply with the following modifications:

(a) Expiration

Once approved, plan amendments do not expire.

(b) Denial

If a proposed plan amendment is denied, no application with a proposed plan amendment that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can

show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(c) Appeal

An applicant who is aggrieved by the denial of a General Plan amendment request may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(5) General Plan Amendment Approval Criteria

(a) Criteria for All Amendments to the General Plan

The Planning Commission and the Governing Body shall review all General Plan amendment proposals based on the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the General Plan:

(I) Consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure,

(II) Consistency with other parts of the General Plan,

(III) The amendment does not:

(a) Allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area, or

(b) Affect an area of less than two acres, except when adjusting boundaries between districts, or

(c) Benefit one or a few landowners at the expense of the surrounding landowners or the public.

(IV) An amendment is not required to conform with subsection 14-2.1(C)(5)(a)(III) if it promotes the general welfare or has other adequate public advantage or justification,

(V) Compliance with extraterritorial zoning ordinances and extraterritorial plans,

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

(VII) Consideration of conformity with other City policies, including land use policies, ordinances, regulations, and plans.

(b) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in this subsection, amendments to the land use policies section of the General

Plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the General Plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:

(I) The growth and economic projections contained within the General Plan are erroneous or have changed,

(II) No reasonable locations have been provided for certain land uses for which there is a demonstrated need, or

(III) Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.

(c) Procedure for Neighborhood Plans

In addition to complying with the general approval criteria for General Plan Amendments set forth in subsections 14-2.1(C)(5)(a)(I) and 14-2.1(C)(5)(a)(II), the adoption of neighborhood plans shall comply with the following:

(I) Purpose

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

(II) Definition of Neighborhood

For purposes of neighborhood planning, a neighborhood is defined as the geographic area, people, and facilities that satisfy a household's basic needs for food, shelter, recreation, social identity, security, primary education, and other basic services.

(III) Calculations

When calculating the percentages required in this subsection, each parcel is entitled to a single vote no matter how many persons might own the single parcel.

(IV) Public Information Meetings

The Planning and Land Use Director shall conduct public information meetings regarding the neighborhood planning process.

(V) Petition

A neighborhood may petition the Planning and Land Use Director to develop a neighborhood plan. The petition shall contain:

(a) A description of the proposed boundaries of the neighborhood,

(b) The signatures of forty percent of the property owners of record in the proposed boundaries, and

(c) The names and contact information for a steering committee of at least five persons from the neighborhood to work with the Planning and Land Use Director.

(VI) Acceptance of Petition

(a) The Planning and Land Use Director shall review neighborhood boundaries and recommend changes, if necessary, so that the proposed boundaries adhere to the definition of a neighborhood as set forth in subsection 14-2.1(C)(5)(c)(II).

(b) The Planning and Land Use Director shall verify that the petition has the requisite number of signatures of property owners.

(c) The Planning and Land Use Director may prioritize the processing of neighborhood plans based upon:

(i) Available City resources,

(ii) How the neighborhood plan integrates and potentially furthers broader City planning objectives and projects, and

(iii) Changes in the community.

(d) If, after the Planning and Land Use Director has accepted the petition for the preparation of a neighborhood plan, the City is unable to begin the process for the neighborhood plan within 60 days, a neighborhood whose petition has been delayed may proceed as set forth in subsection 14-4.1(A)(2)(f), *Alternative for Creation of Neighborhood Conservation Overlay District*.

(VII) Preparation of Neighborhood Plan

(a) The neighborhood steering committee is responsible for the preparation of the neighborhood plan with input from the neighborhood and the assistance of the Planning and Land Use Director.

(b) The plan shall respond to and address the General Plan themes set forth in Section 1.7 of the General Plan.

(c) The plan shall include at least these elements:

(i) A description of the neighborhood, including its history, assets, existing conditions, and future challenges,

(ii) A detailed listing of neighborhood issues and concerns,

(iii) A statement expressing a neighborhood vision or goals,

(iv) Neighborhood recommendations outlining actions to be taken to implement plan elements, and

(v) An implementation strategy designed to enact neighborhood priority recommendations.

(d) In addition, the plan may include the following elements:

(i) An improvement plan containing an assessment of the physical improvement needs of the neighborhood; and

(ii) The characteristics of the neighborhood that are proposed to be regulated within a proposed neighborhood conservation overlay district in subsection 14-4.1(A)(2)(e), *Neighborhood Conservation Overlay District Requirements*.

(VIII) Public Meetings

(a) The neighborhood steering committee shall hold at least two public meetings at which the proposed neighborhood plan shall be discussed and developed. The meetings shall be coordinated with the Planning and Land Use Director and held at a reasonable time and place to maximize public attendance.

(b) Notice for the first public meeting shall follow the requirements for early neighborhood notification in subsection 14-2.1(B)(1)(b)(IV)(a), *Scheduling and Notice*. 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.

(IX) Planning Commission Subcommittee

A final draft of the neighborhood plan shall be submitted to a subcommittee of the Planning Commission, which shall review and make recommendations regarding the completeness of the plan and its adherence to the General Plan themes.

(X) Neighborhood Ballot

(a) The steering committee shall send by U.S. mail a ballot to all residents 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 Planning and Land Use Director for returning ballots.

(b) If, within 30 days of mailing the ballot, the City receives ballots approving the plan from greater than 50 percent of the residents within the neighborhood plan boundaries, the Planning and Land Use Director shall initiate a General Plan amendment to adopt the neighborhood plan as set forth in this subsection.

(XI) 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 Planning and Land Use Director.

(D) Ordinance Amendments

(1) Annexation

(a) Purpose

This procedure provides for the possibility of annexing land currently outside the limits of the City of Santa Fe to be incorporated into the boundaries of and become subject to the jurisdiction of the City.

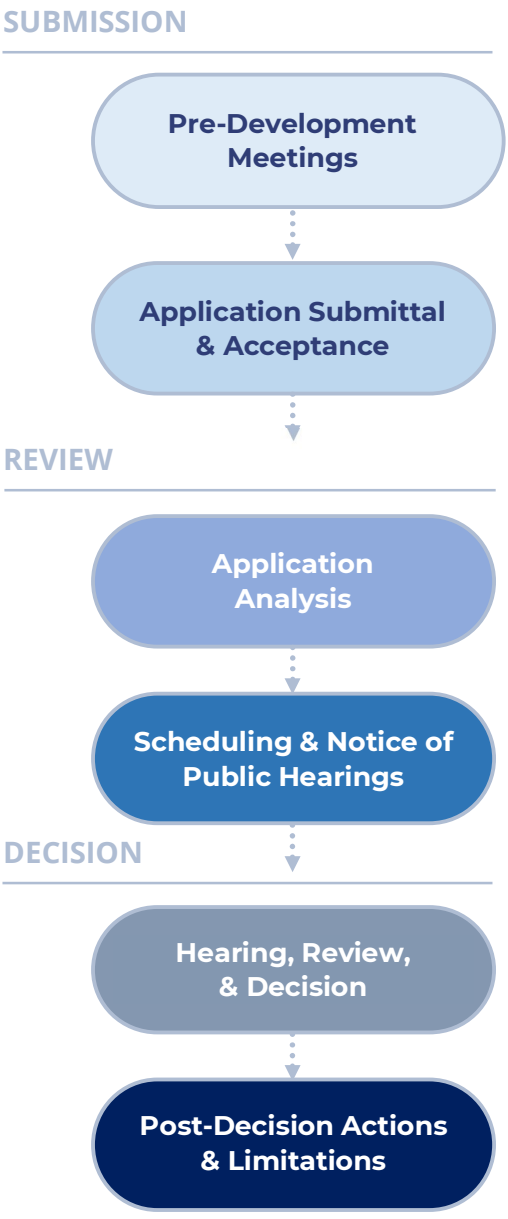


Figure 2.1-1: Annexation Procedure

(b) Applicability

There are three methods of annexing territory:

(I) Arbitration Method

The arbitration method may be used by the Governing Body to annex contiguous territory as authorized by Sections 3-7-5 through 3-7-10 NMSA 1978.

(II) Municipal Boundary Commission method

The municipal boundary commission method may be used by the Governing Body or 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.

(III) 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 3-717 NMSA 1978.

(c) 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.

(d) Annexation Procedure

(I) Pre-Development Meetings

(a) A pre-application conference is required. See subsection 14-2.1(B)(1)(a), *Pre-Application Conference*.

(b) An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(II) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*. An application initiated by the City shall be exempt from fees.

(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 Planning and 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 Figure 2.1-23: Annexation Procedure Item (i) 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 37-5 and 3-7-13 NMSA 1978, respectively. In addition, the following shall apply:

(i) When annexation is initiated to consolidate City boundaries or services, a plan demonstrating how

such consolidation will take place shall be provided; and

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

(III) Application Analysis

(a) The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required prior to the annexation proceeding.

(b) The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(D)(2)(d), *LDC Text Amendment Approval Criteria*.

(c) Application analysis shall include a determination of whether the impacts of potential development on annexed land can be demonstrated to the City's satisfaction as to the assumptions, methodology, and data, with the outcome that:

(i) The applicant and the City shall negotiate to offset the increased infrastructure, public facilities, or operating costs to the City due to the proposed development; or

(ii) The City shall deny the annexation.

(d) If analysis indicates that the annexed area creates a need for additional major public infrastructure expansion, the applicant may be required to contribute a proportional fair share of the cost of necessary expansions.

(IV) Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*. Additionally:

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

(b) The City shall notify the school board about the public hearing date for all petition-method annexations over 25 acres at least 15 days in advance of the hearing.

(c) The City shall notify the county planning and land use department of all annexations approved by the City.

(V) Hearing, Review, and Decision

(a) Protest Petitions

If the owners of 20 percent or more of the land included in the area, or within 100 feet, excluding public rights-of-way, of the area proposed to be annexed protest the annexation in

writing, the proposed petition-method annexation shall not become effective unless it is approved by a majority vote of all the members of the Governing Body.

(b) Annexation Agreements

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

(ii) The annexation agreement shall be recommended by the Planning Commission to the Governing Body and adopted by the Governing Body as a part of the ordinance setting forth the boundaries of the annexed area.

(iii) The agreement shall include, as appropriate:

(a) A list of property owners;

(b) Reference to the way in which the annexation is in conformance with the General Plan;

(c) Provision for necessary off-site facilities;

(d) Designation of land uses;

(e) A phasing and staging plan;

(f) Land to be dedicated to the City;

(g) Impact fees;

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

(i) Site design;

(j) Archaeological site protection;

(k) Provision of parks and open space and other items as agreed to by the City and the applicant; and

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

(iv) 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.

(c) Planning and Land Use Director Review and Recommendation

The Planning and Land Use Director shall review applications for annexation for compliance with Chapter XIV and other City land use policies and make a recommendation to the Planning Commission.

(d) Planning Commission Review and Recommendation

(i) All proposed petition-method annexations shall be submitted to the Planning Commission for review and recommendation at a public hearing based on the approval criteria set forth in subsection 14-2.1(D)(1)(e), *Annexation Approval Criteria*. In the course of the review, the Planning Commission shall make complete findings of fact on all applications. The Planning Commission shall not rule on the economic feasibility of any development proposed in an annexation master plan.

(ii) The Planning Commission shall transmit the application to the Governing Body, together with a recommendation based on the approval criteria in subsection 14-2.1(D)(1)(e), *Annexation Approval Criteria*, regarding approval, denial, desirable changes and special conditions and safeguards.

(iii) If the Planning Commission does not act on a request for annexation application review within ninety days after submission, the applicant may request review of the proposed annexation by the Governing Body.

(e) Governing Body Review and Decision

(i) Before taking action on any proposed petition-method annexation, the Governing Body shall hold a public hearing. After reviewing the Planning and Land Use Director's report, if any, the recommendation of the Planning Commission and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed annexation.

(ii) When a proposed petition-method annexation has failed to receive the recommended approval of the Planning Commission, the annexation shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.

(VI) Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 14-2.1(B)(6) shall apply with the following modifications:

(a) Expiration

Once approved, annexations do not expire.

(b) Denial

If a proposed annexation is denied, no application that is for annexation of the same property that has been denied shall

be shall be eligible for resubmittal for 12 months following denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(c) Appeal

An applicant who is aggrieved by the denial of a request for annexation may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(e) Annexation Approval Criteria

The Planning Commission and the Governing Body shall review all petition method annexation proposals on the basis of the following criteria. The reviewing entities must make complete findings of fact sufficient to show that the criteria provided in this subsection have been met before recommending or approving any annexation:

(I) Annexations must conform to the General Plan. Proposed annexations not already in conformance with the General Plan shall require a General Plan Amendment as described in subsection 14-2.1(C), *General Plan Amendment*, before the annexation may be considered and approved.

(II) The proposed annexation is within the urban area boundary.

(III) In all cases the proposed annexation must be contiguous with existing City boundaries, generally furthering a consolidation of City boundaries and service areas; provided that allowance shall be made for those properties that are prohibited from annexation by charter or other legal instrument.

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

(V) The amount of and proposed use for the land to be annexed is consistent with the City's policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of growth of the City. The City has no obligation to annex land if it is determined as a matter of City policy that the inventory of urban land, by land use category, is adequate to meet the projected absorption rates of the City for housing and other purposes for a specified number of years as set forth in that policy.

(VI) Any proposed development is compatible with the provisions of extraterritorial land use ordinance no. 2009-01 establishing subdivision, platting, planning and zoning rules within the presumptive city limits, as amended.

(VII) All annexation requests are for areas of no fewer than 25 acres unless the area produces a consolidation of City boundaries or services or is in phase with the staging plan of the General Plan.

(2) Code Text Amendment

(a) Purpose

This procedure provides for the review and approval of amendments to the text of this Land Development Code (LDC).

(b) Applicability

A code text amendment may be proposed by:

(I) The Governing Body,

(II) The Planning Commission,

(III) A department or agency of the City; or

(IV) Any other person, who must submit a request for a code text amendment, in writing, directly to the Governing Body, or a member thereof.

(c) Code Text Amendment Procedure

Figure 2.1-2: Code Text Amendment Procedureidentifies the applicable steps from the common review procedures in subsection 14-2.1(B) that apply to the review of code text amendment requests, with additions or modifications noted below.

(I) Pre-Development Meetings

No pre-development meetings are required for a code text amendment.

(II) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*. An application initiated by the City shall be exempt from fees.

(III) Application Analysis
The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(D)(2)(d), *LDC Text Amendment Approval Criteria*.

(IV) Scheduling and Notice of Public Hearings
The application shall be scheduled for public hearings before the Planning Commission and the Governing Body, and shall be noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings.*

(V) Hearing, Review, and Decision

(a) Planning Commission Review and Recommendation

(i) The Planning Commission shall review the application and forward its recommendation to the Governing Body, except for proposed amendments to:

(a) subsection 14-2.2(F), Historic Districts Review Board, and subsection 14-4.6, *Historic Districts*, when the Historic Districts Review Board shall review and issue recommendations;

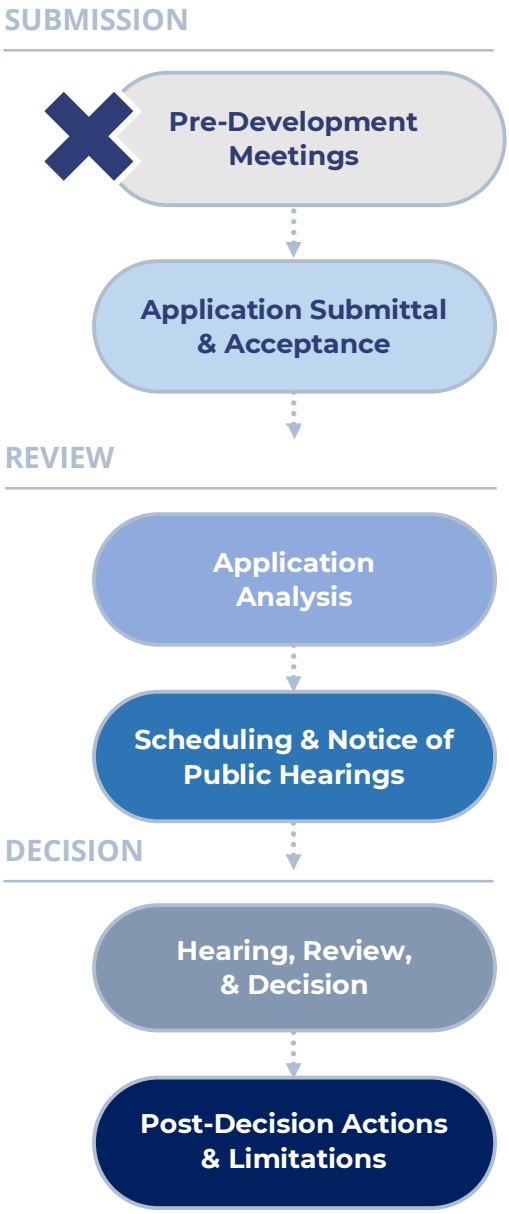


Figure 2.1-2: Code Text Amendment Procedure

(b) subsection 14-2.1(G)(1), Archaeological Clearance Permit, and subsection 14-4.2, Archeological Review Districts, when the Archaeological Review Committee shall review and issue recommendations; and

(c) subsection 14-7.7, *Development Water Budgets*, when the public works and utilities committee shall review and issue recommendations.

(ii) The Planning Commission or other recommending body may recommend edits or amendments to the proposed code text amendment.

(iii) The land use board's review and recommendation shall be based on the approval criteria in subsection 14-2.1(D)(2)(d), *LDC Text Amendment Approval Criteria*.

(b) Governing Body Review and Decision

(i) At the public hearing, the Governing Body may review and approve, approve with amendments to proposed text amendment, or deny the application.

(VI) Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 14-2.1(B)(6) shall apply with the following modifications:

(a) Expiration

Once approved, text amendments do not expire.

(b) Denial

Other than proposals by the Governing Body, if a proposed code text amendment is denied, no application with a proposed LDC text change that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(c) Appeal

An applicant who is aggrieved by the denial of a request for a code text amendment may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(d) LDC Text Amendment Approval Criteria

In reviewing a proposed LDC text amendment, the Planning Commission and Governing Body shall consider whether and to what extent the proposed text amendment is:

(I) Necessary to correct an error in the text of this LDC;

(II) Necessary to address a demonstrated community need;

(III) Necessary to respond to substantial changes in conditions and/or policy; and

(IV) Consistent with the general purpose and intent of this LDC and the subsection being amended.

(3) Rezoning

(a) Purpose

The rezoning procedure allows requests to amend the permitted land uses for a property by assigning it to a new zoning classification within the City of Santa Fe that allows for the proposed land use.

(b) Applicability

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

(I) The Governing Body,

(II) The Planning Commission,

(III) Any department or agency of the City, or

(IV) Any other person, who must submit a request in writing to the Governing Body, along with all submissions required by Chapter XIV and any other information requested by the Planning and Land Use Director as reasonably necessary to determine compliance with this Chapter XIV.

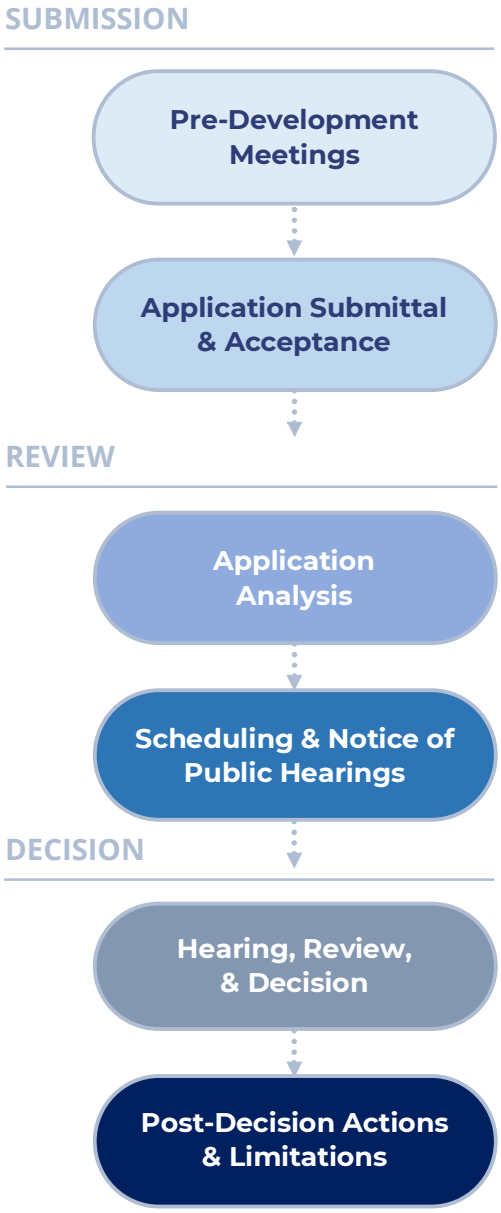


Figure 2.1-3: Rezoning Procedure

(c) Neighborhood Conservation Overlay District

(d) Plan Requirements

Plan submittal requirements for rezonings are set forth in Section 14-3 *Zoning Districts*, and Section 14-4 *Overlay Districts*.

(e) 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.

(f) Rezoning Procedure

(I) Pre-Development Meeting

(a) A pre-application conference is required. See subsection 14-2.1(B)(1)(a), *Pre-Application Conference*.

(b) An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(II) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*. An application initiated by the City shall be exempt from fees.

(III) Application Analysis

(a) The Planning and Land Use Director shall determine in writing whether an amendment to the General Plan is first required prior to the rezoning proceeding.

(b) The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(D)(3)(g), *Rezoning Approval Criteria*.

(c) If the impact of the proposed rezoning cannot be accommodated by the existing infrastructure and public facilities, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable City ordinances, regulations, or policies.

(d) If the proposed rezoning creates a need for additional streets, sidewalks, or curbs necessitated by and attributable to the new development, the City may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to subsection 14-7.9, *Impact Fees*.

(IV) Scheduling and Notice of Public Hearing

The application shall be scheduled for public hearings before the Planning Commission and the Governing Body and shall be noticed pursuant to 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(V) Hearing, Review, and Decision

(a) Protest Petitions

If the owners of 20 percent or more of the land included in the area, or within 100 feet of the land proposed to be rezoned excluding public rights-of-way, protest in writing, the proposed rezoning shall not become effective unless it is approved by a majority vote of all the members of the Governing Body.

(b) Planning Commission Review and Recommendation

(i) All proposed rezonings shall be submitted to the Planning Commission for review and recommendation at a public hearing. The Planning Commission's review and recommendation shall be based on the approval criteria and balancing test set forth in subsection 14-2.1(D)(3)(g), *Rezoning Approval Criteria*. The Planning Commission shall not consider or rule on the economic feasibility of any development proposed in a rezoning master plan or development plan unless the application is for a public project.

(ii) The Planning Commission shall transmit the application, including any plan, to the Governing Body, together with a recommendation as to findings and conditions, desirable changes and recommendations for approval or denial.

(c) Governing Body Review and Decision

(i) Before taking action on a proposed rezoning, the Governing Body shall hold a public hearing. In the course of the hearing, the Governing Body may request other information from the applicant that is reasonably necessary to determine compliance with Chapter XIV and may suggest changes to the application as a condition of Governing Body approval. After reviewing the Planning and Land Use Director report, if any, and the Planning Commission recommendation and any evidence obtained at the public hearing, the Governing Body shall take final action to approve, approve with conditions or deny the proposed rezoning. The final action shall be based on the approval criteria and balancing test provided in subsection 14-2.1(D)(3)(g), *Rezoning Approval Criteria*.

(ii) The Governing Body may approve a rezoning to a less intensive zone district than originally requested by the applicant. In such cases, no re-application or re-

processing of the original application shall be required.

(iii) When a proposed rezoning fails to receive the recommended approval of the Planning Commission, the rezoning shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.

(VI) Post-Decision Actions and Limitations

Post-decision actions and limitations in subsection 14-2.1(B)(6), *Post-Decision Actions and Limitations* shall apply with the following modifications:

(a) Expiration

Once approved, rezonings do not expire.

(b) Approved Rezonings to be Reflected on Official Zoning Map

(i) After the Governing Body has approved a rezoning application, the official zoning map shall be amended in accordance with subsection 14-3.1(D) to note the new zoning designation.

(ii) In the case of approval by the Governing Body of a rezoning to PUD, the PUD classification shall be attached to the existing zoning designation on the official zoning map, i.e., "____-PUD" with the underlying zoning district abbreviation indicated in the blank.

(c) Post-Approval Procedure

(i) If, in accordance with the provisions of Chapter XIV and Sections 3-21-1 through 3-21-11 NMSA 1978, changes are made in district boundaries or other matter portrayed on the official zoning map, those changes shall be made on the official zoning map within 30 days after the ordinance adopting the change in zoning classification has been approved by the Governing Body.

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

(d) Denial

Unless proposed by the Governing Body, if a proposed rezoning is denied, no rezoning application that is substantially similar to what has been denied shall be eligible

for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(e) Appeal

An applicant who is aggrieved by the denial of a rezoning request may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(g) Rezoning Approval Criteria

(I) The Planning Commission and the Governing Body shall review all rezoning proposals on the basis of the criteria provided in this subsection, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(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 XIV 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.

(II) 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.

(E) Subdivision Procedures

(1) Jurisdiction and Applicability

(a) These land subdivision regulations shall govern all platting or re-platting of land within the jurisdiction of the City.

(b) No person shall subdivide land, nor shall construction of any kind commence on subdivided land, nor shall transfer of ownership be made of subdivided land prior to the approval of a subdivision of the land by the Planning Commission or the Planning and Land Use Director, and prior to the recording of the subdivision in the office of the county clerk. Until the Planning Commission or the Planning and Land Use Director has approved a subdivision, the owner of the land within the subdivision or their agent shall not transfer or sell, or negotiate to or agree to transfer or sell, the land or any part of it by reference to, the exhibition of or any other use of, a plat or subdivision of the land. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transfer shall constitute prima facie evidence of a violation of this subsection.

(c) Conflicts With Other Code Provisions

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

(II) Whenever there is a discrepancy or conflict between minimum standards or dimensions for subdivisions and those contained elsewhere in Chapter XIV, Chapter 7, *Building and Housing*, Chapter 12, *Fire Prevention and Protection*, or other official regulations of the City, the more restrictive standard shall apply as provided in subsection 14-1.8, *Conflicting Provisions*.

(d) Acceptance of Improvements

The dedication of any or all of the lands for public use of any nature within the City shall be specifically accepted by the Planning Commission or Governing Body, and such acceptance may be conditioned on a finding by the Planning and Land Use Director of compliance with all conditions of approval of the subdivision plat. Approval of a subdivision by the Planning Commission does not constitute acceptance by the City of the streets, alleys or other public ways or easements and parks or other public lands dedicated on the subdivision plat by the owners.

(e) Phasing

Subdivision plats may be approved by the Planning Commission in phases at the preliminary or final plat stage, or the Planning and Land Use Director may approve phases within an approved final plat. Each phase shall include all infrastructure and amenities necessary and appropriate to the stand-alone operation of that phase and for the orderly development of other properties in the vicinity.

(f) Common Promotional Plans

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

(g) Subdivision by Court Order

(I) Court proceedings must not be used to circumvent the provisions of Chapter XIV relating to the subdivision or resubdivision of property or to create or increase a nonconformity.

(II) A legal lot of record that is properly partitioned, partially condemned or otherwise divided or altered by court order as provided in Chapter 42 NMSA 1978 continues to be a legal lot of record.

(III) Development of property that is divided or altered by court order remains subject to the standards and requirements of Chapter XIV.

(h) Plats Containing Special Flood Hazard Area Land

A plat showing land all or partly within the special flood hazard area, shall meet the requirements of subsection 14-8.3, *Flood Regulations*, and shall be approved and signed by the Floodplain Administrator, in addition to other approval authorities described in this subsection.

(i) Resubdivision

The Planning and Land Use Director has the authority to review and approve or deny resubdivisions where the combination or recombination of portions of previously platted lots does not increase the total number of lots and the resulting lots comply with the approval criteria in subsection 14-2.1(E)(3), *Subdivision Approval Criteria*.

(j) Serial Subdivisions

(I) Except for resubdivisions, a proposed subdivision that occurs within five years after the approval of an earlier subdivision of any part of the affected land shall be subject to the same standards and shall follow the same procedures as though the cumulative number of lots created by the successive plats were created by the currently proposed subdivision.

(II) The Planning and Land Use Director may waive subsection 14-2.1(E)(1)(j)(I) for an administrative approval subdivision within a master planned area that creates legal lots of record that will be further subdivided or developed pursuant to a development plan.

(k) Certificate of Compliance

(I) Approval by the Planning and Land Use Director

When the Planning and Land Use Director determines that a single lot not shown on an approved subdivision plat is a legal lot of record, the Planning and Land Use Director may approve and cause to be recorded a certificate of compliance. The certificate of compliance describes the lot, the circumstances of its creation and the documentation and applicable regulations upon which the determination of compliance is based.

(II) Approval by the Planning Commission

The Planning Commission may approve a certificate of compliance for a lot or contiguous lots that have been created in violation of the procedural requirements of this subsection if it determines that the lots comply with all other applicable standards of Chapter XIV or it imposes conditions of approval necessary to ensure such compliance. Upon meeting any conditions of approval and recordation of the certificate of compliance, the lot or lots shall be legal lots of record.

(III) Procedures for Approval

Approval of a certificate of compliance by the Planning Commission shall follow the procedures required for a final subdivision plat, including those for any variances requested.

(IV) No Creation of Nonconformity

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

(V) Inclusion on Recorded Plats

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

(l) Notice of Violation

(I) When the Planning and Land Use Director determines that real property has been divided in violation of this subsection, the Planning and Land Use Director shall record a notice of violation describing the affected property and the nature of the violation and listing any recorded documents upon which the determination of the violation is based. If the owner of record of the affected

property can be determined, the name of the owner shall be included on the notice of violation, and a copy shall be sent to the owner at the address on file with the county treasurer via first class mail, with a certificate of mailing provided by the U.S. post office.

(II) When the violation has been corrected by means of a certificate of compliance or approved subdivision plat, the notice of violation and correction shall be referenced on the certificate or plat. When the violation is corrected by other legal means, the Planning and Land Use Director shall record a notice of correction referencing the notice of violation and describing the means by which the violation has been corrected.

(III) The procedures described in provisions VII and XI of this subsection are in addition to those provided for enforcement of Chapter XIV in subsection 14-1.12, *Enforcement*, or elsewhere in Chapter XIV.

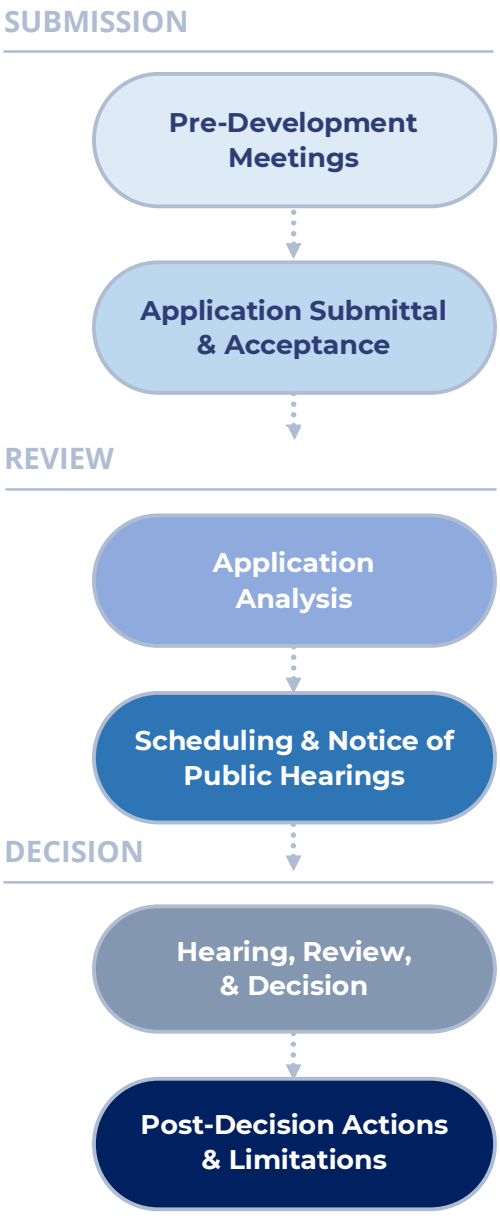


Figure 2.1-4: Preliminary Plat Procedure

(2) Preliminary Plat Procedure

(a) Pre-Development Meetings

(I) A pre-application conference is required. See subsection 14-2.1(B)(1)(a), *Pre-Application Conference*.

(II) An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(b) Preliminary Plat Submittal and Acceptance

(I) The applicant shall prepare or cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in checklists issued by the Planning and Land Use Director and in conformance with the standards of Section 14-1

(II) *Infrastructure Design, Improvement, and Dedication* Standards.

(III) The plat shall be prepared by a professional land surveyor.

(IV) Exception

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

(c) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(D)(3)(g), *Rezoning Approval Criteria*.

(d) Scheduling and Notice of Public Hearings

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings.*

(e) Hearing, Review, and Decision

(I) Planning and Land Use Director Review

The Planning and Land Use Director shall review the submitted preliminary plat and supplementary materials for conformity to this Section. The Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a recommendation that the preliminary plat be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

(II) Planning Commission Review and Decision

The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this Section, consider the Planning and Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the applicant. Following this, the Planning Commission shall act on the application within 35 days unless an extension of time is applied for in writing by the applicant and granted by the Planning Commission. The Planning Commission shall approve or deny the application.

(f) Post-Decision Actions and Limitations

(I) Effect of Approval

Approval of a preliminary plat does not constitute approval of the final plat; rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted to the Planning Commission for approval and recorded when the provisions of this Section and the conditions of preliminary plat approval are met.

(II) Expiration
Approval of a preliminary subdivision plat shall expire three years after final action approving it unless the final plat or development plan is approved.

(III) Extension
Plat approval may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(IV) Denial
If a preliminary plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

(V) Appeal
An applicant who is aggrieved by the denial of a preliminary plat may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(3) Subdivision Approval Criteria

See subsection 14-2.1(E)(9), *Approval Criteria for All Subdivisions*.

(4) Final Plat Procedure

(a) Conformity with Preliminary Plat Required

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

(b) Plat Submittal and Acceptance

(I) An application for approval of a final plat shall be filed with the Planning and Land Use Director and shall consist of maps that show the proposed development layout and the related information and drawings specified by the Planning and Land Use Director.

(II) The original drawing of the final plat and all other exhibits required for approval shall be prepared as specified by the Planning and Land Use Director.

(III) The Planning and Land Use Director shall verify that all required filing and review fees have been paid in full.

(c) Application Analysis

The Planning and Land Use Director shall determine whether:

(I) Public lands for park and recreation facilities have been dedicated on the final plat or the optional fee in lieu of land dedication for such facilities has been paid in full as required in subsection 14-7.9, *Impact Fees*, and subsection 14-6.3, *Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities, Open Space, Trails, and Recreation Facilities*. Such dedication shall not be

recorded, nor take effect, unless the final plat is recorded at the same time;

(II) The final plat conforms substantially to the preliminary plat as approved.

(d) Scheduling and Notice of Public Hearing

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings.*

(e) Hearing, Review, and Decision

(I) Planning and Land Use Director Review

The Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a recommendation that the final plat be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

(II) Planning Commission Review and Decision

(a) The Planning Commission shall approve or deny the final plat within 35 days of the date it first considers the complete submittal of the plat at a public hearing unless an extension of time is agreed to by the applicant and the Planning Commission.

(b) If the final plat is approved by the Planning Commission, the approval shall be recorded on the face of the original drawing of the final plat. The approval shall be dated and verified on the original drawing by the signature of the chair and secretary of the Planning Commission in the spaces provided. If the plat is approved, the original drawing shall be used in part for recordation purposes and shall be retained in the files of the engineering division. If the final plat is denied, the original drawing shall be returned to the applicant.

(f) Post-Decision Actions and Limitations

(I) Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

(II) Expiration

(a) Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.

(b) All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

(III) Extension

Plat approval may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(IV) Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

(5) Subdivision Approval Criteria

See subsection 14-2.1(E)(9), *Approval Criteria for All Subdivisions*.

(6) Administrative Approval Subdivisions

(a) Authority

According to the delegation authority recognized by NMSA 1978, Section 320-8, *Alternate Summary Procedure*, the Planning and Land Use Director may review and provide administrative approval for the following:

(I) Resubdivisions that result in the same or a fewer number of lots; and

(II) Subdivisions that result in the creation of one additional lot.

(b) Notice Requirement for Subdivisions Creating One Additional Lot

At least 30 calendar days before the Planning and Land Use Director acts on an application for a subdivision that would create one additional lot, the applicant shall provide the following notice:

(I) Posted Notice

A public notice poster obtained from City staff shall be posted on the property. The poster shall:

(a) Be prominently displayed;

(b) Be visible from a public street;

(c) Be securely placed on the property; and

(d) Indicate the nature of the request, identity of the applicant, property affected, earliest date that a decision will be made, and phone number for the City staff contact.

(II) Mailed Notice

Mailed notice to all owners of properties, as shown in the records of the county treasurer, and to the physical addresses of such properties where the property's address is different than the address of the owner, and to all neighborhood associations that are within 300 feet of the property. The notice shall describe how the public may review the application, and how they may submit written comments to the Planning and Land Use Director. A member of the public may also request that the application be referred to the Planning Commission for review and decision.

(c) Administrative Review and Decision

(I) The Planning and Land Use Director shall not act on an application before the expiration of the 30-day notice period set forth in subsection 14-2.1(E)(6)(b) in this subsection.

(II) Administrative approval subdivisions are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no preliminary plat or hearing is required.

(III) The Planning and Land Use Director may defer the construction of public and semi-public improvements required by Chapter XIV until such time as the lots are developed and may waive the requirements of this Chapter XIV for the posting of financial guarantees for the improvements prior to recording an approved plat. Deferral or waiver shall be made only upon finding that the improvements or guarantee is not needed to protect the interests of prospective purchasers of the lots created; to provide for the orderly development of other properties in the vicinity; or to protect the public health, safety, and welfare.

(IV) The Planning and Land Use Director may opt to refer an application to the Planning Commission for review and decision, either in response to public input received or on the Planning and Land Use Director's own initiative.

(d) Post-Decision Actions and Limitations

(I) Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

(II) Expiration

(a) Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.

(b) All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

(III) Extension

Plat approval may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(IV) Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

(V) Appeal

A final decision of the Planning and Land Use Director may be appealed to the Planning Commission within 30 days of the decision.

(7) Subdivision Approval Criteria

See subsection 14-2.1(E)(9), *Approval Criteria for All Subdivisions*.

(8) Inheritance and Family Transfer Subdivision

(a) Purpose

The purpose of this subsection is to support the continuation of traditional patterns of land transfer and division within families and to increase affordable housing within the family group. This subsection is intended to assist in the transfer of property from parents to children or grandchildren with only those restrictions that are essential to the health, safety, and welfare of the citizens of Santa Fe. There is no intention to promote the resale of such properties outside the family or to create favorable opportunities for developers. Standards for inheritance and family transfer subdivisions have been written to reflect traditional development.

(b) Applicability

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

(II) A subdivision is created by family transfer if it is created by a parent or guardian for the purpose of transferring a lot or lots to their children, natural or adopted, or grandchildren, or it is created by a person who has performed the function of father, mother, grandfather or grandmother for the purpose of transferring a lot to a person for whom such person has performed that function; provided that the person proposing to create the subdivision and transfer the lot or lots files appropriate documentation of conveyance along with an affidavit with the County Clerk containing the following:

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

(b) A statement that the transferor has not made any other transfers of any other lots to the person receiving it that would require the filing of an affidavit pursuant to this subsection.

(c) Restrictions and Requirements

(I) Inheritance and family transfer subdivisions are allowed only in residential districts.

(II) In all cases, proof of a legal lot of record shall be required as part of the submission requirement.

(III) Any one person may receive only one lot total by family transfer.

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

(V) The plat shall show the name of each family member to whom a lot is being transferred. Before the final subdivision plat is filed, a copy of the instrument of transfer to the transferee or their authorized representative must be provided to the City. A construction permit shall not be issued to a person other than the transferee or their authorized representative within three years of the date of the transfer.

(VI) If the property is transferred to a different family member acceptable under this subsection within three years, the plat and affidavit must be amended to reflect the different transferee.

(VII) If an owner of a lot that was part of an inheritance or family transfer subdivision applies for a subdivision, residential development, PUD or other rezoning, then all the provisions of

Chapter XIV shall apply with no special provision for the prior family transfer subdivision.

(d) Procedure

(I) Applications for inheritance or family transfer subdivisions that create one additional lot shall follow the procedure described in subsection 14-2.1(E)(6), *Administrative Approval Subdivisions*.

(II) Applications for inheritance or family transfer subdivisions that create two or more additional lots shall be follow the procedure described in subsection 14-2.1(E)(4), *Final Plat Procedure*.

(e) Application Submittal and Acceptance

(I) An application for approval of an inheritance or family transfer subdivision final plat shall be filed with the Planning and Land Use Director and shall consist of maps that show the proposed development layout and the related information and drawings specified by the Planning and Land Use Director.

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

(a) "NOTICE: This subdivision has been approved pursuant to the inheritance and family transfer provisions of the Santa Fe City Code. Procedures for inheritance and family transfer subdivision improvements are significantly different than for other types of subdivisions. No sale or lease of any lot designated on this subdivision plat shall occur within three years of the date this transfer is legally made. Any person intending to purchase a lot within this subdivision should contact the City of Santa Fe Planning and Land Use Director. Requests for construction permits on illegally sold lots shall be denied."

(f) Development Standards and Required Improvements

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

(I) Terrain Management Regulation

Compliance with terrain management regulation submissions as set forth in subsection 14-8.2, *Terrain and Stormwater Management*, is required.

(II) Design Standards

Subdivision design standards as set forth in subsection 14-6.5, *Street Improvement and Design Standards*, apply.

(III) Required Improvements

Inheritance and family transfer subdivisions shall comply with the required improvements set forth subsection 14-6.5, *Street*

Improvement and Design Standards, along with all other applicable requirements of Section 14-1

Infrastructure Design, Improvement, and Dedication Standards.

(IV) Density and District Regulations

Inheritance and family transfer subdivisions are required to meet all applicable standards for use, density, building placement, height, open space, and parking, unless otherwise specifically exempt by this LDC.

(g) Post-Decision Actions and Limitations

(I) Recording

Final plats shall be recorded only by the City and the Planning and Land Use Director shall notify the applicant of the date of the recording. The recording of a plat does not imply the acceptance by the City of maintenance obligations for any public dedication shown on the plat.

(II) Expiration

(a) Approval of a final plat for a subdivision, including resubdivisions and any other administrative plat approved by the Planning and Land Use Director, shall expire three years after final action approving it unless the plat is filed for record with the county clerk. If the final plat approval expires, then the approval of the corresponding preliminary plat expires simultaneously.

(b) All conditions of final plat approval shall be completed within three years of recording the plat unless a different schedule has been approved by the Planning Commission or an extension is applied for in writing and approved by the Planning Commission.

(III) Extension

Plat approval may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(IV) Denial

If a final plat is denied, the applicant may resubmit an updated plat that complies with the standards and requirements of this LDC without the requirement to wait for 12 months from the date of denial.

(V) Appeal

A final decision of the Planning and Land Use Director may be appealed to the Planning Commission within 30 days of the decision.

(h) Subdivision Approval Criteria

See subsection 14-2.1(E)(9), *Approval Criteria for All Subdivisions*.

(9) Approval Criteria for All Subdivisions

(a) All subdivision plats must meet the minimum standards for surveying in New Mexico and must comply with plat standards adopted by the Planning and Land Use Director.

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

(c) The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety, or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also subsection 14-8.3, *Flood Regulations*.

(d) All plats shall comply with the standards of Section 14-1

(e) Infrastructure Design, Improvement, and Dedication Standards.

(f) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter XIV unless a variance is approved concurrently with the plat.

(g) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other Chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that Chapter XIV prior to approval of the plat.

(F) Development Review Procedures

(1) Certificate of Occupancy

(a) Purpose

The purpose of a certificate of occupancy is to confirm that a building meets safety standards, adheres to approved plans, and satisfies zoning requirements. Issuance of a certificate of occupancy is required before a building may be occupied.

(b) Applicability

(I) The Planning and Land Use Director must issue a certificate of occupancy that certifies compliance with all provisions of Chapter XIV before any change in the use or occupancy of land or change of use or occupancy of a building or premises, or part thereof, is created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure, other than the change of residential occupants, or before any new building is occupied for any purpose.

(II) The Planning and Land Use Director may require the renewal of certificates of occupancy on an annual or other appropriate basis.

(III) The approval of certificates of occupancy shall be coordinated with the approval of permits or certificates required by other agencies, including:

(a) When required by the provisions of Chapter 7, Building and Housing, the building official shall approve the certificate of occupancy prior to issuance; and

(b) When required by the provisions of Chapter 12, Fire Prevention and Protection, the fire marshal or other code official shall approve the certificate of occupancy prior to issuance.

(IV) The Planning and Land Use Director shall maintain for at least 50 years a record of all certificates of occupancy issued.

(c) Temporary Uses/Temporary Certificates of Occupancy

(I) Temporary uses allowed by Chapter XIV may be approved by obtaining a temporary certificate of occupancy. Such certificates shall be obtained in the same manner as general certificates of occupancy.

(II) The Planning and Land Use Director may issue a temporary certificate of occupancy for a use that is not intended to be temporary in the following circumstances:

(a) The Planning and Land Use Director determines that it is impossible to fully comply with the provisions of Chapter XIV due to weather conditions or other factors beyond the control of the permittee; or

(b) The certificate of occupancy is part of a phased development for which multiple permits are issued or for which one permit comprises multiple buildings or structures.

(III) Temporary certificates of occupancy for uses that are not intended to be temporary shall comply with the following provisions:

(a) The Planning and Land Use Director shall impose conditions that ensure compliance with the provisions of Chapter XIV and other applicable regulations that protect the public health, safety and welfare;

(b) The certificate is subject to an enforceable agreement by the permittee and landowner that:

(i) Does not rely on the actions of a person that is not a party to the agreement;

(ii) Provides a schedule for meeting all provisions of Chapter XIV within a reasonable time;

(iii) Provides a financial guarantee in a form acceptable to the Planning and Land Use Director for completion of all public or quasi-public improvements required by Chapter XIV; and Provides for revocation of the certificate by the Planning and Land Use Director and termination of the approved occupancy by the permittee if the terms of the agreement are not complied with; and

(iv) The Planning and Land Use Director may approve a temporary certificate of occupancy for an initial period up to six months. The Planning and Land Use Director may approve extensions not to exceed an additional six months.

(d) Certificate of Occupancy Approval Procedure

(I) Pre-Development Meetings
No pre-development meetings are required for a Certificate of Occupancy.

(II) Application Submittal and Acceptance
The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*.

(III) Application Analysis
The Land Use and Planning Department shall review the application to ensure compliance with all provisions of Chapter XIV, and all other applicable regulations and ordinances.

(IV) Administrative Review and Approval
Administrative approval of a certificate of occupancy by the Planning and Land Use Department does not require public notice or a public hearing.

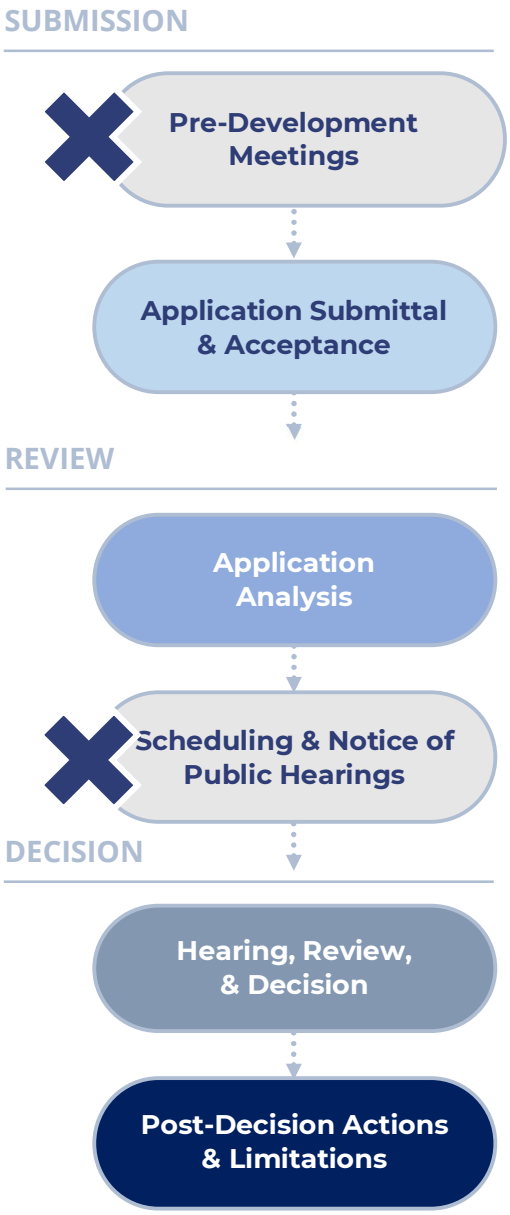


Figure 2.1-5: Certificate of Occupancy Procedure

(V) Post-Decisions Actions and Limitations
Post-decision actions and limitations in subsection 14-2.1(B)(6), *Post-Decision Actions and Limitations* shall apply with the following modifications:

(a) Expiration
A certificate of occupancy, once issued, does not expire.

(b) Denial

If a certificate of occupancy is not granted, the developer shall remedy issues identified in the inspection as the basis for the denial, prior to scheduling a new inspection. Provided all identified issues have been adequately remedied and no new issues arise, the certificate will be granted.

(c) Appeal

An applicant who is aggrieved by the denial of a request for a certificate of occupancy may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(2) Conditional Use Approval

(a) Purpose

Conditional use approvals are intended to allow flexibility in providing for, regulating, or preventing specified uses within various districts as provided in Table 5-1: Summary Table of Allowed Uses, so they are compatible with existing or desired land use patterns. Conditional use approval is required for certain uses so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented.

(b) Applicability

When a use in Table 5-1: Summary Table of Allowed Uses, has a "C" in a cell, that indicates that the use may be established in the associated zoning district only if reviewed and approved as described in this procedure.

(c) Conditional Use Approval Procedure

(I) Pre-Development Meetings

An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings.*

(II) Application Submittal and Acceptance

(a) The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*.

(b) The application shall indicate the subsection of Chapter XIV under which the conditional use approval is sought and state the grounds on which it is requested.

(III) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(F)(2)(d), *Conditional Use Approval Criteria and Conditions*.

(IV) Scheduling and Notice of Public Hearing

The application shall be scheduled for public hearings before the Planning Commission or the Board of Adjustment and noticed

pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(V) Hearing, Review, and Decision

(a) Site Plan Approval

Conditional use approvals shall include approval of a site plan and other site development drawings necessary to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards.

(b) Planning Commission or Board of Adjustment Review and Decision

At the public hearing, the land use board may review and approve, approve with conditions, or deny the application.

(VI) Post-Decisions Actions and Limitations

Post-decision actions and limitations in this subsection shall apply with the following modifications:

(a) Approval Limited

(i) A conditional use approval is granted for a specific use and intensity.

(ii) Any request to change to a new or different use that requires a conditional use approval as designated in Table 5-1: Summary Table of Allowed Uses, requires a new application, review, and hearing.

(iii) A new application, review, and hearing are also required for any significant expansion or intensification of an approved conditional use.

(b) Expiration

(i) Development associated with an approved conditional use that has not been initiated within three years from the date of the approval expires as provided in subsection 14-2.1(B)(6)(f), *Expiration of Development Approval*.

(ii) If the use approved by the conditional use ceases for any reason for a period of 365 days or more, the conditional use approval shall expire except as provided for government uses in subsection 14-1.13(B)(3)(b).

(c) Extension

Approval of the conditional use may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(d) Denial

If a conditional use approval request is denied, no application with a proposed use that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(e) Appeal

An applicant who is aggrieved by the denial of a request for conditional use approval may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(d) Conditional Use Approval Criteria and Conditions

(I) Necessary Findings

To approve a conditional use request, a land use board shall make the following findings:

(a) That the land use board has the authority under the section of Chapter XIV described in the application to grant a conditional use approval;

(b) That granting the conditional use approval does not adversely affect the public interest, and

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

(II) Conditions

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

(a) Special yards or open spaces;

(b) Fences, walls or landscape screening;

(c) Provision for and arrangement of parking and vehicular and pedestrian circulation;

(d) On-site or off-site street, sidewalk or utility improvements and maintenance agreements;

(e) Noise generation or attenuation;

(f) Dedication of rights-of-way or easements or access rights;

(g) Arrangement of buildings and use areas on the site;

(h) Special hazard reduction measures, such as slope planting;

(i) Minimum site area;

(j) Other conditions necessary to address unusual site conditions;

(k) Limitations on the type, extent and intensity of uses and development allowed;
(l) Maximum numbers of employees or occupants permitted;
(m) Hours of operation;
(n) Establishment of an expiration date, after which the use must cease at that site;
(o) Establishment of a date for annual or other periodic review at a public hearing;
(p) Plans for sustainable use of energy and recycling and solid waste disposal;
(q) Any other appropriate conditions and safeguards, in conformity with
(r) Chapter XIV or provisions of other chapters of the Santa Fe City Code that regulate development and use of land; and
(s) Conditions may not be imposed that restrict the use to a specific person or group.

(3) Construction Permit

(a) Purpose

The purpose of a construction permit is to authorize a project or development to begin construction. Issuing a construction permit verifies that the project or development as proposed has been reviewed and found to comply with building codes, safety regulations, and zoning regulations, in the interest of protecting public health and safety.

(b) Applicability

(I) A building or other structure that is regulated by Chapter XIV shall not be erected, moved, added to, or altered, nor shall other development activities described in this subsection occur, without a construction permit issued by the Planning and Land Use Director or building official. However, no construction permit shall be required for construction, alterations, or other development activities that are specifically exempted from permit requirements by the provisions of Chapter XIV or Chapter 7, Building and Housing, or by written policies adopted by the Planning and Land Use Director or the building official for specified minor repairs, minor construction, minor alterations, and minor development activities.

(II) The Planning and Land Use Director shall not issue a construction permit except in conformity with the provisions of Chapter XIV. When required by the provisions of Chapter 7, Building and Housing, the building official shall approve the construction permit prior to issuance. When required by the provisions of Chapter 12,

Fire Prevention and Protection, the fire marshal or other code official shall approve the construction permit prior to issuance.

(c) Combined Permits

The Planning and Land Use Director may require separate construction permits for multiple categories of development or may issue a combined construction permit for two or more categories of development.

(d) Compliance With Permit Requirements

(I) No construction or other development for which a permit is required shall occur prior to obtaining the permit. All work shall comply with the provisions of the approved permit.

(II) Construction permits issued on the basis of plans and applications approved by the Planning and Land Use Director or building official, and other officers or agencies where additional approval is required, authorize only the use, arrangement, location, and construction set forth in the approved plans and applications and no other use, arrangement, location, or construction. Any use, arrangement, location, or construction that is at variance with that authorized by the construction permit is a violation of Chapter XIV and is punishable as provided in subsection 14-1.12, *Enforcement*.

(e) Construction Permit Approval Procedure

(I) Pre-Development Meetings

No pre-development meetings are required for a Construction Permit.

(II) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*.

(III) Application Analysis

(a) All applications for construction permits pursuant to this subsection shall include plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of Chapter XIV.

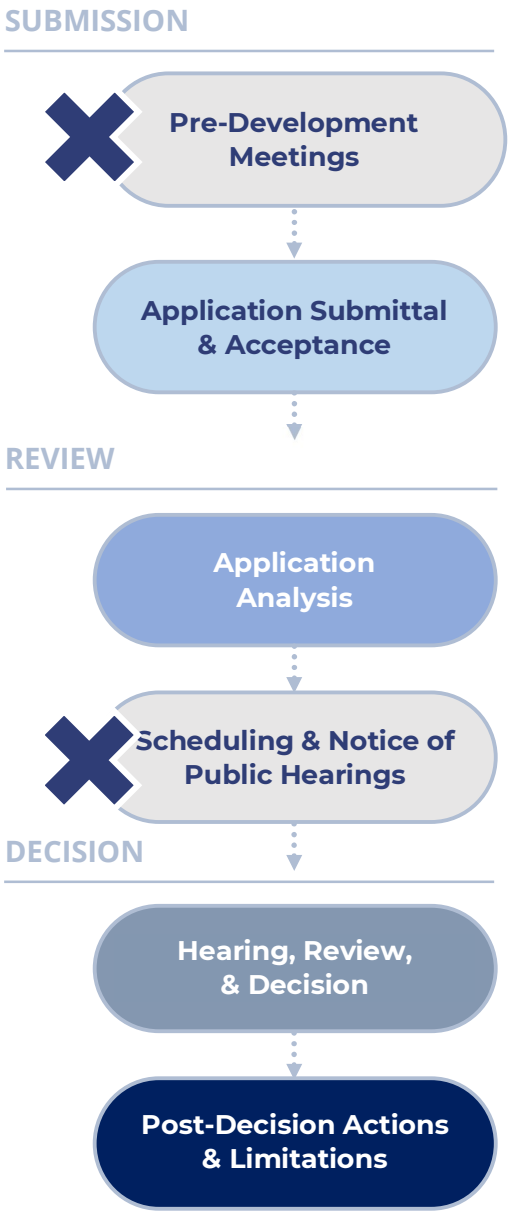


Figure 2.1-6: Construction Permit Procedure

(b) The Land Use and Planning Department shall review the application to ensure compliance with all provisions of Chapter XIV, and all other applicable regulations and ordinances.

(IV) Administrative Review and Approval

(a) Administrative approval of a certificate of occupancy by the Planning and Land Use Department does not require public notice or a public hearing.

(b) A construction permit shall not be approved until it is determined that the construction or other development activity authorized by the permit complies with all applicable provisions of Chapter XIV and applicable state and federal laws and regulations.

(c) The approval of construction permits by the Planning and Land Use Director or other City officials shall be coordinated with the approval of permits required by other agencies.

(d) The Planning and Land Use Director shall retain one approved set of plans in the City's records for not less than ten years, use one set of plans for inspections and enforcement and return one set of plans to the applicant after they are reviewed and approved.

(V) Post-Decisions Actions and Limitations

(a) Amendments to Applications

Any change from the approved site plans or floor plans shall first be approved by the Planning and Land Use Director and shall be submitted in writing and approved prior to commencement of any construction related to the proposed amendment.

(b) Posting of Construction Permits

Within 24 hours after issuance of a construction permit, the applicant shall post the property for which the permit has been issued with posters obtained from the Planning and Land Use Director. One or more posters shall be prominently displayed, readable from each public and private road abutting the property, and securely placed on the property. If the property does not abut a public street or road, the Planning and Land Use Director shall require additional posters within nearby public streets or roads to provide effective notice to the public. Placement of the posters shall be in such a manner as not to compromise public safety. The posters shall remain in place until after the completion and final inspection of all work covered by the permit.

(c) Expiration

For expiration of construction permits see subsection 7-1.6 SFCC 1987.

(d) Extension and Renewal

The Planning and Land Use Director may adopt procedures for the extension and renewal of construction permits consistent with the provisions of subsection 7-1.6 SFCC 1987.

(e) Record of Construction Permits

The Planning and Land Use Director shall maintain a record of all construction permits, including the person to whom the permit is issued, the address, the date of issuance, the proposed use, the square footage of buildings constructed or altered and the type of construction. The record shall be retained in the City's records for not less than 50 years. Permit copies or summary records for secondary construction permits such as plumbing, mechanical and electrical permits shall be retained for not less than ten years.

(f) Construction Permits for Signs

(I) Applicability

(a) Construction Permit Required

Construction permits are required for all signs displayed to be readable from off the premises, unless specifically exempted in this subsection. All signs shall comply with the requirements of subsection 14-7.6, *Signs*.

(b) Construction Permit Not Required

A construction permit is not required for the following:

(i) Changing of the advertising copy or message on an approved painted or printed sign structure or on a marquee or similar approved sign, including the interchange of sign facings; provided that no portion of the size or color of the signor size or color of the lettering or background are changed; or

(ii) Changing the message or display of an electronic messaging sign; iii. Painting, cleaning and other normal maintenance and repair of a signor sign structure unless a structural change is made.

(II) Permit Applications

New construction permit applications for signs shall contain:

(a) The signature of the applicant;

(i) The name and address of the sign owner and sign erector;

(ii) Three scaled lined drawings showing the design and dimensions of the sign and standard sign structure; and

(iii) Three scaled lined drawings of the site plan or building façade indicating the proposed location of the sign and all other existing signs maintained on the premises and regulated by Chapter XIV.

(g) Construction Permits for Grading and Drainage

(I) Prior to the issuance of a construction permit for grading, all projects shall comply with applicable provisions of subsection 14-8.2, *Terrain and Stormwater Management*, and may be subject to an archaeological review under subsection 14-2.1(G), *Archaeology and Historic Preservation Procedures*.

(II) Minimum standards and submittal requirements for construction permits for grading are in subsection 14-8.2(D), *Grading Standards*.

(III) A construction permit for grading shall be required for grading that is not exempt under subsection 14-8.2(G), *Standards for Minor Development; Submittal Requirements*:

(a) Work within an arroyo or drainageway that in the natural course of events may lead to changes in flow characteristics, including earthwork, construction of drainage devices or erosion control devices, removal of significant trees and modifications of arroyo or drainageway banks or bottom, in addition to state or federal permits that may be required;

(i) Grading and paving for driveways and roads;

(ii) Utility trenching for all commercial and public projects; and

(iii) Any of the following individual activities:

(iv) Removal of more than 25 percent of significant trees or grass coverage on a site; or

(v) Clearing and grading of more than 5,000 square feet.

(IV) A construction permit is not required for the following activities if mature landscaping and natural slopes 30 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;

(i) Refuse disposal sites controlled by other regulations;

(ii) Cemetery graves in approved cemeteries;

(iii) Excavation for wells;

(iv) Exploratory excavations under the direction of archaeologists, soil engineers. Engineering geologists or environmental engineers; and

(v) Grading that is exempt from the terrain and stormwater management standards provided in subsection 14-8.2(B)(2), *Exemptions*.

(h) Construction Permits for Landscaping and Utilities

A construction permit is required for the following development:

(I) Work for which a landscape plan is required by subsection 14-8.4, *Landscape and Site Design*; and

(II) Site improvements, including private utilities that are subject to the provisions of Chapter XIV but for which a construction permit is not otherwise specifically required, as determined by the Planning and Land Use Director.

(i) Building Codes

For applicable building codes and additional requirements for construction permits, see Chapter 7, *Building and Housing*.

(4) Development Plan

(a) Purpose

The purpose of the development plan is to:

(I) Enable the Planning and Land Use Director and the Planning Commission to verify compliance with Chapter XIV;

(II) Document compliance with final actions to approve or conditionally approve development applications; and

(III) Provide the plans to be followed in construction operations, including phasing.

(b) Applicability

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.

(I) Administrative Review and Approval

Administrative approval of a development plan by the Planning and Land Use Director is required for:

(a) Multi-unit dwelling development comprising three or more dwelling units with a gross floor area less than 10,000 square feet; and

(b) Santa Fe Homes Program (SFHP) proposals, as described in subsection 14-7.2(F), *Enhanced Affordability Incentives*.

(c) Qualifying projects consisting of new building square footage totaling greater than 10,000 square feet in Midtown LINC Overlay District.

(II) Planning Commission Review and Approval

Planning Commission approval of a development plan is required for:

(a) Certain districts as provided in Section 14-3 *Zoning Districts*, and Section 14-4 *Overlay Districts*, in conjunction with rezoning applications;

(b) Gross floor area of 10,000 square feet or more in a residential district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district, and with a property boundary within 200 feet of the boundary (including public rights-of-way) of any RR, R-1 through R-6, R-7, R-7-i, R-8, R-9, RC-5, RC-8, R-10, R-12, R-21, R-29, RAC, AC, PRC, and MH district;

(c) Construction of any single-family dwelling that has a gross floor area greater than 10,000 square feet, including accessory buildings;

(d) Flea market with 15 or more vendors;

(e) Outdoor commercial recreational uses in any zoning district where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds 15,000 square feet; provided that this provision does not apply to temporary carnivals, circuses, and similar short-term entertainment uses required to obtain a permit from the City;

(f) Gross floor area of 30,000 square feet or more located within any zoning district of the City; or

(g) Cumulative square footage of multiple permits that meets or exceeds the criteria in provisions 2 through 5 of this subsection (or a combination of those subsections) when the permits are for coordinated development of a project comprising multiple buildings or outdoor uses, including phased projects and projects involving development of adjoining commonly owned parcels.

(III) Exceptions

A development plan is not required for the following projects:

(a) The construction of single-family dwellings, each of which has a gross floor area of 10,000 square feet or less, including accessory buildings, on lots created prior to the effective date of Ordinance No. 1999-13 or on lots within a subdivision that was subject to early neighborhood notification procedures.

(b) If the new or changed use or development described in subsections (B)(2) and (3) was part of a development plan approved as part of a rezoning or other action before the Governing Body or the Planning Commission, for which an early neighborhood notification meeting occurred as set forth in subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(c) Santa Fe Homes Program developments that are pursuing affordability incentives pursuant to subsection 14-7.2(F).

(d) Development Plan Procedure

(I) Pre-Development Meetings

An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*

(II) Application Submittal and Acceptance

Applicants for developments that require development plans under this subsection shall submit plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of the Code as provided in subsection 14-2.1(B)(2)(b), *Form of Application*, including the following:

(a) Existing conditions on the site and within 200 feet of the site;

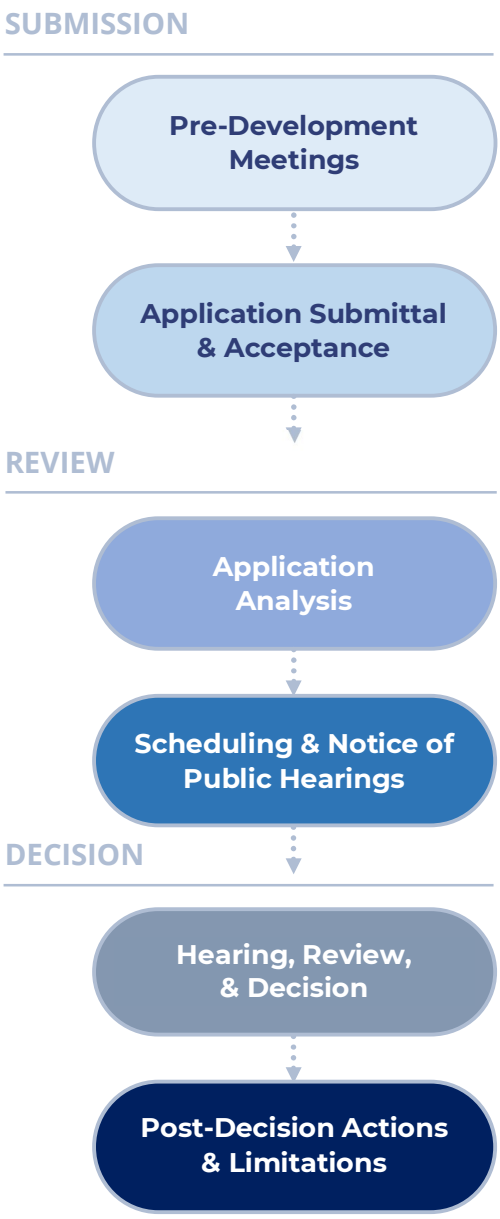


Figure 2.1-7: Development Plan Procedure

(b) Proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;

(c) The types, extent and intensity of land uses that are proposed;

(d) Proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities;

(e) Documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space;

(f) The phases of development, if applicable;

(g) For residential development, a proposal for provision of affordable housing as required by subsection 14-7.2, *Santa Fe Homes Program (SFHP)*;

(h) A development water budget as required by subsection 14-7.7;

(i) For a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met and identify any variance or waiver required,

(j) For a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, specific requests for which may be included.

(III) Coordination with Other Review Procedures

(a) Development plans required for rezonings by Section 14-3 *Zoning Districts*, and Section 14-4 *Overlay Districts*, shall be reviewed by the Planning Commission at a public hearing with notice provided as required by subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*, and then transmitted to the Governing Body with any recommendations, as set forth in subsection 14-2.1(D)(3), *Rezoning*.

(b) A conditional use approval or variance request associated with a development plan shall be reviewed concurrently and approved or denied by the Planning Commission.

(c) Development plans for Santa Fe Homes Program development may receive administrative review and approval; however, standard procedures shall apply if there is an associated subdivision or other land use request that requires the review and approval of a land use board.

(d) If review and approval of a development plan by the Planning Commission and the Governing Body is required in conjunction with a rezoning action, the applicant may submit a preliminary development plan for consideration at the time of rezoning. If the rezoning is approved, a separate application for a final development plan must be approved by the Planning Commission prior to development of the affected property.

(e) If review and approval of a development plan by the Planning Commission only is required, the applicant may first submit an application for a preliminary development plan. If the preliminary development plan is approved, a separate application for final development plan approval by the Planning Commission must be approved prior to the development of the property.

(f) If review and approval of a master plan by the Planning Commission and the Governing Body is required in conjunction with a rezoning action, and if approval of a development plan by the Planning Commission would be required for one or more phases, the applicant may either:

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

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

(g) Action on a development plan by the Planning Commission must be taken at a public hearing with notice provided as required by subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings.*

(IV) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(F)(2)(d), *Conditional Use Approval Criteria and Conditions*.

(V) Scheduling and Notice of Public Hearing

(a) Administrative approval of a development plan by the Planning and Land Use Director for multi-unit dwelling development comprising three or more dwelling units with a gross floor area less than 10,000 square feet or for Santa Fe Homes Program proposals and qualifying projects within the Midtown LINC Overlay District consisting of a new building with floor area of 30,000 square feet or less do not require an ENN meeting, public hearing, or public notice, and are not required to be filed for record with the county clerk.

(b) The application shall be scheduled for public hearing before the

(c) Planning Commission and noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(VI) Hearing, Review, and Decision

(a) Planning and Land Use Director Review

The Planning and Land Use Director shall review the development plan for conformity to this Section.

(i) Where the review applies to a development plan that may be administratively approved, the Planning and Land Use Director shall approve, approve with conditions, or deny the development plan. If conditions are applied, or if the development plan is denied, the Planning and Land Use Director's written response shall explain the reasons for the conditions or the denials.

(ii) Where the development plan must be reviewed and approved by the Planning Commission, the Planning and Land Use Director shall provide the Planning Commission with a written report of findings together with a recommendation that the development plan be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation. Planning Commission Review and

(VII) Decision

The Planning Commission shall review the development plan and other materials submitted for conformity to this Section, consider the Planning and Land Use Director report and recommendations and require any changes deemed advisable for compliance with the Code and the kind and extent of improvements to be made by the applicant to comply with the Code. Following this, at the public

hearing the Planning Commission shall approve, approve with conditions, or deny the development plan.

(VIII) Post-Decision Actions and Limitations

(a) Recording of Plans; Infrastructure Construction

(i) The signed original mylars of the development plan and associated engineering and improvement drawings shall be filed with the Planning and Land Use Director and shall be the basis for issuance of construction permits. The development plan shall be filed for record with the county clerk by the Planning and Land Use Director.

(ii) If dedication of public rights-of-way or easements is required, a separate dedication plat shall be recorded concurrently with the development plan.

(iii) Infrastructure improvements shall comply with Section 14-1

(iv) Infrastructure Design, Improvement, and Dedication Standards.

(b) Scope of Amendments to Approved Development Plans

(i) The Planning and Land Use Director has the authority provided in subsection 14-2.2(H)(3)(b), *Minor Modifications to Development Approvals*.

(ii) The Planning Commission has the authority provided in subsection 14-2.1(B)(6)(e), *Amendment of Development Approval*.

(c) Expiration of Final Development Plans

Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or off-site improvements has begun and is continued pursuant to subsection 14-2.1(B)(6)(f), *Expiration of Development Approval*. If the final development plan approval expires, approval of any corresponding preliminary development plan expires simultaneously.

(d) Extension

Approval of the development plan may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(e) Denial

If a development plan is denied, no application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(f) Appeal

An applicant who is aggrieved by the denial of a development plan may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals.*

(e) Development Plan Approval Criteria and Conditions

(I) Consistency with Master Plans and Preliminary Development Plans

(a) Development plans must be consistent with applicable provisions of approved master plans as provided in subsection 14-2.1(F)(5)(b)(III).

(b) Final development plans within an area that is subject to an approved preliminary development plan must comply with the provisions of the previously approved preliminary plan unless it is amended or repealed. Final actions by the Governing Body, land use boards and the Planning and Land Use Director concerning rezonings, subdivisions, conditional use approvals, development plans and construction permits shall include a specific finding or determination that the action complies with all applicable provisions of the preliminary plan.

(II) Necessary Findings

To approve a development plan, the Planning Commission must make the following findings:

(a) That approving the development plan will not adversely affect the public interest; and

(b) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

(III) Conditions

The Planning Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the General Plan, including:

(a) Special yards or open spaces;
(b) Fences, walls or landscape screenings;
(c) Provision and arrangement of parking and vehicular and pedestrian circulation;
(d) On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
(e) Noise generation or attenuation;
(f) Dedication of rights-of-way or easements or access rights;
(g) Arrangement of buildings and use areas on the site;
(h) Special hazard reduction measures, such as slope planting;
(i) Minimum site area;
(j) Other conditions necessary to address unusual site conditions;
(k) Limitations on the type, extent and intensity of uses and development allowed;
(l) Maximum numbers of employees or occupants permitted;
(m) Hours of operation;
(n) Phases of development, if applicable;

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

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

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

(r) Any other appropriate conditions and safeguards, in conformity with Chapter XIV or provisions of other Chapter XIV of the Santa Fe City code that regulate the development and use of land; and

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

(5) Master Plan

(a) Purpose

The purpose of a master plan is to:

(I) Provide a comprehensive plan that must be followed during the subsequent review and approval of development plans and subdivision plats for the master-planned area.

(II) Enable the Governing Body, land use boards and Planning and Land Use Director to ensure compliance with Chapter XIV;

(III) Document compliance with final actions to approve or conditionally approve development applications;

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

(V) Plan for the funding and phased construction of major public or private infrastructure improvements required to serve the planned development.

(b) Applicability

(I) A master plan is required in conjunction with rezoning applications in certain districts as provided in Section 14-3 *Zoning Districts*, and may be required in conjunction with specified annexation applications as provided in subsection 14-2.1(D)(1), *Annexation*.

(II) A development plan may be submitted in lieu of a master plan as provided in subsection 14-2.1(F)(4)(d)(III)(d).

(III) All use and development of land within a master-planned area must comply with the provisions of the adopted master plan. Final actions by the Governing Body, land use boards and the Planning and Land Use Director concerning rezonings, subdivisions, conditional use approvals, development plans and construction

permits shall include a specific finding or determination that the action complies with all applicable provisions of the master plan.

(c) Master Plan Procedure

(I) Pre-Development Meetings

An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(II) Application Submittal and Acceptance

Applicants for developments that require master plans shall submit plans and other documentation as required by the Planning and Land Use Director that show compliance with the applicable provisions of subsection 14-2.1(B)(2)(b), *Form of Application*, including plans that show:

(a) Existing conditions on the site and within the vicinity;

(b) Proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;

(c) Proposed changes to the zoning of land within the master plan area and the types, extent and intensity of land uses that are proposed;

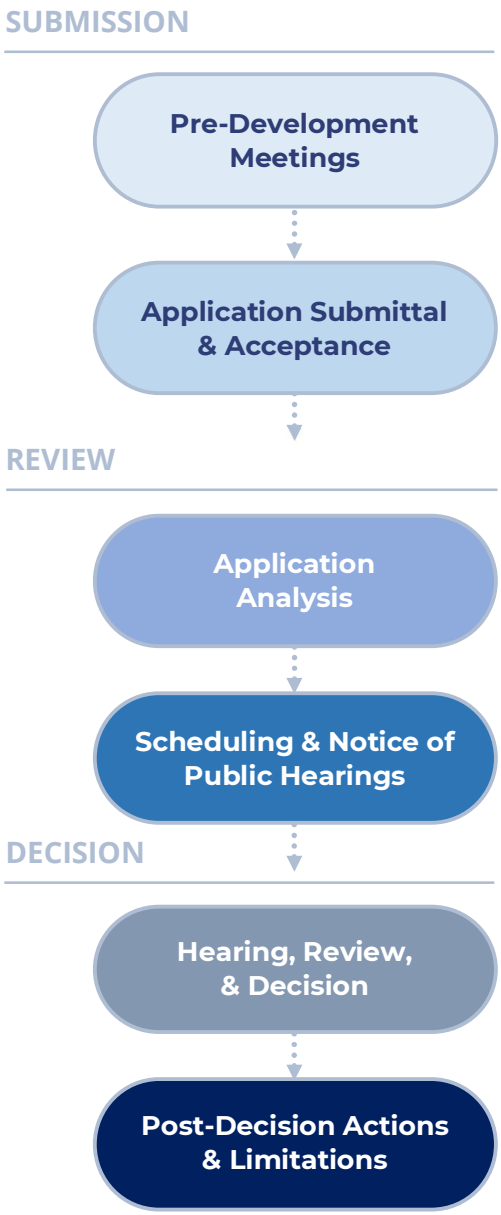


Figure 2.1-8: Master Plan Procedure

(d) The proposed boundaries of tracts comprising the various land use areas and development phases,

(e) Proposed modifications to the infrastructure serving the site, including locations of utilities and public and private streets and driveways and traffic control measures;

(f) Phases of development, if applicable,

(g) If public or private infrastructure is proposed to be constructed in phases, a plan for the timing, financing and responsibility for infrastructure construction;

(h) For residential development, a proposal for provision of affordable housing as required by subsection 14-7.2, *Santa Fe Homes Program (SFHP)*;

(i) A development water budget as required by subsection 14-7.7, *Development Water Budgets*; and

(j) For master plans involving five or more acres of land, the Planning and Land Use Director may require an analysis of the fiscal impact to the City of providing utility and other municipal services to the area.

(III) Special Development Standards and Design Guidelines

(a) Approval of the master plan may include approval of special development standards or design guidelines to be applied within the master plan area when such regulations are necessary to implement specific goals of the master plan.

(b) Special standards and guidelines must be approved as part of the master plan.

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

(IV) PRC and PRRC Master Plans

(a) The master plan must include a designation of the maximum density allowed for each tract designated for use. Unless special standards are adopted, development standards for each tract shall be those specified for the corresponding zone district.

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

(i) Neighborhood shopping centers intended primarily to serve development within the PRC district and immediate vicinity as provided in subsection 14-3.4(E), *Planned Shopping Center Districts*;

(ii) Not more than 35 percent of a planned residential community may be designated for development with mixed-uses consistent with the standards for the MU district; and

(iii) Within the PRRC district, neighborhood centers as provided in subsection 14-2.1(F)(5)(c)(IV)(b)(i), resort accommodations and resort-related commercial services.

(c) Unless special standards are adopted, the provisions of Section 14-5, *Use Regulations*, apply within the PRC and PRRC districts.

(V) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(F)(2)(d), *Conditional Use Approval Criteria and Conditions*.

(VI) Scheduling and Notice of Public Hearings

(a) Notice and Action by Planning Commission

Action by the Planning Commission to recommend approval of a master plan, or to approve an amendment as provided in subsection 14-2.1(B)(6)(e)(II), *Master Plans in the MU and BIP Districts,* must be taken at a public hearing with notice provided as required by subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(b) Notice and Action by Governing Body

Action by the Governing Body to approve or amend a master plan must be taken at a public hearing with notice provided as required by subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(VII) Hearing, Review, and Decision

(a) Planning Commission Review and Recommendation

The Planning Commission shall review the master plan and other materials submitted for conformity to this Section, consider the Planning and Land Use Director report and recommendations, and propose any conditions of approval for the application. Following this, at the public hearing the Planning Commission shall approve, approve with conditions, or deny the master plan.

(b) The Planning Commission shall then transmit the application to the Governing Body, together with a recommendation based on the approval criteria set forth in subsection 14-2.1(F)(5)(d), *Master Plan Approval Criteria and Conditions* regarding approval, approval with conditions, or denial.

(c) Governing Body Review and Decision
The Governing Body shall hold a public hearing on the master plan, to review the Planning and Land Use Director report, the recommendation of the Planning Commission, and any evidence obtained at the public hearing. The Governing Body shall then take final action to approve, approve with conditions, or deny the master plan.

(VIII) Post-Decision Actions and Limitations

(a) Expiration
Approval of a master plan shall expire five years after all applicable appeal periods, and any appeals of the final action approving it unless:

(i) Approval is granted for a development plan or subdivision plat within the master plan boundaries; or

(ii) Actual development of the site or off-site improvements is begun and is continued pursuant to subsection 14-2.1(B)(5)(f).

(b) Extension
Approval of the master plan may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(c) Denial
If a master plan is denied, no application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(d) Appeal
An applicant who is aggrieved by the denial of a master plan may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(d) Master Plan Approval Criteria and Conditions

(I) Necessary Findings
Approval or amendment of a master plan requires 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.

(II) Conditions

Approval of the master plan may specify conditions of approval that are necessary to ensure compliance with the provisions of Chapter XIV 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.

(6) Residential Condominium Declarations

(a) Purpose

The purpose of the residential condominium declaration subsection is to confirm that a proposed or amended condominium declaration complies with the zoning density requirements of this Chapter XIV.

(b) Applicability

The provisions of this subsection apply to residential condominium declarations recorded on or after May 30, 2012, that create a condominium or that amend an existing condominium declaration to change the number of condominium units or reserved development rights.

(c) Residential Condominium Procedure

(I) Application Submittal

Prior to the recordation of a condominium declaration, the declarant shall submit information to the Planning and Land Use Director sufficient to determine whether the proposed or amended

condominium declaration complies with the zoning density requirements of this Chapter.

(II) Application Analysis

The Planning and Land Use Director shall determine the sufficiency of the information submitted.

(III) Administrative Review and Decision

If the proposed or amended condominium declaration complies with the zoning density requirements of this Chapter XIV, the Planning and Land Use Director shall issue a written confirmation to the condominium declarant for inclusion in the contents of the condominium declaration as required by 47-7B-5 NMSA 1978. The Planning and Land Use Director shall maintain copies of written confirmations issued pursuant to this subsection.

(d) Existing Residential Condominiums

(I) A condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) is in conformance with the zoning density requirements of Chapter XIV when:

(a) The condominium meets the zoning density requirements of Chapter XIV; or

(b) The condominium met the zoning density requirements of Chapter XIV when the most recent condominium declarations were recorded.

(II) A condominium (including constructed condominium units and unconstructed condominium units in the form of reserved development rights) is subject to the provisions of subsection 14-1.13(F), *Nonconforming Residential Condominiums*, if the condominium declarations were recorded prior to May 30, 2012, and:

(a) The condominium does not meet the zoning density requirements of Chapter XIV; and

(b) The condominium did not meet the zoning density requirements of Chapter XIV when the most recent condominium declarations were recorded.

(7) Utility Conformity Review

(a) Purpose

Pursuant to Section 3-19-11 NMSA 1978, the Planning Commission shall conduct utility conformity reviews of electrical facilities when administrative approval is not provided as described in "Applicability."

(b) Applicability

Utility conformity review is required when administrative approval is not permitted, as described in:

(I) subsection 14-5.3(I)(1), Electric Facilities;

(II) subsection 14-5.3(I)(2), Underground Electric and Cable Utility Lines;

(III) subsection 14-5.3(I)(3), Telecommunication Facilities.

(c) Utility Conformity Review Procedure

(I) Pre-Development Meetings

An ENN meeting is required. See subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(II) Application Submittal and Acceptance.

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(B)(2), *Application Submittal and Acceptance*.

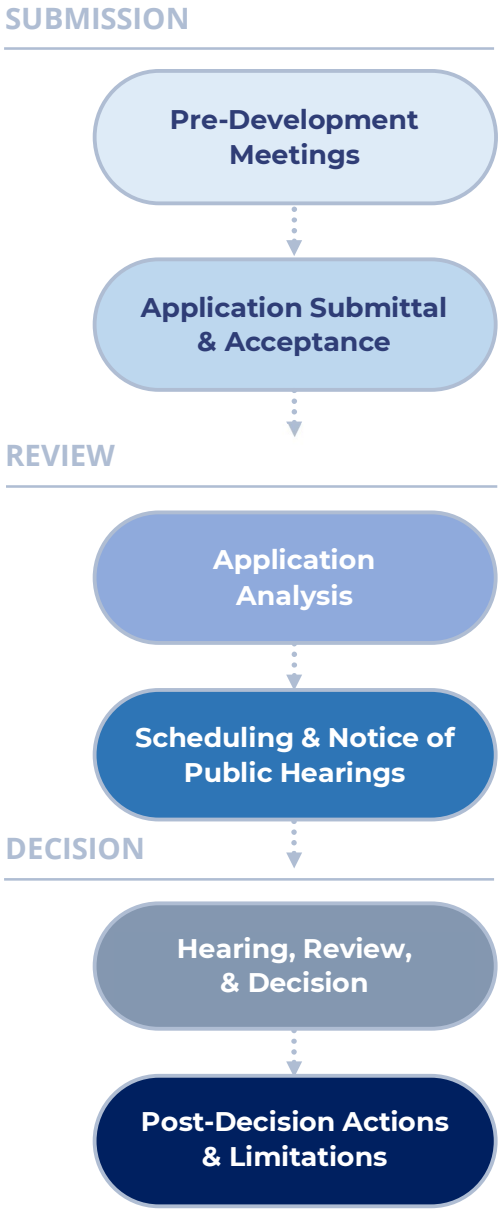


Figure 2.1-9: Utility Conformity Review Procedure

(III) Application Analysis

See subsection 14-5.3(I), *Utilities* for information on when an application is required for utility review.

(IV) Scheduling and Notice of Public Hearing

(a) Administrative Approvals

Fifteen days prior to the submittal of an application to the Planning and Land Use Director, the utility service provider shall provide notification by first class mail with mailing certificate, proof of which is to be included with the application, to all property owners within 200 feet of the subject property, exclusive of right-of-way. If the property proposed to be used lies within the boundaries of a neighborhood association that has been listed with the Land Use Director, notice also shall be provided to the neighborhood association.

(b) Planning Commission Approval

For applications requiring Planning Commission approval, the electric service provider shall comply with the provisions of subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*, and subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(V) Post-Decision Actions and Limitations

(a) Appeals

(i) Final actions of the Land Use Director may be appealed pursuant to subsection 14-2.1(H)(2), *Appeal*.

(ii) For appeals to the Planning Commission, notice shall be given as provided in subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(G) Archaeology and Historic Preservation Procedures

(1) Archaeological Clearance Permit

(a) Purpose

The purpose of a Archaeological Clearance Permit (ACP) process is to preserve Santa Fe's valuable archaeological resources by providing the means for identifying sites and mitigating adverse effects of development.

(b) Applicability

Archaeological clearance permits are required as described in subsection 14-4.2 for the Historic Downtown Archaeological Review District, River and Trails Archaeological Review District, and the Suburban Archaeological Review District.

(c) Archaeological Clearance Permit Procedures

Subsections 14-2.1(G)(1)(c)(I) through (III) apply to ACP requests in all districts.

(I) Pre-Application Conference
A pre-application conference, as described in subsection 14-2.1(B)(1)(a), *Pre-Application Conference*, is required.

(II) Initiation of Construction Permit
Application for an archaeological clearance permit is considered to be initiation of application for a construction permit.

(III) Scheduling of Hearings and Notice
The Archaeological Review Committee shall make all determinations at a public hearing. The applicant shall be notified, and staff shall post the preliminary Committee agenda at City Hall at least seven days in advance of the meeting.

(IV) Procedures for Historic Downtown District
The applicant shall meet the following procedures before an archaeological clearance permit is issued for projects in the historic downtown archaeological review districts:

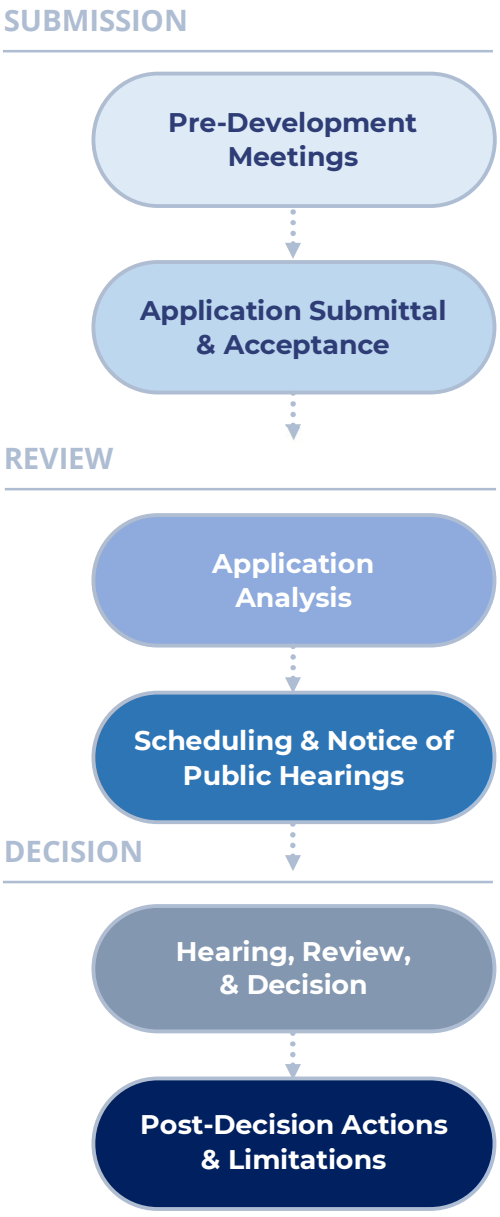


Figure 2.1-10: Archaeological Clearance Permit Procedure

(a) Reconnaissance
Reconnaissance shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications

set forth in subsection 14-2.2(G)(5), *Qualifications*, requiring archaeology dealing with historic period sites shall be completed by person qualified as a historical archaeologist and as a historian. As a minimum, the reconnaissance shall consist of:

(i) Archival research and analysis of land titles, historic maps, the archaeological records management systems (ARMS) files of the state of New Mexico, and other existing data;

(ii) Visual examination of the property for evidence of archaeological features, artifacts or culturally altered landscapes at least 75 years old. A sample of surface artifacts shall be recovered; and

(iii) Test excavations encompassing a minimum of two percent of the total lot area. At least 18 square feet shall be dug by hand after which further excavations may be made by mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered, or until the maximum depth to which excavations can be safely made.

(b) Reconnaissance Report

Upon the completion of the reconnaissance, a reconnaissance report shall be submitted by the applicant to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.

(c) Review and Decision by Committee

At a hearing the Committee shall review the applicant's reconnaissance report and vote to approve or deny the recommended significance status and if required, the recommended treatment of archaeological resources. The determination made by the Committee for treatment shall be a condition of approval for the archaeological clearance permit and the building or grading permit.

(i) If the project site is determined by the Committee not to be significant, then no further treatment is required, and an archaeological clearance permit shall be issued.

(ii) If the project site is determined by the Committee to be significant and the Committee determines that the data potential of the site is exhausted because a sufficient sample has been taken and no subsurface

cultural remains exist, then no further treatment is required, and an archaeological clearance permit shall be issued.

(d) Treatment

If the project site is determined by the committee to be significant and to contain further potential data, then the recommended treatment shall be reviewed and shall include the following procedures:

(i) If additional surface remains exist, then additional collections shall be made; and/or

(ii) If subsurface cultural remains do exist then the test pits shall be expanded, artifacts shall be collected, and an excavation shall be made of archaeological features such as hearths, living surfaces, or other non-portable cultural remains. In addition, further archival research shall be conducted concerning human occupation and the land use of the project site; or

(iii) The site shall either be treated as a public or private open space or shall be treated in such a way that no subsurface disturbance takes place. The procedure is intended as an alternate to subsection 14-2.1(G)(1)(c)(IV)(d)(ii). The choice of alternatives is made by the applicant. The committee may recommend but not require that one alternative rather than another be chosen.

(iv) Following implementation of the treatment plan, a treatment report is required containing a description of the collection, excavation, research, and other procedures, and a summary of the findings. The report shall be submitted by the applicant to and approved by the committee before an archaeological clearance permit is issued. A final report is due within one year of the date of the issuance of the clearance permit. Upon request of the archaeologist, the committee may grant a one-year extension.

(v) A mapped and written record shall be kept by City staff of all surveyed areas and test excavations.

(e) Maximum Funding Limit

In the historic downtown archaeological review districts, in no case shall the applicant be required to spend more than one percent of the valuation of the property shown on the construction permit in providing reports and other

information requested by the Archaeological Review Committee.

(f) Maximum Time for Excavations and for Excavation of Significant Sites

In the historic downtown archaeological review district, in no case shall the archaeologist be required to spend more than 15 eight-hour equivalent days in carrying out test excavations, or an additional 20 eight-hour equivalent days in carrying out additional excavation of significant sites.

(V) Procedures for River and Trails Area, Suburban Area, and Utility Mains

The following procedures shall be met before an archaeological clearance permit is issued to an applicant in the archaeological review districts for the river and trails district, the suburban district, or a utility main.

(a) Reconnaissance

Reconnaissance shall be completed by an archaeologist, hired by the applicant, meeting the professional qualifications set forth in the Archaeological Review Districts Ordinance. Reconnaissance requiring archaeology dealing with historic period sites shall be completed by a person qualified as a historical archaeologist and as a historian. The reconnaissance shall consist of:

(i) Archival research and analysis of land titles, historic maps, ARMS files and other existing data; and

(ii) Visual examination of the property for evidence of archaeological features, artifacts, or culturally altered landscapes at least 75 years old. Linear transects at intervals not exceeding 25 feet shall be walked. If a sample of surface artifacts is recovered during reconnaissance, then the archaeologist in charge of the reconnaissance shall inform the property owner of the desirability of permanently storing the artifacts in a statewide repository such as the museum of New Mexico.

(b) Reconnaissance Report

Upon the completion of the reconnaissance, a reconnaissance report shall be submitted by the applicant to the Archaeological Review Committee containing materials prepared to the specifications of the Committee.

(c) Committee Review and Decision

The Committee shall review the reconnaissance report and vote to approve or deny recommended significance status on an archaeological site by site basis and, if required, the recommended treatment of archaeological resources. The Committee's determination for treatment shall be a condition of approval for the archaeological clearance permits. Treatment shall be completed before approval by the Planning Commission of the final development plan or plat. For phased projects, treatment shall be completed before approval of the final development plan or plat for the phase in question.

(d) Treatment

(i) No further treatment is required if the archaeological site is determined by the Committee not to be significant, and an archaeological clearance permit shall be issued.

(ii) If the archaeological site is determined by the Committee to be significant and to contain potential data, then the recommended treatment shall be reviewed and shall meet the following:

(a) A sample of surface artifacts shall be collected; and

(b) If there is reason to believe that subsurface remains do exist, then test excavations shall take place. At least eighteen (18) square feet shall be dug by hand, after which further excavations may be made using mechanical equipment. Excavations shall proceed to a depth where no archaeological features or artifacts are encountered, or until the maximum depth to which excavation can be safely extended.

(c) In addition, further archival research shall be conducted concerning human occupation and the land use of the site; or

(d) Surface artifacts shall be collected and documented. The site shall alternatively be treated as a public or private open space, park or greenbelt or shall be treated in such a manner that no subsurface disturbance takes place. The choice of alternatives is made by the applicant. The committee may recommend but not require

that one alternative rather than another be chosen.

(iii) Following implementation of the treatment plan, a treatment report is required containing a description of the collection, excavation, research, and other procedures, and a summary of the findings. The report shall be submitted to and approved by the committee before an archaeological clearance permit is issued and before approval of the final development plan by the Planning Commission. A final report is due within one year of the date of the issuance of the clearance permit. Upon the request of the archaeologist, the committee may grant a one-year's extension.

(iv) A map and written record shall be kept by City staff of all surveyed areas and test excavations.

(e) River and Trails and Suburban Area: Funding Limit

(i) In the river and trails area, in no case shall the applicant be required to spend more than $3,000 dollars plus $100 per acre for the treatment of an archaeological site.

(ii) In the suburban area, in no case shall the applicant be required to spend more than $4,000 plus $100 per acre for the treatment of an archaeological site.

(iii) The definition of treatment of an archaeological site is as set forth in this Chapter XIV. The procedures for treatment are set forth in subsection 14-2.1(G)(1)(c)(V)(d)*, Treatment*.

(iv) The dollar amounts of the cost ceiling shall be reviewed on an annual basis and updated for cost-of-living increases.

(VI) Procedures for Santa Fe Trail

(a) The tracks of the Santa Fe Trail are shown on the map located in the Planning and Land Use Department and incorporated herein by reference.

(b) For development within such an area as set forth by subsection 14-2.1(G)(1)(c)(V)(a), *Reconnaissance*, the applicant is required to submit a reconnaissance report which identifies on an aerial map of at least a scale of one inch equals 400 feet the precise location of the tracks, and which recommends measures for the on-site preservation of the tracks. The committee shall approve the reconnaissance report before the issuance of an archaeological clearance permit.

(c) In no case shall the tracks of the Santa Fe Trail be disturbed by the development, except upon the approval of the Archaeological Review Committee. Criteria for approval by the Committee for allowing disturbance of the tracks shall be as follows:

(i) The tracks have been mapped and photographed and such information has been provided to City staff; and

(ii) The portion of the tracks to be disturbed is ten percent or less of the total square footage of tracks on the applicant's site; or

(iii) The square footage of the tracks constitutes more than 60 percent of the total square footage of the lot and preservation of all of the tracks would constitute a "taking" of the lot.

(VII) Appeals

Any aggrieved person may appeal a final action of the Archaeological Review Committee to the Governing Body pursuant to subsection 14-2.1(H)(2), *Appeal*.

(d) Other General Provisions

(I) Ownership of Artifacts

All artifacts discovered as a result of a reconnaissance or further treatment, with the exception of human remains, are the property of the property owner. Property owners are encouraged to donate artifacts to the museum of New Mexico or a similar repository.

(II) Human Remains

(a) If human remains are discovered, compliance with subsection 18-6-11.2 NMSA 1978 is required in addition to the requirements of this subsection.

(i) Persons making the discovery shall contact the City police department and the City Planning and Land Use Department to ensure compliance with all applicable local, state, and federal laws.

(ii) If the human remains are determined to be prehistoric, or from the historical period and older than seventy-five years, then the site is considered to be significant. For significant sites, the ARC must approve a treatment plan and report for the remains that meets the requirements of this subsection.

(iii) Any treatment plan dealing with human remains shall include consideration of local Native American or other religious concerns, if applicable.

(b) If the remains represent an unplatted cemetery from the historical period, they may not be disturbed unless a district court order is granted authorizing their removal in conformance with subsection 3012-12 NMSA 1978 as amended.

(III) Unexpected Discoveries

(a) Any cultural remains that are discovered during construction activities shall be reported to City staff. Construction activities shall immediately cease within the area of the discovery for a maximum of 24 hours from time of discovery. Sunday hours may not be included in the 24-hour time period. No construction activity shall continue that in any way endangers the cultural remains. Every effort should be made by the City to prevent unnecessary construction delays.
Designated City staff and one archaeologist from the Archaeological Review Committee shall visit the site and shall determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:

(i) Designated City staff and one archaeologist from the Archaeological Review Committee shall determine a buffer area in which construction activities shall temporarily cease; and

(ii) The property owner shall present a treatment plan to the committee for their approval. The treatment plan shall meet applicable requirements of the archaeological district in which the discovery is located pursuant to Sections 18-6-11 and 18-6-11.1 NMSA 1978 as amended.

(b) Failure to report such finds can result in a suspension of construction permits.

(c) If human remains are discovered:

(i) Persons making the discovery shall contact the City police department d the City Planning and Land Use Department.

(ii) The New Mexico Office of the Medical Investigator determines if it has jurisdiction.

(iii) If the remains are determined to be 75 years old or older, consultation with the Archaeological Review Committee shall be undertaken to identify an appropriate treatment plan.

(iv) The treatment plan and all treatment activities shall be performed by an archaeologist with a State of New Mexico Permit to Excavate Unmarked Human Burials and shall conform with standards outlined in the New Mexico Cultural Properties Act.

(v) The treatment plan shall indicate consideration of local Native American or other religious concerns, if applicable.

(vi) If the remains represent an unplatted cemetery, they may not be disturbed unless a district court order is granted authorizing their removal in conformance with subsection 30-12-12 NMSA 1978 as amended.

(IV) Emergency Actions

Nothing in this subsection shall be construed as preventing or delaying emergency actions as needed to protect human health or wellbeing, or public or private property. However, if cultural remains are uncovered or disturbed as a consequence of such emergency actions, the disturbed remains will be treated as unexpected discoveries in accordance with subsection 14-2.1(G)(1)(d)(III), *Unexpected Discoveries* once a state of emergency has ceased to exist.

(V) Archaeological Fund and Projects

(a) For the purpose of this subsection, Citywide significance means:

(i) An outstanding example of a certain category of site or of a type not adequately documented;

(ii) A site associated with a person or event of special historical significance to Santa Fe; or

(iii) A project that contributed to the body of knowledge or archaeological or historical matters.

(b) An archaeological fund shall be established to receive revenue from construction permits, the general fund, and other sources.

(c) The Archaeological Review Committee may recommend expenditure of money from this fund for the following projects:

(i) Additional analysis or other treatment of a site or an unexpected discovery of citywide significance when the funding limit for treatment of a site as set forth in this subsection has been reached;

(ii) Analysis of artifacts from a site of Citywide significance collected prior to adoption of the Archaeological Review Districts Ordinance; or

(iii) Archaeological surveys or studies of a Citywide scope.

(e) Approval Criteria / Archaeological Significance

Sites identified as significant shall be those that have yielded or may be likely to yield information that is important in the study of prehistory or history. These shall be sites that have:

(I) Cultural remains ; and

(II) Cultural remains that are directly associated with events or developments that have made an important contribution to local history or prehistory; or

(III) Cultural remains that are directly associated with the lives of persons significant in local history; or

(IV) Areas where a high frequency, density, diversity, or a substantial number of prehistoric cultural remains are present; or

(V) Areas with cultural remains known to rarely occur in the Santa Fe area; or

(VI) Human remains over 75 years old.

(2) Creating New Historic Overlay Districts

(a) Purpose

The purpose of the creation of a new historic overlay district is to allow for the recognition and delineation of defined areas of the city so that these areas may be preserved. Historic overlay districts shall be areas of historical, architectural, cultural, or special aesthetic interest.

(b) Applicability

This procedure shall apply when the Governing Body on its own motion, on recommendation of the Historic Districts Review Board, or in response to petition, wishes to designate an area as an historic district.

(c) Procedure for the Creation of a New Historic Overlay District

The procedure for establishing a new historic overlay district shall be that prescribed for other rezonings, as described in subsection 14-2.1(D)(3), *Rezoning*, but shall also comply with this subsection.

(I) Pre-Application Conference

A pre-application conference, as described in subsection 14-2.1(B)(1)(a), *Pre-Application Conference*, is required.

(II) Application Submittal and Acceptance

Any petition for designation of a historic district shall be accompanied by an application, supporting materials, and any other information requested by the Historic Districts Review Board.

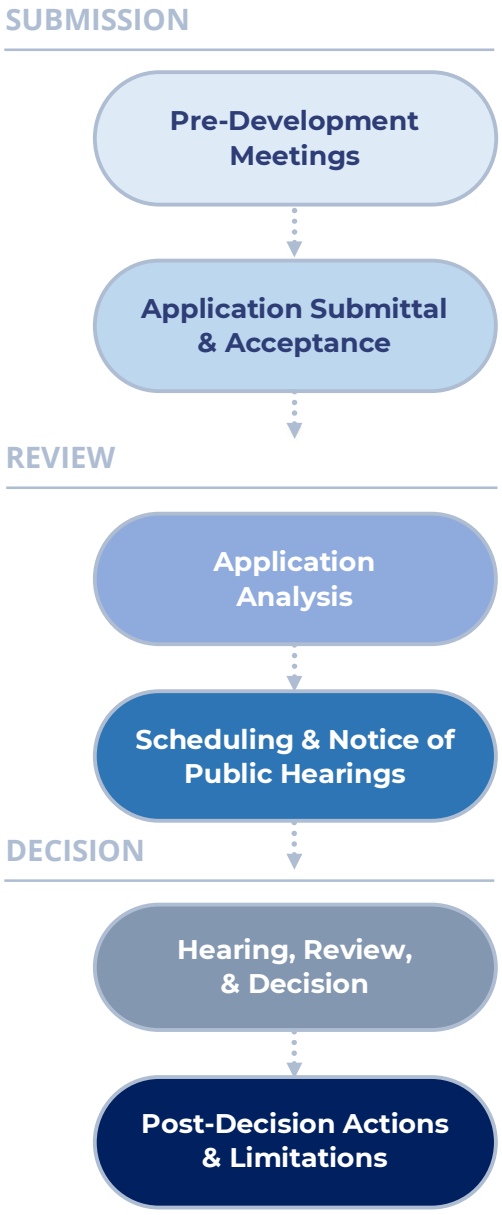


Figure 2.1-11: Creation of a New Historic Overlay District Procedure

(III) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(G)(2)(d), *Creation of a New Historic Overlay Approval Criteria*.

(IV) Scheduling and Notice of Public Hearings

Notice shall be provided and public hearings shall be scheduled following the same procedural requirements for rezoning, as described in subsection 14-2.1(D)(3), *Rezoning*.

(a) Scheduling Preliminary HDRB Review

Notice of the time and place of the preliminary review shall be given to the applicant in writing by the Planning and Land Use Department.

(b) Scheduling Final HDRB Review

Notice of the time and place of the final review shall be given to the applicant in writing by the Planning and Land Use Department.

(V) Hearing, Review, and Decision

(a) Preliminary HDRB Review and Hearing

(i) In any matter subject to its authority, upon request of the applicant, the HDRB shall provide a preliminary review, that includes an informal determination of whether the proposal is in compliance with the applicable standards.

(ii) After review, preliminary approval or denial shall be indicated by the HDRB. If denied, the HDRB shall give the reasons for denial of the required submittals.

(iii) Preliminary approval is not a substitute for final review approval. Any subsequent changes to the historic overlay district proposal made prior to final review shall be consistent with the preliminary approval.

(b) Final HDRB Review and Recommendation

(i) If the application exhibits are inadequate, the HDRB may postpone action until a date agreed upon by the HDRB and the applicant. Otherwise, the HDRB shall recommend approval or denial of the application.

(ii) The Governing Body shall consider the recommendation of the HDRB regarding the creation of a new historic overlay district at the final public rezoning hearing.

(iii) If HDRB recommends denial, the HDRB shall cite the reasons for this recommendation.

(c) Final Governing Body Review and Decision

(i) Before taking action on the proposed rezoning, the Governing Body shall hold a public hearing. In the course of the hearing, the Governing Body may request other information from the applicant that is reasonably necessary to determine compliance with Chapter XIV.

(ii) After reviewing the Planning and Land Use Director report, if any, and the HDRB recommendation, and any evidence obtained at the public hearing, the

Governing Body shall take final action to approve or deny the proposed rezoning.

(iii) When a proposed rezoning fails to receive the recommended approval of the HDRB, the rezoning shall not be approved by the Governing Body except by a majority vote of all the members of the Governing Body.

(d) Post-Decision Actions and Limitations

(i) Expiration

Once approved, rezonings do not expire.

(ii) Approved Rezonings to be Reflected on Official Zoning Map

(a) After the Governing Body has approved a rezoning application, the official zoning map shall be amended in accordance with subsection 14-3.1(D)Official Zoning Map to note the new zoning designation.

(b) Historic overlay districts so classified will be designated for zoning purposes by the existing zone designations at the time of the adoption of this subsection, plus the suffix "H."

(iii) Post-Approval Procedure

(a) If, in accordance with the provisions of Chapter XIV and Sections 321-1 through 3-21-11 NMSA 1978, changes are made in district boundaries or other matter portrayed on the official zoning map, those changes shall be made on the official zoning map within 30 days after the ordinance adopting the change in zoning classification has been approved by the Governing Body.

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

(iv) Denial

If a proposed rezoning is denied, no rezoning application that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a

resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(v) Appeal

An applicant who is aggrieved by the denial of a rezoning request may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(d) Creation of a New Historic Overlay Approval Criteria

[Reserved]

(3) Demolition of Historic or Landmark Structure

(a) Purpose

The purpose of the demolition of historic or landmark structure procedure is to provide a mechanism for review and approval prior to the demolition of any historic or landmark structures within the city of Santa Fe.

(b) Applicability

A demolition request must receive staff approval prior to the demolition of any designated historic or landmark within the city of Santa Fe. The

demolition request shall only be considered upon the written application of the property owner.

(c) Demolition Procedure

(I) Pre-Application Conference

A pre-application conference, as described in subsection 14-2.1(B)(1)(a), *Pre-Application Conference*, is required.

(II) Application Submittal and Acceptance

(a) Referral to Archaeological Review Committee

Upon receiving an application for demolition of structure in a historic district or a landmark structure, the Planning and Land Use Director shall refer the application to the Archaeological Review Committee to determine whether damage to archaeological resources may be caused by the demolition and what actions should be taken regarding excavation and the archaeological clearance permit.

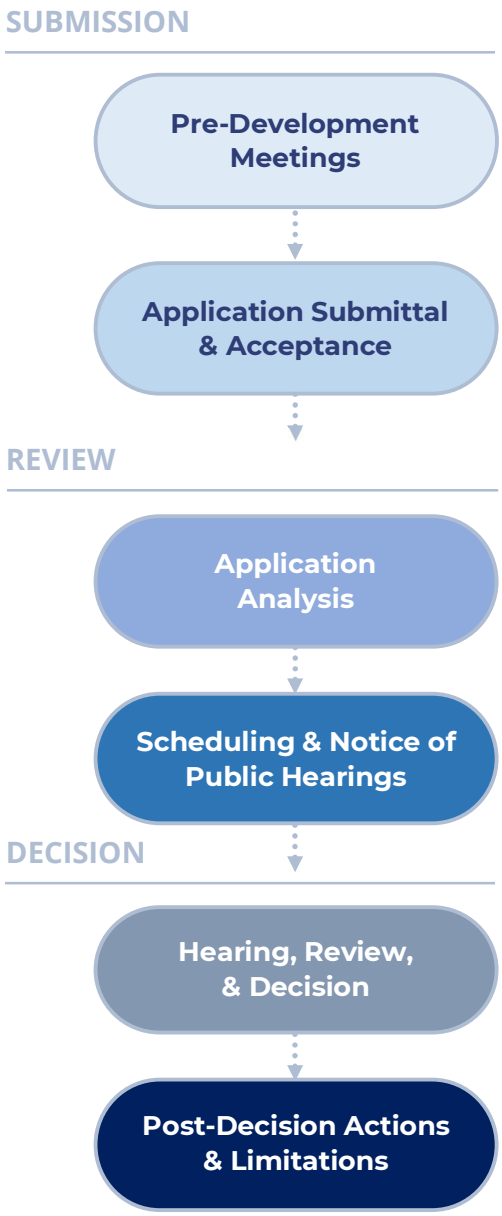


Figure 2.1-12: Demolition of Historic or Landmark Structure Procedure

(III) Application Analysis

Before granting approval or denial of a demolition request, the Planning and Land Use Director shall provide the following information on the structure under consideration.

(a) A report on the historic or architectural significance of the structure;

(b) A report from the City building inspector on the state of repair and structural stability of the structure;

(c) If the structure is more than 50 years old, and the entire project of which demolition is a part requires an archaeological clearance permit, a report from the Planning and Land Use Director on whether the demolition would damage possible archaeological artifacts; and

(d) Other information as requested by the HDRB or Governing Body.

(IV) Scheduling and Notice of Public Hearings

(a) Notice

(i) At least 14 days prior to any hearing, a sign shall be posted by the City on the site where the demolition is proposed, indicating the proposed action, and the time, date, and location of the HDRB or Governing Body hearing on the application. The posted sign shall be prominently displayed, visible from a public street, and securely placed on the property.

(ii) Notice of the time and place for each hearing shall be sent in writing to each applicant.

(iii) An agenda of the HDRB shall be sent to all groups requesting notification and copies of meeting agendas, as set forth in the officially adopted neighborhood planning policies.

(b) Historic Structure Demolition Request Scheduling

(i) Upon receiving an application for demolition of a structure within the historic districts, the HDRB shall, within 65 calendar days from the date of application, either grant or deny the application.

(ii) Ordinarily, the HDRB will act on an application for demolition at its next regular meeting, if the application is submitted in proper form at least seven days before its next regular meeting; however, the HDRB may use the entire 65 -day time period if the HDRB, on motion duly passed, determines such delay is necessary.

(c) Landmark Structure Demolition Request Scheduling
Upon receiving an application for demolition of a landmark structure the HDRB shall, within 65 calendar days from the date of application, make a recommendation to the Governing Body to either grant or deny the application.

(V) Hearing, Review, and Decision
The HDRB or Governing Body, as applicable, shall restrict its review to consideration of whether the application is in conformity with the standards established by this subsection.

(VI) Post-Decision Actions and Limitations

(a) Expiration
Approval of a demolition request shall expire three years after the final action approving it.

(b) Extension
Approval of the demolition request may be extended as provided in subsection 14-2.1(B)(6)(g), *Extension of Development Approval*.

(c) Denial
A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under subsection 14-4.6(B), *Minimum Maintenance Requirements*.

(d) Appeal

(i) HDRB decisions on demolition of structures may be appealed to the Governing Body pursuant to subsection 14-2.1(H)(2), *Appeal*.

(ii) The Governing Body, with the advice and assistance of the HDRB, may take such steps as it determines necessary to preserve the structure concerned, in accordance with the purposes of the historic district regulations under subsection 14-4.6. Such steps may include, but not be limited to, consultations with civic groups, public agencies, and interested citizens; recommendations for acquisitions of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or other features.

(d) Demolition Criteria for Approval

(I) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

(a) Whether the structure is of historical importance;
(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
(c) The state of repair and structural stability of the structure under consideration.

(II) In determining whether a request for demolition of a landmark structure should be approved or denied, the HDRB and Governing Body shall consider the following:
(a) The historical importance of the structure; and
(b) The state of repair and structural stability of the structure.

(H) Flexibility and Relief Procedures

(1) Variance

(a) Purpose

Land use boards may approve variances to the provisions of Chapter XIV, granting a landowner relief from compliance with specific provisions of this LDC when strict application of these provisions would result in undue hardship.

(b) Applicability

(I) Variances may be granted to provisions regulating:
(a) The size, location, and appearance of structures;
(b) The location and extent of open space;
(c) The extent of grading;
(d) The width and configuration of public and private roads, driveways, and trails; and
(e) Similar standards for development established by this Chapter XIV.

(II) A variance shall not be granted:
(a) To provisions that restrict the type or intensity of principal or accessory uses permitted within a district, including limits on maximum residential density; and
(b) To any procedural rule.

(c) Height Variances in Airport Area

(I) All height variance requests for lands located within the approach, transitional, horizontal, and conical surfaces as described within the approach and clear zone layout plan of the Santa Fe municipal airport dated February 1980 prepared by PMM and company, adopted in this section by reference and on file in the City public works department shall be reviewed for compliance with federal aviation regulations.

(II) The application for variance shall be accompanied by an approval from the federal aviation administration accompanied by a determination as to the effect of the proposed variance on the operation of air aviation facilities and the safe, efficient use of navigable airspace.

(III) Such variances shall be allowed only upon a finding that granting the variance will not create a hazard to air navigation. Additionally, no application for variance to the height requirements within the area described in this subsection may be considered until a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance.

(IV) If the airport manager does not respond to the application within 15 days after receipt, the land use board may act on the application without the airport manager's response.

(V) Any variance granted may be conditioned to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.

(d) Waivers in Flood Special Flood Hazard Areas

(I) The Planning Commission may waive regulations applicable to the development of land in Special Flood Hazard Areas, as described in subsection 14-8.3(C). Waivers shall be approved by the Planning Commission, according to the variance procedure described in this subsection, and subject to the following additional standards.

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

(III) Waivers may be issued for development on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsections 14-2.1(H)(1)(d)(V) and (VI) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the waiver increases.

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

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

(VI) Waivers may be approved for new construction and substantial improvements and for other development necessary for the

conduct of a functionally dependent use provided that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(VII) The prerequisites for granting waivers are:

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

(b) Waivers shall only be issued upon:

(i) Showing a good and sufficient cause;

(ii) A determination that failure to grant the waiver would result in exceptional hardship to the applicant, and

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

(c) These prerequisites shall constitute the approval criteria for waivers, in lieu of those specified in subsection 14-2.1(H)(1)(g) for standard variance requests.

(VIII) 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.

(e) Waivers for Utilities

(I) Factors to Consider

(a) For All Requests

These standards apply to all waiver requests for utilities. The decision making body shall consider the following when reviewing a waiver request for any type of facility:

(i) The nature of uses on adjacent and nearby properties, including proximity to residentially zoned property, the BCD, and Historic, Escarpment and South Central Highway Corridor Overlay Districts.

(ii) The surrounding topography;

(iii) Improved electrical, cable, or telecommunications service for Santa Fe; and

(iv) Such other factors as may be relevant.

(b) For Telecommunications Requests

The decision-making body shall consider the following when reviewing a waiver request:

(i) The surrounding vegetation;
(ii) The proposed ingress and egress;
(iii) The design of the proposed telecommunications facilities, with particular reference to design elements that reduce or eliminate adverse visual impact including lighting; and
(iv) The availability of existing towers or other structures for colocation or of alternative antenna configurations with less visual impact.

(c) For Electric Facilities Requests

The decision-making body shall consider the following when reviewing a waiver request:

(i) The general appearance of the facility; and
(ii) The proposed ingress and egress.

(d) For Underground Electric and Cable Facilities Requests

The decision-making body shall consider the cost of placing the utility lines underground and all associated costs when reviewing a waiver request.

(II) Approval Criteria

(a) For All Requests

These standards apply to all waiver requests for utilities. The decision making body may grant a waiver of the applicable standards upon finding 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 subsection 14-5.3(I)(1)(a), *Purpose*.

(b) For Telecommunications Facility Requests

The decision-making body may grant a waiver of the applicable standards upon finding that the waiver:

(i) Will expedite the approval of an antenna or tower;
(ii) Will either mitigate the adverse visual impacts of antenna and tower proliferation or limit the need for construction of new towers or antennas;
(iii) If the proposed site is located in the Escarpment or South Central Highway Corridor Overlay District, that the applicant has demonstrated to the satisfaction of the Historic Districts Review Board and/or Planning Commission that it has explored all alternatives to the

proposed site and to the proposed design and that location outside those Districts is not practicable.

(iv) In a Historic District, that the conditions for an Exception as specified in subsection 14-4.6(D)(3)(b), *Approval Criteria*, except provision d therein, have been met.

(f) Variance Procedure

(I) Pre-Development Meeting

A pre-development meeting, as described in subsection 14-2.1(B)(1), *Pre-Development Meetings*.

(II) Application Submittal and Acceptance

The application shall be submitted and accepted, and may be revised or withdrawn, in accordance with subsection 14-2.1(H)(1)(f)(II), *Application Submittal and Acceptance*.

(III) Application Analysis

The Land Use and Planning Department shall review the application and prepare a staff report in accordance with the approval criteria in subsection 14-2.1(H)(1)(g), *Variance Approval Criteria and Conditions*.

(IV) Scheduling and Notice of Public Hearing

The application shall be scheduled for a public hearing before the Board of Adjustment or the Planning Commission as indicated in Table 2-1: Summary Table of Review Procedures and noticed pursuant to subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings*.

(V) Hearing, Review, and Decision

(a) Planning and Land Use Director Review

The Planning and Land Use Director shall provide the decision-making authority with a written report of findings together with a recommendation that the variance be approved, approved with conditions, or denied. A recommendation to conditionally approve shall contain the conditions and a recommendation for denial shall contain the reasons for that recommendation.

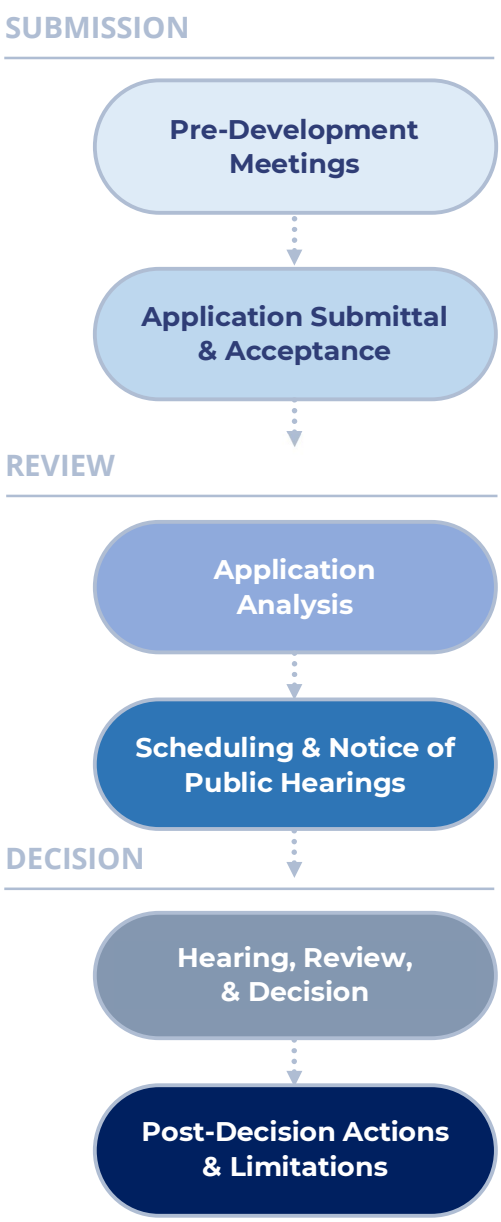


Figure 2.1-13: Variance Procedure

(b) Board Review and Decision

Following a public hearing, the land use board shall, based on the application, input received at the public hearing, and the approval criteria set forth in subsection 14-2.1(H)(1)(g), *Variance Approval Criteria and Conditions*, approve, approve with conditions, or deny the variance application.

(VI) Post-Decision Actions and Limitations

(a) 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 XIV or shall require a new or amended variance.

(b) Expiration

(i) A variance associated with a subdivision, development plan, or other development approval shall be subject to the expiration of the associated development.

(ii) A variance that is not associated with other types of development approval shall expire three years from the date of the approval as provided in subsection 14-2.1(B)(5)(f), *General Review and Approval Criteria and Findings*, unless a different expiration date is specified elsewhere in Chapter XIV.

(c) Extension

Approval of the variance may be extended as provided in subsection 14-2.1(H)(1)(f)(VI)(c), *Extension*.

(d) Denial

If a variance request is denied, no application with a variance request that is substantially similar to what has been denied shall be eligible for resubmittal for 12 months from the date of denial, unless the applicant can show a substantial change in circumstances to justify a resubmittal. The Planning and Land Use Director shall resolve issues regarding substantial similarity.

(e) Appeal

An applicant who is aggrieved by the denial of a request for a variance may file an appeal as described in subsection 14-2.1(B)(6)(d), *Appeals*.

(g) Variance Approval Criteria and Conditions

(I) One or more of the following special circumstances applies:

(a) Unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter XIV, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

(b) The parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) There is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in subsection 14-1.8, *Conflicting Provisions*; or

(d) The land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to subsection 14-4.6, *Historic Districts*.

(II) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter XIV.

(III) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter XIV.

(IV) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) Whether the property has been or could be used without variances for a different category or lesser intensity of use;

(b) Consistency with the purpose and intent of Chapter XIV, with the purpose and intent of the Sections and subsections from which the variance is granted and with the applicable goals and policies of the General Plan.

(V) The variance is not contrary to the public interest.

(VI) 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.

(2) Appeal

See subsection 14-2.1(B)(6)(d), *Appeals*.

14-2.2 Review and Decision-Making Bodies

(A) Duties and Responsibilities

This subsection summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of Chapter XIV and, particularly, the procedures set forth in subsection 14-2.1, *Review and Approval Procedures*. Other duties and responsibilities of these entities are set forth in the following subsections.

(B) Governing Body

(1) 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

XIV, have the powers and duties set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the terms of Chapter XIV.

(2) In addition, the Governing Body shall receive duly executed copies of the minutes and any other written orders or determinations of the Planning Commission if requested.

(3) If, within 30 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 subsection 14-2.1(B)(4)(b)(IV) and such notice shall be a stay of action on the final order or determination.

(4) In exercising the powers set forth in Chapter XIV, the Governing Body, after reviewing the minutes of the Planning Commission meeting, may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination as deemed necessary and to that end shall have, in addition to all other municipal authority, that authority of the Planning Commission.

(5) Subsections 14-2.2(B)(3) and (4) shall not apply to appeals heard by the Planning Commission regarding decisions of the Planning and Land Use Director. Such decisions of the Planning Commission are final.

(6) The Governing Body delegates its authority for hearing appeals of decisions of the Planning and Land Use Director to the respective land use board as set forth in Table 2-1: Summary Table of Review Procedures. Final actions of a land use board on the appeal of a decision of the Planning and Land Use Director shall not be heard by the Governing Body. Any further appeals shall be filed in district court.

(7) The Governing Body shall hear appeals of final actions of any land use board except as set forth in subsection 14-2.2(B)(6). The Governing Body shall hold a public hearing de novo on the appeal after notice has been given in accordance with the notice provisions of subsection 14-2.1(B)(4)(b).

(8) The Governing Body by adoption of a resolution may approve the temporary suspension of the enforcement of those subsections of Chapter XIV setting forth the expiration of development approvals due to severe economic conditions. This authority shall not be used for specific development projects or individual economic situations but shall apply to all development projects due to broad economic downturns.

(9) The Governing Body may request a land use board review for a proposed zoning map amendment or a proposed amendment to this Chapter XIV, and the land use board shall issue comments and nonbinding recommendations in response to the request.

(10) The Governing Body shall review and grant or deny requests for waivers as set forth in subsection 14-2.2(D)(3)(f), *Waivers*.

(C) Land Use Boards General Standards and Procedures

Except as otherwise required by state law or provided for by City ordinance, the following procedures apply to each of the land use boards and their standing subcommittees, except the Governing Body, the extraterritorial land use authority, and the extraterritorial land use commission:

(1) Number of Terms

There is no limitation to the number of consecutive terms a member may serve.

(2) No Compensation

Members shall serve without compensation.

(3) Residency Requirement

(a) A member of a land use board whose jurisdiction extends to the presumptive city limits as defined in Section 6, Paragraph E of the Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01 shall reside within the presumptive city limits. [Editor's note: as of the date of adoption, includes the Archaeological Review Committee, the Board of Adjustment and the Planning Commission and its subcommittees]; and

(b) A member of a land use board whose jurisdiction does not extend to the presumptive city limits shall reside within the city limits.

(4) Officers

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

(5) Meetings

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

(6) Quorum

A majority of members constitutes a quorum.

(7) Voting

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

(8) Communication with Members Prohibited

A member of a land use board shall not communicate with any interested parties outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming before the board, except in writing filed with the Planning and Land Use Director within the prescribed time period for inclusion in the public hearing record, and with copies distributed immediately to all other known parties-in-interest and all other members of the board. A member also shall not communicate with any other persons outside the planning and land use department outside of the public meeting and hearing concerning the merits or substance of any quasi-judicial item coming before them. Further, a member shall not inspect the site of any subject property, except pursuant to a publicly noticed site visit that affords all parties the opportunity to attend. A member of a land use board who receives a communication in violation of this subsection shall disclose the substance of the communication on the record, and the member shall recuse if the member cannot be fair and impartial.

(9) Written Record; Findings of Fact

After hearing and considering all the evidence presented, a land use board shall accompany its approval or denial of an application, request or other item with a written statement of the important facts on which the decision is based, including the pertinent provisions of Chapter XIV, and a full explanation of why those facts led to the decision made.

(10) Minutes of Proceedings; Public Record

Land use boards shall keep full and complete records in the form of written minutes of all meetings, including the date, time, and place of the meeting; the names of members in attendance and those absent; the substance of the items considered; a record of any decisions and votes taken that show how each member voted, including abstention or failure to vote; and all public comment. After being approved by the relevant land use board, written explanatory findings of fact and conclusions of law shall be adopted and shall be promptly filed with and maintained by the City clerk pursuant to City ordinance and the New Mexico Open Meetings Act. Findings of fact and conclusions of law adopted by the Planning Commission shall be submitted to the Governing Body pursuant to subsection 2-1.15 SFCC 1987.

(11) Meeting Attendance

Failure of a member to attend three consecutive regular meetings or 33 percent or more of the regular meetings in a year shall constitute an automatic tender of resignation by the member. The Mayor may accept or reject the resignation.

(12) Removal of Members

A member of the Planning Commission may be removed for cause as provided in Section 3-19-2 NMSA 1978. A member of any other land use board may be removed by the appointing authority with or without cause.

(13) Vacancy

Vacancies shall be filled in the same manner as the original appointment was made. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(14) Records of Membership

Records of membership shall be maintained by the City Clerk.

(D) Planning Commission

(1) Designation

There is a Planning Commission of the City, which shall be referred to as the "Planning Commission."

(2) Delegation of Authority

The Governing Body hereby delegates its authority for planning within the planning jurisdiction of the City, and for approving subdivision plats within the corporate boundaries of the City, as specifically set forth in Section 3-19-1 NMSA 1978 and more generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Planning Commission, except for those powers retained by the Governing Body in the Santa Fe City Code. The Governing Body delegates its authority to the Planning Commission to hear appeals, variances, and conditional use approvals as provided for in Chapter XIV.

(3) Powers and Duties

The Planning Commission has the review and decision-making responsibilities set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the terms of Chapter XIV. In addition, the Planning Commission is the principal City land use administrative board and has the powers and duties specified in this subsection.

(a) Development Plans and Subdivision Plats

Unless otherwise provided in Chapter XIV, the Planning Commission shall review and approve or deny various specific development plans, requests, and subdivision plats. When specifically authorized by Chapter XIV, the decision of the Planning Commission is final, subject to any appeal right provided in this Chapter XIV. In all other instances, the Planning Commission shall provide advice and nonbinding recommendations.

(b) Amendments and Modifications of Approved Plans

The Planning Commission shall review and approve or deny amendments, modifications or time extensions of plans, designs, plats, restrictions, and

other matters previously approved by the Planning Commission. Nothing in this subsection precludes the Planning and Land Use Director from approving minor amendments or modifications as authorized in Chapter XIV.

(c) Variances and Conditional Use Approvals as Part of Subdivision or Development Plan Review

a request for variance or conditional use approval is part of a development plan or subdivision request requiring Planning Commission review, the Planning Commission shall hear and decide requests for variances pursuant to subsection 14-2.1(H)(1), *Variance*, and conditional use approvals pursuant to subsection 14-2.1(F)(2), *Conditional Use Approval*.

(d) Appeals

The Planning Commission shall hear appeals of the following:

(I) Final actions of the Planning and Land Use Director applying the provisions of Chapter XIV to a request for a development plan or subdivision, including a subdivision that creates one additional lot pursuant to subsection 14-2.1(E)(6), *Administrative Approval Subdivisions*.

(II) Final actions of the Planning and Land Use Director applying the regulations in subsection 14-8.2, *Terrain and Stormwater Management*, and subsection 14-4.4, *Escarpment Overlay District*.

(III) Final actions of the Floodplain Administrator.

(e) Variances

(I) The Planning Commission shall review and grant or deny requests for variances from:

(a) subsection 14-4.4, Escarpment Overlay District;

(b) subsection 14-8.2, Terrain and Stormwater Management;

(c) subsection 14-8.3, Flood Regulations;

(d) subsection 14-7.2, Santa Fe Homes Program (SFHP); and

(e) Section 14-1,

(f) Infrastructure Design, Improvement, and Dedication Standards.

(II) When deciding variances, the Planning Commission shall comply with notice and procedural provisions referenced in subsection 14-2.1(H)(1), *Variance*.

(f) Waivers

(I) The Planning Commission shall review and grant or deny requests for waivers as set forth in:

(a) subsection 14-2.1(H)(1)(d), Waivers in Flood Special Flood Hazard Areas;

(b) subsection 14-8.3, Flood Regulations;

(c) subsection 14-7.8, Regulations for Retail Structures 30,000 Gross SF or Larger;

(d) subsection 14-5.3(I)(3), Telecommunication Facilities; and

(e) subsection 14-5.3(I)(1), Electric Facilities.

(II) When deciding waiver requests, the Planning Commission shall comply with notice and procedural provisions referenced in subsection 14-2.1(H)(1), *Variance*, but shall additionally rely on approval criteria in subsection 14-2.1(H)(1)(d), *Waivers in Flood Special Flood Hazard Areas,* for flood regulations, subsection 14-7.8(C), *Waivers* for retail structures, and subsection 14-2.1(H)(1)(e), *Waivers for Utilities,* for telecommunications facilities and electric facilities.

(g) Long-Range Policy Recommendations

The Planning Commission may:

(I) Provide to administrative and governmental officials of the city recommendations for public improvements and the financing of such improvements. Public officials shall, upon request, furnish to the Planning Commission within a reasonable time such available information as it may require for its work; and

(II) Make reports and recommendations relating to the development of the city to public officials and agencies; public utilities; civic, educational, professional, and other organizations; and citizens regarding the following:

(a) Growth management, land use, transportation, development review procedures, urban design, and capital improvements; and

(b) Neighborhood and community planning and other community issues as they relate to long-term planning.

(h) Other Recommendations to Governing Body

The Planning Commission shall review and make recommendations to the Governing Body regarding:

(I) Adoption of, and proposed revisions and amendments to, the General Plan;

(II) Annexations;

(III) Rezonings; and

(IV) Proposed amendments to Chapter XIV, except for proposed amendments to:

(a) 14-2.2(G), Archaeological Review Committee, subsection 14-2.1(G)(1), Archaeological Clearance Permit, and subsection 14-4.2, Archeological Review Districts, about which the Archaeological Review Committee shall review and issue recommendations;

(b) subsection 14-2.1(G)(3), Demolition of Historic or Landmark Structure, and subsection 14-4.6, Historic Districts, about which the Historic Districts Review Board shall make recommendations; and

(c) subsection 14-7.7, *Development Water Budgets*, about which the public utilities committee shall review and issue recommendations.

(i) Other Powers and Duties

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

(II) 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.

(III) As authorized by state law and Chapter XIV, 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.

(IV) 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.

(j) Regulations; Planning and Platting; Development Review

(I) To carry out the planning and platting duties and development review responsibilities granted to the Planning Commission, including the adoption of an amendment to the General Plan and approval and denial of plats and replats, the Planning Commission may adopt regulations, procedures and a schedule of fees;

provided that such regulations, procedures and schedules of fees are consistent with the Santa Fe City Code and do not become effective and enforceable until approved by the Governing Body.

(II) Among other regulations, the Planning Commission may adopt flow charts and checklists for matters within the Planning Commission's jurisdiction to provide information and assistance to the general public in complying with the provisions of the Santa Fe City Code.

(III) Approved plats and development plans shall be signed by the chair and the secretary of the Planning Commission.

(4) Membership and Procedures

(a) Composition

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

(b) Membership

(I) Two members from each city councilor district shall be appointed to the planning commission; and

(II) One at-large member shall be appointed to the planning commission.

(c) Appointment and Term

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

(d) Ad Hoc Subcommittees

(I) Delegation

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

(II) Powers and Duties

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

(III) Membership and Procedures

Pursuant to Chapter 3, Article 19 NMSA 1978, Planning and Platting, and Section 2-1 SFCC 1987, the mayor, subject to the advice and

consent of the governing body, may appoint ad hoc subcommittees.

(a) Pursuant to Chapter 3, Article 19 NMSA 1978, the chair of the Planning Commission may appoint ad hoc subcommittees of the Planning Commission.

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

(E) Board of Adjustment

(1) Designation

There shall be a board of adjustment of the City, which shall be referred to as the "board of adjustment" or the "BOA".

(2) Delegation of Authority

The governing body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the BOA as described in this subsection, except those powers retained to the governing body in the Santa Fe City Code. In addition, the governing body delegates authority to the BOA to hear appeals, variances, and conditional use approvals as provided in Chapter XIV.

(3) Powers and Duties

The BOA has the review and decision-making responsibilities set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the provisions of Chapter XIV and has the following additional responsibilities:

(a) To hear appeals of final actions of the planning and land use director applying the provisions of Chapter XIV unless jurisdiction for such appeals is otherwise specifically reserved to another land use board.

(b) To hear and decide applications for conditional use approvals as provided in subsection 14-2.1(F)(2), *Conditional Use Approval*.

(4) Composition

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

(5) Appointment and Term

Members of the BOA shall be appointed by the mayor with the consent of the Governing Body. Members shall serve three-year overlapping terms, maintaining the original overlap of BOA terms. Members shall serve until their successors are appointed and qualified.

(F) Historic Districts Review Board

(1) Designation

There shall be a Historic Districts Review Board of the City, which shall be referred to as the "Historic Districts Review Board," "HDRB," or the “H-Board.”

(2) 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 HDRB as described in this subsection, except those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code. The HDRB shall carry out the City's powers and duties pursuant to Chapter 3, Article 22 NMSA 1978 (Historic Districts and Landmarks).

(3) Powers and Duties

The HDRB has the review and decision-making responsibilities set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the terms of Chapter XIV. In addition, the HDRB shall:

(a) Review and approve or deny all applications for new construction, exterior alteration, and demolition of structures, except signs, in the historic districts in accordance with the standards and procedures set forth in the following subsections:

- **(I)** subsection 14-2.1(G)(3), Demolition of Historic or Landmark Structure;
- **(II)** subsection 14-4.6, Historic Districts;
- **(III)** subsection 14-1.13, Nonconformities.

(b) Hear appeals of final actions of the Planning and Land Use Director interpreting or applying the following historic district regulations:

- **(I)** subsection 14-2.1(G)(3), Demolition of Historic or Landmark Structure;
- **(II)** subsection 14-4.6, Historic Districts;
- **(III)** subsection 14-1.13, Nonconformities.

(c) Upon referral by the land use director, review and make recommendations prior to any hearing before the Planning Commission related to the creation of new historic overlay districts in the City, before the matter goes to the Governing Body for a final decision.

(d) Make recommendations to the Governing Body relating to the erection of appropriate plaques and markers designating various historical sites and points of interest in the City.

(e) Make recommendations to the Governing Body relating to the purchase or acquisition by gift, grant, bequest, devise or otherwise of real property of historical background and interest.

(f) Make recommendations to the Governing Body as to the exercise of the Governing Body's power of eminent domain in the acquisition of real property of historical background and significance and the proposed ways and means of compensation.

(g) Advise and assist officials, committees, and commissions of the municipal government in making recommendations to the Governing Body.

(h) Compile and maintain a list of historical sites and structures.

(i) Perform other acts as requested by the Governing Body, provided that such acts relate specifically to this subsection.

(j) Conduct field trips upon request of an applicant or as determined by the chair.

(4) Membership and Procedures

(a) Composition

The HDRB consists of seven members who have demonstrated interest and knowledge of the historic character of the City. One member shall be an architect, one member shall be a historian, one member shall represent some aspect of the construction industry, one member shall have a business in one of the historic districts, one member shall be a member of the Old Santa Fe Association, and two members shall be members-at-large. Members of the Governing Body may serve as members at-large.

(b) Appointment and Term

The Mayor, with the consent of the Governing Body, shall appoint each member of the HDRB. Members shall serve two-year overlapping terms, maintaining the original overlap of HDRB terms. Members shall serve until their successors have been appointed and qualified.

(c) Recommendations

(I) The following organizations are encouraged to recommend to the Mayor up to three persons each for the appropriate position as designated in this subsection:

- **(a)** Santa Fe Chapter of the American Institute of Architects,
- **(b)** Santa Fe Chamber of Commerce and Hispanic Chamber of Commerce,
- **(c)** Museum of New Mexico, and
- **(d)** Building Contractors Association and Associated General Contractors of America, Building Branch (jointly).

(II) A person being recommended is not required to be a member or staff of the organization recommending the person.

(III) This provision is in no way intended to prevent other organizations from recommending members or to limit the appointment power of the Mayor.

(G) Archaeological Review Committee

(1) Designation

There shall be an Archaeological Review Committee of the City, which shall be referred to as the "Archaeological Review Committee" or the "ARC."

(2) 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 subsection, except for those powers retained by the Governing Body and the Planning Commission in the Santa Fe City Code.

(3) Powers and Duties

(a) The ARC has the review and decision-making responsibilities set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the terms of Chapter XIV. In addition, the ARC shall:

(I) In accordance with subsection 14-2.1(G)(1), *Archaeological Clearance Permit*, hold hearings to review survey and inventory reports, archaeological monitoring reports and plans, and archaeological treatment plans for their acceptability, determine the significance of archeological sites, and consider requests for listing on the City's list of approved archaeologists and historians. The ARC may review and act on stages or portions of archaeological studies. The ARC shall vote to approve, conditionally approve, or deny requests for archaeological clearance permits.

(II) Qualify or disqualify persons for inclusion on the City's list of approved archaeologists, historical archaeologists, and historians upon review and consideration of resumes and related documents as set forth in this subsection.

(III) Establish a City register of recognized archaeological sites and shall establish criteria for such a register.

(IV) Hear appeals of final actions of the Planning and Land Use Director interpreting or applying archaeological review district regulations pursuant to subsection 14-4.2, *Archeological Review Districts*.

(b) The ARC may:

(I) Advise the HDRB in regard to applications to that board for new construction, exterior alteration, demolition or on other matters relating to archaeology within the historic districts.

(II) Direct applicants to the state historic preservation division for information regarding state or federal law and regulations on the tax benefits of donating archaeological properties or easements.

(III) Recommend to the Governing Body that land containing archaeological sites of major interest to the City be purchased as part of the City's parks, recreation, and open space system.

(IV) Recommend the expenditure of money from City archaeology fund for projects that meet archaeological fund criteria set forth in subsection 14-2.1(G)(1), *Archaeological Clearance Permit*. Expenditures of $1,000 or less may be approved by the Planning and Land Use Director. Expenditures over $1,000 must be approved by the Governing Body.

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

(4) Membership and Procedures

(a) Composition

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

(b) Appointment and Term

The Mayor, with the consent of the Governing Body, shall appoint each member of the ARC. Members of the ARC serve two-year overlapping terms, maintaining the original overlap of ARC terms.

(5) Qualifications

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

(a) Archaeologists

All archaeologists in actual direct charge of archaeological reconnaissance or treatment required for an archaeological permit shall meet the following minimum qualifications:

(I) Hold a graduate degree in archaeology, anthropology, or a closely related field with a specialization in archaeology or have equivalent training or field experience, the sufficiency of which is determined by the ARC;

(II) Have at least two years' experience in directing archaeology projects, including at least six months of field experience in the southwestern United States; and Be listed in the state historic preservation division directory of archaeologists as a principal investigator or supervisory archaeologist. This requirement shall not apply to archaeologists who are currently on the City's list of approved archaeologists as of the effective date of Ordinance No. 2007-9 (April 23, 2007) or to archaeologists appointed as members of the ARC.

(III) Hold a current New Mexico state burial excavation permit for work in any location where human remains of historic age are anticipated to be present.

(b) Historical Archaeologists

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

(I) Meet the minimum qualifications for an archaeologist set forth in subsection 14-2.2(G)(5)(a);

(II) Have a minimum of one year of experience in directing historical archaeology projects or equivalent training or field experience, the sufficiency of which is determined by the ARC; and

(III) Have demonstrated experience in the Historic Downtown Archaeological Review District.

(c) Historians

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

(I) Hold a graduate degree in history, or have equivalent professional experience or demonstrate equivalent training, the sufficiency of which is determined by the ARC; and

(II) Demonstrate the ability to carry out archival research.

(d) List of Qualified Individuals

(I) Archaeologists, historical archaeologists, and historians deemed by the ARC to meet the qualifications provided in this subsection shall be placed on a list maintained by the Planning and Land Use Director.

(II) Guidelines for documenting applicable experience and education for meeting the requirements of this subsection are available from the Planning and Land Use Director.

(III) Archaeologists, historical archaeologists, and historians who wish to remain on the list shall provide updated contact information and resume upon request of the Planning and Land Use Director and shall provide updated contact information any time there is a change in employment.

(6) Standards

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

(I) Any archaeological reports, histories, plans, reconnaissance reports, treatment plans, or final report that are accepted by the ARC with minor typographical, formatting, or content errors constitute a conditional approval for an archaeological clearance permit, and the document shall be returned with corrections to the Planning and Land Use Director within 45 days of the date of final

approval. Failure to fulfill this requirement shall result in refusal by the Planning and Land Use Director of any new application for an archaeological clearance permit until a corrected report has been submitted.

(II) Archaeological reports, histories, or plans that are not approved by the ARC and resubmitted to the Planning and Land Use Director without the necessary corrections to meet the conditions of the Archaeological Review Committee shall be rejected by the Planning and Land Use Director and no new application for an archaeological clearance permit shall be accepted by the Planning and Land Use Director until a corrected report has been accepted and an archaeological clearance permit has been approved by the ARC.

(III) Rejection of three or more reconnaissance reports, treatment plans, or final reports in a 12-month period may result in the ARC removing the archaeologist, historical archaeologist, or historian from the list of qualified archaeologists, historical archaeologists, and historians for 12 months; and

(IV) Failure to submit a final report within the one-year time limit, or any extension of time provided by the ARC as set forth in subsection 14-2.1(G)(1), *Archaeological Clearance Permit*, may result in the ARC removing the individual from the list of qualified archaeologists, historical archaeologists, and historians.

(b) The Planning and Land Use Director shall notify the following, in writing, of the actions taken pursuant to subsection 14-2.2(G)(6)(a)(I):

(I) The state historic preservation officer;

(II) The affected archaeologist, historical archaeologist, or historian; and

(III) The property owner; and

(IV) The applicant.

(c) The affected archaeologist, historical archaeologist, or historian may submit a written appeal to the ARC of the final actions taken by the Planning and Land Use Director in subsection 14-2.2(G)(6)(a)(I).

(d) Decisions of the ARC may be appealed to the Governing Body as set forth in subsection 14-2.1(H)(2), *Appeal*.

(e) An archaeologist, historical archaeologist, or historian who is removed from the City's list of qualified individuals may re-apply to the ARC for inclusion on the list after previous obligations have been met.

(H) Planning and Land Use Director

(1) Delegation of Authority

The Governing Body hereby delegates its authority, as set forth generally in Chapter 3, Articles 19 through 21 NMSA 1978, to the Planning and Land Use Director as provided in this subsection and throughout Chapter XIV, except those powers retained by the Governing Body or any land use board, by state law, City ordinance or the terms of this Chapter XIV.

(2) Powers and Duties

The Planning and Land Use Director has the review and decision-making responsibilities set forth in Table 2-1: Summary Table of Review Procedures, to be carried out in accordance with the terms of Chapter XIV. In addition, the Planning and Land Use Director shall:

(a) Administer and ensure compliance with Chapter XIV by:

- **(I)** Organizing the planning and land use department into divisions and delegating functions to those divisions, individual staff members, and other designees under the Planning and Land Use Director's authority;
- **(II)** Publishing and enforcing existing planning and land use department policies and setting, writing, and publishing new planning and land use department policies from time to time, and to inform the public of planning and land use department procedures and processes; and
- **(III)** Publishing and enforcing existing planning and land use department submittal requirements and setting, writing, and publishing new planning and land use department submittal requirements from time to time to assist the public in achieving application completeness.

(b) Administer and ensure compliance with the Santa Fe Homes Program, including:

- **(I)** Administer and enforce all planning and land use ordinances that apply to development requests subject to subsection 14-7.2, *Santa Fe Homes Program (SFHP)*;
- **(II)** Require, as part of the development review process, that the applicant prepare and submit a SFHP proposal to the Office of Affordable Housing to ensure compliance with the SFHP Ordinance;
- **(III)** Administer provisions for development incentives in the development review process as set forth in this subsection;
- **(IV)** Record the SFHP agreements with the respective subdivision plat or development plan at the county clerk's office; and

(V) Where applicable, invoke sanctions for noncompliance with SFHP agreements at the request of the City Manager.

(c) Render advisory opinions to any land use board or other administrative body.

(d) Interpret Chapter XIV pursuant to subsection 14-1.10, *Interpretations*.

(e) Determine the status of nonconformities pursuant to subsection 14-1.13, *Nonconformities*.

(f) Prepare and publish preliminary agendas for land use boards as provided in subsection 14-2.1(B), *Common Review Procedures*.

(g) Prepare notification materials for early neighborhood notification, land use boards and the Governing Body as provided in subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*,

(h) Provide administrative and advisory assistance to the land use boards, conduct site inspections, and carry out reviews.

(i) Take any steps necessary to enforce the provisions of Chapter XIV on behalf of the City, including filing suit for injunctive relief, criminal or civil enforcement and penalties or other remedies authorized by this code, including subsection 14-1.12, *Enforcement*.

(j) Take any other actions within the Planning and Land Use Director's power to carry out the provisions of Chapter XIV.

(3) Approval Authority

(a) Alternate Means of Compliance

The Planning and Land Use Director may allow alternate means of compliance with the requirements of Chapter XIV when:

(I) The proposed alternate means satisfy the intent of this Chapter XIV;

(II) The requirements include quantitative standards, and those quantitative standards are satisfied by the alternate means of compliance; and

(III) Site conditions, including the configuration of the lot, topography and existing vegetation make following the standards prescribed in this Chapter XIV impossible or impractical.

(b) Minor Modifications to Development Approvals

The Planning and Land Use Director may approve minor quantitative and qualitative modifications on an approved master plan, development plan, subdivision plat, conditional use approval, or other development approval, subject to the following:

(I) Written request by the applicant explaining the need for the modification;

(II) Written finding by the Planning and 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;

(III) The minor modification may not allow increased density or allow uses not otherwise shown on the approved plan or plat; and

(IV) The minor modification complies with all standards and requirements of Chapter XIV, except as otherwise allowed by this subsection.

(c) Administrative Deviations

The Planning and Land Use Director may approve minor dimensional deviations of 12 inches or less and minor quantitative deviations from the standards in Chapter XIV, including standards for the number of required off-street parking spaces, when it is impossible or impractical to fully comply with the standards. Approval of administrative deviation is subject to the following:

(I) Written request by the applicant explaining the need for the deviation;

(II) Written finding by the Planning and Land Use Director that the deviation will not result in any negative health or safety impacts on the community or negatively impact a neighboring property; and

(III) The administrative deviation is not being used to allow increased density or uses not otherwise permitted in the district.

(d) The Planning and Land Use Director also has the approval authority provided elsewhere in this Chapter XIV, including but not limited to the authority to review and approve administrative approval subdivisions pursuant to subsection 14-2.1(E)(6), *Administrative Approval Subdivisions*.

(I) Floodplain Administrator

(1) Authority

The Planning and Land Use Director shall designate a state-certified floodplain manager to be the Floodplain Administrator to administer the city's flood regulations. The Floodplain Administrator may delegate any assigned task as set forth in Chapter XIV to any staff member who is also a state-certified floodplain manager.

(2) Powers and Duties

(a) Administration

Duties and responsibilities of the Floodplain Administrator shall include the following:

(I) Administer and enforce subsection 14-8.3, *Flood Regulations*, and other appropriate subsections of 44 CFR Part 59 et. seq., National Flood Insurance

Program Regulations, pertaining to floodplain management;

(II) Establish a floodplain management program to meet the prerequisites for the sale of flood insurance as set forth in 44 CFR part 59.22;

(III) Maintain and hold open for public inspection all records pertaining to the provisions of this subsection and subsection 14-8.3, *Flood Regulations*;

(IV) Review and approve or deny applications for a permit, license, or certificate pertaining to the use of land or buildings in any special flood hazard area;

(V) Review all permit applications to determine whether proposed development will be reasonably safe from flooding and that public utilities and facilities are constructed to minimize flood damage;

(VI) Approve or deny all applications for development permits required by this subsection and subsection 14-8.3, *Flood Regulations*;

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

(VIII) Make the necessary interpretation where needed as to the exact location of the boundaries of the flood hazard area, for example, where there appears to be a conflict between a mapped boundary and actual field conditions;

(IX) In riverine situations, notify adjacent communities and the New Mexico office of the state engineer prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal

Emergency Management Agency (FEMA);

(X) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(XI) When base flood elevation data has not been provided in accordance with subsection 14-8.3(D), *Engineering Criteria*, obtain, review, and reasonably use any base flood elevation data and floodway data available from federal, state, or other sources in order to administer the provisions subsection 14-8.3(C), *Development in Special Flood Hazard Areas*;

(XII) When a regulatory floodway has not been designated, require that no new construction, substantial improvements or other development, including fill, be permitted within Zones A and AE on

the City's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation of the base flood more than one foot at any point within the City;

(XIII) Where base flood elevation data are utilized, obtain and maintain records of the lowest floor and flood proofing elevations for new and substantially improved construction;

(XIV) Maintain a record of all appeals; and

(XV) Report all waivers to FEMA upon request.

(b) Enforcement

(I) The Floodplain Administrator may make reasonable entry upon any lands and waters within the City's jurisdiction for the purpose of making any investigation, survey, removal, or repair contemplated by this subsection or subsection 14-8.3(C), *Development in Special Flood Hazard Areas*. An investigation of any obstruction shall be made by the Floodplain Administrator either on the Floodplain Administrator's own initiative or by the written request of any member of the public.

(II) Whenever it is necessary to make an inspection to enforce any of the provisions of this subsection or subsection 14-8.3, *Flood Regulations*, the Floodplain Administrator may enter such buildings or premises at a reasonable time to inspect the same or to perform any duty imposed upon the Floodplain Administrator by this subsection; provided that if such building or premises is occupied, the Floodplain Administrator shall first present proper identification and demand entry, and if such building or premises be unoccupied, the Floodplain Administrator shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry.

(III) The Floodplain Administrator or their designee shall carry identification indicating the Floodplain Administrator's authority and shall present such identification to the magistrate court or district court for the purpose of this subsection and to other persons when requested to do so during the performance of the Floodplain Administrator's duty.

(IV) The powers and duties of the Floodplain Administrator relative to obstructions in a special flood hazard area shall include the following:

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

(b) Removal or repair of an obstruction when, after investigation, an order has been issued to the property owner for its removal or repair and the order is not complied with within a reasonable time as may be prescribed by the City or the owner cannot be found or determined; provided that if the City causes the obstruction to be removed or repaired, the reasonable cost of the removal or repairs shall constitute a lien against the lot from which the obstruction was removed or on which it was repaired. The lien shall be foreclosed in the manner provided in Sections 3-36-1 through 3-36-7 NMSA 1978.

(J) Santa Fe Extraterritorial Land Use Authority

(1) Creation

The extraterritorial land use authority, also referred to as "ELUA", is created as provided in Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

(2) Membership

(a) ELUA shall consist of four county commissioners appointed by the board of county commissioners and three members of the Governing Body, or two members of the Governing Body and the Mayor, appointed by the Mayor with the approval of the Governing Body.

(b) The remaining member of the board of county commissioners shall be appointed as an alternate to the extraterritorial land use authority. The Mayor shall appoint alternates, with the approval of the Governing Body, from among the remaining members of the Governing Body. Alternates shall be notified prior to a meeting of ELUA if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges, and powers as other appointed members.

(c) The term of each member appointed by the City shall be for two years.

(3) Powers and Duties

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

(K) Santa Fe Extraterritorial Land Use Commission

(1) Creation

The extraterritorial land use commission, also referred to as "ELUC", is created as provided in Section 3-21-3.2 NMSA 1978 and pursuant to the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement.

(2) Membership

ELUC shall consist of five members of the county planning commission appointed by the board of county commissioners and five members of the City planning commission appointed by the mayor with approval of the governing body.

Alternates to ELUC shall be appointed by the board of county commissioners from the remaining members of the county planning commission and by the mayor with approval of the governing body from the remaining members of the City planning commission. Alternates shall be notified prior to a meeting of ELUC if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges, and powers as other appointed members.

(a) The term of each member appointed by the City shall be for two years.

(3) Powers and Duties

ELUC has the authority to carry out duties and make recommendations related to planning and platting jurisdiction, subdivisions, zoning, and annexations as provided for in 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 Extraterritorial Land Use Joint Powers Agreement.

Section 14-3 Zoning Districts

14-3.1 General Provisions

(A) Purpose of Dividing the City into Districts

(1) To achieve the purposes stated in subsection 14-1.3, the City is divided into zoning districts, each of which has distinct regulations for the development and use of structures and land.

(2) The zoning district regulations are made in accordance with the General Plan and are designed to:

- **(a)** Promote health, safety, and the general welfare;
- **(b)** Secure safety from fire, panic, and other dangers;
- **(c)** Provide adequate light and air;
- **(d)** Provide for a coordinated growth pattern;
- **(e)** Reduce ecological impacts and greenhouse gas emissions;
- **(f)** Provide for multimodal transportation options that improve safety and lessen congestion in the streets and public ways; and
- **(g)** Facilitate the adequate provision for transportation, water, sewerage, schools, parks, and other public services.

(3) The regulations and restrictions have been made with reasonable consideration for the character of each district and the unique suitability for different types of uses and with a view to encouraging the most appropriate use of land throughout Santa Fe, while conserving the value of buildings and land.

(B) Zoning Districts Established

Zoning districts are established as shown in Table 3-1: Zoning Districts Established. Zoning districts are established by the City's adoption of the Official Zoning Map pursuant to subsection 14-3.1(D).

Table 3-1: Zoning Districts Established

Abbreviation	District Name	Subsection
Residential		
RR	Rural Residential	0
R-1, R-2, R-3, R-4, R-5, R-6	Low-Density Residential	14-3.2(C)
R-7, R-8, R-9	Moderate-Density Residential	14-3.2(D)(1)
R7(I)	Single-Family Residential Infill	14-3.2(D)(2)
RC-5, RC-8	Residential Compound	14-3.2(E)
R-10, R-12, R-21, R-29	High-Density Residential	14-3.2(F)
MHP	Mobile Home Park	14-3.2(G)
Mixed-Use and Nonresidential		
RAC	Residential Arts and Crafts	14-3.3(A)
MU	Mixed-Use	14-3.3(B)
BCD	Business-Capitol	14-3.3(C)
C-1, C-2, C-4	Office and Related Commercial	14-3.3(D)
I-1 and I-2	Light and General Industrial	14-3.3(E)
Special Purpose		
BIP	Business and Industrial Park	14-3.4(A)
HZ	Hospital Zone	14-3.4(B)
POS	Parks and Open Space	14-3.4(C)
PRC and PRCC	Planned Residential Community and Planned Resort-Residential Community	14-3.4(D)
SC-1, SC-2, SC-3	Planned Shopping Center (Neighborhood, Community, Regional)	14-3.4(E)

(C) Compliance with District Regulations

Except as established in subsection 14-1.13, *Nonconformities*, no structure (temporary or permanent) or land shall be used or occupied, nor shall a structure or part of a structure be erected, constructed, reconstructed, moved, or structurally altered except in conformance with all regulations of the zoning district in which it is located, unless modified by additional standards of an applicable overlay district, or unless otherwise expressly exempted by this Code.

(D) Official Zoning Map

(1) Creation and Maintenance of Map

(a) The City is divided into zones or districts as shown on the Official Zoning Map, which, together with all explanatory matter on the map and as amended from time to time, is adopted by reference and declared to be a part of Chapter XIV.

(b) The Official Zoning Map shall be maintained in electronic form and depicted in various formats and scales as appropriate to the need. The Planning and Land Use Director is responsible for tracking and maintaining all changes to the map and shall be the final authority of reference as to the current zoning status of lands, buildings, and other structures in the city.

(c) Changes affecting the zoning district designation of any portion of land represented on the Official Zoning Map, including rezonings, annexations and the creation of new zoning districts, shall be made only as the result of action by the governing body related to the zoning change and shall follow the prescribed procedures for such action as set forth in Chapter XIV.

(d) The Planning and Land Use Director may make the following non-substantive changes to the Official Zoning Map at any time:

(I) Revisions of style, format, or layout to enhance clarity;
(II) Additions of explanatory text or labels;
(III) Spelling and grammatical corrections;
(IV) Corrections based on oversight or error and to identify official actions that are not reflected or are incorrectly reflected; and
(V) Any other changes affecting the appearance, style, color, or graphic presentation of the map.

(e) A revised Official Zoning Map, including the proposed non-substantive changes, shall be administratively approved by the Planning and Land Use Director in writing.

(2) Interpretation of Zoning District Boundaries

Where the boundaries of districts as shown on the Official Zoning Map are uncertain, the following rules shall apply.

(a) District boundaries indicated as approximately following center-lines of streets or alleys shall be construed as following those center-lines;

(b) District boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines;

(c) District boundaries indicated as approximately following city limits shall be construed as following City limits. If changes in the City limits remove territory from Santa Fe, district boundaries shall be construed as moving to conform with the City limits;

(d) District boundaries indicated as approximately following railroad lines shall be midway between the main tracks;

(e) 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;

(f) District boundaries indicated as approximately following parallel to or extensions of features indicated in subsections 14-3.1(D)(2)(a) through (e) 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.

(g) 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 subsection, the Governing Body shall interpret the district boundaries.

(3) Annexation

In the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified.

(E) Rezoning Procedure

Rezoning requirements set forth in this Section are in addition to the requirements set forth in subsection 14-2.1(D)(3), *Rezoning*, which apply to all rezonings.

(F) Overlay Districts

(1) Overlay zoning districts are listed in subsection 14-4.1(B), *Existing Overlay Districts*, and are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards shall apply.

(2) Where overlay districts apply in combination with base zoning districts, the standards of the overlay districts override the standards in the tables of this subsection. See City of Santa Fe Overlay Districts map.

(G) Organization of this Section

(1) Content

Subsections 14-3.2 through 14-3.4 of this Section follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district specific development standards.

(2) Graphics

For each base zoning district, this Section includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

14-3.2 Residential Districts

(A) General Standards

Residential districts are distinguished primarily by density.

(1) Range of Dwelling Types Allowed

Unless otherwise limited by this subsection or other provisions of Chapter XIV, a variety of dwelling types to serve a wide range of individual requirements is available throughout the residential districts, including single-family dwellings or multiple family dwellings, attached or detached dwelling units, site-built or manufactured dwelling units, conventional subdivision arrangements, zero lot line, cluster developments, or compounds, as long as they are in keeping with the overall character of the district and all other applicable requirements are met.

(2) Other Structures and Uses

Structures and uses other than residential dwelling units are permitted as described in Table 5-1: Summary Table of Allowed Uses.

(B) Rural Residential District

(1) Purpose

The Rural Residential (RR) district is intended to allow low-density residential development that respects the existing rural residential character and prevents urban densities.

Table 3-2: RR District Lot/Building Standards

Density and Lots [1]		
Density, max. gross (dwelling units/acre)		2 [2]
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic
Lot size, min. (public water and sewer)		**Single-family:** 4,000 sq ft (2,000 sq ft if common open space is provided) **Multi-unit:** As allowed by max. gross density
Lot coverage, max. [3]		40% [3]
Open space, min.		**Single-family:** None, unless lot averaging. See subsection 14-3.5(C)(3) **Multi-unit:** 250 sq ft common and/or private open space per unit
Setbacks, min. (ft)		
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)
B	Side	5
C	Rear	15
Height, max. (ft) [4]		
D	Residential	26
E	Nonresidential	38

NOTES

[1] See subsection 14-6.8: max. density and min. net lot area for inheritance or family transfer subdivisions.

[2] Three dwelling units per acre are permitted if common open space provided; 14-7.4(B)(1), *Common Open Space*.

[3] Lot area may decrease to 2,000 sq ft and lot coverage may increase to 50% if private open space is provided. See subsection 14-7.4(B)(2), *Private Open Space*.

[4] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure. Also see general height standards and exceptions in subsection 14-3.5(E), *Building Height*.

[5] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(2) Lot and Building Standards

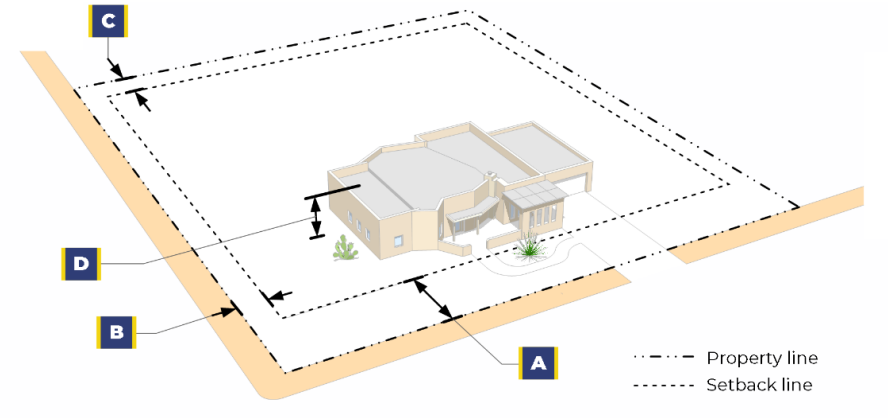


Figure 3.2-1: Rural Residential District

(C) Lower-Density Residential Districts

(1) Purpose

The lower-density residential districts (R-1 through R-6) are intended to accommodate residential development in areas that maintain low population densities.

Table 3-3: Lower-Density Residential Districts Lot/Building Standards

Zoning Districts		R-1	R-2	R-3	R-4	R-5	R-6
Density and Lots							
Density, max. gross (dwelling units per acre)[1][3]		1	2	3	4	5	6
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic					
Lot size, min. (public water and sewer)		**Single-family:** 4,000 sq ft (2,000 sq ft if common open space is provided) **Multi-unit:** As allowed by max. gross density					
Lot coverage, max.		40% (50% if private open space is provided per subsection 14-7.4(B)(2), *Private Open Space*)					
Open space, min.		**Single-family:** None, unless lot averaging. See subsection 14-3.5(C)(3). **Multi-unit:** 250 sq ft common and/or private open space per unit					
Setbacks, min. (ft)							
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)					
B	Side	5					
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less					
Height, max. (ft) [2]							
D	Residential	26					
E	Nonresidential	38					

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure

[3] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(2) Lot and Building Standards

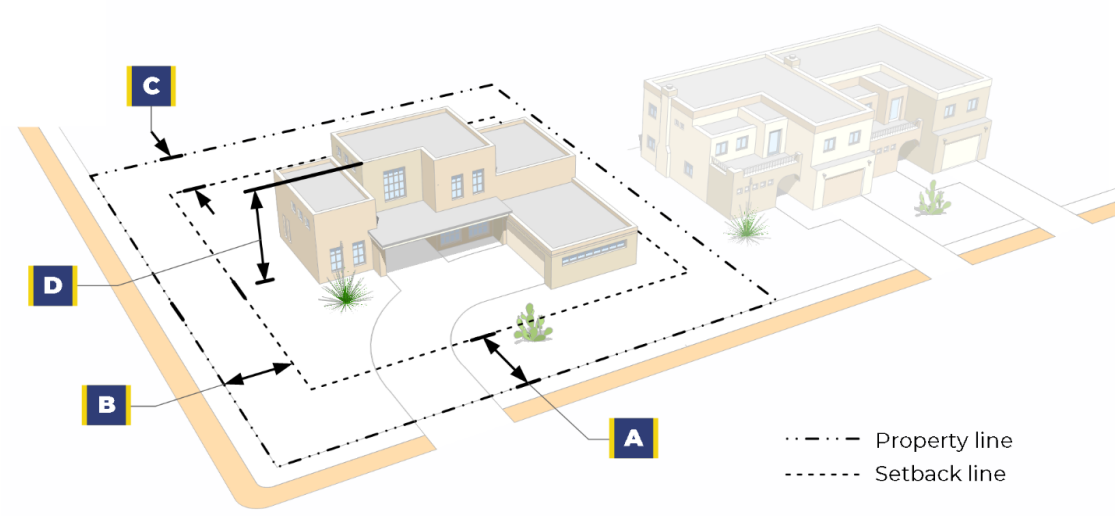


Figure 3.2-2: Lower-Density Residential Districts

(D) Moderate-Density Residential Districts

(1) Purpose: R-7, R-8, and R-9

The moderate-density residential districts (R-7, R-8, and R-9) are intended to allow higher-intensity residential development at a density that promotes greater affordability; and to encourage infill development on undeveloped or underdeveloped land to promote compact urban form and promote efficient use of public infrastructure and services.

(2) Purpose: R-7(I)

(a) The R-7(I) district is intended to encourage infill single-family residential development on undeveloped or underdeveloped land within or adjacent to established residential areas, consistent with the lot patterns and densities of those areas.

(b) Property is eligible for rezoning to R-7(I) if the property is less than five acres in size and located within or adjacent to an established residential area that is zoned R-4, R-5, or R-6 if all other applicable requirements are satisfied.

Table 3-4: Moderate-Density Residential Districts Lot/Building Standards				
Zoning Districts		**R-7, R-7(I)**	**R-8**	**R-9**
Density and Lots				
Density, max. gross (dwelling units per acre)[1][4]		7	8	9
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic		
Lot size, min. (public water and sewer)		**Single-family:** 4,000 sq ft (2,000 sq ft if common open space is provided) **Multi-unit:** As allowed by max. gross density		
Lot coverage, max.[2]		40% (55% if private open space is provided per subsection 14-7.4(B)(2), *Private Open Space*)		
Open space, min.		**Single-family:** None, unless lot averaging. See subsection 14-3.5(C)(3). **Multi-unit:** 250 sq ft common and/or private open space per unit		
Setbacks, min. (ft)				
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)		
B	Side	5		
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less		
Height, max. (ft)[3]				
D	Residential	26		
E	Nonresidential	38		

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Lot coverage may increase to 55% if private open space is provided, except in R-7(I), where the lot coverage may increase to 50%. subsection 14-7.4(B)(2), *Private Open Space*.

[3] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure.

[4] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(3) Lot and Building Standards

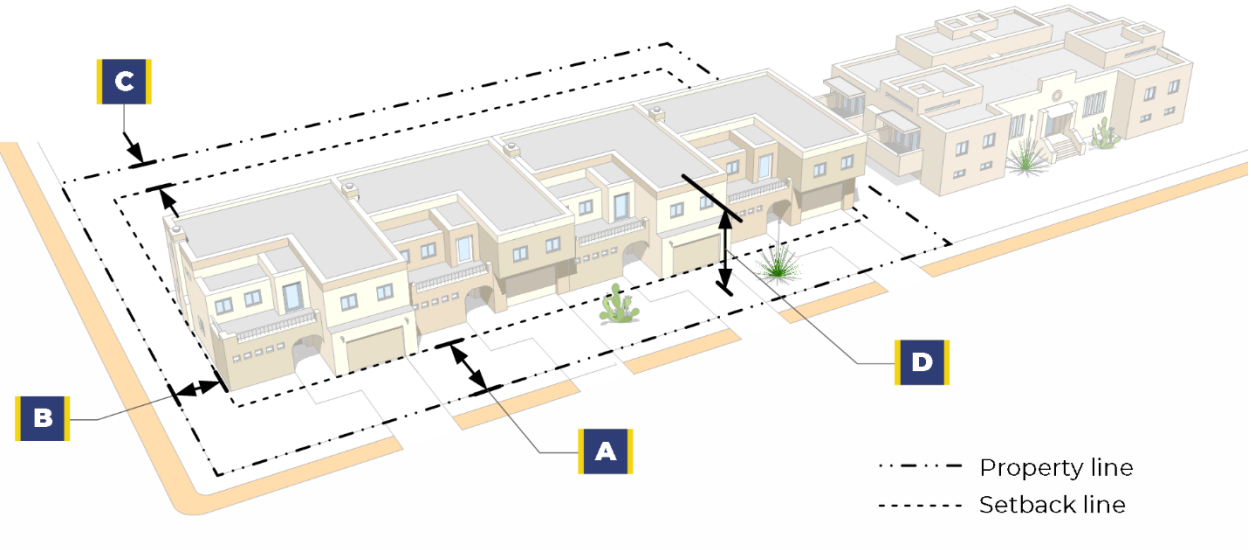


Figure 3.2-3: Moderate-Density Residential Districts

(E) Residential Compound Districts

(1) Purpose

The residential compound (RC-5 and RC-8) districts are intended to be medium-density residential areas allowing the development of more than one dwelling unit on a single lot, reflecting historic development patterns and in harmony with the existing character of the City's residential compound areas.

Table 3-5: Residential Compound Districts Lot and Building Standards

Zoning Districts		RC-5	RC-8
Density and Lots			
Density, max. gross (dwelling units per acre)[1][4]		7	8
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic	
Lot size, min. (public water and sewer)		**Single-family:** 4,000 sq ft	
Lot coverage, max.		40% (55% if private open space is provided per subsection 14-7.4(B)(2), *Private Open Space*)	
Open space, min.		**Single-family:** None, unless lot averaging. See subsection 14-3.5(C)(3). **Multi-unit:** 250 sq ft common and/or private open space per unit	
Setbacks, min. (ft)[2]			
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)	
B	Side	5	
C	Rear	15 ft (5 if a wall between 6-8 ft high is built)	
Height, max. (ft)			
D	Building Height	26[3]	

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] No portion of any story above ground-level story shall be closer than 15 ft from property line.

[3] 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.

[4] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(2) Lot and Building Standards

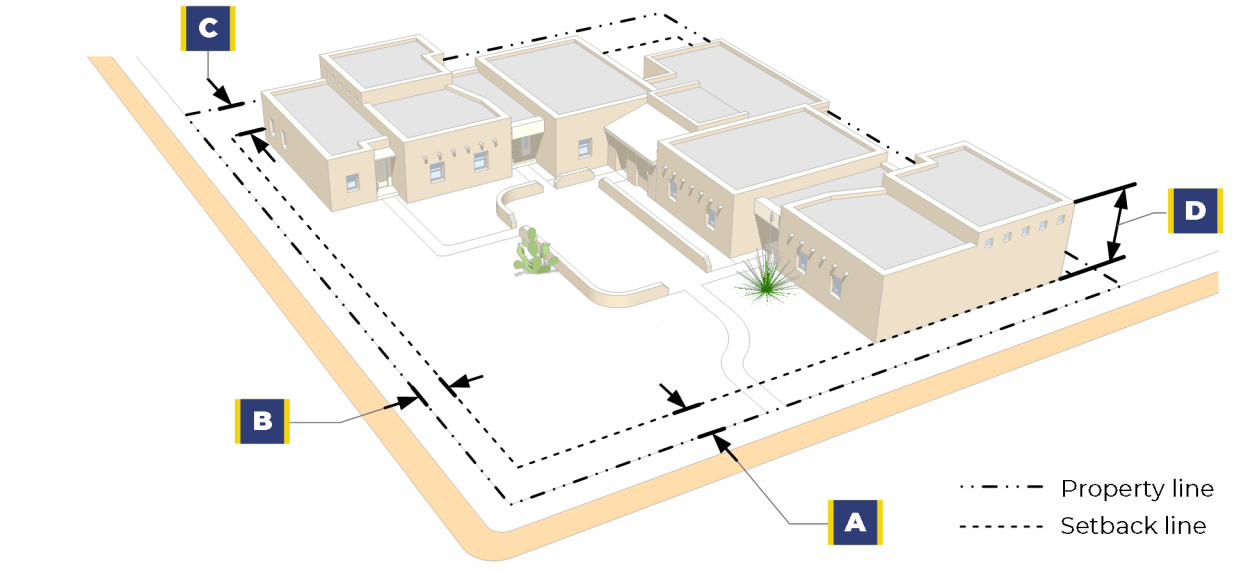


Figure 3.2-4: Residential Compound Districts

(F) High-Density Residential Districts

(1) Purpose

The high-density residential districts (R-10, R-12, R-21, and R-29) are intended to allow residential development at medium- and high-density levels.

Table 3-6: High-Density Residential Districts Lot/Building Standards

Zoning Districts		R-10	R-12	R-21	R-29
Density and Lots					
Density, max. gross (dwelling units per acre)[1][4]		10	12	21	29
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic			
Lot size, min. (public water and sewer)		**Single-family:** 3,000 sq ft **Multi-unit:** As allowed by max. gross density			
Lot coverage, max.		40% (55% if private open space is provided per subsection 14-7.4(B)(2), *Private Open Space*)			
Open space, min.		250 sq ft common and/or private open space per unit			
Setbacks, min. (ft)					
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)			
B	Side	5			
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less			
Height, max. (ft) [2]					
D	Residential	26	26	26 or 38[3]	26 or 38[3]

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] Within 10 ft of side or rear property line, no taller than 14 ft; within 15 ft of side or rear property line, no taller than 26 ft. Measurements are at finished grade at the closest point of the perimeter of the structure.

[3] A development plan or conditional use approval is required for the 38 ft height. See subsection 14-2.1, *Review and Approval Procedures*, for review and approval criteria.

[4] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(2) Lot and Building Standards

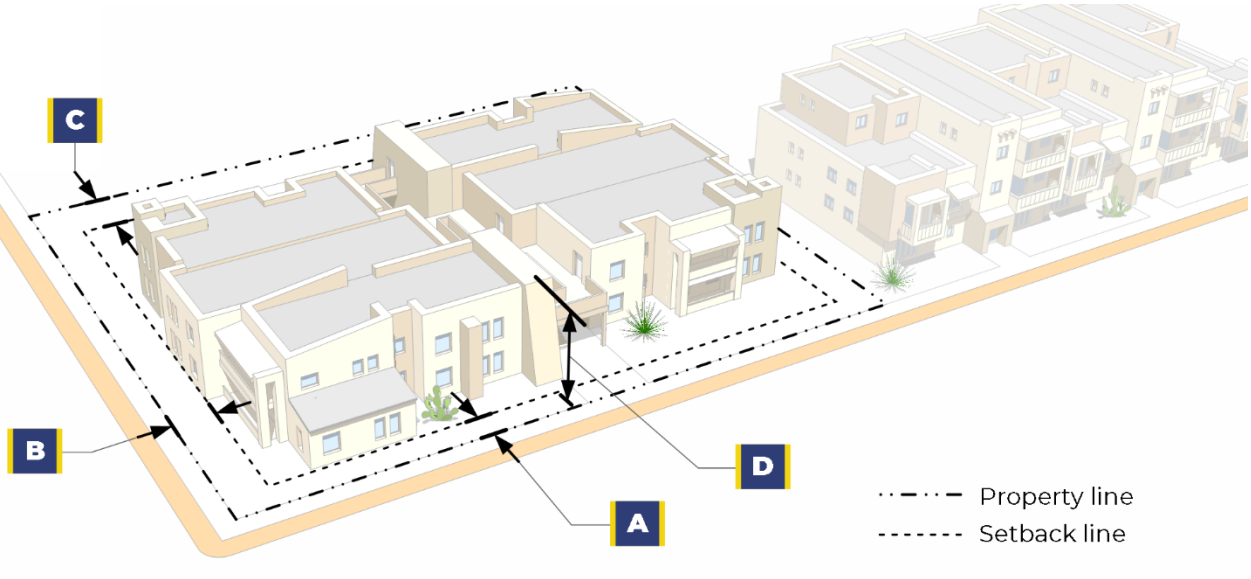


Figure 3.2-5: Higher-Density Residential Districts

(G) Mobile Home Park District

(1) Purpose

The mobile home park district (MHP) is intended for mobile home parks in existence prior to December 10, 2012 (effective date of Ordinance No. 2012-37), or for the development of residential subdivisions or attached multiple-family dwellings on parcels of no less than two acres.

(2) Lot and Building Standards

See subsection 14-5.3(C)(9), *Mobile Home, Temporary Placement*, for applicable standards.

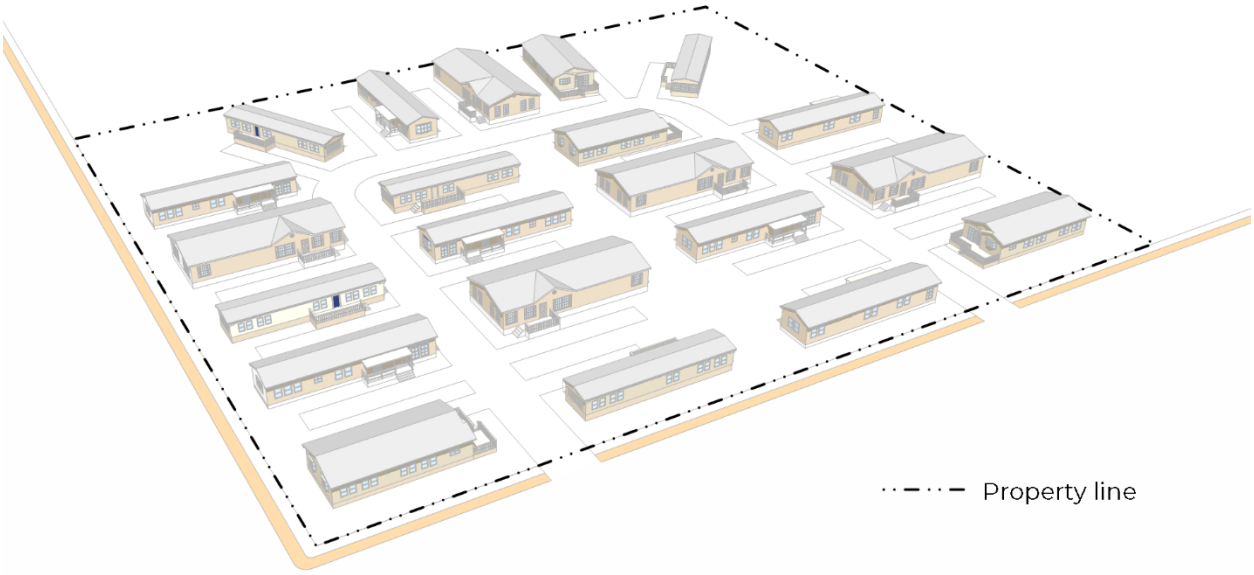


Figure 3.2-6: Mobile Home Park District

14-3.3 Mixed-Use and Nonresidential Districts

(A) Residential Arts and Crafts District

(1) Purpose

The residential arts and crafts district (RAC) is intended to serve and preserve the prevalent characteristics of certain limited areas of the city where residential uses are intermixed with small arts and crafts shops, studios, and galleries. The goods sold from these establishments are custom-produced in small quantities and often one-of-a-kind; or arts or crafts are taught to a small number of people at one time. This district is not intended to be applied to new areas that do not already possess these characteristics.

Table 3-7: Residential Arts & Crafts District Lot/Building Standards

Density and Lots		
Density, max. gross (dwelling units per acre)		10[1][2][3]
Lot size, min. (well/septic)		2.5 acres for well and septic; 1 acre for well or septic
Lot size, min. (public water and sewer)		**Single-family:** 3,000 sq ft **Multi-unit:** As allowed by max. gross density
Lot coverage, max.[2]		40% (55% if private open space is provided per subsection 14-7.4(B)(2), *Private Open Space*)
Open space, min.		**Single-family:** None, unless lot averaging. See subsection 14-3.5(C)(3). **Multi-unit:** 250 sq ft common and/or private open space per unit
Setbacks, min. (ft)		
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)
B	Side	5
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less
Height, max. (ft)[2]		
D	Residential	26
E	Nonresidential	38

NOTES

[1] Maximum density is limited to one dwelling unit per acre if public water or sewer is not provided.

[2] No taller than 14 ft within 10 ft of side or rear property line; no taller than 24 ft within 15 ft of a property line.

[5] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.

(2) Lot and Building Standards

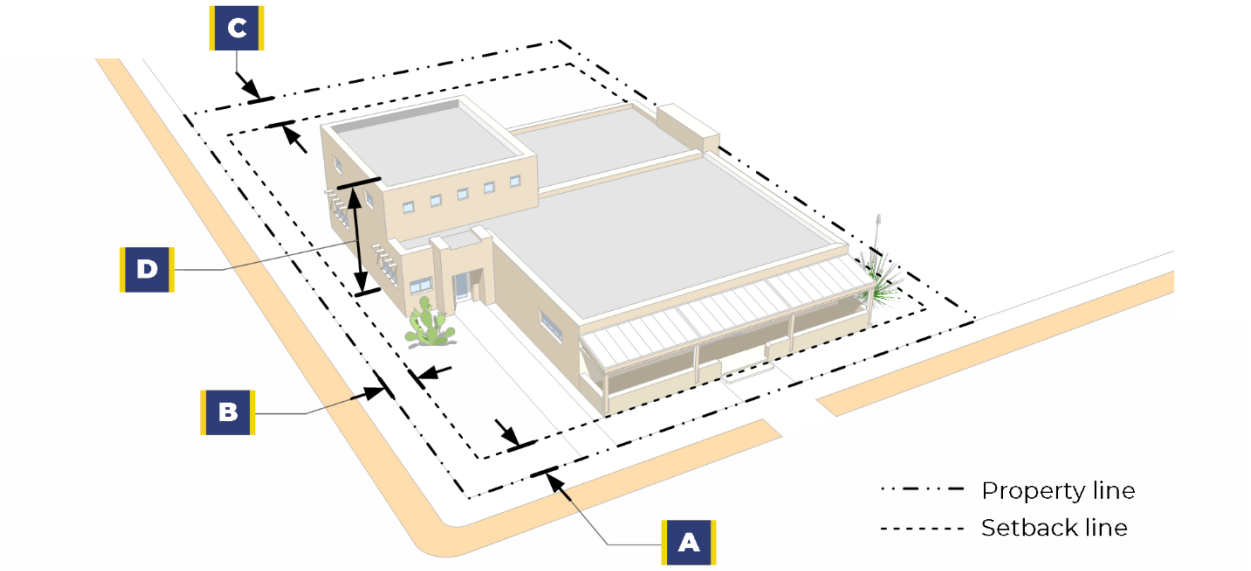


Figure 3.3-1: Residential Arts & Crafts District

(B) Mixed-Use District

(1) Purpose

The mixed-use district (MU) is intended to allow for development that contains a combination of office, commercial, and residential uses in the same building or on the same property. This district prioritizes compact development, walkability, good pedestrian connectivity, and pedestrian-scale urban design, with less emphasis on vehicle access and proximity to high-traffic vehicular routes.

Table 3-8: Mixed-Use District Lot/Building Standards[1]

		Adjacent Residential	Not Adjacent Residential
Lots			
	Lot size, min.	None	
	Lot coverage, max.	None	
Setbacks, min. (ft)			
A	Front	7[2]	None
B	Side	30	5[3]
C	Rear	30	10[3]
Height, max. (ft)[4]			
D	All structures	38	

NOTES

[1] Opens space standards apply. See subsection 14-7.4, *Open Space*.
[2] This setback applies if no street separates the MU and R districts.
[3] Right-of-way may be counted as part of setback.
[4] Adjacent to residential uses or residential zoning, all buildings and structures within 70 ft of the adjoining residential property line shall not exceed 26 ft in height.

(2) Lot and Building Standards

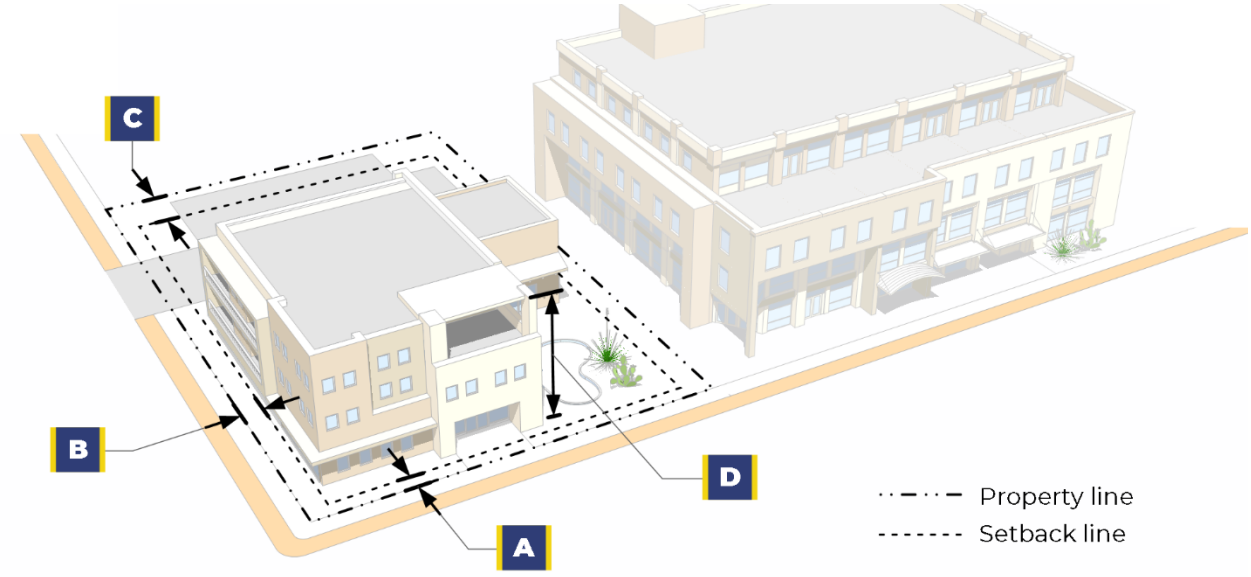


Figure 3.3-2: Mixed-Use District

(3) Additional Standards

(a) Architectural Step-Backs

Third floors shall have a step-back (balcony or roof area) of a minimum of five feet from all the building's façades at the ground level.

(b) Separation of Uses

Group living or household living uses shall be separated from the following uses on an adjoining site by a minimum distance of 50 feet from the shared property line:

(I) Any use with a drive-through, including but not limited to car washes, restaurants, and banks;
(II) Animal hospitals or clinics with outdoor overnight boarding;
(III) Day care facilities with more than 30 attendees;
(IV) Outdoor storage;
(V) Restaurants and bars operating between the hours of 10:00 p.m. and 7:00 a.m.;
(VI) Liquor stores;
(VII) Hotels and motels; and
(VIII) Any land use that the Planning Commission determines will produce environmental impacts, processes or products that are incompatible with residential uses, and that is noted on the approved master plan or development plan.

(c) Building Tenant Space

No single commercial tenant space shall exceed a total of 20,000 square feet.

(d) Residential Uses

(I) Residential uses shall consist of at least 40 percent of the development's total floor area if located adjacent to residentially zoned districts. If not, residential uses shall consist of at least 20 percent of the development's total floor area. The master plan, plat and development plan shall show this residential/commercial mix.

(II) Buildings of 26 feet or less in height shall not exceed a maximum of 12 dwelling units per acre. Buildings between 26 feet and up to 38 feet in height shall not exceed 14 dwelling units per acre.

(III) Each dwelling unit shall be provided with a minimum of 250 square feet of qualifying private or common open space. See subsection 14-7.4, *Open Space*.

(4) Rezoning Limitation

Application for rezoning to MU is not allowed for residentially zoned properties located in historic districts.

(C) Business-Capitol District

(1) Purpose

The business-capitol district (BCD) is intended for a mixture of both residential and nonresidential land uses, designed to promote economic well-being while preserving the unique architecture, townscape, and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community, and historical identity in the district and the city.

(2) Boundaries

(a) The BCD is comprised of townscape subdistricts and redevelopment subdistricts. The boundaries of the BCD and its subdistricts are defined on the Official Zoning Map.

(b) Changes to boundaries of the townscape subdistricts or redevelopment subdistricts, including designations of new townscape and redevelopment subdistricts, are considered rezonings and shall follow the procedure set forth in subsection 14-2.1(D)(3), *Rezoning*. Designations of new townscape subdistricts are considered Chapter XIV code text amendments and shall follow the procedure set forth in subsection 14-2.1(D)(2), *Code Text Amendment*, and in subsection 14-3.1(E), *Rezoning Procedure*.

(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 XIV.

(3) Standards for Entire District

(a) Baseline Land-Use Intensity

For the BCD in general, the baseline floor area to lot size 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 where the ceiling is 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 50 percent of all floor area in a residential use may be granted in conjunction with approval of a master plan, development plan, or conditional use approval, provided that no floor area ratio shall exceed 3.0:1. The additional floor area granted may be used for any permitted use;

(II) Floor area of parking structures above-grade counts 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;

(III) The final floor area ratio (FAR) of a project, including land-use intensity credits, shall be limited by infrastructure capacity and townscape standards, where applicable;

(IV) Calculation of the floor area to lot size ratio shall include existing structures on a legal lot of record where development is proposed.

(c) Drive-In or Drive-Through Facilities

(I) Drive-in or drive-through facilities are permitted as principal or accessory uses when traffic generated by the use will not substantially interfere with existing vehicular and pedestrian traffic. Drive-in and drive-through facilities and structures are allowed in the following subdistricts:

(a) Rosario Boulevard/Northwest Paseo de Peralta;

(b) Sandoval/Montezuma;

(c) 3. Cerrillos Road.

(II) Drive-in or drive-through facilities are prohibited in the other subdistricts of the BCD.

(4) Townscape Subdistricts

(a) Intent

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.

(b) Design Objectives for Individual Townscape Subdistricts

The best existing qualities of the individual townscape subdistricts should be preserved, while encouraging diversity of design in the individual townscape subdistricts. New development should be harmonious with the specific physical characteristics and development and design objectives listed in each district below.

(5) Alameda Street

(a) Design Objectives

(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) Lot and Building Standards

Table 3-9: Alameda Street Lot/Building Standards

Building Location		
Placement & Setback Requirements (9ft)		None
Lot Coverage, Max.		
Portion of block bounded by Cathedral Place, Alameda, Paseo de Peralta and Palace Avenue		67%
Rest of district		None
Design Standards		
A	Open Space Requirements	Lots fronting Alameda: equal to the front footage multiplied by 2.5 ft adjacent to front property line
B	Landscape Treatment in Yards	Required for lots fronting Alameda St[1]
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited in ROW on lots fronting Alameda
Height, max. (ft)		
E	Building	56[2]
F	Fence or Wall	6

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] One foot of horizontal stepback is required for every two ft of building height above 36 ft.

(6) Barrio de Analco

(a) Design Objectives

(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.

(b) Lot and Building Standards

Table 3-10: Barrio de Analco Lot/Building Standards

		East Portion	West Portion
Building Location			
	Placement & Setback Requirements (ft)	No restrictions	Buildings max. 7 ft from property line
Lot Coverage, Max.			
			67%
Design Standards			
A	Open Space Requirements	No requirements	
B	Landscape Treatment in Yards	See note[1]	
C	Placement of Off-Street Parking	Prohibited in required front yards	
D	Portals	Permitted in ROW w/ Governing body approval	
Height, max. (ft)			
E	Building	18	24
F	Fence or Wall	8	8

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

(7) Cerrillos Road

(a) Design Objectives

(I) Recognize this area as one undergoing renewal;

(II) Encourage the redevelopment of large parcels;

(III) Provide flexible and permissive standards to encourage redevelopment and imaginative design;

(IV) Develop this area as an entranceway to the downtown with consideration for safety due to high traffic volume;

(V) Discourage massive, block-shaped buildings; and

(VI) Encourage the concept of this area as a gateway to downtown Santa Fe.

(b) Lot and Building Standards

Table 3-11: Cerrillos Road Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		15 min. on Cerrillos; lots abutting a residential district other than the BCD shall meet the residential district setback requirement along the common property line
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	See note[1]
C	Placement of Off-Street Parking	No restrictions
D	Portals	Prohibited in ROW
Height, max. (ft)[2]		
E	Building	45[2]
F	Fence or Wall	No restrictions

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] One ft of horizontal stepback is required for every two ft of building height above 27 ft; wall stepbacks shall be a minimum of 10 horizontal ft.

(8) Don Gaspar

(a) Design Objective

Maintain the small scale and residential character and streetscape.

(b) Lot and Building Standards

Table 3-12: Don Gaspar Lot/Building Standards		
Building Location		
Placement & Setback Requirements (ft)		**Street:** 10 **Side:** 5 **Rear:** 15
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	No requirements
C	Placement of Off-Street Parking	Prohibited in required front yards
D	Portals	Prohibited in ROW
Height, max. (ft)[2]		
E	Building	24
F	Fence or Wall	No restrictions

(9) East Marcy/East Palace

(a) Design Objectives

(I) Maintain the continuity of block faces, including street trees and yards;

(II) Retain the residential scale of the area by limiting building heights and requiring yards;

(III) Encourage low walls that are compatible with the characteristic open yards; and

(IV) Encourage a sense of openness.

(b) Lot and Building Standards

Table 3-13: East Marcy/East Palace Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	**Street:** See note[1] **Side:** 5 **Rear:** 10
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	Min. 10% of the lot area located adjacent to the front property line to serve as yard or courtyard
B	Landscape Treatment in Yards	Required in yards and open space[2][3]
C	Placement of Off-Street Parking	Prohibited in required front yards
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	27
F	Fence or Wall	4

NOTES

[1] Ten-ft 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.

[2] Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip.

[3] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

(10) Loretto

(a) Design Objectives

(I) Encourage the continued redevelopment of this subdistrict; and

(II) Provide for architectural harmony within the subdistrict and with adjoining subdistricts.

(b) Lot and Building Standards

Table 3-14: Loretto Lot/Building Standards

Building Location		
Placement & Setback Requirements (ft)		No requirements
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	Lots fronting Alameda: area equal to the front footage multiplied by 2.5 feet adjacent to front property line
B	Landscape Treatment in Yards	See note[1]
C	Placement of Off-Street Parking	See note[2]
D	Portals	Lots fronting Alameda: Prohibited in ROW; elsewhere permitted w/ Governing Body approval
Height, max. (ft)		
E	Building	No portion of a building shall exceed 65 feet above a point at grade level at the center of the site[3]
F	Fence or Wall	Lots fronting Old Santa Fe Trail: not to exceed 7; elsewhere 8

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] No parking is permitted for a depth of 40 feet from the property line for the portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northernmost wall of Loretto chapel.

[3] One ft setback for every 2 ft of building height above 36 ft, measured from each abutting public street right-of-way line.

(11) Marcy

(a) Design Objectives

(I) Maintain street trees and stands of trees as dominant elements in 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.

(b) Lot and Building Standards

Table 3-15: Marcy Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	None[1]
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	Min. 10% of the lot area located adjacent to the front property line to serve as yard or courtyard
B	Landscape Treatment in Yards	Required in yards & open space.[2][3]
C	Placement of Off-Street Parking	Prohibited in front yard
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	42[4]
F	Fence or Wall	4

NOTES

[1] Along 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, the required front yard shall be equal to the average depth of existing front yards on the block.

[2] Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip.

[3] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[4] One foot of horizontal stepback is required for every one ft of building height above 24 ft; wall stepbacks shall be a minimum of 10 horizontal feet.

(12) McKenzie Street

(a) Design Objectives

(I) Maintain the residential scale;

(II) Maintain yards, with or without fences; and

(III) Maintain separation of individual structures.

(b) Lot and Building Standards

Table 3-16: McKenzie Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	**Street:** 10 **Side:** 5 **Rear:** 15
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	Required in yards & open space.[1][2]
C	Placement of Off-Street Parking	Prohibited in front yard
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	24
F	Fence or Wall	No restrictions

NOTES

[1] 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.

[2] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

(13) Old Santa Fe Trail

(a) Design Objectives

(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.

(b) Lot and Building Standards

Table 3-17: Old Santa Fe Trail Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	**Front:** 10
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	Required front yard
C	Placement of Off-Street Parking	Prohibited in front yard
D	Portals	Prohibited in ROW w/Governing body approval
Height, max. (ft)		
E	Building	24
F	Fence or Wall	5

(14) Plaza/San Francisco

(a) Design Objectives

(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 public right-of-way and provide continuity of street façade;

(V) Except for Plaza and Cathedral areas, confine landscaping to interior patios or walled courtyards; and

(VI) Emphasize verticality of façades on San Francisco Street.

(b) Lot and Building Standards

Table 3-18: Plaza/San Francisco McKenzie Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	No required yards[1]
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	No requirements
C	Placement of Off-Street Parking	Off-site or in rear yard, with access from rear
D	Portals	Prohibited in ROW w/ Governing body approval
Height, max. (ft)		
E	Building	36
F	Fence or Wall	In historic district, as specified in subsection 14-4.5D

NOTES

[1] 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 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 80% of the yard is paved and designated for public pedestrian use.

(15) Rosario Boulevard/NW Paseo de Peralta

(a) Design Objectives

(I) Recognize the area as one in the process of change;

(II) Facilitate the redevelopment of large parcels within single ownership;

(III) Provide flexible standards that encourage redevelopment and diversity of design;

(IV) Emphasize the strategic position of this area as a gateway into downtown Santa Fe; and

(V) Provide standards that minimize the impact or height and bulk of structures on the entryways to the downtown.

Lot and Building StandardsTable 3-19: Rosario Boulevard/NW Paseo de Peralta Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	North side of Paseo de Peralta: set back from sidewalk a min. of 20; residential district setback applies along common property line where lot abuts a residential district.
Lot Coverage, Max.		
		67%
Design Standards		
A	Open Space Requirements	No requirements[1]
B	Landscape Treatment in Yards	Required[2]
C	Placement of Off-Street Parking	No restrictions
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	36
F	Fence or Wall	No requirements[3]

NOTES

[1] Except to meet yard requirements.

[2] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[3] Except to meet landscape treatment requirements.

(16) Sandoval/Montezuma

(a) Design Objectives

(I) Recognize that the area is in transition;

(II) Encourage adaptive reuse of existing buildings on Guadalupe Street and existing bungalows on west Manhattan, Read, Garfield, Montezuma and Aztec Streets;

(III) Maintain and strengthen the continuity of the existing street façade on the east side of Guadalupe Street;

(IV) Encourage access from side streets;

(V) Discourage additional curb cuts on main streets; and

(VI) Encourage redevelopment of under-used property along Sandoval Street and Cerrillos Road.

(b) Lot and Building Standards

Table 3-20: Sandoval/Montezuma Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	Residential district setback applies along common property line where lot abuts a residential district.
Lot Coverage, Max.		
		67%
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	Required[1]
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited on lots fronting Guadalupe and Sandoval Streets, elsewhere permitted in ROW w/ Governing Body approval
Height, max. (ft)		
E	Building	36
F	Fence or Wall	No restrictions

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

(17) State Capitol

(a) Design Objectives

(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.

(b) Lot and Building Standards

Table 3-21: State Capitol Lot/Building Standards

Building Location		
	Placement & Setback Requirements (ft)	**Street:** Min. Setback must equal building height **Side:** 5 min.
Lot Coverage, Max.		
		50%
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	Required[1]
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	48
F	Fence or Wall	No walls allowed[2]

NOTES

[1] On-site parking must be separated from public sidewalks by a solid wall no less than 3 ft in height, or by a landscaped area no less than 4 ft 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 3 ft 6 in. Landscaping must be protected from vehicular damage by placement of physical barriers.

[2] Except for retaining walls, existing walls around parking lots, and walls or fences around delivery or trash areas.

(18) Westside

(a) Design Objective

Maintain the small scale and residential character and streetscape.

(b) Lot and Building Standards

Table 3-22: Westside Lot/Building Standards		
Building Location		
Placement & Setback Requirements (ft)		**Street:** 10 **Side:** 5 **Rear:** 15
Lot Coverage, Max.		
		N/A
Design Standards		
A	Open Space Requirements	No requirements
B	Landscape Treatment in Yards	No requirements
C	Placement of Off-Street Parking	No requirements
D	Portals	Prohibited in ROW
Height, max. (ft)		
E	Building	24
F	Fence or Wall	No restrictions

(19) 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) Property is eligible for rezoning to a redevelopment subdistrict if:

(a) 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

(b) The existing infrastructure has the capability to support or to be modified to support the allowed floor area ratio set forth in subsections 14-3.3(C)(19)(b)(II) and (III).

(II) The baseline floor-area ratio shall be 2.5 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 requires consideration and approval by the planning commission and governing body of a master plan or development plan for the property as provided

(IV) Rezoning to BCD-redevelopment subdistrict shall be reviewed and approved as described in subsection 14-2.1(D)(3), *Rezoning*.

(c) Rezoning Redevelopment Subdistrict to Townscape Subdistrict Property is eligible for rezoning from a redevelopment subdistrict to a townscape subdistrict provided that the following criteria are met:

(I) Development of the redevelopment subdistrict is substantially complete, which determination shall be made by the Governing Body;

(II) The property is located in or adjacent to the townscape subdistrict it will become part of if the rezoning is approved, and

(III) All other requirements of Chapter XIV are met.

(20) Standards for Redevelopment Subdistricts

(a) Land-Use Intensity

(I) Transfer of allowed floor area, including land use intensity credits, within a property or between contiguous properties with a single ownership and within a project is allowed; and

(II) Public benefit uses shall not count against the allowable floor area for a parcel.

(III) The maximum baseline floor area ratio permitted is 2.5:1 unless provided otherwise in the master plan or at the time of rezoning pursuant to subsection 14-3.3(C)(19)(b)(I)(b).

(b) Maximum Height of Buildings

The maximum building height permitted in a redevelopment subdistrict shall not exceed 65 feet; provided, however, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.

(c) Additional Standards

(I) Additional standards for redevelopment subdistricts are located in the subdistrict master plan.

(II) Development in a redevelopment subdistrict shall comply with the master plan.

(III) If no master plan has been approved for a portion of a redevelopment subdistrict, development must conform to the standards of the adjacent or nearest BCD subdistrict.

(D) Office and Commercial Districts

(1) Purpose: C-1

The C-1 office and related commercial district is intended for low-intensity commercial and professional uses such as government offices; professional and business offices; medical and dental offices or clinics; personal care facilities for the elderly; hospitals; research laboratories; pharmacies; and related complementary businesses that provide sales or service of office equipment and supplies, medical and dental supplies. This district serves as a transitional buffer between more intense commercial use districts and residential districts.

(2) Purpose: C-2

The C-2 district is intended for a wide range of medium-intensity commercial and professional uses such as lodging, offices, and retail, along with accompanying and accessory uses, generally at a larger scale than transitional commercial districts, and located along streets carrying large volumes of traffic because of the moderate amount of traffic volume the uses generate. Regulations are designed to guide future additions or changes that discourage extension of existing strip development and formation of future strip commercial development, to preserve the carrying capacity of the streets and to provide for off-street parking and loading.

(3) Purpose: C-4

The C-4 district is intended for limited office, retail, and arts and crafts uses that maintain the residential character of the areas where the district applies, and where the scale and intensity of nonresidential uses will not generate heavy vehicular traffic. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

(4) Boundaries

(a) Only property within a C-4 zoning eligibility area, as shown on the Official Zoning Map, shall be eligible for rezoning to C-4. Rezoning of individual parcels shall follow the procedures in subsection 14-2.1(D)(3), *Rezoning*.

(b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter XIV text amendment and shall comply with the procedures set forth in subsection 14-2.1(D)(2), Code *Text Amendment*.

(5) Lot and Building Standards

Table 3-23: Commercial Districts Lot/Building Standards

Zoning Districts		C-1[1]	C-2	C-4[2]
Density and Lots				
Density, residential max. (dwelling units/acre)		21[6]	N/A[3][6]	21[6]
Lot size, min.		3,000 sq ft	None	Same as adjacent residential development
Lot Coverage, max.				
Residential		40%	N/A	40%
Nonresidential		60%	60%	60%
Setbacks, min. (ft)				
A	Front	10	15	10
B	Side	5	0	5[5]
C	Rear	10	10[4]	10[4]
Height, max. (ft) [2]				
D	Residential	26	26	26[5]

NOTES

[1] Residential development in the C-1 district is subject to the standards of the R-21 district, except density.

[2] Maximum residential density and minimum residential open space requirements for a C-4 parcel are the same as permitted in the lowest-density contiguous residential district. If there is no contiguous residential district, requirements are the same as for the closest residential district. In no case shall the requirements be more restrictive than for the R-8 district.

[3] Density is determined as a result of maximum height, setbacks, lot coverage, and parking.

[4] When a rear yard abuts a residential district, the setback shall increase to no less than 25 ft or 20% percent of the depth of the lot, whichever is less.

[5] No taller than 14 ft within 10 ft of side or rear property line; no taller than 26 ft within 15 ft of a property line.
[6] Density bonuses may apply pursuant to the Santa Fe Homes Program, subsection 14-7.2.



Figure 3.3-3: Office and Commercial District

(E) Industrial Districts

(1) I-1 – Light Industrial Purpose

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.

(2) I-2 – General Industrial Purpose

The I-2 district is intended primarily for general manufacturing and closely related uses and allows limited commercial development. Regulations for this district prevent harmful impacts on adjacent districts through limitations on incompatible industries, while aiming to minimize burdensome regulations on general manufacturing. 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.

(3) Lot and Building Standards

Table 3-24: Industrial Districts Lot/Building Standards

Zoning Districts		I-1	I-2
Lots			
Lot size, min.		None	None
Lot coverage, max.		50%	60%
Setbacks, min. (ft)[2]			
A	Front	15	15
B	Side	0	5/10[2]
C	Rear	10[1]	10/25[2]
Height, max. (ft)			
D	Building Height	65	65

NOTES

[1] When a rear yard abuts a residential district, the setback shall increase to no less than 25 ft or 20% percent of the depth of the lot, whichever is less.

[2] The smaller setbacks apply when not abutting residential district; the larger setback applies when abutting residential district.

[3] Abutting a residential district, any part of a building taller than 38 ft in height shall be set back from each shared property line at least one foot for each two feet of additional building height above 38 ft.

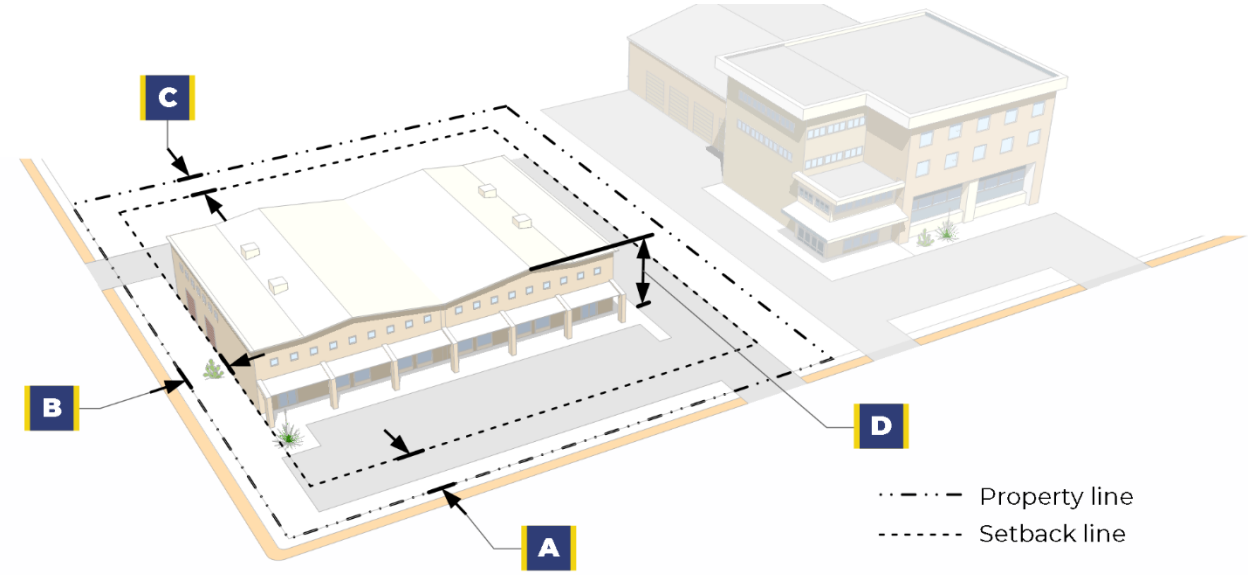


Figure 3.3-4: Industrial District

14-3.4 Special-Purpose Districts

(A) Business and Industrial Park

(1) Purpose

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. 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) Lot and Building Standards

Table 3-25: Business and Industrial Park Lot/Building Standards

Lots		
	Lot size, min.[1]	4 acres
	Lot coverage, max.	N/A
Setbacks, min. (ft)[2]		
A	Front	None
B	Side	None
C	Rear	None
Height, max. (ft)[3]		
E	All development	38

NOTES

[1] The four acres may be further divided into individual lots with Planning Commission approval of a master plan that encompasses the entire development.

[2] Adjacent to a residential use or zoning district, no building, parking lot, loading facility, or driveway shall be located less than 50 ft from the shared property line; however, the Planning Commission may allow setbacks to be reduced to 25 ft, depending on the proposed use and site development proposal, topography, proposed fences or walls, or dense landscape separation.

[3] No portion of any structure located within 25 ft of any residential zoning district or residential use shall exceed 26 ft in height, not including measurement of a parapet. Structures over 26 ft and up to 38 ft, exclusive of the parapet, shall be stepped back two horizontal ft for each vertical ft of additional height up to the maximum permitted

(3) Additional Standards for Property Formerly Zoned “Industrial Park”

Any property previously zoned industrial park with development plan or 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 subsection, the more lenient standard shall prevail.

(B) Hospital Zone District

(1) Purpose for Christus St. Vincent Hospital Zone District

The Christus St. Vincent HZ district is intended to accommodate medical and dental offices, pharmacies, and continuing care communities in proximity to Christus St. Vincent Hospital, while at the same time maintaining the character of the surrounding areas.

(2) Boundaries

Only properties within the area designated on the Official Zoning Map for Christus St. Vincent HZ rezoning eligibility shall be eligible for rezoning to HZ pursuant to the procedures in subsection 14-2.1(D)(3), *Rezoning*. Amendment to the eligibility area constitutes an amendment to the text of Chapter XIV and shall comply with the procedures in subsection 14-2.1(D)(2), Code *Text Amendment*.

(3) Purpose for Las Soleras Hospital Zone District

The Las Soleras HZ district is intended to accommodate a hospital and business and professional office uses in the Las Soleras Development.

(4) Boundaries

Property within the area defined in the Las Soleras HZ on the Official Zoning Map has already received the HZ zoning designation. It is not intended that this district be expanded.

(5) Lot and Building Standards

Table 3-26: Hospital Zone Lot/Building Standards

Lots			
Lot size, min.		½ acre	
Lot coverage, max.	Christus St. Vincent	30%	
	Las Soleras District	1.8:1	
Setbacks, min. (ft)			
A	Front	7 (20 for street-facing garage or carport enclosed on three sides)	
B	Side	5	
C	Rear	15 ft, or 20% of the average depth of the lot, whichever is less	
Height, max. (ft)			
E	Las Soleras	70	
	All other HZ Districts	38	

(C) Parks and Open Space District

(1) Purpose

The POS district is intended to accommodate new and existing public parks, trails, and open space areas, allowing for the preservation of natural and/or open space areas. This district allows public and quasi-public uses, active and passive recreation uses, and accessory or support facilities customarily associated with parkland and open space, including lodges, pavilions, parking, and restrooms.

(2) Lot and Building Standards

Table 3-27: Parks and Open Space Lot/Building Standards

Lots		
	Lot size, min.	None
	Lot coverage, max.	N/A
Setbacks, min. (ft)		
A	Front	None
B	Side	None
C	Rear	None
Height, max. (ft)		
E	All development	None

NOTES

[1] The four acres may be further divided into individual lots with Planning Commission approval of a master plan that encompasses the entire development.

[2] Adjacent to a residential use or zoning district, no building, parking lot, loading facility, or driveway shall be located less than 50 ft from the shared property line; however, the Planning Commission may allow setbacks to be reduced to 25 ft, depending on the proposed use and site development proposal, topography, proposed fences or walls, or dense landscape separation.

[3] No portion of any structure located within 25 ft of any residential zoning district or residential use shall exceed 26 ft in height, not including measurement of a parapet. Structures over 26 ft and up to 38 ft, exclusive of the parapet, shall be stepped back two horizontal ft for each vertical ft of additional height up to the maximum permitted

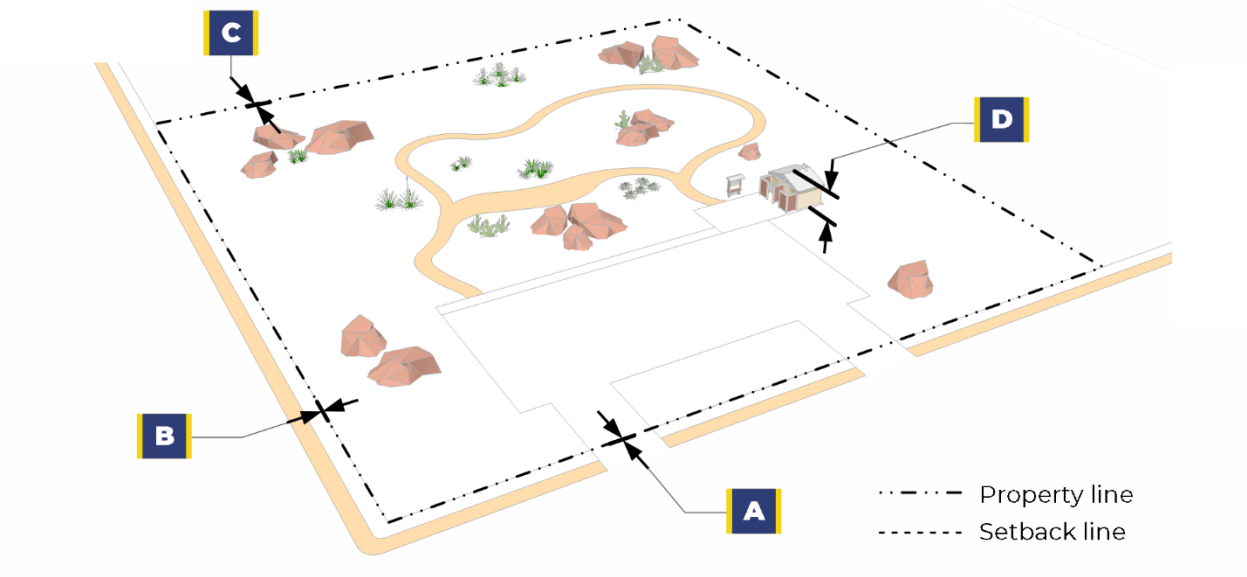


Figure 3.4-1: Parks and Open Space District

(D) Planned Community Districts

(1) PRC Purpose

The Planned Residential Community (PRC) district is intended for the comprehensive and coordinated planning of large-scale residential developments on a parcel of at least 160 acres that allows for a phasing of development that will take place over a long period of time. This district allows and encourages single family residences in conventionally platted subdivisions and clustered residential developments based on a design concept that applies innovative site-planning techniques; a mixture of residential densities intended to achieve a balanced community for all types of families; and neighborhood commercial uses of a type and intensity serving the residents of the PRC and the surrounding areas.

(2) PRRC Purpose

The Planned Resort-Residential Community (PRRC) district is intended for the comprehensive and coordinated planning of large-scale resort-residential developments on a parcel of at least 160 acres that allows 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.

(3) Dimensional Standards

In both the PRC and PRRC districts, development standards shall correspond to the approved master plan, as provided in subsection 14-2.1(F)(4)(e)(I), *Consistency with Master Plans and Preliminary Development Plans*, and subsection 14-2.1(F)(5)(c)(IV), *PRC and PRRC Master Plans*.

(E) Planned Shopping Center Districts

(1) Purpose

The planned shopping center districts (SC-1, SC-2, and SC-3) districts are intended to:

(a) Provide new neighborhood, community, and regional shopping centers. The SC1, 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) Allow accessory uses and structures that are compatible with the character of the district.

(2) Types of SC Districts

The three types of SC districts are distinguished by the scale of development, using trade area, market, and number and variety of retail establishments to determine the appropriate SC district, as follows:

(a) SC-1: Neighborhood Shopping Center District:

- **(I)** Radius of trade area is approximately one to one and one-half miles;
- **(II)** Minimum market is approximately 1,000 families; and
- **(III)** Composition of center is five to ten retail establishments, the major store is usually a supermarket or pharmacy; other retail establishments include those offering convenience goods and personal services, not including auto repair, gas stations, or residential uses; and
- **(IV)** There is a minimum site area of five to 15 acres.

(b) SC-2: Community Shopping Center District:

- **(I)** Radius of trade area is approximately four miles or more;
- **(II)** Minimum market is approximately five thousand families; and
- **(III)** Composition of center is ten or more retail establishments; the major retail establishment is usually a variety or department store, in addition to convenience goods and personal services as in SC-1. Other retail establishments may include gas stations, department stores, discount stores, furniture stores, and other stores and services that provide for the regular needs of families residing in the adjacent residential neighborhoods or in the larger community; and
- **(IV)** There is a minimum site area of ten to 40 acres.

(c) SC-3: Regional Shopping Center District:

- **(I)** Radius of trade area is approximately one hour drive by automobile;
- **(II)** Minimum market is approximately 150,000 people;
- **(III)** Composition of center is one or more department stores with 80,000100,000 square feet of gross leasable area each and retail establishments providing convenience goods and personal services; and
- **(IV)** There is a minimum site area of 40 acres or more.

(3) Rezoning Limitations

Property is eligible for rezoning to SC if the property has the following characteristics:

(a) An addition in depth to lands where frontage is already commercially-zoned;

(b) Already commercially-zoned and existing development, if any, can be brought into conformance with the SC district regulations; or

(c) Not already commercially-zoned in whole or in part and is not now served by appropriate and convenient shopping facilities;

(d) The shopping center will be convenient to and serve at least one residential area; and

(e) The tract proposed for shopping center development is of such size, shape and location as to enable well-organized development of the commercial facilities, with proper access to streets, ingress and egress, off-street parking and loading space and other requirements and amenities.

(4) Lot and Building Standards

Table 3-28: Shopping Center Districts Lot/Building Standards

Zoning Districts		SC-1	SC-2	SC-4
Lots				
Lot size, min. (acres)[1]		5	10	40
Lot coverage, max.		N/A	N/A	N/A
Setbacks, min. (ft)				
A	Front	Minimum requirements shall be the same as those in any adjoining zoning district.		
B	Side			
C	Rear			
Height, max. (ft)				
D		38	45	45

NOTES

[1] Within the minimum required acreage, lots may be combined to meet the minimum site requirements or subdivided smaller than the minimum site requirements; as long as shopping center ownership ensures 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.

14-3.5 Calculations, Measurements, and Exceptions

(A) General Requirements

(1) Applicability of Other Standards

In addition to the standards in this subsection, development may be subject to standards in other portions of Chapter XIV, including those in Section 14-1*General Provisions*, Section 14-5 *Use Regulations*, and Section 14-1

Development Standards.

(2) General Standard for Measurements

Measurement of the standards in Chapter XIV shall be made as accurately as possible with measurement methods and technology commonly used in the construction industry. Where measurements are subject to specific standards contained elsewhere in Chapter XIV or are adopted by state or other regulatory agencies, those standards shall be met.

(3) Responsibility for Compliance

Each person engaged in the development of property, and the owner of property that has been developed or that is under development, shall comply with the applicable standards of Chapter XIV and provide documentation of compliance to the lang use director as necessary to verify compliance.

(B) Density

(1) 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:

(a) Determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer; and

(b) Determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer; and

(c) Subtract the sum of the flood way acres calculated in subsection 14-3.5(B)(1)(b) from total site acreage established in subsection 14-3.5(B)(1)(a);

(d) Multiply the result of the calculation in provision III, remaining site acreage, by the applicable gross density factor of the zoning district;

(e) For any parcel that, in whole or in part, lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter XIV, and where 25 percent or more of the parcel has a natural slope greater than 20 percent, multiply the result calculated in subsection 14-3.5(B)(1)(d) by 0.75;

(f) The result is the allowable number of dwelling units for the site. If the result is other than a whole number, the number shall be rounded up to the nearest whole number except:

(I) If the calculation is for a family transfer subdivision as described in subsection 14-6.8, *Inheritance or Family Transfer Subdivisions*, any decimal of 0.5 or more may be rounded up if public water and sewer serve the site; or

(II) Calculations that result in other than a whole number may be rounded up for units that meet the requirements set forth in

subsection 14-7.2, *Santa Fe Homes Program (SFHP)*, and Chapter 26-1, Santa Fe Homes Program (SFHP) or if it a low-priced dwelling unit that meets the requirements in Chapter 26-2.3, Requirements for Low-Priced Dwelling Units;

(g) SFHP development incentives pursuant to subsections 14-7.2(E) and 14-7.2(F) may increase the number of dwelling units allowed on any site; however, once a development plan has been approved, in no case shall more dwelling units be constructed than are allowed by the approved development plan.

(h) The minimum net lot area requirement for single-family dwellings is established in subsection 14-3.5(C)(3), *Lot Area Minimums and Lot Area Averaging*; however, the number of dwelling units, and the number of lots occupied by single-family dwellings in a residential subdivision, shall not exceed the allowable number of dwelling units as calculated according to this subsection.

(i) The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision or lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other action authorized by Chapter XIV.

(C) Lots

(1) Lot Depth

The depth of a lot shall be 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.

(2) Lot Coverage

Lot coverage is the percentage of the total area of structures on the ground in relation to the total area of the lot. The following are excluded from calculation of lot coverage:

(a) The types and portions of structures listed in subsection 14-3.5(D), *Setbacks*;

(b) Eaves and similar roof projections within two feet of the wall of a building;

(c) For lots smaller than one acre, the minimum required net lot area for residential subdivisions excludes any portion of the lot devoted to public

and private streets and driveway easements such as lot access driveways and fire access roads; and

(d) For single-family residential subdivisions, portions of the lot devoted to common open space or other facilities intended to serve primarily the residents of other lots are also excluded.

(3) Lot Area Minimums and Lot Area Averaging

(a) The minimum lot area requirement for single-family dwellings is shown in subsections 0 through 14-3.2(F); however the lot area may be reduced to a minimum of 2,000 square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

(b) Minimum lot area for multi-unit residential projects shall comply with the applicable density requirement for the zoning district in which the development is located.

(D) Setbacks

(1) No structure shall occupy a required setback except as permitted in this subsection or elsewhere in Chapter XIV.

(2) The following structures are exempted and may be constructed within required setbacks if they comply with height and other applicable regulations in Chapter XIV and elsewhere in the Santa Fe City Code, including Chapters 7, Building and Housing, 12, Fire Prevention and Protection, and 23, Streets, Sidewalks and Public Places:

(a) Walls and fences;

(b) Decks, planters, driveways, walkways, stairways, uncovered porches, and similar structures less than 30 inches above grade;

(c) Swimming pools or other water features;

(d) Above-ground and underground facilities of public and private utilities to the extent provided in subsection 14-5.3(I)(2), *Underground Electric and Cable Utility Lines.*

(e) Above-ground and underground transformers, equipment enclosures or vaults and similar facilities of public or private utilities when located and screened as provided on an approved subdivision plat, development plan or as approved by the Planning and Land Use Director;

(f) Underground pipes, wires, and conduits such as service laterals that provide utility service to the property on which they are located or that interconnect permitted structures and equipment on the property;

(g) Above-ground wires such as service drops that are necessary to connect permitted structures to existing overhead utility distribution facilities; and

(h) Eaves or other roof projections may extend into required setbacks a distance of two feet or less.

(3) Where existing development does not comply with front setback requirements of the zoning district, new development may reduce the front setback to match the average existing front setback of adjacent properties within 150 feet.

(4) Setback requirements on corner lots are:

(a) One setback shall comply with the zoning district requirement for front setbacks;

(b) Other street setbacks shall not be less than seven feet; and

(c) The provisions of this subsection do not apply to the BCD.

(5) Setback Requirements

Subject to limitations set forth in Section 7-1, *Building Codes*; General Provisions, and approval by the Planning and Land Use Director, any required side and/or rear setback may be reduced with the concurrence of adjoining property owners, as shown on a recorded agreement, plat, or other recorded declaration signed by the adjoining property owners. The setback reduction shall be offset by providing a corresponding increase in the setback provided on the adjoining lot.

(E) Building Height

The general height limits contained in this Section do not apply to structures for which specific standards are provided elsewhere in Chapter XIV, including subsection 14-8.5, *Walls and Fences*. In addition to the maximum height limits and height calculation methods contained in this Section, structures may be subject to height limits and calculation methods in Section 14-4 *Overlay Districts*, or elsewhere in Chapter XIV. Unless there is a specific provision to the contrary, the most restrictive height limit is applied as provided in subsection 14-1.8, *Conflicting Provisions*.

(1) Measurement of Maximum Height

No part of a structure shall be higher than the most restrictive of the following calculations:

(a) The maximum height specified in the dimensional tables for each zoning district, as described in subsections 14-3.2 through 14-3.4, 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.

(2) Height of Building Attachments

Except as further restricted by subsection 14-4.6, *Historic Districts*, the height limitations set out in Chapter XIV may be exceeded for chimneys, antennas, ventilators, elevator housings, roof-mounted HVAC equipment, or other non-freestanding structures placed on and anchored to the roof of a building and not intended for human occupancy, by up to four feet for residential structures and eight feet for mixed-use and nonresidential structures.

(3) Telecommunication Facilities

When referring to a tower or other telecommunications structure, height is the distance measured from the finished grade to the highest point on the tower, antenna or other structure, including the base pad and any antenna.

(F) Other Dimensional Calculations

(1) Structure Perimeter

Structure perimeter is measured by the projected area of the structure on the ground, including all appurtenances such as eaves extending no more than two feet, bay windows, awnings, and cantilevered decks.

(2) 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 two-foot contour lines calculated as follows:

$$(H-L) \times 100/D$$

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.

(3) Building Frontage

As used in subsection 14-7.6, *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 the interior layout of the building, traffic on adjacent streets, or other indicators available.

(4) Floor Area Ratio

The gross floor area of all buildings on a lot, including covered parking structures but not roof deck parking, divided by the lot area; for example: 20,000 square feet of gross floor area on a 10,000 square foot lot is a floor area ratio of 2.0:1.

(G) Visibility Triangle Areas

The standards in this subsection are not intended to limit the authority of the Public Works Director, who may impose stricter requirements pursuant to the authority provided in Chapter 23, Streets, Sidewalks and Public Places, of the SFCC. Alternately, the Public Works Director may waive the standards of this subsection upon a determination that adequate visibility exists consistent with the standards adopted by the American Association of State Highway and Transportation Officials (AASHTO).

(1) Visibility Triangle 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 drivers' views of traffic shall be erected, placed or maintained within a triangular area on either side of the driveway as follows:

(a) For driveways serving nonresidential 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, obstructions between a height of three feet and six feet are prohibited within the required visibility triangles as determined by the more restrictive of:

(I) Measurements of five feet along the edge of the driveway and 15 feet along the street property line; and

(II) Measurements of 15 feet back from the nearest travel lane along the edge of the driveway and 30 feet along the travel lane.

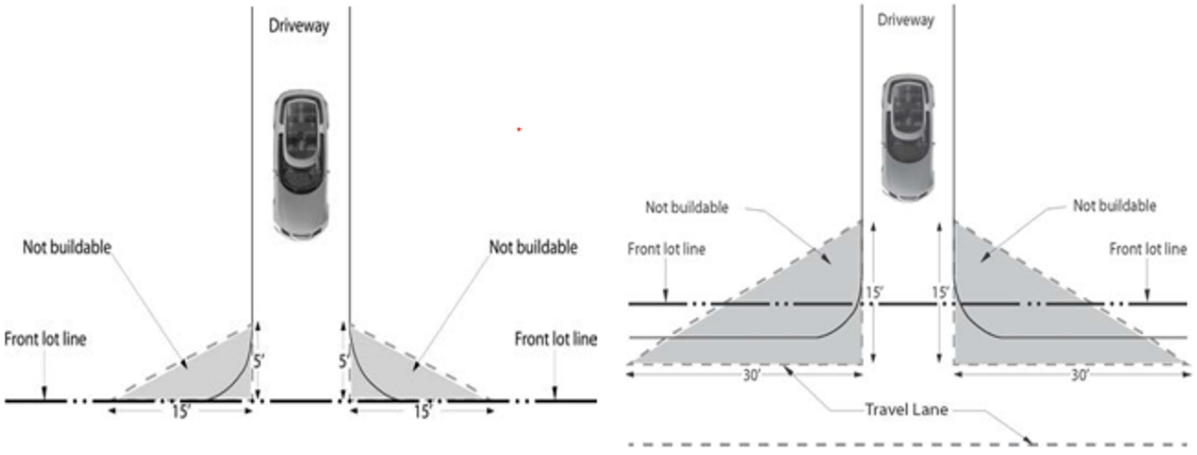


Figure 3.5-1: Visibility at Driveway Intersections

(2) Visibility Triangle at Intersections

On any corner lot, no fence, wall, hedge or other planting or structure that will obstruct drivers' views of traffic shall be erected, placed, or maintained within the triangular area as follows:

(a) For intersections on streets and roads classified as arterials and collectors, the required visibility triangles for each intersection are determined by the Public Works Director based on AASHTO standards.

(b) For 90-degree intersections on streets and roads classified as subcollectors or lanes, obstructions between a height of three feet and six feet are prohibited within the required visibility triangles formed by the right-of-way lines at points that are 25 feet from the intersection of the right-of-way lines. On any corner lot of other than ninety degrees or on corner lots with grade variations, the visibility requirement shall be adjusted by the Public Works Director based on AASHTO standards to ensure public safety.

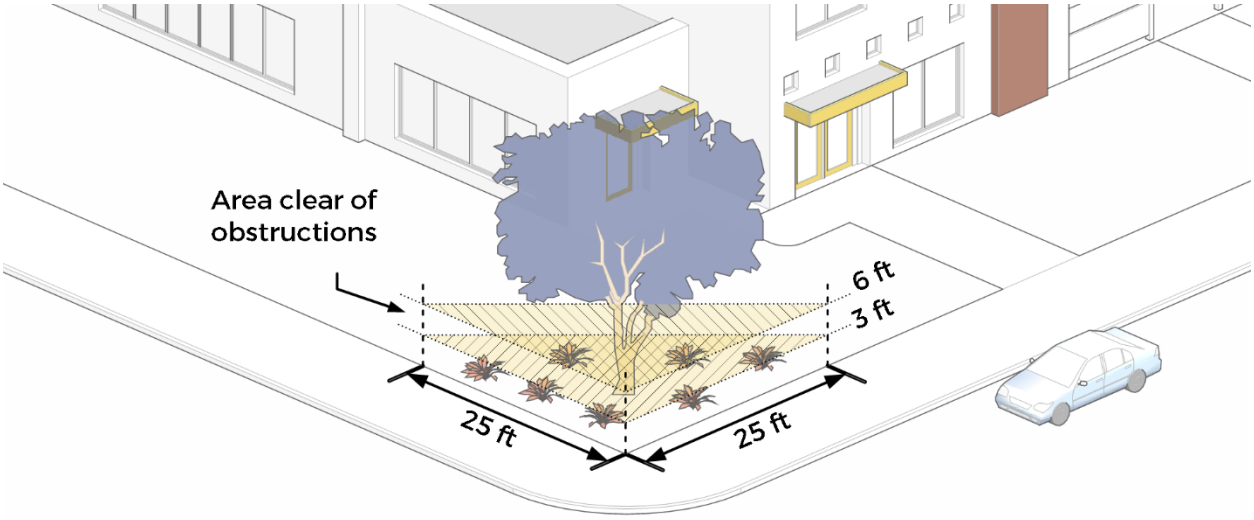


Figure 3.5-2: Visibility Triangle at Intersection

(3) Street Setback for Garage or Carport

(a) A garage or carport enclosed on three sides with a vehicle entry facing the street shall be set back at least 20 feet from the street property line as shown in Figure 3.5-3, except as provided in subsection 14-3.5(G)(3)(b). This subsection applies to public and private streets including lot access driveways, but does not apply to alleys.

(b) An unenclosed carport with a vehicle entry facing the street may be constructed in accordance with the minimum street yard requirements applicable to principal structures for the district within which it is located, provided that:

(I) The carport is set back at least seven feet from the street property line; and

(II) The carport is fully open on three or more sides and is constructed of materials and an architectural style that is the same as, or compatible with, the principal dwelling unit; and

(III) Use of the carport is restricted to temporary parking of currently registered, operable passenger automobiles, light trucks or motorcycles for the non-commercial use of the residents; and

(IV) Storage of any material other than personal motor vehicles is prohibited.

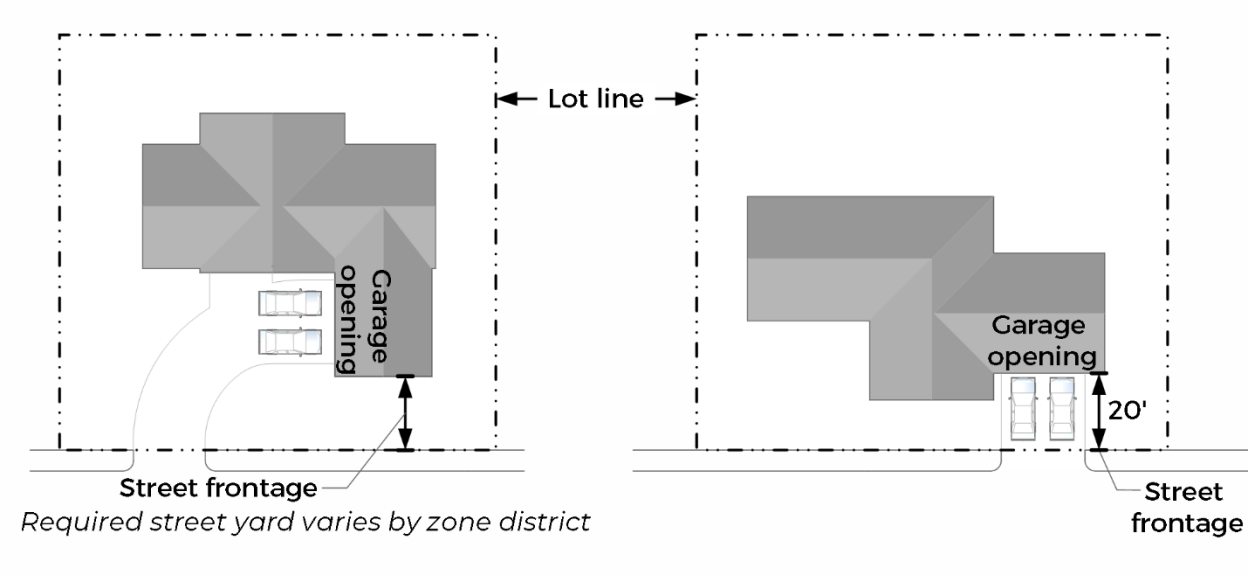


Figure 3.5-3: Street Setback for Garage or Carport

Section 14-4 Overlay Districts

14-4.1 General Provisions

The overlay zoning districts of this Section are intended to apply in combination with the underlying base zoning districts of Section 14-3 *Zoning Districts*, 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 shall control, as provided for in subsection 14-1.8, *Conflicting Provisions*.

(A) Creation of New Overlay Districts

(1) Historic Overlay District

A new historic overlay district may be created following the procedure described in subsection 14-2.1(G)(2), *Creating New Historic Overlay Districts*. Because the creation of a new overlay district is a rezoning, any such new historic overlay shall also be subject to the standards and requirements described in subsection 14-2.1(D)(3), *Rezoning*.

(2) Neighborhood Conservation Overlay District

(a) Purpose

This subsection is intended to provide a mechanism whereby residents of a neighborhood may seek to conserve the unique physical character of their neighborhood by collectively identifying the neighborhood's distinctive physical characteristics, which may include: streetscape, architectural features, lot coverage, setbacks, height, and some property uses. Establishment of neighborhood conservation overlay enables tailored regulations that preserve the attributes of the built environment that make the neighborhood distinctive and promote better harmony between existing structures and new development. The neighborhood conservation overlay shall not be used to resist minor changes in neighborhood character.

(b) Additional Overlay District Requirements

If a neighborhood conservation overlay district is contained within one or overlaps with another zoning overlay district, the most restrictive set of requirements shall prevail; however, one neighborhood conservation overlay district shall not be included within or overlap with the boundary of another neighborhood conservation overlay district.

(c) Nonconforming Structures and Uses

A structure or use located in a neighborhood conservation overlay district that does not meet the requirements for the applicable neighborhood conservation overlay district shall be considered legal nonconforming and shall comply with subsection 14-1.13, *Nonconformities*.

(d) Procedure for Creation of Neighborhood Conservation Overlay District

(I) Except as set forth in subsection 14-4.1(A)(2)(f), *Alternative for Creation of Neighborhood Conservation Overlay District*, prior to creating a neighborhood conservation overlay district, a neighborhood plan with an implementation policy recommending the creation of the neighborhood conservation overlay district shall be adopted as a General Plan amendment, as set forth in subsection 14-2.1(C), *General Plan Amendment*.

(II) The creation of a specific neighborhood conservation overlay district shall follow the procedures set forth in subsection 14-2.1(D)(3), *Rezoning*.

(III) After a neighborhood conservation overlay district is established, amendments to the overlay's boundaries or requirements shall follow the provisions outlined in this subsection.

(e) Neighborhood Conservation Overlay District Requirements

(I) 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 Planning and Land Use Director determines that the blocks are unusually long or short or that the neighborhood characteristics are significantly different within the blocks.

(II) A neighborhood conservation overlay district may regulate the following:

(a) Building design, including scale, massing, 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 the SFHP;

(d) Lot coverage;

(e) Setbacks;

(f) Building height; and

(g) Property use, except as set forth in subsection 14-4.1(A)(2)(e)(III).

(III) 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 subsection 14-5.3(C)(6), *Home Occupation*.

(d) Group or foster homes;
(e) Day care facilities;
(f) Public or private elementary or secondary schools;
(g) Religious institutions; or
(h) Other uses determined by the Planning and Land Use Director as necessary for the health and safety of the neighborhood.

(IV) Requirements shall be measurable, definitive and uniform and enforceable by the Planning and Land Use Director through the approval procedures set forth in Chapter XIV and the issuance of a construction permit.

(V) When a land use application for a property within the boundaries of a proposed neighborhood conservation district has been submitted prior to the date of adoption of a neighborhood conservation overlay district, the regulations of the neighborhood conservation overlay district shall not apply. If a subsequent but separate application for the same property is submitted after the date of adoption of the neighborhood conservation overlay district, the requirements of the overlay district shall apply.

(VI) It is not the intent of the neighborhood conservation overlay districts to enforce private covenants.

(f) Alternative for Creation of Neighborhood Conservation Overlay District

The procedures set forth in this subsection apply only when the Planning and Land Use Director has accepted the petition for the preparation of a neighborhood plan, but the city is unable to begin the process for the neighborhood plan within 60 days (see subsection 14-2.1(C)(5)(c)(VI)(d)). For the purpose of calculating the percentages required in this subsection, each parcel is entitled to a single vote no matter how many persons or entities might own the parcel.

(I) Petition

A neighborhood may petition the city to develop a neighborhood conservation overlay district. The petition shall contain a description of the proposed boundaries of the neighborhood conservation overlay district and the signatures of 51 percent of the property owners of record in that area. The city may request proof of ownership.

(II) Inventory

An inventory of characteristics that are proposed to be regulated within the proposed neighborhood conservation overlay district shall be completed by the neighborhood with assistance from city

staff. The characteristics may include some or all of those characteristics described in subsection 14-4.1(A)(2)(e)(II).

(III) Public Meetings

(a) Upon verification of the petition by the Planning and Land Use Director, department staff shall hold at least two public meetings at which the proposed neighborhood conservation overlay district boundaries and requirements shall be discussed and developed. The meetings shall be coordinated with city staff and held at a reasonable time and place to maximize public attendance.

(b) Notice for each public meeting shall follow the notice requirements for early neighborhood notification as set forth in subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*, and subsection 14-2.1(B)(4)(b), *Notice Requirements*. In addition to the postal notification, persons required to be notified of the public meetings may request an email notification from the city on the same day that postal notification is mailed for second or subsequent public meetings. In the event that the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addressees as if for the first scheduled meeting.

(IV) Neighborhood Ballot

(a) When the Planning and Land Use Director has determined that forty percent of the property owners of record within the proposed boundaries in attendance or represented by written proxy at the public meeting agree to the final proposed requirements governing the proposed neighborhood conservation overlay district, the Planning and Land Use Director shall mail a ballot by regular mail to all property owners of record within those boundaries. The ballot shall ask for a single affirmative or negative vote for the proposed requirements. The city shall include a stamped envelope addressed to the Planning and Land Use Director for returning ballots.

(b) If within 30 days of mailing the ballot, the city receives an affirmative vote of the proposed requirements by sixty-seven percent of the property owners within the proposed boundaries, the proposed neighborhood conservation overlay district requirements shall be deemed to be approved by the neighborhood. The Planning and Land Use Director may extend the 30 days for an additional 15 days due to unforeseen circumstances.

(c) If the proposed requirements are not voted on in the affirmative by 67 percent of the property owners, a like or similar petition shall not be submitted within 12 months from the date of verification by the city that the proposed neighborhood conservation overlay district has failed to receive the required affirmative vote.

(V) Rezoning Required

After the proposed neighborhood conservation overlay district requirements have been approved by the neighborhood, the procedure set forth in subsection 14-2.1(D)(3), *Rezoning*, with notice as set forth in subsection 14-2.1(B)(4)(b), *Notice Requirements*, shall be followed for a rezoning. After a neighborhood conservation overlay district is officially created, amendments to the boundaries or the requirements shall also follow the provisions outlined in this subsection.

(3) PUD – Planned Unit Development District

(a) Purpose

(I) This subsection 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.

(II) 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.

(III) It is further intended that PUD regulations in this subsection and throughout Chapter XIV 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

(I) An application for PUD rezoning shall be accompanied by a preliminary Development Plan and other related documents reasonably necessary to determine compliance with Chapter XIV as may be required by the Land Use Director.

(II) 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, conditional use approval, and prohibited uses within the PUD are the same as in the underlying zoning district.

(e) Standards

(I) 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 set forth in subsection 14-4.1(A)(3)(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.

(II) 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;

(III) Examples of the development, design and landscaping standards variable in the PUD include:

(a) Lot size;

(b) Housing type;

(c) Housing configuration;

(d) Yards / setbacks;

(e) Height;

(f) Lot coverage;

(g) Distance between buildings;

(h) Terrain management; and

(i) Mountainous and difficult terrain.

(IV) 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.

(B) Existing Overlay Districts

(1) The following overlay districts are created:

(a) Archaeological Review Districts;

(b) Arts and Crafts District;

(c) Escarpment Overlay District;

(d) Highway Corridor Protection Districts;

(e) Historic (H) Districts; and

(f) West Santa Fe River Corridor District.

(2) Any rezoning requirements set forth in this Section are in addition to the requirements set forth in subsection 14-2.1(D)(3), *Rezoning*, which apply to all rezonings.

14-4.2 Archeological Review Districts

(A) Purpose

To promote the economic, cultural, and general welfare of the people of Santa Fe, the Governing Body deems it essential that the qualities relating to the unique cultural traditions, prehistory and history of Santa Fe, which attract tourists and residents alike, be preserved by establishing three Archaeological Review districts. The purpose of these districts is to:

(1) Recognize the value of archaeological resources from all periods of history and prehistory, including prehistoric Native American settlements, Spanish colonization and settlement and settlement and development under Mexican and American governments;

(2) Provide the means for identifying archaeological sites by requiring surveys and test excavations, depending on the district, through the development review, demolition permit, and construction permit process;

(3) Provide the means by which archaeological sites may be evaluated for their potential contribution to cultural, educational, historic, economic and scientific concerns;

(4) Establish a procedure for treatment of archaeological resources on private and public land, thereby mitigating the information loss from the sometimes unavoidable destruction of archaeological resources and providing for the treatment of those resources that can be preserved; and

(5) Provide methods for the emergency treatment of archaeological resources found through unexpected discovery.

(B) Application to State and Its Agencies, Political Subdivisions, or Instrumentalities

Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978, *Historic Districts and Landmarks*, the provisions of this subsection apply to the state and its agencies, political subdivisions and instrumentalities, as well as to any other entity or activity in the Archaeological Review districts.

(C) Establishment of Districts and Boundaries

(1) Districts Established

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 trails, 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 the river and trails archaeological review districts.

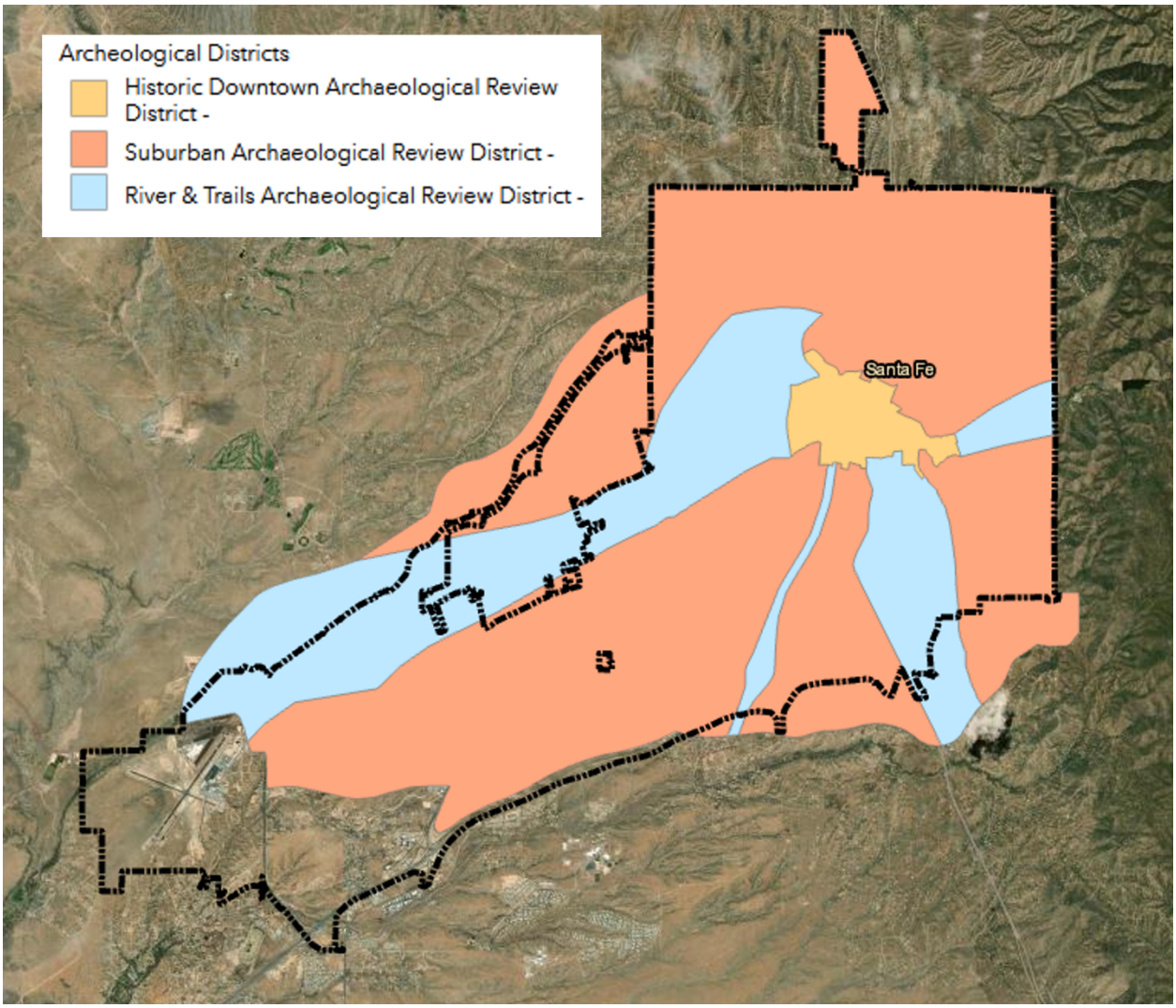


Figure 4.2-1: Archaeological Review Boundaries

(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 subsection 14-4.2(C)(2).

(D) Archaeological Clearance Permit Required

An archaeological clearance permit is required for certain types of development activity within the archaeological review districts, as described below.

(1) Historic Downtown Archaeological Review District

In this district, an archaeological clearance permit shall be required:

(a) Prior to issuance of a construction permit for projects with gross lot coverage of 2,500 square feet or more involving new construction, parking lots, and/or alterations.

(b) Prior to issuance of a grading permit for projects with 2,500 square feet or more in gross lot coverage.

(c) Prior to ground-disturbing work within 25 feet of a known archaeological site.

(d) For all City projects over 2,500 square feet in gross lot coverage.

(e) For alterations, if the ground is dug up, graded, or otherwise disturbed.

(f) No archaeological clearance permit is required for a demolition permit except when the request is for demolition of a structure that is more than 75 years old and part of a project requiring an archaeological clearance permit. In that situation, staff for the Archaeological Review Committee shall issue a report to the Historic Districts Review Board as set forth in subsection 14-2.1(G)(3), *Demolition of Historic or Landmark Structure*, stating whether demolition will damage possible archaeological artifacts. If the Board determines that damage may occur, then it may refer the case to the Archaeological Review Committee requesting that requirements for an archaeological clearance permit be met before a demolition permit is issued.

(2) River and Trails Archaeological Review District

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

(a) All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over two acres, or having any part lying within the area identified as the Santa Fe Trail.

(b) All City projects over two acres in size.

(c) All City park projects over one acre in size.

(3) Suburban Archaeological Review District

In this district, an archaeological clearance permit shall be required prior to approval of the final development plan or plat for the following projects:

(a) All annexations, rezonings, subdivisions, planned unit developments, or other development requiring approval by the Planning Commission, having over ten acres in size.

(b) All City projects over two acres in size.

(c) All City park projects over one acre in size.

(4) Utility Mains

An archaeological clearance permit is required for new construction of sewer mains or main lines of other utilities such as telephone lines, gas lines, and fiber optics, including the entire construction easement:

(a) With an extension of 50 feet or more if the main is in the historic downtown archaeological review district.

(b) With an extension of 550 feet or more if the main is in the river and trails review district.

(c) With an extension of 550 feet or more if the main is in suburban archaeological review district.

(5) Exemptions

No exemptions apply in locations and to projects where there is a known archeological site.

(a) Applicants who are requesting archaeological approval from federal agencies are exempted from requirements of the archaeological review districts ordinance, except that applicants must submit evidence to City staff of the application to the federal agency, along with the reconnaissance report and any other reports made to the federal agencies.

(b) On projects receiving federal funding, the Archeological Review Committee may not have an advisory role, depending on the terms of the funding.

(c) Applicants requesting a lot split subdivision are exempted from the requirement of archaeological review districts and for archaeological clearance permits.

(d) In the river and trails or suburban districts, inheritance and family transfer subdivisions are also exempt.

(e) Applicants whose land is in an area where archaeological reconnaissance, excavation, or other treatment has previously been completed and no archaeological resources were found, are exempt from the reconnaissance, excavation, or other treatment, upon submitting evidence of this prior work to City staff. An exemption from any one requirement for an archaeological clearance permit does not exempt the applicant from other requirements of the Archaeological Review Districts Ordinance.

(6) Environmental Assessments or Impact Statements

All environmental assessment or impact statements produced by or for the City for City projects shall include an archaeological element containing as a minimum, an archaeological reconnaissance as required for the archaeological review districts in which the project is located.

14-4.3 Arts and Crafts

(A) Purpose

The Arts and Crafts (AC) overlay district is intended to allow arts and crafts and other related commercial uses in eligible underlying base districts. Within this overlay district:

(1) Residential and limited office and retail commercial uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom produced in small quantities and are often one of a kind;

(2) Arts or crafts are taught to small numbers of people; or

(3) Small numbers of people are engaged in arts and crafts activities.

(B) Applicability

An AC district may overlay any residential base zoning district or any portion of a residential base zoning district.

(C) Uses

The allowed principal uses, accessory uses, and special exceptions of the AC district are the same as the underlying residential base zoning district with the addition of those uses specified in Table 4-1.

Table 4-1: Additional Permitted Uses in the AC Overlay

Category	Specific Use	Permission
Residential	Accessory building or structure	Accessory
	Children's play area and play equipment	Accessory
	Dwelling, live-work	Permitted
	Greenhouse or plant nursery, noncommercial (accessory)	Accessory
Public, Civic, Institutional	Religious, educational, or charitable institution	Conditional use approval required
	Medical or dental office or clinic	Conditional use approval required
Commercial	Art supply store	Permitted
	Arts and crafts studio, gallery, or school	Permitted
	Antique store	Permitted
	Bar, cocktail lounge, nightclub, with or without outdoor entertainment	Conditional use approval required
	Bookshop	Permitted
	Business or professional office (excluding medical or dental office)	Conditional use approval required
	Cabinet shop, custom	Permitted
	Dance studio	Permitted
	Florist shop	Permitted
	Photography studio	Permitted
	Private club or lodge	Conditional use approval required
	Restaurant, full service, with or without incidental alcohol service	Conditional use approval required
	Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area	Conditional use approval required
	Theater, live productions	Conditional use approval required
	Tailoring or alterations shop	Permitted

(D) Standards

The development and design standards within the AC district are the same as the underlying residential base zoning district; however, no more than 3,000 square feet of the gross floor area of any building may be used for nonresidential purposes.

14-4.4 Escarpment Overlay District

(A) Purpose

The escarpment overlay district is established in order to:

(1) Preserve the natural environment, aesthetic beauty, and the distinctive and historic ridgetop and foothills area environment as a visual asset for the benefit of the community by restricting development in these areas;

(2) Protect the mountain views and scenic vistas from the city by limiting development that is highly visible on or about the ridgetop areas of the foothills;

(3) Protect land that is environmentally sensitive due to the presence of steep slopes, erosion and drainage problems, and other environmental attributes;

(4) Reduce wildfire risk; and

(5) Encourage the conservation of water, especially for maintaining landscaping materials.

(B) Intent

To accomplish the purposes underlying the creation of the escarpment overlay district, this subsection:

(1) Identifies and delineates the ridgetop and foothills subdistricts;

(2) Prohibits development in the ridgetop subdistrict, other than driveway access and utility alignments, for lots created after February 26, 1992, as provided hereinafter;

(3) Regulates the permissible color, architectural style, size, and height of structures;

(4) Regulates the permissible artificial exterior lighting for structures, streets, and drives;

(5) Regulates the permissible locations for placement of all utilities and driveway access;

(6) Establishes criteria for landscaping, grading, and revegetation; and

(7) Regulates other matters as appropriate to preserve the environment and reduce the visual impact while allowing limited development within the escarpment overlay district.

(C) District Boundaries

The boundaries of the escarpment overlay district, as well as the boundaries of the ridgetop and foothills subdistricts and the location of the view line, are established and shown on the City's official escarpment overlay district map, available electronically.

(1) The Planning and Land Use Department in conjunction with the GIS division shall be responsible for tracking and maintaining all official changes to the map and shall be the final authority of reference as to the current status of lands, buildings, and other structures within the overlay and throughout the city.

(2) Except as set forth in subsection 14-4.4(C)(3), amendments to the escarpment overlay map shall be made by the Governing Body following the procedure

described in subsection 14-2.1(D)(3), *Rezoning.* The official escarpment overlay district map shall be updated within 30 days to reflect any such rezonings approved by the Governing Body.

(3) Non-substantive changes, as described in subsection 14-3.1(D)(1)(d), to the official escarpment overlay map may be made by the Planning and Land Use Department in conjunction with the GIS Division to change the appearance, style, color, or graphic presentation of the map. In addition, the Planning and Land Use Department and GIS may make corrections based on oversight or error, for the purpose of identifying official actions that are not reflected or are incorrectly reflected on the official escarpment overlay map. Such corrections shall be administratively approved in writing by the Planning and Land Use Director and the GIS Manager, unless the Director chooses to submit proposed non-substantive changes to the Governing Body for their advice and consent. Non-substantive changes submitted to the Governing Body for review do not require a public hearing, public notification, or action by the Planning Commission.

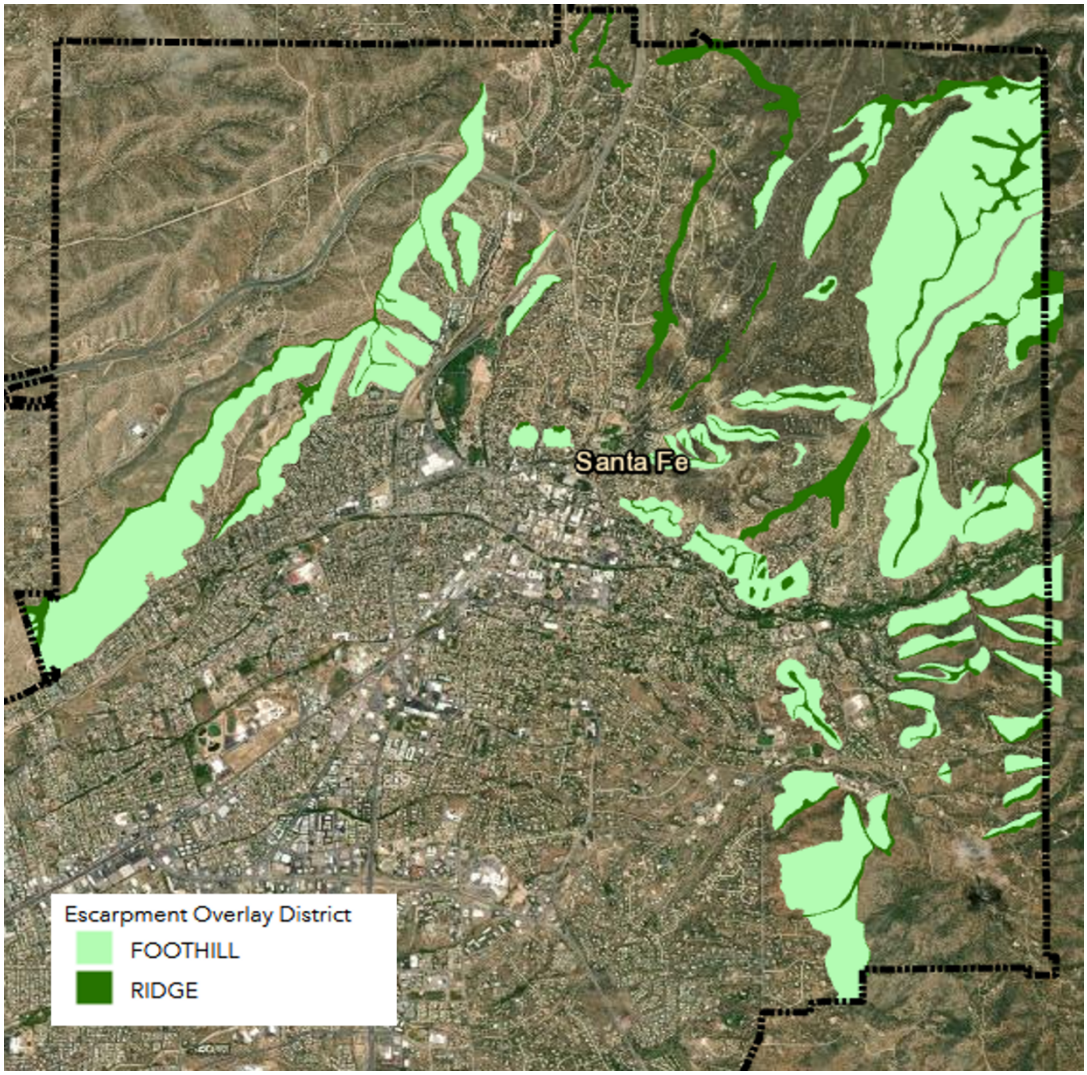


Figure 4.4-1: Escarpment Overlay District Boundaries

(D) Subdivision or Resubdivision of Land

(1) This subsection applies to lots subdivided or resubdivided after February 26, 1992.

(2) No land located in whole or in part in the escarpment overlay district shall be subdivided or resubdivided, nor shall a subdivision or resubdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot, located entirely outside the ridgetop subdistrict, and able to comply with terrain and stormwater management requirements as set forth in subsection 14-8.2, *Terrain and Stormwater Management*.

(3) The requirement for each lot to have a buildable site outside the ridgetop subdistrict may increase minimum lot size or decrease density beyond what is normally authorized by the underlying base zoning district for the parcel of land, thus serving to further limit the minimum lot size and allowable density.

(4) To minimize the impact of density reduction and minimum lot size restrictions caused by the preceding provisions 2 and 3 of this subsection, applicants are encouraged to consider development alternatives such as planned unit developments and cluster developments which site structures in the foothills subdistrict, or outside the escarpment overlay district.

(E) Location of Structures; Buildable Site

(1) For all lots subdivided or resubdivided on or before February 26, 1992, all structures shall be located within the foothills subdistrict unless the only buildable site is located withing the ridgetop subdistrict. For all lots subdivided or resubdivided after February 26, 1992, development in the ridgetop subdistrict, other than driveway access and utilities, is prohibited.

(2) All structures or parts of a structure shall be located inside the approved buildable site as shown on the approved plat. If no buildable site is indicated on the approved plat, the buildable site shall be approved by staff at time of construction permit. Modifications to the buildable site shown on the plat can be made by staff at time of construction permit. In all cases the buildable site shall comply with the following:

(a) Subsection 14-4.4(E)(1); and

(b) The definition of buildable site as set forth in subsection 14-9.3, *General Definitions*.

(3) Structures shall be sited as far from the viewline as possible unless staff approves an alternate siting meeting the following criteria:

(a) The alternate siting shall be located within the approved buildable site as set forth in subsection 14-4.4(E)(2).

(b) In no case shall a structure's alternate siting be permitted in the ridgetop subdistrict for a lot subdivided or resubdivided after February 26, 1992.

(c) For lots subdivided or resubdivided on or before February 26, 1992, with a buildable site in the foothills subdistrict, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. However, upon request of an applicant, staff may:

(I) Approve an alternate siting in the foothills subdistrict if such siting of the structure will decrease the visual impact beyond what would occur if the structure were sited in the foothills subdistrict as far from the viewline as possible; or

(II) Approve an alternate siting in the ridgetop subdistrict if such siting of the structure will decrease the visual impact beyond what would occur if the structure were to be sited in the foothills subdistrict as far from the viewline as possible.

(d) For a lot subdivided or resubdivided on or before February 26,1992, without a buildable site outside the ridgetop subdistrict, the alternate siting may be approved if such siting of the structure will decrease the visual impact of the structure beyond what would occur if the structure were to be sited as far from the viewline as possible.

(e) For lots subdivided or resubdivided after February 26, 1992, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. An alternate siting in the foothills subdistrict may be approved if such siting of the structure will decrease the visual impact beyond what would occur if the structure were to be sited as far from the viewline as possible.

(f) In determining the visual impact, staff shall consider the following, and as may be amended by the Governing Body:

(I) The public interest is protected and the modification does not nullify the intent or purpose of this chapter;

(II) Existing topography;

(III) Effect on existing vegetation;

(IV) Location of existing infrastructure;

(V) Proposed site improvements; and

(VI) Any other change that would protect the public interest, reduce the visual impact and further the objectives of this subsection.

(4) Siting of all structures within the escarpment overlay district shall be approved by City staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by City staff.

(a) A pre-application meeting with City staff is required for a construction permit, grading permit, driveway cut, or any other type of development, for any property that is located entirely or partially within the escarpment overlay district.

(b) The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site as defined in subsection 14-9.3, *General Definitions*. If the applicant is requesting an alternate location as set forth in subsection 14-4.4(E)(3), the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and applicable escarpment overlay district regulations will be reviewed.

(c) A construction permit application submittal form will be issued by City staff once all of the prerequisites for the escarpment overlay district construction permit application are reviewed. This form shall be attached to all sets of the building or grading permit submittal. Issuance of this form does not imply preapproval of the construction permit application.

(F) Architectural and Site Standards

(1) Applicability

New structures or extensions of existing structures shall be required to comply with all applicable provisions of this subsection.

(2) Permitted Colors

(a) All structures shall be the browns and tans of local earth tones, or darker, within 50 feet of the area immediately adjacent to the proposed structures, as approved by the Planning and Land Use Department.

(b) Stone surfaces shall be left in their natural state.

(c) In no case shall the structures be cream or white except as specifically authorized herein. Entries, portals, and trim may be emphasized by the use of white, off-white, yeso, or other similar accent colors.

(d) Structures painted or stuccoed with bold repetitive patterns or structures used as signs are prohibited.

(3) Roof Style

(a) Only clerestories and flat roofs shall be permitted, except that shed roofs are allowed for portals.

(b) Metal roofs shall be a non-reflective, non-glossy material, of a muted color that matches or is darker than the surrounding earth tones, or vegetation colors on the site, as approved by the Planning and Land Use Department.

(c) Red, yellow, blue, white, black, purple, orange, and related colors are prohibited for roofs.

(d) All exterior window treatments exclusive of window trim are subject to the same color limitations as stated above for roof colors. All exterior glazing shall be non-mirrored with a reflectance of less than 40 percent.

(4) Maximum Height

(a) Ridgetop Subdistrict

(I) No point on the perimeter of any structure shall exceed a maximum height of 14 feet.

(II) This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.

(III) The highest point on the structure includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof.

(IV) Adding fill dirt to the natural grade in order to increase the height of the ridgetop is prohibited.

(b) Foothills Subdistrict

The maximum height of any structure shall be determined by the following calculations:

(I) The highest point on the structure shall not exceed a maximum height of 14 feet above the highest natural grade at the perimeter of the structure.

(II) The highest point on the structure shall not exceed a maximum height of 20 feet above each adjacent point of measurement along the structure perimeter. This measurement shall be from the undisturbed natural grade of the land at the perimeter, or from the finished grade at the perimeter, whichever is more restrictive in height.

(III) The highest point on the structure includes the top of parapets and clerestories, except that chimneys may exceed the maximum height by not more than three feet above the immediately adjacent roof. See Figure 4.4-2: *Maximum Chimney Height*.

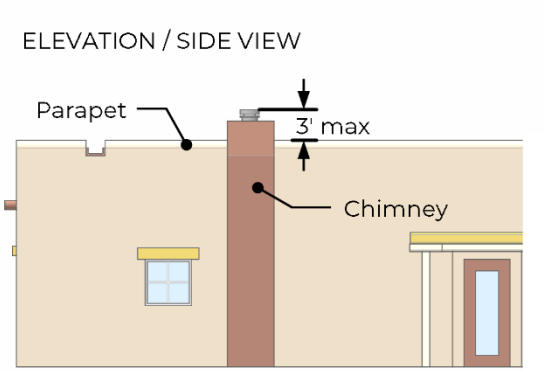


Figure 4.4-2: Maximum Chimney Height

(IV) Adding fill dirt to the natural grade in order to increase the height is prohibited.

(V) A stepped roofline is permitted, provided the highest point of the structure complies with provision a. and extends only as far horizontally as provision b allows to the most restrictive measurement point and the remaining stepped construction is contained within a 20-foot-high tilted diagonal plane from this point to the lowest restrictive point at the bottom of the structure. No interior portion of the structure may exceed the 20-foot maximum allowable height set by the tilted plane. Graphic simulations demonstrating compliance may be requested by staff.

(VI) No façade shall be more than 50 feet in length in a single plane. A façade with an offset of less than four feet in depth is defined to be a single plane.

(5) Cantilevers

(a) Cantilevers greater than three horizontal feet in depth, including cantilevered decks, are prohibited.

(b) Decks greater than three horizontal feet in depth and more than five feet above grade, whether cantilevered or supported, are prohibited.

(c) Decks over roofs of structures and their flat portals are permitted provided that the decks do not exceed the maximum height limit set forth in subsections 14-4.4(F)(4)(a) and 14-4.4(F)(4)(b).

(6) Exterior Lighting

(a) Exterior lighting shall not directly illuminate landscaping or the surfaces of structures.

(b) The maximum allowed height for any indirect exterior lighting shall be three feet or less, and shall be downlit.

(c) The above provisions do not apply to entries, garages, and portals.

(7) Maximum Allowed Site Disturbance

(a) The maximum disturbance area by all dwellings, accessory buildings, structures, graded land, and the placement of any impervious surfaces shall not exceed 40 percent of the gross area of the lot.

(b) Landscaping that does not require grading and stormwater retention or water harvesting areas, whether graded or not, shall not be included as a disturbed area.

(8) Site Plan and Drawings Required

Drawings shall be submitted of all exterior elevations of all structures showing building materials, colors, length, and heights; a minimum of two cross sections from the highest point of natural grade or finished grade, whichever is more restrictive, showing how the existing and proposed contours relate to the

building and the plans required pursuant to subsection 14-4.4(I); a site plan; and a floor plan, all showing compliance with the standards of this subsection. All floor plans, elevations, and cross-section shall be drawn to a minimum scale of 1/8th inch equals one foot.

(G) Landscaping

(1) Landscaping in the escarpment overlay district shall be required to comply with all provisions of this subsection, in addition to all applicable requirements as set forth subsection 14-8.4, *Landscape and Site Design*.

(2) Landscape and irrigation plans shall be submitted by the applicant showing compliance with the provisions of this subsection. When planting is proposed within a public road right-of-way, landscape and irrigation plans shall be stamped by a licensed landscape architect or architect. The landscaping and irrigation plan shall meet the standards set forth in subsection 14-8.4, *Landscape and Site Design*. If the applicant requested an alternate buildable site as set forth in subsection 14-4.4(E) and the alternate site was approved based upon existing vegetation, the landscape and irrigation plan shall include such vegetation.

(3) Except as set forth in subsection 14-4.4(G)(4), all cut and fill slopes and retaining walls more than four feet high and with a backfill and/or retained slope of 3:1 or steeper shall have screening vegetation planted and maintained at the base of the slope. Those with a grade less steep than 3:1 shall have screening vegetation planted and maintained on the face of the entire cut or fill slope as follows:

(a) Screening vegetation shall be planted and maintained in addition to revegetation materials required in subsection 14-8.2(H)(2), *For All Other Development,* shall be selected from a City-approved list of appropriate tree species.

(b) No vegetation is required for exposed rock surfaces in the naturally occurring location.

(c) All evergreen trees shall be a minimum of six feet high at the time of planting. Deciduous trees shall be a minimum two-inch caliper at the time of planting and shall be tall enough so that the foliage provides the desired screening effect at the time of planting.

(d) All vegetation shall be planted and maintained at a density commensurate with the adjacent existing natural landscape, up to a maximum of 60 basal area as approved by the city. The density may be further reduced when deemed necessary to reduce wildfire risk. The commensurate density shall be determined by an inventory of existing natural trees and shrubs of four feet or greater in height in a 50 by 50-foot square within the cut or fill area prior to excavation. An inventory of the existing natural trees and

shrubs within the cut and fill area shall be shown on the landscape and irrigation plan.

(e) Existing trees over six feet high and located within six feet of the base of the cut and fill slope may be counted toward fulfilling the number of trees required for screening.

(f) Cut slope with a slope or retaining wall closer than six feet from the edge of a road or driveway may be screened with a trellis supporting planted vegetation or some other similar means which creates a natural screened effect.

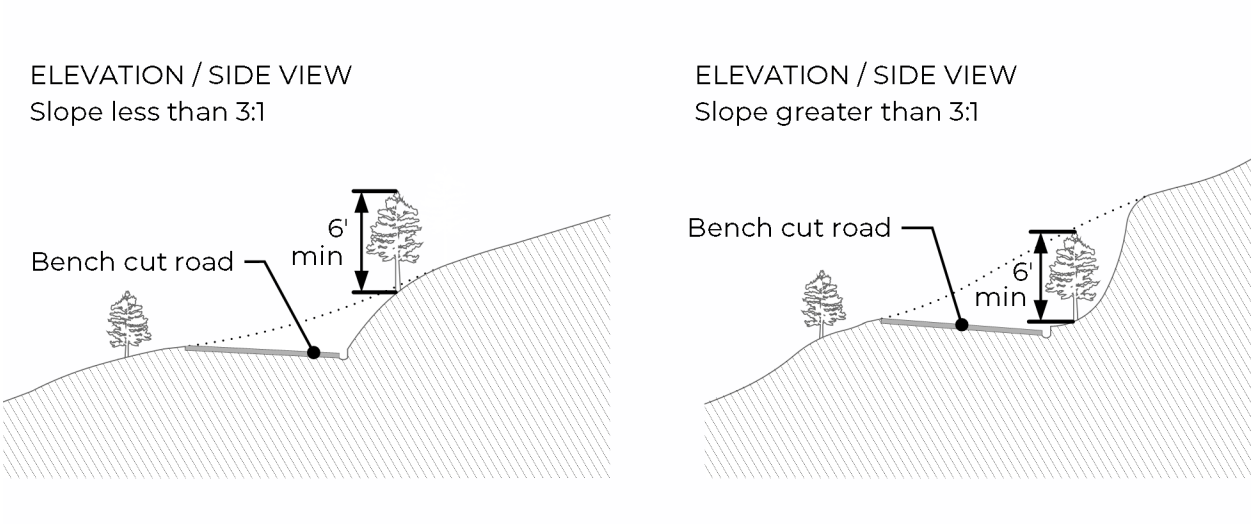


Figure 4.4-3: Planting on Slopes

(4) For public or private roads and driveways having individual cut and fill slopes and retaining walls over four feet high and combined roadway cut and fill slopes with a height of at least eight feet, but not more than 12 feet, landscape screening as set forth in subsection 14-4.4(G)(3), is required for the fill slopes only. If combined slopes are greater than 12 feet, then the cut and fill slopes shall be screened individually as set forth in subsection 14-4.4(G)(3).

(5) For public or private roads and driveways within the ridgetop subdistrict, revegetation shall meet or exceed the preconstruction vegetation density outside the roadbed. All requirements of subsection 14-4.4(G)(3) shall apply. Alignment of the driveway will be in accordance with subsection 14-4.4(K), *Driveways/Access Alignments*.

(a) The owner of the property is responsible for reseeding and maintaining all disturbed areas at the approximate original ground cover density and the approximate original height.

(b) All graded areas shall approximate the original terrain conditions and be revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of sixty

basal area as approved by the City, including but not limited to planting trees with a minimum height of six feet for evergreen and two-inch caliper for deciduous, and reseeding to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk.

(6) Slopes screened from view from any adjacent public street, way, or place by buildings, walls, or fences are exempt from subsections 14-4.4(G)(3) and (4).

(7) At least 25 percent of structure-screening trees shall be evergreen. The remaining screening vegetation shall be deciduous trees that provide the desired screening effect year-round. All structure-screening trees shall leave exposed no more than 50 percent of the structure from the highest point on the structure to the top of the tree at the time of planting.

(8) There shall be one tree, existing or planted meeting minimum height and size requirements, for every 15 linear feet of wall surface of each structure, located no closer than ten feet and no further than 30 feet from such wall. Escarpment screening trees shall not exceed sixty basal area.

(9) No retaining walls shall be greater than six feet in height. Where a retaining wall greater than six feet would be required, the retaining wall shall be set back a minimum of six horizontal feet from face-of-wall to face-of-wall. Setback area grading shall not exceed a one percent cross slope and all walls shall be screened in accordance with subsection 14-4.4(G)(3).

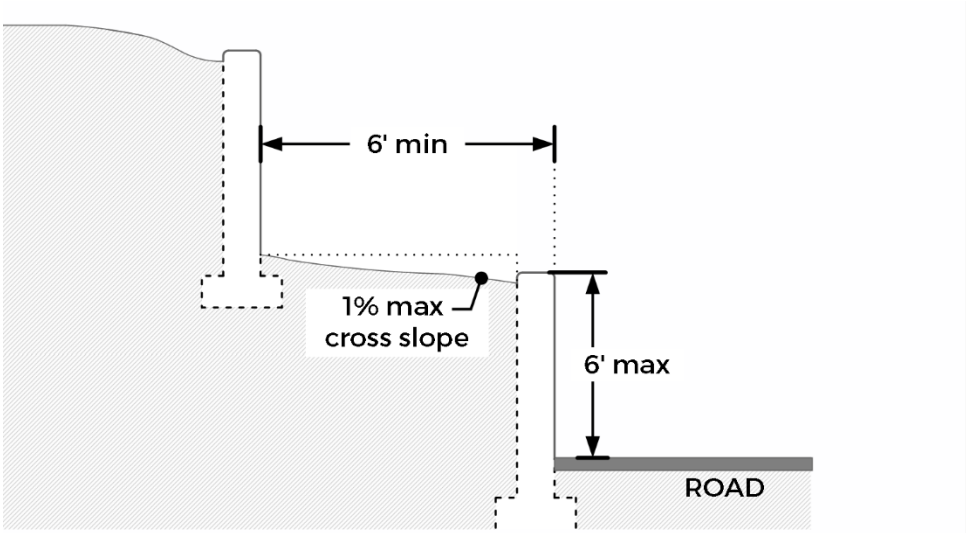


Figure 4.4-4: Retaining Wall Requirements

(10) All vegetation indicated on the landscape and irrigation plan, existing or proposed, for the purposes of screening or stabilization as required by this subsection shall be maintained or replaced if necessary.

(11) Plantings should be consistent with wildfire safety guidelines recommended by the City's Fire Department.

(H) Permitted Trees

The City-approved list of appropriate tree species will be maintained and updated periodically by the Planning and Land Use Department.

(I) Terrain Management

Plans depicting natural topography, storm drainage, grading and erosion control shall be submitted by the applicant showing compliance with the terrain management requirements of subsection 14-8.2, *Terrain and Stormwater Management*.

(J) Utilities

(1) All new and replacement water, gas, electric, telephone, television, and all other utilities, including both main and service lines, shall be placed underground within or adjacent to roads. Utilities shall be located in the following priority:

(a) Within a dedicated public road right-of-way;

(b) Within an easement adjacent to a dedicated public right-of-way that is of sufficient width to provide ingress and egress for maintenance purposes; or

(c) Within a private road right-of-way.

(2) Water service mains may be located outside road rights-of-way if required by change in water-pressure zone.

(3) Sewer lines outside road rights-of-way for both public and private use shall be located to minimize tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads, and to prioritize gravity flow over lift stations. Public sewer line easements outside road rights-of-way are permitted when required by the City utility. The owner of the property is responsible for reseeding and maintaining all disturbed easements outside the road rights-of-way at the approximate original ground cover density and the approximate original height.

(4) All utilities shall be installed and maintained in accordance with the prevailing standards and practices of the City utility or other companies providing such services.

(5) Lots which abut existing easements, private road rights-of-way, or public rights-of-way where supply lines and service connections have previously been installed may be supplied with service from those lines, but new service connections from such utilities shall be installed in accordance with the requirements of this subsection. In the case of existing utilities, if a road widening, an extension of service, or other similar condition occurs as a result

of a subdivision or other new development and necessitates the replacement or relocation of such utilities, such replacement or relocation shall be located, installed, and maintained in accordance with provisions 1 through 4 of this subsection, and paid for by the applicant;

(6) The location of water, gas, and sewer lines, and relocation of three phase 12.5 KV electric feeder lines, in a manner different from the requirements of this subsection is permissible if:

(a) The applicant provides plans and reports certified by a licensed engineer showing the need to locate utilities in a manner different from the requirements of this subsection in order to protect the public health or safety; and

(b) Approval is granted by the appropriate utility.

(7) For service lines outside a right-of-way in or adjacent to a road, the placement of utilities shall be designed to lessen the visual impact, as follows:

(a) The utility alignments shall be carefully routed to avoid locations perpendicular to the horizons;

(b) All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation commensurate with the adjacent existing natural landscape up to a maximum of sixty basal area as approved by the City, including but not limited to planting of trees and large shrubs with a minimum height of six feet and reseeding to approximate the original ground cover. The density may be further reduced when deemed necessary to reduce wildfire risk; and

(c) All revegetation shall be maintained and replaced if necessary.

(8) Any utility apparatus (telephone junction boxes, gas pressure valving, satellite dishes, etc.) three feet or higher above finished grade (excluding utility poles), and all above ground water tanks, shall be screened year-round from the adjacent public street, way, or place. The screening to be utilized shall be shown on the landscape and irrigation plan.

(9) All streetlighting in the district shall be cut-off luminaires with a maximum pole height of 28 feet.

(10) Water tanks are only permitted in the ridgetop subdistrict if they are placed below natural ground level. Water tanks located outside of the ridgetop subdistrict shall comply with the regulations of subsection 14-7.1, *General Provisions*, and subsection 14-8.2, *Terrain and Stormwater Management*.

(11) Access or service roads shall comply with landscape standards in subsection 14-4.4(G).

(K) Driveways/Access Alignments

All driveway/access alignments within the ridgetop subdistrict shall be located in the following priority:

(1) Within a dedicated public road right-of-way;

(2) Within a private road right-of-way;

(3) Carefully routed to avoid locations perpendicular to the horizons; and

(4) Located to minimize tree removal.

(L) Development and Permit Approval; Required Submittals

(1) No approval of a single-family dwelling, or any other structure or type of development, shall be granted for land situated in whole or in part in the escarpment overlay district unless all of the applicable requirements of this subsection are satisfied.

(2) Each parcel of land proposed for subdivision or resubdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development, located in whole or in part in the escarpment overlay district, shall be shown on the plat and on the plans that:

(a) Shows the location of the escarpment overlay district, the ridgetop subdistrict, the foothills subdistrict and the viewline;

(b) Shows the location of all buildable sites located within the escarpment overlay district in compliance with subsection 14-4.4(E);

(c) Includes a landscape and irrigation plan to demonstrate compliance with subsection 14-4.4(G);

(d) Includes natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with subsection 14-4.4(L)(1); and

(e) Shows the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable requirements of this subsection.

(3) Siting of all structures within the escarpment overlay district shall be approved by City staff, with no building or grading permit issued until City approval has been granted.

(a) A pre-application meeting with City staff is required for a construction permit, grading permit, driveway cut or any other type of development, for any property that is located entirely or partially within the Escarpment Overlay District.

(b) The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site. If the applicant is requesting an alternate location as set forth in subsection 14-4.4(E), the applicant shall

submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and Escarpment Overlay District regulations will be reviewed.

(c) A construction permit application submittal form will be issued by City staff once all of the prerequisites for the Escarpment Overlay District construction permit application are reviewed. This form shall be attached to all sets of the building or grading permit submittal. Issuance of this form does not imply preapproval of the construction permit application.

(4) A grading permit or construction permit for a single-family dwelling, or any activity that requires either a grading permit or construction permit, shall be issued for land located in whole or in part in the escarpment overlay district only upon compliance by the applicant with all of the relevant requirements of this subsection and this chapter including but not limited to requirements of the underlying zone, and any conditions on development previously imposed by the City. No grading permit or construction permit shall be issued unless the grading permit or construction permit application is accompanied by a plan, which may incorporate by reference approved plans previously submitted to the City in connection with any subdivision, resubdivision, planned unit development, cluster, or other development approval, and which sets forth or incorporates by reference the following information described in subsection 14-4.4(L)(2), along with a site plan, floor plan, and exterior building elevations that demonstrate compliance with subsection 14-4.4(F);

(5) If a grading permit or construction permit is sought for the purpose of remodeling or extending an existing structure lying in whole or in part within the escarpment overlay district, a construction permit shall be required and will be issued only upon compliance with this subsection. Any remodeling or extensions of the roofline or footprint shall be located and designed to comply with this subsection. All other requirements of this subsection, including, but not limited to, the location of the extension and criteria governing height, architecture, landscaping, terrain management, and utilities, shall be applicable to such remodeling or extension.

(M) Variance

(1) Where extraordinary hardship may result from strict compliance with these regulations, the property owner may request a variance, as described in subsection 14-2.1(H)(1).

14-4.5 Highway Corridor Protection Districts

(A) Airport Road Overlay District

(1) Purpose

The Airport Road overlay district is intended to accomplish the following purposes:

(a) Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;

(b) Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;

(c) Promote a healthy and safe environment through the development of walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms;

(d) Incentivize certain uses that are absent or deficient along Airport Road.

(2) Applicability

(a) The provisions of this subsection apply to all legal lots of record, any portion of which directly abuts the Airport Road right-of-way.

(b) The provisions of this subsection do not apply to single-family dwellings and detached multi-unit dwellings except as provided in site design standards in subsection 14-4.5(A)(5)(k) of the following subsection, and the landscaping standards of subsection 14-4.5(A)(7)(e).

(c) Additions to or remodeling of existing buildings shall comply with the provisions of this subsection to the extent practical or feasible as determined by the Planning and Land Use Director.

(3) 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.

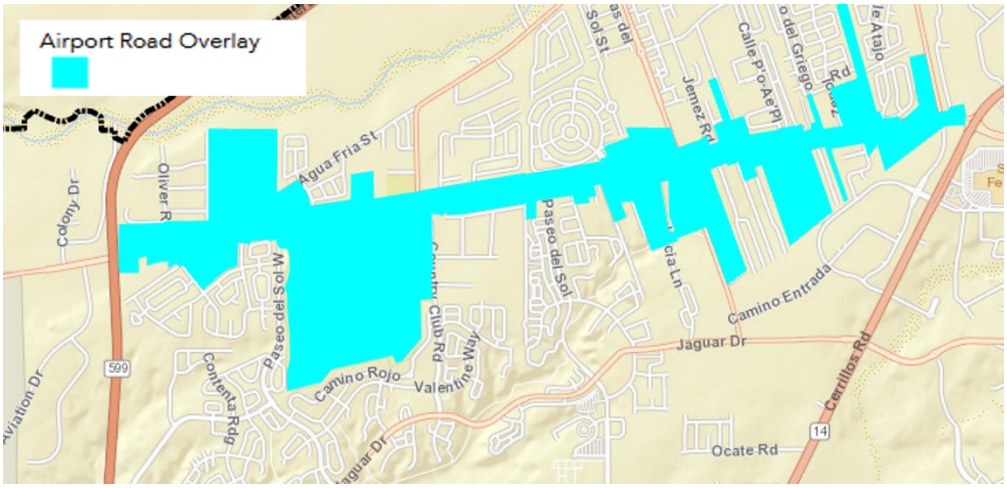


Figure 4.5-1: Airport Road Overlay Boundaries

(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 Planning and Land Use Director may permit alternate means of compliance with the provisions of this subsection as provided in subsection 14-2.2(H)(3), *Approval Authority*.

(c) In the event of conflicts between the requirements of this subsection and platted building setback for existing easements, the requirements of this subsection 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 integral courtyards face Airport Road.

(b) No more than one single-loaded row of parking is permitted adjacent to Airport Road.

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

(d) Sidewalks adjacent to Airport Road shall be provided in accordance with subsection 14-6.5(G).

(e) New buildings shall have accessible pedestrian connections to Airport Road.

(f) Direct vehicular access to Airport Road shall be prohibited where feasible as determined by the Planning and Land Use Director in consultation with the Public Works Director.

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

(h) Vehicular access between and among adjacent lots shall be provided where feasible as determined by the Planning and Land Use Director.

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

(j) New development of the following uses or categories of uses, as defined in Table 5-1: Summary Table of Allowed Uses, shall be set back a minimum of 100 feet from the Airport Road right-of-way and shall be separated from the Airport Road right-of-way by development not containing these uses:

(I) Electrical substations or switching substations;
(II) Sexually-oriented business;
(III) Telecommunications towers, but not tower alternatives;
(IV) Vehicles and equipment-related uses;
(V) Industrial;
(VI) Self-storage and outdoor storage; and
(VII) Warehouse and freight movement.

(k) The following provisions shall apply to new development of single-family dwellings and detached multi-unit dwellings on lots adjacent to the Airport Road right-of-way:

(I) Buildings shall be set back a minimum of 20 feet from the Airport Road right-of-way.

(II) A six-foot-high, color-coated, masonry wall shall be constructed along the entire length of the common property line at the Airport Road right-of-way.

(6) Architecture

In addition to requirements found in subsection 14-7.3, *Architectural Design Review*, the following provisions shall apply:

(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 facades that face Airport Road or any abutting street shall be comprised of between 30 and 60 percent transparency. Storefront glazing systems may be used to meet this requirement and shall not exceed 50 percent of the façade.

(f) A façade exceeding 100 feet, measured horizontally, shall incorporate wall plane projections or recesses of at least 24 inches in depth encompassing at least 50 percent of the façade length.

(g) A façade exceeding 100 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 20 feet, measured horizontally, without openings. Doors, windows or display windows are considered openings.

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

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

(l) Enclosures required for trash receptacles and compactors shall be:

(I) Located to the rear of buildings; and

(II) Sized to include commercial recycling space sufficient to accommodate the commercial recycling generated by a development.

(7) Landscaping Standards

In addition to requirements found in subsection 14-8.4, *Landscape and Site Design*, the following provisions shall apply:

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

(I) Shall be integrated with the required landscaping on the site;

(II) When located adjacent to the Airport Road right-of-way, shall not be wider than ten feet measured perpendicular to the Airport Road right-of-way; and

(III) Shall not create a physical barrier to pedestrian access from the Airport Road right-of-way to the site.

(b) Street trees shall be planted at a minimum of 20 feet on-center adjacent to the Airport Road property line. Where possible, trees shall be integrated into and irrigated by stormwater infrastructure. Street trees shall be 2½ inches minimum caliper at time of planting and a minimum mature height of 30 feet. The location and minimum mature height of street trees may be adjusted where conflicts with overhead utility lines exist.

(c) A minimum of 30 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.

(e) The following provisions shall apply to new development of single-family dwellings and detached multi-unit dwellings on lots adjacent to the Airport Road right-of-way:

(I) The 20-foot setback area between buildings and the Airport Road right-of-way shall be planted with trees in accordance with subsection 14-4.5(A)(7)(b).

(II) Trees shall be maintained and replaced when necessary by the property owner.

(8) Signage

In addition to the requirements found in subsection 14-7.6, *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 set back 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 100 linear feet or portion thereof of street frontage along Airport Road 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, benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

(10) Outdoor Lighting

In addition to compliance with subsection 14-8.6, *Outdoor Lighting*, the following provisions apply:

(a) Pole-mounted lights shall not exceed 20 feet in height.

(b) Lamps of building-mounted light fixtures shall not be placed more than 12 feet above the exterior grade at the perimeter of the building.

(11) Incentives

(a) Fee Incentives

Development of the following uses are exempt from the payment of construction permit fees, plan review fees, and development review fees as set by resolution of the Governing Body, as may be amended from time to time, and are exempt from the payment of impact fees as described in subsection 14-7.9, *Impact Fees*:

(I) Grocery stores;

(II) Farmer's markets;

(III) Medical offices or clinics for physicians, dentists, chiropractors, alternative medicine providers (not including cannabis dispensaries);

(IV) Schools, day-care centers for children or adults, youth or senior centers;

(V) Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers, and miniature golf courses; and

(VI) Restaurants without drive-through or drive-up service, including bakeries, coffee shops, and other shops selling food for on-site or take-away consumption, provided that food and beverage services constitute the primary use of the establishment.

(b) Public Art; Active Play Opportunities

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

(c) Community Gardens and Orchards

Applicants for a permit for new construction, redevelopment or additions to a multi-unit residential development who provide a community garden

or orchard space for use of the residents of the development shall have their total construction permit fees reduced in an amount equal to the cost of the community garden provided.

(d) Review

This subsection regarding Incentives shall be reviewed by the Governing Body five years after the date of its adoption.

(B) Cerrillos Road Highway Corridor (CRHC) Protection District

(1) Purpose

Cerrillos Road is one of Santa Fe's busiest thoroughfares, one of the primary entranceways to the city, and one of the community's major commercial strips. For these reasons, it is the purpose of the Cerrillos Road Highway Corridor ("CRHC") district to assure that Cerrillos Road:

(a) Accommodates, in a safe and efficient manner, both through and local traffic;

(b) Provides for a visually attractive and aesthetically appropriate introduction to Santa Fe;

(c) Allows for clear identification of, and easy access to, all commercial and institutional establishments;

(d) Provides for a gradual transition between the rural character of the county and the urban character of the city; and

(e) Accentuates, to the greatest extent possible, architecture and landscaping rather than parking lots and commercial signage.

(2) Applicability

The provisions of this subsection apply to all legal lots of record, any portion of which directly abuts the Cerrillos Road right-of-way.

(3) Boundaries

The CRHC district begins at the intersection of Cerrillos Road and St. Francis Drive and extends southwest along Cerrillos Road to the southern City limits. The CRHC district is further subdivided into the following four zones:

(a) Zone One: St. Francis Drive to St. Michael's Drive;

(b) Zone Two: St. Michael's Drive to Calle del Cielo;

(c) Zone Three: Calle del Cielo to Airport Road; and

(d) Zone Four: Airport Road to the southern City limits.

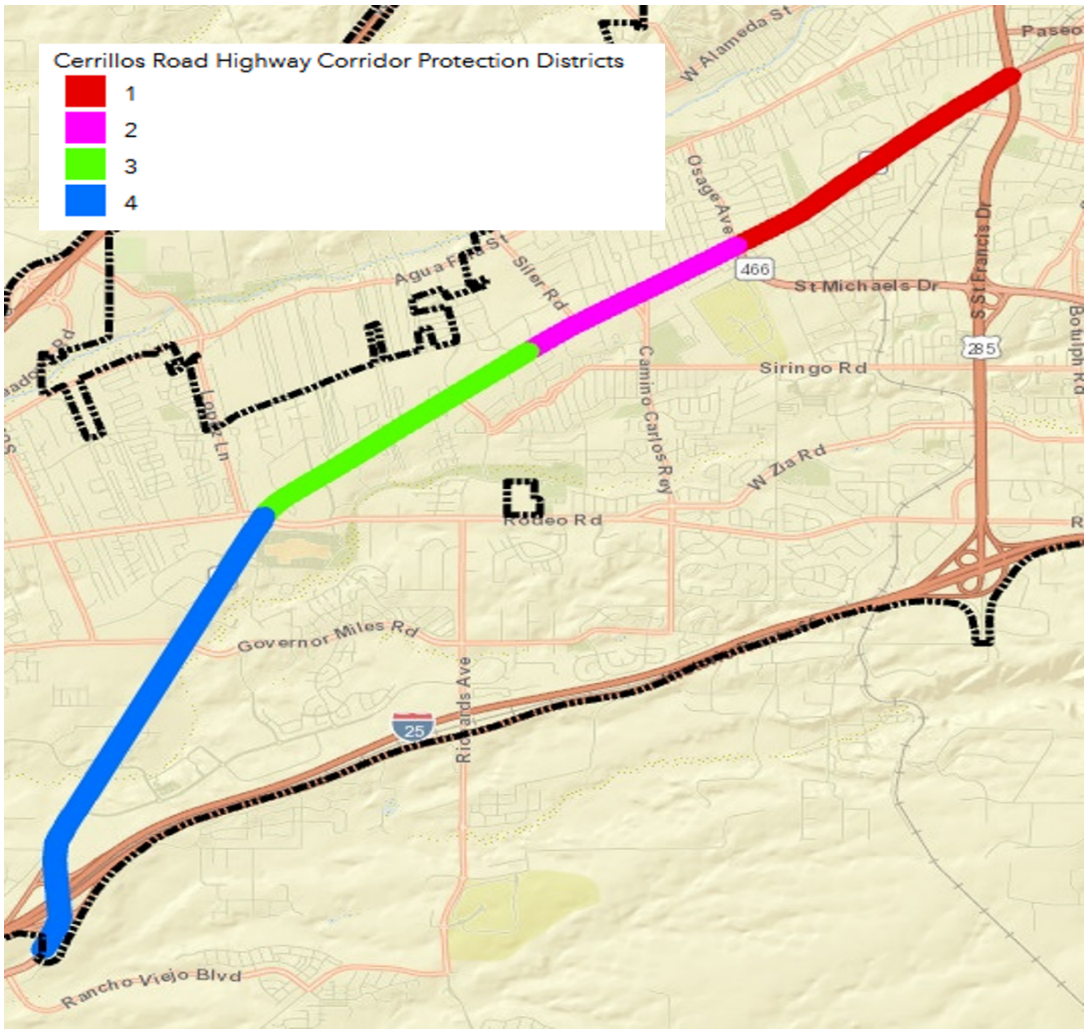


Figure 4.5-2: Cerillos Road Highway Corridor Zones One through Four

(4) Uses

The uses permitted in the CRHC district are the same as those permitted in the underlying zoning district.

(5) Development and Design Standards

The standards in the CRHC district are the same as those in the underlying zoning district with the addition of the following standards that apply to all new development and not, unless otherwise indicated, to existing buildings and structures:

Table 4-2: CRHC Development and Design Standards

	Zone One	Zone Two	Zone Three	Zone Four
Lot depth min. (ft)	75	125	175	225
Setback from Cerillos[1]	15	25	35	45
Street frontage landscaping depth	10	15	20	25

NOTES

[1] Setback as indicated, or 20% of the lot's depth, whichever is less

(a) Lot Depth

New legal lots of record created abutting Cerrillos Road right-of-way shall have no less than the minimum lot depth indicated in Table 2-1.

(b) Height

The maximum height of structures in the CRHC overlay district shall be the same as that allowed in the underlying district, but in no case shall the height of any portion of a building exceed 45 feet or exceed the distance which that portion of the building is set back from the property line abutting Cerrillos Road right-of-way.

(c) Setback from Cerrillos Road

(I) The minimum building setback shall be measured from the front property line abutting and parallel to Cerrillos Road right-of-way and extending extend inward onto the lot.

(II) On corner lots, setback requirements for street side yards shall be one-half the depth required for front yards in the underlying zoning district.

(d) Lot Coverage

(I) The maximum lot coverage by buildings and structures in the CRHC district shall be that allowed by the underlying zoning district, but in no case greater than 60 percent.

(II) The areas of all buildings and structures, both existing and new, shall be included in the calculation of maximum lot coverage.

(e) Street Frontage Landscaping Standards

(I) The street frontage landscaping strip of the depth required in Table 4-2 shall be measured from the front property line abutting and parallel to Cerrillos Road right-of-way, and extending extend inward onto the lot.

(II) Where adjacent lots in the same CRHC zone have a frontage landscaping strip of greater depth than required by Table 4-2, the subject property shall provide a landscaping strip equal in depth to the average depth of all properties within 150 feet. In no case,

however, shall the required frontage landscaping strip depth exceed:

(a) Zone One: 15 feet. 2. Zone Two: 25 feet.
(b) Zone Three: 35 feet.
(c) Zone Four: 45 feet.
(d) Or, 20 percent of the lot's depth in all Zones.

(f) Screening

Any new loading docks, storage facilities, or trash disposal areas shall either be located at the rear of the property or be entirely screened from public view by an opaque wall or fence of no less than six feet in height.

(C) Midtown Local Innovation Corridor (LINC) Overlay District

(1) Purpose

The Midtown Local Innovation Corridor (LINC) overlay district is intended to:

(a) Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the Midtown Planned Unit Development (previously the campus of the Santa Fe University of Art and Design and the College of Santa Fe) and surrounding uses to the west and the Christus St.

(b) Vincent Regional Medical Center and related medical uses to the east;

(c) Incentivize multi-unit residential development, complementary nonresidential uses that support the needs of nearby residents, and an enlivened, street-oriented pedestrian environment by prioritizing qualifying projects, while allowing existing uses to continue as redevelopment occurs;

(d) Allow for innovative development and redevelopment of the district while providing buffering between the district and existing residential development outside of the district by the application of amended land development regulations and fees and by establishing conditions precedent for future infrastructure enhancements and the application of other redevelopment and financing tools;

(e) Promote a more healthy, safe, and enjoyable environment within the city's midtown area through the enhancement of pedestrian and bicycle accessibility and safety, landscaping, and other street-related amenities and the eventual reduction of traffic speeds and provision of on-street parking, bicycle lanes, and improved crosswalks; and

(f) Provide flexibility in sign design and location to maintain effective communication, business identification, and wayfinding for existing buildings whose visibility may be reduced by new development.

(2) Applicability

(a) The provisions of this subsection apply to all land within the boundaries of the Midtown LINC overlay district, and shall supersede the provisions that apply to any other overlay district(s) that overlap in whole or in part with the Midtown LINC overlay district, including, but not limited to, the South Central Highway Corridor Protection District as set forth in subsection 14-4.5(C).

(b) New development shall comply with the provisions of this subsection.

(c) Alterations to existing structures shall comply with the provisions of this subsection to the extent practical or feasible, as determined by the Planning and Land Use Director.

(3) Boundaries

The Midtown LINC overlay district includes land in the vicinity of the St. Michael's Drive from the eastern edge of the Cerrillos Road to the western edge of St. Francis Driv, and additional land in the vicinity of the campus of the Midtown Planned Unit Development as shown on the Midtown LINC Overlay District Map.

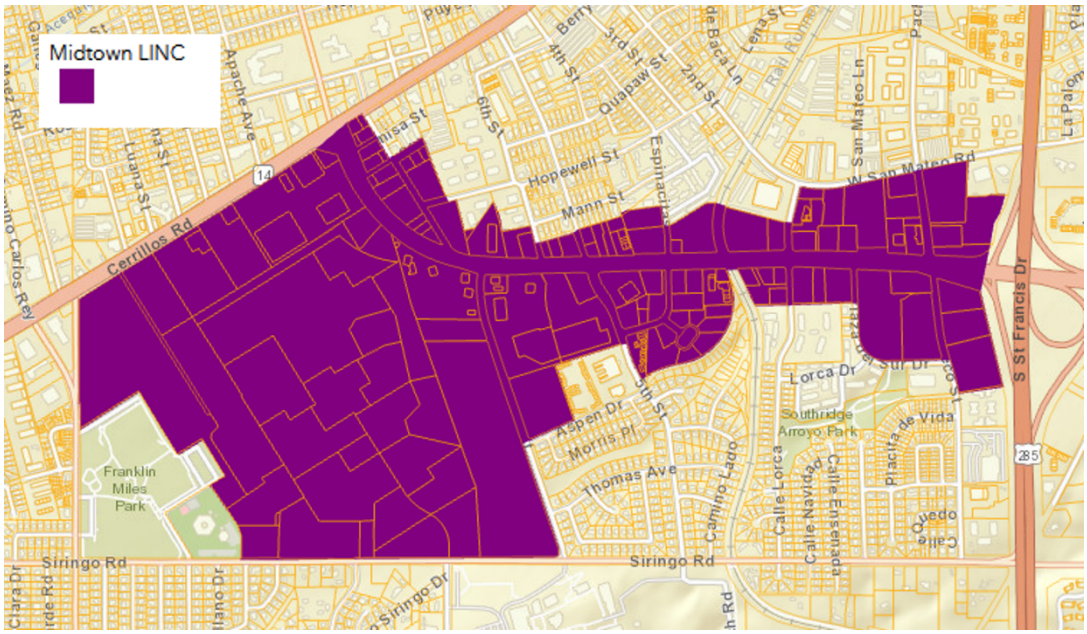


Figure 4.5-3: Midtown LINC Boundaries

(4) Qualifying Projects

(a) As used in this subsection, a qualifying project means a new development within the Midtown LINC overlay district that complies with the requirements of this subsection and that is either a qualifying residential project or a qualifying nonresidential project as defined in this subsection.

(I) Qualifying residential project means a new development that is composed solely of new multiple-family dwellings, or results in a development that is a mix of primarily new multiple-family dwellings and any lesser amount and combination of the eligible nonresidential uses listed in Table 4-4 as measured by gross floor area.

(II) Qualifying nonresidential project means a new development that is composed of a new building or buildings, or of alterations to an existing building or buildings, for the eligible uses identified in Table 4-4.

(b) Development projects not meeting the definitions of this subsection are permitted as provided in this subsection, but are not qualifying projects.

(c) The Land Use Director may adopt submittal requirements and review policies as necessary to verify that qualifying projects meet the requirements of this subsection.

(5) Uses

(a) Additional Permitted and Prohibited Uses

Permitted uses and structures within the Midtown LINC overlay district are the same as those permitted in underlying zoning districts, except as provided in Table 4-3, and as permitted for qualifying projects as defined in this subsection. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts.

Table 4-3: Additional Permitted & Prohibited Uses

Additional Permitted Uses	
Category	**Specific Use**
Residential	Dwellings, multi-unit
Commercial	Laboratory, research or testing
Prohibited Uses	
Category	**Specific Use**
Residential	Manufactured home park
	Mobile home
Commercial	Outdoor storage
	Self-storage facility [1]
	Sexually oriented business
	Vehicles and equipment [2]
Industrial	Warehouse & freight movement

NOTES

[1] Individual storage areas enclosed within a building and that are part of a qualifying residential project are permitted.

[2] Parking lots and garages are permitted as accessory uses when associated with a qualifying project.

(b) Additional Uses: Qualifying Projects

Eligible uses listed in Table 4-4are permitted uses when part of a qualifying project. See Table 5-1: Summary Table of Allowed Uses for a complete listing of use categories and permitted uses in underlying zoning districts.

Table 4-4: Nonresidential Uses Eligible for Qualifying Projects [1]

Use/Use Categories	For inclusion in Qualifying Residential Projects	As Qualifying Nonresidential Projects
Pre-school, Daycare	X	X
Educational (including Libraries)	X	X
Community centers & institutions	X	X
	X	X
Parks and open space [2]	X	X
Arts activities	X	X
Assembly	X	
Food and beverage [3]	X	X
Medical	X	X
Public transportation	X	
Recreation and entertainment	X	X
Retail sales and services	X	X [8]
Service establishments	X	X
Storage [4]	X	
Vehicles and Equipment [5]	X	
Industrial [6]	X	X
Manufacturing and Production [7]	X	X

NOTES

[1] Eligible uses listed in this table are permitted uses when part of a qualifying project.
[2] Except cemeteries, mausoleums & columbaria.
[3] Except restaurants with drive-through/drive-up service.
[4] Only individual storage areas completely enclosed within a building and that are intended to serve the associated qualifying residential project.
[5] Only parking lots and garages that are intended to serve the associated qualifying project.
[6] Research, experimental and testing laboratories only.
[7] Light assembly and manufacturing (including "maker" spaces) only.
[8] Neighborhood grocery stores and laundromats only.

(c) General Standards

(1) Unless otherwise specified in this subsection, permitted uses and development standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.

(II) The Planning and Land Use Director may permit alternate means of compliance with the provisions of this subsection as provided in subsection 14-2.2(H)(3), *Approval Authority*.

(III) In the event of conflicts between the requirements of this subsection and the requirements of underlying zoning districts, platted building setbacks or existing easements, the requirements of this subsection shall apply.

(d) Building Envelope Standards and Measurements

Table 4-5: Midtown LINC Dimensional Standards

Dimensional Standards	Qualifying Residential Projects	All Other Development
Gross Density (Dwelling units/ Acre), Max.	N/A	Same as C-2 District See subsection 14-3.3(D)
Lot Size, Min.	Same as C-2 District. See subsection 14-3.3(D)	Same as C-2 District See subsection 14-3.3(D)
Height, Max. (ft)[1]	52[2]	Per Underlying District Standards; Santa Fe University of Art and Design Campus (SFUAD): 62
Yard Requirements (ft)	Minimum Street: 0[3] Side: 5 Rear: 10[4] Maximum Street: 5[5]	Per Underlying District Standards except as noted below Maximum Street: 5[3][5]
Lot Coverage Max. (%)	None	Per underlying District standards
Required Open Space Min.	Same as C-2 District See subsection 14-3.3(D)	Per underlying District standards

NOTES

[1] Elevator "over-runs" and renewable energy generating equipment less than ten feet high (such as solar photovoltaic panels and wind turbines) mounted on buildings shall not be included in the calculated height of a building.

[2] Maximum height of structures 52 feet, except where any portion of a structure associated with a qualifying residential project will be located within 150 feet of an existing residential development located outside of the Midtown LNC overlay district, in which case the maximum height of a structure associated with a qualifying residential project within the above limits shall be 38 feet.

[3] Except that 4th stories along street-frontage façades shall be set back a minimum of ten feet from the story below.

[4] Rear yard ten feet, except at the rear of a lot abutting an existing residential development, in which case there shall be a required read yard of not less than 25 feet.

[5] Maximum Street yard five feet, except that: (a) up to 30 percent of a street-frontage façade may be set back greater than five feet for entryways and integral courtyards, or to accommodate other aspects of a building's design, and (b) street-frontage façades may be set back greater than five feet in locations where existing utility easements prevent compliance with this requirement.

(e) Site Design, Circulation and Parking

(I) New buildings or additions to existing buildings shall be oriented so that their primary façades face St. Michael's Drive, Cerrillos Road, or other street frontages as applicable.

(II) Perimeter screening of parking areas shall be in accordance with subsection 14-8.4(H)(3), *Perimeter Parking Lot Landscaping*, except that screening walls, hedges or berms shall not exceed four feet at

maturity and shall have multiple openings adjacent to street frontages to maximize pedestrian access from parking areas to sidewalks.

(III) Sidewalks along the street frontages of St. Michael's Drive and Cerrillos Road shall be provided in accordance with subsection 14-6.5(G), *Sidewalks*, and shall be a minimum of 15 feet wide. Where existing sidewalks are widened to meet this requirement, the widening shall occur on the building side of the existing sidewalk.

(IV) Vehicular access shall be from the side or rear of the lot to the extent possible.

(V) Vehicular access between and among adjacent lots shall be provided where possible.

(VI) New buildings shall have accessible pedestrian connections to St. Michael's Drive or Cerrillos Road as applicable. Building entrances shall have the same general elevation as the street frontage sidewalks adjacent to the entrance. Site grading shall not result in the need for steps or ramps from the street frontage sidewalk to the building. Visual and physical barriers to building entrances shall be minimized.

(VII) Sidewalks and other pedestrian pathways connecting building to the street and to parking areas shall be a minimum of six feet wide and shall be clearly defined.

(VIII) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from St. Michael's Drive or Cerrillos Road as applicable. The screening shall be integrated with the building architecture, materials and construction.

(IX) Electrical transformers and trash enclosures shall be located at the side or rear of buildings and shall be screened from view of public roadways and sidewalks by walled enclosures or landscape screening. Wall-mounted utility boxes shall be painted the same color as the nearest building on site.

(X) Water system backflow preventers shall be located inside buildings. Where it is not feasible to locate a water system backflow preventer inside a building, the backflow preventer shall be located at the side or rear of buildings and shall be screened from view of adjacent public roadways and sidewalks by walled enclosures or landscape screening.

(XI) The amount of off-street bicycle parking required is 25 percent more than the amount required by subsection 14-7.5(J), *Off-Street Bicycle Parking Requirements*.

(f) Architecture

In addition to the requirements of subsection 14-7.3, *Architectural Design Review*, the following provisions shall apply.

(I) Lot configuration and available street frontage permitting, the longest façade of all new buildings on lots abutting St. Michael's Drive or Cerrillos Road shall be aligned parallel with the street frontage of St. Michael's Drive or Cerrillos Road as applicable.

(II) The primary entrance to any new building on a lot abutting St. Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as applicable.

(III) Building walls along street frontages shall not extend more than 20 feet, measured horizontally, without openings. Doors, windows or display windows are considered openings.

(IV) Doors intended for vehicular access to buildings on lots abutting St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as applicable.

(V) Except as noted in this subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent public rights-of-way. Screening shall be integrated with the associated building's architecture, materials and construction. Screening of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on buildings is not required; however such equipment shall be incorporated into the architectural design of a building to the extent possible.

(g) Landscaping Standards

In addition to the requirements found in subsection 14-8.4, *Landscape and Site Design*, the following provisions shall apply.

(I) On-site storm water detention or retention facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an active water harvesting system, in which case the active water harvesting system shall be incorporated into the architectural design of a building to the extent possible.

(II) Qualifying residential projects shall provide a minimum five-foot wide landscaped area around the base of exterior building walls, except for qualifying residential projects within the Midtown Planned Unit

(III) Development, which do not have a required minimum landscaped area.

(IV) Street trees shall be planted at a maximum spacing of 30 feet on-center along the street frontages of development sites on St. Michael's Drive or Cerrillos Road as applicable. Existing street trees

within the above areas may be counted toward this requirement. Street trees shall have a minimum four-inch caliper at time of planting and shall have a minimum mature height of 25 feet. The required spacing of street trees may be adjusted to allow for the clustering of trees as part of a development's landscape design as determined by the Land Use Director. The location and minimum mature height of street trees may be adjusted where conflicts exist with overhead or underground utility lines, wall- or building-mounted signage, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.

(V) A minimum of 30 percent of required plant material shall be evergreen.

(VI) Areas of the parkway that are located along the street frontages of development sites, and that are not developed with sidewalks as required by subsection 14-4.5(C)(5)(e), *Site Design, Circulation and Parking*, shall be landscaped as part of the required landscaping of a development.

(VII) Qualifying nonresidential projects and other nonresidential development adjacent to existing residential development located outside of the Midtown LINC overlay district shall provide a continuous landscaped buffer strip of not less than 15 feet where abutting the existing residential development. Plant material in the landscaped buffer strip shall conform to the requirements for open space provided in subsection 14-8.4(G), *Open Space Planting Requirements*.

(h) Signage

In addition to the requirements found in subsection 14-7.6, *Signs*, the following provisions shall apply in the Midtown LINC overlay district.

(I) Pole-mounted signs are prohibited.

(II) Monument signs shall not exceed four feet in height.

(III) Signs shall be set back a minimum of 15 feet from any public right-of-way unless wall- or building-mounted signs or directional signs.

(IV) Wall- or building-mounted signs shall not extend above the roofline or parapet.

(V) Roof-mounted signs are prohibited.

(VI) The provisions for color and lettering of signs, as provided in subsection 14-7.6(E)(5), *Colors and Lettering Styles*, do not apply.

(VII) The requirements for sign surface area in subsection 14-7.6(E)(6), *Sign Surface Area*, do not apply to signs mounted on the building walls of qualifying projects.

(VIII) Wall signs associated with a qualifying project and whose sign faces are mounted perpendicular to a building wall may extend up to five

feet from the wall, including signs that project over a front property line, providing that such a sign shall not impede or endanger pedestrian or vehicular traffic.

(i) Site Furnishings

(I) A minimum of one bench per 10,000 gross square feet of ground-floor building area is required, located adjacent to the street frontage of the development, or to the primary building entrance, or within a public or private amenity provided by the development.

(II) At least one bench per development shall be shaded by a tree or a shade structure.

(III) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.

(IV) All site furnishings on a development site, including bicycle racks required by subsection 14-7.5(J), *Off-Street Bicycle Parking Requirements*, benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

(j) Outdoor Lighting

In addition to compliance with subsection 14-8.6, *Outdoor Lighting*, the following provisions apply.

(I) Pole-mounted lights shall not exceed 20 feet in height and shall not be placed within buffer strips as required by subsection 14-4.5(C)(5)(g)(VI), *Landscaping Standards*.

(II) Lamps of building-mounted light fixtures shall not be placed more than 12 feet above the exterior grade at the perimeter of a building unless the outdoor lighting is part of the illumination of a wall-mounted sign in accordance with subsection 14-4.5(C)(5)(h)(VII), *Signage*.

(k) Additional Requirements for Qualifying Projects

(I) In addition to the requirements of this subsection, qualifying projects shall comply with the following requirements:

(II) Qualifying projects shall utilize a detailed alternative development water budget ("Option B" water budget) in accordance with subsection 14-7.7(D)(2)(b), and applicable adopted administrative procedures.

(III) Qualifying projects shall utilize the following water-saving fixtures, appliances, and systems where applicable, throughout all new construction:

(a) Waterless urinals;

(b) Dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);

(c) EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);

(d) ENERGY STAR® compliant clothes washers;

(e) Active water harvesting systems.

(IV) The Land Use Director shall not issue a construction permit for a qualifying project until a restrictive covenant is recorded by the owner of the development at the office of the County Clerk that requires that the development will contain no uses that do not meet the requirements for a qualifying project for a period of at least ten years from the completion of the project's construction. The covenant shall be in a form approved by the Planning and Land Use Director and the City Attorney and shall be notarized prior to recordation. The covenant shall be considered part of a development plan approved pursuant to subsection 14-2.1(F)(4), *Development Plan*. The Planning and Land Use Director shall maintain copies of recorded covenants pursuant to the provisions of this subsection.

(l) Fee Waivers for Qualifying Projects

The following fee waivers and incentives apply to qualifying projects within the Midtown LINC overlay district.

Table 4-6: Midtown LINC Fee Waivers

Construction Permit Fees; Plan Review Fees
Qualifying projects are exempt from the payment of construction permit fees and plan review fees as set by resolution of the Governing Body, as may be amended from time to time.
Development Review Fees
Qualifying projects are exempt from the payment of development review fees as set by resolution of the Governing Body, as may be amended from time to time.
Development Water Budget Fees
Qualifying projects shall obtain water to meet approved development water budgets through the water credit program at the reduced rate specified in subsection 14-7.7(E), *Dedication of Water to Development*.
Impact Fees
Qualifying projects are exempt from the payment of impact fees in accordance with subsection 14-7.9(E), *Exemptions, Waivers and Reimbursements*.
Wastewater Utility Expansion Charge (UEC)
The wastewater utility expansion charge (UEC) is waived for qualifying projects in accordance with subsection 22-6.6, Exhibit A, Section 7.
Development Review Fees
Qualifying projects are exempt from the payment of development review fees as set by resolution of the Governing Body, as may be amended from time to time. Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with subsection 25-4.2, Exhibit B, Rate Schedule 8.

(m) Review

This subsection shall be reviewed by the Governing Body three years after the date of its adoption.

(D) South Central Highway Corridor (SCHC) Protection District

(1) Purpose

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 stormwater collection and infiltration, 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 600 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:

(I) St. Michael's Drive;
(II) Old Pecos Trail;
(III) St. Francis Drive;
(IV) Rodeo Road; and
(V) Interstate 25 and its frontage roads.

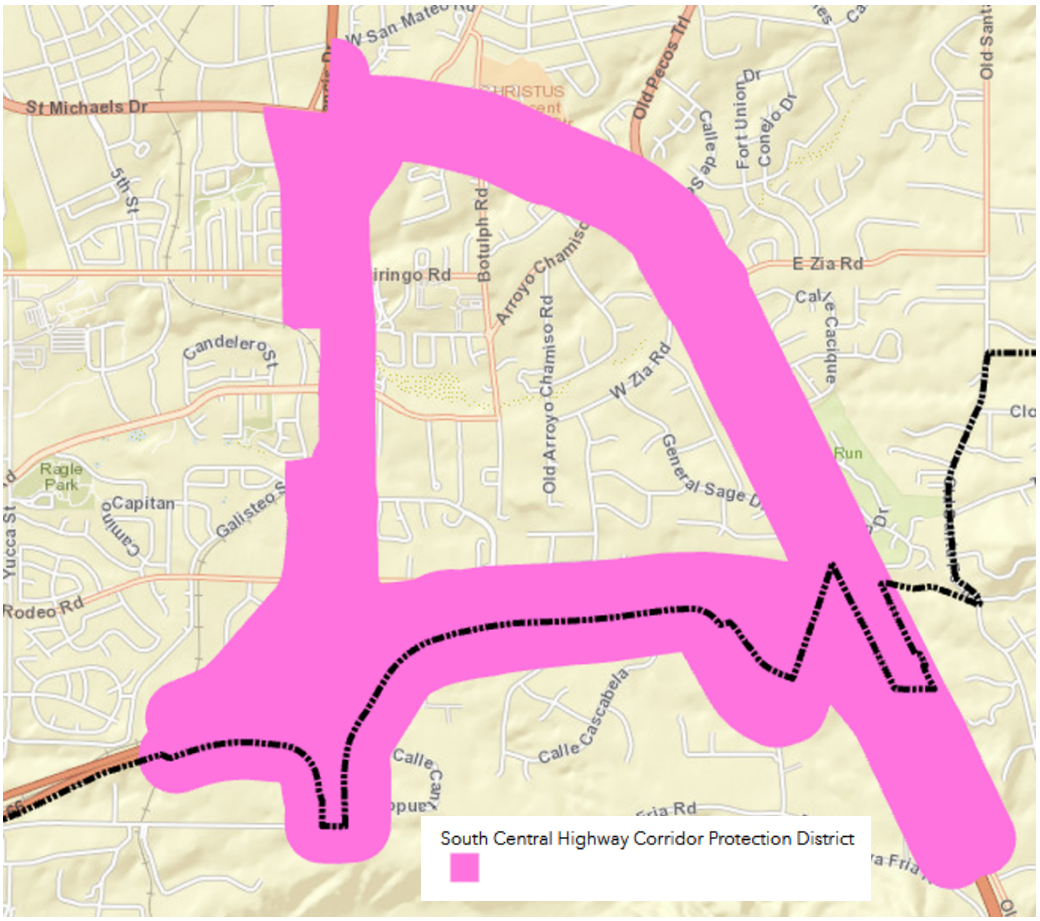


Figure 4.5-4: South Central Highway Corridor Overlay District

(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 600-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.

(3) Uses

The uses allowed in this district are the same as those allowed in the underlying district.

(4) Standards

The standards applicable to development within the SCHC district are the same as the underlying zoning district and, in addition, any new development in the SCHC district shall comply with this paragraph.

(a) Development and Design Standards

(I) Density

The density for residential development shall be the same as in the underlying district, but in no case shall it exceed a maximum density of 21 units per acre.

(II) Height

The maximum height of structures shall be 26 feet, not including a parapet.

(III) Setback or Yard

The minimum building setback from the edge of the right-of-way shall be 50 feet except that the minimum building setback from Old Pecos Trail between I-25 and St. Michael's Drive shall be 75 feet.

(IV) Floor Area Ratio

The maximum floor area ratio for office uses allowed in the district is:

Table 4-7: Maximum Floor Area Ratio

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

(b) Landscaping Standards

(I) Existing Landscaping

To the greatest extent possible, existing natural landscaping shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures or parking are allowed in this setback.

(II) Plant Material

Plant material shall be provided in the open space setback where that area has been disturbed and shall be provided for surrounding buildings and parking areas at a minimum width of five feet.

(III) Parking and Loading Area Screening

If parking is provided in the required front yard, it shall be effectively screened by earth berms or landscaping that shall be at least four feet above parking lot grade. Loading areas shall be screened and located on side or rear yards.

(IV) Arroyos and Floodplains

In order to preserve natural landscaping on the banks of the arroyos, an undisturbed setback of ten feet shall be retained next

to the major arroyos where one percent chance flood events have been recorded.

(V) Open Space
For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use, a minimum of 50 percent of the lot shall be open space.

(VI) Outdoor Storage
Outdoor storage is not allowed.

(c) Additional Standards
When nonresidential uses abut R-1 through R-7 residential densities:

(I) All nonresidential structures shall be set back 50 feet from the residential property line, and have a 25-foot landscape buffer meeting the standards in subsection 14-4.5(D)(4)(b), *Landscaping Standards*, located between the residential and nonresidential uses; or

(II) All nonresidential structures shall have a 25-foot landscape buffer meeting the standards in subsection 14-4.5(D)(4)(b), *Landscaping Standards*, and a masonry wall or a fence as approved by the Land Use Director, located between the residential and nonresidential uses.

14-4.6 Historic Districts

(A) General Provisions

(1) Purpose

In order to promote the economic, cultural, and general welfare of the people of Santa Fe and to ensure the harmonious, orderly, and efficient growth and development of the City, the Governing Body deems it essential to preserve the qualities relating to the history and culture of Santa Fe, and maintain a harmonious outward appearance in order to preserve property values, and attract residents and tourists alike. The specific purposes of this subsection are to:

(a) Ensure the continued existence and preservation of historic areas and buildings;

(b) Require the continued construction of buildings in Santa Fe's historic styles; and

(c) Ensure a general harmony as to architectural style, form, color, height, proportion, texture, and material between buildings of historic design and those of more modern design.

(2) Conflicting Standards

(a) Zoning District Regulations

All designated landmarks and all properties located in historic districts shall be subject to the regulations of the base zoning district in which they are located, except for height as regulated in subsection 14-4.6(E), *General Design Standards for All Historic Districts.* When the requirements of the base zoning district are in conflict with the requirements of this subsection 14-4.6, *Historic Districts,* the more restrictive standard shall apply.

(b) Multiple Overlay Regulations

When a designated landmark or property located in a historic district is also located within another overlay and there is a conflict between the requirements of the historic district and the other applicable overlay district, the more restrictive standard shall apply.

(3) Building Code

[RESERVED]

(4) Applicability to the State of New Mexico

Pursuant to Sections 3-22-1 through 3-22-6 NMSA 1978, it is the intent of the City of Santa Fe that the provisions of this subsection shall apply to the State of New Mexico and any of its agencies, political subdivisions, or instrumentalities, as well as to any other entity or activity in the historic districts.

(a) Section 3-22-6 NMSA 1978 applies to state capital outlay projects in historic districts as provided in subsection 14-4.6(J) concerning the design, construction, alteration, additions to, or demolition of the exterior features of state buildings.

(b) Subsection 14-4.6(K) applies to county and Santa Fe public school capital outlay projects in historic districts concerning the design, construction, alteration, additions to, or demolition of the exterior features of county and Santa Fe public school buildings.

(5) Boundaries

(a) The boundaries for the historic districts are as shown on the Official Zoning Map and incorporated in this Code by reference.

(b) If the boundary line of a historic district bisects or crosses a property without encompassing the entire lot, the applicable requirements of the historic district shall be as determined by the Planning and Land Use Director.

(6) Design of Buildings

Full responsibility for the design and development of structures is upon the applicant. The case file of any prior application related to a property is available for review by the applicant upon request.

(7) Nonconforming Buildings and Structures

Any building or structure in the historic district that does not meet the standards for architectural style set forth in this subsection shall be considered nonconforming, and subject to the provisions of subsection 14-1.13(C), *Legal Nonconforming Structures,* unless given special approval by the HDRB for architectural or historic interest, or unless individually entered in the state register of cultural properties or in the national register of historic places or designated as significant on either register.

(8) Utility and Telecommunications Facilities

The review of electric or telecommunications facilities in the historic districts shall follow the standards and procedures set forth in subsection 14-5.3(I)(1), *Electric Facilities*, and subsection 14-5.3(I)(3), *Telecommunication Facilities*, respectively.

(B) Minimum Maintenance Requirements

All historic landmarks and all buildings and structures in the historic districts shall be preserved against decay and deterioration and maintained free of structural defects. The owner or other person having legal custody and control of the building or structure shall repair such building or structure if any of the following defects are found:

(1) Parts attached to a building or structure in a manner that they may fall and injure people or property;

(2) Deteriorated or inadequate foundation;

(3) Defective or deteriorated flooring or floor supports, or flooring for floor supports of insufficient size to carry imposed loads safely;

(4) Walls or parts of walls, partitions, gates, fences, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration, or that are of insufficient size to carry imposed loads safely;

(5) Ceilings or parts of ceilings, roofs, ceiling and roof supports, or other horizontal components that sag, split, or buckle due to defective material or deterioration, or that are of insufficient size to carry imposed loads safely;

(6) Fireplaces or chimneys that list, bulge, or settle due to defective material or deterioration, or that are of insufficient size or strength to carry imposed loads safely;

(7) Deteriorated, crumbling, or loose plaster or stucco;

(8) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

(9) Lack of weather protection or defective weather protection for exterior wallcovering, including lack of paint, or weathering due to lack of paint or other protective covering; or

(10) Any fault or default in the building or structure that renders it structurally unsafe or not properly watertight.

(C) Buildings with Significant or Contributing Historic Status

(1) Purpose

Historic designation is intended to ensure that:

(a) Recognizing each structure as a physical record of its time, place, and use.

(b) Preventing changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings;

(c) Preserving and retaining changes to structures that have acquired historic importance in their own right, recognizing that most structures change over time;

(d) Preserving distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure; and

(e) Avoiding making new additions and related or adjacent new construction in such a manner that, if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

(2) Designation of Significant, Contributing, or Noncontributing Status within Historic Districts

(a) Status Designation

Structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing," as defined in subsection 14-4.6(C). Staff shall maintain a record as to the current status of structures located in the historic districts.

(b) HDRB Authority to Review Status Designation

(I) The HDRB may change the status of a structure or to designate a status for a structure that has no status designated.

(II) A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing."

(III) When the HDRB designates a structure as contributing, it shall also specify which facades of the structure are primary.

(c) Initiation of Review of Status Designation

The Board may review the status designation in response to the following:

(I) An application for construction or demolition as set forth in 14-5.2 as follows:

(a) Prior to the application being placed on a board agenda or prior to issuance of a construction permit, if Board approval is not required, staff shall determine whether the board should review the status of the structure. Staff's determination shall be made within thirty days of submitting the application. If staff's determination is not completed within thirty days, the application shall be forwarded to the board. Review by the board as to the structure's status shall be made at the earliest practicable date. The board or staff (as applicable) may consider the application immediately following the determination of status. The application shall be reviewed based upon the status of the structure following the determination of status.

(b) Prior to action by the board on the application, the board itself may decide to review the status of the structure. The board's determination as to the status shall be made within forty-five days of the decision of the board to review the status. The board or staff (as applicable) may consider the application immediately following the determination of the status. The application shall be reviewed based upon the status of the structure following the determination of status.

(II) Request from the property owner;

(III) A request initiated by the city. Staff shall notify the property owner prior to initiating the request.

(d) Notice of HDRB's Review of Status

(I) Unless the review is requested by the property owner, staff shall mail notice to the property owner of the subject property no less than 15 days prior to the HDRB's review of a change in or designation of status.

(II) In addition, staff shall send notice, by first class mail, to all property owners within one hundred (100) feet of the subject property no less than fifteen days prior to the board's review of a change in or designation of status if the review may result in the lowering of the structure's status. Staff shall retain an affidavit of mailing.

(III) With the consent of the property owner, the city shall have posted on the property a poster obtained from the planning land use department. Otherwise, the city shall post the poster on the nearest place available to the city. Such poster shall be securely posted, prominently displayed, visible from a public street , at least fourteen days prior to the scheduled board hearing. The posting shall indicate the nature of the application, identification of the

property affected and the time, date and place of the hearing. The poster shall be removed within thirty days of final action. Failure to do so may result in the city removing the sign at the applicant's expense. A civil fee of fifty dollars ($50.00) will be charged.

(e) Restoration of Status

If a property owner makes changes to a structure without the proper City approvals which result in the lowering of the structure's status, staff or the Board may require the property owner to restore the structure such that its former status is restored.

(f) Report to the Governing Body

Staff shall report annually all decisions made by the HDRB regarding a structure's status.

(3) Review by Historic Districts Review Board Required

(a) Except where this chapter provides for review by staff, the HDRB shall review all applications for new construction, alteration, or demolition in the historic districts, and of landmark structures throughout the city, based on the standards set forth in this subsection.

(b) The historic board shall judge any proposed alteration or new structure for harmony with adjacent building, preservation of historical and characteristic qualities, and conformity to the standards for architectural style set forth in this subsection.

(c) The HDRB may approve, deny, approve with conditions, or postpone an application.

(I) For applications approved with conditions, no permit shall be issued until the HDRB conditions have been met.

(II) An application that is postponed shall be heard at a future date agreed upon by the HDRB and the applicant.

(d) No permit shall be issued until the time for appeal to the Governing Body has expired.

(4) Compliance with General and Specific Design Standards Required

All development located within the historic districts and subject to this subsection shall comply with all applicable general development standards set forth in subsection 14-4.6(E), *General Design Standards for All Historic Districts,* as well as any applicable specific development standards set forth in subsection 14-4.6(G), *Additional District-Specific Design Standards.*

(D) Exceptions

The HDRB may grant an exception to the regulations set forth in this subsection provided that such exception does not exceed the underlying zoning. Staff shall determine whether an exception to general design and preservation standards described in subsection 14-4.6(E) is required and shall provide to the HDRB a

recommendation to approve, approve with conditions, or deny the exception. The Board shall base its decision on applicable exception criteria, including:

(1) Height

If an applicant requests approval of a height in the historic district that exceeds the underlying zoning district requirement, the applicant shall first receive an exception to this subsection. If approved by the HDRB, the applicant shall proceed to the Board of Adjustment or other applicable city body for consideration of the proposed variance, as described in subsection 14-2.1(H)(1).

(2) Design Standards

The HDRB may review and grant or deny requests for exceptions to all provisions of subsection 14-4.6(E), *General Design Standards for All Historic Districts* (except provisions regarding Height, Pitch, Scale, Massing and Floor Stepbacks), and subsection 14-4.6(G) for construction or alterations within the historic districts, and subsection 14-7.6(I), *Sign Regulations in the Historic Districts,* for signs in historic districts. Exceptions are project-specific and do not apply to the subject property in perpetuity.

(a) Procedure

When requesting exceptions, the applicant shall use the procedures for public notice and hearing in subsection 14-2.1(B)(4), unless the applicant also requests a variance to the underlying zoning. In such a case the applicant for the historic ordinance exception shall not be required to publish a separate legal ad in the local newspaper. Publication of the agenda is still required.

(b) Approval Criteria

In order to approve an exception, the HDRB shall make findings of fact that the applicant conclusively demonstrated that the requested exceptions comply with all the criteria listed as follows:

(I) Do not damage the character of the district;

(II) Are required to prevent a hardship to the applicant or an injury to the public welfare; and

(III) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

(3) Height, Pitch, Scale, Massing, and Floor Stepbacks

The HDRB is responsible for reviewing and granting or denying requests for exceptions from regulations in subsection 14-4.6(F). The HDRB may grant exceptions and impose conditions thereon to subsection 14-4.6(F) for height of structures within the historic districts as specified in subsection 14-4.6(F)(1). Exceptions are project-specific and do not apply to the subject property in perpetuity.

(a) Procedure

When requesting exceptions, the applicant shall use the procedures for public notice and hearing in subsection 14-2.1(B)(4), unless the applicant also requests a variance to the underlying zoning. In such a case the applicant for the historic ordinance exception shall not be required to publish a separate legal ad in the local newspaper. Publication of the agenda is still required.

(b) Approval Criteria

In order to approve an exception, the HDRB shall make findings of fact that the applicant conclusively demonstrated that requested exceptions comply with all the criteria listed as follows:

(I) Do not damage the character of the streetscape;

(II) Prevent a hardship to the applicant or an injury to the public welfare;

(III) Strengthen the unique heterogeneous character of the city by providing a full range of design options to ensure that residents can continue to reside within the historic districts;

(IV) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape;

(V) Are due to special conditions and circumstances which are not a result of the actions of the applicant; and

(VI) Provide the least negative impact with respect to the Purpose of this subsection as set forth in subsection 14-4.6(A)(1).

(E) General Design Standards for All Historic Districts

These standards shall apply to all additions or alterations to existing structures in the Historic Districts. Contributing, significant, and landmark structures, may be subject to specific additional restrictions, and district-specific standards in subsection 14-4.6(G) may also apply.

(1) General

(a) The status of the historic property shall be retained and preserved. If a proposed alteration will cause a property to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status is prohibited.

(b) If a proposed alteration or new construction will cause an adjacent property to lose its significant, contributing, or landmark status, the application may be denied.

(c) For the purposes of the regulations of this subsection, all facades of a significant structure are considered to be primary facades.

(2) Building Additions

(a) Design

(I) Additions shall have similar materials, architectural treatments and styles, features, and details as the existing structure, but shall be distinguishable from and not attempt to duplicate the existing structure.

(II) Additions to buildings that meet the standards of subsection 14-4.6(G)(2), *Downtown and Eastside Historic District,* shall continue to meet those standards, in addition to the standards set forth in this subsection.

(b) Size and Location

(I) Additions are not permitted to primary facades.

(II) All additions shall be set back a minimum of ten feet from the primary facade.

(III) Additions shall not exceed 50 percent of the square footage of the building's historic footprint and shall not exceed 50 percent of the existing length in linear feet of the primary façade.

(IV) To the extent architecturally practicable, new additions shall be attached to any existing non-primary façade of a structure rather than attaching them to the primary facade of a structure.

(c) Height

(I) The maximum height of building additions to significant and landmark structures shall be at least six inches lower than the parapet or equivalent roof feature of the existing adjacent connecting facade.

(II) Building additions to contributing structures shall be no more than one additional story higher than the existing structure. To the extent architecturally practicable, two-story additions shall be set to the rear or the side rear of the structure. When an additional story is to be placed upon an existing contributing structure, that footprint may be no greater than fifty percent of the footprint of the existing structure, subject to the provisions of subsection 14-4.6(A)(1). For the purposes of this paragraph, an additional story shall not exceed 12 feet from the existing rooftop to the highest point of that story.

(d) Remodeling to Increase Height

(I) For remodeling of an existing significant or landmark structure, no increase in height of the structure is permitted.

(II) For remodeling an existing contributing structure, a height increase may be permitted through approval of an exception, as described in subsection 14-4.6(D).

(e) Rooftop Equipment

Rooftop equipment, including but not limited to solar collectors, clerestories, decks, or mechanical equipment, may only be installed on contributing and noncontributing structures and shall not be publicly visible, nor shall a parapet be raised to conceal such equipment.

(3) Porches and Portals

Existing porches or portals on significant and landmark structures, and on primary facades of contributing structures shall not be permanently enclosed.

(4) Windows, Doors, and Other Architectural Features

(a) For all facades of significant and landmark properties and for the primary facades of contributing properties:

(I) Historic windows shall be repaired or restored wherever possible. Historic windows that cannot be repaired or restored shall be duplicated in the size, style, and material of the original. Thermal double-pane glass may be used. No window opening shall be widened or narrowed.

(II) Window depth and other characteristics of window and door fenestration shall be preserved.

(III) No new opening shall be made where one presently does not exist unless historic documentation supports its prior existence.

(IV) No historic opening shall be closed.

(b) For all facades of contributing, significant, and landmark structures:

(I) Architectural features, finishes, and details other than doors and windows shall be repaired rather than replaced.

(II) In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities.

(III) Replacement or duplication of missing features shall be substantiated by documentation, physical, or pictorial evidence.

(5) Roofs

The existing historic roof styles and materials shall be maintained or replaced in kind if necessary. The addition of dormers or other roof features should only be considered when they are an existing historic feature of the structure.

(6) Surface Cleaning

The surface cleaning of structures shall employ the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials are not permitted.

(7) Archaeological Resources

Discovery of archaeological resources made during development of a historic property shall be referred to the Archaeological Review Committee. See subsection 14-2.2(G).

(8) Signs

Sign applications and required submittals shall be reviewed by the Planning and Land Use Department. Approval or denial shall be indicated by the department on the application for the construction permit and on each of the required submittals.

(9) Murals

If an application impacts a mural funded through the art in public places program or is otherwise within the scope of the arts commission's enabling responsibilities, the HDRB may refer the application to the City Arts Commission. If a proposed mural does not meet the criteria in the historic ordinance, an exception is required.

(10) Pedestrian-Oriented Areas

(a) The HDRB shall recommend to the Governing Body appropriate streets or portions of streets within the historic district to be set aside for pedestrian-oriented areas.

(b) The Governing Body may set aside the areas recommended, provided that three-fourths of the property owners adjoining the street or portion of street affected have given consent thereto.

(c) Such pedestrian-oriented areas shall be closed to vehicular traffic, and any improvements made by the City in the public right-of-way within the area shall be for pedestrian purposes.

(d) No pedestrian-oriented area shall be set aside unless there is adequate space available conveniently related to the area for vehicle parking. The HDRB's recommendation to the Governing Body shall include a statement of the available parking spaces.

(F) Height, Pitch, Scale, Massing and Floor Stepbacks

The height, pitch, scale, and massing of any structure in a historic district, as defined in this subsection, shall be limited as provided for in this subsection, unless further restricted elsewhere within this chapter.

(1) Applicability

The following subsections identify specific areas and specific projects subject to this subsection. The Planning and Land Use Director shall determine whether or not properties are included within this subsection.

(a) Specific Areas

The height limitations in this subsection apply:

(I) Within the following historic districts:
- **(a)** Downtown and Eastside;
- **(b)** Don Gaspar;
- **(c)** Historic Transition; and
- **(d)** Westside-Guadalupe.

(II) In the Historic Review district, as specified herein. This authority shall apply to the northern and eastern portion of the Historic Review district, as illustrated on the map adopted by Ordinance No. 1983-69, and as amended, incorporated by reference, and shown on the Official Zoning Map. Inclusive under this authority are all properties accessed from Canyon Road, Camino Militar, Apodaca Hill, Camino Ribera, Camino Cabra, Camino Santander, Camino San Acacio, Camino del Monte Sol, Camino Rancheros, Camino Ranchitos, Garcia Street, Old Santa Fe Trail (to the Arroyo de los Chamisos crossing), and Old Pecos Trail (to the southern boundary of the Historic Review district) as they continue out of the Downtown and Eastside historic district and terminate in the Historic Review district. This authority shall also apply to all properties accessed from public rights-of-way that are located east of the western boundary of the Historic Review district and north of the southern boundary of the Historic Review district to the intersection of Camino Corrales and Fort Union Drive.

(III) To all properties accessed from Camino Lejo, Mt. Carmel Road, and east to the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, inclusive of Camino de Cruz Blanca and Camino de Cruz Blanca Norte, and exclusive of properties east of the intersection of Camino de Cruz Blanca and Camino de Cruz Blanca Norte.

(IV) This limitation of applicability shall not affect the authority of the HDRB with respect to significant or contributing structures as provided in subsection 14-4.6(G)(1), *Don Gaspar Area Historic District*, subsection 14-4.6(G)(3), *Historic Review District,* and subsection 14-4.6(G)(4)*, Historic Transition District.*

(b) Streetscape Standards

(I) Streetscapes shall not extend beyond the outer boundaries of the historic districts.

(II) When determining streetscape, the following structure types shall be excluded: institutional structures, buildings originally constructed to house a hotel, multi-unit residential, buildings with non-historic multiple stories, non-historic pitched roof, auxiliary outbuildings such as sheds, existing structures approved by way of a variance or exception, and yard walls and fences whose height is

inconsistent with the predominant height of yard walls and fences on an applicable streetscape.

(III) When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height.

(IV) If a portion of a structure falls within the measurement of an applicable streetscape, such structure shall be considered as part of the applicable streetscape.

(V) If the determined allowable height of a proposed residential building or addition does not meet the minimum construction standards related to height set forth in the international building code (IBC), then the IBC shall prevail.

(c) Project Location

Planning and Land Use Department staff shall determine the applicability of this subsection to individual projects and the applicable streetscape as follows:

(I) If the project is located on a street that extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed building, yard wall, or fence is to be located, for a distance of 600 feet measured from the midpoint of the street-facing façade(s) of the proposed building, yard wall, or fence in both directions parallel to the street centerline. See Figure 4.6-2.



Figure 4.6-2: Linear Street - No Interruptions or Truncations

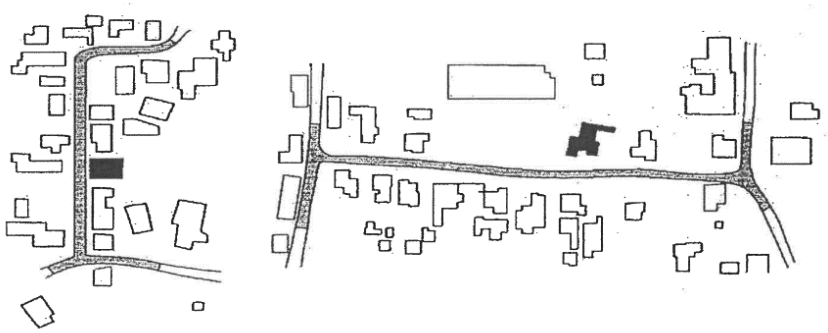


Figure 4.6-1: Truncation by an Intersecting Block or Visual Intrusion

(II) If the streetscape is truncated by an intersecting block or a visual intrusion, such as a curve or turn in the streetscape, before the 600 feet is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See Figure 4.6-1.

(III) If the proposed building, yard wall, or fence fronts more than one street, the streetscape on each street frontage as determined in subsection 14-4.6(F)(1)(c)(I) shall be considered. See Figure 4.6-3.

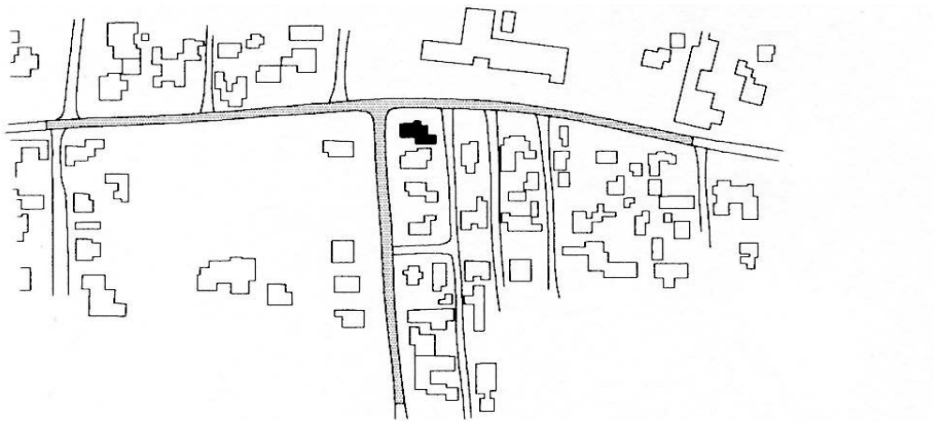


Figure 4.6-3: Frontage on More than One Street

(IV) When the proposed building, yard wall, or fence is located on a lot with no frontage on rights-of-way, the streetscape is defined by measuring a distance of 300 feet in all directions beginning from the mid-point of the facade which contains the principal entrance of the building. The height of a proposed yard wall or fence shall not exceed the height of the tallest yard wall or fence within this streetscape. See Figure 4.6-4.

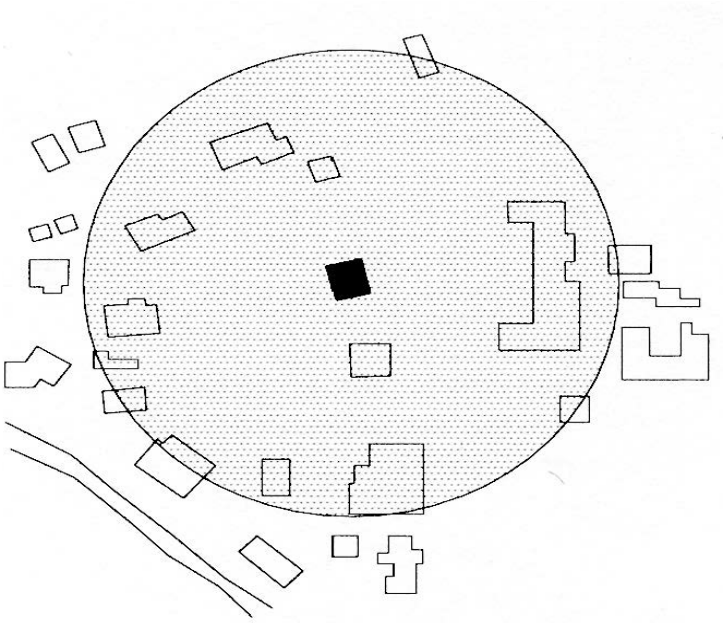


Figure 4.6-4: Interior Lot with No Street Frontage

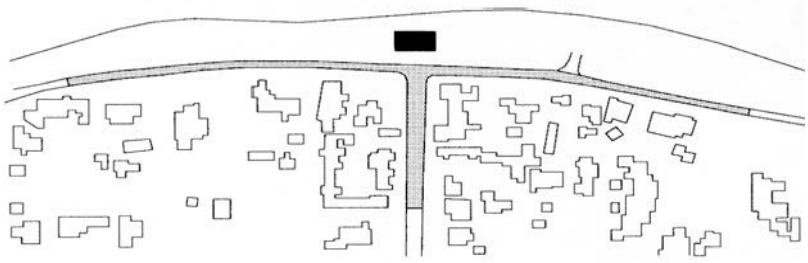


Figure 4.6-5: Location at a "T" Intersection

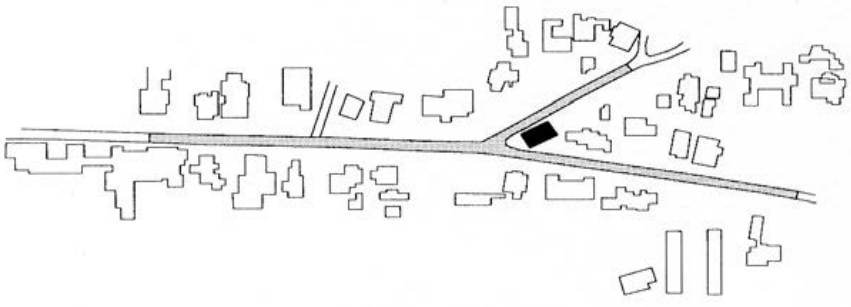


Figure 4.6-5: Location at a "Y" Intersection

(V) When the proposed building, yard wall or fence faces a T- or a Y-intersection, the streetscape shall include buildings, yard walls, and fences as defined in subsection 14-4.6(F)(1)(c)(I), and buildings, yard walls, and fences on both sides of the street creating the leg of the "T" or the arm of the "Y" for a distance of 300 feet parallel to the street centerline. See Figures 4.6-5 and 4.6-6.

(VI) When the proposed building, yard wall, or fence is located in a streetscape that includes no buildings, yard walls, or fences, the height of the proposed building shall not exceed 16 feet. Yard walls and fences in this streetscape shall not exceed five feet in height.

(2) Height

(a) Official Map of Building Heights in the Historic Districts – Procedures

(I) The HDRB shall recommend the adoption of an official map reflecting building heights in the historic districts to the Governing Body. This map shall be used to regulate building height in the historic districts. The official map, adopted January 2010 inclusive of amendments, is hereby adopted by reference and incorporated as if set out herein.

(II) The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, postmarked at least 15 days prior to the public hearing. The official map shall be adopted by the Governing Body by ordinance.

(III) The official map of building heights in the historic districts may be amended from time to time. The HDRB shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing.

(IV) The Governing Body shall hold a public hearing on any amendments to the official map. Such public hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, postmarked at least 15 days prior to the public hearing.

(V) The official map is available in the Planning and Land Use Department and is accessible at all reasonable times for inspection.

(b) Height Limitations

The HDRB shall limit the height of structures as set forth in this subsection. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

(I) If a proposed building has a parapet, the façade shall not exceed two feet of the average of the height of the façades in the streetscape.

(II) If the proposed building has a pitched roof, the ridge height of the proposed building shall not exceed two feet of the average of the ridge height of the pitched roofs in the streetscape.

(III) Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.

(IV) The height of any other structure shall be limited to the allowable building height within the applicable streetscape, as defined in this subsection.

(V) The height and dimension of signage are as set forth in subsection 14-7.6(E), *General Sign Standards*.

(VI) The HDRB may increase the allowable height for proposed buildings and additions located on a sloping site where the difference in the natural grade along the structure's foundation exceeds two feet. In no case shall the height of a façade exceed four feet above the allowable height of the applicable streetscape measured from natural or finished grade, whichever is more restrictive. This increase in height shall be constructed only in the form of building setbacks from the street.

(c) Height Measurement

(I) In historic districts, height shall be the vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive, at the midpoint of the street-facing facade, excluding rooftop appurtenances, the increased height of walls or fences over pedestrian and vehicular openings, and gates (either in opened or closed position).

(II) For structures that do not have street frontage, height shall be determined by the facade that contains the tallest vertical distance measured between the highest part of a structure and the existing grade or finished grade, whichever is more restrictive. The height of walls and fences is measured from the street-facing side of the wall or fence.

(d) Pitch

If the determined streetscape includes over 50 percent buildings with pitched roofs, the proposed building may have a pitched roof. A pitched roof is defined as a gable, shed, or hipped roof. The pitch of the roof shall match the predominant pitch extant in the streetscape.

(e) Scale

The height of a proposed building or addition, its façade length, and its roof form and pitch shall appear to be in proportion to the height, façade length, and roof form and pitch of buildings in the applicable streetscape, or the building on which the addition is proposed.

(f) Massing and Floor Stepbacks

The HDRB may require that upper floor levels be stepped back, to carry out the intent of this subsection; provided that the HDRB in making such determinations shall take into account whether the height of the proposed building, yardwall, fence, or proposed stepback of upper floor levels is in harmony with the massing of the applicable streetscape and preservation of the historic and characteristic visual qualities of the streetscape. The HDRB shall also require that the publicly visible façades of the structure be in conformance with subsection 14-4.6(G), *Additional District-Specific Design Standards,* and in meeting those requirements, may require that different floor levels be stepped back.

(G) Additional District-Specific Design Standards

(1) Don Gaspar Area Historic District

(a) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings an other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished: Slump block, stucco, brick, stone, or wood shall be used as exterior wall materials. Aluminum siding, metal panels, mirrored glass and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials. The painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns, or using buildings as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation.

(I) Roof forms including but not limited to flat, gabled, shed, and hipped roofs are allowed. Folded plate or hyperbolic roofs are not allowed.

(II) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, greenhouses, garden rooms, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened by the following methods:

(a) raising the parapet;

(b) setting back from the edge of the roof;

(c) framing the collector with wood;
(d) in the case of pitched roofs, by integrating the collector into the pitch;
(e) in case of ground solar collectors by a wall or vegetation;
(f) in the case of wall collectors by enclosing by end or other walls;
(g) other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

(III) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obstructive equipment shall be architecturally screened by opaque materials by raising the parapet, framing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems.

(IV) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in view from any public street, way, or other public place.

(V) Greenhouses. Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to-effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouse that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and the greenhouses made from enclosed porches or portales shall maintain the shape of the porch or portal.

(VI) For residential uses, paving with asphalt or parking is not allowed in the front yard except in the sidewalk or driveway.

(VII) For commercial uses zoned C-1 front yards are required to be landscaped, and no required front yard shall be used for off-street parking.

(VIII) As a condition of any rezoning all applicants shall provide evidence of sufficient off-street parking and an intent to maintain the architectural integrity of the existing building or to conform to the architectural style of the district if constructing a building on a vacant lot.

(b) Walls; Fences; Solar Collectors; Administration

Applications for erection, alteration, or destruction of walls, fences, and solar collectors and required submittals shall be reviewed by the planning

and land use department. Approval, disapproval, or referral shall be indicated by the division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to review. The division staff shall report approvals, disapprovals, or referrals to the board at its next regular meeting as an informational item.

(2) Downtown and Eastside Historic District

The governing body recognizes that a style of architecture has evolved within the city from the year 1600 to the present characterized by construction with adobe, hereafter called "old Santa Fe style," and that another style has evolved, hereafter called "recent Santa Fe style," which is a development from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(a) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

(I) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-sprouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, open slightly ogive, over gateways in freestanding walls;

(II) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;

(III) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30)

inches in any dimension are not permissible except as otherwise provided in this subsection;

(IV) The rules as to flat roofs shall not be constructed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

(V) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(VI) It is characteristic of Old Santa Fe style commercial buildings to place a portal so that it covers the entire sidewalk, the columns being set at the curb line.

(b) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

(I) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

(II) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;

(III) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;

(IV) No less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;

(V) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which

color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complementary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and

(VI) Flat roofs shall have not more than thirty (30) inches overhang.

(3) Historic Review District

(a) Applicability

(I) The Planning and Land Use Department shall review and approve or deny all applications for new construction, exterior alteration, and demolition of structures in the historic review district in accordance with the standards set forth in this subsection.

(II) The Historic Districts Review Board shall review and approve or deny new construction of commercial, residential multi-unit, public structures, and those structures requiring the Board's review as specified in subsection 14-4.6(F)(2). Approval, denial, or referral shall be indicated on the application for the construction permit.

(b) Exterior Design Elements and Standards

Compliance with the following structural standards is required when exterior features of buildings and other structures that are visible from any public street, way, or other public place, are erected, altered, or demolished.

(I) Exterior Wall Finish Materials

(a) Slump block, stucco, or stone shall be used as exterior wall materials. Wood and other materials may be used for details.

(b) Aluminum siding, metal panels, mirrored glass, and unstuccoed masonry units or unstuccoed cement shall not be used as exterior wall materials; and

(c) The color of stuccoed buildings shall predominantly be brown, tan, yeso, or local earth tones. Stone surfaces shall be in the natural color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting buildings with bold repetitive patterns, or using buildings as signs, is prohibited.

(II) Roofs and Building Massing

(a) Buildings shall be designed to be "wall dominated," which means that the building's geometry is more defined by walls than by roofs.

(b) In order to emulate traditional Santa Fe architecture and construction traditions, structures shall be designed to appear essentially as structures with massive walls which are defined as being built or appearing to be built of adobe construction, wall thickness appearing massive in relation to wall height, and where applicable, the depths of windows, doors and entry opening showing the massiveness of the structure. Structures shall be wall-dominated, except under portals.

(c) The mass elements that make up the building composition shall appear as single blocks. Buildings with ground coverage of over 20,000 square feet and over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.

(d) Buildings with flat, gabled, shed, and hipped roofs can be designed as "wall dominated" solutions and are allowed. However, gabled, shed, and hipped roofs are only allowed if sufficient evidence is provided by the applicant showing that there are pitched roofs within the related streetscape, as viewed when standing in the public street in front of the site.

(e) The height of the roof above the wall shall be no greater than the height of the walls.

(f) Folded plate, hyperbolic, mansard, or red tile roofs are not allowed. Roofs in local earth tones are preferred.

(g) Roof-mounted mechanical, electrical, and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment or other appropriate means. The equipment shall be of a low profile to minimize the screening problem.

(III) Solar Energy Systems

The use of solar and other energy collecting and conserving strategies is encouraged. The use of large, glazed areas on south-facing walls for trombe walls or other solar collectors, direct gain, or other collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

(a) Raising the parapet up to a maximum of two feet;

(b) Setting back from the edge of the roof;

(c) Framing the collector with wood;

(d) In pitched roofs, by integrating the collector into the pitch;

(e) In ground solar collectors by a wall or vegetation;

(f) In wall collectors or greenhouses, by enclosing end or other walls;

(g) Other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

(IV) Cantilevers

No cantilever or long apparently unsupported openings are allowed except over the projecting vigas, beams, or wood corbels or as part of the roof. The use of arches is discouraged except in free-standing walls.

(V) Walls/Fences

Walls and fences visible from the street shall be built of brick, adobe, rock, masonry, wood, coyote fencing, wrought iron, slump block, or similar materials. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, metal wire, or similar materials are prohibited, except where the wall or fence is not visible from the street.

(VI) Parking

When parking spaces are required for commercial or multi-unit residential buildings, they shall be placed to the rear or side of the building. When parking areas are visible from the street, they shall be screened from view by walls, fences, vegetation, planters, earth berms, or other means.

(4) Historic Transition District

(a) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected or altered:

(I) Architectural Style

(a) Materials

It is intended that exterior wall materials express a monolithic and massive appearance. Stucco, brick, slump block, and stone are allowed. Materials such as aluminum siding, metal panels, mirrored glass, and unstuccoed masonry units or cement are not allowed. Wood siding is not allowed for an entire wall;

(b) Color

The color of stuccoed buildings shall predominantly be in brown, tans, or local earth tones. This does not include chocolate brown colors or white except dull or matte off-white (yeso). Surfaces of stone or brick shall be in the natural

color. Entries and portals may be emphasized by the use of white or other colors or materials. Painting of buildings with bold repetitive patterns, or using buildings as signs is prohibited;

(c) Roof Form, Slope and Shape

It is intended that buildings be designed to be "wall dominated". "Wall dominated" means that the building's geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, and hipped roofs can be deigned as "wall dominated" solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the walls. Folded plate roofs, hyperbolic, mansard, or red tile roofs are not allowed. Roofs in local earth tone colors are preferred. See the following Examples of Roof Types:

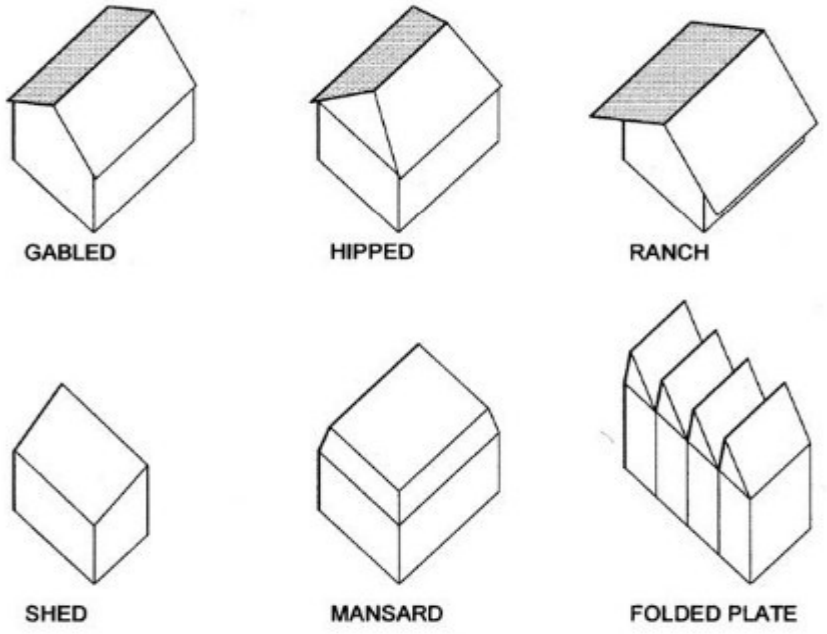


Figure 4.6-6: Examples of Roof Types

(d) Solar Equipment

(i) It is intended that the use of solar and other energy collecting and conserving strategies can be encouraged. The use of large glazed areas on south facing walls for collectors, trombe walls, greenhouses, garden rooms, direct gain, or other collecting purposes is allowed. Solar equipment shall be screened as follows:

(a) raising the parapet;

(b) setting back from the edge of the roof;

(c) framing the collector with wood;
(d) in the case of pitched roofs, by integrating the collector into the pitch;
(e) in the case of ground solar collectors by a wall or vegetation;
(f) in the case of wall collectors or greenhouses, by enclosing by end or other walls;
(g) other means that screen the collectors or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

(ii) Roof-mounted equipment: roof-mounted mechanical, electrical and telephone equipment and other obtrusive structures shall be architecturally screened with opaque materials, for examples, by raising the parapet, and shall be of a low profile to minimize the screening problem;

(iii) Cantilevers, arches: no cantilevers or long apparently unsupported openings are allowed except over the projecting vigas, beams, or wood corbels or as part of the roof. The use of arches is discourages except in free standing walls;

(II) Size, Mass and Shape

(a) In order to emulate traditional Santa Fe architecture and construction traditions, it is intended that structures be designed to appear essentially as structures with massive walls. Structures with massive walls are defined as being built or appearing to be built of adobe construction, wall thickness appearing massive in relation to wall height, and where applicable, the depths of windows, doors and entry openings showing, the massiveness of the structures. Solid wall spaces shall be greater in any façade than window or door space combined. Exceptions are allowed for south facing walls for solar equipment as provided in 14-4.6(G)(4)(a)(I)(d) and under portales;

(b) The mass elements which make up the building composition shall appear as single blocks;

(c) Buildings with ground coverage of over twenty thousand (20,000) square feet and over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block. A human scale shall be achieved near ground level on large commercial, multi-family residential and public buildings and along street façades and entryways through the use of such scale elements as windows, doors, columns, and beams. Human scale means the entrances, windows, columns, and beams on large buildings are in proportion to the people using the building. For example, a ten-foot height entrance cover is in proportion to a person using it. A 30-foot height colonnade is not;

(III) Walls and Fences

Walls and fences visible from the street shall be built of brick, adobe, rock, masonry, wood, coyote fencing, wrought iron, slump block, or similar materials. Walls of unstuccoed concrete block or unstuccoed concrete, chain link, metal wire, or similar materials are prohibited, except where the wall or fence is not visible from the street;

(IV) Remodeling and Alteration

Persons requesting approval for building permits for remodeling or alteration of nonconforming structures shall not be required to bring the total structure into conformance with the standards for the historic transition area. However, the portion of the building that is remodeled or altered shall conform to those standards. Remodeling of structures of architectural and historic interest or individually entered on the state register or cultural properties or national register of historic places or designated as significant on either register shall be related to and compatible with the structure. "Related to and compatible with" means existing together with unity and coherence.

(b) Final Review

(I) All applicants for final review shall submit:

(a) Three copies of four building elevations drawn to scale. Elevations shall be drawn with sufficient detail to show the architectural design of the structures, including proposed exterior finish materials, textures and colors;

(b) Three copies of a dimensioned plan drawn to scale which shows building location and configuration in relation to other site improvements, including but not limited to parking lots and utilities.

(II) The planning and land use department shall make a determination of whether the plans and evaluations are in compliance with the requirements of this subsection within five working days from the date of the application to the city. If the submitted information is inadequate, the division may postpone action until a date agreed upon by the division and the applicant.

(III) Final approval, disapproval, or conditional approval shall be noted on the face of the application and signed by a representative of the planning and land use department. If conditional approval is given, the list of conditions shall be attached to the application. If the application is disapproved, the sections of the historic transition district with which the application did not comply shall be noted on the application.

(c) Property Use and Zoning District

The property in the historic transition district may be used for any use permitted in the zoning district of which the property in question is a part. The property in the historic transition district shall be subject to the requirements, uses, height, and other regulations of the zoning district of which the property is a part.

(5) Westside-Guadalupe Historic District

(a) District Standards

Compliance with the following structural standards shall occur whenever those exterior features of buildings and other structures subject to public view from any public street, way, or other public place are erected, altered, or demolished.

(I) Slump block, stucco, brick, or stone, shall be used as exterior wall materials. Wood and other materials may be used for details. Aluminum siding, metal, panels, mirrored glass, and unstuccoed concrete block or unstuccoed concrete shall not be used as exterior wall materials;

(II) The color of stuccoed buildings shall predominantly be in browns, tans, local earth tones and soft pastels. Surfaces of stone or brick shall be in the natural color. Entryways, and portales or porches may be emphasized by the use of white or other colors. Painting of buildings with a color that causes arresting or spectacular effects or with bold repetitive patterns or using buildings as signs is prohibited. Murals, however, are permitted and may be referred to the city arts board for an advisory recommendation.

(III) Roof form, slope, and shape. It is intended the buildings be designed to be “wall dominated”. “Wall dominated” means that the building’s geometry is more defined by walls than by roofs. Buildings with flat, gabled, shed, or hipped roofs can be designed

as “wall dominated” solutions and are allowed. The height of the roof above the wall shall be no greater than the height of the wall. Folded plate, hyperbolic or mansard roofs are not allowed;

(IV) The use of solar and other energy collecting and conserving strategies is encouraged. The use of large glazed areas on south facing walls for trombe walls or other solar collectors, direct gain, or other energy collecting purposes is allowed. When in view from any public street, way, or other public place, solar equipment shall be screened as follows:

- **(a)** raising the parapet;
- **(b)** setting back from the edge of the roof;
- **(c)** framing the collector with wood;
- **(d)** in the case of pitched roofs, by integrating the collector into the pitch;
- **(e)** in the case of ground solar collectors by a wall or vegetation;
- **(f)** in the case of wall collectors, by enclosing or other walls;
- **(g)** other means that screen the collector or integrate it into the overall structure. Non-glare materials shall be used in solar collectors.

(V) Mechanical, electrical, telephone equipment, microwave satellite receiving dishes, and other obstructive equipment shall be architecturally screened with opaque materials by raising the parapet, boxing in the equipment, or other appropriate means. The equipment shall be of a low profile to minimize the screening problems;

(VI) Walls and fences shall be of brick, adobe, masonry, rock, wood, coyote fencing, or similar materials. Wrought iron fences and slump block walls are allowed. Walls of unstuccoed concrete block, unstuccoed concrete, chain-link, metal wire, or similar materials are prohibited, except where the wall or fence is not in the street frontage;

(VII) Greenhouses;

(VIII) Attached greenhouses that front on the street shall give the appearance of being integrated into the structure of the building or of being a substantive addition rather than having a lean-to effect. The use of corrugated fiberglass or rolled plastic for the external surface of attached or freestanding greenhouses that front on the street is prohibited. Greenhouses with slanting sides shall be bracketed at the ends and that greenhouses made from enclosed porches or portals maintain the shape of the porch or portal;

(IX) Porches and portales are encouraged;

(X) When parking spaces are required for commercial or multi-family residential buildings, they shall be placed to the rear or side of the building.

(b) Walls; Fences; Solar Collectors: Administration

Applications for erection, alteration, or demolition of walls, fences, and solar collectors and required submittals shall be reviewed by the planning and land use department. Approval, disapproval or referral shall be indicated by the division on the application for the building permit and on each of the required submittals, all of which shall be signed by the division staff assigned to the review. The division staff shall report approvals, disapprovals, and referrals to the board at its next regular meeting as an informational item.

(H) Historic Compounds

(1) Purpose

(a) Historic compounds shall be recognized as historic places and that the identifiable historic, physical, and spatial elements comprising them shall be preserved.

(b) Character defining architectural, landscaping, spatial features and contexts in a historic compound shall be preserved.

(c) The buildings, structures, landscaping, and open spaces comprising a compound change over time. Changes to a compound may have acquired historic significance and, if so, shall be retained and preserved.

(d) Additions to existing buildings and new construction and landscaping in a historic compound shall be undertaken in such a manner that, if removed in the future, the historic form and integrity of the historic compound would be unimpaired.

(2) Identification of Historic Compounds

In reviewing applications for compliance with subsection 14-4.6, staff shall evaluate whether the subject property is located in a historic compound. Identification of a historic compound shall be accompanied by a written analysis and justification as to why the compound is historic. Historic compounds shall be comprised of a group of at least three buildings that are historically, physically, and/or spatially related. In order for a compound to be considered historic, at least 50 percent of the buildings in the compound shall be designated contributing, significant or landmark. Designation of all buildings, structures, and objects in a compound shall be reviewed upon application. Four general types of historic compounds are found in Santa Fe, the family, the rental, the placita, and the commercial.

(3) HDRB Review of Existing Conditions Assessments and Historic Compound Plans

(a) For any proposed substantive change to a historic compound, the property owner or representative shall submit an existing conditions assessment for review and approval by the HDRB.

(b) For compounds that have one owner, the HDRB may also require a proposed historic compound plan for review and approval. If a historic compound plan is required, a permit for substantive change in the historic compound shall not be issued until final review and approval of the document by the HDRB.

(c) An existing conditions assessment and/or historic compound plan shall not be reviewed until all exhibits, as specified by city policy, have been submitted.

(d) Review of the existing conditions assessment and historic compound plan by the HDRB shall include the historic, physical, and spatial character including scale and development pattern of the historic compound.

(4) Standards for the Rehabilitation, Demolition, Additions and New Construction in Historic Compounds

(a) General

(I) If proposed changes will significantly alter the historic, physical, or spatial character of the historic compound as a whole, the application shall be denied.

(II) If the proposed changes will result in a resource located in the historic compound losing its contributing, significant, or landmark status, the application shall be denied.

(b) Rehabilitations of Contributing, Significant, and Landmark Resources

In rehabilitating contributing, significant, and landmark resources, the standards as set out in subsection 14-4.6(E) shall be met.

(c) Additions

Additions to contributing, significant, or landmark buildings or structures shall meet the standards as set forth in subsection 14-4.6(E)(2).

(d) Height

(I) Additions to contributing, significant, or landmark buildings shall be a minimum of six inches lower than the parapet or ridge of the historic building. Additions to contributing, significant, or landmark structures other than buildings shall be a minimum of six inches lower than the highest point of the historic structure. This requirement shall supersede subsection 14-4.6(E)(2)(c).

(II) In addition to the height requirements set forth in subsection 14-4.6(H)(4)(d)(I), new buildings shall be at least six inches lower than

the calculated average height of all contributing, significant or landmark buildings in the historic compound.

(III) New walls, fences, or gates shall not exceed the average height of existing walls, fences, or gates in the historic compound. No wall or fence that significantly changes the spatial character of the historic compound shall be constructed.

(e) New Free-Standing Construction and Landscaping

(I) New buildings shall not exceed in size the average historic footprint of all contributing, significant or landmark buildings in the historic compound.

(II) The total footprint of new free-standing building construction approved under this ordinance shall not exceed 50 percent of the combined historic footprint of contributing, significant or landmark buildings.

(III) New construction shall use similar materials, building forms and stylistic elements as found in the historic compound.

(IV) New construction shall be visually distinct from, but compatible with, contributing, significant, or landmark architecture in the historic compound.

(V) New construction shall not damage, block, or obscure historic, physical, or spatial character defining features of the historic compound including but not limited to courtyards, roads, paths, walls, fountains, curbing, and vegetation.

(VI) The location of new construction shall be considered so that its physical relationship to other buildings is similar to the spatial relationships of existing contributing, significant, or landmark buildings in the historic compound.

(VII) Addition of a new object shall not be considered new construction.

(f) Demolitions

(I) Any demolition in a historic compound shall be reviewed as per subsection 14-2.1(G)(3), *Demolition of Historic or Landmark Structure*.

(II) The effect(s) of the demolition on the character of the historic compound as a whole shall be taken into consideration when reviewing the application.

(5) Survey, Recommendation, Approval of Historic Compound Register and Effective Date

(a) A survey of the historic districts shall be completed to determine a list of eligible historic compounds.

(b) The Historic Districts Review Board shall make a recommendation to the Governing Body as to which properties shall be registered as historic compounds.

(c) The Governing Body shall approve the historic compound register after conducting a public hearing. Notice of the public hearing shall be given to the owner of record of each property considered for the historic compound register by first class mail, with a certificate of mailing provided by the U.S. post office, no less than 15 days prior to the hearing.

(d) Subsection 14-4.6(H) shall become effective 30 days after the approval of the historic compound register by the Governing Body.

(I) Landmarks

(1) Official Map of Landmark Structures-Procedures

The Historic Districts Review Board shall recommend to the Governing Body an official map designating the status of structures for the purpose of regulation of landmark structures.

(a) The map shall be adopted at a public hearing of the Governing Body, which hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners and owners of lots or of land within 100 feet, excluding public right-of-way, of the property affected shall be notified of the public hearing by first class mail, with a certificate of mailing provided by the U.S. post office, mailed at least 15 days prior to the public hearing.

(b) The Historic Districts Review Board shall make recommendations to the Governing Body for the amendment of the official map, at a public hearing. Such hearing shall be advertised in a local newspaper no less than 15 days prior to the hearing. All affected property owners shall be notified of the public hearing by first class mail, with a certificate of mailing provided by the U.S. post office, mailed at least 15 days prior to the public hearing. With the consent of the property owner, the City shall post on the property a poster obtained from the Planning and Land Use Department. If the poster cannot be placed on the property, it shall be posted in the closest location available to the city. Posters shall be securely posted, prominently displayed, visible from a public street, at least 14 days prior to the scheduled HDRB hearing. The poster shall indicate the nature of the application, identification of the property affected and the time, date and place of the hearing. The poster shall be removed within 30 days of final action. Failure to do so may result in the city removing the sign at the applicant's expense. A civil fee of $50.00 will be charged.

(c) The Governing Body shall hold a public hearing on a recommendation by the Historic Districts Review Board for an official map. Any official map shall be adopted by the Governing Body by ordinance.

(d) The official map of landmark structures, with referenced property addresses, is amended from time to time. The same is hereby adopted by

reference and incorporated as if set out herein. The official map can be found on the city's website.

(J) State Capital Outlay Projects

(1) Purpose

(a) Recognizing the fragility of the city's historic heritage, the purpose of this subsection is to activate the procedure established in Section 3-22-6 NMSA 1978 under which the city and the state will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

(b) State capital outlay projects in historic districts shall be carried out pursuant to the procedures set forth in Section 3-22-6 NMSA 1978 and subsection 14-4.6(J)(2) and in a manner that is harmonious and generally compatible with the design standards set forth in subsection 14-4.6(J)(3). These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

(2) Procedures

(a) Before commencing with the design phase of a capital outlay project, the state and the Historic Districts Review Board shall consult as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The Historic Districts Review Board shall work collaboratively with the state to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The state shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

(b) After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital overlay project, the state shall submit the plans to the Historic Districts Review Board for review and comment. The Historic Districts Review Board in conjunction with the state shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

(c) Within 60 days after the public meeting the Historic Districts Review Board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the state. The state shall consult with the Historic Districts Review Board or other entity to resolve any issues raised. If at the end of the sixty-day period unresolved issues remain, the city may within

five days after the end of the period, notify the state that the issues remain unresolved and these issues shall be finally determined as set forth in Section 3-22-6(G) NMSA 1978, provided that if notice is not timely given, the state may, after incorporating those provisions to which the state and the city have agreed, proceed with the project.

(d) The state shall not take any irrevocable action on the capital project in reliance on the plans until the procedures set forth in Section 3-22-6 NMSA 1978 have been followed.

(3) Design Standards

(a) General Standards

A state capital outlay project shall be designed appropriate to the seat of government and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in subsection 14-4.6(F)(1)(b) and subsection 14-4.6(F)(1)(c). A new structure or proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows:

(I) Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of 30 inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air-conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the parapet from any public way.

(II) Walls and Windows

The combined door and window area in any publicly visible façade generally shall not exceed forty percent of the total area of the facade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three feet from the corner of the facade except in circumstances where the unique purpose of the space may

warrant special design considerations. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

(III) Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than eighty percent of the non-fenestration surface area of any publicly visible façade shall be adobe finish, stucco or other material simulating adobe finish. The balance of the publicly visible façade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

(IV) Colors

The publicly visible facade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. However, facade surfaces under portals or inset panels in a wall under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

(V) Other Features

Facades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curb line.

(VI) Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the streetscape. The Planning and Land Use Department staff shall determine the applicable streetscape as set forth in subsection 14-4.6(F)(1)(b) and subsection 14-4.6(F)(1)(c). Height shall be measured as set forth in subsection 14-4.6(F)(2).

Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the state shall submit a statement from a NM licensed surveyor of the actual height. No building facade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements.

(4) Contributing, Significant and Landmark Buildings

State capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in subsection 14-4.6. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

(5) Demolition of Historic and Landmark Structures

(a) A request for demolition of a historic or landmark structure shall include a staff report and comply with the approval criteria set forth in subsection 14-2.1(G)(3)(d), *Demolition Criteria for Approval*. If there is a disagreement as to demolition, the procedures set forth in Section 3-22-6(G) NMSA 1978 shall be followed.

(b) The minimum maintenance requirements for historic or landmark structures set forth in subsection 14-4.6(B) shall be met.

(K) County and Santa Fe Public Schools Capital Outlay Projects

(1) Purpose

(a) Recognizing the fragility of the city's historic heritage, the purpose of this subsection is to establish a procedure under which the city, the county and Santa Fe Public Schools will collaborate in good faith and work jointly to preserve and protect the historic districts of Santa Fe as well as contributing, significant and landmark structures.

(b) Preserving and protecting the historic districts as well as contributing, significant and landmark structures promotes economic welfare, preserves property values and attracts businesses and tourists thus benefiting the entire Santa Fe community including the city, the county and Santa Fe public schools. By establishing up front procedures to ensure cooperation between the city and the county and the public schools, unnecessary costs and delays for capital outlay projects will be avoided. Specific design requirements that acknowledge necessary building functions and budgets will result in harmonious yet responsive public projects.

(c) County and Santa Fe public schools capital outlay projects in historic districts or involving landmarks located outside historic districts shall be carried out pursuant to the procedures set forth in subsection 14-4.6(K)(2) and in a manner that is harmonious and generally compatible with the design standards set forth in subsection 14-4.6(K)(3). These procedures and standards apply to new structures and additions to and alterations and demolition of existing buildings.

(2) Procedures

(a) Before commencing with the design phase of a capital outlay project, the county or the Santa Fe public schools shall consult with the Historic Districts Review Board as to the appropriate design standards and how those design standards would impact costs and the operation or manner in which the project will ultimately be expected to function. The Historic Districts Review Board shall work collaboratively with the county or the Santa Fe public schools to arrive at compatibility of the project with the design standards, considering reasonable costs and preserving essential functionality. The county or the Santa Fe public schools shall also make every reasonable effort to obtain input from members of identifiable community groups involved in historic preservation in Santa Fe before commencing the design phase.

(b) After the design phase and before soliciting a bid or proposal for design-build or lease-purchase for a capital outlay project, the county or the Santa Fe public schools shall submit the plans to the Historic Districts Review Board for review. The Historic Districts Review Board shall conduct a public meeting to receive public input. Notice of the public meeting shall be given to any identifiable community groups involved in historic preservation in Santa Fe.

(c) Within 60 days after the public meeting the Historic Districts Review Board, any identifiable historic preservation community group or any other interested party shall communicate recommendations and comments in writing to the county or the Santa Fe public schools. The county or the Santa Fe public schools shall resolve any issues raised and submit the project to the Historic Districts Review Board for final approval.

(3) Design Standards

(a) General Standards

A county or Santa Fe public schools capital outlay project shall be designed appropriate for the public use and with the intent of achieving harmony with existing buildings by the use of similar materials, color, proportion, and general details to the existing buildings in the applicable streetscape. The applicable streetscape shall be determined as set forth in subsection 14-4.6(F)(1)(b) and subsection 14-4.6(F)(1)(c). A new structure or

proposed alteration or addition shall not cause an adjacent contributing, significant or landmark structure to lose its status. Alterations and additions shall be in character with the style, detail and massing of the existing building. The dominating effect is to be that of adobe construction as follows:

(I) Roofs

Roofs, generally, shall be flat with a slight slope and surrounded by a parapet of the same color and material as the walls or of brick. Roofs shall generally not be carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by columns, posts or other vertical supports. No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment not to exceed an overhang of 30 inches. The restriction as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the parapet from any public way.

(II) Walls and Windows

The combined door and window area in any publicly visible façade generally shall not exceed 40 percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three feet from the corner of the façade except in circumstances where the unique purpose of the space may warrant special design considerations. Windows, doors and portales on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles. Glass and window trim shall be nonreflective. Windows shall be similar in proportion to the fenestration pattern in the streetscape. Deep window recesses are characteristic.

(III) Finishes

Construction shall be with materials with which the adobe effect can be simulated provided that the exterior walls are not less than eight inches thick. Mud plaster, hard plaster or other materials simulating adobe, laid on smoothly, is required. No less than 80 percent of the non-fenestration surface area of any publicly visible façade shall be adobe finish, stucco or other material simulating adobe finish. The balance of the publicly visible façade may be of natural stone, wood, brick, tile, terra cotta, or other material. Materials shall convey a sense of substance and permanence.

(IV) Colors

The publicly visible façade of any building and of any adjoining walls generally shall be of one color but no more than three colors and simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. However, façade surfaces under portales or inset panels in a wall under a roof overhangs, in church-derived designs, may be painted white or be of contrasting or complimentary colors or have mural decorations.

(V) Other Features

Facades shall be flat, varied by inset portals, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices. Depending upon the existing streetscape and if permitted otherwise in this chapter, a portal may cover the entire sidewalk with the columns set at the curb line.

(VI) Height

The height shall be limited to the average height of institutional buildings as measured within the applicable streetscape. When determining an applicable streetscape, vacant lots or parcels shall not be included in the calculation for allowable height. If no institutional buildings are included in the streetscape, the maximum height shall not exceed the average height of existing buildings in the streetscape. The land use department staff shall determine the applicable streetscape as set forth in subsection 14-4.6(F)(1)(b) and subsection 14-4.6(F)(1)(c). Height shall be measured as set forth in subsection 14-4.6(F)(2). Heights of existing structures shall be as set forth on the official map of building heights. If the height of an existing building is not given, the county or Santa Fe public schools shall submit a statement from a New Mexico licensed surveyor of the actual height. No building façade shall be over two stories in height unless the façade includes projecting or recessed portales, balconies, setbacks or other design elements.

(b) Contributing, Significant and Landmark Buildings

County of Santa Fe public schools capital outlay projects that involve contributing, significant or landmark structures shall be undertaken in such a manner as to preserve the status of the structure and in accordance with the standards for alterations or additions to contributing, significant or landmark buildings as set forth in subsection 14-4.6. Historic materials and architectural features and spaces that embody the status shall be preserved. A proposed alteration or addition shall not cause the structure to lose its status.

(4) Demolition of Historic and Landmark Structures

(a) A request for demolition of a historic or landmark structure shall comply with the provisions of subsection 14-2.1(G)(3), *Demolition of Historic or Landmark Structure*.

(b) The minimum maintenance requirements for historic or landmark structures set forth in subsection 14-4.6(B) shall be met.

14-4.7 West Santa Fe River Corridor District

(A) Purpose

Because openness, visual integrity, scale and harmony are vital assets in implementing the West Santa Fe River Corridor Master Plan, it is the intent of the West Santa Fe River Corridor Overlay Zoning District to:

(1) Maintain a clear sense of visual openness along the river corridor and promote its restoration, in part, by minimizing the negative impacts of adjoining land development;

(2) Regulate land development, including site and building design, so that new development reflects the scale of the surrounding neighborhoods while meeting City development standards.

(B) Boundaries

The West Santa Fe River Corridor Overlay Zoning District includes lands bounded by West Alameda Street to the north, La Joya Road to the east, Agua Fria Street to the south and the Agua Fria Traditional Historic Village/City of Santa Fe corporate limit boundary to the west.

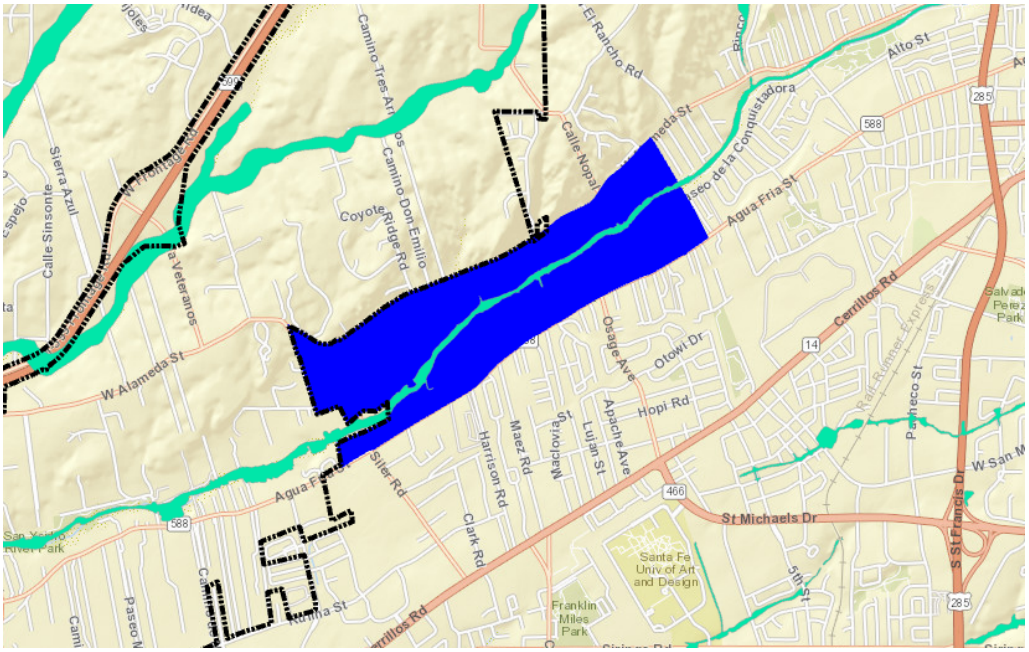


Figure 4.7-1: West Santa Fe River Corridor Overlay Boundaries

(C) Building Height

Maximum building height shall not exceed 28 feet, as defined in subsection 14-3.5(E).

(D) Building Setback from Santa Fe River

A minimum of 15 feet from whichever one of the following is the most restrictive:

(1) River Greenway Boundary, or

(2) 100-year Floodplain Boundary (FEMA), or

(3) City code setback measurement for streams and watercourses, subsection 14-8.2(E)(5), *Arroyo, Stream, and Watercourse Standards.*

(E) Building Setback from Street

In the case of residential development, the setback applies when proposing a minimum of two lots or two housing units. Minimum setbacks from the street for new developments and new subdivisions fronting:

(1) Agua Fria Street: 30 feet, or 20 percent of lot depth, whichever is less, from the Agua Fria Street frontage property line.

(2) West Alameda Street: 50 feet from the West Alameda Street frontage property line.

(F) Minimum Frontage Width for Development along West Alameda Street

Minimum street frontage width of 250 feet along West Alameda Street is required for any subdivision, unless approved by the traffic engineer.

(G) Common Area Open Space

In lieu of park dedication to the City, residential subdivisions or developments with a density of five dwellings per acre or greater, or a minimum of 25 total housing units or lots, shall have a minimum of ten percent of the total land area of the proposed subdivision or development reserved as common open space. See also subsection 14-7.4(B), *Residential Open Space.*

Section 14-5 Use Regulations

14-5.1 General Provisions

(A) The City's land use boards may further regulate uses in planned districts or impose conditions on those uses when it approves a conditional use approval, master plan or development plan.

(B) Additional regulations concerning uses may be located in the conditional use approval, master plan or development plan for a particular property.

(C) 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 XIV.

14-5.2 Summary Table of Allowed Uses

The Summary Table of Allowed Uses sets forth the uses allowed or prohibited within the City's base zoning districts, as described in Table 3-1: Zoning Districts Established, and the AC overlay district.

(A) Table Organization

(1) In Table 5-1: Summary Table of Allowed Uses, land uses and activities are classified into general use categories and subcategories, which then contain lists of specific uses. These groupings are generally based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the use category "Residential" contains two use subcategories, "Household Living" and "Group Living," each of which is followed by an alphabetized list of uses that comprise the category.

(2) This classification system does not list every use or activity that may exist within each use category and is not intended to be an exhaustive or mutually exclusive description of all possible specific uses. For unlisted uses, see subsection 14-5.2(B), *Review and Approval of Unlisted Uses*.

(3) These regulations are based on the patterns of development and physical activities that comprise the principal and accessory uses of land, rather than on whether the activity is conducted for profit, not for profit or other purposes.

(B) Review and Approval of Unlisted Uses

(1) General Standards

The following procedure shall apply if an application is submitted for a use that is not specifically listed in Table 5-1: Summary Table of Allowed Uses. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

(2) Procedure

(a) The Land Use Director will review the proposed unlisted use to determine if it is materially similar to a listed use by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; transportation requirements; and other elements of the use that might impact surrounding uses.

(b) If the Planning and Land Use Director determines that the proposed unlisted use is materially similar to a listed use, the proposed unlisted use shall be treated the same as the listed use to which it is materially similar.

(c) If the Planning and Land Use Director determines that the proposed unlisted use is not materially similar to any listed use, the applicant may request that the proposed use be included in the code, by way of a code text amendment, as described in subsection 14-2.1(D)(2).

(d) The Department shall review such requests and offer recommendations regarding the classification of the use within a category/subcategory, as well as the following:

(I) In which zoning district(s) the use should be allowed;

(II) What parking ratio, existing or new, should be applied to the use type;

(III) How the use should be defined; and

(IV) Any other conditions or use-specific standards that should be adopted to ensure the proper development of the use type.

(C) Explanation of Table Abbreviations

(1) Zoning Districts

The zoning district abbreviations listed in the use table are explained in Table 3-1: Zoning Districts Established.

(2) Permitted Uses

A "P" in a cell indicates that the use category is permitted by right in the respective zoning district, either as a primary or as an accessory use, subject to compliance with any applicable Use-Specific Standards cross-referenced in the right-hand column of that row of the table.

(3) Conditional Use Approval

A "C" in a cell indicates that the use is permitted only if reviewed and approved as a conditional use approval, in accordance with the review procedures of subsection 14-2.1(F)(2), *Conditional Use Approval*.

(4) Accessory Uses

(a) An "A" in a cell indicates that a use category is permitted as an accessory use.

(5) Temporary Uses

A "T" in a cell indicates that the use is permitted as a temporary use.

(6) District-Related Use-Specific Standards

An asterisk "*" next to a letter in any of the cells of the table indicates that there are Use-Specific Standard that apply to the use in the zoning district where it appears.

(7) Prohibited Uses

A blank cell indicates that the use type is prohibited in the zoning district. A use or structure that is not specifically listed or included in Table 5 1 is prohibited, unless it is approved through the procedure described in subsection 14-5.2(B), *Review and Approval of Unlisted Uses*.

(8) General Use-Specific Standards

Use-specific standards apply to the use if there is a cross-reference in the right-hand column of the table. These use-specific standards apply in all districts where a use is permitted, unless otherwise specified, and regardless of whether the use is permitted by right or as a conditional use approval.

(D) Summary Table of Allowed Uses

Table 5-1: Summary Table of Allowed Uses

P = Permitted use **C** = Conditional use approval required **A** = Accessory use **T** = Temporary use **Blank Cell** = Prohibited use

	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Residential																						
Household Living																						
Accessory building or structure	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(1)
Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					14-5.3(C)(2)
Compound development		P	P		P	P	P		P	P	P	P	P									14-5.3(C)(3)
Children's play area and play equipment, private	A	A	A	A	A	A	A	A	A	A	A	A	A				A	P				
Dwelling or residence ancillary to another approved use		A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	
Dwelling, live-work		P	P		P	P		P	P	P	P	P	P									
Dwelling, multi-unit	P	P	P		P	P	P	P	P	P	P	P	P				P		P	P	P	14-5.3(C)(4)
Dwelling, single-family attached townhome	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(5)
Dwelling, duplex	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, triplex		P	P	P	P	P		P	P	P	P	P	P									
Dwelling, quadplex		P	P	P	P	P		P	P	P	P	P	P									

Table 5-1: Summary Table of Allowed Uses

P = Permitted use **C** = Conditional use approval required **A** = Accessory use **T** = Temporary use **Blank Cell** = Prohibited use

	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Greenhouse or plant nursery, non-commercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(6)
In-home daycare	A	A	A	A	A	A	A	A	A	A	A	A	A	A		P	P		P	P	P	
Manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(7)
Mobile home, permanent installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(8)
Mobile home, temporary installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(9)
Mobile home park							P															14-5.3(C)(10)
Private barbecue pit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private garage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A					14-5.3(C)(11)
Short-term rental unit																						14-5.3(C)(12)
Tiny home	P	P	P	P	P	P		P	P	P	P	P	P									14-5.3(C)(13)
Group Living																						
Boarding, dormitory, monastery, or convent	C	C	C	C	C	P		P	C	P	P	C	P			C	C					
Continuing care community	C	C	C	C	C	C		C	P	P	P	C	P			C	P					14-5.3(D)(1)
Foster home	P	P	P			P		P	P	P	P		P				P					14-5.3(D)(2)

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Group residential care facility, correctional			C		C	C		C	C	C	P*	P*	P*			C	P*					14-5.3(D)(3)
Group residential care facility, large or small	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P	P	P	C	P			C	P					14-5.3(D)(4)
Personal care facility for the elderly						C		C	P	P	P	P	P	P		P	P		P	P	P	14-5.3(D)(5)
Sheltered care facility	C	C	C		C	C		C	C	P	C	C	C				C					14-5.3(D)(6)
AGRICULTURAL																						**14-5.3(E)**
Agricultural home occupation	A	A																				14-5.3(E)(2)
Aquaculture											C	C	C	C	C				C	C	C	14-5.3(E)(3)
Aquaponics											C	C	C	C	C				C	C	C	14-5.3(E)(4)
Composting facility														C	C							14-5.3(E)(5)
Farm stand																						14-5.3(E)(6)
Farmers' market																						
Hydroponics											C	C	C	C	C				C	C	C	14-5.3(E)(7)
Stable, commercial	C																					
Urban farm, ground level	A*	A*	A*	A*	A*	A*					P*	P*	P*	P	P			C	P*	P*	P*	14-5.3(E)(8)
Urban farm, roof level, open air	C*	C*	C*	C*	C*	C*					C	C	C	C	C				C	C	C	14-5.3(E)(8)

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CIVIC, PUBLIC, AND INSTITUTIONAL																						
Community and Cultural Centers or Facilities																						
Cemetery, mausoleum, or columbarium	C	C	C							P	C	C					C					14-5.3(F)(1)(a)
Museum		C	C		C	C		P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(1)(b)
Neighborhood or community center, including youth or senior centers	C	C	C		C	C		C	P	P	P	P	P			P	P	P	P	P	P	
Public park, playground, or playfield	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious, educational, or charitable institution	C*	C*	C*		C*	C*		C*	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(F)(1)(c)
Educational Facilities																						
College or university, nonresidential									P	P	P	P	P	P		P	P		P	P	P	
College or university, residential	C	C	C		C	C		C	C	P	C	C	C			C	C					14-5.3(F)(2)(a)
Elementary or secondary school, public or private	C	C	C		C	C		C	P*	P*	P*	P*	P*	C		P*	C		C	C	C	14-5.3(F)(2)(b)

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Vocational or trade school, light industrial										P*				P	P	P*						14-5.3(F)(2)(c)
Vocational or trade school, non-industrial								P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(2)(d)
Emergency Services																						
Police or fire station	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(F)(3)(a)
Health Care and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facility	C	C	C	C	C	C		C	P	P	P	P	P			P	P					
Hospital										P	C	C				P	P/ C					14-5.3(F)(4)(a)
Hospital heliport																	A*					14-5.3(F)(4)(a)
Medical or dental office or clinic								C	P*	P	P	P	P	P*		P	P		P	P	P	14-5.3(F)(4)(b)
Human Services																						
Day care facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C		P	P		P	P	P	
Human services establishment									P	P		P		P					P	P	P	14-5.3(F)(5)(a)
Public Transportation																						
Transit transfer facility									C	P		C		P	P	C	C		C	P	P	
COMMERCIAL																						
Animal-Related																						

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Doggie daycare	P								P*	P*	P*	P*	P*	P	P				P*	P*	P*	14-5.3(G)(1)(a)
Kennel or boarding facility	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(b)
Pet grooming	P								P*	P	P	P	P	P	P				P	P	P	14-5.3(G)(1)(c)
Veterinarian	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(d)
Arts Activities																						
Arts and crafts studio, gallery, or school								P*	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(2)(a)
Dance studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(b)
Film production								T	P/T	P/T	P/T	P/T	P/T	P/T	P/T							14-5.3(G)(2)(c)
Photography studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(d)
Assembly																						
Reception or event center									P	P	P	P	P									
Private club or lodge	C	C	C		C	C		C	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(G)(3)(a)
Cannabis Establishments																						**14-5.3(G)(4)**
Cannabis consumption area																						
Cannabis manufacturing, heavy														P	P	P						
Cannabis manufacturing, light										P		P		P	P	P						
Cannabis producer microbusiness												P/C		P/C	P/C	P/C			P/C	P/C	P/C	14-5.3(G)(4)(i)

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Cannabis producer												C		P/C	P/C	C						14-5.3(G)(4)(j)
Cannabis research or testing laboratory										P		P		P	P	P						
Commercial cannabis retailer									P*	P		P		P	P	P			P	P	P	14-5.3(G)(4)(k)
Food and Beverages																						
Bar, cocktail lounge, nightclub, with or without outdoor entertainment								C*	P*	P		P*		P	P				P*	P*	P*	14-5.3(G)(5)(a)
Brewery, distillery, tasting room, winery								C*	P*	P*	P	P	P	P	P				P	P	P	
Commissary kitchen											P											14-5.3(G)(5)(b)
Food truck								P*	P	P	P	P	P	P	P	P	P		P	P	P	
Mobile food court																						
Outdoor dining								A*	A	A	A	A	A	A		A			A	A	A	14-5.3(G)(5)(c)
Restaurant, fast service/take-out								C*	P*	P	P*	P	P*	P	P	C			P	P	P	14-5.3(G)(5)(d)
Restaurant, full service, with or without incidental alcohol service								C*	P	P		P		P	P	C			P	P	P	14-5.3(G)(5)(e)
Restaurant with bar, cocktail lounge or nightclub comprising								C*	P*	P*		P*		P	P				P*	P*	P*	14-5.3(G)(5)(f)

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more than 25% of total serving area																						
Restaurant, with drive-through/drive-up												P*		P*	P*	C			P*	P*	P*	14-5.3(G)(5)(g)
Lodging																						
Bed and breakfast inn										P		P		P		P					P	
Campground or RV park	C																					
Conference or extended stay lodging facility										P		P		P		P						
Hotel, motel, or residential suite hotel										P		P				P					P	
Vacation time share										P		P		P								14-5.3(G)(6)
Office, Business, and Professional																						
Bank or credit union									P*	P	P*	P*		P*		P*			P*	P*	P*	14-5.3(G)(7)(a)
Business or professional office (excluding medical or dental office)								C	P*	P	P	P	P	P	P	P	P		P	P	P	14-5.3(G)(7)(b)
Laboratory, research or testing										P	P	P		P	P	P	P					14-5.3(G)(7)(c)
Temporary on-site contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14-5.3(G)(7)(d)
Recreation and Entertainment																						

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Commercial recreation									C	P		P		P	P				P	P	P	14-5.3(G)(8)(a)
Outdoor music									C	P		P							P	P	P	
Theater, live productions								P*		P		P		P	P	P			P	P	P	14-5.3(G)(8)(b)
Retail Sales and Services																						
Antique store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(a)
Art supply store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(b)
Bookshop								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(c)
Cabinet shop, custom								P*	P*	P		P	P	P	P	P						14-5.3(G)(9)(d)
Department or discount store									P*	P		P		P						P	P	14-5.3(G)(9)(e)
Flea market										P		P		P								14-5.3(G)(9)(f)
Florist shop								P*	P*	P		P		P		P	P		P	P	P	14-5.3(G)(9)(g)
Funeral home or mortuary										P	P	P		P								
Furniture store									P*	P		P		P	P					P	P	14-5.3(G)(9)(h)
Laundromat	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(i)
Neighborhood grocery store	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(j)
Office equipment sales and service; office supply sales									P*	P		P		P	P					P	P	14-5.3(G)(9)(k)
Pharmacy or apothecary shop									P*	P	P	P		P			P		P	P	P	14-5.3(G)(9)(l)

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Retail establishment not listed elsewhere									P*	P		P		P	P				P	P	P	14-5.3(G)(9)(m)
Retail and service uses intended to serve the primary uses and that do not exceed 5,000 square feet									P*	P				P	P	P						14-5.3(G)(9)(n)
Retail sales accessory to any permitted use									P*							A						14-5.3(G)(9)(o)
Seasonal sales								T	T	T	T	T	T	T					T	T	T	
Sign shop									C	P		P	P	P	P							14-5.3(G)(9)(p)
Service Establishments																						
Exercise, spa, or gym facility									P*	P		P		P	P				P	P	P	14-5.3(G)(10)(a)
Hair salon or barber shop									P*	P	P	P	P	P					P	P	P	14-5.3(G)(10)(b)
Personal service establishment									P*	P		P		P					P	P		14-5.3(G)(10)(c)
Tailoring or alterations shop								P	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(10)(d)
Sexually-Oriented Business																						
All														P	P							14-5.3(G)(11)
Vehicles and Equipment																						

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Commercial parking lot or garage										P		P		P	P	A	P		P	P	P	
Garage, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Service and repair garage, including gas station										P		P		P	P					C	C	
Tire recapping and retreading												P		P	P							
INDUSTRIAL																						
Automobile salvage or wrecking yard, or junkyard															P							14-5.3(H)(1)
Light assembly and manufacturing										P		P		P	P	P						
Warehouse and Storage																						
Outdoor storage lot or yard														P	P	A						14-5.3(H)(2)(a)
Self-storage facility										P		C		P	P	P*			P	P	P	14-5.3(H)(2)(b)
Temporary mobile storage unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	14-5.3(H)(2)(c)
Warehouse and distribution														P	P							
Wholesale operation										P*		P*		P	P							14-5.3(H)(3)

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UTILITIES																						
All, not otherwise listed separately	C	C	C		C	C		C	C	P	C	P	C	P	P		C					
Electrical distribution facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical switching station	P	P							P	P	P	P	P	P	P	P			P	P	P	14-5.3(I)(1)
Electrical transmission line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Telecommunications facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(I)(3)

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Residential																						
Household Living																						
Accessory building or structure	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(1)
Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					14-5.3(C)(2)
Compound development		P	P		P	P	P		P	P	P	P	P									14-5.3(C)(3)
Children's play area and play equipment, private	A	A	A	A	A	A	A	A	A	A	A	A	A				A	P				
Dwelling or residence ancillary to another approved use		A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	
Dwelling, live-work		P	P		P	P		P	P	P	P	P	P									
Dwelling, multi-unit	P	P	P		P	P	P	P	P	P	P	P	P				P		P	P	P	14-5.3(C)(4)
Dwelling, single-family attached townhome	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(5)
Dwelling, duplex	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, triplex		P	P	P	P	P		P	P	P	P	P	P									
Dwelling, quadplex		P	P	P	P	P		P	P	P	P	P	P									

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Greenhouse or plant nursery, non-commercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(6)
In-home daycare	A	A	A	A	A	A	A	A	A	A	A	A	A	A		P	P		P	P	P	
Manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(7)
Mobile home, permanent installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(8)
Mobile home, temporary installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(9)
Mobile home park							P															14-5.3(C)(10)
Private barbecue pit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private garage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A					14-5.3(C)(11)
Short-term rental unit																						14-5.3(C)(12)
Tiny home	P	P	P	P	P	P		P	P	P	P	P	P									14-5.3(C)(13)
Group Living																						
Boarding, dormitory, monastery, or convent	C	C	C	C	C	P		P	C	P	P	C	P			C	C					
Continuing care community	C	C	C	C	C	C		C	P	P	P	C	P			C	P					14-5.3(D)(1)
Foster home	P	P	P			P		P	P	P	P		P				P					14-5.3(D)(2)

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	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 – R-29	MHP	RAC	MU	BCD	C-1	C-2	C-4	I-1	I-2	BIP	HZ	POS	SC-1	SC-2	SC-3	Use-Specific Standards
Group residential care facility, correctional			C		C	C		C	C	C	P*	P*	P*			C	P*					14-5.3(D)(3)
Group residential care facility, large or small	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P	P	P	C	P			C	P					14-5.3(D)(4)
Personal care facility for the elderly						C		C	P	P	P	P	P	P		P	P		P	P	P	14-5.3(D)(5)
Sheltered care facility	C	C	C		C	C		C	C	P	C	C	C				C					14-5.3(D)(6)
AGRICULTURAL																						**14-5.3(E)**
Agricultural home occupation	A	A																				14-5.3(E)(2)
Aquaculture											C	C	C	C	C				C	C	C	14-5.3(E)(3)
Aquaponics											C	C	C	C	C				C	C	C	14-5.3(E)(4)
Composting facility														C	C							14-5.3(E)(5)
Farm stand																						14-5.3(E)(6)
Farmers' market																						
Hydroponics											C	C	C	C	C				C	C	C	14-5.3(E)(7)
Stable, commercial	C																					
Urban farm, ground level	A*	A*	A*	A*	A*	A*					P*	P*	P*	P	P			C	P*	P*	P*	14-5.3(E)(8)
Urban farm, roof level, open air	C*	C*	C*	C*	C*	C*					C	C	C	C	C				C	C	C	14-5.3(E)(8)

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CIVIC, PUBLIC, AND INSTITUTIONAL																						
Community and Cultural Centers or Facilities																						
Cemetery, mausoleum, or columbarium	C	C	C							P	C	C					C					14-5.3(F)(1)(a)
Museum		C	C		C	C		P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(1)(b)
Neighborhood or community center, including youth or senior centers	C	C	C		C	C		C	P	P	P	P	P			P	P	P	P	P	P	
Public park, playground, or playfield	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious, educational, or charitable institution	C*	C*	C*		C*	C*		C*	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(F)(1)(c)
Educational Facilities																						
College or university, nonresidential									P	P	P	P	P	P		P	P		P	P	P	
College or university, residential	C	C	C		C	C		C	C	P	C	C	C			C	C					14-5.3(F)(2)(a)
Elementary or secondary school, public or private	C	C	C		C	C		C	P*	P*	P*	P*	P*	C		P*	C		C	C	C	14-5.3(F)(2)(b)

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Vocational or trade school, light industrial										P*				P	P	P*						14-5.3(F)(2)(c)
Vocational or trade school, non-industrial								P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(2)(d)
Emergency Services																						
Police or fire station	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(F)(3)(a)
Health Care and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facility	C	C	C	C	C	C		C	P	P	P	P	P			P	P					
Hospital										P	C	C				P	P/ C					14-5.3(F)(4)(a)
Hospital heliport																	A*					14-5.3(F)(4)(a)
Medical or dental office or clinic								C	P*	P	P	P	P	P*		P	P		P	P	P	14-5.3(F)(4)(b)
Human Services																						
Day care facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C		P	P		P	P	P	
Human services establishment									P	P		P		P					P	P	P	14-5.3(F)(5)(a)
Public Transportation																						
Transit transfer facility									C	P		C		P	P	C	C		C	P	P	
COMMERCIAL																						
Animal-Related																						

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Doggie daycare	P								P*	P*	P*	P*	P*	P	P				P*	P*	P*	14-5.3(G)(1)(a)
Kennel or boarding facility	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(b)
Pet grooming	P								P*	P	P	P	P	P	P				P	P	P	14-5.3(G)(1)(c)
Veterinarian	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(d)
Arts Activities																						
Arts and crafts studio, gallery, or school								P*	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(2)(a)
Dance studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(b)
Film production								T	P/T	P/T	P/T	P/T	P/T	P/T	P/T							14-5.3(G)(2)(c)
Photography studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(d)
Assembly																						
Reception or event center									P	P	P	P	P									
Private club or lodge	C	C	C		C	C		C	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(G)(3)(a)
Cannabis Establishments																						**14-5.3(G)(4)**
Cannabis consumption area																						
Cannabis manufacturing, heavy														P	P	P						
Cannabis manufacturing, light										P		P		P	P	P						
Cannabis producer microbusiness												P/C		P/C	P/C	P/C			P/C	P/C	P/C	14-5.3(G)(4)(i)

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Cannabis producer												C		P/C	P/C	C						14-5.3(G)(4)(j)
Cannabis research or testing laboratory										P		P		P	P	P						
Commercial cannabis retailer									P*	P		P		P	P	P			P	P	P	14-5.3(G)(4)(k)
Food and Beverages																						
Bar, cocktail lounge, nightclub, with or without outdoor entertainment								C*	P*	P		P*		P	P				P*	P*	P*	14-5.3(G)(5)(a)
Brewery, distillery, tasting room, winery								C*	P*	P*	P	P	P	P	P				P	P	P	
Commissary kitchen											P											14-5.3(G)(5)(b)
Food truck								P*	P	P	P	P	P	P	P	P	P		P	P	P	
Mobile food court																						
Outdoor dining								A*	A	A	A	A	A	A		A			A	A	A	14-5.3(G)(5)(c)
Restaurant, fast service/take-out								C*	P*	P	P*	P	P*	P	P	C			P	P	P	14-5.3(G)(5)(d)
Restaurant, full service, with or without incidental alcohol service								C*	P	P		P		P	P	C			P	P	P	14-5.3(G)(5)(e)
Restaurant with bar, cocktail lounge or nightclub comprising								C*	P*	P*		P*		P	P				P*	P*	P*	14-5.3(G)(5)(f)

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more than 25% of total serving area																						
Restaurant, with drive-through/drive-up												P*		P*	P*	C			P*	P*	P*	14-5.3(G)(5)(g)
Lodging																						
Bed and breakfast inn										P		P		P		P					P	
Campground or RV park	C																					
Conference or extended stay lodging facility										P		P		P		P						
Hotel, motel, or residential suite hotel										P		P				P					P	
Vacation time share										P		P		P								14-5.3(G)(6)
Office, Business, and Professional																						
Bank or credit union									P*	P	P*	P*		P*		P*			P*	P*	P*	14-5.3(G)(7)(a)
Business or professional office (excluding medical or dental office)								C	P*	P	P	P	P	P	P	P	P		P	P	P	14-5.3(G)(7)(b)
Laboratory, research or testing										P	P	P		P	P	P	P					14-5.3(G)(7)(c)
Temporary on-site contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14-5.3(G)(7)(d)
Recreation and Entertainment																						

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Commercial recreation									C	P		P		P	P				P	P	P	14-5.3(G)(8)(a)
Outdoor music									C	P		P							P	P	P	
Theater, live productions								P*		P		P		P	P	P			P	P	P	14-5.3(G)(8)(b)
Retail Sales and Services																						
Antique store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(a)
Art supply store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(b)
Bookshop								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(c)
Cabinet shop, custom								P*	P*	P		P	P	P	P	P						14-5.3(G)(9)(d)
Department or discount store									P*	P		P		P						P	P	14-5.3(G)(9)(e)
Flea market										P		P		P								14-5.3(G)(9)(f)
Florist shop								P*	P*	P		P		P		P	P		P	P	P	14-5.3(G)(9)(g)
Funeral home or mortuary										P	P	P		P								
Furniture store									P*	P		P		P	P					P	P	14-5.3(G)(9)(h)
Laundromat	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(i)
Neighborhood grocery store	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(j)
Office equipment sales and service; office supply sales									P*	P		P		P	P					P	P	14-5.3(G)(9)(k)
Pharmacy or apothecary shop									P*	P	P	P		P			P		P	P	P	14-5.3(G)(9)(l)

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Retail establishment not listed elsewhere									P*	P		P		P	P				P	P	P	14-5.3(G)(9)(m)
Retail and service uses intended to serve the primary uses and that do not exceed 5,000 square feet									P*	P				P	P	P						14-5.3(G)(9)(n)
Retail sales accessory to any permitted use									P*							A						14-5.3(G)(9)(o)
Seasonal sales								T	T	T	T	T	T	T					T	T	T	
Sign shop									C	P		P	P	P	P							14-5.3(G)(9)(p)
Service Establishments																						
Exercise, spa, or gym facility									P*	P		P		P	P				P	P	P	14-5.3(G)(10)(a)
Hair salon or barber shop									P*	P	P	P	P	P					P	P	P	14-5.3(G)(10)(b)
Personal service establishment									P*	P		P		P					P	P		14-5.3(G)(10)(c)
Tailoring or alterations shop								P	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(10)(d)
Sexually-Oriented Business																						
All														P	P							14-5.3(G)(11)
Vehicles and Equipment																						

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Commercial parking lot or garage										P		P		P	P	A	P		P	P	P	
Garage, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Service and repair garage, including gas station										P		P		P	P					C	C	
Tire recapping and retreading												P		P	P							
INDUSTRIAL																						
Automobile salvage or wrecking yard, or junkyard															P							14-5.3(H)(1)
Light assembly and manufacturing										P		P		P	P	P						
Warehouse and Storage																						
Outdoor storage lot or yard														P	P	A						14-5.3(H)(2)(a)
Self-storage facility										P		C		P	P	P*			P	P	P	14-5.3(H)(2)(b)
Temporary mobile storage unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	14-5.3(H)(2)(c)
Warehouse and distribution														P	P							
Wholesale operation										P*		P*		P	P							14-5.3(H)(3)

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UTILITIES																						
All, not otherwise listed separately	C	C	C		C	C		C	C	P	C	P	C	P	P		C					
Electrical distribution facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical switching station	P	P							P	P	P	P	P	P	P	P			P	P	P	14-5.3(I)(1)
Electrical transmission line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Telecommunications facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(I)(3)

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Residential																						
Household Living																						
Accessory building or structure	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(1)
Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					14-5.3(C)(2)
Compound development		P	P		P	P	P		P	P	P	P	P									14-5.3(C)(3)
Children's play area and play equipment, private	A	A	A	A	A	A	A	A	A	A	A	A	A				A	P				
Dwelling or residence ancillary to another approved use		A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	
Dwelling, live-work		P	P		P	P		P	P	P	P	P	P									
Dwelling, multi-unit	P	P	P		P	P	P	P	P	P	P	P	P				P		P	P	P	14-5.3(C)(4)
Dwelling, single-family attached townhome	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(5)
Dwelling, duplex	P	P	P	P	P	P		P	P	P	P	P	P									
Dwelling, triplex		P	P	P	P	P		P	P	P	P	P	P									
Dwelling, quadplex		P	P	P	P	P		P	P	P	P	P	P									

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Greenhouse or plant nursery, non-commercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	14-5.3(C)(6)
In-home daycare	A	A	A	A	A	A	A	A	A	A	A	A	A	A		P	P		P	P	P	
Manufactured home	P	P	P	P	P	P	P	P	P	P	P	P	P				P					14-5.3(C)(7)
Mobile home, permanent installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(8)
Mobile home, temporary installation	C	C	C	C	C	C		C			C		C				C					14-5.3(C)(9)
Mobile home park							P															14-5.3(C)(10)
Private barbecue pit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private garage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Private swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A					14-5.3(C)(11)
Short-term rental unit																						14-5.3(C)(12)
Tiny home	P	P	P	P	P	P		P	P	P	P	P	P									14-5.3(C)(13)
Group Living																						
Boarding, dormitory, monastery, or convent	C	C	C	C	C	P		P	C	P	P	C	P			C	C					
Continuing care community	C	C	C	C	C	C		C	P	P	P	C	P			C	P					14-5.3(D)(1)
Foster home	P	P	P			P		P	P	P	P		P				P					14-5.3(D)(2)

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Group residential care facility, correctional			C		C	C		C	C	C	P*	P*	P*			C	P*					14-5.3(D)(3)
Group residential care facility, large or small	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P	P	P	C	P			C	P					14-5.3(D)(4)
Personal care facility for the elderly						C		C	P	P	P	P	P	P		P	P		P	P	P	14-5.3(D)(5)
Sheltered care facility	C	C	C		C	C		C	C	P	C	C	C				C					14-5.3(D)(6)
AGRICULTURAL																						**14-5.3(E)**
Agricultural home occupation	A	A																				14-5.3(E)(2)
Aquaculture											C	C	C	C	C				C	C	C	14-5.3(E)(3)
Aquaponics											C	C	C	C	C				C	C	C	14-5.3(E)(4)
Composting facility														C	C							14-5.3(E)(5)
Farm stand																						14-5.3(E)(6)
Farmers' market																						
Hydroponics											C	C	C	C	C				C	C	C	14-5.3(E)(7)
Stable, commercial	C																					
Urban farm, ground level	A*	A*	A*	A*	A*	A*					P*	P*	P*	P	P			C	P*	P*	P*	14-5.3(E)(8)
Urban farm, roof level, open air	C*	C*	C*	C*	C*	C*					C	C	C	C	C				C	C	C	14-5.3(E)(8)

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CIVIC, PUBLIC, AND INSTITUTIONAL																						
Community and Cultural Centers or Facilities																						
Cemetery, mausoleum, or columbarium	C	C	C							P	C	C					C					14-5.3(F)(1)(a)
Museum		C	C		C	C		P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(1)(b)
Neighborhood or community center, including youth or senior centers	C	C	C		C	C		C	P	P	P	P	P			P	P	P	P	P	P	
Public park, playground, or playfield	P	P	P		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious, educational, or charitable institution	C*	C*	C*		C*	C*		C*	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(F)(1)(c)
Educational Facilities																						
College or university, nonresidential									P	P	P	P	P	P		P	P		P	P	P	
College or university, residential	C	C	C		C	C		C	C	P	C	C	C			C	C					14-5.3(F)(2)(a)
Elementary or secondary school, public or private	C	C	C		C	C		C	P*	P*	P*	P*	P*	C		P*	C		C	C	C	14-5.3(F)(2)(b)

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Vocational or trade school, light industrial										P*				P	P	P*						14-5.3(F)(2)(c)
Vocational or trade school, non-industrial								P	P	P	P	P	P	P		P			P	P	P	14-5.3(F)(2)(d)
Emergency Services																						
Police or fire station	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(F)(3)(a)
Health Care and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facility	C	C	C	C	C	C		C	P	P	P	P	P			P	P					
Hospital										P	C	C				P	P/ C					14-5.3(F)(4)(a)
Hospital heliport																	A*					14-5.3(F)(4)(a)
Medical or dental office or clinic								C	P*	P	P	P	P	P*		P	P		P	P	P	14-5.3(F)(4)(b)
Human Services																						
Day care facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C		P	P		P	P	P	
Human services establishment									P	P		P		P					P	P	P	14-5.3(F)(5)(a)
Public Transportation																						
Transit transfer facility									C	P		C		P	P	C	C		C	P	P	
COMMERCIAL																						
Animal-Related																						

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Doggie daycare	P								P*	P*	P*	P*	P*	P	P				P*	P*	P*	14-5.3(G)(1)(a)
Kennel or boarding facility	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(b)
Pet grooming	P								P*	P	P	P	P	P	P				P	P	P	14-5.3(G)(1)(c)
Veterinarian	C								P*	P	P*	P*	P*	P	P	P*				P*	P*	14-5.3(G)(1)(d)
Arts Activities																						
Arts and crafts studio, gallery, or school								P*	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(2)(a)
Dance studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(b)
Film production								T	P/T	P/T	P/T	P/T	P/T	P/T	P/T							14-5.3(G)(2)(c)
Photography studio								P*	P*	P	P	P		P		P			P	P	P	14-5.3(G)(2)(d)
Assembly																						
Reception or event center									P	P	P	P	P									
Private club or lodge	C	C	C		C	C		C	P*	P*	P*	P*	P*	P*		P*	P*		P*	P*	P*	14-5.3(G)(3)(a)
Cannabis Establishments																						**14-5.3(G)(4)**
Cannabis consumption area																						
Cannabis manufacturing, heavy														P	P	P						
Cannabis manufacturing, light										P		P		P	P	P						
Cannabis producer microbusiness												P/C		P/C	P/C	P/C			P/C	P/C	P/C	14-5.3(G)(4)(i)

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Cannabis producer												C		P/C	P/C	C						14-5.3(G)(4)(j)
Cannabis research or testing laboratory										P		P		P	P	P						
Commercial cannabis retailer									P*	P		P		P	P	P			P	P	P	14-5.3(G)(4)(k)
Food and Beverages																						
Bar, cocktail lounge, nightclub, with or without outdoor entertainment								C*	P*	P		P*		P	P				P*	P*	P*	14-5.3(G)(5)(a)
Brewery, distillery, tasting room, winery								C*	P*	P*	P	P	P	P	P				P	P	P	
Commissary kitchen											P											14-5.3(G)(5)(b)
Food truck								P*	P	P	P	P	P	P	P	P	P		P	P	P	
Mobile food court																						
Outdoor dining								A*	A	A	A	A	A	A		A			A	A	A	14-5.3(G)(5)(c)
Restaurant, fast service/take-out								C*	P*	P	P*	P	P*	P	P	C			P	P	P	14-5.3(G)(5)(d)
Restaurant, full service, with or without incidental alcohol service								C*	P	P		P		P	P	C			P	P	P	14-5.3(G)(5)(e)
Restaurant with bar, cocktail lounge or nightclub comprising								C*	P*	P*		P*		P	P				P*	P*	P*	14-5.3(G)(5)(f)

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more than 25% of total serving area																						
Restaurant, with drive-through/drive-up												P*		P*	P*	C			P*	P*	P*	14-5.3(G)(5)(g)
Lodging																						
Bed and breakfast inn										P		P		P		P					P	
Campground or RV park	C																					
Conference or extended stay lodging facility										P		P		P		P						
Hotel, motel, or residential suite hotel										P		P				P					P	
Vacation time share										P		P		P								14-5.3(G)(6)
Office, Business, and Professional																						
Bank or credit union									P*	P	P*	P*		P*		P*			P*	P*	P*	14-5.3(G)(7)(a)
Business or professional office (excluding medical or dental office)								C	P*	P	P	P	P	P	P	P	P		P	P	P	14-5.3(G)(7)(b)
Laboratory, research or testing										P	P	P		P	P	P	P					14-5.3(G)(7)(c)
Temporary on-site contractor's office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14-5.3(G)(7)(d)
Recreation and Entertainment																						

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Commercial recreation									C	P		P		P	P				P	P	P	14-5.3(G)(8)(a)
Outdoor music									C	P		P							P	P	P	
Theater, live productions								P*		P		P		P	P	P			P	P	P	14-5.3(G)(8)(b)
Retail Sales and Services																						
Antique store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(a)
Art supply store								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(b)
Bookshop								P*	P*	P		P		P					P	P	P	14-5.3(G)(9)(c)
Cabinet shop, custom								P*	P*	P		P	P	P	P	P						14-5.3(G)(9)(d)
Department or discount store									P*	P		P		P						P	P	14-5.3(G)(9)(e)
Flea market										P		P		P								14-5.3(G)(9)(f)
Florist shop								P*	P*	P		P		P		P	P		P	P	P	14-5.3(G)(9)(g)
Funeral home or mortuary										P	P	P		P								
Furniture store									P*	P		P		P	P					P	P	14-5.3(G)(9)(h)
Laundromat	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(i)
Neighborhood grocery store	C	C	C		C	C		C	P*		C	P	C				C					14-5.3(G)(9)(j)
Office equipment sales and service; office supply sales									P*	P		P		P	P					P	P	14-5.3(G)(9)(k)
Pharmacy or apothecary shop									P*	P	P	P		P			P		P	P	P	14-5.3(G)(9)(l)

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Retail establishment not listed elsewhere									P*	P		P		P	P				P	P	P	14-5.3(G)(9)(m)
Retail and service uses intended to serve the primary uses and that do not exceed 5,000 square feet									P*	P				P	P	P						14-5.3(G)(9)(n)
Retail sales accessory to any permitted use									P*							A						14-5.3(G)(9)(o)
Seasonal sales								T	T	T	T	T	T	T					T	T	T	
Sign shop									C	P		P	P	P	P							14-5.3(G)(9)(p)
Service Establishments																						
Exercise, spa, or gym facility									P*	P		P		P	P				P	P	P	14-5.3(G)(10)(a)
Hair salon or barber shop									P*	P	P	P	P	P					P	P	P	14-5.3(G)(10)(b)
Personal service establishment									P*	P		P		P					P	P		14-5.3(G)(10)(c)
Tailoring or alterations shop								P	P*	P	P	P	P	P		P			P	P	P	14-5.3(G)(10)(d)
Sexually-Oriented Business																						
All														P	P							14-5.3(G)(11)
Vehicles and Equipment																						

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Commercial parking lot or garage										P		P		P	P	A	P		P	P	P	
Garage, private	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Service and repair garage, including gas station										P		P		P	P					C	C	
Tire recapping and retreading												P		P	P							
INDUSTRIAL																						
Automobile salvage or wrecking yard, or junkyard															P							14-5.3(H)(1)
Light assembly and manufacturing										P		P		P	P	P						
Warehouse and Storage																						
Outdoor storage lot or yard														P	P	A						14-5.3(H)(2)(a)
Self-storage facility										P		C		P	P	P*			P	P	P	14-5.3(H)(2)(b)
Temporary mobile storage unit	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	14-5.3(H)(2)(c)
Warehouse and distribution														P	P							
Wholesale operation										P*		P*		P	P							14-5.3(H)(3)

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UTILITIES																						
All, not otherwise listed separately	C	C	C		C	C		C	C	P	C	P	C	P	P		C					
Electrical distribution facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Electrical switching station	P	P							P	P	P	P	P	P	P	P			P	P	P	14-5.3(I)(1)
Electrical transmission line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14-5.3(I)(1)
Telecommunications facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	14-5.3(I)(3)

14-5.3 Use-Specific Standards

(A) General Standards

(1) More than one type of principal use may be located within the same building or on the same premises, provided that each use complies with all applicable provisions of Chapter XIV.

(2) In addition to the principal use or uses allowed by Chapter XIV, accessory uses and structures on the same premises are permitted as shown in Table 5-1.

(3) The following temporary structures and uses are allowed in all districts: temporary structures in connection with and on the site of construction or land development projects, including the construction or installation of field offices; grading, paving, and installation of utilities for such structures; and the construction or installation of structures for storing equipment and building materials. A permit for these structures and uses shall not be for a period of more than 12 months, renewable for periods of not more than six months. In addition, the area occupied by the temporary structures and operations shall be screened against fumes, noise and unsightliness.

(4) Structures that remain in place for longer than 90 days, other than temporary structures, are subject to the same provisions of Chapter XIV as permanent structures, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

(B) Residential Uses

The following activities are prohibited within residential zoning districts:

(1) Storage or parking, either continuous or intermittent, of commercial or industrial vehicles, except for those vehicles that are authorized by a conditional use approval or other permitted nonresidential use.

(a) Commercial or industrial vehicles include:

(I) Vehicles requiring a commercial driver's license to operate;
(II) Tour buses or school buses;
(III) Concrete mixer trucks or concrete pumper trucks;
(IV) Towing or flatbed vehicles;
(V) Earthmoving or grading equipment;
(VI) Trailers or tractors (except lawn trailers or tractors)
(VII) Motorized construction or agricultural equipment;
(VIII) Cranes;
(IX) Roll-off trash containers (except as related to an active construction permit); or
(X) Any other vehicles designed by the manufacturer for business purposes.

(b) Commercial or industrial vehicles do not include:

(I) Recreational vehicles or trailers related to recreational vehicles that are used for personal purposes; or

(II) Passenger vehicles, pickup trucks or small trailers that may be used for business purposes related to a registered home occupation business.

(2) Outdoor storage of construction materials, except in connection with active construction activities on the premises;

(3) Storage of mobile homes or commercial shipping containers;

(4) Vehicles, tents, or other structures that do not comply with this chapter or other applicable codes, used as dwellings;

(5) Storage of PODS® or similar style moving/shipping containers for more than 30 days;

(6) Storage or parking within any portion of a street yard other than a driveway of a noncommercial vehicle used for storage of goods, materials or equipment other than those items considered to be a part of the vehicle or essential for its immediate use; and

(7) Use of any vehicle as a receptacle for the storage of litter or refuse as provided by Chapter X, Environmental Regulations, subsections 10-1.13 and 10-1.14 SFCC 1987.

(C) Household Living

(1) Accessory Uses and Structure

(a) In all zoning districts, accessory uses and structures shall:

(I) Be located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership; and

(II) Permit storage and/or utility sheds with a roof area of 120 square feet or less only in the rear yard, and with a five (5) foot rear yard setback.

(b) In all residential districts, accessory uses and structures shall:

(I) Not involve the conduct of business on the premises, except home occupations;

(II) Not be likely to attract visitors in larger numbers than would normally be expected in a single-family residential neighborhood.

(c) In the BIP zoning district, accessory uses and structures:

(I) The accessory uses and structures permitted in a BIP district are those that support the operation of a permitted principal use. Such uses may exceed the floor area of the permitted principal use.

(II) Examples of permitted accessory uses and structures for the BIP district include:

(a) Dwelling units for owners, tenants or employees;

(b) Warehouses and storage buildings; provided that such buildings shall be incorporated into the primary building design and shall be constructed of materials of comparable quality and appearance;

(c) Outdoor storage lots and yards; provided that areas for outdoor storage, trash collection and loading shall be fully screened and constructed of materials of comparable quality and appearance to the principal use structure; and provided further that materials stored in outdoor storage lots and yards shall not exceed the height of the enclosure; and

(d) Parking structures.

(d) This subsection does not apply to telecommunication facilities that are regulated pursuant to subsection 14-5.3(I)(3), *Telecommunication Facilities*.

(e) In the C-2 and I-1 Districts, permitted accessory uses and structures are:

(I) Dwelling units for occupancy only by owners or employees of owners, including live/work spaces, but not recreational vehicles;

(II) Outdoor storage areas, subject to compliance with the standards of subsection 14-5.3(H)(2)(a);

(III) Telecommunication facilities as set forth in subsection 14-5.3(I)(3), *Telecommunication Facilities*.

(IV) Other uses and structures that are customarily accessory and clearly incidental to permitted or permissible uses and structures.

(f) In the I-2 zoning district, permitted accessory uses and structures permitted are:

(I) On the same premises as the permitted principal uses and structures and only as required for the conduct of the operation;

(II) Dwelling units for occupancy only by owners or employees, but not including recreational vehicles;

(III) Telecommunication facilities as set forth in subsection 14-5.3(I)(3), *Telecommunication Facilities*.

(IV) Other uses and structures incidental and subordinate to the principal use or structure and otherwise meeting the applicable requirements of the district.

(2) Accessory Dwelling Unit

Accessory dwelling units located on residentially zoned property:

(a) Are required to meet parking standards as set forth in subsection 14-7.5, *Parking and Loading*, except that the parking requirement may be met with on-street parking as follows:

(I) Any legal on-street parking space abutting the subject property may be counted as one required off-street parking space if:

(a) The street does not have residential parking permit restrictions;

(b) The street measures a minimum of 35 feet in width from face of curb to face of curb; and

(c) There are no posted restrictions prohibiting on-street parking.

(II) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot;

(III) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements; and

(IV) On-street parking spaces credited to a specific property shall not be reserved for the exclusive use by occupants of that property, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces is allowed.

(b) Shall be subject to City regulations and policies regarding City utilities;

(c) Are exempt from the density restrictions set forth in this Chapter XIV; provided, however, that only one accessory dwelling unit shall be permitted per legal lot of record and provided further that nothing herein is intended to supersede private covenants or other restrictions;

(d) Shall be no taller than 26 feet;

(e) Shall not exceed either the gross floor area of the principal dwelling unit or 1,500 square feet, whichever is less;

(f) May reduce rear setbacks to 5 feet if the structure is 14 feet or less in height and separated from the principal structure on the same lot by at least 10 feet.

(g) Shall not include the use of mobile homes (except structures that meet the definition for manufactured home) or recreational vehicles as accessory dwelling units;

(h) Shall not exceed the limits established by the building envelope of the principal structure if created within or attached to the principal structure, or setbacks for accessory structures;

(i) Shall meet existing design requirements applicable to the lot, including the requirements of any applicable overlay district as described in Section 14-4 *Overlay Districts*;

(j) May be rented as follows:

(I) By the owner-occupant, who may rent either the principal dwelling unit or the accessory dwelling unit as a short-term rental unit but not both, as a short-term rental unit pursuant to subsection 14-5.3(C)(12), *Short-Term Rental Unit,* during which time, the owner-occupant shall occupy either the principal dwelling unit or the accessory dwelling unit; or

(II) By the property owner, who may rent the principal dwelling unit and/or the accessory dwelling unit for periods of not less than 30 days;

(k) Shall not be subdivided from a principal dwelling unit or sold under separate ownership from a principal dwelling unit unless the accessory dwelling unit meets all applicable requirements for a principal dwelling unit; and

(l) Shall remain in continuous compliance with the provisions of this subsection to maintain the validity of the certificate of occupancy of the accessory dwelling unit. The certificate of occupancy of an accessory dwelling unit may be revoked for noncompliance with this subsection as provided in subsection 14-1.12, *Enforcement*.

(3) Compound Development

(a) Setbacks and Building Separation

(I) Setbacks shall apply to the outer boundaries of the project site, rather than to each individual unit, and comply with the setback requirements of the underlying zoning district.

(II) Internally, there shall be a minimum of 10 feet between dwelling units, measured by the shortest distance between any parts of the two adjacent structures.

(III) The parking lot for the development shall be a minimum of 20 feet from the right-of-way.

(b) Common Open Space

(I) Each compound development shall include at least one shared open space area equal to at least 15 percent of the total site area.

(II) Parking areas and drainage easements shall not be counted toward the common open space requirement.

(III) The design and location of common open space shall meet the standards described in subsection 14-7.4, *Open Space.*

(c) Parking and Access

(I) Parking shall be designed to limit curb cuts and most efficiently park vehicles.

(II) Parking may be in a shared, paved parking lot or in shared driveways.

(III) Shared driveways may access individual garages.

(IV) Project perimeter sidewalks are required, and internal walkways shall connect each unit to the project perimeter sidewalks.

(V) Efficient internal circulation shall be provided; private streets, gates, and accommodation for solid waste pickup and emergency access shall conform to all applicable requirements.

(4) Dwelling, multi-unit

(a) Multi-unit dwellings in the RR district are limited to four per lot.

(b) See subsection 14-5.3(C)(5) for additional regulations for principal dwelling units in the C-2 and SC districts.

(5) Dwelling, single-family

In the C-2 and SC Districts, dwelling units that do not include mobile homes or recreational vehicles shall be one of the following:

(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;

(c) Part of a use for which a Development Plan or conditional use approval is required; or

(d) Part of a qualifying residential project within the Midtown LINC overlay district.

(6) Home Occupation

(a) Purpose

The purposes of these standards are to increase the economic vitality of Santa Fe; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion through the enhancement of community; increase the safety of the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in the same environment; protect the stability and character of the neighborhood; and encourage neighborhood participation in the determination of a successful balance between neighborhood residents and home-based businesses.

(b) General Standards

(I) Home occupations are permitted on all property, including residential or mixed-use residential/commercial, if the standards of this subsection are met.

(II) The home occupation shall involve the primary sale of goods or services in connection with the home occupation, including:

(a) Goods that are prepared, produced, or grown on the premises;

(b) Services that are developed on the premises and provided on or off the premises;

(c) The sale of goods that are not produced on the premises and that are only distributed off the premises; or

(d) Repair services that take place solely within the home.

(III) The home occupation shall be located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.

(IV) The home occupation shall be conducted by the businessowner who resides continuously for a substantial period of time at the premises in which the home occupation is conducted. Continuous residence is determined by the Land Use Director by review of relevant factors. The address listed on a driver's license, voter registration or tax return may not be sufficient to establish continuous residence.

(V) Not more than two persons, other than members of the family who reside on the premises, shall be regularly engaged in the home occupation.

(VI) Except for on-street parking, as set forth in this subsection, a home occupation shall be completely contained within the property lines of the lot on which the home occupation is located. A home occupation shall be in compliance with the performance standards set forth in Chapter 10, Section 10-4, *General Environmental Standards*; not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare or electrical interference; or otherwise create a risk to health, safety or property of residents and occupants of adjacent and neighboring properties. The possession, storage, stocking or transfer of firearms, ammunition, fireworks or similar explosives for sale or service is prohibited as a home occupation accessory use. Mechanical or electrical equipment that is incidental to the home occupation may be used if it does not create visible or audible interference in radio, computer or television receivers or cause fluctuation in voltage of the premises or neighboring premises. Depending upon the nature of the home occupation, the Land Use Director may require proof of compliance with these restrictions prior to issuance of a business registration.

(VII) Employees, customers, clients, or deliveries shall not enter the 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. weekends. Depending on the nature of the home occupation, the Land Use Director may reduce the hours of operation. Deliveries are limited to vehicles that do not exceed 11 feet in height and 20 feet in length.

(VIII) No cannabis establishments or commercial cannabis activity may be conducted as a home occupation.

(c) Structural Standards

(I) Not more than 25 percent of the gross floor area of the dwelling unit, including accessory buildings, shall be used to conduct a home occupation. In determining the gross floor area of an accessory dwelling unit, no more than 1,000 square feet 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 pursuant to subsection 14-5.3(C)(6)(c)(III), and parking pursuant to subsection 14-5.3(C)(6)(d).

(III) No more than one sign is permitted, and the area of the sign shall not exceed one square foot.

(IV) 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 provisions of this subsection.

(d) Parking Standards

(I) Depending on the nature of the home occupation, the following parking spaces shall be provided on the lot:

(a) 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 required;

(b) 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 400 square feet of the gross floor area of the premises used for the home occupation, in addition to that required for the dwelling unit;

(c) 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;

(d) 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 400 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 being conducted; however, in light of the character of the surrounding neighborhood, the Planning and Land Use Director may prohibit any vehicles used in connection with a home occupation from parking on the street. This item regulates parked vehicles not associated with the residential use of the dwelling unit.

(e) Other Requirements; Inspections

(I) Inspections by the City are required prior to issuance of the business registration for the home occupation only for those home occupations in which the following occur:

(a) Employees reside off the premises come to the premises;

(b) Customers or clients come to the premises; or

(c) Goods for sale are prepared, produced, grown or stored on the premises.

(II) The City reserves the right to inspect all home occupations for code compliance any time the City receives a complaint or has reason to believe that any applicable City code may be violated.

(f) Notice

(I) A person proposing to conduct a home occupation that will have more than one employee who will reside off the premises or that will have customers or clients coming to the premises, shall as part of the application be required to give notice, by first class mail with mailing certificate, of the home occupation application to all residents, property owners, and neighborhood associations within 150 feet of the premises.

(II) The notice shall include the nature of the home occupation, the number of employees, whether customers or clients will be involved, the willingness of the applicant to meet with the neighboring residents and property owners and that the neighboring resident and property owner may review the application at the City offices.

(III) The neighboring residents and property owners have 15 days from the date the notice was mailed to review and comment on the application.

(IV) 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.

(g) Registration

Each person who engages in a home occupation shall register the home occupation with the City on forms designated by the City, providing all information required to verify compliance with applicable regulations, obtain a business license, and renew the license annually.

(h) Violations

A person shall not conduct a home occupation in violation of this subsection. 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 subsection. A person who fails to comply with the provisions of this subsection is subject to a penalty as provided in subsection 14-1.12, *Enforcement*.

(i) Complaints

A person who is aggrieved by an approved home occupation business may file a complaint with the City. Within 30 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 subsection. 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.

(7) Manufactured Home

(a) Is permitted in any district in which site-built, single-family dwellings are allowed;

(b) Shall meet all requirements of other site-built, single-family dwellings in the same district, and all applicable historic or architectural standards set forth in Chapter XIV; and

(c) Shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(d) Is subject to the provisions of subsection 14-5.3C.5 if located in the C-2 district.

(8) Mobile Home, Permanent Installation

In any district in which permanent single-family occupancy of a mobile home on an individual lot is allowed as a conditional use approval by the Board of Adjustment, the following minimum standards apply:

(a) The mobile home shall be anchored to a concrete foundation and skirted as specified by the Land Use Director;

(b) The rental or lease of mobile homes used as single-family residences on individual lots is prohibited; and

(c) Minimum requirements for lot size, front, side, and rear yards, and all other standards pertaining to single-family residential land use set forth in Chapter XIV apply.

(9) Mobile Home, Temporary Placement

(a) In a district where temporary, single-family occupancy of a mobile home on an individual lot is permitted with conditional use approval by the Board of Adjustment, the following minimum standards apply:

(I) The mobile home unit shall be skirted; and

(II) Minimum requirements for lot size, front, side, and rear yards and all other standards pertaining to single-family residential land use set forth in Chapter XIV.

(b) Upon approval of a conditional use approval by the Board of Adjustment, a temporary permit may be issued by the inspections and enforcement office for a period of 12 months, subject to demonstration of satisfactory compliance with all applicable requirements. The permit may be renewed one time only for a period of up to 90 days by the Planning and Land Use Director.

(10) Mobile Home Park

(a) Applicability

The provisions of this subsection apply to mobile home parks in existence prior to December 10, 2012. New mobile home parks were prohibited as of December 10, 2012. In a district where mobile home parks are allowed, the minimum standards set out in this subsection apply.

(b) Standards

(I) Qualifying open space shall be provided as required for development in the R-7 district as provided in subsection 14-7.4, *Open Space*.

(II) The site shall be graded to ensure proper drainage.

(III) The mobile home park shall provide spaces that are well defined and delineated. Minimum lot size per mobile home unit shall be 4,000 square feet.

(IV) 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.

(V) A maximum of seven mobile home spaces per acre shall be allowed in any mobile home park.

(VI) There shall be at least a 20-foot clearance between mobile homes. No mobile home shall be located closer than ten feet to any

building or to any property line. Accessory structures such as decks and stairways may be attached to the mobile home to which they provide access, but shall be separated from other buildings and structures by ten feet.

(VII) Each mobile home space shall be provided with two off-street parking spaces, which shall be paved or covered with crushed stone or other suitable material. No on-street parking shall be allowed.

(VIII) Walkways not less than three feet in width shall be provided from all mobile home spaces to all service buildings.

(IX) All driveways and walkways within the mobile home park shall be hard-surfaced and well-lighted.

(X) All private subcollector, lane, and place streets within the mobile home park shall have a minimum pavement width of 24 feet. Private collector streets within the mobile home park shall have a minimum pavement width of 30 feet. All public streets shall comply with the right-of-way requirements and subdivision design standards set forth in Section 14-1

(XI) *Infrastructure Design, Improvement, and Dedication* Standards, except as specified in this subsection.

(XII) The perimeter of the mobile home park shall be landscaped and fenced. Landscaping shall consist of deciduous canopy trees spaced no more than 20 feet apart, having a minimum two-inch caliper at the time of planting. Fencing shall consist of either a six-foot tall solid wall or fence constructed of opaque materials.

(XIII) All mobile home park signs shall conform to the requirements of subsection 14-7.6, Signs.

(c) Service Buildings

(I) If provided, service buildings that house sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(II) Service buildings shall be:

(a) Well-lighted at all times of the day and night;

(b) Well-ventilated with screened openings;

(c) Constructed of moisture-proof material, which may be painted woodwork, that allows for repeated cleaning and washing;

(d) Maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1; and

(e) Constructed with floors of water-impervious material.

(III) All service buildings and the grounds of the mobile home park shall be maintained in a clean, sightly condition and kept free of any condition that menaces the health of any occupant or the public or constitutes a nuisance.

(d) Solid Waste Containers

Solid waste containers shall be provided, maintained, and emptied in accordance with applicable regulations and as approved of the Solid Waste Division.

(e) Fire Protection

Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the mobile home park as to satisfy applicable reasonable regulations of the fire department.

(f) Supervision

An attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the permittee, for violations of any provision of this to which the permittee is subject.

(g) Manufactured Homes in Mobile Home Parks

Manufactured homes are permitted in mobile home parks existing prior to December 10, 2012.

(h) Licensing

A mobile home park owner or operator must obtain a business license from the City under the provisions of Section 18-1 SFCC 1987 prior to operating a mobile home park.

(I) Transfer of License

The City may issue a transfer of the license only after:

- **(a)** Receiving an application in writing for transfer of a license and payment of the transfer fee;
- **(b)** Submitting an inspection report by the Land Use Director to the Governing Body, stating conformance or nonconformance with the provisions of this subsection; and
- **(c)** Governing Body approval.

(II) Revocation of License

The Governing Body may revoke a license to maintain and operate a mobile home park, as provided in Section 18-1 SFCC 1987 when the licensee has violated any provision of this subsection.

(III) Posting

The license certificate shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

(IV) Inspection

The City may inspect a mobile home park for conformance with the provisions of this subsection.

(11) Private Swimming Pool

(a) Permanent Swimming Pools

The following requirements apply to both in-ground swimming pools, and above-ground pools with a water depth of two feet or greater.

- **(I)** Swimming pools shall be completely enclosed by opaque fencing or other approved screening barrier of at least six feet in height.
- **(II)** Fences or screening barriers shall constructed of a noncorrosive material, and shall be designed so that they may not easily be climbed.
- **(III)** All gates or openings in the fence or screening barrier shall be equipped with self-closing or self-latching devices only accessible from within, or on the pool-side of the fence or barrier.
- **(IV)** Self-closing and self-latching devices shall be placed equidistant from the top and bottom of the fence or screening barrier, to prevent a person reaching over or under the barrier to unlatch the device.

(V) The latching device shall be childproof from the inside of the fence or barrier.

(VI) All fence or screening barrier supports shall be decay- or corrosion-resistant and shall be set in a concrete base, or other suitably permanent material.

(VII) The opening between the bottom of the fence or screening barrier and the ground shall be no more than four inches.

(b) Exceptions

The fencing requirements above do not apply to temporary "kiddie" pools that hold less than a two-foot depth of water, and outdoor hot tubs on private property.

(12) Short-Term Rental Unit

(a) Purpose

(I) Ensure that the operation of short-term rental units does not disrupt the character of the city's residential neighborhoods or affect the quality of life of neighboring residents;

(II) Prevent speculators from purchasing multiple homes for the purpose of operating multiple short-term rental units, thereby reducing the availability of long-term housing;

(III) Allow residents who comply with the City's short-term rental unit regulations the option of utilizing their homes and accessory dwelling units as short-term rental units to create wealth and generate supplemental income;

(IV) Minimize public safety risks associated with short-term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(V) Ensure that an owner or operator of a short-term rental unit follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental Permit or Registration Required

(I) An owner of a short-term rental unit must have a City-issued business license and either a short-term rental permit or a short-term rental registration, as set forth in subsection 14-5.3(C)(12)(c) and subsection 14-5.3(C)(12)(d)

(II) An owner or operator shall not operate, rent, offer to rent, or advertise a short-term rental unit without a valid permit or registration.

(III) A City-issued permit or registration number must be included in all advertising of a short-term rental unit, including listings on a host platform.

(c) Permit; Residentially Zoned Property

(I) Permit Required

A short-term rental unit on residentially zoned property requires a City-issued permit.

(II) One Thousand Permit Limit

(a) The Land Use Director shall issue a maximum of 1,000 short-term rental permits.

(b) The land use department shall process applications in the order of receipt and shall issue new permits in the order that complete applications are received.

(c) If the number of permits reaches the 1,000 permit limit, then the Land Use department shall stop processing applications and shall add applicants to a waiting list until a permit becomes available.

(d) If an applicant waits on the list for a year or longer, the Land Use Director may require the applicant to indicate a continued interest in remaining on the list.

(III) One Permit per Natural Person Limit

(a) The Land Use Director shall issue permits to natural persons only, and each natural person may possess a maximum of one permit.

(b) If the subject property is owned by a legal or business entity, the permit must be held in the name of a person with legal authority to act on behalf of that entity. The fact that a permit must be issued to a natural person does not mean that the property cannot be titled in such entities as a revocable trust, an LLC, or a corporation.

(c) The Land Use Director shall not issue permits to dwelling units that are comprised of multiple, time-divided ownership interests, provided, however, that certain dwelling units may be eligible to maintain short-term rental registrations, as set forth in subsection 14-5.3(C)(12)(p).

(IV) Permit Not Transferrable

(a) A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the Planning and Land Use Department.

(b) If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department.

(c) A transfer that does not result in new ownership of the property, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the property, does not constitute a transfer for purposes of this subparagraph.

(d) Upon the death of the permitholder, the permit may be transferred to the permitholder's spouse or domestic partner if the spouse or domestic partner submits a written request to the Planning and Land Use Director within 90 days after the permitholder's death, owns or will own the property upon the settlement of the permitholder's estate, and does not already hold a short-term rental permit.

(V) Frequency of Rental

A permitted short-term rental unit shall not be rented more than once within a seven-day period. The limitation set forth in this subparagraph shall not apply to rentals that begin between November 15 and January 15.

(VI) Proximity

Subject to the exceptions listed below, the Planning and Land Use Director shall not issue a new permit for a short-term rental unit if the subject property, as identified in the application, is located within a SO-foot radius of a residentially zoned property that has a permitted short-term rental unit. The radius shall be measured from the permitted property's boundary. This limitation shall not apply to the following:

(a) An application for a short-term rental unit that complies with the requirements set forth in the accessory dwelling units, subsection 14-5.3(C)(2);

(b) An application for a short-term rental unit in a multiple-family dwelling development that contains four or more dwelling units, provided, however, that the Land Use Director shall not issue short-term rental permits for more than 25 percent of such dwelling units, rounded down to the nearest whole number, and shall not issue more than 12 short-term rental permits within a single building within a multiple-family dwelling development.

(d) Registration for Property with Nonresidential Zoning

(I) Registration Required

A short-term rental unit on property with nonresidential zoning requires a City-issued registration.

(II) Proximity

The Planning and Land Use Director shall not issue more than 12 short-term rental registrations within a single building within a multiple-family dwelling development.

(e) General Provisions

Unless otherwise stated, the following general provisions apply to all short-term rental units.

(I) A short-term rental unit must have a local operator that is available 24 hours per day, seven days per week, to respond to complaints regarding the operation or occupancy of the short-term rental unit. The operator must be accessible by telephone and able to be physically present at the short-term rental unit within one hour of being contacted.

(II) An owner of a short-term rental unit shall provide off-street parking on site as follows:

(a) One parking space for one bedroom; and

(b) Two parking spaces for two or more bedrooms.

(III) A short-term rental unit must meet all applicable building, fire, and safety codes, and all toilets, faucets, and shower heads must meet the water conservation requirements described in subsection 25-2.6.

(IV) Prior to issuance of a permit or registration, a short-term rental unit must have a certificate of occupancy to ensure compliance with all applicable codes.

(V) At or before the time of application for a permit or registration, the owner of a short-term rental unit must also apply for and obtain a business license under Section 18-1.

(VI) An owner or operator shall not allow guests to park recreational vehicles on site or on the street.

(VII) Short-term rental units located on residentially zoned property shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of two times the number of legally allowed guests in the short-term rental unit, unless the activity or event is otherwise permitted by the City.

(VIII) The total number of guests that may occupy a short-term rental unit is twice the number of bedrooms.

(IX) Noise or other disturbance emitted from a short-term rental unit is prohibited after 10:00 p.m., including noise or disturbances emitted from decks, portals, porches, balconies, or patios.

(X) The owner or operator of a short-term rental unit shall notify all guests in writing of relevant City ordinances, including the City's nuisance and water conservation ordinances. All guests shall comply with all relevant City ordinances.

(XI) The owner shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax.

(f) Application for a Short-Term Rental Permit or Registration

An applicant shall submit an application for a short-term rental permit or registration that includes the following information and documentation:

(I) The name and phone number of the local operator;

(II) Owner and operator, affirming that they will operate the short-term rental unit in compliance with this subsection and all other applicable laws, City codes, and private covenants; and that no private covenants prohibit the operation of the short-term rental unit; and

(III) Additional information, documentation, and submittals as required by the Planning and Land Use Director.

(g) Permit and Registration Renewals

(I) Unless revoked pursuant to subsection 14-1.12(E), *Remedies and Penalties*, an owner may renew a short-term rental permit or registration annually.

(II) An application filed on or after January 1, 2022 for renewal of a permit or registration shall include the records required by subsection 14-5.3(C)(12)(k), *Records* for the previous one year.

(III) An owner must renew a short-term rental permit or registration and the associated business license by March 15 of each year. If a permit or registration is not renewed by March 15, the owner may pay a late fee of $50 to extend the time for filing to renew to April 15. If a permit is not renewed by its expiration date, including any 30-day extension, then the permit will revert to the land use department and will become available to the next eligible applicant on the waiting list, if any. An owner whose permit or registration has expired may submit a new application for a short-term rental permit or registration to the Planning and Land Use Director. Issuance of a new permit is subject to the availability of permits.

(h) Fees for Short-Term Rental Units

The following fees shall be used only to administer, manage, and enforce this subsection and relevant subsections of Chapter 18, which address applicable licenses and taxes.

(I) Application Fee
An application for a new short-term rental permit or registration shall be accompanied by a one-time non-refundable application, processing, and inspection fee of $100.

(II) Business License Fee
A short-term rental unit is subject to an annual business license fee of $35.

(III) Permit Fee
A short-term rental unit on residentially zoned property is subject to an annual permit fee of $290.

(IV) Registration Fee
A short-term rental unit on property with nonresidential zoning is subject to an annual registration fee of $290.

(i) Inspections
The City shall perform an inspection prior to the issuance of an initial permit or registration to ensure compliance with subsection 14-5.3(C)(12), *Short-Term Rental Unit* and all applicable fire, health, and safety requirements; and may, upon notice to the owner, perform additional inspections as warranted. To obtain a short-term rental permit or registration, a dwelling unit must meet the following requirements:

(I) Fire evacuation plan;
(II) Carbon monoxide detection;
(III) Smoke alarms in all bedrooms;
(IV) Fire extinguishers on each floor;
(V) No storage of combustible materials in mechanical, boiler, or electrical rooms;
(VI) Fireplace or wood stove must have non-combustible ash receptacle outside the dwelling unit; and
(VII) Address numerals must be at least four inches tall, with one-half inch stroke width, in contrasting color, visible from the street.

(j) Required Notice for Short-term Rental Permits

(I) Within ten days after the issuance or renewal of a short-term rental permit, the owner or operator shall mail notices by first-class mail to:

(a) The homeowners' association within which the unit is located (if applicable);
(b) Owners of residentially zoned property within 200 feet of the subject property, exclusive of rights-of-way, as shown in the records of the county assessor;
(c) The physical addresses of such properties where such address is different than the address of the owner; and
(d) The planning and land use department.

(II) The notices shall be on a form approved by the Planning and Land Use Director.

(III) The notices shall contain the name and phone number of the local operator. Within ten days after any change in the contact information for the local operator, the owner or operator shall mail a new notice to all parties entitled to notice.

(IV) Within ten days of the mailing, the owner or operator shall provide the Land Use Director with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(k) Records

Each owner or operator shall maintain records for the short-term rental unit for at least the most recent three years and shall make such records available to the City for inspection upon request. The records that must be maintained for each short-term rental unit include the following:

(I) For a short-term rental unit located on residentially zoned property, the starting date of each reservation and the number of nights rented for each reservation;

(II) For all short-term rental units, the amount of rent guests paid by month and the amount of each type of tax and fee the owner paid to the City in connection with rental of the unit by month.

(l) Violations and Penalties

If an owner or operator fails to obtain the necessary permit or registration before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-5.3(C)(12), *Short-Term Rental Unit*, the owner or operator shall be subject to the enforcement provisions set forth in subsection 14-1.3, *General Purposes* and subsection 14-1.12, *Enforcement*, and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental permit or registration.

(m) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit short-term rental units.

(n) Real Estate Disclosure

A real estate broker listing property in Santa Fe shall provide prospective buyers with a current copy of this ordinance.

(o) Host Platforms

(I) A host platform shall require an owner or operator of a short-term rental unit to include a City-issued permit or registration number in all listings or advertisements for a short-term rental unit.

(II) Upon notice from the City that a permit or registration number on a short-term rental unit listing is invalid, the host platform shall deactivate that listing within five business days.

(III) A host platform shall provide a monthly report to the City that includes the web address (URL) for each property listed on the host platform, together with the permit or registration number associated with that URL.

(p) Existing Short-Term Rental Permits and Registrations

(I) Short-term rental permits and registrations held at the time the ordinance amending subsection 14-5.3(B) (Ordinance No. 2020-35) was adopted remain valid to the extent they have been consistently renewed and they are not subject to the limitations on proximity set forth in subsection 14-5.3(C)(12)(c) or subsection 14-5.3(C)(12)(f) or the limit of one permit per natural person set forth in subsection 14-5.3(C)(12)(c)(III). Upon expiration, and in subsequent years, the owner is eligible to timely renew the permits or registrations pursuant to subsection 14-5.3(C)(12)(i), subject to compliance with applicable requirements of subsection 14-5.3(C)(12) and payment of required fees.

(II) A short-term rental unit that is validly permitted or registered at the time the ordinance amending subsection 14-5.3(B) was adopted and that either is located within a development containing resort facilities or is comprised of multiple, time-divided ownership interests, may continue to operate as a short-term rental unit as provided in this subparagraph. Such units are not subject to the limitations on proximity set forth in subsection 14-5.3(C)(12)(c) or subsection 14-5.3(C)(12)(d) or the limit of one permit per natural person set forth in subsection 14-5.3C.12.lll.c). Upon expiration of the existing permit or registration and in subsequent years, the owner is eligible to timely file a renewal application and to obtain a short-term rental registration for the following year. Eligible units shall be issued a short-term rental registration, not a permit, regardless of whether the unit is located on residentially or non-residentially zoned property, subject to ongoing compliance with applicable requirements of subsection 14-5.3(C)(12), and payment of applicable fees.

(q) Effective Date

(I) Short-term rental unit owners who possessed a valid short-term rental permit when Ordinance 2016-20 was adopted were considered to possess a valid permit under the new regulations and did not need to renew their permit until the following year.

(II) Short-term rental unit owners who possessed a valid short-term permit for a contiguous property issued prior to Ordinance 2016-20 were deemed as a "residential" permit holder upon the adoption of the ordinance and were eligible to renew their permit as a "residential" permit in following years.

(13) Tiny Home

(a) Individual tiny homes may be installed on any lot in any zoning district that permits single-family dwellings.

(b) Tiny homes may be used as an accessory dwelling unit on any lot where an ADU is permitted, subject to the standards for ADUs described in subsection 14-5.3(C)(2).

(c) Any tiny home that is to be occupied for more than 30 consecutive days shall:

(I) Meet all applicable requirements of the International Residential Code for detached dwellings;

(II) Be installed on a permanent foundation; and

(III) Connect to City water, sewer, and electric utilities before occupancy.

(D) Group Living

(1) Continuing Care Community

(a) Density
Independent dwelling units are subject to the density standards of the district in which the continuing care community is located.

(b) Compliance with state and federal law
Continuing care communities must comply with all applicable state and federal laws and regulations.

(2) Foster Home

A foster home shall be licensed by the appropriate state agencies.

(3) Group Residential Care Facility, Correctional

In the C-1, C-2, C-4, and HZ zoning districts, a conditional use approval is required if located within 200 feet of a residentially zoned property, unless the use is a qualifying project located within the Midtown LINC overlay district.

(4) Group Residential Care Facility, Large or Small

(a) In all residential zoning districts and the RAC district, a large group residential care facility requires conditional use approval.

(b) In the C-2 and BIP districts, any size group residential care facility requires conditional use approval.

(5) Personal Care Facility for the Elderly

All state and federal laws and regulations governing the facility shall be complied with prior to issuance of a certificate of occupancy.

(6) Sheltered Care Facility

(a) The ratio of floor area to lot area shall not be greater than 0.4.

(b) The required yard on all sides is 25 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 100 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 15 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 subsection 14-7.4, *Open Space*.

(d) No more than one sign, one square foot in area, hung flush to the fence or wall of the structure is allowed.

(e) Complaints about operation shall be investigated by the Land Use Director and, if a complaint is valid, the facility shall be given 30 days' written notice to remedy the complaint. If the operator fails to remedy the complaint within 30 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.

(f) All sheltered care facilities shall be licensed by the State.

(E) Agricultural Uses

(1) Standards for All Agricultural Uses

(a) Any agricultural use dedicated to growing cannabis shall additionally be subject to the standards of subsection 14-5.3(G)(4), *Cannabis Establishments*.

(b) Agricultural uses for noncommercial purposes that are accessory to a permitted principal use are permitted in all zoning districts but shall not create a public nuisance, subject to Subsection 10-9 SFCC 1987, Nuisance Abatement Ordinance, and shall meet all other applicable City codes.

(c) Agricultural uses for commercial purposes are permitted as set forth in Table 5-1, however, the following commercial agricultural uses are specifically prohibited:

(I) Animal production;
(II) Slaughterhouses and slaughtering of livestock; and
(III) Any other use prohibited by Chapter 5-7.1, Possession, Confinement and Impoundment of Animals.

(d) Applicability

(I) No agricultural activity shall be conducted, or farm structure erected, except in compliance with the provisions of this subsection 14-5.3(E) and shall not supersede the rights of homeowners' associations (HOAs) or any existing covenants, conditions and restrictions of HOAs or other neighborhood associations.

(II) The provisions of this subsection shall apply to all agricultural activities, whether such activity is a primary use or an accessory use, except for:

(a) Gardens as accessory to residential uses, for the personal noncommercial use of residents.

(b) Community gardens located on city-owned property and regulated by written policies and procedures of the City of Santa Fe.

(c) Community gardens for noncommercial purposes permitted as an accessory use.

(d) The growing of cannabis for personal use, as permitted by the Lynn and Erin Compassionate Use Act, NMSA 1978, Sections 26-2B-1 to -1O NMSA 1978; and the Cannabis Regulation Act, NMSA 1978, Sections 26-2C-1 to -42.

(e) Approval Procedures

(I) Agricultural uses are allowed as an accessory use; with a conditional use approval; or permitted by right, all as shown in Table 5-1.

(II) Except as otherwise provided in this subsection, the procedural and other requirements for Home Occupation, as described in subsection 14-5.3(C)(6), conditional use approvals and development plans apply to agricultural uses and structures.

(III) Agricultural uses and structures shall comply with all other applicable provisions of SFCC 1987, including Chapter VII, Building and Housing, and Chapter XII, Fire Prevention and Protection.

(IV) The Governing Body may adopt by resolution guidelines for the development and operation of agricultural uses, which shall guide the Planning and Land Use Director in the administration of this subsection.

(f) Screening and Buffering

(I) Any composting, loading, or disposal areas within or adjacent to a residential or commercial zoning district shall be screened from view by a wall, fence, berm or vegetative screen, or combination thereof. Fencing shall be constructed of opaque materials and shall comply with the standards and requirements of subsection 14-8.5, *Walls and Fences*.

(II) Any material or equipment stored outdoors within a residential or commercial zoning district shall be surrounded by a wall or fence or vegetative screen not less than six feet high, to screen such material or equipment from view from any public street or public open space.

(g) Maintenance and Operation

Urban farms, cannabis producers, and cannabis producer microbusinesses shall at no time be used or maintained to constitute a nuisance or hazard to the surrounding neighborhood.

(h) Soil Safety

All urban farms, cannabis producers, and cannabis producer microbusinesses using conditioned soil shall comply with the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48 NMSA 1978.

(i) Water

(I) Urban farms, cannabis producers, and cannabis producer microbusinesses are allowed to use the following water resources:

(a) Captured rainwater on-site meeting the requirements of the New Mexico State Engineer's Office (OSE) and subsection 14-8.4(D), *Water Harvesting and Irrigation Standards*;

(b) Passive water harvesting designed to infiltrate water, control runoff and erosion;

(c) Gray water or treated effluent from permitted on-site sources adhering to the requirements of Section 20-7-3 NMAC and subsection 14-8.4(D), *Water Harvesting and Irrigation Standards;*

(d) Well water from existing on-site wells, provided that such wells are permitted by the OSE for agricultural use, are metered, and tested annually by a laboratory certified by the New Mexico environment department to ensure that the well is bacteria-free and that the levels of arsenic, fluoride, nitrate, and uranium are compliant with EPA primary drinking water standards (maximum contamination levels, or MCLs), and such lab reports shall be sent to the Planning and Land Use Director;

(e) Municipal water system; or

(f) Stormwater infiltration where permitted by the OSE.

(II) Any constructed water catchment systems shall meet all permitting requirements of the Planning and Land Use Department.

(III) Water supplied through the municipal water system shall be charged at the rate applicable to the meter size, and shall comply

with all applicable requirements of subsection 14-7.7, *Development Water Budgets*;

(a) Separate meters shall be required for irrigation in commercial and industrial zoned areas unless the total farm area on the lot is less than 500 square feet, and meter data denoting monthly and annual water use shall be sent to the Planning and Land Use Director for monitoring purposes;

(b) Water efficient irrigation systems are required to be installed and used when water from the municipal water system is used for irrigation.

(IV) Irrigation systems shall comply with subsection 14-8.4(D), *Water Harvesting and Irrigation Standards*, including installation of an approved backflow prevention device.

(V) Watering times shall comply with the outdoor conservation regulations pursuant to subsection 25-2.7, *Water*.

(VI) The use of other water efficient technologies and water management best practices, such as use of ollas or other water-holding materials, are allowed. The Land Use Director shall provide all urban farms with City-authored water efficient irrigation guidelines and low-water use landscape literature, such as landscape irrigation design standards.

(j) Abandonment

(I) If an agricultural use ceases for any reason for 365 consecutive days without the prior written approval of the Land Use Director, the use shall be deemed to be abandoned.

(II) Any property used for agricultural purposes pursuant to this subsection shall be cleared and restored to the state in which it existed prior to commencement of the agricultural use. The property owner shall remove from the property all farm structures within 90 days after the date the agricultural use is discontinued. Site clearing shall consist of:

(a) Physical removal of all farm structures, farm equipment and machinery; and

(b) Disposal of all composting and agricultural waste in accordance with local and state waste disposal regulations; and

(c) Stabilization of the site's vegetation as necessary to minimize erosion and invasive species encroachment. The Land Use Director may allow the owner to leave landscaping in order to minimize erosion and disruption to vegetation.

(III) If the applicant fails to remove farm structures, farm equipment, and farm machinery in accordance with the requirements of this subsection within 90 days of the date the agricultural use is

discontinued, the Planning and Land Use Director shall proceed with enforcement actions as provided for in subsection 14-1.12, *Enforcement*.

(2) Agricultural Home Occupation

(a) Agricultural home occupations shall comply with Home Occupation standards described in subsection 14-5.3(C)(6), except that:

(I) Up to five people, other than members of the family who reside on the premises, may be employed for urban farms with up to 10,000 square feet of production area. An additional person may be employed as part of the urban farm operations for every additional 10,000 square feet of the production area, up to a total of ten people.

(II) A farm stand and other farm structures shall not be included in the calculation of maximum permitted floor area.

(III) Agricultural home occupations are not subject to the signage limitations for non-agricultural home occupations, and instead signage is permitted as provided in subsection 14-7.6, *Signs*.

(IV) On-site parking is required as follows:

(a) One parking space for each worker who resides off- premises working simultaneously; and

(b) If applicable, three parking spaces on the lot available to farm stand customers during farm stand open hours.

(3) Aquaculture

(a) Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

(b) The size of the operation is limited to 750 square feet or less.

(4) Aquaponics

Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale, and disposition of living marine organisms.

(5) Composting

(a) General Standards

(I) Composting is accessory to an urban farm, cannabis producer, or cannabis producer microbusinesses and shall be used only on-site where any ground level urban farm or roof level urban farm, cannabis producer, or cannabis producer microbusiness is permitted.

(II) Composting shall occupy no more than ten percent of the farm area.

(III) Cooked food, raw animal matter, animal waste, and human waste shall not be used in the creation of compost.

(b) Maximum Height

(I) Maximum height of composting structures or bins shall not exceed the maximum height permitted for fences and walls in the zoning district where the property is located.

(II) On a roof level urban farm, any composting must be contained within a fully enclosed inflammable bin that does not have direct contact with flammable materials.

(c) Setbacks

(I) Accessory structures, compost bins, and windrows shall comply with the applicable setback requirements in all zoned districts.

(II) Compost bins, structures, and windrows located in a required yard or street frontage in all residential and commercial zoned districts must be screened from street view and set back a minimum of ten feet from the property line.

(6) Farm Stand

(a) An urban farm may include a farm stand.

(b) Farm stands located in zoning districts which otherwise prohibit retail sales shall:

(I) Only sell agricultural products that are grown on the premises;

(II) Be no larger than 48 square feet; and

(III) Be erected only during business operating hours and during the farming season.

(c) Operation of a farm stand requires a home occupation permit or other type of business license issued by the City of Santa Fe Business Licensing Division.

(7) Hydroponics

Operations must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

(8) Urban Farm, Ground or Roof Level

(a) The principal activity to be performed on a ground- or roof-level urban farm shall be the cultivation of agricultural crops.

(b) In all residential districts, a ground-level urban farm greater than 10,000 square feet in area requires a conditional use approval.

(c) In the C-1, C-2, C-4, SC-1, SC-2, and SC-3 districts, a ground-level urban farm greater than 1 acre in area requires a conditional use approval.

(d) In all residential districts, a roof level, open air urban farm greater than 1,000 square feet in area is not permitted.

(e) In no district may a roof level, open air urban farm be larger than 5,000 square feet.

(F) Civic, Public, and Institutional Uses

(1) Community and Cultural Centers or Facilities

(a) Cemetery, Mausoleum, or Columbarium
The total lot area shall not be less than ten acres.

(b) Museum
In the RAC district, this use is limited in area to 3,000 square feet.

(c) Religious, Educational, or Charitable Institution

(I) This use does not include schools or religious assembly uses.

(II) In all nonresidential and mixed-use districts, and the AC overlay, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(2) Educational Facilities

(a) College or University, Residential
The total lot area shall not be less than ten acres. Minimum street frontage shall not be less than 300 feet.

(b) Elementary or Secondary School, Public Or Private
In the C-1, C-2, C-4, BCD, BIP, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(c) Vocational or Trade School, Light Industrial
In the BCD and BIP districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(d) Vocational or Trade School, Non-Industrial
In the RAC district, this use is limited to 3,000 square feet.

(3) Emergency Services

(a) Police or Fire Station
In all residential zoning districts, a police or fire station with seven or more staff requires a conditional use approval.

(4) Health Care and Extended Care Facilities

(a) Hospital

(I) Business and Industrial Park District
Hospitals in the BIP District shall be located no less than 50 feet from the boundary of a residential use or residential zoning district.

(II) Las Soleras Hospital Zone District

(a) A heliport serving a hospital is a permitted use.

(b) 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.

(III) Christus/St. Vincent Hospital Zone District

In the Christus/St. Vincent Hospital Zone District, hospitals require a conditional use approval.

(b) Medical or Dental Office or Clinic

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(5) Human Services

(a) Human Services Establishment

(I) In all districts where a human service establishment is permitted, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(II) Open space is required as described in subsection 14-7.4, *Open Space* for each dwelling unit that contains kitchen facilities.

(G) Commercial Uses

(1) Animal-Related Uses

(a) Doggie Daycare

(I) In the C-1, C-2, C-4, BCD, and MU districts, a conditional use approval is required if the use is located within 200 feet of

residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Kennel or Boarding Facility

In the C-1, C-2, C-4, and BIP districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(c) Pet Grooming

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(d) Veterinarian

(I) In the C-1, C-2, C-4, BIP, SC-2, SC-3, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(III) Except in an RR district, the following shall apply:

(a) The facilities provide treatment for animals of a non-agricultural, domestic household nature only, including dogs, cats, caged birds and other animals typically capable of being housed within a family dwelling unit;

(b) The facilities contain no external kennels or areas of boarding, training, breeding or exercising of animals;

(c) Overnight boarding of animals for medical purposes is only accommodated by soundproof rooms contained within the facility;

(d) Continuous or repetitious noise or odors discernible at the lot line are cause for investigation by the Land Use Director, potentially leading to revocation of the occupancy permit; and

(e) Any treatment facility for large or typically farm animals, including horses, cows, sheep, chickens and pigs, are excluded from the list of permitted uses.

(2) Arts Activities

(a) Arts and Crafts Studio, Gallery, or School

(I) In the RAC district, this use is limited in area to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Dance Studio

(I) In the RAC district, this use is limited in area to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(c) Film Production

[reserved]

(d) Photography Studio

(I) In the RAC district, this use is limited in area to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(3) Assembly

(a) Private Club or Lodge

(I) This use type does not include uses customarily carried on as a business, including private lounges or other areas devoted to cannabis consumption.

(II) In all residential districts except R-10, R-12, R-21, R-29 and RAC, the following additional standards apply:

(a) The facility shall not have a lot area of less than two acres; and

(b) A structure in connection with the facility shall not be closer than 25 feet to any lot line.

(III) In all nonresidential and mixed-use districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(IV) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(4) Cannabis Establishments

(a) Applicable Law

Cannabis establishments are subject to applicable sections of the Land Development Code, as set forth in Chapter XIV of the SFCC 1987; other applicable City ordinances, as set forth in the SFCC 1987; and applicable state laws and regulations. Applicable provisions include, but are not limited to, the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 to 26-2B-10 NMSA 1978; the Cannabis Regulation Act, Sections 26-2C-1 to 26-2C-42 NMSA 1978; the Dee Johnson Clean Indoor Air Act, Sections 24-16-1 to 24-16-20 NMSA 1978; the Santa Fe Smoke Free Ordinance, Section 10-6 SFCC 1987; the Nuisance Abatement Ordinance, Section 10-9 SFCC 1987; and the Business License Ordinance, Section 18-1 SFCC 1987.

(b) Enforcement

A person who fails to adhere to the provisions of this Chapter XIV shall be subject to the enforcement provisions set forth in subsection 14-1.3,

General Purposes, and subsection 14-1.12, *Enforcement*, and all other legal remedies and enforcement actions available under the law.

(c) Prohibited in Residential Zoning Districts

The conduct of any business as a cannabis establishment or for a commercial cannabis activity is not allowed in any residential zoning district.

(d) Permitted Uses

Cannabis establishments are permitted only as set forth in Table 5-1 and this subsection. A vertically integrated cannabis establishment or integrated cannabis microbusiness is permitted only if all uses licensed by the licensee are permitted in the zoning district.

(e) Minimum Distance from Schools

A cannabis establishment is not a permitted use if the cannabis establishment would be located within a 300-foot radius of an existing preschool, daycare center, elementary school, or secondary school. The radius shall be measured from the subject property boundaries.

(f) Retail Establishments

(I) Density Limitations

(a) A commercial cannabis retailer is not a permitted use if:

(i) When retail sale of cannabis is the primary use, the main entrance of the retailer is within a 400-foot distance of an existing cannabis retailer; or

(ii) The closest point of the commercial cannabis retailer's licensed premises is within 300 feet of a religious institution.

(II) Density Limitation exemption.

A cannabis retailer that is wholly owned by a tribe, as defined in Section 11-13A-2(D) NMSA 1978, is a permitted use within four hundred (400) feet of the main entrance of a retailer that initiates its application for a cannabis retailer license to the State of New Mexico after the retailer wholly owned by the tribe initiates its application for such a license.

(III) Operating Hours

Permitted hours of operation are between 7:00 a.m. and 12:00 a.m. (midnight).

(g) Odors and Ventilation

(I) All cannabis establishments must comply with applicable state and City laws and regulations concerning odors and ventilation, including building and fire codes.

(II) Cannabis producers, cannabis producer microbusinesses, and cannabis manufacturers must use industry standard techniques

such as activated carbon filtration and regular maintenance of HVAC systems to minimize odorous, toxic, or noxious matter.

(III) Cannabis producers, cannabis producer microbusinesses, cannabis manufacturers, and cannabis consumption areas must obtain City approval of an odor control plan addressing these laws, prior to the issuance of a construction permit or certificate of compliance.

(h) Safety and Security

All cannabis establishments must comply with state law and regulations concerning safety and security, in addition to applicable provisions of SFCC 1987.

(i) Cannabis Producer Microbusiness

In all districts, outdoor growing requires a conditional use approval.

(j) Cannabis Producer

In the I-1 and I-2 districts, indoor cannabis cultivation is permitted by right. In all other districts, a conditional use approval is required.

(k) Commercial Cannabis Retailer

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(5) Food and Beverages

(a) Bar, Cocktail Lounge, Nightclub, With or Without Outdoor Entertainment

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the RAC district and the AC overlay, amplified live entertainment or amplified music for dancing is prohibited after 10 p.m.

(III) In the C-2, SC-1, SC-2, and SC-3 districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(IV) Additionally, with outdoor music, in the BCD, I-1, I-2, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(V) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Commissary Kitchen

A conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(c) Outdoor Dining

(I) Applicability

The standards of this subsection apply to outdoor dining and seating located on private property. Outdoor dining and seating

located in the public-right-of-way is subject to review and approval by the Department of Public Works, as specified in the City's Code of Ordinances.

(II) Accessory Use

Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

(III) Hours of Operation

The hours of operation are limited to the hours of operation of the associated eating and drinking establishment.

(IV) Standards for Operation

(a) In the RAC district, this use is limited in area to 3,000 square feet.

(b) Public outdoor dining areas shall be at least 100 feet from residentially zoned property.

(c) If alcohol is served:

(i) Outdoor dining areas shall be at least 500 feet from the closest residential structure or zone.

(ii) The outdoor area where alcohol is served must be segregated using 4-foot-high planters or fences to close off the area to unauthorized access.

(iii) Access to outdoor areas where alcohol is served shall only be from within the main restaurant or tavern structure. However, the perimeter fence or planters shall have an emergency exit gate, operable only from within the outdoor dining area.

(d) If the outdoor dining space is adjacent to or within a pedestrian sidewalk, a minimum width of five feet free and clear space shall be maintained at all times between the edge of the dining area and the back of the curb.

(e) If a fence is used for separation rather than planters, the fence must be decorated to be aesthetically appealing to the outdoor dining area as viewed by neighboring properties, or planters and/or landscaping may be installed in front of the fence, subject to pedestrian clearance requirements described in provision h.

(f) Music or other outdoor sound amplification must be kept at a level so that it does not create a nuisance beyond the property line.

(g) Portions of parking areas may be used for outdoor dining; however, in no case may spaces needed to meet the minimum requirements specified in subsection 14-7.5(D), *Vehicle Parking Requirements*, be used.

(h) In the BCD, if the distance separation cannot be met, the Governing Body may approve a conditional use.

(d) Restaurant, Fast Service/Take-Out

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the RAC district, amplified live entertainment or amplified music for dancing is prohibited after 10 p.m.

(III) In the C-1 and C-4 districts, gross floor area shall not exceed 1,000 square feet, and the sale of alcohol is prohibited.

(e) Restaurant, Full Service, With or Without Incidental Alcohol Service

(I) Amplified live entertainment or amplified music for dancing prohibited after 1O p.m. in the RAC and AC districts.

(II) In the RAC district, this use is limited to 3,000 square feet.

(f) Restaurant with Bar, Cocktail Lounge or Nightclub Comprising More Than 25% of Total Serving Area

(I) Amplified live entertainment or amplified music for dancing prohibited after 10 p.m. in the RAC and AC districts.

(II) In the RAC district, this use is limited to 3,000 square feet.

(III) In the AC overlay, and the C-2, BCD, SC-1, SC-2, SC-3, and MU districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(IV) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(g) Restaurant, with Drive-Through/Drive-Up

(I) In all districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(6) Lodging - Vacation Time Share

The provision of operating or management services to single or multiple owners of vacation time share projects is a commercial use whether or not the management services are provided on the same site as the timeshare units, and operators and managers are required to obtain a business registration from the City.

(7) Office, Business, and Professional

(a) Bank or Credit Union

(I) If there is a drive-through, in the C-1, C-2, I-1, BIP, SC-1, SC-2, and SC-3 districts, a conditional use approval is required if the use is located within 200 feet of residentially zoned property, unless it is a qualifying project located within the Midtown LINC overlay district.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Business or Professional Office Excluding Medical, Dental, and Financial Services

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(c) Laboratory, Research or Testing

A laboratory shall comply with the performance standards of Section 10-4 SFCC 1987 and shall not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical interference, radiation exposure, or otherwise create a risk to health, safety or property of residents or occupants of adjacent or neighboring residential properties.

(d) Temporary On-Site Contractor's Office

A temporary building used by a contractor as an office or for storage of tools or other construction items shall be removed no later than the completion or abandonment of the construction work.

(8) Recreation and Entertainment

(a) Commercial Recreation

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Theater, Live Productions

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(9) Retail Sales and Services

(a) Antique Store

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Art Supply Store

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(c) Bookshop

(I) In the RAC district, this use is limited to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(d) Cabinet Shops, Custom

In the RAC district, this use is limited to 3,000 square feet.

(e) Department or Discount Store

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(f) Flea Market

(I) Such uses shall:

(a) Meet the requirements of subsection 14-7.5, *Parking and Loading*, and subsection 14-7.6, *Signs*. For the purposes of implementing sign regulations, a flea market constitutes one business establishment;

(b) Meet the requirements of the garbage, litter and weed ordinances;

(c) Not operate as a campground;

(d) Not be located on open space or landscaping areas required by Chapter XIV for another building or use;

(e) Be located on parking areas only so long as enough area remains to meet all parking required by Chapter XIV for both the flea market and the other building or use. This cumulative parking requirement may be reduced pursuant to one of the options described in subsection 14-7.5(E), *Parking Alternatives*; however, if a development plan is required, the reduction may be approved concurrently with the development plan; and

(f) Be required to obtain a certificate of occupancy whether or not a construction permit is required.

(II) For flea markets with 15 or more vendors, development plans showing parking, vendor area and landscaping as set forth in subsection 14-2.1(F)(3), *Construction Permit*.

(III) Development Plan

(a) For flea markets with fewer than 15 vendors, a site plan showing parking, vendor area and landscaping shall be approved by the planning and land use director. Fewer than five individual vendors located on a property does not constitute a flea market.

(b) Complaints about flea market operation shall be reviewed by the Land Use Director and, if valid, the facility shall be given one to five days written notice to remedy the complaint. If the operator fails to remedy the complaint within the time provided in the written notice, the governing body may set a public hearing to consider revocation of the operator's license. The operator shall be given notice of the public hearing and an opportunity to be heard.

(c) These provisions do not apply to markets located on city property that are subject to an alternate approval process.

(g) Florist Shop

(I) In the RAC district, this use is limited in area to 3,000 square feet.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(h) Furniture Store

In the MU district, hours of operation are limited to 7 a.m. to 1O p.m.

(i) Laundromat

(I) A solid masonry wall not less than six feet in height shall be erected along side and rear lot lines of laundromats adjoining residential lots;

(II) No more than one wall sign of not more than 20 percent of the front wall area, excluding doors and windows, is allowed; and

(III) The maximum floor area ratio is 3.0:1. The maximum floor area is 3,000 square feet.

(IV) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(j) Neighborhood Grocery Store

(I) A solid masonry wall not less than six feet in height shall be erected along side and rear lot lines of a neighborhood grocery store adjoining residential lots;

(II) No more than one wall sign of not more than 20 percent of the front wall area, excluding doors and windows, is allowed; and

(III) The maximum floor area ratio is 3.0:1. The maximum floor area is 3,000 square feet.

(IV) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(k) Office Equipment Sales and Service; Retail Sale of Office Supplies

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(l) Pharmacy or Apothecary Shop

The business shall be confined principally to the compounding and dispensing at retail of drugs and medicines and the sale of medical and dental supplies and devices.

(I) This use does not include the compounding, blending, extracting, infusing, or sale of cannabis.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(m) Retail Establishment Not Listed Elsewhere

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(n) Retail and Service Uses that are Intended to Serve the Primary Uses and That Do Not Exceed 5,000 Square Feet

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(o) Retail Sales Accessory to Any Permitted Use

(I) The retail sales use shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use.

(II) In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(p) Sign Shop

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(10) Service Establishments

(a) Exercise, Spa, or Gym Facility

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(b) Hair Salon or Barber Shop

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(c) Personal Service Establishment

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(d) Tailoring or Dressmaking Shop

In the MU district, hours of operation are limited to 7 a.m. to 10 p.m.

(11) Sexually Oriented Business

(a) Purpose

In adopting this subsection, it is recognized that businesses providing certain types of adult entertainment, wherever and by whomever provided, may provide services or goods 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 because 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 deprivation of property to prohibit, limit, or otherwise regulate adult entertainment as provided in this ordinance.

(b) Location of Sexually Oriented Businesses

(I) A sexually oriented business shall not be located or presented in a residential district, even temporarily; within 1,000 feet of a district zoned for residential use or a district in which single-family dwellings or multiple-family dwellings are allowed as principal uses and structures; or within 1,000 feet of any parcel of real property on which is located any of the following facilities:

(a) A school, academy, center, or other entity that provides instruction primarily for and attended by minors;

(b) A religious institution that conducts religious services, education classes or other gatherings for minors;

(c) A public park, playground, or public recreation facility;

(d) Eating and drinking establishments;

(e) Hotels, motels, rooming and boarding houses;

(f) Commercial recreational uses and structures such as theaters and bowling alleys;

(g) Private day-care nurseries and kindergartens; or

(h) Libraries.

(II) This subsection does not apply to sexually oriented businesses existing on February 9, 2000. Such businesses shall be considered nonconforming uses and structures and shall be governed by subsection 14-1.13, *Nonconformities*.

(c) Public Display of Certain Material Prohibited

Materials offered for sale from adult news racks shall not be displayed or exhibited in a manner that exposes to public view any pictures or illustrations of adult human genitals or specified sexual activities in a manner that exposes the material to the view of persons outside the building in which the adult bookstore or adult motion picture theater is located.

(d) Adult News Racks, Book Stores, and Motion Picture Theaters; Violations; Impoundment of News Racks

(I) The provisions of subsection 14-1.13, *Nonconformities*, pertaining to nonconforming uses are applicable to adult news racks, adult bookstores, and adult motion picture theaters and they are required to comply with the provisions of this subsection.

(II) An adult news rack that violates this subsection may be impounded by a city police officer or the planning and land Use director after:

(a) A notice of violation has been affixed to the adult news rack stating the provision of this subsection that has been violated and stating that the adult news rack will be impounded if the violation is not abated within three days;

(b) The violation is not abated within three days of the posting of the notice of violation;

(c) The police department presents to the municipal court affidavits or other evidence sufficient to show a prima facie violation of this subsection; and

(d) The municipal court issues a written order for the impoundment of the adult news rack pursuant to this subsection.

(III) When an adult news rack is impounded, a complaint for violation of this subsection shall be filed within fourteen days of the impounding; if such action is not commenced within fourteen days or if a final appealable decision in such action is rendered more than sixty days from the filing of the action, the adult news rack, together with its contents and all money, if any, shall be released to the person who provides sufficient proof of ownership of the adult news rack, without requiring the payment of an impound fee. No adult news rack shall be released because a final appealable decision was not rendered within sixty days of the filing of the action if the claimant of the adult news rack is responsible for extending the judicial determination beyond the allowable time limit.

(IV) The person who provides sufficient proof of ownership of the adult news rack may have the adult news rack, together with its contents and all money, if any, returned upon paying an impound fee of $25 or upon order of the municipal court, if any, that authorized the seizure of the adult news rack, or pursuant to the terms of item (iii) of this subsection. Should there be a dismissal of the action charging a violation of this subsection or an acquittal of the charges, the court ordering the dismissal or entering the acquittal may provide for the release of the adult news rack and its contents impounded or the return of an impound fee paid for the release of the adult news rack impounded pursuant to such charges.

(V) All adult bookstores and adult motion picture theaters as defined in Chapter XIV that were lawful before the effective date of Ordinance 2002-37 and that violate any provision of this subsection shall have ninety days from the effective date of Ordinance 2002-37 within which to terminate the violation. If the violation is not terminated within ninety days, the adult bookstore or adult motion picture theater shall be subject to the penalties set forth below

and, in addition, the city attorney may apply to the district court for an injunction to prohibit the offending adult bookstore or adult motion picture theater from operating its business until the violation is terminated.

(e) Penalty

Notwithstanding any other provision of this subsection, a person who violates this subsection may be punished as follows:

(I) By imprisonment in the county jail not to exceed 90 days;

(II) By forfeiture of the adult news rack impounded pursuant to 14-5.3(G)(11)(d)(IV), providing a reasonable value of the adult news rack does not exceed $300;

(III) A fine not to exceed $300; or

(IV) A combination of imprisonment, forfeiture, and fine; provided that in no event shall a fine imposed, when added to the reasonable value of the impounded adult news rack that is forfeited, exceed the sum of $300.

(f) Licensing of Sexually Oriented Businesses

(I) No sexually oriented business shall be operated or maintained in Santa Fe without first obtaining a license to operate issued by the city.

(II) A license may be issued for only one sexually oriented business located at a fixed and certain place. A person who desires to operate more than one sexually oriented business must have a license for each business.

(III) A license or interest in a license is not transferable to any other person.

(IV) A person desiring to secure a license shall make application to the city. A copy of the application shall be distributed promptly to the Santa Fe police department and to the applicant.

(V) The application shall be on a form provided by the accounts receivable office. An applicant, which includes all partners or limited partners of a partnership applicant; all officers or directors of a corporate applicant; and all stockholders holding more than five percent of the stock of a corporate applicant; or any other person who is interested directly in the ownership or operation of the business, shall furnish the information requested on the accounts receivable office form, which shall include the following information under oath:

(a) Name and address, including all aliases;

(b) Written proof that the individual is at least eighteen years of age;

(c) Whether the applicant previously operated in this or any other county, city, or state under a sexually oriented business license or similar business license;

(d) Whether the applicant has ever had a sexually oriented business license suspended or revoked and the reason for such suspension or revocation and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(e) All convictions of criminal statutes, whether federal or state or City ordinance violations, forfeiture of bond and pleadings of nolo contendere on any charges except minor traffic violations;

(f) The address of the sexually oriented business to be operated by the applicant and a full description of the nature of the business; and

(g) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in the corporation and all officers and directors of the corporation.

(VI) Within 21 days of receiving an application for a license, the accounts receivable office shall notify the applicant whether the license is granted or application denied.

(VII) If application is denied, the applicant shall be advised in writing of the reasons for the denial. If the applicant requests a hearing within 30 days of receipt of notification of denial, a public hearing shall be held in accordance with subsection 14-2.1(H)(2), *Appeal*.

(VIII) Failure or refusal of the applicant to give requested information or the giving by the applicant of false or misleading information relevant to the application constitutes an admission by the applicant that they are ineligible for a license and is grounds for denial of a license.

(g) Standards for Issuance of License

To receive a license to operate a sexually oriented business, an applicant must meet the following standards:

(I) If the applicant is an individual:

(a) Must be at least 18 years of age;

(b) Shall not 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;

(c) Shall not have been found to have previously violated this subsection within five years immediately preceding the date 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:

(a) All officers, directors and stockholders required to be named under subsection 14-5.3(G)(11)(f)(V) shall be at least 18 years of age;

(b) 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

(c) No officer, director or stockholder required to be named under that subitem shall have been found to have previously violated this subsection 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 in which two or more persons have a financial interest:

(a) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age;

(b) No person 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

(c) 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 subsection 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 operation is allowed in the following year.

(II) An operator desiring to renew a license shall make application to the city. The application for renewal must be filed not later than 60 days before the license expires. A copy of the application for renewal shall be distributed promptly to the police department and to the operator.

(III) The application for renewal shall be upon a form provided by the accounts receivable office and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(IV) A renewal fee shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one-half of the renewal fee shall be returned.

(V) If the police department is aware of any information bearing on the operator's qualifications, the department shall file that information in writing with the accounts receivable office.

(j) Revocation of License

(I) The governing body shall revoke a license for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from an application;

(b) The operator or any employee of the operator, violated any provision of this subsection or any regulation adopted by the governing body pursuant to this subsection; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the governing body finds that the operator had no actual or constructive knowledge of the violation and could not by the exercise of due diligence have had actual or constructive knowledge;

(c) The operator becomes ineligible to obtain a license;

(d) Any cost or fee required to be paid by this subsection is not paid; or

(e) Any intoxicating liquor or cereal malt beverage is illegally served or consumed on the premises of the sexually oriented business.

(II) The governing body, before revoking or suspending a license, shall give the operator at least ten days written notice of the charges and the opportunity for a public hearing before the governing body, as provided in this subsection.

(III) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(IV) An operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as a sexually oriented business for six months after the date of revocation of the license.

(k) Physical Layout of Sexually Oriented Businesses

A sexually oriented business that has available for customers, patrons, or members a booth, room, or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(I) Access

Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented establishment and shall be unobstructed by a door, lock or other control-type devices.

(II) Construction

Every booth, room, or cubicle shall meet the following construction requirements:

(a) Each booth, room, or cubicle shall be separated from adjacent booths, rooms, and cubicles and any nonpublic areas by a wall;

(b) Have at least one side totally open to the public lighted aisle so that there is an unobstructed view at all times of any occupants;

(c) All walls shall be solid and without any openings, extended from the floor to the height of not less than six feet and be light colored, nonabsorbent, smooth textured, and easily cleaned;

(d) The floor must be light colored, nonabsorbent, smooth textured and easily cleaned;

(e) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured at the floor.

(III) Occupants

Only one person shall occupy a booth, room, or cubicle at any time. An occupant shall not engage in any type of sexual activity or cause any bodily discharge or litter while in the booth. A person shall not damage or deface any portion of the booth.

(l) Responsibilities of the Operator

(I) The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, telephone numbers, social security number, date of employment and termination and duties of each employee. The information on each employee shall be maintained in the register on the premises for a period of three years following termination.

(II) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the police department at all reasonable times.

(III) Every act or omission by an employee constituting a violation of the provisions of this paragraph shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct. The operator is punishable for an employee's act or omission in the same manner as if the operator committed the act or caused the omission.

(IV) Any act or omission of an employee constituting a violation of the provisions of this paragraph shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

(V) An employee of a sexually oriented business shall not allow any minor to loiter around or to frequent the sexually oriented business or to allow any minor to view the sexually oriented activities, performances, materials or other related matter or act as defined in the City Code.

(VI) The operator shall maintain the premises in a clean and sanitary manner at all times.

(VII) The operator shall maintain at least ten footcandles of light in the public portions of the establishment, including aisles, at all times.

(VIII) The operator shall ensure compliance of the establishment and its patrons with the provisions of this paragraph.

(m) Administrative Procedure

A person aggrieved by a final action of a city official, officer, or department may file an appeal contesting the final action of the city relating to denial,

renewal, nonrenewal, revocation, or suspension of a license for a sexually oriented business pursuant to subsection 14-2.1(H)(2), *Appeal*.

(n) Exclusions

All accredited and duly licensed private schools and public schools in Santa Fe are exempt from obtaining a license pursuant to this paragraph when instructing pupils in sex education as part of their curriculum.

(o) Enforcement

The planning and land use department may enter any sexually oriented business at all reasonable times to inspect the premises and enforce this paragraph. If, during the inspection, circumstances indicate a violation of an ordinance or other law, the code enforcement officers shall report their findings to the police department for further investigation or other response as indicated.

(H) Industrial Uses

(1) Automobile Salvage or Wrecking Yard, or Junkyard

(a) Front yards and yards adjoining residential districts shall have a minimum depth of 50 feet. The yards may be used for customer parking or for landscaping and shall not be used for storage or display.

(b) Yards 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) No objects shall be stacked or stored higher than the height of the enclosing wall.

(d) All uses shall conform to performance standards as set forth in Section 10-4.

(2) Storage

(a) Outdoor Storage

(I) The outdoor storage area 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.

(II) No objects shall be stacked or stored higher than the height of the enclosing wall.

(b) Self-storage

(I) Individual Storage Units Within a Completely Enclosed Building

In the BIP district, self-storage is only permitted if individual units are contained completely within an enclosed building, and not directly accessible from outside a building. Such units are subject to the following limitations:

(a) The 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; and

(c) An individual storage unit shall not exceed two hundred square feet.

(II) Individual Storage Units Directly Accessible from Outside a Building

Storage units that can be accessed directly 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 subsection 14-8.4, *Landscape and Site Design*, 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 by the Land Use Director. One dwelling unit is allowed as part of the storage unit development and it must be architecturally compatible with the storage units. No portion of the storage units or the dwelling unit shall exceed one story in height;

(d) Lighting shall comply with the standards described in subsection 14-8.6, *Outdoor Lighting*;

(e) Outdoor storage is prohibited on the site if the site is located within a C-2 district or the BCD.

(f) Unless approved prior to July 25, 2007, mini-storage units shall also comply with the following:

(i) A building shall not be located less than 100 feet from a residentially zoned property unless the required landscaping buffer adjacent to the residentially zoned property is twice the otherwise required width; and

(ii) An eight-foot masonry wall, either stuccoed on the outside or made of decorative block, is required along any property line abutting a residentially zoned property.

(c) Temporary Mobile Storage Unit

(I) Applicability

(a) On private property, a temporary mobile storage unit are limited to no more than eight feet in width, eight feet in height, and 16 feet in length and are permitted for no more than 30 days in a calendar year unless ownership of the property has changed, the property is being remodeled, or there is a change in occupancy of a rental unit on the site.

(b) If site configuration or topography make placement of the mobile storage unit on the site impossible, the mobile storage unit may be placed in the right-of-way against the curb, the same as parking an automobile, and subject to the same time limits.

(II) Standards

(a) Parking

A temporary mobile storage unit shall not be placed in any parking space required for a nonresidential use on the site.

(b) Location

(i) Placement of the temporary mobile storage unit shall not impede the sight visibility areas, as described in subsection 14-3.5(G), *Visibility Triangle Areas*.

(ii) A temporary mobile storage unit must be located a minimum of 100 feet from flammable or combustible liquid or fuel storage and dispensing structures.

(c) Utilities

(i) No permanent water, sewer, electric, fuel, or phone facilities may be connected to the temporary mobile storage unit.

(ii) Any use of extension cords must be no longer than a maximum of 50 feet, including multiple cords. A maximum of two cords may be utilized.

(iii) Extension cords may not cross an area designated for vehicular traffic.

(d) Signage

No signage may be attached to the storage unit, other than the brand or manufacturer's pre-existing name or logo on the container.

(3) Wholesale Operation

In the C-2 and BCD districts, wholesale operation is limited in area to 3,000 square feet.

(l) Utilities

(1) Electric Facilities

(a) Purpose

The purposes of this subsection are to:

(I) Identify and, to the extent reasonable and practicable, reduce negative impacts on Santa Fe residents due to new and expanded electric facilities;

(II) Ensure that electric service providers can continue to provide safe and reliable electric service that meets both the current and future needs of Santa Fe;

(III) Promote planning and regulatory certainty;

(IV) Ensure the highest degree of coordination between the city, its residents and electric service providers to achieve the objectives of both the providers and the public;

(V) Encourage thoughtful design of electric facilities through careful siting, landscaping, and architectural enhancements consistent with local, state, and federal requirements and recognize the need for an electric service provider to operate and maintain the electrical system safely;

(VI) Support the joint use of electric facilities and distribution facilities; and

(VII) Ensure compliance with Section 3-19-11 NMSA 1978 (Legal Status of Master Plan) and all other controlling regulatory requirements under state and federal law and such other laws and regulations that may be applicable.

(b) Electric Facilities Plan

The Governing Body shall adopt an Electric Facilities Plan as an amendment to the General Plan by passage of a resolution.

(c) Annual Informational Meeting for Proposed Electric Projects

Notwithstanding any other process contemplated by this subsection, an electric service provider shall provide a list of proposed electric projects and request an annual meeting for an informational presentation with the planning and land use director, the planning commission, the historic districts review board and the public works and utilities committee. The electric service provider, if requested, shall provide an informational briefing to the governing body.

(d) Applicability

(I) This subsection applies to electric projects located within the city limits whether upon private or public lands; provided, however, that this subsection applies to electric projects on state and federal lands only to the extent of the City's jurisdiction or in accordance

with any contractual understanding. Nothing in this subsection shall be deemed a waiver of the City's police power authority to seek redress against any person placing electric facilities in such a location or manner as to create a risk to public safety.

(II) This subsection does not apply to the following:

(a) The installation of distribution facilities consisting of three or fewer poles;

(b) Electric facilities and distribution facilities in existence prior to October 29, 2008;

(c) Emergency and temporary facilities or the emergency repair of electric facilities; and

(d) The installation of any distribution underground system.

(e) General Requirements

(I) Aesthetics, Lighting, Signs, and Noise

Electric projects shall comply with all city ordinances and regulations with respect to materials, colors, textures, finish, screening, and landscaping, and the design of related structures, subject to applicable design codes and safety standards. All electric projects shall also comply with all lighting, signage and noise ordinances and regulations of the city.

(II) Design Codes; Safety Standards

Design and operation of electric facilities is governed by the National Electrical Safety Code (NESC) as adopted by the state and other applicable national, state, and industry codes and guidelines.

(III) Electric and Magnetic Fields (EMF)

Electric and magnetic fields shall be considered when locating transmission lines and distribution lines in accordance with the electric facilities plan.

(IV) Property Maintenance

All real property owned or leased by the electric service provider used for switching stations or substations shall be maintained, without expense to the city, to be safe, orderly, attractive and in conformity with all applicable city codes and regulations with respect to the removal of weeds, trash and graffiti.

(V) Permits; Plans Required

Construction permits shall not be required for electric facilities and distribution facilities. For other uses, construction permits shall be required as set forth in the City Code.

(VI) Restoration of Improvements

Upon completion of an electric project, the electric service provider shall promptly repair any and all public and private property improvements, landscaping, fixtures, structures, and facilities

damaged during the course of construction, restoring them to a condition not less than their condition before the start of construction or as agreed to by the affected property owner and the electric service provider.

(VII) Electric Facility Heights

Electric facilities shall meet applicable clearances specified in the National Electrical Safety Code (NESC). Transmission facilities are between 60 and 100 feet in height; distribution facilities are between 35 and 55 feet in height.

(VIII) Airport

An electric project within the class D airspace surrounding the Santa Fe airport shall be built in conformity with all applicable FAA regulations. Any facilities requiring FAA submittal shall also be provided for informational purposes to the city.

(IX) Traffic Control Plan

A traffic control plan shall be submitted as required by subsection 23-2.17, *Maintenance of Traffic and Pedestrian Flow*.

(X) Switching Stations and Substations

(a) Walls that protect and screen electric equipment shall be a maximum of 12 feet in height in the historic districts and 14 feet in height elsewhere. Walls over six feet high shall be set back no less than 15 feet from the property line. This paragraph takes precedence over other height limits set forth in Chapter XIV.

(b) In Historic districts walls shall be earth tone stucco and articulated so that there is a change in wall height of no less than eight inches at least every 25 linear feet of wall and there is a horizontal jog of at least one foot at least every 50 linear feet of wall. Walls shall be constructed so that no block seams are visible and nothing is placed on top of the wall. Gates shall be constructed as see-through wrought iron.

(c) Lighting shall be used only when utility personnel are on site.

(f) Noncomplying Work

Upon order of the Planning and Land Use Director, all work that does not comply with the application requirements and specifications for the work or other requirements of this subsection shall be removed or made to comply within 30 days or sooner if the work poses an immediate threat to the health or safety of the community.

(g) Notification of Sale of Land

The City shall be notified when a parcel of land owned by the electric service provider becomes available for purchase.

(h) Conformity Review

A conformity review as described in subsection 14-2.1(F)(7), *Utility Conformity Review*, is required as described below in Application Requirements.

(i) Application Requirements

(l) No Application Required

The following shall not require submittal of an application for review under this subsection; however, compliance with subsection 14-5.3(I)(1)(e), *General Requirements*, is required:

- **(a)** Station maintenance, including equipment replacement upgrade inside existing walls to a higher capacity, and maintenance or improvements to existing infrastructure such as painting over graffiti on walls or renewing landscaping;
- **(b)** The modification or addition of equipment, control units, or electric structures within a substation to the extent that there is no significant outside visual impact;
- **(c)** Use of substation property for temporary storage for less than one year of materials to the extent there is no outside visual impact;
- **(d)** Any line maintenance, including repair, modification, or replacement of poles with poles of similar height and appearance, such poles to be not more than ten feet taller than existing poles measured above ground height, and repair or replacement of components with a similar component such as guy wires and anchors, insulators and hardware on existing electric structures;
- **(e)** Reconductoring or reframing on existing electric structures or lines to the extent not inconsistent with subsection 14-5.3(I)(1)(i)(I)(f);
- **(f)** Upgrade of line capacity that does not increase the total number of electric structures by ten percent added electric structures, or more than ten added feet of height, on any individual electric structure or any additional new conductor on the electric structures;
- **(g)** Installation of equipment, such as switches or splice boxes, and communications cables and appurtenances on existing electric structures or lines;
- **(h)** Erection and removal of temporary facilities;
- **(i)** Relocation of electric structures within 50 feet of current site to accommodate pole replacement for maintenance or to provide clearances for public improvements;
- **(j)** Retirement, topping, or removal of electric 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.

(II) Application for Administrative Approval

(a) The following require submittal of an application for administrative review and approval by the planning and land use director:

(i) Station Improvements
Including relocation of non-electric-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
Relocation of electric structures within 50 feet of the current site, other than those to accommodate pole replacement for maintenance or to provide clearance for public improvements.

(iii) Exception
When requests for station improvements or relocation of electric structure are for improvements or relocations in the escarpment overlay district or a Highway Corridor Protection District, they require approval by the Planning Commission. See subsection 14-2.1(F)(7), *Utility Conformity Review*.

(b) Administrative review and decision shall be made in a timely fashion, and, if not made within 30 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 planning and land use director shall review and approve applications if the proposed use complies with all relevant city ordinances and regulations; provided, however, the Planning and Land Use Director may choose not to make a decision on an application and refer the application to the planning commission for review upon notice to the electric service provider.

(III) Application for Planning Commission and/or Governing Body Approval

(a) All electric projects not eligible under subsections 14-5.3(I)(1)(i)(I), *No Application Required,* or 14-5.3(I)(1)(i)(II), *Application for Administrative Approval*, except transmission facilities, shall require submittal of an application for review and approval by the Planning Commission.

(b) Transmission facilities not exempt under subsections 14-5.3(I)(1)(i)(I) or 14-5.3(I)(1)(i)(II) shall require submittal of an application for review and recommendation by the Planning Commission for approval by the Governing Body.

(c) The planning commission shall consider the siting policies of the electric facility plan as it may be amended and grant approvals with such conditions as appropriate under Chapter XIV or deny approvals when electric projects are not harmonious with and adaptable to buildings, structures, and uses of properties underlying or adjacent to the electric project and other properties in the vicinity of the electric project, and shall specify such requirements for ingress and egress to public streets and provisions for drainage and screening as the planning commission deems necessary for the electric project to achieve conformity with the purposes of this subsection and the general plan.

(d) Pursuant to Section 3-19-11 NMSA 1978, if the planning commission denies an application for which it has approval authority, it shall state its reasons to the Governing Body. The Governing Body may overrule the planning commission and approve the application by a two-thirds' vote of all its members.

(IV) Historic District Review Board Review and Approval

Except for electric projects that do not require an application per subsection 14-5.3(I)(1)(i)(I), *No Application Required,* electric projects that are located within a historic district shall require Historic Districts Review Board approval. Additional restrictions are in subsection 14-5.3(I)(1)(e)(X), *Switching Stations and Substations*.

(j) Application Submittal Requirements

(I) General Requirement

All applications submitted to the planning and land use director shall be in writing. If an application is determined to be incomplete, the Planning and Land Use Director shall provide notice, within ten business days of the date the application is submitted, to the electric service provider along with an explanation of the

application's deficiencies. Electronic submittals will be considered on a case-by-case basis, subject to security requirements.

(II) Transmission Line Facilities

The following information shall be submitted:

- **(a)** Purpose and need for the electric project;
- **(b)** Analysis of conformity with the General Plan and the electric facilities plan, as amended, or successor plans, and relevant guiding policies;
- **(c)** Description of the proposed action and alternative corridors examined;
- **(d)** Constraints and opportunities associated with each alternative corridor;
- **(e)** Electric project location map and aerial photograph;
- **(f)** Details of typical electric structures, including height diameter and phase spacing;
- **(g)** Electric project "in service date" and estimated construction start date;
- **(h)** Proposed action cost;
- **(i)** Within 200 feet along the proposed corridor:
  - **(i)** Existing and proposed land uses and existing zoning along the corridor;
  - **(ii)** Location of existing watercourses, drainage channels and water bodies;
  - **(iii)** Location of existing and proposed streets and roads;
  - **(iv)** Topography, natural features, slopes, floodplains and cultural resources;
  - **(v)** Visual considerations and general appearance, including visual simulations;
  - **(vi)** Existing and proposed electric project utility easements, including location and width;
  - **(vii)** Whether and to what extent rights-of-way will be used; and
  - **(viii)** Other environmental considerations that may be relevant to the electric project such as information on airport control zones and flood hazard zones.
- **(j)** Discussion of the public input processes used;
- **(k)** Electric and magnetic field profiles;
- **(l)** Landscape restoration plan;
- **(m)** Feasibility and estimated cost of an underground option, if requested by the Land Use Director; and

(n) A list of all known and related approvals required to complete the electric project, regardless of the jurisdiction requiring approval.

(III) Distribution Line Facilities

The following information shall be submitted:

(a) Purpose and need for the electric project;
(b) Statement of conformity with the General Plan and the electric facility plan, as amended, or successor plans, and relevant guiding policies;
(c) Description of the proposed action;
(d) Constraints and opportunities;
(e) Electric project location map and aerial photograph;
(f) Details of typical electric structures, including height, diameter and configuration;
(g) Electric project "in service date" and estimated construction start date;
(h) Proposed action cost;
(i) Within 50 feet along the proposed corridor:
  (i) Land uses along the corridor; and
  (ii) Whether and to what extent rights-of-way will be used.
(j) Discussion of the public input processes used;
(k) Landscape restoration, if applicable; and
(l) Feasibility and estimated cost of an underground option, if requested by the Land Use Director.

(IV) Switching Stations and Substations

The following information shall be submitted:

(a) Purpose and need for the electric project;
(b) Analysis of conformity with the General Plan and the electric facilities plan, as amended, or successor plans, relevant guiding policies;
(c) Description of the proposed action and alternative station sites examined;
(d) Constraints and opportunities associated with each alternative;
(e) Electric project location map and aerial photograph with property plat;
(f) Evidence of property control or intent to purchase the property;
(g) Electric project "in service date" and estimated construction start date;
(h) Within a 200 foot radius from property line to include:
  (i) Existing and proposed land uses and existing zoning;

(ii) Location of existing watercourses, drainage channels and water bodies;

(iii) Location of existing and proposed streets and roads;

(iv) Topography, natural features, slopes, floodplains and cultural resources;

(v) Visual considerations and general appearance, including visual simulations; and

(vi) Other environmental considerations that may be relevant to the electric project such as information on airport control zones and flood hazard zones.

(i) 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;

(j) Discussion of the public input processes used; and

(k) A list of all known and related approvals required to complete the electric project, regardless of the jurisdiction requiring approval.

(k) Fees

Applications shall be accompanied by a non-refundable fee as established by resolution of the governing body.

(l) Waivers

When requesting waivers, the electric service provider shall comply with subsection 14-2.1(H)(1)(e), *Waivers for Utilities*, as well as the notice provisions of subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings,* and subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(m) Appeals

Appeals shall be made in accordance with subsection 14-2.1(B)(6)(d), *Appeals*.

(2) Underground Electric and Cable Utility Lines

(a) Purpose

(I) The Governing Body recognizes that it is in the best interest of the health, safety and welfare of all citizens of Santa Fe that the city immediately takes the steps necessary to adopt policies that conserve open skies and improve public accessibility along city sidewalks and rights-of-way.

(II) The Governing Body recognizes that overhead electric and cable utility lines and associated in-ground poles and structures adversely affect the open skies and may impede public accessibility along City sidewalks and rights-of-way.

(III) The Governing Body recognizes that as a planning and land use matter, overhead electric and cable utility lines detract from orderly and modern planning models.

(IV) Underground electric and cable utility lines have the least environmental impact for any neighborhood.

(b) Applicability

This subsection applies to electric and cable utility lines, that are collectively referred to as utility lines. This subsection applies to electric lines of less than 46 kilovolts unless otherwise specified.

(c) New Utility Lines

All new utility lines shall be placed underground except as provided in subsection IV, Utility Provider Accounting, or with approval of a Governing Body waiver, as described in subsection 14-2.1(H)(1)(e), *Waivers for Utilities*.

(I) The developer of a project subject to Chapter XIV shall be responsible for the undergrounding of the utilities needed to serve the project.

(II) The utility provider is responsible for the undergrounding of all other utilities pursuant to subsection 14-5.3(I)(2)(d), *Utility Provider Accounting*.

(d) Utility Provider Accounting

(I) Prior to initiating the underground utility project, the utility provider shall present an accounting to the Governing Body regarding:

(a) The difference in cost for the undergrounding compared to above ground; and

(b) What is the anticipated additional monthly cost to city customers based on customer classification.

(II) The Governing Body may:

(a) Direct the utility provider to seek approval of the New Mexico public regulation commission for an additional fee to be paid by all City customers to cover the cost of undergrounding;

(b) Allocate City funds to cover the cost or partial cost of undergrounding. Possible funding sources include general funds, capital improvement program funds, special assessment districts, project improvement districts, state legislative appropriations, grand money, bond revenues, utility franchise revenues or other appropriate funding; or

(c) Authorize the utility lines to be above ground.

(III) In making its decision, the Governing Body shall consider the same criteria as set forth in subsection 14-5.3(I)(1)(d), *Applicability*.

(IV) This paragraph does not apply to undergrounding required of the developer set forth in this subsection.

(e) Existing Utility Lines

The Governing Body shall initiate a process to:

(I) Identify and prioritize those areas of the city that are most in need of placing existing utility lines underground in keeping with the purpose set forth in subsection 14-5.3(I)(1)(a), *Purpose*; and

(II) Identify appropriate funding sources from city and non-city sources for such projects.

(f) Undergrounding for Public Health and Safety

The Governing Body shall consider an ordinance establishing a hearing process and the standards for when the Governing Body may order the undergrounding of existing, new, or replacement utility lines of any voltage due to public health and safety reasons. Such determination shall be considered by the public regulation commission in approving a statewide rate increase.

(g) Administrative Procedures

To the extent necessary to carry out the provisions of this subsection, the Governing Body may adopt administrative procedures and policies by resolution.

(h) 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.

(i) Public or Private Utilities

(I) The following standards shall be as required by the Board of Adjustment:

(a) Lot area;

(b) Screening against light, fumes, noise or unsightliness;

(c) Protection against unattractive nuisance characteristics; and

(d) Protection against interference with radio and television reception.

(II) Telecommunication facilities are subject to subsection 14-5.3(I)(3), *Telecommunication Facilities.*

(III) Electric facilities are subject to subsection 14-5.3(I)(1), *Electric Facilities*.

(j) Fees

Applications shall be accompanied by a non-refundable fee as established by resolution of the Governing Body.

(k) Waivers

When requesting waivers, the electric service provider shall comply with subsection 14-2.1(H)(1)(e), *Waivers for Utilities*, as well as the notice

provisions of subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings,* and subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(l) Appeals

Appeals shall be made in accordance with subsection 14-2.1(B)(6)(d), *Appeals*.

(3) Telecommunication Facilities

(a) Purpose

The purposes of this subsection are to:

(I) Comply with the Federal Telecommunications Act of 1996, and all other applicable state and federal laws and regulations regarding the provision of telecommunications services;

(II) Establish regulations that do not discriminate among telecommunications providers;

(III) Promote regulatory certainty;

(IV) Minimize adverse land use impacts of towers and antennas by:

(a) Encouraging the location of towers in nonresidential districts in order to preserve the character of Santa Fe neighborhoods;

(b) Requiring collocation of antennas, minimizing new tower sites, and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible; and

(c) Requiring careful design, siting, landscape screening and innovative camouflaging techniques, including tower alternatives, consistent with applicable state and federal requirements, including FAA requirements; and

(V) Enhance the ability of telecommunications providers to provide telecommunication services to the community quickly, effectively and efficiently.

(b) Applicability

(I) This subsection applies to all towers and antennas located within the city's jurisdiction, whether upon private or public lands, except as provided in subsection 14-5.3(I)(3)(b)(II).

(II) Except as otherwise noted, this subsection shall not apply to the following:

(a) Towers and antennas located within the city's public rights-of-way for which a franchise agreement is required pursuant to Section 27-2;

(b) Towers and antennas located on state or federal land, except to the extent the City has jurisdiction over the same by law or by contract;

(c) Towers under 70 feet in height used for receive-only antennas that are owned and operated by a federally licensed amateur radio station operator or otherwise used exclusively for receive-only antennas;

(d) Towers or antennas existing prior to March 25, 1998, or for which a construction permit had been issued prior to March 25, 1998, but only to the extent of permits issued prior to June 11, 2011;

(e) Towers or antennas constructed or installed on city-owned property pursuant to a lease with the city approved by the governing body prior to June 11, 2011, but only to the extent of permits issued prior to June 11, 2011;

(f) Towers and antennas used exclusively for emergency services, including police and fire, and operation of the city water utility;

(g) Antennas and other over-the-air receiving devices for the reception of video images that do not exceed one meter in diagonal length or diameter or are designed to receive television broadcast signals only; provided that any such antenna located in a historic district or on residentially zoned property shall, to the maximum extent technically feasible without requiring new or additional construction, be screened from the view of adjacent properties and public rights-of-way unless the screening would create a greater visual impact than the unscreened antenna. Screening may include existing parapets, walls, or similar architectural elements if they are painted and texturized to integrate with the architecture of the building or other structure or landscaping; or

(h) Maintenance, repair and replacement of existing telecommunications facilities to the extent that there is no significant adverse visual impact and maintenance or improvements to existing infrastructure such as painting over graffiti on walls or renewing landscaping.

(III) Notwithstanding the applicability of this subsection, all telecommunications facilities are subject to the requirements of Chapter 7 SFCC 1987.

(c) General Requirements

All towers and antennas, whether administratively approved or requiring land use board approval, shall comply with all applicable city codes and with the following:

(I) Zoning Districts; Location

Telecommunications facilities are permitted in all zoning districts in accordance with the requirements of this subsection. However, to the maximum extent technically feasible, telecommunications facilities shall be sited:

(a) On existing structures;
(b) In nonresidential districts; and
(c) In C-2, I-1, and I-2 districts.

(II) Maximum Height

(a) 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 subsection.
(b) Telecommunications facilities located on new structures shall not exceed the maximum height for buildings otherwise allowed as set forth in Chapter XIV with the exception that in C-2, I-1, and I-2 districts the height limit of telecommunications facilities shall be 100 feet.

(III) Aesthetic Requirements

Subject to applicable federal standards and design and safety codes, the following criteria must be met:

(a) Wireline telecommunications facilities shall be installed underground to the maximum extent technically feasible;
(b) If above ground, the telecommunications facilities shall be designed, installed and maintained in such a manner as to minimize the visual impact upon adjacent lands, public rights-of-way, and residentially zoned property. Acceptable methods to minimize visual impact include concealment, screening, camouflaging, color, materials, texture, shape, size, and location;
(c) Consideration shall be given to minimize disruption to or alteration of natural landforms and landscape; and
(d) Permanent lighting of telecommunications facilities shall not be allowed unless there is no alternative available to comply with federal law, in which case all proposed lighting shall be shown in the application. Permanent lighting shall not include equipment status indicator lights exceeding 15 watts of power.

(IV) Archaeological Requirements

Compliance with subsection 14-4.2, *Archeological Review Districts*, is required.

(V) Signs

Signs are not allowed unless required for safety reasons or otherwise in compliance with federal, state, or local law, or unless permitted by the city.

(VI) Telecommunications Facilities Maintenance

All telecommunications facilities shall be maintained to be safe, orderly, attractive and in conformity with all applicable federal, state and city laws, ordinances, regulations, and codes. Weeds, trash, and graffiti shall be promptly removed. All lockable telecommunications facilities shall be kept locked when not being actively serviced. All non-lockable telecommunications facilities shall be kept closed when not being actively serviced. All telecommunications facilities shall be kept free of graffiti.

(VII) Noise

All telecommunications facilities shall be designed, constructed, and installed in such a manner as to minimize noise to the maximum extent feasible, but in no event shall noise exceed the standards set forth in Section 1-13.

(VIII) Restoration of Improvements

Promptly upon completion of a tower or antenna construction, all public and private property improvements, landscaping, fixtures, structures and facilities damaged in the course of construction shall be restored to a condition not less than its condition before commencement of construction or as otherwise agreed to by the applicant.

(IX) Airport

Telecommunications facilities within the Class D airspace surrounding the Santa Fe airport shall be constructed in conformity with all applicable FAA regulations. A copy of any submittals required to be made to the FAA shall be provided to the city's airport manager at the time the submittal is made to the FM.

(X) Tower Setbacks and Separation Distances Between Towers

All towers shall be set back a distance equal to at least one hundred percent of the height of the tower from any adjoining lot line, measured from the base of the tower. A tower shall not be sited closer than 1,000 linear feet to another tower, measured from the base of the towers, unless co-location on the existing tower is not technically feasible or would have a significant adverse visual impact.

(XI) Certification

On or before one year after the date of any final action approving an application and annually thereafter, the applicant shall provide

to the Land Use Director the certification of qualified independent parties that based on an inspection of the approved telecommunications facilities their structural integrity remains intact and they remain in compliance with the radio frequency exposure limits set out in 47 C.F.R. 1.1310.

(d) Removal of Abandoned Towers and Antennas

This subsection applies to all towers and antennas regardless of the date of construction.

(I) An antenna or tower that is not used for the provision of telecommunication services for a continuous period of six months shall be deemed to be abandoned, and the owner of the antenna or tower shall remove it within 90 days of receipt of notice from the City notifying the owner of the telecommunications facility and the owner of the property upon which the telecommunications facility is located.

(II) Failure to remove an abandoned tower or antenna within 90 days of receipt of notice shall be grounds for the City to remove it at the expense of both the owner of the telecommunications facility and the owner of the property upon which the telecommunications facility is located. The City may file a lien on the property where the telecommunications facility is located for the expenses incurred by the City, including the costs associated with filing the lien.

(e) Review and Decision Timelines; Shot Clock

(I) Table 5-2 shows the maximum allowed time for review and approval of different wireless facility requests.

(II) The shot clock associated with the review timeframes below begins from the time an application for wireless facilities is submitted to the city.

Table 5-2: WCF Request Review and Decision Timeline

1.	Collocation, Eligible Facilities Request (EFR)	30 days
2.	Small cell on an existing structure & EFR "deemed granted"	60 days
3.	Collocation or modification to existing wireless that does not meet EFR & small cell on a new structure, i.e. new pole	90 days
4.	Installation of new facility where none currently exists	150 days

(III) If an application is determined to be incomplete, the Planning and Land Use Director shall provide written notice to the applicant no later than 10 days after the submittal date of missing and incomplete items. This notice resets the shot clock. The shot clock begins again upon resubmittal of an updated application.

(f) Administrative Approval

(I) The following requests are subject to administrative review and approval: collocation, eligible facilities requests (EFRs}, small cell on existing structure, non-EFR modification or collocation on existing structure, and small cell on new structure. These are entries 1-3 in Table 5-2.

(II) Administrative approval as set forth in this subsection is separate from and required prior to the submittal of a required construction permit application.

(III) Applications for administrative approval shall comply with the submittal requirements of subsection 14-5.3(I)(3)(j).

(g) Planning Commission Review Required

(I) A tower or antenna that is not otherwise permitted or administratively approved shall be reviewed and approved by the planning commission on an expedited basis for compliance with this subsection and all applicable city codes.

(II) Final review and approval or denial of an application to install a new wireless facility structure shall be completed within 150 days, unless the applicant agrees in writing to extend the review and approval time frame.

(III) In approving an application, the Planning Commission shall determine that:

(a) The application complies with this subsection; and

(b) The proposed telecommunications facilities are necessary to close a demonstrated significant gap in service coverage of the applicant based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed.

(h) Historic Districts Board Review Required

(I) A tower or antenna that is located in a historic district that is not otherwise permitted or administratively approved shall be reviewed and approved by the Historic Districts Review Board on an expedited basis in accordance with applicable requirements of this subsection and subsection 14-4.6, *Historic Districts*.

(II) Final review and approval or denial of an application to install a new wireless facility structure shall be completed within 150 days, unless the applicant agrees in writing to extend the review and approval time frame.

(III) In approving an application, the Historic Districts Review Board shall determine that

(a) The application complies with applicable requirements of subsection 14-4.6, *Historic Districts*, and this subsection; and

(b) The applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities siting is practicable.

(i) Standards for All Review Bodies

(I) The city may not regulate the placement of telecommunications facilities on the basis of the environmental effects of radio frequency emissions where such telecommunications facilities comply with 47 C.F.R. 1.1310 et seq.

(II) The city may place conditions upon its approval of an application, but the conditions shall not prohibit or have the effect of prohibiting the provision of telecommunication services.

(III) A decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing, and supported by evidence demonstrating the basis for the decision contained in the written record.

(j) Application Submittal Requirements

(I) All applications shall be in writing in a form prescribed and as necessary updated by the Planning and Land Use Director. If an application is determined to be incomplete, the Planning and Land Use Director shall provide written notice to the applicant no later than 10 days after the submittal date of missing and incomplete items. Applicants submitting for Planning Commission approval may, but need not, include telecommunications facilities located outside the public rights-of-way in that submittal.

(II) All applications for telecommunications facilities shall include the following:

(a) An application letter describing the proposed telecommunications facilities and signed by an authorized representative of the applicant with knowledge of its contents and attesting to its truth and completeness;

(b) A scaled site plan clearly indicating the location, type and height of the telecommunications facilities; on-site land uses and zoning; adjacent land uses and zoning, including when adjacent to other jurisdictions; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed telecommunications facilities and any other structures, equipment cabinets, topography and parking; and other information deemed by the Planning and Land Use Director to be necessary to assess compliance with this subsection;

(c) The setback distance between the proposed telecommunications facilities and an adjacent residentially zoned property or BCD zoned property;

(d) 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:

- **(i)** Proposed telecommunications facilities for which an approval is being sought;
- **(ii)** Existing telecommunications facilities;
- **(iii)** Approved but not yet constructed telecommunications facilities; and
- **(iv)** Additional telecommunications facilities proposed in the 12 months immediately following the application submittal date.

(e) A radio frequency (RF) coverage map showing the level of existing RF coverage and RF coverage after construction of the proposed telecommunications facilities;

(f) A search ring map illustrating the area within which the applicant explored for potential telecommunications facilities sites;

(g) 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;

(h) 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;

(i) Technical information supporting the proposed height of the proposed antenna mount;

(j) Written and notarized certifications by the applicant as follows:

- **(i)** 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 of why collocation is not technically feasible;
- **(ii)** To the extent that the proposed telecommunications facilities are located in the historic, escarpment, or south central highway corridor overlay districts or do

not comply with the priorities set forth in subsection 14-5.3(I)(3)(c)(I), that the applicant has investigated alternative siting and that no other practicable alternative exists;

(iii) That the proposed telecommunications facilities comply with all applicable federal, state, and local requirements, including without limitation radio frequency radiation exposure limits set out in 47C.F.R. 1.1310, building codes, and all other safety standards; national historic preservation act requirements for the siting of facilities that are listed or are eligible for listing in the national register of historic places; and all franchises, leases, and other contracts, if any, for the use of real property required by any regulatory body with jurisdiction, for the construction or operation of telecommunications facilities in the city have been obtained;

(iv) That the proposed telecommunications facilities are necessary to close a defined and significant gap in service coverage based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed and that the proposed facilities are the least intrusive method to do so;

(v) That the applicant will remove the proposed telecommunications facilities if required to pursuant to subsection 14-5.3(I)(3)(d) and that if the applicant fails to do so, the city may remove the facilities at the applicant's expense and that expense, if unpaid upon demand, shall constitute a lien upon the property where such facilities are located. In the event that the applicant is not the owner of the facilities and property, the applicant shall provide certification to this effect by the owner of the facilities and the property; and

(vi) That the proposed telecommunications facility will be completed and will be used to provide telecommunication services within one hundred eighty days of the date the application is finally approved, or, if a construction permit is required, the date the construction permit is issued;

(k) A traffic control plan if required by subsection 23-2.17;

(l) Construction drawings sealed by a professional engineer;

(m) Written acknowledgment by the applicant that the application and related submittals constitute a public record under the New Mexico Inspection of Public Records Act and are required to be made available to members of the public for inspection upon request in accordance with city practice; and

(n) Such other information as may reasonably be required by the Planning and Land Use Director.

(k) Fees

Application shall be accompanied by a non-refundable fee as established by resolution of the Governing Body.

(l) Waivers

When requesting waivers, the electric service provider shall comply with subsection 14-2.1(H)(1)(e), *Waivers for Utilities*, as well as the notice provisions of subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings* and subsection 14-2.1(B)(4)(b), *Notice Requirements*.

(m) Notice

(l) Administrative Approvals

Applications for administrative approvals shall comply with the following notice requirements:

(a) Within 24 hours of submitting an application to the Planning and Land Use Director, the applicant shall provide notification by first class mail, with a certificate of mailing provided by the U.S. post office, and submit proof of the mailing to the Planning and Land Use Director. The mailed notice shall be sent to all property owners and addresses within 200 feet of the proposed site, exclusive of right-of-way, and to any neighborhood association listed with the Planning and Land Use Director, if the proposed site lies within the boundaries of that neighborhood association;

(b) Within 24 hours of submitting an application to the Planning and Land Use Director, the applicant shall post at the proposed tower or antenna site a public notice poster provided for that purpose by the Planning and Land Use Director. The notice shall be prominently displayed, visible from a public street. The applicant shall make all practicable efforts to ensure that the poster remains in place until the appeal period as set forth in subsection 14-2.1(H)(2), *Appeal*, has expired;

(c) 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 Planning and Land Use Department.

(II) Early Neighborhood Notification

Applications for review by the Planning Commission shall comply with the early neighborhood notification procedures set forth in subsection 14-2.1(B)(1)(b), *Early Neighborhood Notification Meetings*.

(III) Public Hearings

Notice of public hearings shall comply with subsection 14-2.1(B)(4), *Scheduling and Notice of Public Hearings.*

(n) Appeals

Appeals shall be made in accordance with subsection 14-2.1(B)(6)(d), *Appeals*.

(o) Enforcement

The Planning and Land Use Director has the authority to interpret this subsection in accordance with its purposes and shall administer and enforce its provisions.

Section 14-6 Infrastructure Design, Improvement,

14-6.1 Purpose

The subsections of this Section are intended to ensure that

(A) Infrastructure is constructed in accordance with applicable provisions of Chapter XIV;

(B) Infrastructure is constructed in a manner that is consistent with applicable provisions of adopted policies, including the General Plan;

(C) Improvements to City infrastructure that are necessary to directly serve specific new development projects are coordinated with the occurrence of that development; and

(D) The provision of infrastructure that directly serves specific new development projects is coordinated with the provision of facilities needed to remedy existing deficiencies and with the provision of facilities that are subject to impact fees as provided in subsection 14-7.9, *Impact Fees*.

14-6.2 Applicability

All developments approved pursuant to the provisions of Chapter XIV must dedicate land and easements and must construct, or provide funding for the City to construct, the public and quasi-public infrastructure improvements required by Chapter XIV to address effects on existing and new infrastructure that serves the new development, including:

(A) Fire hydrants, fire lanes, emergency access roads and access gates as required by Chapter 12, Fire Prevention and Protection;

(B) Streets, curbs, gutters, sidewalks, signage, striping, traffic control devices, and street lighting consistent with the standards in this Section and Chapter 23, Streets, Sidewalks and Public Places;

(C) Grading and retaining walls within the right-of-way and adjacent to the right-of-way;

(D) Fences, walls, and landscaping required for screening facilities from public view as required by subsection 14-8.5, *Walls and Fences*, and subsection 14-8.4, *Landscape and Site Design*;

(E) Solid waste enclosures required by Chapter 21, Section 21-4, *Refuse Collection*;

(F) Landscaping, irrigation, and other improvements to common open space required by subsection 14-7.4, *Open Space*, and subsection 14-8.4, *Landscape and Site Design*;

(G) Drainage or other facilities necessary to comply with subsection 14-8.2, *Terrain and Stormwater Management*, and subsection 14-8.3, *Flood Regulations*, and Chapter 13, *Stormwater Utility*;

(H) Connections to and extensions of sewer mains as provided in Chapter 22, *Sewers*;

(I) Connections to and extensions of water mains as provided in Chapter 25, *Water*;

(J) Parks, trails and other facilities required by subsection 14-6.3, Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities;

(K) Other required utilities, including natural gas and electricity; and

(L) Other improvements determined to be necessary in accordance with written policies of the Planning and Land Use Director.

14-6.3 Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities

(A) Purpose

The purpose of this subsection is to secure and promote the best interest of the City and its citizens through adequate provision of parks, open space, trails, and recreation facilities, and to ensure adequate maintenance of those parks, open space, trails, and recreation facilities. The regulations of this subsection provide standards for the dedication of land or easements to the City to assist in implementing the City's Parks, Open Space, Trails and Recreation Master Plan.

(B) Applicability

(1) Except as limited in subsection 14-6.3(B)(3), this subsection applies to applications for subdivision or applications for development approvals that create new residential lots or dwelling units, submitted after the effective date of this subsection.

(2) Developments that are part of an annexation plat, master plan, or similar document that dedicated park land in compliance with this subsection are not required to comply at time of individual subdivision or plan approval.

(3) Public, nonmotorized trail dedication requirements in subsection 14-6.3(F) shall apply only to all subdivision plats and development plans.

(C) General Standards

These regulations provide standards based on the average number of persons per housing unit according to Census 2020, which is two persons per unit for Santa Fe.

(1) Land for parks, open space, and trails shall be dedicated at the following rate:

(a) Neighborhood Parks

Three acres per 1,000 persons, or per 500 housing units.

(b) Regional and Community Parks, Open Space, and Trails Twelve acres per 1,000 persons, or per 500 housing units.

(c) Twenty-four one-thousandths acres per new housing unit.

(2) For usable park land, park dedication should result in a park area of no less than one acre.

(3) Land or easements dedicated for public, nonmotorized trails may be used to satisfy the requirement for dedication of regional parks as described in subsection 14-6.3(C)(2), and to establish an interconnected regional transportation system.

(D) Land Dedication Requirements

(1) A master plan, development plan, or subdivision proposing 167 or more single-family residential lots shall dedicate park land to the City according to the requirements set out in this subsection.

(2) For any other development proposing dwelling units, the City shall require land to be dedicated for either neighborhood parks or regional parks or both, unless the amount of land or type of land is not suitable for public parks, open space, or recreation facilities. Where the City determines that no land is suitable for dedication as park land, then it shall collect park impact fees according to subsection 14-7.9, *Impact Fees*.

(3) Where land is to be dedicated to the City for parks, open space, and recreation facilities, the amount of land dedicated shall be calculated as follows:

(a) Neighborhood Parks

Six one-thousandths of an acre per new housing unit; and

(b) Regional and Community Parks, Open Space, and Trails

Twenty-four one-thousandths of an acre per new housing unit.

(4) The City shall determine the location of land to be dedicated as set forth in the Parks, Open Space, Trails and Recreation Master Plan, as well as the type, size, and dimensions of land dedicated.

(5) Land dedicated shall be suitable for public use, including community, neighborhood, special use, and pocket parks; open space; recreation facilities for passive and active recreation and sports, playgrounds, and paved and unpaved trails. The City shall determine the suitability of any land proposed for dedication as park land.

(6) Land to be dedicated shall be specified at the time of final subdivision plat or final development plan approval. The specific category of park impact fees to be waived when the construction permit is issued shall be clearly written on the plat or plan.

(E) Responsibility for Park Development

The developer shall be responsible for the construction, improvement, and development of all neighborhood and regional park land dedicated to the City. The park land shall be developed in accordance with the City's minimum landscaping and equipment standards, including playgrounds, ball courts, sports fields, paved and unpaved trails, benches, and picnic tables, for each type of park created.

(F) Public Trail Dedication Requirements

(1) Dedications to the City for public trails are required wherever an adopted plan shows a public trail within or along the property line of a parcel to which this section applies.

(a) Public trails shown on an adopted plan include those indicated on the General Plan, the Parks, Open Space, Trails and Recreation Master Plan, the Metropolitan Bicycle Master Plan; trails shown on master plans and development plans adopted for specific areas of the City, and other plans duly adopted by the City.

(b) Determination of whether the dedication is by easement or by dedication of fee simple land is made by the City at the time of dedication.

(c) Dedication may be required to provide access from new developments to existing or proposed parks, trails, public open spaces, and roads.

(d) The City may, at its discretion, also require trail dedication where it can be demonstrated that public trail use has occurred continuously for a period of ten years or more, as demonstrated by City staff through aerial photography, which may be supplemented by written testimony from affected parties.

(2) Staff shall determine the width of the required dedication based on the type of trail, existing topography, and current City standards. The alignment of the trail may be modified by staff from that shown in an adopted plan to accommodate preservation of natural resources, address drainage and topography, improve public access, or accommodate design goals of the property owner, as long as the connections between public rights-of-ways, open space, or parks shown on the adopted plan are accomplished.

(3) The dedication for the trail shall be shown on the subdivision plat or final development plan. If the area dedicated for a trail is in partial fulfillment toward the regional park land dedication requirements, the City at its discretion may prorate the fee that would ordinarily be required.

(G) Responsibility for Trail Development

(1) The developer is responsible for the design and construction of the trail in accordance with the City's non-motorized multiuse trail standards or other applicable standards for specialized trails, as determined by the Public Works Director. Inspection and acceptance by the City is required for all public trail improvements.

(2) The City is responsible for maintenance of public trails located on land dedicated to the City. Trails within dedicated easements may be maintained by the City, the property owner, or an owners' association as determined at the time of dedication.

14-6.4 Infrastructure Dedication, Completion, and Guarantees

(A) Dedication of Rights-of-Way and Easements

(1) 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, filing a development plan, or issuance of a construction permit for any development that does not require a development plan or subdivision plat.

(2) All quasi-public infrastructure and land designated for ownership in undivided interest, such as private roads and drainage facilities and common open space, must be dedicated to and perpetually maintained by an owners' association or similar legal entity. An article of incorporation and bylaws for the owners' association along with a declaration of restrictions and covenants must be submitted for review and approval by the City attorney.

(B) Infrastructure Completion or Agreement to Construct Improvements Required

The developer must complete public improvements and quasi-public improvements required for any development in accordance with plans approved by the city and must pass inspection 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 subsection 14-6.4(C), *Agreement to Construct Improvements, Financial Guarantee*. If the developer seeks to construct public improvements and quasi-public improvements without entering into an agreement to construct, the developer must first submit a financial guarantee based on an engineer's estimate for the cost of site restoration plus ten percent of the construction valuation, which shall be held until the end of the 12-month warranty period. 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, an administratively approved lot split, or a resubdivision;

(2) Recording or filing in City archives an approved development plan;

(3) Issuance of a construction permit for any construction other than the infrastructure, for development for which a plat for an inheritance or for a family transfer subdivision, an administratively approved lot split, or a resubdivision is required; and

(4) Issuance of a construction permit for any construction other than the infrastructure, for development for which no subdivision plat or development plan is required.

(C) Agreement to Construct Improvements, Financial Guarantee

(1) The agreement to construct improvements must be executed by the developer according to infrastructure completion policies approved by the Planning and Land Use Director.

(2) The agreement to construct improvements establishes the sequence of permitting, construction, completion, and acceptance of infrastructure relative to the permitting, construction, completion, and occupancy of buildings and other development activities, consistent with the requirements of Chapter XIV and applicable provisions of other chapters of the Santa Fe City Code and consistent with City infrastructure completion policies, including requirements for:

(a) Partial completion of infrastructure prior to issuance of a construction permit for a building; and

(b) Substantial completion of the infrastructure prior to issuance of a certificate of occupancy.

(3) The agreement to construct improvements shall include a financial guarantee in a form acceptable to the Planning and Land Use Director for the construction cost of the infrastructure as estimated according to subsection 14-6.4(G), *Construction Cost Estimate*. If the financial guarantee uses an out-of-state financial institution, an additional contingency fee is required to reflect potential costs of possible out-of-state legal action.

(4) All required improvements shall be completed within two years after construction begins, unless a longer time period is approved by a land use board or by the Planning and Land Use Director for a project that is to be constructed in phases.

(5) The developer may request a reduction in the amount of the financial guarantee when specific improvements are completed. To qualify for a financial guarantee reduction:

(a) The improvements must be completed according to approved plans and inspected by the Planning and Land Use Director; and

(b) A written request for the reduction must be made using Form AIA G702 or approved equivalent format and certified by the architect or professional engineer of record.

(D) Completion and Warranty Period Financial Guarantee

(1) All infrastructure improvements shall be completed in accordance with the requirements of City regulations and approvals, and the Planning and Land Use Director must inspect and accept all work.

(2) The developer shall warranty the infrastructure improvements for a period of at least one year after acceptance and must repair or replace defects at no cost to the City during the warranty period. The Planning and Land Use Director may extend the warranty period when necessary to insure that actual or potential defects are corrected.

(3) During the warranty period, the developer shall maintain on file with the City a construction financial guarantee in an amount equal to ten percent of the cost estimate in subsection 14-6.4(G), *Construction Cost Estimate*, and it shall remain in effect until the required infrastructure has passed a final warranty inspection by the Planning and Land Use Director. If there is no agreement to construct improvements, a separate financial guarantee for the warranty period consistent with City infrastructure completion policies shall be provided.

(E) Use of Funds by City

If the required improvements are not completed in accordance with the agreement to construct improvements or the required repairs are not completed satisfactorily within the warranty period, the City may use the financial guarantee funds in any manner and in any combination it deems necessary to complete or repair the required improvements. This provision does not relieve the applicant of the obligation to complete the improvements or repairs according to the schedule in the agreement, using other funds.

(F) Refund

If all conditions of this section have been met, including acceptance of improvements, and the warranty period has passed, the city shall refund all money not called for within 30 days of a written request from the applicant.

(G) Construction Cost Estimate

A construction cost estimate, prepared by a professional engineer or other qualified person approved by the Planning and Land Use Director shall be provided for all public or quasi-public improvements that are required as a condition of approval or that will be maintained by the City, unless such improvements are built out prior to plat recordation. Required improvements include those described in subsection 14-6.5, *Street Improvement and Design Standards*, and as listed in the City infrastructure completion policies. The construction cost estimate is the basis for the financial guarantees required by subsections subsection 14-6.4(C) and subsection 14-6.4(D). The estimate and guarantees must include a ten percent contingency; provided that a five percent contingency is acceptable for nonprofit housing and economic development organizations approved by the community services department.

14-6.5 Street Improvement and Design Standards

(A) Purpose

[RESERVED]

(B) Applicability

[RESERVED]

(C) Street Network General Standards

(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.

(3) Local streets shall be constructed, extended, and widened in accordance with the General Plan and to accommodate the orderly development of the types and intensities of development shown on the future land use map.

(4) The arrangement of streets in a development shall:

(a) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.

(5) All new streets shall be public, except as otherwise provided in subsection 14-6.5(E)(8), or when the Planning Commission determines that there would be no public purpose served or significant benefit provided to abutting properties by provision of a public rather than a private street.

(D) Street Types Design Criteria

(1) New public and private streets shall be constructed according to projected average daily traffic (ADT) and dwelling unit access (DUA) as shown in Table 6-1: Design Criteria for Street Types

(2) The design criteria are intended to recognize that streets:

(a) Function as a critical urban design component of the neighborhoods they serve;

(b) Together with sidewalks and trails, must safely meet the transportation needs of all users, including pedestrians with varying mobility levels, bicyclists, motorists and transit users;

(c) Provide needed parking in many neighborhoods;

Table 6-1: Design Criteria for Street Types

Criteria	Major Arterial (6-lane)	Major Arterial (4-lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway[1]
						No Parking	With Parking		
Average daily traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000		300-1,000		0-300	Minimum
Dwelling unit access						30-100		0-30	0-8
ROW width, ft. min.	120	98	70	52	50	42	50 or 56	38 or 42	
Slope/grading easement	0-30 for all, conditional upon staff review								
Number of auto lanes, ft.	6-7[2]	4-5[2]	2-3[2]	2					1
Width of driving lanes, ft.	11			10		9	10	9	10
Median/turn lane width, ft.	18		14						
Bike lane width, ft. min.	5			4					
On-street parking width, ft. min.					6[3]		6[4]		
Curb and gutter	2ft. for all								
Sidewalk setback, ft. min.	5					5		0 or 5[1]	
Sidewalk width, ft. min.	6		5		7	5			

NOTES

[1] Lot access driveway standard applicable to access from street to no more than 8 single-family lots. Refer to subsection 14-6.5(E)(8) for additional standards for lanes and lot access driveways.

[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.

(d) Serve as corridors for utilities and storm drainage.

(3) The collector mixed-use street type is to be constructed in conjunction with the development of neighborhood centers and is designed to function like many of the streets near the plaza.

(4) To better achieve the intent of this subsection, the Planning Commission, or in the case of resubdivisions and other administrative plat approvals, the Planning

and Land Use Director, or in the case of City street projects, the Governing Body, may consider and approve an alternative street design that is not included among the street types and street sections shown or described in this subsection, provided the alternative design demonstrably provides adequate capacity to handle anticipated traffic, and includes the necessary pedestrian, bicycle, and transit facilities.

(5) New development on an existing public street that does not meet the width or other applicable standards in Table 6-1: Design Criteria for Street Types and that cannot be improved to meet those standards may exceed the average daily traffic or dwelling unit access standards in Table 6-1 without a variance.

(E) Street Design Engineering Standards

(1) Public and private streets and lot access driveways shall be designed and constructed in accordance with the provisions of this chapter; Chapter 12, Fire Prevention and Protection, and any engineering standards adopted pursuant to this chapter.

(2) Where no specific standard has been adopted, streets shall be designed in accordance with applicable standards adopted by national engineering organizations such as the American Association of State Highway and Transportation Officials (MSHTO) and the Institute of Transportation Engineers.

(3) Where no specific standard has been adopted, construction must comply with the current edition of the "New Mexico Department of Transportation Standard Specifications for Road and Bridge Construction."

(4) A private street built and subsequently proposed to be dedicated to the City must meet all applicable public street standards set forth in this subsection.

(5) The City shall not maintain private streets.

(6) The following specific construction and engineering standards apply to public streets:

(a) Each street shall terminate in a cul-de-sac or other approved turnaround, except where the Planning Commission or Planning and Land Use Director requires a street to be stubbed out at a property boundary in anticipation of future extension;

(b) Property lines at street intersections shall be rounded with a radius of ten feet, or a greater radius when necessary to allow the construction of a curb having a desirable radius. Sidewalks may not be curtailed at street corners to less than normal width. The Planning Commission may allow comparable cutoffs or chords in place of rounded corners;

(c) New streets shall be dedicated and improved to the full width for which they are planned, except where a land use board or the Governing Body determines that an interim width or level of improvements provides safe

and adequate service as part of an enforceable plan for the phased completion of the improvements;

(d) When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, the necessary additional right-of-way shall be platted and dedicated in such a way to make the resulting street conform;

(e) New street names shall not duplicate existing street names or be so similar as to be confused with existing street names. Where a proposed street is to be an extension of an existing named street, the proposed street shall have the same name as the existing street. Street names must be approved by the Planning Commission;

(f) Curbs at intersections shall be designed with a minimum radius of 25 feet. The Planning Commission may approve a smaller radius;

(g) In areas zoned for residential development, planting strips with a minimum width of five feet are required between the edge of pavement and the edge of required sidewalks;

(h) The Planning Commission may approve street access to adjoining property, requiring proposed streets to be extended by dedication to the boundary of that property. Such streets shall be improved in the same manner as prescribed for other streets in the development; and

(i) Street grades shall not exceed the following, with allowances for vertical curves:

(I) Major and secondary arterial streets or highways: six percent;
(II) Collector and subcollector streets: ten percent;
(III) Lanes: 15 percent, except when a lesser grade is required by the fire marshal pursuant to fire apparatus access road standards; and
(IV) No street grade shall be less than one-half of one percent.

(7) All new streets must be paved; provided, however, that the Planning Commission may approve gravel surfaces for roadways classified as private lanes or shared private driveways if it finds, based on substantial evidence, that:

(a) Vegetation or topographical maps or other evidence shows that dust from the roadways will not be a problem for residents living next to the roadway;

(b) The gravel lane is an important consideration in the area's streetscape or in the overall project design; and

(c) The gravel lane will not cause erosion or sediment problems or those problems will be eliminated by the use of accepted engineering methods.

(8) Specific construction and engineering standards, lot access driveways, and streets classified as lanes and certain subcollectors:

(a) Streets classified as "lanes" shall be laid out so that use by through traffic is minimized;

(b) Lot access driveways shall be private. Streets classified as "lanes" or "subcollectors" may be constructed as private streets;

(c) Lot access driveways and private streets classified as "lanes" or "subcollectors" may be approved for access to newly created lots where the Planning Commission determines that no public street is needed to provide access to the property being subdivided or to surrounding properties, based on existing and planned future uses of the properties.

(d) A roadway classified as a lane must meet the following standards:

(I) Paved lanes; and

(II) Unpaved lanes that are approved for construction with gravel surfacing;

(a) Twenty-two feet driving surface width;

(b) Eight feet shoulder and drainage on each side;

(c) Six-inch crushed gravel base course surfacing material; and

(d) Thirty-eight feet total right-of-way or access easement.

(e) A lot access driveway that is required to provide emergency vehicle access pursuant to Chapter XII, Fire Prevention and Protection, must meet the standards of that chapter. Otherwise, a lot access driveway must have an all-weather driving surface at least ten feet in width, must be no steeper than 15 percent grade, or as required by the fire marshal, and must accommodate drainage and utility facilities and easements.

(F) 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 1,000 feet of developed area.

(4) At least two connections to the existing road network points shall be provided for every ten acres of development.

(5) Where a trail network exists or is planned, access to the trail network must be provided every 500 feet, where feasible.

(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.

(G) Sidewalks

(1) If a subdivision plat or development plan approval is required, curb, gutter, and sidewalk locations shall be dedicated when the subdivision plat or development plan is recorded and constructed in accordance with applicable standards as part of the subdivision or development plan infrastructure.

(2) If a subdivision plat or development plan is not required, curbs, gutter, and sidewalks shall be constructed in accordance with applicable standards and dedicated to the City prior to issuance of a certificate of occupancy for:

(a) Construction of a new principal building;

(b) All additions over 500 square feet gross floor area;

(c) Remodeling or renovations over 500 square feet gross floor area for multi-unit residential and nonresidential permits; and

(3) With a permit for additions or remodeling, funds expended for the cost of sidewalk construction are not required to exceed 20 percent of the value of the other construction covered by the permit.

(4) Sidewalks shall be located in a City right-of-way or, if adequate right-of-way is not available, sidewalks shall be located in a public access easement dedicated to the City on an approved plat. The sidewalk shall be consistent with the street standards of subsection 14-6.5(E) and located along each street frontage immediately adjacent to the development.

(5) New sidewalks, drive pads, and curb ramps required pursuant to subsections 14-6.5(G)(1) and (2) must:

(a) Comply with the Americans with Disabilities Act Accessibility Guidelines (ADMG) and with New Mexico Department of Transportation pedestrian access details (NMDOTPAD)

(b) Be constructed of concrete, meeting standards approved by the City or alternative materials approved by the Planning and Land Use Director.

(c) Be free of any structures, signs, landscaping, above ground utility elements or other items that prevent free passage along the sidewalk, if constructed pursuant to subsection 14-6.5(G)(1).

(d) Be free of any structures, signs, landscaping, above ground utility elements or other items that result from the new construction and that prevent free passage along the sidewalk, if constructed pursuant to subsection 14-6.5(G)(1).

(6) Replacement of existing sidewalks is not required if they are in good condition and substantially in compliance with ADAAG. Existing sidewalks shall be free of any structures, signs, landscaping, above ground utility elements or other items that prevent free passage along the sidewalk. However, in the situations described in subsections 14-6.5(G)(1) and (2), the Planning and Land Use Director may allow the sidewalk barrier to remain or approve an alternate sidewalk alignment creating free passage if the removal of the sidewalk barrier is deemed not feasible.

(7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

(a) The width of the existing sidewalk;

(b) The required minimum width set forth in Table 6-1: Design Criteria for Street Types;

(c) The NMDOTPAD as may be amended by the City; or

(d) The minimum width required by the ADAAG.

(8) A curb/access ramp meeting NMDOTPAD and City standards shall be constructed where two paved streets with curb, gutter and sidewalk intersect.

(9) Drive pads shall comply with NMDOTPAD and any City street standard details.

(10) If there is no curb or gutter, an alternative pedestrian route may be approved as part of a subdivision plat or development plan. The alternative pedestrian route shall comply with ADAAG. Consideration shall be given to future maintenance, the surrounding uses, density and the location and type of the street.

(11) Colored concrete shall be required in the City's historic districts according to the color palette approved by the historic districts review board available from the City historic preservation division. Alternative materials may also be required by the historic districts review board. In addition, the City reserves the right to specify sidewalk color or alternative materials in other sections of the City as may be appropriate.

(12) Construction of sidewalks shall comply with Chapter 23, Section 23-3, *Construction and Maintenance of Curbs, Gutters, and Sidewalks*.

(H) Pedestrian Crosswalks

Pedestrian crosswalks that meet the engineering standards of the City shall be included in the design of each signalized intersection and at any other street crossing locations, including midblock crossings, required by the Planning and Land Use Director. Crosswalks must connect sidewalks and must have accessible curb cuts on each side of the street. Crosswalks shall be installed at the time of intersection construction.

(I) Curbs and Gutters

(1) All new streets must have curbs and gutters that meet City standards, except for 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 historic districts according to the color palette approved by the historic districts review board available from the City historic preservation division.

(J) 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, *Weeds*, and 23-3, *Construction and Maintenance of Curbs, Gutters and Sidewalks*.

(K) Alleys

Alleys shall comply with the following provisions:

(1) The right-of-way width of an alley shall not be less than 20 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.

(L) Easements

(1) Easements across lots or centered on rear or side lot lines shall be provided for utilities if the Planning Commission or the City Engineer finds that they are necessary for adequate and necessary utility service to the subdivision or surrounding areas. Such easements shall be at least ten feet wide and may be located over a lot line so that there is a five-foot easement on each lot.

(2) Where a subdivision is traversed by a watercourse, drainageway, acequia, channel or stream, the owner shall provide a stormwater drainage easement or right-of-way conforming substantially with the lines of the watercourse, drainageway, acequia, channel or stream and of a width and construction that Planning Commission finds is adequate for the purpose. Parallel streets, sidewalks, parkways, and/or trails may be required by the Planning Commission in connection with the drainage easement or right-of-way.

(3) Easements required by this subsection shall not interfere with other easements or uses of the property on which the easement exists.

(M) Utilities, Storm Drainage and Street Improvements

Utilities, storm drainage facilities, and street improvements shall be provided as follows.

(1) Standards and Specifications

(a) Connection to City water service as required by Chapter 25, Water, except as provided in subsection 25-1.10, *Regulations for the Drilling of New Domestic Water Wells*;

(b) Connection to City sewer services except as provided in subsection 22-3.1, *Sewers Connection to the Public System*;

(c) Approval of storm sewer system and other drainage improvement plans by the City Engineer;

(d) Approval of grading and centerline gradients by the City Engineer;

(e) Approval of major and secondary arterial street cross-section by the City Engineer; provided, however, that the cost of improvement to the developer shall not exceed that which is required for improving a collector street.

(f) Installation of street name signs of a material and design approved by the Governing Body at all street intersections;

(g) Approval of complete street lighting facilities by the City Engineer; and

(h) Landscaping as required by subsection 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.

(N) 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 Planning and 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.

(O) 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.

14-6.6 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 for 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 subsection 14-4.5, *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 any of the following: an arterial street, limited access highway, drainage course, railroad right-of-way, a single row of lots in an adjacent 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.

(B) Lots

(1) Depth, width, area, and shape of lots shall comply with the requirements of the zoning district in which the subdivision is located, or the zoning that will be applied upon subdivision approval, as well as any other applicable standards of Chapter XIV.

(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 Table 6-1: Design Criteria for Street Types.

(3) To the maximum extent possible, the configuration of lots resulting from the relocation of existing property lines or the creation of new lots through subdivision, shall be regular in shape, typically rectangular, with exception possible for topographical constraints or natural obstructions.

(4) 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.

(5) Through lots are prohibited, except as provided in subsection 14-6.6(A)(2).

14-6.7 Utility and Storm Drainage Improvement and Design Standards

[RESERVED]

14-6.8 Inheritance or Family Transfer Subdivisions

(A) Installation of Improvements

(1) Any improvements required to be constructed on inheritance or family transfer subdivisions are only required to be completed at the time a construction permit is issued on any lot contained in the subdivision, and not at the time of plat approval or recordation.

(2) A financial guarantee is not required at the time of plat recordation.

(3) If an inheritance or family transfer subdivision will result in the creation of only one additional lot that will not have public sewer or water available, the applicant is required to provide proof of appropriate well and septic assurances from the State of New Mexico prior to approval of the subdivision.

(B) Compliance with Density and District Regulations

(1) Zoning District Requirements

Except as otherwise specifically provided in this Land Development Code, inheritance and family transfer subdivisions are required to meet the standards for use, density, building placement, height, open space, parking, and other requirements set forth in Section 14-3 *Zoning Districts*, for the zoning district in which it is located.

(2) Newly Annexed Land

If an inheritance or family transfer subdivision is requested in newly annexed territory, the resulting density of the subdivision must conform to the density range provisions set forth in the General Plan.

Section 14-7 Development Standards

14-7.1 General Provisions

(A) Purpose

The purposes of this Section 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;

(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; and

(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 Separate Storm Sewer System (MS4) Phase II permittee.

(B) Applicability

Unless otherwise noted, the requirements of this Section apply to all land development activity covered under Chapter XIV.

14-7.2 Santa Fe Homes Program (SFHP)

(A) Authority

The Governing Body has adopted the SFHP, enacted pursuant to the authority set forth in Chapter 26 of the SFCC, subsection 26-1.2, *Authority*.

(B) Applicability

(1) Except as set forth in this subsection, the SFHP shall apply to the following:

(a) Any application for development, including annexation, rezoning, subdivision plat, increase in density, development plan, extension of or connection to City utilities for land outside the city limits, and construction

permits that propose two or more dwelling units or buildings or portions of buildings that may be used for both nonresidential and residential purposes and manufactured home lots. SFHP applies to the residential portion of the development.

(b) New construction, to the conversion of existing rental units to ownership units, and the conversion of commercial uses to residential uses.

(c) Dwelling units in vacation time share projects.

(2) Participation in the SFHP is not required for the following:

(a) A family transfer as set forth in subsection 14-2.1(E)(8), *Inheritance and Family Transfer Subdivision,* or a division of land into two lots as set forth in subsection 14-2.1(E)(6), *Administrative Approval Subdivisions*.

(b) A development or portion of a development that is subject to a formal written and binding agreement entered into prior to August 15, 2005, with the City or Santa Fe County in which the signatories agreed to provide affordable housing or payment in lieu thereof; or

(c) Dwelling units or manufactured home lots used by an elementary, middle, or high school; college or university; hospital; or similar institution, exclusively to provide housing for employees or enrolled students and their families. If the dwelling units or manufactured homes are no longer exclusively used by employees or enrolled students and their families, the SFHP shall apply at the time the units are converted.

(3) When there is a petition for annexation, the petitioner shall negotiate with the Office of Affordable Housing all terms for providing affordable housing on site, including the distribution of development types and the number of SFHP units required, or alternate means of compliance. The number of SFHP units required or the in-lieu contribution, or alternate means of compliance, shall not be less than but may be in excess of what is required by SFHP. These terms shall be included in the annexation agreement. To the extent practicable, all other SFHP requirements apply to annexations. As the property is developed, a separate SFHP agreement in compliance with the annexation agreement shall be recorded with each subdivision plat or development plan.

(4) All provisions of a prior ordinance, titled Housing Opportunity Program (HOP), remain in effect with respect to any agreements executed by the City and other parties which were required by HOP or incorporated HOP provisions by reference. The Office of Affordable Housing is responsible for administering HOP agreements according to the administrative procedures for the SFHP ordinance until such time as all obligations under the agreements have been satisfied except for sale prices or rental rates, which shall be based on the prior HOP administrative procedures and annually updated by staff.

(C) Pre-submission Conference, SFHP Proposal, and Agreement

A pre-submission conference, SFHP proposal, and SFHP agreement are required as set forth in Section 26-1.

(D) Santa Fe Homes Program Requirements

(1) Effective June 7, 2014, and thereafter:

(a) When offered for sale, 20 percent of a development site's allowed base dwelling units shall be SFHP units, meeting all requirements of Section 26-1.

(b) When offered for rent, 15 percent of a development site's allowed base dwelling units shall be SFHP units, meeting all requirements of Section 26-1.

(c) A modification to a SFHP agreement or HOP agreement that was entered into prior to June 8, 2011, shall be made to reflect the 20 percent requirement; and if applicable, an annexation agreement, subdivision plat, or development plan shall be administratively amended to reflect the reduction and redistribution of SFHP or HOP lots, with the amended annexation agreement, plat, or plan recorded or filed, as applicable, by the property owner or developer.

(2) The Governing Body may approve alternative means of compliance as provided in subsection 26-1.33, *Alternate Means of Compliance*.

(E) Standard Development Incentives

(1) Density Bonus

(a) A developer providing on-site SFHP dwelling units is entitled to a density bonus of 15 percent over the density allowed by the zoning district.

(b) A density bonus is the right to build the described percentage of residential units, in addition to those that are otherwise allowed by the zoning district, in accordance with the following standards and procedures:

(I) Base dwelling units allowed means the total number of dwelling units that can be built on a site in the applicable zoning district.

(II) In calculating any bonus units, the number of base dwelling units allowed in the development shall be multiplied by 1.15. If the result is other than a whole number, the number shall be rounded up to the next highest whole number.

(c) A density bonus does not require an amendment to the General Plan or approval by the Governing Body.

(d) Except where the planning commission is authorized to grant a variance or waiver as set forth in Chapter XIV, a density bonus shall not negate,

supersede or limit other Santa Fe City Code provisions that limit the number of units that may be built on the site.

(2) Fee Waivers

Fees for developments that comply with SFHP requirements shall be reduced as follows:

(a) Fees for development review and construction permits shall be reduced in proportion to the percentage of for-sale SFHP units, or two times the percentage of for-rent SFHP units or manufactured home lots offered as SFHP units, as certified by the Office of Affordable Housing; and

(b) Reduction of impact fees as set forth in subsection 14-7.9, *Impact Fees*, and utility expansion charges as set forth in Chapter 22, *Sewers*, and Chapter 25, *Water*, shall occur at the time of construction permit application for SFHP units.

(F) Enhanced Affordability Incentives

Developments that provide enhanced affordability beyond the requirements subsection 14-7.2(D), *Santa Fe Homes Program Requirements,* are eligible for enhanced affordability incentives as described in this subsection. For purposes of this subsection, "enhanced affordability" is defined as projects that provide at least 30 percent SFHP units or properties zoned R1 that are 2.5 acres or smaller that meet the standards of subsection 14-7.2(F)(1)(a)(II).

(1) Additional Density Bonus

(a) As an alternative to the standard development incentives described in subsection 14-7.2(E), an applicant may:

(I) Add the following density bonus for each SFHP unit provided:

(a) 30 percent to 39 percent SFHP units: 1.5 units per SFHP unit;

(b) 40 percent to 49 percent SFHP units: 1.75 units per SFHP unit; or

(c) 50 percent or greater SFHP units: 2 units per SFHP unit.

(II) For properties zoned R1 that are 2.5 acres or smaller, up to four dwelling units are permitted per acre, provided that

(a) Twenty-five percent of all dwelling units on the parcel must be affordable;

(b) Dwelling units may be attached or detached single-family, or units within a multi-unit building;

(b) In calculating bonus units, if the result is other than a whole number, the number shall be rounded up to the next highest whole number.

(2) Design Standards

(a) Lot Area and Lot Coverage

Notwithstanding the requirements of Section 14-3 *Zoning Districts*, minimum lot area and coverage shall be as necessary to comply with the open space requirements.

(b) Setback and Stepback Requirements

Minimum setback and stepback requirements are waived along lot lines that are internal to the development.

(c) Parking Reductions

Developments are permitted the following reductions to the minimum vehicular parking required in Table 7-4: Vehicle Parking Requirements, provided that at least one long-term bicycle parking space per unit is provided in addition to the short-term bicycle parking requirements described in Table 7-9: Required Bicycle Parking:

(I) In all zones except for BCD, the development may provide parking at the reduced rate of one off-street automobile parking space for studio, one-, and two-bedroom units, and two off-street automobile parking spaces for units with three or more bedrooms.

(II) In the BCD or when the development site is not adjacent to a residential zoning district, on-site parking may be provided, but no minimum number of off-street vehicular parking spaces is required.

(III) Long-term bicycle parking shall comply with standards and requirements described in subsection 14-7.5(J), *Off-Street Bicycle Parking Requirements*, and shall have access that does not require use of stairs or an elevator.

(3) Fee Waivers

For development projects that comply with an option in subsection 14-7.2(F)(1), *Additional Density Bonus*, fees and charges are waived as shown in Table 7-1.

Table 7-1: SFHP Enhanced Affordability Fee Waivers
Construction Permit Fees; Plan Review Fees
Qualifying projects are exempt from paying construction permit fees and plan review fees.
Development Review Fees
Qualifying projects are exempt from paying development review.
Development Water Budget Fees
Qualifying projects shall obtain water to meet approved development water budgets through the water credit program at the reduced rate specified in subsection 14-7.7(E), *Dedication of Water to Development*.
Impact Fees
Qualifying projects are exempt from the payment of impact fees in accordance with subsection 14-7.9(E), *Exemptions, Waivers and Reimbursements.*
Wastewater Utility Expansion Charge (UEC)
Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with subsection 25-4.2, Exhibit B, Rate Schedule 8.

(4) Review Process

(a) Development plans and subdivision plats for applications for qualifying projects shall be administratively reviewed and approved, pursuant to subsection 14-2.1(F)(4), *Development Plan*, and subsection 14-2.1(E)(6), *Administrative Approval Subdivisions*, respectively.

(b) Any application that contains a request requiring a decision by a land use board (such as a variance) shall be decided by the land use board according to the standard applicable procedure. The application as a whole shall remain subject to administrative review and decision.

(c) Unless the applicant requests a deferral, staff shall schedule applications that require review by land use boards at the earliest available meeting date.

(G) Enforcement

Enforcement of SFHP shall be as provided by subsection 14-1.12, *Enforcement,* and Chapter 26-1.19, *Enforcement of SFHP Agreement*.

(H) Appeals

An applicant aggrieved by a final action of the land use director regarding the SFHP provisions may file an appeal pursuant to subsection 14-2.1(B)(6)(d), *Appeals*.

14-7.3 Architectural Design Review

(A) Purpose

(1) The standards and requirements of this subsection are intended to preserve and promote Santa Fe's unique cultural heritage, distinct visual character, and regional architectural traditions, to contribute to Santa Fe's social and economic welfare.

(2) The Governing Body finds that in order for Santa Fe's urban townscape to be one of visual cohesion and identity rather than visual clutter and anonymity, architecture outside the historic districts must possess a degree of compatibility with architecture inside the historic districts.

(3) Because Santa Fe's distinct visual character and regional architectural traditions are deemed essential to the welfare of the City's citizens, the Governing Body hereby establishes an architectural design review process to review building massing, form, color, proportion, texture, and materials as part of the construction permit process for areas outside the historic districts.

(4) The architectural design review process is intended to promote beauty and visual harmony throughout Santa Fe and to encourage respect for the traditional character and quality of wall-dominated architecture. This subsection does not promote or require adherence to a particular architectural style, but rather to the general qualities that have given Santa Fe architecture its unique and appealing character.

(5) The architectural design review process is not intended to stifle architectural creativity, to decrease or limit one's use of property or to impose undue economic hardship on any property owner as a result of the requirements set forth in this subsection.

(B) Applicability

(1) New construction, additions, exterior remodeling, repainting, and re-stuccoing of buildings in a different color shall comply with the requirements of this subsection, except as set forth in subsection 14-7.3(B)(2).

(2) Architectural design review is not required for the following:

(a) Detached single-family and two-family dwellings and related accessory structures;

(b) Structures other than buildings, with the exception of filling station canopies, except as required in this Section;

(c) Buildings located in the historic districts and buildings designated as landmarks, which are subject to review under subsection 14-4.6, *Historic Districts*; and

(d) Exterior building features not visible from any street, way, or public place without trespassing.

(C) Total Points Required

The total number of points required for a given project are set forth in Table 7-2: Points Requirements by Zoning District.

(1) Point Requirements for New Construction

Point requirements for new construction, excluding additions, vary according to the zoning district in which the project is located.

Table 7-2: Points Requirements by Zoning District

Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 through R-6, R-7, R-8, R-9, R10 through R-29, RC-5, RC-8, PRC, RAC, AC [1]	180
I-1, I-2, BIP	155

NOTES

[1] Applies to nonresidential and multi-unit structures constructed in these districts; does not apply to sin e-family dwellings.

(2) Additions to Nonconforming Buildings

Point requirements for additions to a building that conforms to the provisions of this subsection are as set forth for new construction in Table 7-2 for the entire property, including both existing and proposed publicly visible improvements. Point requirements for additions to a building that is legally nonconforming with regard to the provisions of this subsection shall be as provided in subsections 14-7.3(C)(2)(a), (b), and (c).

(a) If a proposed addition to a legal nonconforming building increases the gross floor area on a lot by more than 75 percent of the original floor area, architectural design points shall be calculated based on the entire property, both existing and proposed publicly visible improvements.

(b) If a proposed addition to a legal nonconforming building increases the gross floor area on a lot by less than or equal to 75 percent of the original floor area, architectural design points shall be calculated based on the new construction only.

(c) A specific number of architectural design points is not required for structurally connected additions that do not exceed 25 percent of the gross floor area of the existing legal nonconforming building and that match the existing architecture.

(d) A specific number of architectural design points is not required for structurally connected additions to buildings of unique architectural merit, as determined on a case-by-case basis by the Planning and Land Use Director in consultation with the state historic preservation division and the Santa Fe chapter of the American Institute of Architects, that either match the existing architecture or comply with the secretary of the interior's standards for rehabilitation. Architectural review in such cases shall be performed by the Planning and Land Use Director.

(e) For the purposes of this subsection, "addition" means additional gross floor area constructed on a single lot, and "structurally connected addition" means additional gross floor area that directly adjoins and abuts an existing building.

(3) Remodeling, Repainting, and Re-stuccoing in a Different Color

For the purposes of this subsection, "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.

(a) Point requirements for exterior remodeling requiring structural alterations and involving more than 50 percent of a building's total publicly visible facade and roof area are as set forth for new construction in Table 7-2.

(b) Architectural design points shall be calculated based on the entire building, both existing and publicly visible new construction.

(c) Cosmetic remodeling, repainting, re-stuccoing in a different color, or exterior remodeling requiring structural alterations and involving less than or equal to 50 percent of a building's total publicly visible facade 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.

(D) Architectural Design Standards and Point Allocations

For the purposes of this subsection, "predominant" means having the most publicly visible surface area.

(1) Point allotments are granted to building projects according to the criteria set forth in Table 7-3: Architectural Design Elements and Point Allocations, with the total number of points required for a given project as set forth in Table 7-2.

(2) Points shall be calculated only for those architectural design features that are publicly visible from a street, way or public place; however, all exterior architectural design features shall be considered publicly visible unless the applicant can show otherwise.

(3) Partial point allotments shall not be granted.

(4) 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.

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
Walls			
Predominant Wall Surface Material	Stucco, adobe	30	30
	Brick, natural stone, and integrally colored unit masonry	25	30
	Concrete and non-integrally colored unit masonry	20	30
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10	30
	Mirrored glass curtainwall systems	-10	
Color of Predominant External Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15	30
	High-intensity colors	-10	
	Metallic colors, glass, and black	-10	
Exterior Surface Treatment	**Option A:** Wall surfaces appear monolithic with at least 75% 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% 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 6 feet shall be exempt from area calculations	10	
	Option B Wall surfaces do not meet the criteria set forth in Option A above.	-10	
Roofs			
Form	Flat roof surfaces entirely concealed from public view by parapets	20	
	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	15	

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
	and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run		
	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 vertical rise for every 12 feet of horizontal run	10	
	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	All surfaces are concealed from public view	20	
	Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15	
	Flat tiles of clay, concrete or slate	10	
	Barrel tiles of clay, concrete, or slate; and asphalt shines	5	
	Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiber ass or metal roof tiles	-10	
Predominant Color	All roof surfaces are concealed from public view by parapet	15	
	Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10	
	Low-intensity colors other than those stated above	5	
	White	0	
	Bright, non-fading, high-intensity colors and any use of multiple colors	-15	
Building Form			
Massing	**Option 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 3% of the length of the façade and extending at least 20% of the length of the façade.	30	
	Option B: One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story	30	

Table 7-3: Architectural Design Elements and Point Allocations

Design Element		Points	In Midtown LINC
	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.		
	Buildings not using the massing techniques described in Option A or B above.	0	
Doors and Windows			
Treatment	More than 50% 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 lintels, or have exposed or otherwise articulated lintels	20	
	More than 50% of doors, windows and glazed surfaces do not meet the requirements set forth above	0	20
Area	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	
	Wall surfaces do not meet the requirements as set forth above	0	20
Location	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	
	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	All glazing is clear or tinted neutral gray	10	
	Any use of colored glazing	0	10
	Any use of mirrored glazing	-10	
Equipment			
Screening	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	

Table 7-3: Architectural Design Elements and Point Allocations			
Design Element		**Points**	**In Midtown LINC**
	All building mounted equipment set forth above is either screened; and/or painted to match visually adjacent surfaces	5	
	All building mounted equipment set forth above is not screened and/or painted to match visually adjacent surfaces	-10	

(E) Administrative Review and Decision

The architectural design review shall be conducted as part of the review of a development application or, where no application is required, as part of construction permit review.

(1) Preliminary Review (Optional)

(a) A preliminary calculation of architectural design points will be performed by the Planning and Land Use Director at the schematic design or design development stage, at the request of an applicant, with the itemized score sheet returned to the applicant upon completion of the review.

(b) The preliminary review does not limit the discretion of the plan reviewer, who shall recalculate points during the final review. An applicant shall not rely upon a preliminary review for final approval or construe it to result in any responsibility of the City, the Planning and Land Use Director, or any other officers, employees, or agents of the City.

(2) Final Review

(a) Points are recalculated at the time of the final review and may differ from the points granted during preliminary review if dimensions, features, details, or specifications that were part of the originally reviewed project plan have been altered or in any way modified.

(b) During final review, calculation of the final architectural design points shall be performed, and compliance with the point requirements of subsection 14-7.3(C), *Total Points Required*, shall be achieved prior to the issuance of a construction permit.

(c) If the number of points calculated does not meet the point requirements set forth in subsection 14-7.3(C), *Total Points Required*, the applicant shall modify the submittals to achieve the necessary number of points prior to issuance of a construction permit.

(d) All actual construction work shall comply with the approved submittals.

14-7.4 Open Space

(A) General Open Space Standards

Open space shall be provided that meets the minimum standards of this subsection and other applicable requirements of Chapter XIV. All required open space shall meet the following standards:

(1) Open space shall consist of areas that are landscaped or that preserve natural vegetation and may include outdoor facilities for passive or active recreation.

(2) Open space shall not include streets, driveways, parking or loading areas, fire apparatus access roads and turnarounds, storage areas, or buildings.

(3) 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.

(4) To the greatest extent practicable, 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.

(5) 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.

(B) Residential Open Space

Common or private open space may be provided in any combination that meets the requirements described in this subsection. Private open space provided in excess of the minimum requirement for a unit may not be used to reduce the amount of open space for any other unit.

(1) Common Open Space

(a) Intent

The intent of common open space is to provide useable outdoor space for residents of developments; promote compact urban form; provide screening and buffering between zoning districts of different intensities; and generally enhance the quality of the urban environment.

(b) Amount of Common Open Space Required

(I) Residential open space shall be provided for each dwelling unit in the amount specified in the lot/building standards tables in subsection 14-3.2, *Residential Districts*, through subsection 14-3.4, *Special-Purpose Districts*.

(II) A minimum of 50 percent of common open space shall be useable space for active or passive recreation or pedestrian ways that include interior sidewalks and patios. The Planning and 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.

(III) Common open space shall be no less than 15 feet in any dimension and no less than 500 square feet per segment.

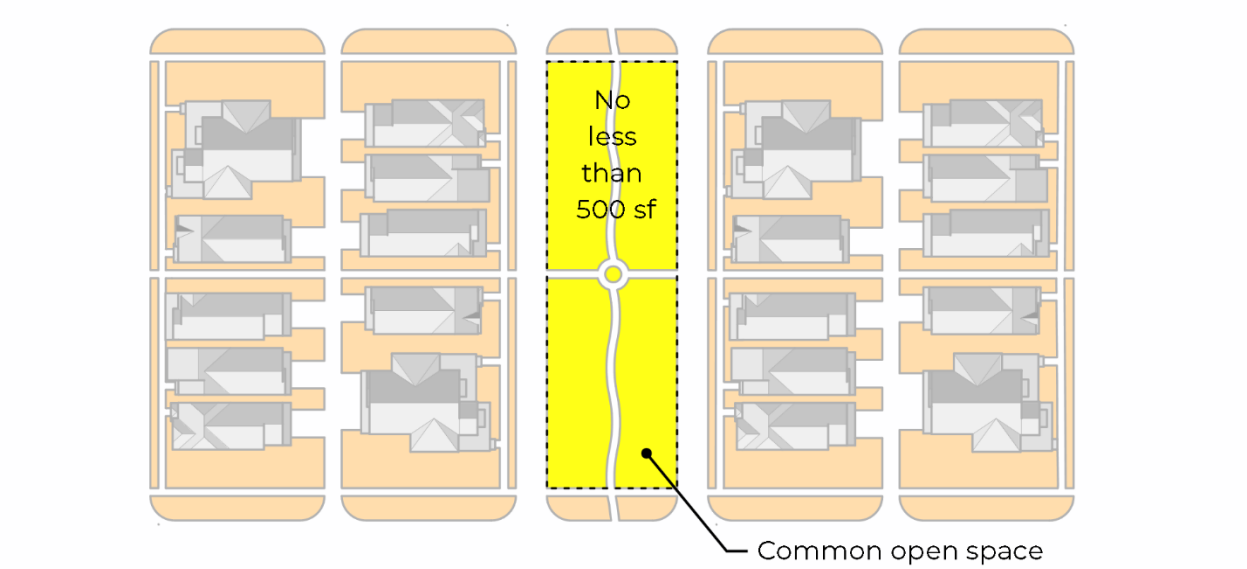


Figure 7.4-1: Common Open Space

(c) Common Open Space Area

Common open space may include areas used for retention or detention of stormwater provided that all other applicable standards are met.

(d) Ownership and Maintenance

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, covenants running with the land shall restrict the use of the dedicated land to common open space and prohibit subdivision or separation of ownership of the common open space. The restriction shall be noted on the development plan or final plat.

(2) Private Open Space

(a) Intent

The intent of private open space is to ensure easily available access to the outdoors in medium- to high- density developments, and to provide for a sufficient sense of privacy.

(b) Minimum Requirements for Private Open Space

(I) Private open space shall be adjacent to and directly accessible from the unit for which it is provided.

(II) Required private open space located on the ground shall not be less than 12 feet in length or width; and not less than four feet and

40 square feet for balconies, roof decks, or other private open space that is not located on the ground.

(III) Finished grade for required private open space shall have a slope no greater than one vertical foot in ten horizontal feet.

(IV) There are no planting requirements for private open space.

(c) Maximum Lot Coverage Increases

The maximum lot coverage in the underlying zoning district may be increased if private open space for each dwelling unit is provided as follows:

(I) For lots in low-density, moderate-density, and residential compound districts, an amount not less than 50 percent of the total gross floor area of that dwelling unit; and

(II) For lots in higher-density residential districts, an amount not less than 30 percent of the total gross floor area of that dwelling unit.

(III) The open space provided to meet the requirements of provisions a and b may be counted toward meeting the total open space requirement for dwellings in a multi-unit development.

(d) Features Counting as Private Open Space

(I) Balconies, roof decks, or roofed areas such as porches or portals may be included as all or part of the required private open space.

(II) Stormwater ponding areas shall not count as private open space.

(e) Accessory Dwelling Units

Accessory dwelling units are required to provide the same amount of private open space as other dwellings in the zoning district; however, up to 50 percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the principal dwelling unit.

(C) Nonresidential and Mixed-Use Open Space

(1) Intent

Open space in nonresidential and mixed-use developments is intended 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) General Requirements

(a) Nonresidential open space shall be planted following the same requirements as for residential common open space in subsection 14-7.4(B), *Residential Open Space*, and may be combined with other landscape

requirements, including those for street tree planting and parking lot landscaping.

(b) To the maximum extent practicable, linkage shall be provided to adjacent public open space, parks, or trails.

(c) The minimum dimension for nonresidential open space shall be ten feet and cover a minimum of 300 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 subsection 14-7.4(C)(3)(c).

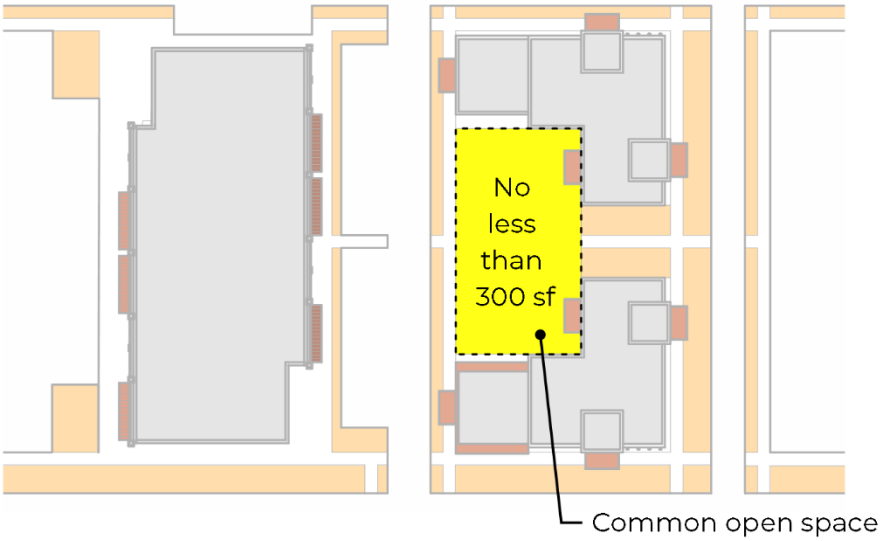


Figure 7.4-2: Nonresidential Common Open Space

(3) Amount of Open Space Required

(a) The percentage of required open space shall be calculated on the basis of total lot area and shall be no less than 25 percent unless the conditions described in subsection 14-7.4(C)(4), *Reductions in Required Open Space*, 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 apply.

(b) Any residential open space provided in a mixed residential and nonresidential development may be credited toward the total MU or nonresidential open space requirement.

(c) An applicant for a construction permit shall not be required to lose existing parking spaces or other previously developed area in order to fulfill the open space requirement, but may not increase the intensity of a use or create an addition that would result in a decrease in open space below the minimum required, unless existing impervious surfaces are retrofitted for stormwater management as described in subsection 14-8.4, *Landscape and Site Design*.

(4) Reductions in Required Open Space

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:

(a) The open space requirement for development that incorporates a passive water harvesting concept that is a primary component of stormwater management is 20 percent of the total lot area.

(b) The open space requirement for development that incorporates an active water harvesting and distribution system that is a primary component of stormwater management and that is a component of outdoor irrigation or suitably treated for indoor use is 15 percent of the total lot area.

(c) The reduction shall be earned through the application of engineering calculations that are submitted as a part of the landscape plan and the terrain management regulations provided in subsection 14-8.2, *Terrain and Stormwater Management*. The calculations shall show the percentage of water harvested and the estimated water conserved based on the required water budget provided in subsection 14-8.4(D), *Water Harvesting and Irrigation Standards*; and

(d) The open space reduction shall not result in an increase in parking area.

(D) Additional District-Specific Requirements

(1) BIP districts

(a) To encourage pedestrian amenities and preservation of existing vegetation, open space shall be provided at a minimum of 40 percent of the total subject parcel.

(b) As an incentive for providing commonly shared site amenities that may be appropriate to more urban development, the Planning Commission may grant that the square footage of shared site amenities counts double towards fulfilling the open space requirement; however, in no case shall the amount of open space be less than 25 percent of the total master plan area.

(c) Site amenities shall be accessible, and may include the following examples:

(I) Interior trail systems;
(II) Small plazas;
(III) Fountains;
(IV) Children's play areas; and
(V) Public art.

(2) MU districts

A common, landscaped open area with seating shall be provided with a minimum size of 500 square feet per acre of development. The area shall be open to the sky, suitably lighted, and designed to encourage social interaction.

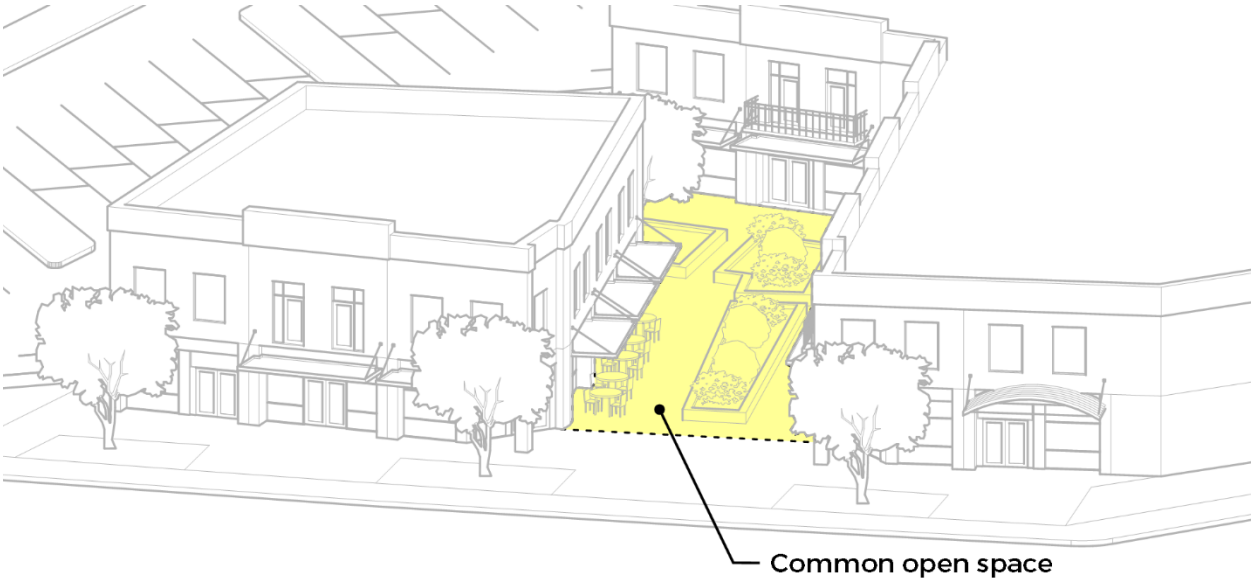


Figure 7.4-3: Mixed-Use Open Space

(3) C-2 District

Open space is required for each dwelling unit at a minimum of 250 square feet

14-7.5 Parking and Loading

(A) Purpose

The section establishes regulations for the provision of safe and efficient parking and loading facilities sufficient to meet the need of existing and/or proposed land uses in Santa Fe. At the same time, the section seeks to provide flexible measures to avoid the over-provision of parking and mitigate its negative impacts, by reducing the extent of hardscape that contributes to stormwater runoff and heat island effect. Finally, the section seeks to acknowledge and expand multimodal transportation opportunities by requiring bicycle facilities with certain development.

(B) Applicability

(1) New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this section, unless otherwise exempt by this code.

(2) Expansion or Enlargement

Any expansion or enlargement that results in an increase of floor area of greater than 15 percent, any increase in the number of dwelling units, or any expansion or enlargement that requires a conditional use approval, shall provide additional parking spaces on the basis of the expansion or enlargement, as required by Table 7-4: Vehicle Parking Requirements. Additional off-street parking and loading spaces are required only to serve the enlarged or expanded area, not the entire building or use.

(3) Change of Use

(a) When the use of any building, structure, or premises changes in a manner that may be expected to increase the demand for parking, such as through addition of dwelling units, expansion of gross floor area, or increase in seating capacity, off-street parking shall be added in the amount required by Table 7-4.

(b) For a use with legally nonconforming parking, the number of spaces that are lacking may be subtracted from the number of required off-street parking spaces for any new use at the same location, so that the degree of nonconformity is maintained but does not increase.

(4) BCD Exception

New development, expansion, enlargement, or change of use within the BCD is exempt from the requirements of Table 7-4, however

(a) Bicycle parking is still required;

(b) ADA spaces in compliance with building code must be provided; and

(c) Any automobile parking that is provided shall comply with all applicable access, design, and maintenance standards as described in subsection 14-7.5(H), *Design and Maintenance of Parking and Loading Areas.*

(C) Calculation of Vehicle Parking and Loading Requirements

(1) Area Measurement

All square footage-based parking and loading requirements shall be computed on the basis of gross floor area of the use. Structured parking within a building shall not be included in such computation.

(2) Parking for Multiple Uses

For sites with multiple uses, the required parking shall be the sum of the required parking for each of the uses on the site.

(3) Fractions

Any calculation that results in a fractional number may round down to the nearest whole number.

(D) Vehicle Parking Requirements

The minimum number of off-street parking spaces shall be provided in accordance with Table 7-4: Vehicle Parking Requirements.

Table 7-4: Vehicle Parking Requirements	
Use	**Requirement**
RESIDENTIAL	
Household Living	
Accessory building or structure	
Accessory dwelling unit	One space per unit if the accessory dwelling unit is less than 1,000 square feet, otherwise, two spaces per unit
Compound development	1 space per unit
Dwelling or residence ancillary to another approved use	
Dwelling, live-work	2 spaces per unit, plus required ADA parking
Dwelling, multi-unit	**5 units and over:** Less than 800 square feet of heated floor area: 1 assigned space and 0.25 unassigned space per dwelling unit **800-1,200 square feet of heated floor area:** 1 assigned space and 0.5 unassigned space per dwelling unit **More than 1,200 square feet of heated floor area:** 1 assigned space and 1 unassigned space per dwelling unit
Dwelling, single-family attached	2 spaces per dwelling unit
Dwelling, single-family detached	
Dwelling, duplex	
Dwelling, triplex	1 space per dwelling unit
Dwelling, quadplex	
Home occupation	See subsection 14-5.3.C6
In-home daycare	As determined by the Director
Manufactured home	2 spaces per dwelling unit
Mobile home, permanent installation	
Mobile home park	
Tiny home	1 space per dwelling unit
Group Living	
All group living, unless otherwise specified	8 or fewer residents: 2 spaces per group home More than 8 residents: 1 space per two beds
Boarding, dormitory, monastery, or convent	As determined by the Director
Continuing care community	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
Foster home	
Group residential care facility,	As determined by the Director

Table 7-4: Vehicle Parking Requirements	
Use	**Requirement**
correctional	
Group residential care facility, large or small	
Personal care facility for the elderly	One space per each two beds
Sheltered care facility	As determined by the Director
AGRICULTURAL	
Agricultural home occupation	As determined by the Director
Aquaculture	
Aquaponics	
Composting facility	
Farm stand	
Farmers' market	
Hydroponics	
Stable, commercial	
Urban farm, ground level	
Urban farm, roof level, open air	
CIVIC, PUBLIC, AND INSTITUTIONAL	
Community and Cultural Centers or Facilities	
Cemetery, mausoleum, or columbarium	As determined by the Director
Museum	One space per each 250 square feet of net leasable area
Neighborhood or community center, including youth or senior centers	
Public park, playground, or playfield	As determined by the Director
Religious, educational, or charitable institution	One space per four seats, based on total capacity
Educational Facilities	
College or university, nonresidential	As determined by the Director
College or university, residential	
Elementary or secondary school, public or private	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
Vocational or trade school, light industrial	As determined by the Director
Vocational or trade school, non-industrial	

Table 7-4: Vehicle Parking Requirements	
Use	**Requirement**
Emergency Services	
Police or fire station	As determined by the Director
Health Care and Extended Care Facilities	
Extended care; convalescent, nursing, recovery care facility	One space per each two beds
Hospital	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
Hospital heliport	As determined by the Director
Medical or dental office or clinic	One space per each 200 square feet of net leasable area
Human Services	
Day care facility	Two spaces plus one additional space for each ten children
Human services establishment	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
Public Transportation	
Transit transfer facility	One space per each 200 square feet of net leasable area
CIVIC, PUBLIC, AND INSTITUTIONAL	
Animal-Related	
Doggie daycare	As determined by the Director
Kennel or boarding facility	
Pet grooming	
Veterinarian	
Arts Activities	
Arts and crafts studio, gallery, or school	As determined by the Director
Dance studio	
Film production	
Photography studio	
Assembly	
Reception or event center	As determined by the Director
Private club or lodge	One space per each 200 square feet of net leasable area
Cannabis Establishments	
Cannabis consumption area	As determined by the Director

Table 7-4: Vehicle Parking Requirements	
Use	**Requirement**
Cannabis manufacturing, heavy	
Cannabis manufacturing, light	
Cannabis producer microbusiness	
Cannabis producer	
Cannabis research or testing laboratory	
Commercial cannabis retailer	
Food and Beverage	
Bar, cocktail lounge, nightclub, with or without outdoor entertainment	One space per each 200 square feet of net leasable area
Brewery, distillery, tasting room, winery	
Commissary kitchen	As determined by the Director
Food truck	
Mobile food court	
Outdoor dining	
Restaurant, fast service/take-out	One space per each 200 square feet of net leasable area
Restaurant, full service, with or without incidental alcohol service	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area	One space per each 400 square feet of net leasable area
Restaurant with drive-through/drive-up	One space per each 200 square feet of net leasable area
Food and Beverage	
Bed and breakfast inn	0.7 space per rental unit
Campground or RV park	As determined by the Director
Conference or extended stay lodging facility	
Hotel, motel, or residential suite hotel	One space per rental unit
Short-term rental	**One bedroom:** One space **Two or more bedrooms:** 2 spaces
Vacation time share project	Same as household living, plus one employee space per six units (see page 1 of table for household living)
Office, Business, and Professional	
Bank or credit union	One space per each 350 square feet of net leasable area plus customer drive-in spaces as determined by the City
Business or professional office (excluding medical or dental office)	One space per each 350 square feet of net leasable area
Laboratory, research or testing	
Temporary on-site contractor's office	
Recreation and Entertainment	

Table 7-4: Vehicle Parking Requirements	
Use	**Requirement**
Commercial recreation	As determined by the Director
Outdoor music	
Theater, live productions	One space per each three seats
Recreation and Entertainment	
All retail stores, unless otherwise specified	One space per each 200 square feet of net leasable area
Flea market	One space for every 500 square feet of total vendor area as designated on the site plan
Laundromat	One space per each 400 square feet of net leasable area
Neighborhood grocery store	
Seasonal sales	
Sign shop	
Recreation and Entertainment	
Exercise, spa, or gym facility	Spaces equal to 30 percent of total permitted occupancy or as determined by the City
Hair salon or barber shop	One space per each 200 square feet of net leasable area
Personal service establishment	
Tailoring or alterations shop	
Sexually-Oriented Business	
All	As determined by the Director
Vehicles and Equipment	
Service and repair garage, including gas station	One space per each 200 square feet of net leasable area
Tire recapping and retreading	
INDUSTRIAL	
Automobile salvage or wrecking yard, or junkyard	One space per 1,700 square feet of land and building area
Light assembly and manufacturing	As determined by the Director
Warehouse and Storage	
Outdoor storage lot or yard	As determined by the Director
Self-storage facility	One per 10 storage areas
Warehouse and distribution	One space per 500 square feet of net leasable area
Wholesale operation	As determined by the Director
UTILITIES	
All, not otherwise listed separately	
Electrical distribution facility	
Electrical substation	
Electrical switching station	
Telecommunications facility	

(E) Parking Alternatives

The alternatives described in this subsection offer new development the opportunity to request reduction of the amount of on-site parking that would normally be required for a given use or combination of uses on a site, as shown in Table 7-4.

(1) Maximum Cumulative Reduction

The maximum reduction of required parking spaces by any single parking alternative or combination of parking alternatives in this subsection is 20 percent, unless a parking demand study demonstrates that a greater reduction is warranted.

(2) Parking Demand Study

Some of the alternatives described in this subsection may require the provision of a parking demand study that demonstrates the need for a lower quantity of off-street parking than required by Table 7-4.

(a) The parking demand study shall be prepared by a traffic engineer and shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

(b) The parking demand study shall be subject to review and approval by the Planning and Land Use Director, confirming that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses.

(c) If an applicant submits a parking demand study demonstrating that anticipated off-street parking demand for the proposed use, development, or combination of uses will be less than that required in Table 7-4 and the Planning and Land Use Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed use, development, or combination of uses, the Planning and Land Use Director may authorize a reduction in required parking spaces based on the conclusions of the study.

(3) On-Street Parking

On-street parking may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following standards:

(a) Where parking spaces are available on a local public street adjacent to a use or development, one on-street space may be substituted for an on-site space for every 20 linear feet of street frontage abutting the lot. On

public streets, this reduction may not be used for residential development, except for live-work units.

(b) On-street parking that is subject to residential parking permit restrictions or time restrictions is not eligible to meet any off-street minimum parking requirements for any use.

(c) Only those legal on-street parking spaces abutting any lot line of the subject property may be counted.

(d) On-street parking along an arterial street shall not be used to meet any minimum parking requirements for any use.

(e) Areas in front of or within 10 feet of a driveway, within 20 feet of a street intersection or within five feet of a fire hydrant shall not be counted toward meeting the minimum parking requirements for any use.

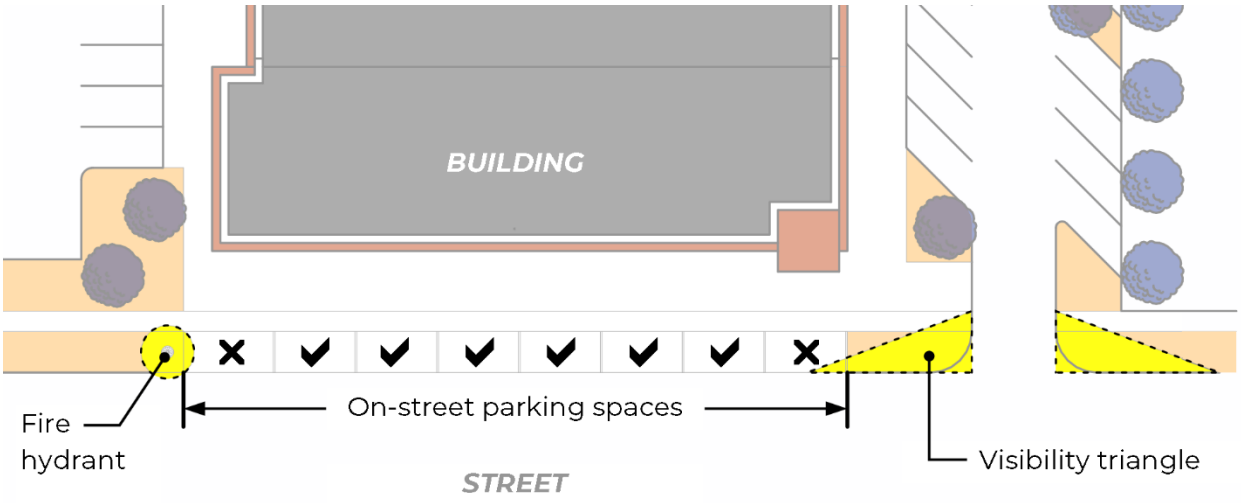


Figure 7.5-1: Office and Commercial District

(f) Each on-street parking space may only be counted once toward meeting the minimum parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(g) For private streets or gated developments, on-street parking abutting the lot line of the subject property may be used to satisfy the requirement for one of the two required spaces for single-family or duplex dwelling units. For three- or four-unit buildings and attached townhomes, one on-street space may be substituted for an on-site space for every 20 linear feet of street frontage abutting the lot.

(h) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by the

City and the remaining off-street parking does not meet the minimum off-street parking requirements of this subsection.

(4) Off-Site Parking

The Planning and Land Use Director may approve off-site parking for developments and/or uses with different operating hours or different peak business periods. All off-site parking shall comply with the following:

(a) Limitations

(I) No more than 25 percent of the required parking for a given use or combination of uses, as indicated in Table 7-4Table 7-4, may be provided in the form of off-site parking.

(II) Off-site parking is not permitted for residential uses, except that a mixed-use building may provide a portion of the parking required for nonresidential uses through off-site parking.

(b) Location

(I) Every off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the property for which the off-site parking is provided.

(II) The Planning and Development Service Department may authorize farther distances for shared parking facilities where shuttle or valet services are available.

(III) Off-site parking may not be separated from the subject use by an arterial roadway.

(c) Parking Demand Study Required

Off-site parking shall only be approved if the applicant clearly demonstrates the feasibility of off-site parking through a parking demand study, as described in subsection 14-7.5(E)(2).

(d) Parking Agreement

(I) The proposed parking arrangement between the subject property and the property providing the off-site parking shall be reviewed and approved by the Planning and Land Use Department.

(II) The parking arrangement shall be formalized by written agreement and shall provide all parties the right to joint use of the shared parking area for as long as the shared parking spaces are needed to comply with this Code and shall be binding on subsequent owners or long-term lessees.

(III) An attested copy of an approved and executed agreement shall be recorded with the County Clerk before issuance of a Certificate of Compliance/Occupancy for any use to be served by the shared parking area.

(IV) Any termination of the agreement does not negate the parties' obligations to comply with applicable parking requirements and thus shall constitute a violation of this Code. No use served by the

shared parking may be continued if the shared parking becomes unavailable to the use unless substitute off-street parking spaces are provided in accordance with this subsection.

(V) If inspection indicates that the shared parking arrangement has been terminated and the Planning and Land Use Department determines that the termination has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the shared parking arrangement may be held in violation of this Code.

(5) Shared Parking

(a) Combined uses on the same premises shall provide the combined total number of spaces required for each use separately, unless a shared parking plan is approved.

(b) Uses on premises comprising more than one legal lot of record may provide shared parking in accordance with an approved shared parking plan.

(c) Parking required for uses located on adjoining lots in RAC, C, BCD, BIP, MU, SC or I districts, for institutional uses located on adjoining lots in residential districts, or for a qualifying project within the Midtown LINC Overlay District, may be provided on a joint basis. Within the joint parking areas, the spaces required for each of the participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved.

(d) Cumulative parking space requirements for mixed-use occupancies or adjoining mixed-uses may be reduced if the applicant demonstrates that the peak requirements of the several occupancies occur at different times, such as mid-day for office uses and evening for residential uses, as supported by a parking demand study.

(e) If the reduction is supported by a parking demand study, the number of spaces specified in Table 7-4 may be reduced by a land use board pursuant to a conditional use approval or development plan.

(f) Reduction in the total number of spaces required by this subsection for qualifying projects within the Midtown LINC Overlay District shall be approved by the Planning and Land Use Director pursuant to subsection 14-4.5(C), *Midtown Local Innovation Corridor (LINC) Overlay District,* if the reduction is supported by a parking demand study prepared by the qualifying project applicant. In addition to the shared parking provisions of this subsection, the total number of spaces required as determined by a shared parking plan or parking demand study may be reduced by the

number of on-street parking spaces present in the Midtown LINC Overlay District adjacent to a qualifying project.

(6) Proximity to Transit and Multimodal Infrastructure

Except for single-family dwellings, the number of required on-site parking spaces may be reduced by 10 percent from the requirements in Table 7-4 for development within 500 feet, measured along a public sidewalk or multi-user trail, of a fixed transit stop or a major commuter trail.

(7) Provision of Transit Facility

The number of required on-site parking spaces may be reduced by five percent if the property owner enters into an agreement with the City wherein the property owner grants the City the right to use a portion of the property for a City transit facility.

(a) Whether or not the site is a suitable location for a transit facility is at the sole discretion of the City.

(b) The amount of reduction and the terms of the agreement shall be subject to review and recommendation by the planning and land use department, the Transit Division and the City Attorney's Office and shall be based upon the City's specific transit needs at the site, the anticipated reduction in parking demand due to the facility and specific characteristics and considerations of the site.

(c) The agreement may be in the form of an easement, dedication or long-term lease approved by the Governing Body.

(8) On-Site Car Share Vehicles

Development that provides a permanent, on-site parking space for a car share vehicle may reduce by five percent the number of required on-site parking spaces specified in Table 7-4, for each permanent car share space provided, up to four spaces.

(9) Parking Structures

(a) When a parking structure is provided, the amount of off-street parking required for the use or uses, as indicated in Table 7-4, may be reduced by 20 percent for structured parking and 25 percent for underground parking.

(b) The height of an above-ground parking structure shall not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

(10) Commercial Parking Facilities

Commercial parking facilities, whether surface lots or structured parking, that are available for use by the general public and located within 500 feet of the subject property may be counted towards up to ten percent of the total amount of required off-street parking.

(11) Affordable and Senior Housing

The minimum parking requirement for multi-unit residential structures may be reduced by 25 percent if:

(a) At least 25 percent of the dwelling units are income-restricted for a period of at least 30 years to households earning 80 percent or less of Santa Fe's Area Median Income (AMI);

(b) Certain SFHP housing developments are eligible for other parking reductions as described in subsection 14-7.2(F)(2)(c); or

(c) At least 75 percent of the dwelling units are restricted for occupancy by persons 60 years of age or older.

(F) ADA Accessible Parking Space Requirements

(1) Minimum Required Spaces

Accessible parking shall be provided as shown in Table 7-5: Accessible Parking Space Requirements.

Table 7-5: Accessible Parking Space Requirements

Total Spaces in Parking Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 and up	1 additional accessible space for every 50 parking spaces (or fraction thereof)
Van Accessible Spaces	
One van accessible space is required for every 6 accessible spaces (or fraction thereof), such that if a parking lot is required to have one accessible space, it will be a van space; for two accessible spaces, one must be a van space, etc.	

(2) Additional Standards

(a) Any use that receives a parking reduction as a result of one of the options listed in subsection 14-7.5(E), *Parking Alternatives*, shall still be obligated to provide accessible spaces based on the full required number of parking spaces for that use, prior to any approved reductions.

(b) Medical care occupancies specializing in the treatment of persons with mobility impairments shall provide 20% accessible spaces.

(c) Hospital outpatient medical care facilities shall provide10% accessible spaces.

(d) Accessible spaces shall be in close proximity to building entrances, connected by the shortest accessible route to the accessible building entrance or facility they serve. If a parking facility serves multiple buildings or multiple accessible entrances, accessible parking spaces should be dispersed in multiple locations to enable people to park as close to accessible entrances as possible.

(3) Exceptions

The requirements in Table 7-5: Accessible Parking Space Requirements shall not apply to residential structures with three or fewer dwelling units.

(4) Accessible Space and Access Design

(a) Any accessible space, access routes, and passenger loading zones shall be designed in accordance with the 2024 American National Standards published by the Council of American Building Officials.

(b) Standard accessible spaces shall be minimum 8 feet wide alongside a 5-foot-wide access aisle.

(c) Van spaces shall be a minimum 11 feet wide alongside an 8-foot wide access aisle and have a minimum vertical clearance of 98 inches.

(d) An access aisle located between and serving both a standard space and a van space may be five feet wide.

(e) Access aisles shall be parallel to the full length of the adjacent space, and level with the accessible space(s) with no barriers or impediments to movement between the access aisle and the sidewalk/building. Figure 7.5-2: Accessible Space and Access Design, illustrates the applicable requirements.

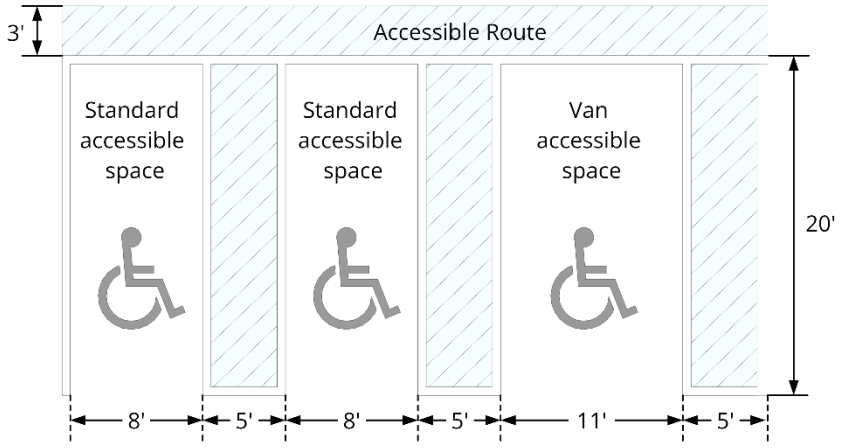


Figure 7.5-2: Accessible Space and Access Design

(G) EV Charging Space Requirements

(1) Purpose

The purpose of requiring providing electric vehicle (EV) charging infrastructure is to accommodate a changing vehicle market and emerging vehicle technologies, improve air quality, and reduce greenhouse gas emissions.

(2) Applicability

The requirements of this subsection apply to new development.

(3) General Requirements

EV infrastructure requirements are categorized as follows:

(a) EV-Capable
Parking spaces equipped for future EV charging by providing dedicated electrical capacity in the service panel and conduit to the EV-capable charging station.

(b) EV-Installed
Parking spaces reserved for EVs to provide drivers the ability to charge their EV using installed charging stations.

(4) Number of Spaces Required by Use

The parking requirements of this subsection are intended as minimum requirements. EV-Capable and EV-Installed charging spaces count towards minimum parking space requirements and shall be provided in accordance with Table 7-6.

Table 7-6: EV Charging Space Requirements for New Development

Use	Number of Spaces	Applicability[1]
RESIDENTIAL		
Single-family dwelling	One level 2 outlet (240 volt)	N/A
Multi-unit dwelling	25% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more
NONRESIDENTIAL		
Retail and personal services	10% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more
Recreational or entertainment facilities	25% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more
Hotel or other commercial lodging of 5 or more units (including vacation time share and bed and breakfast inns)	25% EV-Capable 3% EV-Installed	Developments that require 10 parking spaces or more
School, group assembly, or cultural institution	10% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more
Warehouse and distribution, and other industrial	5% EV-Capable 3% EV-Installed	Developments that require 25 parking spaces or more

NOTES

[1] Individual storage areas enclosed within a building and that are part of a qualifying residential project are permitted.

(5) Accessibility

Multi-unit and nonresidential developments shall provide at least one EV-Installed ADA compliant charging station adjacent to an ADA-designated space. ADA compliant EV-Installed charging stations are required at the rate of one space for every 50 required EV-installed parking spaces.

(6) Signage

Each EV-Installed charging station shall be signed to indicate that it is reserved for and may only be used for electric vehicles.

(H) Design and Maintenance of Parking and Loading Areas

(1) General Standards

All off-street parking spaces and parking lots shall meet the standards set forth in this subsection, along with any additional standards shown on an approved site plan. Parking spaces shall:

(a) Be designed, maintained, and regulated so that no portion of a parked vehicle or maneuvering incidental to parking shall be on any street, walk, or alley; provided that the public works director may approve parking lots serving one or two dwelling units and comprising four or fewer parking spaces designed to allow vehicles to back onto a street classified as a

subcollector or lane, onto a walk or alley, or in exceptional circumstances onto a street classified as an arterial or collector;

(b) Be designed to avoid tandem parking, where one vehicle must be moved to access another, except in attended lots, multi-unit developments with two assigned spaces, single-family dwellings where not more than two spaces assigned for use to the same dwelling unit may be arranged in tandem;

(c) Be fronted with immovable barriers such as bollards or fences that prevent vehicles from extending over the public sidewalks, abutting lots or the minimum required landscaped area (see subsection 14-8.4(H)(3), *Perimeter Parking Lot Landscaping*), and that prevent vehicles from obstructing building entries and ADA accessible routes;

(d) Be designed to discourage parking lot traffic from accessing directly onto major arterial streets, unless no reasonable alternative is available;

(e) Be appropriately marked to indicate the location of the spaces; and

(f) 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 conditional use approval has been issued. Required off-street loading spaces shall not be included as off-street parking spaces in the computation of required off-street parking.

(g) Driveways and parking lot aisles shall not direct vehicle traffic toward a primary pedestrian entryway to a nonresidential or multi-unit residential building with installation of bollards or other safety barriers that prevent accidental vehicle collisions with the entryway and pedestrians in front of the entryway.

(2) Compliance

Compliance with the provisions of this subsection is required for the following:

(a) Development on City-owned land;

(b) Subdivision plats, except lot split and resubdivision plats;

(c) Development plans;

(d) Master plan; and

(e) Construction permits and conditional use approvals as follows:

(I) All new nonresidential and multi-unit construction resulting in an enclosed structure with a gross floor area greater than 1,000 square feet; and

(II) For additions or remodeling of existing nonresidential and multi-unit structures where cost for the required improvements shall be

at least 20 percent of the project's construction valuation, in addition to the cost of required landscape improvements described in subsection 14-8.4(B).

(3) Parking Space Requirements

(a) Required parking spaces shall be arranged and constructed in accordance with parking and driveway standards shown in the following illustrations and tables.

(b) Figure 7.5-3 shows non-angled parking space requirements.

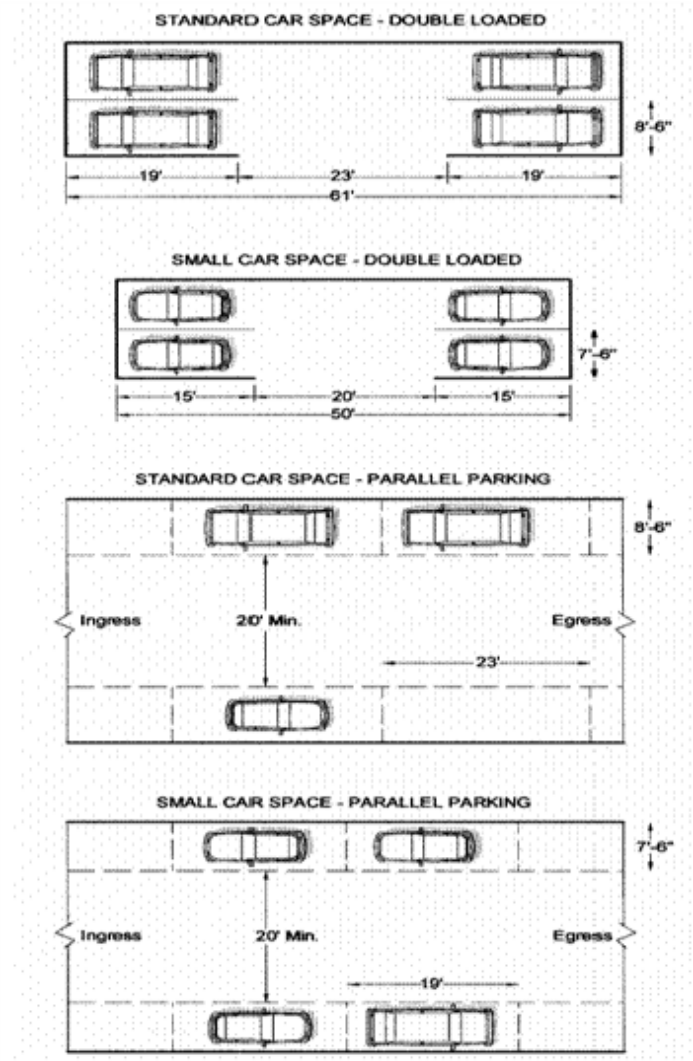


Figure 7.5-3: Non-Angle Parking Requirements

(c) Figure 7.5-4 shows layout and dimensional standards for all sizes of vehicles.

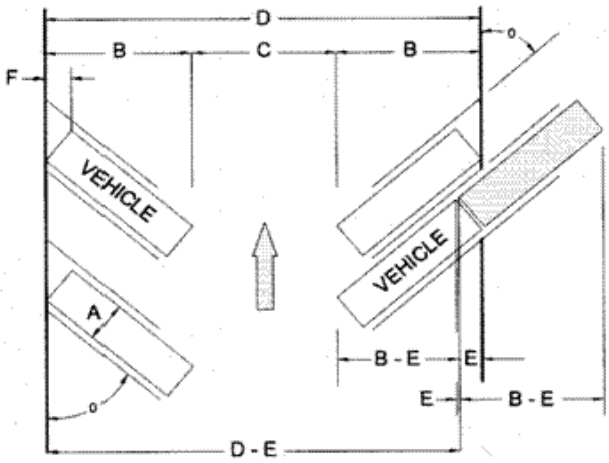


Figure 7.5-4: Parking Module Dimensions for All Vehicle Sizes

Table 7-7: Parking Module Dimensions for All Vehicle Sizes						
Angle	Minimum Width (A)	Vehicle Projection(B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	8′-4″	17′-4″	12′-3″	47′-10″	2′-0″	2′-0″
50	8′-4″	18′-0″	12′-9″	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″

(d) Figure 7.5-5 shows layout and dimensional standards for compact and standards vehicles.

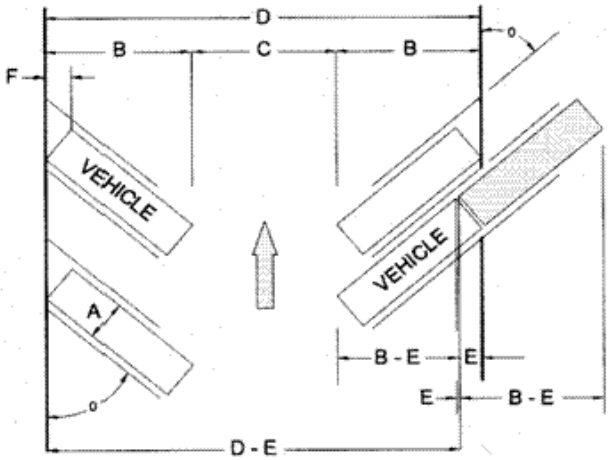


Figure 7.5-5: Parking Module Dimensions for All Compact and Standard Size Vehicles

Table 7-8: Parking Module Dimensions for All Compact and Standard Size Vehicles							
Angle	Stall Type	Minimum Width (A)	Vehicle Projection(B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45	CO	7′-6″	15′-2″	10′-9″	41′-1″	1′-6″	1′-6″
	STD	8′-6″	18′-4″	13′-0″	49′-8″	2′-3″	2′-3″
50	CO	7′-6″	15′-8″	11′-2″	42′-6″	1′-4″	1′-7″
	STD	8′-6″	19′-2″	13′-6″	51′-10″	2′-0″	2′-4″
55	CO	7′-6″	16′-0″	11′-7″	43′-7″	1′-2″	1′8″
	STD	8′-6″	19′-8″	14′-0″	53′-4″	1′-9″	2′-5″
60	CO	7′-6″	16′-4″	12′-6″	45′-2″	1′-0″	1′-8″
	STD	8′-6″	20′-0″	15′-0″	55′-0″	1′-6″	2′-6″
65	CO	7′-6″	16′-5″	13′-3″	46′-1″	0′-10″	1′-9″

Table 7-8: Parking Module Dimensions for All Compact and Standard Size Vehicles

Angle	Stall Type	Minimum Width (A)	Vehicle Projection(B)	Aisle (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
	STD	8′-6″	20′-2″	16′-0″	56′-4″	1′-3″	2′-7″
70	CO	7′-6″	16′-5″	14′-1″	46′-11″	0′-8″	1′-10″
	STD	8′-6″	20′-4″	17′-0″	57′-8″	1′00″	2′-8″
75	CO	7′-6″	16′-6″	16′-4″	49′-4″	0′-6″	1′-10″
	STD	8′-6″	20′-2″	18′-0″	58′-4″	0′-9″	2′-9″
90	CO	7′-6″	15′-0″	19′-0″	50′-0″		2′-0″
	STD	8′-6″	19′-0″	23′-0″	61′-0″		3′-0″

(e) No required off-street parking space shall be located within the right-of-way of any street, roadway or public alley.

(4) Parking Structures

(a) Parking structures shall have architecturally compatible, articulated facades designed to screen the view of parked vehicles from all floors above the ground floor except on facades abutting an alley.

(b) In a MU district, if 80 percent of the ground floor of any side of an above-grade parking structure is adjacent to a public street, except an alley, or adjacent to a public open space or plaza, it shall be constructed to an adequate depth to allow future occupancy by a commercial or other non-parking permitted use allowed in the MU district.

(5) Loading Standards

(a) General Requirements

(I) Loading space shall be paved in conformance with paving requirements specified in off-street parking standards.

(II) All permitted or permissible uses requiring loading space for normal operations shall provide adequate loading space so that no vehicle being loaded or unloaded in connection with normal operation shall stand in or project into any public street, walk, alleyway, front required yard, required parking space or access aisle, common ingress-egress easement, or ADA accessibility route, or obstruct a building entry or exit.

(III) The minimum dimensions of the loading space shall be scaled to accommodate the largest vehicle used for pickups and deliveries, including vertical clearance.

(6) Additional District-Specific Requirements

(I) In SC districts, space for normal off-street loading operations shall be provided at the rear or side or beneath any shopping center building.

(II) In I-1 and I-2 districts, there shall be adequate area for storing any vehicles used incidental to or as part of the primary operation of the establishment.

(III) In the C-2 district, loading areas shall not be allowed within 50 feet of the front lot line and truck loading shall be confined to the rear or sides of buildings.

(I) Provisions for Specific Districts

(1) Off-Street Visitor Parking in Single-Family Developments

In single-family residential developments, if driveways are located in such proximity to each other that on-street parking is judged inadequate for visitors, the Planning Commission may require that additional visitor parking of up to one-half space per dwelling unit be accommodated within the development.

(2) C-2

(a) The parking requirements established in this subsection shall be met at the time of application for certificates of occupancy or for business registration by either on-site off-street parking or off-street parking located within 600 feet of the nearest property line of the parcel.

(b) Leased parking is acceptable when documentation is provided for a lease duration of at least five years, and a site plan demonstrates that, even with the leased spaces. the lessor property still complies with the requirements of Table 5-1. The lessee shall submit a site plan with the application that includes all parking spaces on the lessor property and delineates the spaces to be leased. The leased parking spaces shall be designated for the exclusive use of the lessee on the site plan and shall be so reserved by clear, appropriate signage on the lessor property.

(c) Any modification of the parking requirements granted by the Board of Adjustment shall not constitute a waiver of the assessment fee.

(3) BIP Districts

(a) The configuration and distribution of parking areas may be proposed for the entire site or portions of the site and need not be allocated on an individual lot basis.

(b) Truck loading shall be confined to the rear and sides of buildings. To the extent possible, areas for outdoor storage, trash collection and loading shall not be located adjacent to residential lots. Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, the areas shall be effectively screened from public view. Signs shall be installed prohibiting vehicular idling in areas adjacent to residential lots. Areas for outdoor storage, trash collection and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable in quality and

appearance to the building. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible. When the loading or refuse collection area is adjacent to a residential district, signs shall be installed prohibiting deliveries and collections between 10:00 p.m. and 6:00 a.m.

(4) MU District

(a) The configuration and distribution of parking areas may be proposed for the entire site or portions of the site and need not be allocated on an individual lot basis.

(b) The quantity of parking provided may be reduced if approved by the Planning Commission concurrently with the development plan.

(J) Off-Street Bicycle Parking Requirements

(1) Purpose

To support the viability of multimodal transportation options, bicycle parking spaces are required as described in this subsection.

(2) Applicability

The requirement to provide off-street bicycle space parking shall apply to all uses except single-family residential uses.

(a) New Development
Off-street bicycle parking is required for new development as indicated in Table 7-9: Required Bicycle Parking.

(b) Expansion of Existing Development
Off-street bicycle parking is required in compliance with Table 7-9: Required Bicycle Parking when an existing development increases floor area, seating capacity, required parking spaces, or through the addition of dwelling units, other than single-family homes.

(3) Calculation of Bicycle Parking Requirements

(a) Area Measurement
All square footage-based requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be included in calculation of gross floor area.

(b) Parking for Multiple Uses
For sites with multiple uses, the required bicycle parking shall be the sum of the required parking for each of the uses on the site.

(c) Fractions
Any calculation that results in a fractional number may round down to the nearest whole number.

(4) Number of Required Bicycle Parking Spaces

Off-street bicycle spaces and racks shall be provided in accordance with Table 7-9.

Table 7-9: Required Bicycle Parking

Use	Short-Term Parking Spaces	Long-Term Parking Spaces
RESIDENTIAL		
Group living (including boarding house, dormitory, monastery, or convent)	1 space for every 6 beds, based on maximum capacity; minimum 2 spaces	1 space per 20 residents
Multi-unit residential development with five (5) or more units[1]	0.05 spaces per bedroom for units without individual private garages; minimum 2 spaces	0.25 spaces per bedroom for units without individual private garages. One e-bike charging outlet shall be provided for each 4 required long-term spaces.
COMMUNITY AND CULTURAL FACILITIES		
All	1 space per 2% of maximum capacity; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
EDUCATIONAL FACILITIES		
Elementary, middle, or high school	2 space for every 20 students, based on maximum enrollment; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
Post-secondary educational facility	2 space for every 20 students, based on maximum enrollment; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces
HEALTH CARE AND HUMAN SERVICES FACILITIES		
Hospital	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Medical or dental office or clinic	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Other medical or human services facilities	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
COMMERCIAL		
Office	Up to 20,000 sq ft: minimum 4 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Personal services	1 space per 5,000 sq ft: minimum 2 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 20,000 sq ft; minimum 2 spaces
Recreation and entertainment	1 space per 2% of maximum capacity; minimum 4 spaces	1 space per 20 employees; minimum 2 spaces

Table 7-9: Required Bicycle Parking

Use	Short-Term Parking Spaces	Long-Term Parking Spaces
Restaurant, bar, or similar establishment	1 space per 2% of maximum capacity; minimum 2 spaces	1 space per 20,000 sq ft; minimum 2 spaces
Retail	1 space per 5,000 sq ft: minimum 2 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	1 space per 12,000 sq ft; minimum 2 spaces
Shopping center	Sum of individual uses, or 1 space per 5,000 sq ft: minimum 2 spaces Over 20,000 sq ft: 1 space per 20,000 sq ft or portion thereof	Sum of individual uses, or 1 space per 20 employees, whichever is greater; minimum 2 spaces
COMMERCIAL		
Transit center/Rail stop	1% of peak period a.m. ridership	At least 5 percent of spaces provided must be long-term spaces

NOTES

[1] Multi-unit development that has controlled-access structured parking, individual garages, or private, locked storage external to each unit shall only be required to provide short-term bicycle spaces.

(5) Location and Design Standards

(a) Location Standards

(I) Unless placement of short-term bicycle parking spaces has been approved within the right-of-way, bicycle parking spaces shall be on the same site as the building or use they serve.

(II) Outdoor racks shall be placed within 100 feet of the primary entrance(s) of the buildings they serve, and connected to the entrance by a clearly delineated, well-lit pathway. Where bicycle parking spaces access a pedestrian route to a building entrance, no parked bicycle shall impede the pedestrian pathway.

(III) Where buildings have more than one entrance, or developments have more than one building, bicycle parking spaces shall be distributed throughout the site.

(IV) Bicycle parking areas shall be separated from vehicular parking areas. The separation may be accomplished through grade separation, or physical barriers, such as fenced areas, curbs, wheel stops, bollards, or other similar features. Any fencing should not be opaque or otherwise impede visibility into the enclosure.

(V) Long-term bicycle spaces shall be located within a controlled access enclosure, such as an enclosed indoor room, a garage or shed, or bicycle lockers.

(b) Design Standards

(I) The area devoted to bicycle parking must be hard-surfaced.

(II) Each required bicycle parking space must be accessible without needing to move another bicycle.

(III) Short-term bicycle racks shall accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points at least six inches apart horizontally.

(IV) Racks may be ground- or wall-mounted and securely affixed or bolted to the ground or wall. Racks shall enable the frame and one or both wheels to be secured. Figure 7.5-6 shows examples of short-term rack design; however, other designs are acceptable if they meet the standards of this subsection.

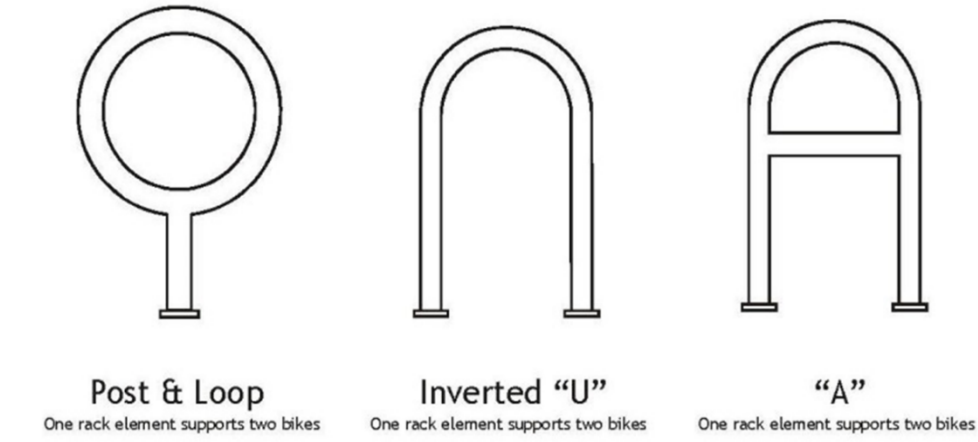


Figure 7.5-6: Parking Module Dimensions for All Vehicle Sizes

(V) Double-loaded bicycle racks placed adjacent to one another must be separated by a minimum distance of three feet. A seven-foot minimum aisle width, measured tip to tip of racks across multiple rows, is required. Single-loaded bicycle racks must be separated by a minimum of 18 inches. See Figure 7.5-7.

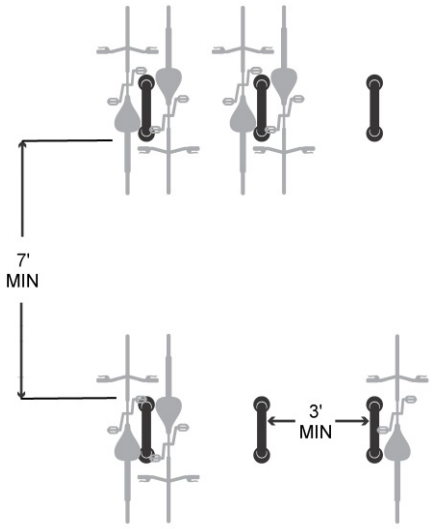


Figure 7.5-7: Bicycle Rack Spacing Requirements

(VI) There must be an aisle at least five feet wide behind all required bicycle parking to allow for maneuvering the bicycle. Where bicycle parking is next to a sidewalk or pedestrian aisle, the maneuvering area may extend into the sidewalk.

(VII) When placed perpendicular to a wall, curb, or pedestrian aisle, racks must be at least three feet from the wall, curb, or pedestrian aisle to the nearest vertical component of the rack.

(VIII) When placed parallel to a wall, curb, or pedestrian aisle, racks must be at least three feet from the wall and two feet from the curb or pedestrian aisle.

(K) Approval Procedures

(1) Applications; Parking Plan

Applications for construction permits, conditional use approvals, development plans or other development approvals shall include parking plans that show compliance with applicable requirements of this subsection, adopted parking and driveway standards, and other applicable provisions of Chapter XIV as required by the Planning and Land Use Director. The applicant shall also obtain any access permits required by Chapter 23, Streets, Sidewalks and Public Places; or required by state or federal law or regulation.

(2) Review of Plans

Parking plans, including shared parking plans, shall be reviewed by the Planning and Land Use Director for compliance with this subsection.

(3) Special Provisions for Shared Parking Plans

(a) An application for a shared parking plan shall contain a parking demand study or other information required by the Planning and Land Use Director and shall include plans showing the proposed shared parking facilities in relation to the uses for which they are to be provided.

(b) Pursuant to the same procedure and subject to the same limitations and requirements by which the shared parking plan is approved, a shared parking plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under the special plan and if all land and structures withdrawn from the shared parking plan comply with the provisions of this subsection.

(c) Upon approval of a shared parking plan, a copy of the plan shall be recorded in the office of the County Clerk and its contents shall:

(I) Be binding upon the applicants, their heirs, successors and assigns;

(II) Limit and control the issuance and validity of all construction permits and certificates; and

(III) Restrict and limit the use and operation of all land and structures included within the shared-use plan to conditions and limitations specified in the plan.

14-7.6 Signs

(A) Purpose

This subsection is intended to establish a comprehensive system of sign regulation that balances the need for visibility and effective communication with having a well-maintained, safe, and attractive environment within the City. It is the intent of this subsection to promote the health, safety, general welfare, and aesthetics of the City by regulating signs that are intended to provide reasonable communication to the public to achieve the following specific purposes:

(1) Eliminating potential hazards to motorists and pedestrians using the public streets, sidewalks, and rights-of-way;

(2) Safeguarding and enhancing investment and property values;

(3) Controlling public nuisances;

(4) Protecting government investments in public buildings, streets, sidewalks, traffic control and utility devices, parks, and open spaces;

(5) Preserving and improving the appearance of the City through adherence to reasonable aesthetic principles; and

(6) Encouraging signs designed to be integrated with and harmonious to the surrounding environment and the buildings and sites they occupy.

(B) Applicability

(1) General

No sign intended to be read from off a premises shall be erected or constructed without a construction permit, except as otherwise provided in this subsection.

(2) Exception for Government Banners

The standards of this subsection shall not apply to banners that the city uses to identify the geographic location associated with local business groups, neighborhoods, or community groups; the dates associated with important civic milestones, activities, or holidays; or a sense of place and community; and that are erected by the city or a permittee.

(a) All banner designs shall include the words "City of Santa Fe" in a standard format authorized by the Planning and Land Use Department or the official City seal.

(b) The Planning and Land Use Department and the City Attorney must approve banner designs for compliance with this exception and the Public Works Department must approve the proposed manner and location of banner installation.

(c) After a proposed banner's design and installation are approved administratively, the Governing Body may permit use of banners by adopting a resolution, specifying the appropriate date(s), location(s), number, installation, maintenance, and cost allocation, if applicable.

(d) The city is not responsible for any costs associated with third-party requests to erect banners.

(e) By erecting or permitting banners on City-owned property, the City does not intend to create or open City property as a public forum for expressive activity; nor does the City intend to create a venue or forum for political, religious, or other controversial subjects or non-City speech.

(C) Signs Allowed in All Districts Without a Permit

The following signs are permitted in any zoning district without a permit, provided the number or area of the sign(s) does not exceed what is allowed:

(1) Signs no greater than one square foot, not to exceed three signs per premises.

(2) Signs related to events that comply with the following:

(a) Erected for a limited duration, up to ninety days.

(b) For residential properties, no more than four square feet, with the top of the sign mounted no higher than three feet above the ground.

(c) For commercial properties, no more than 16 square feet and with the top of the sign mounted no higher than five feet above the ground. For each 150 linear feet of lot line adjacent to a public street, one additional sign

meeting the same dimensions is permitted. Such signs are to be ground-mounted on or within the premises.

(d) On the day of an event, up to two signs not exceeding four square feet may be placed in the parkway on the day of the event, promptly removed upon the conclusion of the event. Such signs shall be ground-mounted, with the top of the sign no more than three feet in height above the ground.

(e) Any such signs found to be in violation of Chapter XIV shall be immediately removed by the City, at the sign owner's expense.

(3) One temporary sign for an event on the premises where the event is to be conducted, not exceed two square feet. On the day of the event, up to four signs not exceeding two square feet each may be placed in the parkway and must be promptly removed upon the conclusion of the event. Such signs shall be ground-mounted and the top of the sign shall not exceed three feet in height above the ground.

(D) Prohibited Signs

(1) Off-Site Advertising

(a) No off-site advertising is allowed except in the following circumstances:

(I) As set forth in subsection 14-7.6(G), Temporary and Portable Signs.

(II) Where contiguous lots exist that do not comprise a unified complex, and one or more of the lots does not have vehicular access to any street except via an access easement across a parcel that does have direct access to a street, the indirect-access lot(s) may place a separate, freestanding sign on the direct-access lot in accordance with the restrictions of this chapter. No more than two freestanding signs are permitted on any lot, regardless of the number of individual lots served by common access.

(2) Obstructions

(a) No sign shall be erected, relocated, or maintained such that it prevents free ingress to or egress from any door, window, or fire escape; no sign of any kind shall be attached to a standpipe or fire escape.

(b) No sign or other advertising regulated by this section or subsection 14-7.3, *Architectural Design Review*, shall be erected at the intersection of any street in a manner that obstructs free and clear vision; at any location where by reason of position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol or character in a manner that may interfere with, mislead, or confuse traffic.

(3) Obscenity

No sign or other advertising structure may depict obscene matter.

(4) Flashing or Illumination

No sign shall be erected or maintained that contains, includes, or is illuminated by, any flashing light, electronic change in messages, electronic change in background colors, electronic change in light intensity, or electronic video display, except:

(a) Those giving public service traffic information such as lane closures, road closures, and detours; and

(b) Electronic messaging signs that comply with the standards in subsection 14-7.6(F)(4), *Electronic Message Signs*.

(5) Movable Parts

No sign shall have movable parts; except that those signs or marquees having design and construction features for changing of legend or inscription may be approved. The message shall be changed no more frequently than once per 24-hour period.

(6) Public Property

No sign shall be erected or maintained on or over public property, except wall signs as described in subsection 14-7.6(F)(7), *Wall Signs*.

(E) General Sign Standards

(1) Sign Illumination

Sign illumination shall be either indirect with the source of light concealed from direct view or shall be through translucent light diffusing materials. There shall be no exposed electrical conduits. However, outside historic districts and except for landmark structures, electronic messaging signs as set forth in subsection 14-7.6(F)(4), *Electronic Message Signs*, and electricity-activated gas tubing, including neon, are allowed.

(2) Construction Permits

Construction permits shall be obtained for all signs, including signs in the historic districts, except where stated otherwise.

(3) Setbacks

The setback requirement for each district applies to sign placement.

(4) Signs on Contiguous Lots

Where contiguous lots exist that do not comprise a unified complex, but one or more of the lots lacks vehicular access to any street except across a parcel that does have direct access to a street, the limited-access lot(s) may place a separate freestanding sign on the direct-access lot in accordance with the restrictions of this Chapter XIV subject to the limitations below:

(a) No more than two freestanding signs shall be permitted on any lot, regardless of the number of individual lots served by common access;

(b) The right to individual signs shall be limited to a situation where one or more of the individual lots is 200 feet or more from the primary access road where the sign for such lot is to be located;

(c) The lot or lots exceeding 200 feet from a primary access road are comprised of not less than 10,000 square feet; and

(d) No lot or access easement shall be created for the sole or primary purpose of establishing an entitlement for a separate freestanding sign.

(5) Colors and Lettering Styles

For any one sign, including frame and poles, there shall be no more than three colors and no more than two lettering styles. At least one of the colors shall match one of the predominant colors in the building.

(6) Sign Surface Area

(a) The net geometric area shall be the area enclosed by the sign, including all elements such as borders or frames, perforated or solid background.

(b) The area of double-faced signs shall be computed for one face only.

(c) The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area is designed in such a manner as to form an integral part of the background of the display.

(d) The area of artificial illumination on a wall of any structure is to be counted as part of the total allowable sign area.

(7) Sign Removal

(a) Any sign that previously identified the location of an activity, business, product sale or similar identification, the location of which is no longer accurate, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot, or structure upon which sign may be found.

(b) Whenever a sign is removed from a building or structure, the building or structure shall be cleaned, painted, or otherwise altered, and all sign supports, brackets, mounts, utilities, or other connecting devices shall be removed so that there is no visible trace of the removed signor the supports, brackets, mounts, utilities, or other connecting devices; and

(c) Upon failure to comply with these sign removal regulations, the Planning and Land Use Director is authorized to cause immediate removal of such sign, as follows:

(I) For temporary or portable signs on the public right-of-way, verbal notification of the owner shall be given requesting removal within

48 hours. If the sign is not removed after this time, the City shall remove the sign at the owner's expense.

(II) For noncompliant temporary or portable signs on private property, written notification of the owner shall be given requesting compliance or removal within 48 hours. If after this time the sign is not removed, the City shall remove the sign at the owner's expense in an amount to be determined by the Planning and Land Use Director.

(III) For noncompliant temporary or portable signs creating a threat to health, safety, and welfare, in a visibility triangle, on a sidewalk or for other reasons, the City shall immediately remove the sign at the owner's expense. Once the sign is removed, the City shall notify the owner.

(IV) For noncompliant temporary or portable signs for which no permit is required, the City shall immediately remove the sign at the owner's expense. Once the sign is removed, the City shall notify the owner.

(V) For noncompliant permanent signs, the regular procedure for noncompliance with the provisions of this Chapter XIV shall be followed.

(F) Permanent Signs

(1) Directional or Information Signs or Historic Markers

No directional or information sign or historic marker shall exceed four square feet.

(2) Building- and Wall-Mounted Signs

For building- and wall-mounted signs where the sign bracing is above the level of the roof, the sign bracing shall be below parapet walls or screened.

(3) Canopy, Marquee, and Projecting Signs

(a) The area of a canopy or marquee sign shall be counted as a part of the total allowable sign area.

(b) All canopy, marquee and projecting signs shall be at least seven feet above grade. However, when such signs are erected over a driveway, the minimum height above grade shall be 15 feet.

(4) Electronic Message Signs

(a) The number, size, and location of the sign shall be consistent with all other requirements of this subsection.

(b) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or

otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.

(c) The message or display shall be changed no more frequently than once per 24-hour period except for clocks and thermometers. This frequency may be exceeded by the public schools during emergencies.

(d) Electronic messaging signs shall not exceed a maximum illumination of 2,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between one-half hour before sunset and one-half hour after sunrise as measured from the sign's face at maximum brightness.

(e) Electronic messaging signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.

(f) Audio speakers are not allowed with any electronic messaging sign.

(g) Electronic messaging signs shall use energy efficient lighting such as, but not limited to, LED and compact fluorescents.

(5) Freestanding Signs

(a) The sign support structure for a freestanding sign shall not exceed 50 percent of the allowable sign surface area for one sign.

(b) The premises around the freestanding sign shall be maintained by the owner of the sign in a clean, sanitary and inoffensive condition, and shall be free and clear of obnoxious substances, rubbish and weeds.

(c) An area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of 30 inches with one shrub planted for every ten square feet.

(6) Roof Signs

(a) All sign bracing for roof signs shall be behind or below the parapet walls or screened.

(b) In no event shall a sign extend above the height limit established for the zoning district in which a sign is located.

(7) Wall Signs

(a) A wall sign shall not project more than one foot from the wall on which it is displayed. Wall signs shall not project over public property except where the building wall is less than one foot from the property line. In this case, the sign may project up to one foot from the building wall, provided that it does not impede or endanger pedestrian or vehicular traffic;

(b) No wall sign may exceed 20 percent of the area of the wall on which it is displayed, or 80 square feet in sign area, whichever is less, even if the district permits a larger total sign area.

(8) Window Signs

[RESERVED]

(9) Clocks and Thermometers

Clocks and thermometers, when constructed within or as a part of a sign or when displayed as a separate sign, shall conform to the following:

(a) The hands of the clock and the motive mechanism are not moving parts for purposes of the Code.

(b) Illuminated numerals will are not classed as blinking or flashing lights; however, the they shall meet the requirements in subsection 14-7.6(F)(4), *Electronic Message Signs*.

(c) Shall not exceed 40 inches in either vertical or horizontal dimensions.

(d) All clock signs shall keep accurate time and all thermometer signs shall accurately record the temperature. If the clock or thermometer begins to display inaccurate information, it shall be promptly repaired.

(10) Development Identification Sign

(a) One sign for the permanent identification of a development shall be permitted, provided that it is mounted on a permanent masonry structure and the sign does not exceed 32 square feet, inclusive of sign base or mounting infrastructure.

(b) A development with an additional entrance on another street is permitted a second identification sign on that street frontage, also limited to 32 square feet.

(G) Temporary and Portable Signs

(1) Temporary and portable signs are allowed off-premises only for advertising an event, function, or activity of limited duration and only with the permission of the property owner on whose property the sign is located.

(a) Building and construction permits are required to erect and maintain such signs for a period not exceeding 30 days or the duration of the event plus one week, whichever is shorter.

(2) No portable or temporary sign shall exceed four feet in any one of its dimensions except as otherwise set forth in this subsection.

(3) Advertising for one-time special events or unusual advertising media meeting the definition of a sign shall be reviewed for size, design, and compliance with this subsection on a case-by-case basis by the Planning and Land Use Director.

(4) Temporary signs shall not exceed 32 square feet.

(5) Except as otherwise approved herein, no portable sign shall extend over or into any street, alley, sidewalk, or other public thoroughfare, and shall not be placed to project over any wall opening. Cloth signs may extend over public property only by permission of the Governing Body and shall be subject to related laws and ordinances. Such signs when extended over a public street shall maintain a minimum clearance of 20 feet from the surface of the roadway.

(6) Flag signs, pennants, tinsel, fringe, sandwich boards, or A-frame signs are not allowed.

(7) Banners are only permitted pursuant to subsection 14-7.6(B)(2), *Exception for Government Banners*.

(H) Signs Requirements by Zoning District

(1) In the RAC and AC districts, no more than two signs are allowed per building, with combined surface area not exceeding 20 square feet. In addition, a development identification sign is allowed as set forth in subsection 14-7.6(E), *General Sign Standards*.

(2) In the C-1, C-4, and HZ districts, no more than two signs are allowed per building, with combined surface area not exceeding 32 square feet. In addition, a development identification sign is allowed as set forth in subsection 14-7.6(E), *General Sign Standards*.

(3) In residential districts, no sign shall exceed ten feet in height. In the RAC, AC, C-1, C-4, and HZ districts, no sign shall exceed 15 feet in height.

(4) The BCD district shall be governed by Historic Overlay District sign regulations as set forth in subsection 14-7.6(I) for all portions of the BCD subdistricts that are coincident with the "H" districts.

(5) For those portions of SC, C-2, I-1, I-2, and BlP districts that are not located within the Cerrillos Road highway corridor protection district, and that portion of the BCD district not located within the "H" districts, the following standards shall apply:

(a) For one entity on the premises, not more than three signs are allowed, no one of which shall exceed 80 square feet and all three of which shall not exceed 200 square feet;

(b) For two entities on the premises, no more than four signs total are allowed, no one of which shall exceed 80 square feet in area and all of which, for any one entity, shall not exceed 80 square feet;

(c) For three or more entities on the premises, one sign for the purpose of general identification of the entire premises, not to exceed 150 square feet is allowed. In addition, one sign is allowed with one square foot of surface area for each one linear foot of building frontage not to exceed 80 square feet per entity;

(d) No sign shall exceed 25 feet in height;

(e) For SC and BIP districts, in addition to one identification sign not to exceed 150 square feet, one additional sign with one square foot of surface area for each one lineal foot of building frontage is permitted, providing it does not exceed 80 square feet;

(f) Only one freestanding sign is allowed per premises in the SC, C-2, I-1, I-2 and BIP districts; and

(g) For buildings with two front facades an additional sign is allowed. The maximum sign size for one facade is 100 percent of the allowed sign size and for the second facade the maximum sign size is 50 percent of the allowed sign size.

(6) For C-2, SC, and I properties located within the Cerrillos Road highway corridor protection district, the following standards shall apply:

(a) One entity on a Legal Lot of Record

(I) Not more than three signs are allowed, no one of which shall exceed:

(a) 50 square feet in area in corridor zone one;
(b) 60 square feet in corridor zone two;
(c) 70 square feet in corridor zone three; and
(d) 80 square feet in corridor zone four.

(II) The total allowable sign area for all three signs shall not exceed 150 square feet.

(b) Two entities on a Legal Lot of Record

(I) No more than four signs are allowed, no one of which shall exceed:

(a) 50 square feet in area in corridor zone one;
(b) 60 square feet in corridor zone two;
(c) 70 square feet in corridor zone three; and
(d) 80 square feet in corridor zone four.

(II) The total allowable sign area for any one entity shall not exceed 80 square feet;

(c) Three entities on a Legal Lot of Record

(I) One sign is allowed for the purpose of general identification of the entire premises not to exceed:

(a) 90 square feet in area in corridor zone one;
(b) 110 square feet in corridor zone two;
(c) 130 square feet in corridor zone three; and
(d) 150 square feet in corridor zone four.

(II) In addition, one wall mounted sign per entity is allowed having one (1) square foot of surface area for each one (1) lineal foot of building or lease space frontage, but in no case exceeding 80 square feet per entity;

(d) Free-Standing Signs Along Cerrillos Road

(I) All free-standing signs along Cerrillos Road shall meet the building setback requirements set forth in subsection 14-4.5(D)(4)(c), *Additional Standards*. However, in the case of properties flanked on one or both sides by existing buildings that encroach into the required setback distance, the freestanding sign setback may be reduced to correspond to either the average of the adjacent building setbacks, or to the average of an adjacent building setback and the required building setback. Only one freestanding sign, meeting the area requirements in subsections 14-7.6(H)(6)(a), (b), and (c), is allowed per legal lot of record;

(II) No freestanding sign shall exceed:

(a) 14 feet in height in corridor zone one;

(b) 16 feet in corridor zone two;

(c) 18 feet in corridor zone three; and

(d) 20 feet in corridor zone four.

(e) Other Sign Types

(I) No wall mounted sign shall exceed 25 feet in height, or the height of the wall on which it is mounted, whichever is less;

(II) Roof top, marquee type, and projecting signs mounted perpendicular to a wall plane, are prohibited.

(7) Freestanding, monument style signage in MU districts shall not exceed six feet in height and shall be limited to one sign per street frontage of development.

(I) Sign Regulations in the Historic Districts

(1) Purpose

(a) This subsection establishes standards for signs in the City's historic districts and are intended preserve the special qualities inherent in the City. Signs that are excessive in size, illumination, and of commonplace design will defeat the purpose of the preservation of characteristic areas in the City.

(b) Approval of a sign in the historic district shall be granted only when the sign conforms to the unique and distinctive character of the City, does not injuriously affect the same, and does not impair the value to the community of those buildings having architectural worth.

(2) Applicability

In addition to the general sign regulations of this subsection 14-7.6, all signs in "H" districts shall require construction permits and shall be subject to the regulations of this subsection, unless otherwise provided. This applies to all signs in

(a) Historic districts;

(b) RC districts;

(c) RAC district; and

(d) AC district.

(3) Conflicts with General Sign Standards, Other Zoning Regulations

In any case where there is a conflict between the specific provisions of this subsection and the general sign requirements and restrictions that apply outside Historic districts, the regulations of this subsection shall prevail and shall be controlling for all purposes.

(4) Exempt Signs

The provisions and regulations of this subsection shall not apply to the following signs; provided that the signs meet the standards of this subsection regarding the number of signs allowed:

(a) Signs for events not exceeding ninety days not exceeding six square feet in area;

(b) One name plate or sign describing the identity of a building occupant, not exceeding two square foot in area;

(c) Signs denoting the architect, engineer or contractor when placed on work under construction and not exceeding 12 square feet in area;

(d) Memorial signs, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze and not exceeding 16 square feet; and

(e) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or non-advertising signs as may be approved by the Governing Body; and

(f) Signs denoting whether a structure is open or closed and traffic signs for private businesses, none of which exceed two square feet in area.

(5) Prohibited Signs and Locations

(a) Sandwich signs as defined in this subsection are prohibited.

(b) Any sign that extends over public property that is wholly or partially illuminated by floodlights or spotlights is prohibited.

(c) No permanent sign shall be placed on a balcony, gallery, shed, roof, door or window, or placed so as to disfigure or conceal any architectural features or details of any building, or painted on walls.

(d) No sign shall be displayed from any fence or wall or open lot unless the Planning and Land Use Director deems it necessary to the conduct of a business, in which event a waiver of regulations can be allowed.

(6) General Sign Standards

(a) Number of Signs Allowed

(I) For up to two entities on one premises, no more than three signs per entity, the total area of which for any one entity shall meet the size limitations for specific types of signs as set forth in this subsection, or 85 square feet, whichever is less, exclusive of freestanding signs; and

(II) For three or more entities on one premises, no more than two signs per entity, the total area of which for any one entity shall meet the size limitations for specific types of signs as set forth in this subsection or 85 square feet, whichever is less, exclusive of freestanding signs.

(b) Advertising Permitted

No sign of any character shall be displayed in the historic district unless it advertises an activity conducted in or on the premises where the sign is located.

(c) Illumination Restrictions

(I) No signs shall be permitted that are animated by any means, including flashing, scintillating, blinking, or traveling lights, or any other means not providing constant illumination.

(II) No electric outdoor lights placed in trees, shrubs, or other types of vegetation shall be allowed when publicly visible except during the traditional holidays.

(d) Color and Design

The effort of design of signs in the historic district is to keep a moderate, attractive and compatible styling so as not to cause erratic or disturbing distractions from the architectural beauties of the City; therefore, color and design are left to the discretion of the applicant.

(7) Permanent Signs

(a) Awnings, Flags, Banners

Awnings shall be of cloth or of other material acceptable to the City. There shall be no advertising on awnings. Flags, banners, awnings, and such trappings shall not be permitted as advertising within the H-district unless a banner is approved pursuant to subsection 14-7.6(B)(2). However, the name of a business may appear along the lower edge or fringe of the awning. In such cases, the awning shall count as one sign as allowed by subsection 14-7.6(C), *Signs Allowed in All Districts Without a Permit*. The awning shall be compatible with Santa Fe architectural style, of an earth-tone color.

(b) Freestanding Signs

(I) When Permitted

(a) Freestanding signs shall be permitted at the discretion of the Planning and Land Use Director where entity is set back from a street alignment of building facades more than two feet.

(b) An entity thus set back, in addition to the signs permitted on the building itself, may maintain a freestanding sign of not more than sixteen square feet in area.

(c) If a building is on at least one acre of property and has an unencumbered front setback of at least 50 feet, a two-faced freestanding sign with a maximum of 50 square feet area on each face, with sign dimensions no greater than ten feet in length and five feet in height, and with the top of the sign not more than 14 feet from the ground will be permitted.

(d) Lighting on freestanding signs shall conform with this subsection.

(II) Location

(a) It is unlawful to erect any freestanding sign whose total height is greater than 14 feet above the level of the street on which the sign faces or above the adjoining ground level if the ground level is above the street level.

(b) Freestanding signs shall have an open space not less than ten feet between the base line of the sign and the ground level, unless the freestanding sign is placed on the ground and does not exceed 16 square feet in area nor six feet in any dimension.

(c) The setback of freestanding signs from the City right-of-way is regulated by the underlying zoning.

(III) Characters, Letters

All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed on any sign shall be safely and securely built or attached to the sign structure.

(IV) Construction, Condition of Premises

(a) All freestanding signs shall be securely built, constructed and erected on posts sunk at least three feet below the natural surface of the ground.

(b) All wood posts shall be treated to protect them from moisture by creosoting or other approved methods when they enter into the ground.

(c) Premises shall be kept free of weeds and be maintained by the owner in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.

(c) Hanging Signs

(I) General Limitations

(a) All hanging signs shall be at least six feet eight inches above the sidewalk or ground level and shall be located within the central one-third of the facade length so as not to obstruct neighboring signs.

(II) Area Limitations

Hanging signs shall be limited in area as follows:

(a) A maximum of 12 square feet, except in the AC and RAC districts where the maximum limit is six square feet;

(b) The maximum size of letters shall be eight inches in height;

(c) There shall be no restriction on the number of letters, words or lines of any sign as long as the overall area of the sign is within the maximum allowed square feet; and

(d) Maximum thickness of six inches.

(III) Supports and Attachments

All hanging signs shall be safely and securely attached to the building by not less than two metal chains, metal brackets or wrought iron brackets firmly secured in the roof support beams by metal anchors, bolts, or expansion screws. No excess chain shall be allowed. In no case shall any hanging sign be attached with wire, string, rope, wood, or secured by nails.

(d) Projecting Signs

(I) General Limitations

No projecting sign shall angle in "Y", "L" or "V" fashion over the sidewalk or ground. No projecting sign may rise above the level of the roof line, fire wall or first story, whichever is construed by the historic districts review board as a roof line. All projecting signs shall be at least ten feet above the sidewalk or ground level and shall be located within the central one-third of the façade length so as not to obstruct neighboring signs. A total of two signs may be allowed to each store, shop or bona fide place of business if one is projecting and the other considered a wall sign; in which case, the wall sign shall be reduced in allowable size by one-half the area consumed by a projecting sign. No projecting sign shall have letters exceeding eight inches in height.

(II) Area Limitations

Projecting signs shall be limited in areas as follows:

(a) A maximum of four feet projection from the wall of the building, except for marquees that may project eight feet;

(b) A maximum of 16 square feet, except in an AC or RAC district where the maximum sign space is six square feet, and except for marquees where the maximum sign space is 115 square feet per face of the marquee;

(c) A maximum thickness of not over 12 inches except for marquees to which this subsection does not apply;

(d) Projecting signs erected over public driveways or alleys shall be placed not less than 15 feet above the level of same; and

(e) Marquees are allowed only for theaters showing motion pictures, or dramatic, musical, or live performances and having permanent seating except in an AC or RAC district where marquees are prohibited.

(III) Construction

Projecting signs exceeding ten square feet in area or 50 pounds in weight shall not be attached to nor supported by frame buildings or the wooden framework of a building. Such signs shall be attached to masonry walls as stated in this subsection. The framework of any projecting sign shall be of adequate strength so as to have no need for guy wires or wire reinforcement.

(IV) Illumination

Every projecting sign larger than ten square feet in area shall be illuminated between sunset and daybreak on each side, by at least five watts per square foot of sign surface.

(V) Goose Neck Reflectors

(a) Goose neck reflectors and lights are permitted on projecting signs, provided that the reflectors have proper glass lenses concentrating the illumination on the area of the sign to prevent glare on the street or adjacent property.

(b) Illumination for each side of a projecting sign lighted by goose neck lights shall be evenly distributed.

(e) Street Clocks

Street clocks shall be in harmony with the standards of the district.

(f) Wall Signs

(I) Area Limitations

A wall sign is subject to the following limitations:

(a) The maximum allowable size is 15 percent of the facade on which the sign is to be placed. In no case shall the sign area exceed 20 square feet except in the AC and RAC districts where the maximum allowable size is six square feet;

(b) Maximum size of letters shall be 20 inches in height, except in the AC and RAC districts where the maximum size shall be eight inches in height;

(c) There shall be no restriction on the number of letters, words or lines of any sign as long as its overall area is within the maximum allowable square feet; and

(d) No sign shall be permitted 15 feet or more above street grade measured in front of the facade where the sign is to appear.

(e) Where two or more entities conduct activities on the premises of a single ownership, having a front footage of 25 feet or less, the allowable sign area shall be increased by 50 percent. Where buildings have frontage on more than one public way and entrances thereon, the maximum footage shall govern signs at each entrance, and it shall be construed to mean on any given public way.

(II) Projection from Wall; Height from Ground

No wall sign shall project more than three inches beyond the building line. However, if the sign is attached to the wall at a height of not less than six feet eight inches measured from the sidewalk or ground to the bottom of the sign, it may project a maximum of ten inches, except in AC and RAC districts where the maximum projection is three inches.

(III) Supports and Attachments

All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter embedded in the wall at least five inches; provided, that such signs may rest in or be bolted to strong heavy metal brackets or saddles set not over six feet apart, each of which shall be securely fixed to the wall as herein provided. In no case shall any wall sign be secured with wire, strips of wood or nails.

(IV) Illumination

Wall signs to be illuminated shall be so constructed as to have all illumination from behind each letter. No visible bulbs, neon tubing or other lighting shall be allowed.

(g) Window Signs

(I) Occupants may place window signs on the glass of windows or doors; provided that the signs are not more than one-third of the glass area on which they are exhibited, or ten square feet, whichever is greater.

(II) Electric signs may be placed inside windows and glass doors; provided, that their proportions are not in excess of the window area allowed above.

(8) Temporary Signs

(a) Duration of Permit; Advertising

(I) Permits for temporary signs shall authorize the erection of such signs and their maintenance for a period not exceeding 30 days.

(II) The advertising contained on any temporary sign shall pertain only to the use conducted on or within the premises on which such sign is located.

(b) Construction Requirements

No temporary sign shall exceed four feet in one of its dimensions or 50 square feet in area. Every temporary sign weighing in excess of 50 pounds shall be approved by the inspections and enforcement office as conforming to the safety requirements of the Building Code.

(c) Prohibited Locations

No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare nor shall it be erected so as to prevent free ingress to or egress from any door, window or fire escape.

(d) Anchors and Supports

Every temporary sign shall be attached to the wall with wire or steel cables; no strings, ropes, or wood slats for anchorage or support purposes shall be permitted.

(9) Procedural Information

(a) Sign Plans for New Construction of Buildings

Applicants submitting plans for new construction of buildings containing three or more entities on the premises shall in addition to other information, submit coordinated plan for signs. The plan shall be drawn to scale showing the proposed locations, sizes, and types of signs for the businesses. All signs shall comply with the standards set forth in this subsection.

(b) Permits Required

(I) It is unlawful for any person to erect, repair, alter, relocate, or maintain within the historic district of the City any sign or other advertising structure as defined in this subsection without first obtaining an erection permit from the inspections and enforcement office and making payment of the fee required.

(II) All illuminated signs shall be subject to the provisions of the electrical code and the permit fees required thereunder.

(III) The text on signs that already conform to this subsection may be changed without any permit, provided all changes also conform.

(c) Permit Application; Contents

Application for permits shall be made on forms provided by Planning and Land Use Department and shall contain or have attached thereto the following information:

- **(I)** Name, address, and telephone number of applicant;
- **(II)** Location of the building, structure, or lot to which or on which the sign is to be attached or erected;
- **(III)** Position of the sign or other advertising structure on a building or in relation to nearby buildings or structures;
- **(IV)** One scaled drawing with full description of material, texture and finish to be used;
- **(V)** Name of person erecting structure;
- **(VI)** Written consent of the owner of the building, the structure, or land to which or on which the structure is to be erected;
- **(VII)** Any electrical permit required and issued for such sign; and
- **(VIII)** Such other information as the Planning and Land Use Department shall require to demonstrate full compliance with the provisions of this subsection and all other laws and ordinances of the City.

(d) Permit Application; Approval; Period of Validity

Upon the filing of an application for a permit, Planning and Land Use Department shall examine plans, specifications and other data and the premises upon which it is proposed to erect the signor other advertising structure; and if it appears that the proposed structure is in compliance with all the requirements of the provisions of this subsection and all other laws and ordinances of the City, the Planning and Land Use Department shall then recommend approval. If the work authorized under an erection permit has not been completed within six months after date of issuance, the permit shall become null and void.

(e) Certain Signs to Be Approved by Electrical Inspector

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the electrical inspector for review and approval or denial.

(f) Inspection of Signs

The Planning and Land Use Department shall inspect, as it deems necessary, each sign regulated by this subsection to ascertain whether the same is secure or insecure or in need of repair.

(J) Removal of Unsafe or Unlawful Signs

(1) If the Planning and Land Use Department finds that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, or has been constructed or erected or is being maintained in violation of

the provisions of this subsection, the Department shall give written notice to the permittee.

(2) The Planning and Land Use Department may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

(3) Upon receiving notice, if the permittee fails to remove or alter the structure to comply with the standards of these subsections within ten days after such notice, the Planning and Land Use Department may remove or alter the sign or other advertising structure at the expense of the permittee or owner of the property on which it is located.

(4) The Planning and Land Use Department shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.

(K) Fines for Violations

(1) Except as set forth in subsection 14-7.6(K)(2), the following are mandatory minimum fines to be imposed by the municipal court for violation of this subsection upon issuance of a citation by the Planning and Land Use Department.

(a) First violation $100

(b) Second violation $200

(c) Third and subsequent violations $300

(2) The following are mandatory minimum fines to be imposed by the municipal court upon the holder of a business license for violation of Temporary Signs, upon issuance of a citation by the Planning and Land Use Department. The fines shall be imposed for each day or part of a day that the violation exists.

(a) First violation $250

(b) Second violation $500

(c) Third and subsequent violations $500 and up to 90 days in jail.

14-7.7 Development Water Budgets

(A) Purpose

The purpose of this subsection is to establish City water budget thresholds applicable to development projects and to describe procedures to calculate water budgets for development projects.

(B) City Water Budget Programs

The City's water budget is governed by Chapter 25, *Water*.

(1) Section 25-10, *City Water Bank*, administers water conservation credits at existing developed property within the City's water service area. These credits may be used to offset new system demands of small development projects.

(2) Section 25-12, *Water Rights Transfer Program*, administers water rights transfers required to offset new system demands of larger development projects.

(C) Applicability

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 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 Chapter 25, Section 25-12, *Water Rights Transfer Program*; or the Water Bank set forth in Section 25-10, *City Water Bank*;

(2) Development plans, except preliminary development plans;

(3) Development plans for each phase of a phased development, where each phase is subject to Chapter 25, Section 25-12, *Water Rights Transfer Program*;

(4) Construction 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 Chapter 25, Section 25-12, *Water Rights Transfer Program*; or Section 25-10, *City Water Bank*;

(b) Replacement of 33 percent or less of an existing building;

(c) Remodels;

(d) Additions:

(I) Where there are no new fixture installations;

(II) Where there are up to three new water fixtures provided that the increased building area does not exceed 500 square feet; and

(e) Shell-only permits that will later require permits for tenant improvements, at which time the development water budget is required;

(5) Secondary plumbing permits (plumbing permits independent of a construction permit) resulting in an increase of water use, unless multiple installations in either commercial or multi-unit residential uses, except the following:

(a) A spa not exceeding 500 gallons;

(b) An oversized tub not exceeding 100 gallons;

(c) A swamp cooler;

(d) A recirculating fountain not exceeding 1,000 gallons of containment area; and

(e) A garden pond not exceeding 2,000 gallons;

(6) Changes in permitted land use resulting in an increase in water use;

(7) Projects located outside the city limits that will connect to water service from the City's water system prior to application for an agreement to construct and dedicate water lines; and

(8) City of Santa Fe, Santa Fe County, state of New Mexico, federal, and any other governmental, or quasi-governmental development not subject to the City's development review or construction permit processes, but that will require water service from the City's water system.

(D) Development Water Budget

(1) The development water budget shall be reviewed and approved by the Water Division and shall contain the following information:

(a) A description of all proposed and existing structures on the subject property together with a complete description of all proposed and existing water fixtures and other water using devices and equipment to be installed or constructed on the subject property (not including water to be used during and for construction);

(b) A description of all water uses proposed for the subject property, separating such uses by indoor and outdoor categories, and including the total area of proposed and existing landscaping; and

(c) A quantification in gallons and acre-feet of the total proposed water usage on the subject property on an annual basis. In the case of phased development, the quantification shall also include the proposed water usage by each phase of development.

(2) Applicants may choose to:

(a) Allow the Water Division to calculate a development water budget based on standard formulas using historical water use data for similar type of development; or

(b) Develop a detailed alternative development water budget for the development project supported by reliable data that demonstrates that

the anticipated annual water use will be less than if based on the Water Division's standard formulas.

(3) When a proposed new structure or use replaces an existing structure or use, the development water budget for the proposed new structure or use may be reduced by an amount equal to the average annual consumption in the 24 months that the highest water use was active during the preceding ten years or by the amount of water previously offset if the previously offset amount is higher. Consumption shall be determined through City utility billing system records.

(4) A development water budget may also be reduced by an amount equal to a specific approved annual water allocation made by the Governing Body for the development project as set forth in Chapter 25, subsection 25-9.6, *Allocation of City's Water Budget*.

(5) The City shall allow reduction in the consumptive water rights required to be transferred in this subsection by the amount of consumptive water rights required for any Santa Fe Homes Program unit, a Housing Opportunity Program unit as per a valid Housing Opportunity Program Agreement, or any dwelling unit meeting the definition of a low-priced dwelling unit as set forth in Chapter 26, subsection 26-2, *Low-Priced Dwelling Units*. The reduction is contingent upon the applicant entering into an agreement or other approved document with the City regarding the low-priced dwelling units. The 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.

(E) Dedication of Water to Development

(1) A construction permit application shall not be approved until the applicant has dedicated water to meet the approved development water budget for the development project plus a 9.8 percent contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.

(2) Based on the approved water budget for a development project, the applicant shall obtain water through either the Water Rights Transfer Program described in Chapter 25, subsection 25-12, *Water Rights Transfer Program*, or subsection 25-10, *City Water Bank*, to meet the development water budget according to the following criteria:

(a) Applications for residential uses that have a development water budget equal to or greater than ten acre-feet per year shall obtain water through the Water Rights Transfer Program;

(b) Applications for residential uses that have a development water budget less than ten acre-feet per year, designated as small development projects, shall obtain water through the Water Rights Transfer Program or the Water Bank or through a combination of both;

(c) Applications for nonresidential uses that have a development water budget equal to or greater than five acre-feet per year shall obtain water through the Water Rights Transfer Program;

(d) Applications for nonresidential uses that have a development water budget less than five acre-feet per year, designated as small development projects, shall obtain water though the Water Rights Transfer Program or the Water Bank or through a combination of both;

(e) Applications with both residential and nonresidential uses each in substantial amounts which have a development water budget equal to or greater than seven and one-half acre-feet per year shall obtain water through the Water Rights Transfer Program;

(f) Applications with both residential and nonresidential uses each in substantial amounts which have a development water budget less than seven and one-half acre-feet per year shall either obtain water through the Water Rights Transfer Program or the Water Bank or through a combination of both; and

(g) Applications for qualifying projects within the Midtown LINC Overlay District, as described in 14-4.5(C), and SFHP Enhanced Developments, as described in subsection 14-7.2(F), shall obtain water though the water credit program.

(F) Administration of Alternative Development Water Budgets

The following shall apply to alternative development water budgets, as set forth in subsection 14-7.7(D)(2)(b):

(1) Beginning the first year that a customer's water service is subject to usage restrictions from an alternative development water budget, the Water Division shall monitor water customer's water usage on an annual basis.

(2) If a water customer exceeds water usage allowable under the customer's alternative development water budget in any annual period measured from the commencement of the restriction, the Water Division shall monitor the customer's water usage on a monthly basis and compare current monthly use to the previous year's use in the same month to determine whether the customer has returned to compliance. The Water Division shall, at the same time, notify the customer that the alternative development water budget has

been exceeded, that the customer's usage will be monitored monthly to determine whether the customer has reduced water usage to the amount permitted under the alternative development water budget, and the consequences that will ensue if the customer does not return to compliance. Water customers shall be charged a 50 percent surcharge over the base rate of water on the excess water delivered over annual budgeted amount for that year.

(3) If, after four months of monitoring:

(a) The customer is in compliance with the alternative development water budget, the customer shall be so informed and shall then be monitored on an annual basis.

(b) The customer's water usage still exceeds the alternative development water budget by ten percent or more on a monthly pro-rata basis, the Water Division shall immediately notify the customer that the customer has exceeded the alternative development water budget. The Water Division shall recalculate the alternative development water budget for the customer based on actual consumption over the period of noncompliance and shall notify the customer of the additional water rights or water credits needed to meet the new budget. If the customer does not transfer sufficient water rights or water credits to the City within 90 days to make up the difference, the Water Division shall transfer sufficient water credits to the customer to offset the net difference and shall include in the customer's next billing the current cost of those water credits. In addition, the City shall bill the customer the 50 percent surcharge for the water delivered during this second year over the budgeted or contracted amount. A customer may, at any time, transfer additional water rights, water credits to the City to increase the customer's alternative development water budget or restriction to forestall the imposition of further surcharges for excess water usage.

(4) Customers that fail to provide sufficient water rights or water credits shall have water service disconnected in accordance with Rule No. 9, Exhibit A of Chapter 25, Water.

(5) Representatives of a development project that have adopted an alternative development water budget shall provide disclosure statements to prospective buyers which shall be included on all recorded plats and development plans. The statements shall include the amount of water to which each lot, unit or other portion of the project is limited under the alternative development water budget and shall include a description of the penalties set forth in this subsection.

14-7.8 Regulations for Retail Structures 30,000 Gross SF or Larger

(A) Purpose

The purpose of this subsection is to address the following interests:

(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; and

(6) Address economic impacts of large-scale retail structures.

(B) Applicability

(1) In addition to compliance with all other requirements of Chapter XIV, new construction of retail structures exceeding 30,000 square feet of gross floor area (GFA) shall comply with the standards in this subsection.

(2) Existing structures that are legally nonconforming to the provisions of this subsection and that are to be remodeled or enlarged shall comply as provided below in Table 7-10: Applicable Regulations for Expansion & Remodeling of Retail 30,000 Gross Square Feet and Larger.

(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.

Table 7-10: Applicable Regulations for Expansion & Remodeling of Retail 30,000 Gross Square Feet and Larger

Applicable Requirement	Additions		Remodeling	
	>5% of GFA	>10% of GFA	>10% value	>25% value
Massing		Yes		Yes
Entryways and Architectural Features		Yes		Yes
Integration into the Street Network				Yes
Minimum Tenant Mix [1]		Yes		Yes
Pedestrian Circulation and Amenities	Yes	Yes	Yes	
Lighting	Yes	Yes	Yes	
Screening [1]	Yes	Yes	Yes	Yes
Surface Parking	Yes	Yes	Yes	
Public Transit	Yes		Yes	
Outdoor Storage, Display, Sales, Rental and Service	Yes		Yes	

NOTES

[1] Compliance shall be to the maximum extent practicable as determined by the Planning and Land Use Director.

(C) Waivers

The Planning Commission may grant waivers to the standards of this subsection under the following circumstances:

(1) The proposed alternative building or site design satisfies the intent of Chapter XIV 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

(2) Granting the waiver would not impose significantly more negative impacts on nearby properties than compliance with the standard(s) would.

(D) Maximum Commercial Activity Areas

In no case shall any one retail establishment exceed 150,000 square feet of GFA in combination with all outdoor display, sales, rental, or storage areas. The outdoor display, sales, rental, or storage of new or used automobiles, recreational vehicles, or mobile homes is not subject to this limit.

(E) Architecture

The following standards apply to all facades and components of a structure that are visible from a public right-of-way:

(1) Massing

(a) Every 30,000 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 facades must be a minimum depth of three percent of the length of the facade and must extend at least 20 percent of the length of the facade.

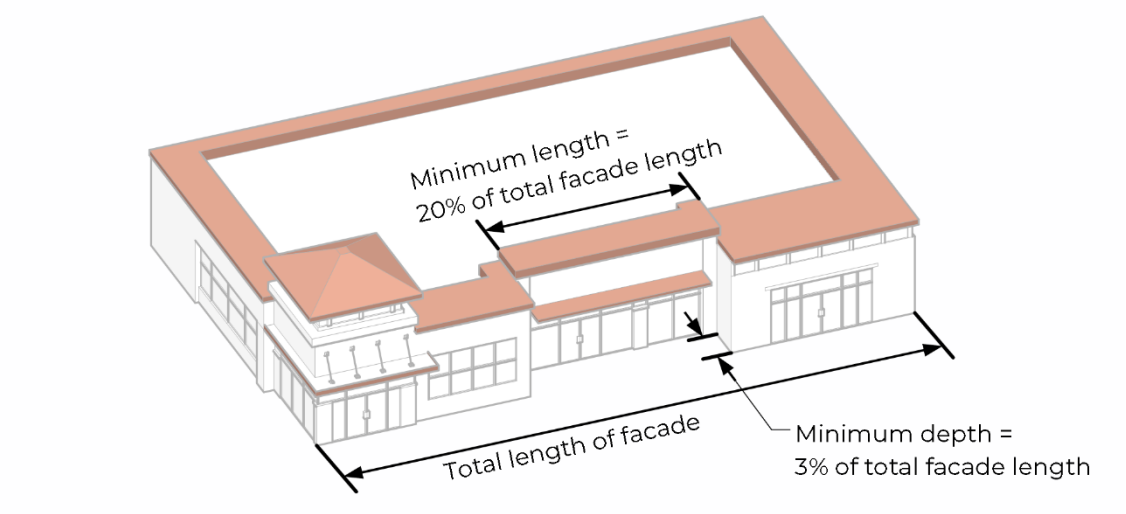


Figure 7.8-1: Wall Plane Articulation Requirement

(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) Structures with Less than 75,000 Square Feet of gross square

(I) There shall be a clearly articulated public entrance on at least two sides of the structure, with at least one of these entrances visible from a public street and connected to that street by a pedestrian sidewalk.

(II) It is permissible to have pedestrians cross vehicular traffic within the parking lot so long as a sidewalk is provided.

(III) 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 Greater than 75,000 Square Feet of GFA

(I) Whether occupied by multiple tenants or one tenant, structures of this size shall provide either a significant pedestrian amenity or a

public entrance, at a minimum of one per 75 linear feet of publicly visible facade.

(II) Examples of significant pedestrian amenities include outdoor seating areas, play areas for children, and public courtyards.

(III) The public entrance may be to access either the principal retail use or any other tenant.

(IV) This provision does not apply to more than three sides of any structure.

(3) Height

Height is regulated by the underlying zoning district regulations, but shall be further restricted as follows if the retail structure adjoins residential development as follows:

(a) The maximum height, not including parapet, of any structure within 100 feet of a residential zoning district property line shall be 24 feet or one hundred ten percent of the average of the heights of adjacent residential buildings, whichever is less; and

(b) Structures may exceed the heights specified in subsection 14-7.8(E)(3)(a), up to the limit specified in the zoning district in which they are located, if the structure wall is stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted after the first 12 feet of height.

(4) Architectural Unity

All new construction, additions, and remodeling on the same site shall be related in architectural style, color scheme, and building materials.

(F) Site and Contextual Planning

(1) Integration into the Street Network

(a) Vehicular access to the site shall be from streets other than arterials wherever possible.

(b) If access from an arterial is necessary, right turns in and out from the arterial are required.

(c) Insofar as possible, delivery vehicles shall not access the site from sub-collector or smaller streets that serve residential neighborhoods.

(d) Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.

(2) Minimum Tenant Mix

Developments with a single retail establishment occupying greater than 75,000 square feet of GFA shall provide additional tenant spaces, each one no greater than 30,000 square feet in GFA, whose total gross square footage is equal to or exceeds 25 percent of the largest retail establishment.

(3) Pedestrian Circulation and Amenities

(a) A safe and landscaped pedestrian circulation system shall be provided on-site that connects to public streets and neighborhoods.

(b) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials.

(c) At least one significant pedestrian amenity, such as an outdoor seating area, play area for children or courtyard, shall be provided for every 75,000 square feet of GFA.

(d) Required pedestrian amenities may be combined into one or more locations to create a larger amenity, as long as all other provisions of this subsection are satisfied.

(4) Lighting

Retail structures to which this subsection applies shall make accommodations when located next to residential development or undeveloped residential property as follows:

(a) Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater or more intensive lighting because of the large retail structures, nuisance glare is prohibited. In addition, structures shall meet the following requirements:

(I) Parking and security lights shall be no taller than any building on the site, or 24 feet above the pavement, whichever is less; and

(II) Streetlights shall not be no taller than 24 feet above the pavement.

(5) Parking and Vehicular Circulation

Parking facilities shall safely and attractively serve all modes of transportation, especially pedestrian.

(a) Screening

(I) Seventy-five percent of the lot frontage adjacent to any arterial street, exclusive of vehicular and pedestrian entrances, shall provide screening of on-site parking by means of on-site buildings or other architectural features, which may include the primary structure.

(II) Fifty percent of the lot frontage adjacent to all other streets shall provide screening of on-site parking by means of on-site buildings.

(III) Lot frontage adjacent to residential uses or residential zoning districts shall provide screening of on-site parking by means of walls, landscaping or buildings.

(b) Surface Parking

No single parking area shall exceed 120 spaces unless divided into subareas of fewer than 120 spaces each by a building, internal landscaped street, or landscaped pedestrian way.

(6) Public Transit

A structure that has one or more tenants of 75,000 square feet or more and that is adjacent to an arterial street that is or may be located on a transit route as determined by the City transit division, shall provide for on-site or adjacent to the site accommodations for public transit access, including a bus pullout and shelter.

(7) Outdoor Storage, Display, Sales, Rental and Service

(a) To the extent possible, areas for outdoor storage, display, sales, rental, trash collection and loading shall not be located adjacent to residential lots.

(b) Where such facilities are located adjacent to residential lots, they shall include a solid acoustic buffer. In all cases, such facilities shall be effectively screened from public view.

(c) To the extent possible, idling of delivery trucks shall not be allowed in areas adjacent to residential lots. Signs shall be installed advising tenants not to allow idling of delivery trucks in areas adjacent to residential lots.

(d) Areas for outdoor storage, trash collection and loading shall be incorporated into the primary building design and construction and shall be of materials of comparable quality and appearance as that of the primary building.

(e) Outdoor storage, display, sales or rental areas shall be adjacent to the primary building. Outdoor storage, display, sales or rental areas shall be designed to minimize visual clutter. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible.

(f) When the loading or trash collection area is adjacent to a residential district, deliveries and collections shall not occur between 10:00 p.m. and 6:00 a.m.

(G) Economic Impact Study

(1) For all new retail establishments that are 100,000 square feet and larger, the City shall commission a report on the predicted economic impact of that business from an economist or other institution deemed qualified by the City pursuant to provision 5 of this subsection.

(2) The report shall be available prior to the first public hearing required for the project. The applicant shall reimburse the City for the cost of the study prior to the hearing.

(3) The report shall include the following:

(a) Net impact on gross receipts tax collections, including taxes from the proposed construction activity as well as the proposed business;

(b) Cost and burden on government for services for the business and for the employees;

(c) Impact on jobs, including the number and types of jobs, wages paid, benefits paid and changes in the number of union jobs, and the company's history of labor and employment practices;

(d) Impact on the choice of goods and services for consumers;

(e) Impact on the cost of goods and services for consumers and potential changes on discretionary spending available to consumers;

(f) Physical impact on City infrastructure compared to impact fees collected;

(g) Retention of revenue in the local economy; and

(h) Opportunities for local suppliers.

(4) The results of the economic impact study may be used to require the applicant to address or offset any negative economic impacts, as part of the approval process.

(5) The City shall, through the request for qualifications process, develop and maintain a list of economists who are qualified to do economic impact studies pursuant to this subsection.

14-7.9 Impact Fees

(A) Authority

This subsection is authorized by the New Mexico Development Fees Act, Article 8, Land Development Fees and Rights NMSA 1978, Sections 5-8-1 to -43.

(B) Purpose

The City assesses and collects impact fees for new development within Santa Fe to respond to the demand for capital improvements that are related to the actual impacts of development. It is the intent of the City to accomplish the following outcomes:

(1) Promote public health, safety, and general welfare, and accommodate orderly growth and new development;

(2) Provide for the assessment and collection of impact fees for new development to serve the demand for capital facilities and public improvements; and

(3) Ensure that a proportionate share of the cost of capital expenditures is assessed for development to provide public facilities and infrastructure that has a rational nexus to the proposed development.

(C) Applicability

This subsection applies to all territory within the planning and platting jurisdiction of the city.

(D) Reasonable Project Improvements

The city may require the construction of reasonable project improvements required to serve the new development project, whether or not the improvements are of a type for which credits are available under subsection 14-7.9(I), *Credits*.

(E) Exemptions, Waivers and Reimbursements

(1) Exemptions

(a) The following are exempt from the provisions of this subsection:

(I) Alterations of, or additions to, existing residential uses where no additional dwelling units are created;

(II) Replacement of a destroyed, partially destroyed, or moved residential building or structure with a new building or structure of the same use and the same size and the same number of dwelling units;

(III) Replacement of destroyed, partially destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use;

(IV) Construction permits for new residential units that are part of a master plan, development plan or subdivision plat where land is dedicated to the City to provide park land, as provided in subsection 14-6.3, *Dedication and Development of Park Land, Open Space, Trails, and Recreation Facilities, Open Space, Trails, and Recreation Facilities*;

(V) Parking garages, parking canopies, or parking lots;

(VI) Construction permits for uses specified in subsection 14-4.5(A)(11) located within the Airport Road Overlay District

(VII) Construction permits for qualifying projects within the Midtown LINC overlay district as defined in subsection 14-4.5(C)(4); and

(VIII) Santa Fe Homes Program projects receiving enhanced affordability incentives as described in subsection 14-7.2(F).

(b) New construction projects that request an exemption from the terms of this subsection shall claim that exemption at the time of application for a construction permit, and the Planning and Land Use Director shall determine the validity of a claim for exemption pursuant to the criteria set forth in this subsection.

(2) Waivers

(a) Impact fees shall be waived for the following:

(I) Santa Fe homes or Santa Fe rental units as defined in Section 26-1, Santa Fe Homes Program;

(II) Santa Fe Homes Program projects receiving enhanced development incentives as described in subsection 14-7.2(F), *Enhanced Affordability Incentives*;

(III) A low-priced dwelling unit as defined in Section 26-2 SFCC 1987; or

(IV) Qualifying projects within the Midtown LINC overlay district, as described in subsection 14-4.5(C)(4), *Qualifying Projects*.

(b) Application for waivers of impact fees shall be made at the time of application for a construction permit, and the Office of Affordable Housing shall determine the validity of a request for a waiver.

(c) The impact fee calculation for an approved waiver shall be tracked by the Planning and Land Use Director for accounting purposes.

(d) When a dwelling unit for which impact fees have been paid is later deemed by the City to qualify for the waiver, it is entitled to a full reimbursement of the impact fees paid.

(F) Fee Assessment and Collection

The Planning and Land Use Director shall determine the amount and type of impact fees required as a condition of construction permit approval based on the approved fee schedule in Table 7-11: Impact Fee Schedule and Description of Use Types, as applicable, and the provisions of this subsection.

(1) Timing of Assessment

Assessment of impact fees occurs on the date a plat or development plan receives final approval from the city. In the absence of a plat or plan, final approval shall be the date of the construction permit application.

(2) Applicable Fee Schedule

(a) Impact fees collected within four years of the date of assessment shall be based on the impact fee schedule in effect at the time of assessment. After the expiration of the four-year period, the development shall be subject to the fee schedule in effect at the time of application for a construction permit.

(b) No action on the part of the City is required for assessment to occur. It is the applicant for a construction permit's responsibility to present evidence of the date of plat or development plan approval in order to base the fees on the previous impact fee schedule. After the impact fee has been paid, no refunds will be provided based on the differences in the fee schedules. An applicant must pay all fees according to one fee schedule and may not mix fees from multiple schedules.

(3) Collection of Impact Fees

The collection of impact fees within the service area as defined in the Capital Improvements Plan shall occur at the time of issuance of a construction permit.

(G) Fee Determination

(1) Fee Schedule

(a) Unless exempt as described in subsection 14-7.9(E)(1), the applicant for a construction permit or the preparer of an independent fee calculation study, shall pay impact fees in accordance with the City's adopted fee schedule shown in Table 7-9, which shall be updated pursuant to NMSA 1978, Section 5-8-16. If a credit is due pursuant to subsection 14-7.9(I), *Credits*, the amount of the credit shall be deducted from the amount of the fee to be paid.

(b) The adopted fee schedule shall be used and its fees assessed on plats and development plans that receive final approval from the city or from the state construction industries division, except where the permit is issued for a subdivision or for a development plan that is still subject to a prior fee schedule available and on file in the planning and land use department.

Table 7-11: Impact Fee Schedule and Description of Use Types

Residential	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached						
1,500 sq. ft. or less	Conditioned Floor Area	$2,246	$1,080	$206	$65	$3,596
1,501-2,500 sq. ft.	Conditioned Floor Area	$2,367	$1,162	$222	$70	$3,821
2,501-3,000 sq. ft.	Conditioned Floor Area	$2,487	$1,244	$237	$75	$4,043
3,001 sq. ft. or more	Conditioned Floor Area	$2,624	$1,338	$254	$81	$4,297
Accessory Dwelling Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Unit Development	Dwelling	$1,373	$880	$168	$53	$2,474
Non-Residential	**Gross Floor Area**	**Roads**	**Parks**	**Fire**	**Police**	**Total**
Retail/Commercial	1,000 sq ft	$3,269	$0	$250	$79	$3,598
Office	1,000 sq ft	$2,790	$0	$121	$39	$2,950
Public/Institutional	1,000 sq ft	$1,266	$0	$56	$18	$1,340
Warehouse	1,000 sq ft	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq ft	$282	$0	$5	$2	$288
Industrial	1,000 sq ft	$1,114	$0	$52	$17	$1,183

(2) Impact Fee Use Types

(a) For the purposes of Table 7-11, use types are defined as follows:

(I) Single-Family Detached means a single-family dwelling, including a manufactured home or mobile home, which is detached from other dwelling units.

(II) Accessory Dwelling Unit means a dwelling unit complying with the provisions of subsection 14-5.3(C)(2).

(III) Multi-unit means an apartment complex or other development with multiple dwelling units in one structure which, for the calculation of impact fees, includes duplexes, triplexes, and any other structures which are not considered to be detached from other residential dwellings.

(IV) Retail/Commercial means an establishment engaged in the selling or rental of goods, services, lodging, or entertainment to the public.

(V) Office means a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative, or professional services.

(VI) Public/Institutional means a governmental, quasi-public, or institutional use, or a non-profit recreational use, not located in a shopping center.

(VII) Warehouse means an establishment primarily engaged in the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment.

(VIII) Mini-Warehouse means self-storage units less than standard 10'x10' units.

(IX) Industrial, manufacturing, and production means an establishment primarily engaged in the fabrication, assembly, or processing of goods.

(b) If the type of new development for which a construction permit is requested is not specified on the fee schedule, the Planning and Land Use Director shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

(3) Independent Fee Calculation

(a) The Planning and Land Use Director may require an independent fee calculation for any proposed development interpreted by the Planning and Land Use Director as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule.

(b) The preparation and cost of the independent fee calculation study is the sole responsibility of the applicant.

(c) The independent fee calculation study shall be based on the same service standards and facility costs used in the impact fee capital improvements plan and shall document the methodologies and assumptions used. The independent fee calculation shall be based on the expected long-term occupancy of the building or development, based on physical characteristics, and not on the characteristics of the proposed initial owner or occupant of the building or development.

(d) An independent fee calculation study submitted by an applicant to calculate a road impact fee shall address all three factors relevant to the generation of service units, namely, trip generation rates, primary trip factors and average trip lengths.

(e) After review, the Planning and Land Use Director shall approve or reject the conclusions of the independent fee calculation study.

(4) Impact Fees for Development of Land Outside Buildings

The impact fees for development of land outside of buildings that increase the demand for capital facilities is determined by application of the fee for the corresponding type of building. In particular, the building square footage for a retail/commercial use shall include indoor or outdoor sales areas or inventory storage areas, growing area for a garden center/nursery, and any drive-through kiosk and associated queuing lane with or without a roof. If the Planning and Land Use Director determines that development of land outside of buildings is intended for seasonal usage that reduces the increased demand for capital facilities, the Planning and Land Use Director may reduce impact fees charged for the development of land outside of buildings by up to 75% of the original assessment.

(5) Impact Fees Based on Primary Use

(a) Impact fees shall be assessed and collected based on the primary use of the building as determined by the Planning and Land Use Director. Uses that are distinct and separate from the primary use, which are not merely ancillary to the primary use and are 1,000 square feet or greater, will be charged the impact fee category based on the distinct and separate use.

(b) Where a permit is to be issued for a building "shell" and Planning and Land Use Director is unable to determine the intended use of the building, the Planning and Land Use Director shall assess and collect impact fees according to the zoning district in which the building is to be located as follows:

(I) C-2 and all SC zones - "Retail/Commercial;"
(II) HZ zone - "Office;"
(III) C-1 and C-4- "Office;" and
(IV) I-1 and I-2 - "Industrial/Manufacturing."

(6) Change in Impact Fee Calculation

(a) If there is an increase in the amount of the impact fee calculation once a tenant improvement permit is submitted, the difference from what was paid at the time of the shell permit and the tenant improvement fee calculation shall be paid prior to issuance of the construction permit. If the fee schedule determination for the square footage of the use identified in the tenant improvement construction permit results in a net decrease from what was paid at the time of the shell permit, there shall be no refund of impact fees previously paid.

(b) If a construction permit application modifies or enhances the usage of an existing structure, expands the total floor area of the existing building, or substitutes an existing structure with a new building and a different purpose, the fee will be calculated based on the difference in fees for the new usage or expansion compared to what the current fee would be for the prior use or floor area. If the proposed alteration leads to a net reduction in the fee, there will be no reimbursement of previously paid impact fees.

(7) Impact Fees for Live/Work Units

Live/work developments containing dwelling units in combination with nonresidential floor area in a common building shall pay impact fees for each dwelling unit according to the residential fee rate for "Multi-unit" and for the gross floor area intended for nonresidential use according to the " Office " fee rate. If the initial Live/Work construction permit application is for a shell construction permit, the Planning and Land Use Director shall collect impact fees at the "Office" fee rate. If dwelling units are added as a use within the building after the building has been charged impact fees at a nonresidential fee rate, and there is no increase in gross floor area, the Planning and Land Use Director shall collect only the required park impact fees for the dwelling units at the fee rate for "Multi-Unit" at the time of the dwelling unit permit application.

(8) Appeal of Impact Fee Determination

The Planning and Land Use Director's determination of impact fees required may be appealed to the City Manager within 30 days from the date of the determination. The City Manager's decision is final.

(H) Use of Fees

(1) An "impact fee fund" that is distinct from the general fund of the City is created, and the impact fees received shall be deposited in the following interest-bearing accounts of the impact fee fund:

(a) Fire impact fee account;

(b) Police impact fee account;

(c) Parks impact fee account; and

(d) Roads impact fee account.

(2) The impact fee accounts shall contain only those impact fees collected pursuant to this subsection for the type of facilities reflected in the title of the account, plus accrued interest.

(3) The money in each impact fee account shall be used only for the following:

(a) To acquire or construct capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;

(b) To pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance capital improvements or facility expansions of the type reflected in the title of the account and identified in the capital improvements plan;

(c) Planning, surveying and engineering fees paid to an independent qualified professional who is not an employee of the City or county for services provided for and directly related to the construction of capital improvements or facility expansions;

(d) Fees actually paid or contracted to be paid to an independent qualified professional, who is not an employee of the City, for the preparation or updating of a capital improvements plan;

(e) Up to three percent of total impact fees collected for administrative costs for City personnel, for professional services related to impact fee assignment/distribution or for reporting to the capital improvements advisory board; and

(f) Refunds as provided in subsection 14-7.9(K).

(I) Credits

(1) Credit against impact fees shall be provided for contributions made by developers toward the cost of capital improvements or facility expansions identified in the Impact Fees Capital Improvements Plan and eligible for funding with impact fees pursuant to the provisions of this subsection.

(a) Credits for eligible improvements are effective when the payment has been made, the land has been dedicated in fee simple to the City, or the improvements have been completed and have been accepted by the City.

(b) No credit shall be applied to the road impact fee for improvements to the major roadway system that primarily serve traffic generated by the development project, such as acceleration/deceleration lanes into and out of the project.

(c) No credit shall be applied to the road impact fee for installation of a traffic signal or intersection improvement at the intersection of a public street and a private road or driveway.

(2) To receive credit for eligible improvements, the developer shall submit complete engineering drawings, specifications, and construction cost estimates to the Planning and Land Use Director. The Planning and Land Use Director shall determine the amount of credit due based on the information submitted or, where such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the Planning and Land Use Director.

(3) The Planning Commission or Governing Body may approve a credit for eligible improvements as a condition of approval for a plat, development plan, or other similar application.

(4) To qualify for an impact fee credit, the developer shall enter into an impact fee credit agreement with the City prior to plat or plan recordation. The approved impact fee credit shall be identified on the plat to be used at the time of construction permit in the fee calculation. The impact fee credit agreement shall specify the following:

(a) The amount of the credit;

(b) How the credit will be allocated within the development project; and

(c) How the developer will be reimbursed for the cost of in-kind contributions that exceed the amount of impact fees due from the development project.

(5) If the new development for which credits have been issued is sold to different owners, the credits usable by each new owner shall be calculated in terms of each owner's percentage share of the impact fees against which the credits were issued that would otherwise be due from the entire new development.

(6) The right to claim credits shall run with the land and may be claimed only by owners of property within the new development for which the land was dedicated or the improvement was made. Credits issued for a particular new development shall not be transferable to another development.

(7) Credits provided pursuant to this subsection shall be valid for ten years from the effective date of the impact fee credit agreement.

(8) In the absence of an impact fee credit agreement specifically providing otherwise, no reimbursement shall be made to a developer for the amount of credit due in excess of impact fees otherwise due from the development.

(J) Submittals

(1) Submittal Requirements

All construction permit applications must include the following information as required and applicable for residential and nonresidential impact fee assessment.

(a) Recorded Plat or Development Plan

(b) Total Conditioned Floor Area square footage for residential development and Floor Area, Gross square footage for nonresidential development clearly indicated as part of the Design Data information within the General Notes plan sheets.

(c) For multi-unit projects, include a site reference map with individual buildings clearly labeled and keyed to the individual construction permit applications and a table on the site reference map plan sheet identifying the number of dwelling units per building and totaled for the entire project.

(d) Clear explanation of any intensification such as additional dwelling units on a residential property and additional gross floor area for commercial uses.

(e) Use type for nonresidential developments.

(f) Engineered water plans including meter schedule declaring size and quantity of all new and existing water meters.

(2) Furnishing false information on any matter relating to the administration of this subsection 14-7.9, including the furnishing of false information regarding the expected size, use or impacts from a proposed new development, is a violation of this subsection 14-7.9. The city may issue a stop work order or rescind any permits issued in reliance on the previous payment of such impact fee.

(K) Payment, Refund & Record-Keeping Provisions

(1) If an impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated and paid as follows:

(a) The amount overpaid by an applicant shall be refunded by the Planning and Land Use Director to the applicant within 30 days after the approval of the recalculated amount;

(b) The amount underpaid by the applicant shall be remitted to the City within 30 days after the applicant is notified of the recalculated amount and is provided with an invoice in that amount; and

(c) In the case of an underpayment or nonpayment of impact fees, the City shall not issue any additional permits or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected and, if amounts owed to the City are not paid within the 30-day period, the City may also issue a stop work order or rescind any permits issued in reliance on the previous payment of the impact fee.

(2) Upon the request of an owner of the property for which an impact fee has been paid, any money in the impact fee fund paid for that property that has not been spent within seven years after the date on which the fee was paid shall be

returned to the current owner of record as listed with the county assessor with interest since the date of payment.

(a) Money in each impact fee account is considered to be spent in the order collected on a first in/first out basis.

(b) Interest shall be calculated from the date of collection to the date of refund at the statutory rate set forth in Section 56-8-3 NMSA 1978 (Interest Rate; No Written Contract).

(c) Requests shall be filed with the City within 30 days of the eligibility for the refund.

(d) Response to a request for a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the current owner of the property within 30 days of the date the refund was requested.

(e) All refunds shall be made to the current owner of the property at the time the refund is paid.

(f) Notwithstanding subsections 14-7.9(K)(2)(a) through (e), if the impact fees were paid by a government entity, notice shall be given to and the refund shall be made to the government entity.

(3) If an applicant has paid an impact fee required by this subsection and the construction permit later expires without the possibility of further extension, and the development activity for which the impact fee was imposed did not occur and no impact has resulted, the applicant who paid the fee is entitled to a refund of ninety-seven percent of the fee paid, without interest. To be eligible to receive such refund, the applicant who paid the fee must submit an application for the refund within 30 days after the expiration of the permit or extension for which the fee was paid.

(4) Records shall be available for review by the public during normal business hours and with reasonable advance notice. The Planning and Land Use Director shall maintain accurate records of the impact fees paid, including the:

(a) Name of the person paying the fees;

(b) Project for which the fees were paid;

(c) Date of payment of each fee;

(d) Amount(s) received in payment for each fee;

(e) Amount of any credits provided against the fees or refunds paid; and

(f) Any other information the City deems appropriate or necessary for the accurate accounting of the fees.

(5) The service area is established pursuant to NMSA 1978, Section 5-8-21 and, until modified for the road, fire, and police impact fees, is the incorporated area of the city, as may change over time with annexation; and for the parks impact fee

is the incorporated area plus the city-owned land in the unincorporated area known as the municipal recreation complex and the Marty Sanchez golf course.

(L) Annual Report and Periodic Updates

The capital improvements advisory committee (CIAC) shall file an annual report for review by the Governing Body detailing impact fee revenues collected during the previous year, current impact fee fund amounts, and capital improvements plan projects under construction that are using impact fee revenues. The land use assumptions and capital improvements plan on which the impact fees imposed by this subsection are based shall be updated at least every five years. The five-year period begins on the day the capital improvements plan is adopted. The City shall review its current land use assumptions and update the capital improvements plan in accordance with Sections 5-8-1 to -42 NMSA 1978 (Development Fees Act).

Section 14-8 Design Standards

14-8.1 General Provisions

(A) Purpose

The purposes of this Section 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;

(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; and

(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 Separate Storm Sewer System (MS4) Phase II permittee.

(B) Applicability

Unless otherwise noted, the requirements of this Section apply to all land development activity covered under Chapter XIV.

14-8.2 Terrain and Stormwater Management

(A) Purpose

The purpose of this subsection is to protect, maintain, and enhance the health, safety and general welfare of the citizens and natural environment of Santa Fe. The following considerations shall be used during the design and planning process for all proposed developments subject to this subsection:

(1) Ensure sound and orderly development of the natural terrain;

(2) Protect life and property from the dangers of flooding and the hazard of improper cuts and fills;

(3) Minimize erosion and sedimentation;

(4) Minimize destruction of the natural landscape;

(5) Protect the scenic character of Santa Fe from the visual blight of indiscriminate cuts and fills and vegetation removal resulting from extensive grading and utility scars;

(6) Treat stormwater runoff as a valuable natural resource in Santa Fe, a community that is prone to drought, by encouraging infiltration on site, or water collection and use for outdoor irrigation needs;

(7) Control the adverse impacts associated with accelerated stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces;

(8) Minimize erosion and degradation of arroyo channels and improve the condition of the channels where possible;

(9) Respect, protect, maintain, and restore natural drainageways, wetlands, bosques, floodplains, steep slopes, riparian vegetation and wildlife habitat areas;

(10) Prevent stormwater runoff from entering or damaging acequias or other irrigation facilities;

(11) Integrate stormwater management measures into the landscape and site planning process;

(12) Provide effective and aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design; and

(13) Promote improved water quality through compliance with the EPA NPDES MS4 permit and Construction General Permit (CGP).

(B) Applicability

(1) Minimum Standards and Submittal Requirements

(a) Minimum standards and submittal requirements for terrain and stormwater management are based on the type of project, and all projects shall meet the minimum standards in subsection 14-8.2(D), *Grading Standards*.

(b) Projects for which a construction permit for grading is required by subsection 14-8.3, *Flood Regulations*, shall also meet the applicable minimum standards and submittal requirements in subsection 14-8.2(G) for minor development or subsection 14-8.2(H) for all other development.

(c) Master plan, preliminary development plan, and preliminary subdivision plat applications shall also meet the minimum standards and submittal requirements in subsection 14-8.2(I).

(d) Final development plan and subdivision plat applications shall also meet the requirements in subsection 14-8.2(J).

(e) All city departments that implement construction projects shall comply with the objectives, intent and minimum standards of this subsection.

(2) Exemptions

A development is exempt from the requirements of this subsection if it meets the following conditions:

(a) Less than 250 square feet of total land area is disturbed;

(b) No slopes greater than ten percent are disturbed;

(c) Existing drainage patterns on the property are not changed in a way that would increase the amount of stormwater runoff leaving the property, impede the flow of water through the property, or cause significant change to on-site drainage patterns as determined by the City Engineer, and

(d) Adequate erosion control is provided.

(3) Alternate Compliance

Applicants may propose alternatives to standard stormwater management techniques, so long as these alternatives allow the project to meet the minimum standards and general requirements of this subsection. Alternative techniques may be proposed that achieve improved environmental performance, including reduced stormwater runoff, increased infiltration, reduced sedimentation and erosion, and for aesthetic purposes. Proposals for alternate compliance to standard stormwater management techniques are subject to review and approval of the City Engineer in writing, stating the basis for approval of such a waiver request.

(C) General Requirements and Best Practices

(1) General Requirements

(a) The City Engineer may determine the following:

(I) The completeness of all required terrain and stormwater management submittals;

(II) Compliance with all minimum standards;

(III) The acceptability of all proposed erosion control and stormwater management methods; and

(IV) The need for additional information or written approval in order to determine compliance with the purposes, intent, and minimum standards of this subsection.

(b) The preparation of submittals shall be as provided in this subsection and in accordance with the provisions of Chapter 61 NMSA 1978, Professional and Occupational Licensing, regulating the practice of architecture, landscape architecture, engineering, and land surveying.

(I) Grading submittals for minor development as defined in subsection 14-8.2G, *Minor Development,* or for grading incidental to the construction or modification of a structure may be prepared by any person, including the homeowner, who has the legal authority to design the structure; however, the City Engineer may require that submittals be prepared and signed by a professional engineer, architect, professional land surveyor or landscape architect licensed in New Mexico if necessary to fulfill the requirements of this subsection, Chapter 61 NMSA 1978, or applicable regulations;

(II) Submittals for development other than minor development or incidental to the construction or modification of a structure shall be prepared as follows:

(a) Topographic plans shall be prepared and certified by a professional engineer or professional land surveyor;

(b) Stormwater management submittals for master plans, subdivisions, and development plans shall be prepared and certified by a professional engineer. Stormwater management submittals for all other types of development shall be prepared by a professional engineer or an architect or landscape architect registered in New Mexico; and

(c) Site restoration submittals shall be prepared and certified by a professional engineer, architect, or landscape architect licensed in New Mexico.

(c) No certificate of occupancy or any type of final construction approval shall be issued by the City unless a parcel is in full compliance with the requirements of this subsection and all inspections have been conducted as described in this subsection.

(d) Activities permitted pursuant to this subsection may also require notification 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.

(e) All inspections shall be documented in written form and shall be made available to the City Engineer or code enforcement officer upon request.

(2) Best Management Practices

The following best management practices shall be used before and during the construction process:

(a) A notice of intent (NOI) for the federal Storm Water Pollution Prevention Plan (SWPPP) is required for projects that disturb one acre or more.

(b) Disturbed areas shall be protected from erosion during construction by diverting stormwater around the disturbed area, dissipating the energy of stormwater adequate to prevent erosion, retaining sediment on the disturbed area, or other means adequate to retain soil on site.

(c) Except as necessary to install temporary erosion and sediment control devices, land shall not be graded or cleared of vegetation until all such temporary devices have been properly installed and inspected. Temporary erosion and sediment control devices may include silt fencing, swales, straw bales, berms, geotextiles, sediment basins or traps and fencing. Control devices shall be kept in place and functional until the disturbed area is permanently stabilized; or notice of termination (NOT) is filed for projects that require a SWPPP.

(d) All significant trees, and other trees and vegetation, and areas with substantial grass coverage and drainageways that are to remain undisturbed, shall be fenced off prior to the use of any heavy machinery on-site, and shall remain fenced during the entire construction process. Fencing material may include snow fencing, plastic mesh, or other similar fencing material. To protect the root zone of all significant trees, and other trees and vegetation, fencing shall be placed five feet to the outside of their dripline.

(e) To prevent soil from leaving a site, soil stockpiles shall be protected from wind and water erosion throughout the time the stockpile remains by using appropriate erosion control techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall be kept on site, within the disturbance zone of a construction site and then reintroduced into planting areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other drainageways.

(f) Techniques to prevent the blowing of dust or sediment from the site, such as watering down exposed areas, are required for projects that disturb greater than 5,000 square feet; and alternate forms shall be readily available and used if watering is not sufficient.

(g) Protection for storm drain inlets, drainageways and any stormwater conveyance shall be provided to prevent the entry of sediment and pollutants from the site while still allowing the entry of stormwater.

(D) Grading Standards

When a construction/n permit for grading is required by this subsection, applications for the permit shall show compliance with the following minimum standards:

(1) Cut and Fill Slopes

(a) Exposed cut slopes on a site shall not exceed ten feet in height, except as otherwise permitted by this subsection. 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 15 feet in height. Retaining walls for fill slopes shall be no greater than six feet in height as provided in subsection 14-8.5(C), *Maximum Height of Retaining Walls and Fences*, except as otherwise provided in subsection 14-4.4(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. Fill slopes shall be compacted in lifts of no more than eight inches with the exception of the top four inches of the slope when required for seeding only;

(c) Cut or fill slopes for roads shall not exceed 15 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 15 feet beyond the outer edge of the building foundation, patio, wall, driveway, road, parking area, or other constructed facility except as necessary:

(I) For the construction of stormwater runoff management measures in compliance with this subsection; or

(II) To accommodate required horizontal to vertical measurements for cut and fill slopes.

(b) Natural slopes 30 percent or greater shall remain undisturbed, except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed 1,000 square feet, as approved by the City Engineer. The City Engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by the applicant showing that strict enforcement of this provision would prohibit access to the lot or placement of utilities. This provision applies solely to the construction of roads, driveways, and utility placement and is not intended to allow

development on natural slopes exceeding 30 percent. All other applicable provisions of this subsection and the escarpment overlay district shall remain in effect.

(c) Phasing for grading and clearing may be required by the City Engineer on all sites where construction will not begin immediately after clearing and grading.

(d) A construction permit for grading for driveway construction shall not be issued unless the City Engineer has first determined that the driveway provides access to a buildable area as defined in subsection 14-8.2(D)(3), *Topography*, and that the permit complies with the requirements of subsection 14-4.4, *Escarpment Overlay District*.

(e) All grading shall have a smooth transition and match into the existing natural grade.

(f) Existing grade below native trees and shrubs shall remain undisturbed throughout the dripline of the plant material. No mounding of soil, fill dirt, organic material, or inorganic debris shall be abandoned under native plant canopies.

(g) The Planning and Land Use Director may approve a preliminary clearing and grubbing permit or a limited grading permit, allowing for work authorized under such permit solely at the risk of the owner, while an application for an associated permit for comprehensive grading and drainage or landscape and utilities is pending.

(h) Under emergency circumstances, the Planning and Land Use Director may issue an emergency grading permit at owner's risk prior to the submission of an application. A permit issued under these circumstances shall expire 12 months after issuance with no allowance for extensions.

(i) All grading completed on the site shall conform to the approved grading plan.

(3) Topography

(a) Each residential lot shall have a buildable site designated as suitable for a building with a footprint of not more than 40 percent of the minimum required net lot area or 2,000 square feet, whichever is less, which can be developed in accordance with the terrain and stormwater management standards and with other applicable development standards, including required setbacks and access requirements. The Planning Commission, or the Planning and Land Use Director for resubdivisions or other administrative plat approvals, may approve residential lots with a smaller buildable site to accommodate lot size averaging or within multi-unit developments.

(b) At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less

than 20 percent; the remainder of the area or building footprint may have a natural slope from 20 up to 30 percent.

(c) The first-floor finished floor elevation at any point of any portion of a building built on a natural slope of 20 percent or greater shall not exceed five vertical feet above the natural slope at that point.

(d) No structure shall be built on a natural slope of 30 percent or greater.

(E) Stormwater Management

(1) General Standards

(a) Stormwater management measures shall be:

(I) Selected to best accommodate the specific geologic, hydrologic, and topographic features of the land to be developed;

(II) Designed as both a comprehensive and integral part of the development; and

(III) Designed to directly address additional flows that result from the proposed development. Compliance with these standards shall not be achieved by alterations to flows upstream of a proposed development; and

(b) Stormwater management plans may be designed to incorporate measures shared by two or more developments; provided that the measures comply with the minimum standards of this subsection, including provision of an enforceable legal agreement for construction and maintenance.

(2) Discharge Standards

(a) Except as otherwise required by this subsection, 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, 24-hour storm event at each discharge point;

(b) Runoff control measures may include the use of detention or retention basins, active 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;

(c) To facilitate proper drainage adjacent to structures, no mechanical or electrical equipment shall be installed within a setback where there is less than five feet of clearance between the equipment, a structure, or a property line;

(d) 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;

(e) 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

(f) 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.

(3) Detention Basin Standards

(a) Stormwater detention basins and overflow structures shall be located, sized, and designed to adequately accommodate flows from a one percent chance, 24-hour storm event; provided, however, that such basins shall also be equipped with outflow structures that limit flow-through from lesser-magnitude storms to runoff rates equal to or less than pre-development runoff rates;

(b) Infiltration, detention, and retention basins shall provide a means of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets, or other methods;

(c) All basins shall be designed to empty within 24 hours;

(d) Landscape treatment of detention and retention basins may be required in accordance with subsection 14-8.4, *Landscape and Site Design*; and

(e) Discharge standards for minor development are provided in subsection 14-8.2(G)(2).

(4) Detention in Cisterns

(a) Cisterns may be used if they are connected to an irrigation system or other water use;

(b) A maximum of 50 percent of required stormwater detention volume may be stored in cisterns, except that 100 percent may be stored in cisterns for minor development; and

(c) Cisterns shall be installed and operated in compliance with applicable provisions of other regulations, including subsection 14-8.4, *Landscape and Site Design*, and Chapter 7, *Building and Housing*.

(5) Arroyo, Stream, and Watercourse Standards

(a) For arroyos, streams, or watercourses that carry 100 cubic feet per second or more of stormwater flow in a one percent chance event, all structures, paved roads, driveways, and parking lots shall be set back a minimum of 25 feet from the top shoulder of an arroyo plus the depth of the arroyo channel; provided, however, that this setback provision does not apply to stormwater management structures or public access trails. The City Engineer may waive this provision, in writing, stating the reasons and basis for such approval, if evidence is provided by a professional engineer demonstrating arroyo bank stability;

(b) For arroyos, streams or watercourses that carry less than 100 cubic feet per second in a one percent chance event, the City Engineer may require a setback based on soils and hydrologic information supplied by the applicant;

(c) Except for erosion control measures, stormwater management measures, provision of public access trails, or the placement of underground utilities required for development, no grading shall occur within the setback area;

(d) Where practical, erosion control and channel stability in arroyos, streams, or watercourses shall be achieved using techniques that reduce stormwater velocity and pollution, preserve active floodplains, provide adequate room for flood waters to spread safely, and use native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion baskets, sheet piling, rip-rap or similar hardened material, unless no reasonable alternative exists to protect public infrastructure or pre-existing structures; and

(e) Fences, walls, or other structures may not be constructed in or across an arroyo, stream, or watercourse, with the exception of an approved design for a single cable strung between posts.

(6) Increase in Minimum Standards

The City Engineer may require implementation of more than the minimum stormwater standards if there is evidence of increased flooding, channel erosion, or sedimentation on a site or immediately downstream of the site, 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 provisions I through Ill.

(F) Site Stabilization and Erosion Control

(1) Soil stabilization and erosion control measures for all land disturbed by construction shall be completed within 21 days after completion of construction or other activities on a site that interfere with soil stabilization measures.

(2) One or more of the following stabilization and erosion control measures shall be used:

(a) Revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover;

(b) Restoration with bioengineering techniques such as live staking, brush layering, brush mattress and live crib walls; and

(c) Stabilization with stones, terracing or similar techniques.

(3) 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 comply with the irrigation requirements in subsection 14-8.4(D)(4).

(4) If the time of year is not conducive to planting, planting may be delayed until the next appropriate planting season, with the submittal of a financial guarantee in a form acceptable to the Planning and Land Use Director. In the interim, all appropriate temporary erosion control measures shall be maintained until permanent erosion control measures are implemented.

(G) Standards for Minor Development; Submittal Requirements

(1) Minor Development

A minor development includes the construction of any structure, including single family residences, additions, sheds, garages, fences, driveways, or pavement that meets all of the following criteria:

(a) It takes place on a single lot or a subdivision of fewer than three lots;

(b) It results in cumulative total disturbance of less than 5,000 square feet of land on a lot;

(c) It disturbs no slope equal to or greater than 20 percent; and

(d) No more than 3,500 square feet of new impervious surface is created per lot.

(2) Minimum Standards; Discharge Standards

Minor development must comply with the standards in subsection 14-8.2(D) and subsection 14-8.2(E), except that the minimum volume of water to be contained or infiltrated on site shall be determined by multiplying the total area of new impervious surface, in square feet, by 0.16 feet to arrive at a value

expressed in cubic feet, i.e., 160 cubic feet of water containment is required per 1,000 square feet of impervious surface.

(H) Submittal Requirements

(1) For Minor Development

Construction permit applications for grading for minor development must provide sufficient information to demonstrate compliance with the standards of this subsection, including subsections 14-8.2(G)(1) and (2), and the following, unless the requirement is waived by the Planning and Land Use Director:

(a) A brief narrative description of the proposed project;

(b) A topographic map of the property to scale, including United States Geological Survey quadrangle maps or maps generated by the City, adequate to show elevation contours, natural drainageways and existing and proposed improvements;

(c) A brief written description or representative photographs of the type of existing vegetation, such as pinon and juniper trees, annual weeds, grass cover, bare ground and so on, and approximate coverage of existing vegetation at the site, and a plan for vegetation removal at the site;

(d) A description of all proposed grading or ground disturbance;

(e) Calculations and a plan drawing showing:

(I) The size, volume, dimensions and location of all proposed runoff containment structures or methods and how water will be directed to the structures or methods; and

(II) Percolation test results or other means of demonstrating that containment structures will empty within 24 hours;

(f) A roof runoff drainage plan;

(g) A planting plan for revegetation showing proposed plant materials and a description of the proposed irrigation method or other methods used to establish vegetation and prevent erosion until vegetation becomes established; and

(h) Special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM).

(2) For All Other Development

All other development that requires a construction permit for grading, and that is not classified as minor development under the provisions of subsection 14-8.2(G) shall meet the following minimum submittal requirements:

(a) Submittals for construction permit applications for grading must provide sufficient information to show compliance with subsection 14-8.2(D) and subsection 14-8.2(G). Unless waived by the Planning and Land Use Director, submittals must include a topographic survey and grading plan

with elevation contours shown at not more than two-foot intervals on slopes less than 30 percent and five-foot intervals on slopes of 30 percent or greater that shows the following:

(I) All sloped areas of zero to 20 percent, 21 to 30 percent, and greater than 30 percent, clearly marked and differentiated by shade, tone, or color at a scale sufficient to allow verification of the calculations;

(II) Ground elevations that conform to either the United States Geological Survey sea level datum, as modified, or to the City's monument system;

(III) The designated buildable sites or buildable areas;

(IV) All areas to be graded on the site and the final contours to be achieved by the grading;

(V) All finished floor or grade elevations;

(VI) Spot elevations, as needed;

(VII) Areas of soils with severe limitations for the intended use;

(VIII) The location of temporary erosion control structures and methods used, including staging and stockpile areas;

(IX) All significant trees and areas with substantial grass coverage to be removed;

(X) A construction schedule when the project will be developed in phases;

(XI) The location of fencing around the areas to be protected;

(XII) The ratio of horizontal to vertical measurement for cut and fill 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

(XVI) Date, method of survey, and certification from a New Mexico professional engineer or professional land surveyor that the plan complies with national map accuracy standards.

(I) Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats

(1) 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

(2) For all development where one-half or more of the land within the project site exceeds 20 percent slope, the quantity and peak flow rate of post-development stormwater runoff on all developed or disturbed land shall not exceed 75 percent of the quantity and peak flow rate of the pre-development runoff.

(3) Submittals

Submittals for master plans, preliminary development plans and subdivision plats shall include:

(a) A conceptual plan and report that shows the general approach proposed for terrain and stormwater management, and how the proposed development meets all of the minimum standards described in subsection 14-8.2(D);

(b) A topographic survey and grading plan as outlined in subsection 14-8.2(H)(2)(a); and

(c) A brief description of the watershed directly upstream and downstream of the parcel, including the size, terrain, type, and extent of vegetation cover and degree of development for all areas draining to the project site.

(J) Final Development Plans and Subdivision Plats

(1) Minimum Standards

Final development plans and subdivision plats shall meet the minimum standards described in subsection 14-8.2(D), subsection 14-8.2(E), and subsection 14-8.2(I).

(2) Submittals

Submittals for final development plans and subdivision plats shall include:

(a) All submittals required pursuant to subsection 14-8.2(H);

(b) A long-term maintenance schedule for the life of the stormwater management measures, including the time frame for completion and the responsible party who shall perform the maintenance; and

(c) An as-built certification signature block to be executed by a professional engineer after the project completion to ensure that the constructed stormwater management systems comply with the approved stormwater plans.

(K) Inspections and Violations During Construction Process

(1) For all nonresidential projects and all residential projects that do not qualify as minor development, an applicant shall notify the Planning and Land Use Director to set up an inspection at the following times:

(a) When the construction erosion and sediment control devices and measures are in place;

(b) When final stormwater management measures are completed;

(c) When the final site stabilization and erosion control measures are completed; provided that, if final site restoration measures are being delayed due to the season, the applicant shall install temporary erosion control measures approved by the City Engineer and request inspection of the temporary measures.

(2) Further construction or issuance of any permits shall not occur until written approval has been granted by the inspector after a grading and drainage and erosion control inspection has been completed in accordance with approved permit plans.

(3) The Planning and Land Use Director may enter upon any property subject to this subsection at reasonable times to conduct inspections of grading, erosion, and stormwater management measures to determine compliance with City policies and procedures and to carry out duties in the enforcement of this subsection; and

(4) The Planning and Land Use Director may waive or consolidate any inspections required under this subsection.

(L) Dedications, Easements, and Rights-of-Way

(1) All land below the base flood elevation for a one percent, 24-hour storm event shall be dedicated as a drainage easement and as public or private open space or public right-of-way.

(2) Dedications to the City may be required by the City Engineer for the components of the stormwater drainage system, including access for maintenance. The types of all easements and open space dedications shall be determined by the City Engineer. If a dedication is required, it shall be designated on the development plan or plat and in effect prior to construction permit approval.

(3) An applicant may make requests for acceptance of dedications of a stormwater drainage system to the City; however, the City is not obligated to accept a dedication offer. Only the Governing Body may accept dedications to the City. If a dedication is offered to and accepted by the City, it shall be designated on the plan or plat and shall be in effect prior to construction permit approval.

(M) Long-Term Maintenance Responsibilities and Inspections

(1) Responsibilities

(a) Unless a dedication of the stormwater management system was required and accepted by the City, all stormwater management measures and facilities shall be maintained in good condition by the fee simple owner of the property or a property owners association.

(b) The stormwater management system shall be maintained in accordance with approved stormwater management plans and promptly repaired in case of malfunction, degradation, damage, or failure to operate as approved.

(c) Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures,

associated vegetation and any other stormwater measure constructed on site.

(d) Where a property or homeowners association assumes the responsibility for maintenance or upkeep of stormwater or other infrastructure, the association may not be disbanded without another party assuming the designated responsibility for repair and maintenance.

(2) City Inspections

The City or its authorized agent may enter upon a property that is subject to this subsection at reasonable times to access the stormwater management system to ensure that the system is maintained in proper working condition that meets the approved stormwater management plans and the objectives and minimum standards of this subsection.

(3) Maintenance Violations

If, after notice by the City to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner or responsible party within a reasonable period of time, the City may perform all necessary work to place the facility in proper working condition. The owner or responsible party of the facility shall be assessed the associated costs of the work.

14-8.3 Flood Regulations

(1) Adoption of Special Flood Hazard Areas

(a) The City adopts the special flood hazard areas identified by FEMA in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas," with accompanying FIRM, effective June 17, 2008, and December 4, 2012.

(2) The City may adopt and establish other flood hazard zones or elevations as identified in the following:

(a) Subsequent drainage studies prepared for and accepted by the City;

(b) Subsequent letters of map amendment and letters of map revision, as prepared for and accepted by FEMA; and

(c) Other known flood hazard zones identified by the Floodplain Administrator and adopted by the governing body.

(B) Applicability; Permit Required

(1) The requirements of this subsection are in addition to and not in lieu of other provisions of Chapter XIV.

(2) New development, including substantial improvements to existing structures, shall comply with the standards of this subsection. However, this subsection does not apply to an application meeting either of the following criteria:

(a) The project is limited to work that does not change the footprint, size, or 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 subsection, all development in a special flood hazard area, including excavation and fill operations, requires approval of the Floodplain Administrator and a permit.

(C) Development in Special Flood Hazard Areas

(1) Terminology

(a) For purposes of this subsection, 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.

(b) Zone A areas have a one percent annual chance of flooding. This flood is also called the 100-year flood. Base flood elevations for Zone A areas have not been determined.

(c) Zone AE areas have a one percent annual chance of flooding. This flood is also called the 100-year flood. Base flood elevations for Zone AE areas have been established.

(2) Development Proposal Requirements

(a) All newly created lots shall contain a buildable area that is entirely outside of any special flood hazard area.

(b) 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 subsections E and F of subsection 14-8.3, and subsection 14-1.13(E).

(c) 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 subsections E and F of subsection 14-8.3, and subsection 14-1.13(E).

(d) For subdivisions or other developments greater than 50 lots or five acres that are located entirely or partially within a special flood hazard area, base flood elevations shall be shown on the development plan or subdivision plat for all lots that are entirely or partially within the special flood hazard area.

(e) 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, depicted for subsections of the drainage channel at intervals of no greater than 100 feet. The special flood hazard area shall be further defined as floodway and flood fringe, if applicable. 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, subdivision plat, and construction permit where applicable.

(f) The Floodplain Administrator may waive the requirement for the submission of detailed hydrologic data based on a site investigation. However, any request for a waiver from the standards of this subsection shall be processed by the Planning Commission as a variance, pursuant to procedures described in subsection 14-2.1(H)(1)(f).

(g) New and replacement water supply and sanitary sewage systems located in special flood hazard areas shall be designed to minimize or eliminate infiltration.

(h) On-site liquid waste disposal systems located in special flood hazard areas shall be designed to avoid impairment or contamination.

(i) In A and AE zones, recreational vehicles shall be:

(I) Elevated and anchored; or

(II) On the site for fewer than 180 consecutive days; or

(III) Fully licensed and highway-ready.

(D) Engineering Criteria

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.

(E) Land Use and Development in Floodway

No uses shall be permitted within the floodway, except those set out in this subsection; provided that such uses comply with the provisions of Section 14-5 Use Regulations, and any other applicable federal or state law; and further provided that such uses do not constrict flow or create a rise in the base flood elevation during the one percent chance event:

(1) Cultivating and harvesting of crops according to recognized soil conservation practices;

(2) Pasture, grazing land;

(3) Wildlife sanctuary, woodland preserve;

(4) Outlet installations for sewage treatment plants and sealed public water supply wells;

(5) Passive recreational uses such as parks or trails;

(6) Open area residential uses, such as lawns, gardens and play areas;

(7) Stormwater management and arroyo or watercourse stabilization facilities, such as check dams and revetements, provided that any such facilities that constrict flow or create a rise in the base flood elevation during the one percent chance event comply with all applicable FEMA requirements and all provisions of this subsection that are more stringent than the FEMA requirements;

(8) Legal nonconforming uses occupying structures in existence on June 17, 2008; provided that such uses may not be intensified and that the structures that such uses occupy comply with all applicable FEMA requirements and all provisions of this subsection that are more stringent than the FEMA requirements;

(9) Active recreational uses that do not include permanent structures and so long as any temporary structures or equipment are removed when not in active use; and

(10) Railroads, streets, driveways, bridges, private and public utility lines that cross the floodway with minimal disturbance as determined by the Floodplain Administrator, and structural works for the control and handling of flood flows, such as dams, embankments, flood walls, velocity control structures or storm drainage control and handling works (with the exception of required stormwater detention facilities) provided that any such facilities that constrict flow or create a rise in the base flood elevation during the one percent chance event comply with all applicable FEMA requirements and all provisions of this subsection that are more stringent than the FEMA requirements.

(F) Land Use and Development in Flood Fringe

(1) No uses shall be permitted within the flood fringe except those set out in this subsection; provided that such uses comply with the provisions of Section 14-5, *Use Regulations*, and any other applicable federal or state law.

(2) All uses permitted in the floodway pursuant to subsection 14-8.3(E) are also allowed in the flood fringe.

(3) Storage, processing, or disposal of materials that in time of flooding are buoyant, flammable, explosive, toxic, or could be injurious to human, animal, or plant life, are prohibited within the flood fringe.

(4) No fence, wall or similar structure shall be erected in or across any arroyo, stream, or watercourse unless it is designed to break away and not to cause a flow obstruction.

(5) At-grade parking facilities are allowed so long as such facilities cannot be reasonably accommodated outside the flood fringe, as determined by the Floodplain Administrator.

(6) Structures or uses within the flood fringe portion of the special flood hazard area 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. The Floodplain Administrator may authorize dry flood proofing for protection of nonresidential structures where the elevation of existing streets or utilities make compliance with this provision infeasible, or in other special circumstances. The design and construction methods of dry flood proofing shall comply with 44 CFR Section 60.3 of the National Flood Insurance Program regulations as certified by a professional engineer or architect;

(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 being closed, manually or automatically, to prevent backup of sewage and stormwaters into the building or structure;

(f) The base flood elevation shall be certified and superimposed on the site plan, and accurately depicted on the elevation drawings for all sides of a building by a professional surveyor, professional engineer, or architect. The elevation drawings shall also indicate the lowest floor elevation and location of all windows, doors or other openings. The Floodplain Administrator may request additional data for the construction permit if deemed necessary;

(g) Before issuance of a construction permit for the construction of a structure in the flood fringe, a professional engineer shall certify that the structure has been designed to conform with the provisions of this subsection, and that the bottom of all openings in the enclosure are no more than one foot above the base flood elevation. The same professional engineer shall also certify, upon completion of the structure, that construction complies with the submitted plans;

(h) A manufactured home or mobile home shall be elevated on compacted fill or pilings. The lowest floor of the manufactured home or mobile home shall be at least one foot above the base flood elevation;

(i) Manufactured homes or mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing:

- **(I)** Over-the-top ties at each of the four corners, with two additional ties per side at intermediate locations, and for manufactured homes or mobile homes less than 50 feet long, one over-the-top tie at each of the four corners is required;
- **(II)** Frame ties at each corner with five additional ties per side at intermediate points and for manufactured or mobile homes less than 50 feet long, four ties are required per side;
- **(III)** All components of the anchor system shall be capable of carrying a force of four thousand eight hundred pounds; and
- **(IV)** Additions to the manufactured home or mobile home shall be similarly anchored;

(j) For existing manufactured home or mobile home parks located in the special flood hazard area, a vehicular circulation plan indicating alternative vehicular access and escape routes during the one percent chance event shall be submitted as part of any improvement, construction, or development project; and

(k) No new manufactured homes, mobile homes, or foundations for either type of structure shall be permitted in the special flood hazard area.

(G) Legal Nonconforming Structures in the Special Flood Hazard Area

Legal nonconforming structures in special flood hazard areas may be replaced as set forth in subsection 14-1.13(E), *Legal Nonconforming Structures in Special Flood Hazard Areas*.

(H) Amendment to FIRM

(1) Amendments to the established base flood elevations and special flood hazard areas may be initiated either by the Floodplain Administrator or by any other person through application to FEMA. The application shall be accompanied by sufficient copies of supporting plans and reports as required by FEMA to meet the minimum requirements of the National Flood Insurance Program (NFIP). If the application is not made by the Floodplain Administrator, a copy of the submission to FEMA shall be forwarded to the Floodplain Administrator. The Floodplain Administrator may provide comments to FEMA on any submission for a map change.

(2) In addition to the change described in this subsection and on the basis of hydrologic data, the governing body may establish additional flood hazard zones and modify these additional flood hazard zones by ordinance. The amendment may be for non-FEMA-approved changes but shall not be less restrictive than FEMA requirements. Where the change affects land owned by persons other than the applicant, all affected property owners shall be notified of the change by first class mail, with a certificate of mailing provided by the U.S. post office submitted to the floodplain administrator.

(3) The governing body's decision to add or amend a special flood hazard area shall be based on appropriate information, including detailed engineering analysis and recommendations in reports and plans done by or for the City or other governing agencies, including those prepared for construction permits and subdivisions.

(4) If the governing body denies a change to the flood hazard zone, the reasons for denial shall be stated in a written report.

(5) Prior to approval by the governing body, the floodplain administrator shall notify the state coordinator for the NFIP at the New Mexico homeland security and emergency management department.

(6) If major alterations to a watercourse are proposed adjacent to the corporate limits of Santa Fe, the floodplain administrator shall notify the Santa Fe county manager and Santa Fe county floodplain administrator of such proposal.

(I) Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this subsection is considered reasonable for regulatory purposes and is based on engineering and

scientific methods of study. Larger floods may occur on occasions or the flood height may be increased by natural or manmade causes. This subsection does not imply that areas outside the special flood hazard area or land uses allowed within such area will be free from flooding or flood damages. This subsection does not accept or establish liability on the part of the governing body or any official, employee or agent of the governing Body for any flood damages that result from reliance on this subsection or any administrative decision lawfully made pursuant to this subsection.

14-8.4 Landscape and Site Design

(A) Purpose

(1) The purposes of this subsection are to:

(a) Foster the creation of regionally appropriate, sustainable landscapes;

(b) Reduce urban heat island effects generated by expanses of exposed pavement;

(c) Protect existing healthy vegetation to the greatest extent possible as an important cultural, environmental, and economic resource.

(d) Promote soil health through adherence to New Mexico Department of Agriculture's Healthy Soil Principles to the maximum extent practicable.

(e) Emphasize water conservation.

(f) Protect and promote the health and beauty of natural settings and urban landscapes, to recognize and provide for appropriate changes in the urban context and to protect and preserve public and private landscape resources.

(2) These purposes are accomplished by a variety of strategies, including emphasizing use of climate-resilient plants when replacement or re-planting occurs; requiring water harvesting and encouraging the development of alternate sources of landscape irrigation water, because potable water is an increasingly scarce resource; guiding landscape design, installation, and maintenance to foster a responsible and judicious use of water and other natural resources through use of water conservation, water harvesting, and irrigation; and, consistent with the purposes of Chapter XIV, enhancing the appearance of Santa Fe's streets and public places in order to promote their role as community amenities and social spaces that contribute to civic pride and vitality.

(B) Applicability

(1) This subsection applies to the following applications for development approval:

(a) Subdivision plats, except lot splits and resubdivision plats;

(b) Development plans;

(c) Master plans;

(d) Construction permits and conditional use approvals as follows:

(I) All new nonresidential and multi-unit construction resulting in an enclosed structure with a gross floor area greater than 1,000 square feet; and

(II) Additions or remodeling of existing nonresidential and multi-unit structures and landscape improvements to comply with this subsection, as prioritized by the Planning and Land Use Director, shall be required up to a total cost of 20 percent of the construction valuation; and

(e) Development on City-owned land.

(2) The following requirements apply to all development, including applications for construction of and exterior alterations to single-family dwellings and landscaping activities not directly associated with development applications:

(a) Subsection 14-8.4(D)(1) regarding passive water harvesting, subsection 14-8.4(D)(3), *Water Features*, and subsection 14-8.4(D)(4), *Irrigation Standards*; and

(b) Subsection 14-8.4(E)(3), Controlled or Prohibited Plant Materials, subsection 14-8.4(E)(4), Turf Limitations, and subsection 14-8.4(E)(5), Preservation of Existing Vegetation.

(3) The requirements of this subsection, other than those cited in 14-8.4(B)(2), do not apply to the following:

(a) Applications for new or modified single-family dwellings, except that they shall comply with applicable provisions of subsection 14-8.4(D), *Water Harvesting and Irrigation Standards*; and subsection 14-8.4(E), *Plant Material Standards*;

(b) Interior residential remodeling; and

(c) Where standards of subsection 14-3.3(C), *Business-Capitol District*, conflict with the provisions of this subsection, the BCD standards shall apply. In any other case where more than one set of landscape requirements are applicable, the more stringent shall apply as provided in subsection 14-1.8, *Conflicting Provisions*.

(4) Additional landscape requirements may apply to properties subject to terrain management regulations as set forth in subsection 14-8.2, *Terrain and Stormwater Management*, and to those located in the Escarpment District as set forth in subsection 14-4.4, *Escarpment Overlay District*. Additional landscaping requirements applicable to outdoor and emergency water use are set forth in Chapter 25, Water.

(5) The City adopted guidelines for design of medians and planting strips in Resolution 2010-66 and landscape irrigation standards in Resolution 2010-17.

(C) Landscaping Plan Required

(1) When the requirements of this subsection apply, an applicant shall submit a landscaping plan for review and approval by the Planning and Land Use Department.

(2) The landscaping plan shall contain all information as required by the Planning and Land Use Director.

(3) Landscaping plans shall be consistent with other required plans, including terrain management, utilities, and siting of structures.

(D) Water Harvesting and Irrigation Standards

Water conservation and stormwater management shall guide landscape and site planning, design, installation and management. Landscape planning shall begin early in the development process in conjunction with the requirements of subsection 14-8.2, *Terrain and Stormwater Management*. Design shall apply the principles of water-wise landscaping and achieve the highest industry standards for irrigation efficiency.

Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff. Gray water use is recommended where appropriate. Potable water shall be used only as a back-up or temporary irrigation water source to the greatest extent possible. The purpose of these strategies is to develop drought tolerant landscapes and to reduce the demand on the potable water system.

(1) Water Harvesting

(a) The landscaping plan shall include passive water harvesting for landscape irrigation purposes as a minimum requirement. Water harvesting that is a primary component of stormwater management may qualify for open space reduction as provided in subsection 14-7.4(C)(4), *Reductions in Required Open Space*.

(b) Passive water harvesting techniques include:

(I) Surface collection, such as swales, parking lot islands, bar ditches, detention or retention ponds and constructed wetlands. Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds;

(II) In-ground storage, such as soil amendments, constructed rain gardens, French drains, pumice wicks, permeable paving and collection structures with infiltration fields or galleries. In-ground structures shall use techniques and materials that have been proven effective, safe and structurally sound; and

(III) Low impact development and green infrastructure guidelines and techniques recommended by the federal Environmental Protection Agency.

(c) Active water harvesting systems include storage and distribution systems such as above-ground rain barrels and storage tanks and below-grade cisterns that use gravity or pumps to distribute water to an irrigation system;

(d) Active water harvesting systems shall be maintained and the water used for landscape irrigation purposes. The Planning and Land Use Director may inspect, test, and monitor the components of active water harvesting systems, including tanks, pumps and controllers, as needed.

(2) Gray Water

Gray water irrigation is appropriate for some landscape installations. Gray water use is regulated by New Mexico department of environment liquid waste disposal regulations, which define minimum lot size and impose other standards.

(3) Water Features

(a) Water features are classified as high water use.

(b) The water surface area of the water feature shall not exceed 20 percent of the total allowable cool season turf area and shall be included in the total area of cool season turf allowed as specified in subsection 14-8.4(E)(4), *Turf Limitations*.

(c) Water used in water features shall be re-circulated.

(d) The water feature shall be designed to prevent seepage and leaks.

(4) Irrigation Standards

Irrigation systems shall be provided for all landscaped areas. Landscape irrigation plans shall integrate water harvesting and stormwater management with the highest industry standards for efficient irrigation water use. The development of alternative sources of irrigation water is recommended, including harvested water from cistern collection and gray water. Potable water irrigation may be used as a supplemental or temporary system. Irrigation designers and installers are encouraged to use the City Landscape Irrigation Systems Standards as a guide to minimum specifications for irrigation systems. All new irrigation systems and major renovation of existing systems shall comply with the following standards:

(a) A code-approved backflow prevention device is required for all irrigation systems connected to the City water system, including existing irrigation systems. Atmospheric vacuum breakers are the minimum required standard for above grade systems such as those connected to hose bibs and frost-free hydrants;

(b) An automatic, digital multi-programmable controller is required for all irrigation systems with an irrigated landscaped area larger than 1,000

square feet installed in commercial, industrial, and multi-unit residential development;

(c) Hand watering for commercial, industrial and multi-unit installations of less than 1,000 square feet of landscaped area is allowed. Shut-off nozzles are required on hoses used for hand watering;

(d) Irrigation system operation information, including recommended monthly and seasonal irrigation schedules, and water budgets based on gallons used for landscape plantings for years one and three, shall be included on the irrigation plan or with attached documentation;

(e) Irrigation systems shall be designed for the site-specific topography, site orientation, microclimate, prevailing winds, and soil type 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 25 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 subsection 14-8.2, *Terrain and Stormwater Management*, is exempt from this restriction.

(E) Plant Material Standards

(1) Plant Material Selection

Plant material selection shall emphasize perennial, drought-tolerant plant species and shall limit planting of high water use plant species. All required

plant material shall be cold hardy to USDA Classification Zone 5, which is minus 15 degrees Fahrenheit, or colder.

(2) Installation

Required plant material shall be installed as follows:

(a) All required deciduous trees shall be a minimum two-inch caliper measured six inches above the ground at time of planting. Developments providing 100 percent affordable units are allowed one and one-half-inch caliper minimum;

(b) All required shrubs shall be five-gallon minimum except as noted on the City of Santa Fe Recommended Plant List. Developments providing 100 percent affordable units are allowed three-gallon minimum;

(c) All required evergreen trees shall be a minimum of six feet in height at the time of planting;

(d) When more than ten trees are required by this subsection, more than one species shall be provided unless otherwise approved by the Planning and 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 500 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 subsection 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. Gravel mulch used in public right-of-way shall be washed and screened prior to site delivery;

(i) Plastic sheeting and other impervious barriers are not permitted as weed barriers;

(j) Permeable weed barrier shall be provided under rock mulch; and

(k) The owner shall properly maintain all materials and installation required by this subsection, including proper pruning, soil testing, fertilizing, and weeding.

(3) Controlled or Prohibited Plant Materials

(a) Turf grass sod or turf grass seed mixes installed within the city limits shall contain no more than 25 percent Kentucky Bluegrass.

(b) Russian olive (Elaeagnus angustifolia) and salt cedar (Tamarix spp) shall not be sold or installed within the city limits.

(4) Turf Limitations

Warm season grasses are recommended for most turf applications. The installation of cool season turf grasses is discouraged, as they require greater quantities of irrigation water. Refer to the City of Santa Fe Recommended Plant List for specific information on grass species. Cool season turf shall be limited to areas with relatively low evaporation from wind and heat or in locations used for active or passive recreational use. The total area of cool season turf shall be limited as follows:

(a) Single-family dwelling units shall not have cool season turf in excess of 1,000 square feet or ten percent of the total lot area, whichever is less;

(b) Multi-unit residential developments shall not have cool season turf in excess of 20 percent of the required common open space;

(c) Industrial and commercial developments shall not have cool season turf in excess of 1,000 square feet or three percent of the required open space, whichever is greater; and

(d) Public parks and commercial recreational uses are exempt from this restriction, but shall install only the minimum cool season turf required for the active recreational use.

(5) Preservation of Existing Vegetation

(a) The Planning and Land Use Director may require the preservation, relocation, or replacement of existing significant trees on property subject to the requirements of subsection 14-8.4(E)(5) except that the Public Works Director may determine the requirements for significant trees located within public right-of-way, within City parks, or on other land owned by the City. Determinations shall be made in accordance with the following criteria:

(I) Priority is given to preserving significant trees that provide screening, buffering, wildlife habitat, or linkages to wildlife habitat;

(II) Significant trees that are to be preserved or relocated shall be healthy and free from serious insect or parasite infestation;

(III) Significant trees that are being relocated shall only be moved to areas with soil conditions favorable to successful relocation;

(IV) The recommended season for relocation of pinon (Pinus edulis) trees is September 15 to May 15;

(V) If relocation of existing significant trees is not possible within these guidelines, then equivalent plant material shall be provided. Replacement evergreen trees shall be a minimum of six feet tall at the time of planting; replacement deciduous trees shall be a

minimum two-inch caliper measured at six inches above the ground at time of planting; and

(VI) Relocated or replacement trees shall be irrigated for a minimum of three years or until they are established.

(b) A minimum of 40 percent of pinon significant trees shall be preserved, relocated on-site, or replaced as specified in this subsection. Pinon trees a minimum of eight feet tall that are preserved or relocated on a site shall count for two trees required elsewhere in this subsection.

(c) No existing deciduous tree with a six-inch caliper or greater or evergreen tree over eight feet tall shall be removed without the approval of the Planning and Land Use Director or the Public Works Director as provided in subsection 14-8.4(E)(5)(a).

(d) Trees classified by the New Mexico Department of Agriculture as noxious weeds that are smaller than a 12-inch caliper are exempt from this review, including Russian olive (Elaeagnus angustifolia), Siberian elm (Ulmus pumila), tree of heaven (Ailanthus altissisima), and salt cedar (Tamarix species).

(e) During construction, existing plant material to be preserved shall be enclosed by a temporary fence at least five feet outside the dripline. In no case shall vehicles be parked or materials or equipment be stored or stockpiled within the enclosed area.

(f) All areas with exposed soil surfaces disturbed by construction shall be revegetated with irrigation to minimize erosion and stormwater runoff and to improve the infiltration of precipitation.

(g) Destroyed vegetation shall be removed promptly to prevent insect infestation of healthy vegetation.

(h) The preservation of plant species classified as noxious weeds is discouraged.

(i) Topsoil removed during construction shall be stockpiled on site and reused on site in landscaped areas or areas to be revegetated.

(F) Street Tree Standards

(1) Street trees are required to reduce heat, dust, glare and the need for cooling or heating; to help clean and oxygenate the air; to reduce road noise; to promote continuity between developments; and to enhance the appearance of Santa Fe's streets. Consideration should be given to urban density, historic or vernacular character of the location; continuity with native vegetation and the natural landscape; and the ability to provide water for irrigation.

(2) Required street trees do not substitute for required landscape material in parking lots, except as provided in subsection 14-8.4(H)(2), *Applicability*. Street trees shall be required as follows:

(a) On major and secondary arterials, one tree an average of every 30 to 40 feet;

(b) On all other streets, one tree an average of every 25 to 35 feet; and

(c) Where street trees are required but there is no parkway or installation is otherwise impractical, the equivalent area in square feet and amount of plant material shall be provided elsewhere on the site, with approval of the Planning and Land Use Director and based on existing conditions or design intent.

(3) Location of Street Trees

(a) On major and secondary arterials, trees shall be planted in a minimum ten-foot-wide parkway that includes the width of the sidewalk or other pedestrian way. If existing development precludes provision of the ten-foot-wide parkway, trees shall be planted in a space no smaller than five feet by 13 feet long. Where a planting strip is 13 feet in length or longer, planting more than one tree is encouraged;

(b) On all other streets, street trees shall be located on the subject property adjacent to the property line or within the right-of-way as approved by the Planning Commission or the Public Works director. Street trees located within the right-of-way shall be planted in compliance with Chapter 23, Streets, Sidewalks and Public Places, and in compliance with adopted median and parkway standards;

(c) Street trees shall have a minimum separation from existing or planned City water lines as set forth in City Water Division Design Criteria.

(d) Street trees should be planted to the greatest extent possible in swales or basins that collect runoff and precipitation;

(e) Street trees shall be located at least 15 feet from street lighting fixtures, to avoid interference with outdoor illumination;

(f) Street trees shall be located at least 15 feet from fire hydrants, to avoid interference with hydrant operation;

(g) Street trees shall be located at least 15 feet from all stop signs;

(h) Street trees located under utility lines shall be a species that maintains a minimum of five feet of clearance from overhead utility lines at maturity; and

(i) Street trees shall not be required on single-family residential lots.

(G) Open Space Planting Requirements

(1) Required open space shall be planted with a minimum of one tree and two shrubs every 500 square feet, exclusive of areas developed with patios, game courts, swimming pools or similar hardscape recreational features.

(2) In addition to required trees and shrubs, open space areas shall be landscaped with groundcover plants or decorative mulch or naturally occurring groundcover plants shall be maintained.

(3) Street trees and landscaping required for parking lots may be counted toward meeting the minimum planting requirements for open space.

(4) At least 25 percent of required trees and shrubs shall be evergreen. Existing, healthy trees and shrubs that meet the minimum height and/or caliper requirements may be considered towards meeting the landscaping requirements of this subsection.

(H) Parking Lot Landscaping

(1) Purpose and General Requirements

Parking lots are transitional spaces where users change modes of travel from car, bus, or bicycle to pedestrian or assisted movement in wheelchairs or by other means. This subsection is intended to accomplish the following:

(a) Safely and attractively serve all transportation modes, especially pedestrian;

(b) Complement and define the buildings they serve by the use of drive aisles, pedestrian ways, and interior landscaping to emphasize open space, building entrances, and other site or architectural elements; and

(c) Use stormwater harvesting in parking lot islands and perimeter screening strips to reduce the use of potable water irrigation.

(2) Applicability

Any development project that does not require an increase in existing parking area is not required to eliminate parking spaces to comply with the requirements of this subsection. Any development project that requires an increase in existing parking area shall comply with the requirements of this subsection for the expanded parking lot area.

(3) Perimeter Parking Lot Landscaping

(a) When a parking lot with three or more spaces or drive aisle abuts and is parallel to a public street right-of way, the following standards apply:

(I) The closest edge of the parking lot or drive aisle shall be set back a minimum of ten feet from the public right-of-way.

(II) The perimeter of the parking lot for the length it is adjacent to the right-of-way shall be screened from that right-of-way with an opaque fence or berm a minimum of four feet high.

(III) Along the length of the fence facing the parking lot, there shall be a planting strip a minimum of five feet wide. This planting strip shall contain:

(a) Shrubs or hedges that, upon maturity, will form a continuous screen a minimum of three feet in height; or

(b) Evergreen trees planted 25 feet apart on center for the length of the shared property line, interspersed with two five-gallon shrubs between each tree, and ground cover installed for the full length of the planting strip.

(c) If street trees are required, trees planted in this manner to screen parking lots abutting street frontages may be counted towards fulfilling the property's street tree planting requirements.

(b) When a parking lot with three or more spaces or drive aisle abuts and is parallel to a property line shared with a residential use or zoning district, the following standards apply:

(I) The closest edge of the parking lot or drive aisle shall be set back a minimum of 15 feet from the shared property.

(II) For the length of the shared property line, an opaque fence or wall shall be installed that is a minimum of six feet tall.

(III) The street-facing side of the fence or berm shall be fronted by a planting strip a minimum of five feet wide. This planting strip shall contain:

(a) Shrubs or hedges that, upon maturity, will form a continuous screen a minimum of three feet in height; or

(b) Deciduous trees planted an average of 25 feet apart on center for the length of the parking lot frontage. Each tree shall have a minimum of 75 square feet of permeable surface exclusive of curbing. Two five-gallon shrubs shall be interspersed between the trees for the length of the frontage and ground cover shall be installed for the full length of the planting strip.

(c) If street trees are required, trees planted in this manner to screen parking lots abutting street frontages may be counted towards fulfilling the property's street tree planting requirements.

(4) Interior Parking Lot Landscape Requirements

The purpose of interior planting requirements in parking lots is to provide visual relief from large expanses of cars and pavement, provide shade to reduce heat and glare, help direct traffic flow, and reduce and control stormwater runoff.

(a) When 20 or more off-street parking spaces are provided, interior parking lot landscaping shall be provided.

(b) No single parking area shall exceed 120 spaces unless divided into two or more subareas by an internal landscaped street or landscaped pedestrian way that is a minimum ten feet wide.

(c) A minimum of ten square feet of permeable landscaped area shall be provided per parking space. A minimum of one deciduous tree shall be planted per 90 square feet of landscaped area.

(d) Traffic islands shall have a minimum dimension of six feet and contain a minimum of 90 square feet of permeable surface, exclusive of curbing, and shall be distributed throughout the lot. As a component of a stormwater management plan, traffic islands may be combined to facilitate water harvesting and these combined islands shall be distributed within each subarea.

(e) No more than 20 cars shall be parked in a row without a planting island adjacent to the length of the parking space having a minimum area of 90 square feet and including at least one tree.

(5) Stormwater Management

(a) To the greatest extent possible, stormwater runoff shall be used to provide irrigation for both perimeter and interior parking lot landscaping.

(b) Stormwater runoff water shall be harvested and infiltrated as close to where it falls as possible.

(c) The consolidation of planting islands is allowed to facilitate stormwater harvesting and promote plant growth. The consolidated planting islands shall be distributed in each subarea.

(d) The use of biofiltration techniques such as constructed rain gardens to filter pollutants carried by runoff and infiltrate stormwater for irrigation is recommended.

(6) Pedestrian Circulation

When 20 or more off-street parking spaces are provided, sidewalks for primary pedestrian routes shall be provided. At a minimum this includes pedestrian ways from the primary off-site entrance or entrances to the primary building entrance or entrances.

(a) All pedestrian ways shall be landscaped with a minimum six-foot-wide planting strip on at least one side, exclusive of curbs, and trees an average of 25 feet on center, parallel to and adjacent to the walkway.

(b) If the planting strip abuts a row of parking, the tree planting areas may be included in the interior lot landscape requirements.

(7) Vehicle Overhangs

Vehicles may not overhang any required parking lot landscaped area unless the 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 width of six feet plus the amount of the overhang for each side of parking, exclusive of curbing;

(b) Either curbing or wheel stops are provided; and

(c) Plant material is located outside the overhang area or is no greater than 12 inches in height at maturity;

(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 1,000 square feet of impervious surface area.

(I) Screening and Buffering

(1) Wall and Fences

For any project to which this subsection 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

(a) Residential development on residentially zoned property that abuts major or secondary arterials shall be screened from those streets to mitigate noise and to promote residential privacy as follows:

(I) Screening shall be by walls, fences, the planting of trees and shrubs or a combination of these.

(II) The provision of plant material shall, at a minimum, conform to the same requirements as for open space in subsection 14-8.4(G), *Open Space Planting Requirements*.

(III) An alternative to screening shall be a 25-foot setback of undisturbed trees, shrubs, grasses, or landscape treatment consisting of appropriate vegetative cover.

(b) Walls and fences that are provided as subdivision improvements for a residential subdivision or at the time of initial development of a multi-unit residential development comprising four or more lots or units, shall comply with the following:

(I) Any wall or fence that is more than three feet in height above finished grade on the side facing the street, shall be set back from the street right-of-way line a distance equal to or greater than that height.

(II) The setback area required by subsection 14-8.4(I)(2)(a) shall be landscaped with plant material that consists of predominantly thorny or other barrier plantings that will cover a minimum of 75 percent of the ground area of the planter and that will screen a minimum of 75 percent of the face of the fence or wall at maturity.

(III) Block walls shall be constructed with an aesthetic block cap.

(IV) This subsection does not apply within historic districts or to residential developments approved prior to March 1, 2012.

(V) This subsection does not apply to construction of walls or fences on individual lots with single-family dwellings subsequent to the initial construction of walls or fences as subdivision improvements.

(3) Buffer for Nonresidential Development Abutting Residential

(a) Nonresidential development that abuts a residential development on a residentially zoned property or an undeveloped parcel in a residential zoning district shall provide a continuous landscaped buffer strip not less than 15 feet wide.

(b) Plant material in the landscaped buffer shall, at a minimum, conform to the requirements for open space provided in subsection 14-8.4(G), *Open Space Planting Requirements*.

(c) The landscaped buffer may be considered part of any required open space so long as all other conditions of the open space requirement are satisfied.

(4) Storage, Trash and Equipment

(a) All trash areas, dumpsters, outdoor storage, service areas, ground and wall-mounted mechanical and electrical equipment, excluding transformers, and pedestals shall be screened so that they are not visible from any public street, way or place or any adjacent residential property.

(b) Screening shall be by walls, fences or planting of trees or shrubs sufficient to meet the screening objective within two years of installation, or any combination of these so long as the screening objective is achieved. Topography and adjacent uses shall be taken into account to determine the most effective means of screening.

(c) All trash areas, dumpsters, grease collection areas, outdoor storage, service areas and other uses that may contribute to stormwater pollution shall be constructed so as not to allow pollutants to be collected in runoff and discharged to the public stormwater system. Topography, adjacent uses and constructed barriers and stormwater treatment controls shall be taken into account and incorporated into the site design to provide the most effective means of preventing stormwater pollution.

(J) Compliance and Enforcement

(1) Construction permits, development plans, master plans and subdivision plats shall comply with this subsection.

(2) If the requirements of this subsection cannot be met prior to the request for a certificate of occupancy, the applicant may provide a financial guarantee in

accordance with subsection 14-6.4(C), *Agreement to Construct Improvements, Financial Guarantee*, and with policies issued by the Planning and Land Use Director.

(3) In the Escarpment Overlay District, compliance with both this subsection and subsection 14-4.3, *Arts and Crafts*.

(K) Purpose

The Arts and Crafts (AC) overlay district is intended to allow arts and crafts and other related commercial uses in eligible underlying base districts. Within this overlay district:

(1) Residential and limited office and retail commercial uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-produced in small quantities and are often one of a kind;

(2) Arts or crafts are taught to small numbers of people; or

(3) Small numbers of people are engaged in arts and crafts activities.

(L) Applicability

An AC district may overlay any residential base zoning district or any portion of a residential base zoning district.

(M) Uses

The allowed principal uses, accessory uses, and special exceptions of the AC district are the same as the underlying residential base zoning district with the addition of those uses specified in Table 8-1.

Table 8-1: Additional Permitted Uses in the AC Overlay		
Category	**Specific Use**	**Permission**
Residential	Accessory building or structure	Accessory
	Children's play area and play equipment	Accessory
	Dwelling, live-work	Permitted
	Greenhouse or plant nursery, non-commercial (accessory)	Accessory
Public, Civic, Institutional	Religious, educational, or charitable institution	Conditional use approval required
	Medical or dental office or clinic	Conditional use approval required
Commercial	Art supply store	Permitted
	Arts and crafts studio, gallery, or school	Permitted
	Antique store	Permitted
	Bar, cocktail lounge, nightclub, with or without outdoor entertainment	Conditional use approval required
	Bookshop	Permitted
	Business or professional office (excluding medical or dental office)	Conditional use approval required
	Cabinet shop, custom	Permitted
	Dance studio	Permitted
	Florist shop	Permitted
	Photography studio	Permitted
	Private club or lodge	Conditional use approval required
	Restaurant, full service, with or without incidental alcohol service	Conditional use approval required
	Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area	Conditional use approval required
	Theater, live productions	Conditional use approval required
	Tailoring or alterations shop	Permitted

(N) Standards

The development and design standards within the AC district are the same as the underlying residential base zoning district; however, no more than 3,000 square feet of the gross floor area of any building may be used for nonresidential purposes.

(1) Escarpment Overlay District, are required.

(2) The Planning and Land Use Director shall have discretion to allow alternate means of compliance with the requirements of this subsection when the

proposed alternate means satisfy the intent, and are equivalent to or exceed the requirements of, this subsection 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 the historic character of Santa Fe; and

(c) The proposed alternate means of compliance promote good stormwater management, water conservation and water harvesting equal to or greater than the original requirement.

(3) Existing landscaping or other improvements may meet the requirements of this subsection.

14-8.5 Walls and Fences

(A) Applicability

(1) The retaining wall height standards in this subsection apply to the portion of a wall, fence, or similar structure that supports a higher finished grade on one side than on the other.

(2) The fence height standards in this subsection apply to fences, screening walls and similar structures, and hedges. Railings or similar barriers required by building or other codes to protect against falling hazards are exempt when built to the minimum height required by those codes and when constructed to maximize transparency.

(3) Additional regulations may apply to walls and fences, including subsection 14-4.6, *Historic Districts*, subsection 14-4.5(D), *South Central Highway Corridor (SCHC) Protection District*, and subsection 14-3.5(G), *Visibility Triangle Areas*. If the provisions of those subsections conflict with the requirements of this subsection, conflicts shall be resolved pursuant to subsection 14-1.8, *Conflicting Provisions*.

(B) Method of Measurement

(1) The height of the retaining wall is measured on the downslope side of the wall, from the finished grade at the base of the wall to the finished grade at the top of the wall.

(2) Fence height is measured from the finished grade at the base of the fence to the highest point of the fence structure, not including limit over pedestrian or vehicular gates, and excluding the height of any retaining wall upon which it is built.

(C) Maximum Height of Retaining Walls and Fences

(1) Maximum Height of Retaining Walls

(a) No retaining wall shall exceed six feet in height.

(b) Retaining walls shall be stepped or terraced so that they are separated by a distance equal to the height of the higher wall.

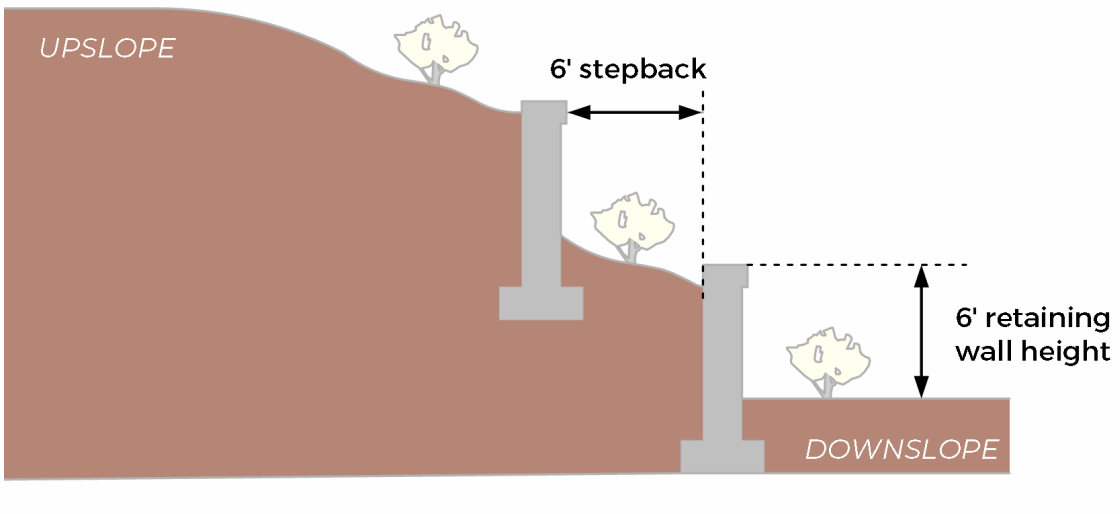


Figure 8.5-1: Wall Plane Articulation Requirement

(2) Maximum Height of Fences Built on Retaining Walls

The combined height of a fence built on a retaining wall shall not exceed the maximum fence height plus four feet as measured above the finished grade on the downslope side.

(3) Maximum Height of Fences

(a) Residential Fence Height

On a property developed for residential use or on undeveloped property zoned for residential use, no fence shall exceed six feet in height except that:

(I) Along the common property line with a property developed for or zoned for nonresidential use, the maximum height of fences is eight feet; and

(II) Within a residential compound, the maximum height of fences is eight feet.

(b) Nonresidential Fence Height

On a property developed for nonresidential use or on undeveloped property zoned for nonresidential use, no fence shall exceed eight feet in height.

(c) Exception
Walls and fences may exceed the height limit over pedestrian or vehicular gates.

(4) Additional Fence Regulations for Specified Nonresidential Uses

(a) Neighborhood grocery stores or laundromats in a residential district shall provide a solid masonry wall not less than six feet in height erected along any side and rear property lines shared with residential lots.

(b) For a parking lot contiguous to a residential district or one or more of the RAC, AC, SC or I districts, a six-foot solid masonry wall shall be erected along edges of portions of the parking lot adjoining property in the residential district; provided, however, that in the front required yard, the maximum height of a wall or fence shall be three feet.

(c) Outdoor storage or salvage yards shall be entirely enclosed within a solid wall or fence at least six feet in height, with access only through solid gates that are kept closed when not in use. No object(s) within the fencing shall be stacked or stored higher than the minimum height of the enclosing wall or fence.

(D) Fence Materials

(1) Permitted Materials

(a) Outside of the Historic districts, fences and walls may be constructed of the following materials:

(I) Brick, stone, stucco, and decorative concrete masonry unit (CMU);
(II) Wrought iron and metal picket;
(III) Pre-cast, naturally colored concrete that convincingly replicates the appearance of brick, stone, stucco, and CMU fence;
(IV) Closed style wood or stockade fencing;
(V) Omega (welded wire);
(VI) Wood or concrete 3-rail or split rail;
(VII) Chain link with or without weather-resistant color;
(VIII) Composite wood;
(IX) Durable vinyl; and
(X) Durable aluminum.
(XI) For vacant or developing lots, chain link with or without weather-resistant color coating.

(b) This is not an exhaustive list of permitted materials. Other material may be approved upon review by the Planning and Land Use Department.

(2) Prohibited Materials

(a) The following fence materials are generally prohibited:

(I) Electrically charged fences;
(II) Barbed wire fences;

(III) Concertina wire fences or similar; and

(IV) Fences constructed of chicken wire, corrugated metal, fabric, rope, fiberboard, or plywood, or other non-traditional fencing materials.

(b) The City Engineer may grant permission to erect barbed or concertina wire fencing for use as security fencing, provided that the barbed or concertina wire shall be a minimum of six feet above the ground.

(E) Fence Location

No fence or gate shall be erected on private property that impedes access between public streets and sidewalks, trails, and greenways. The City may require that any existing fence or gate that prevents movement between public streets, sidewalks, trails, and greenways shall be removed by the property owner

14-8.6 Outdoor Lighting

(A) Purpose

The purpose of this subsection is to regulate outdoor lighting to reduce light pollution, reduce or prevent glare, reduce or prevent light trespass, conserve energy, promote a sense of safety and security, and ensure aesthetically appropriate outdoor lighting in keeping with the character of Santa Fe.

(B) Applicability

(1) All new outdoor luminaires installed on private or City property shall comply with this subsection.

(2) All outdoor luminaires existing and legally installed and operative before the effective date of this subsection are exempt from these requirements.

(3) If a nonconforming luminaire is replaced, the replacement luminaire shall meet the requirements of this subsection. Modifications to nonconforming luminaires in the historic districts shall also comply with subsection 14-4.6, *Historic Districts*.

(4) Agencies of the county, state, and federal governments are encouraged to comply with the provisions of this subsection.

(5) This subsection applies to streetlighting as well as other types of lighting.

(C) General Standards

(1) The following types of lamps are allowed and require shielding as indicated in Table 8-2.

Table 8-2: Permitted Lamp Types and Shielding	
Type of Lamp	**Shielding Required?**
Metal halide	Yes
Mercury vapor[1]	No
Fluorescent, quartz-halogen, incandescent over 150 watts (per luminaire)	Yes
Incandescent 150 watts or less (per luminaire)	No
Glass tubes filled with neon, argon, or krypton[2]	No
LED	Yes
Other source[3]	
Any light 50 watts or less (per luminaire)	No

NOTES

[1] Mercury vapor may be permitted only for lighting landscaping, and is limited to 100 watts per luminaire.

[2] Additional standards apply in Historic districts. See subsection 14-4.6.

[3] Other lamp types require the approval of the Planning and Land Use Director, or the HDRB within Historic districts.

(2) Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society of North America (IESNA) as available from the Planning and Land Use Director. Recommended standards of IESNA shall not be exceeded.

(3) All outdoor luminaires shall be designed, installed, located, and maintained such that nuisance glare onto adjacent properties or streets shall be minimized to the greatest extent practicable. Disabling glare onto adjacent properties or streets is not allowed.

(4) Except for certain structures in the historic districts or landmark structures, which are regulated by subsection 14-7.6(I), *Sign Regulations in the Historic Districts*, accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties. Direct light emissions must not be visible above the roof line or beyond the building edge.

(D) Maximum Illumination Standards

Table 8-3: Average Maintained Horizontal Footcandles at Grade		
Lighted Area	**Nonresidential Zones**	**Residential Zones**
Sidewalks	1.0	0.2
Pedestrian areas	2.0	0.5
Parking lots	1.0	--
Building entrances	5.0	--
Building grounds	1.0	--
Public spaces	3.0	--

(1) Illumination levels shall not exceed the standards in Table 8-3.

(2) The maximum illumination at any point shall not exceed the allowed average by more than 1.5 footcandles. However, in all cases, the average maintained footcandles at residential property lines shall be zero.

(3) Higher levels of illumination may be appropriate for specific or unusual applications. Requests for higher allowed levels may be considered for individual projects or locations. An applicant for illumination levels higher than those in Table 8-2 must justify the request in writing to the Planning and Land Use Director, who shall have sole authority to grant or deny the request. Additional standards of the Illuminating Engineering Society of North America (IESNA) shall be the preferred justification for consideration.

(E) Method of Measurement

Lighting levels shall be measured in foot candles with a meter sensor mounted not more than six inches above ground level in a horizontal position at the property line. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination specified in Table 8-2 for the type of area illuminated.

(F) Submittals

(1) Applications for construction permits or applications for review by the Historic Districts 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 150 watts are not required to comply with this subsection.

(G) Maintenance

The property owner or tenant is responsible for properly maintaining illumination levels and required shielding.

14-8.7 Relocation of Gunnison's Prairie Dogs

(A) Purpose

The Gunnison's prairie dog relocation regulations are intended to protect the diminishing populations of Gunnison's prairie dogs by ensuring their safe and humane relocation to appropriate and protected habitat areas as designated by the City prior to the development of property within the City.

(B) Applicability

Except for single-lot, single-family residential development, compliance with these regulations is required for any proposed public or private development or phase of development approval, prior to grading or any other land disturbing activity on 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 Section 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 Planning and Land Use Director under the following circumstances:

- **(a)** There is no City-approved property available for a proposed relocation of Gunnison's prairie dogs;
- **(b)** There is no City-certified relocator available within a reasonable time as determined by the City for a proposed relocation; or
- **(c)** A City-certified relocator determines that the timing of the proposed project is such that the start of construction operations, including grading or other disturbance of property where Gunnison's prairie dogs are located, would have to be delayed more than 60 days.

(2) The Planning and Land Use Director may require written verification or other proof of such circumstances prior to granting an exemption from these regulations.

(D) City-Approved Lands

The City shall approve relocation sites that are:

(1) Private lands protected as wildlife habitat by a conservation easement held in a land trust or other conservation organization or protected by organizational by-laws or other legal vehicles;

(2) Public lands protected for the purpose of indefinite, long-term prairie dog habitation; or

(3) Private or public lands that meet best management practices criteria for suitability.

(E) Certified Trappers/Relocators

(1) The City shall certify Gunnison's prairie dog trappers/relocators that may be hired by the owners or developers of private property. To be certified, a person must meet the following minimum requirements:

(a) Training by a qualified and experienced trapper/relocator in the following:

(I) Flushing and live trapping methods; and

(II) Relocation using existing holes and augured holes;

(b) Participation and attendance at a day of orientation to include prairie dog facts and proper techniques for trapping and relocating; and

(c) Fifteen days of on-the-job training in both trapping and relocating.

(2) At a minimum, a qualified and experienced trainer must have had the training described in this subsection.

(3) The certified trainer shall provide written verification that the trainee has met the requirements of this subsection.

(4) Certification is a privilege and shall not be construed as a property right. The City Manager may withdraw certification for failure to comply with the Santa Fe City Code.

(F) General Requirements

(1) Intent

Unless an exemption has been granted, it is prohibited to intentionally destroy or otherwise harm the Gunnison's prairie dog on any lands within Santa Fe at any time in relation to a development.

(2) Procedures and Submittals

(a) Pre-Application Inspection

As a pre-application requirement, the Planning and Land Use Director shall inspect the development site for prior grading and the existence of Gunnison's prairie dogs. If Gunnison's prairie dogs are found on the property, then the owner or developer shall contact a certified trapper/relocator who shall develop a relocation schedule and plan.

(b) Submittals

The owner or developer shall submit a relocation schedule and plan for review and approval as part of the development submittal that addresses the requirements of this subsection before development takes place.

Approval of the relocation plan is required before a grading permit or any other construction permit is issued.

(c) Preferred Relocation Times

The preferred relocation times are June 15 through September 15. The Gunnison's prairie dog may also be relocated in April, but may not be relocated or otherwise disturbed between May 1 and June 15, which is its breeding season, unless exempt according to the provisions of subsection 14-8.7(C). Owners and developers of property shall make every effort to coordinate their development stages and operations with this schedule.

(d) Relocation Services

Only a prairie dog trapper/relocator certified according to the provisions of subsection 14-8.7(E) may perform the relocation services.

(e) Relocation Costs

(I) The property owner or developer is responsible for all relocation expenses, costs, and fees related to the relocation of Gunnison's prairie dogs.

(II) For family transfers, and all Santa Fe Homes Program dwelling units that meet the criteria for affordable homes or affordable rental units for income ranges 1, 2 or 3 pursuant to Chapter 26, subsections 26-1.16 and 1.24, the property owner or developer is responsible for relocation expenses, costs, or fees up to the amount of $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.

(f) Written Notice

Upon completion of the prairie dog relocation, the owner or developer shall submit written notice to the City from the certified trapper/relocator hired for the relocation work that the relocation has been completed.

(G) Additional Requirements

If a development is not initiated within one year of the plat or development plan approval or the issuance of a building or grading permit, and the Gunnison's prairie dog colony reestablishes during that time, the applicant must again comply with the provisions of this section.

Section 14-9 Rules of Construction and

14-9.1 Rules of Construction

(A) Meanings and Intent

All provisions, terms, phrases, and expressions contained in Chapter XIV shall be construed consistent with the general purposes set out in subsection 14-1.3. When, in a specific subsection of this Chapter, a different meaning is given for a term defined for general purposes in subsection 14-9.3, *General Definitions*, the specific subsection's meaning and application of the term controls.

(B) Headings, Illustrations, and Text

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

(C) Lists and Examples

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

(D) Computation of Time

(1) The time in which an act is to be done is computed by excluding the first day and including the last day.

(2) If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action is the next day that is not a Saturday, Sunday, or holiday observed by the City.

(3) References to days are calendar days unless otherwise stated.

(E) References to Resolutions, Ordinances, Statutes, and Regulations

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

(F) Delegation of Authority

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

(G) Technical and Nontechnical Terms

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

(H) Public Officials and Agencies

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

(I) Mandatory and Discretionary Terms

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

(1) Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary.

(2) 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 XIV. 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 Planning and Land Use Director may require that property be restored to conformity with those standards as provided in subsection 14-1.12, *Enforcement*.

14-9.2 Use Definitions

(A)

ACCESSORY USE OR STRUCTURE

A building or structure that is clearly incidental to, and located upon the same lot as, the primary building on the lot, but that is not used as a dwelling. The building or structure may be of a permanent, temporary, or portable nature, and includes but is not limited to, a garage, workshop, shed, gazebo or shade structure, pool house or cabana, balcony or deck, inflatable covers over swimming pools, and tennis courts.

ACCESSORY DWELLING UNIT

A dwelling located on the same lot as a primary dwelling, but subordinate to the primary dwelling. An accessory dwelling unit may be within the same structure as the primary dwelling, or it may be detached.

AGRICULTURAL HOME OCCUPATION

An occupation or business conducted for gain or profit within a permitted building or structure as an accessory use, by any resident of the farm dwelling unit.

AGRICULTURAL USES

Uses characterized by raising, producing, or keeping plants or animals, or cultivation and management of farm products. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

ANIMAL-RELATED USES

Uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals and the boarding of animals related to the provision of these services.

ANTIQUE STORE

A retail establishment that offers for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

AQUACULTURE

The cultivation of aquatic animals in a recirculating environment to produce whole fish that are distributed to retailers, restaurants, and consumers.

AQUAPONICS

The cultivation of fish and plants together in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to retailers, restaurants and consumers.

ART SUPPLY STORE

A retail establishment that offers primarily art and crafts supplies for sale.

ARTS AND CRAFTS STUDIO, GALLERY, OR SCHOOL

A building that contains artist or craft studio space or schools in which works of art or craft are produced that may be sold on or off the premises.

ARTS ACTIVITIES USES

Uses include spaces for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, photography, making of craft items for sale, vocal or instrumental music, painting, and dance.

ASSEMBLY USES

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities.

AUTOMOBILE SALVAGE OR WRECKING YARD

An open use of land on which two or more inoperable vehicles are standing or on which salvaged auto parts, auto bodies, waste or scrap materials of any kind, including building materials, are processed, stored, displayed, sold, exchanged or handled.

(B)

BANK OR CREDIT UNION

Establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

BAR, COCKTAIL LOUNGE, NIGHTCLUB

An establishment providing alcoholic beverage service as the principal use, and that may permit dancing and provide entertainment. Food service may be provided as a secondary use.

BED AND BREAKFAST INN

A dwelling that contains no more than 12 guest rooms where lodging, with or without meals, is provided for compensation.

BOARDING, DORMITORY, MONASTERY OR CONVENT

A building arranged or used for lodging, with or without meals, for compensation and not occupied as a single-family unit.

BOOKSHOP

A retail establishment where books are sold.

BREWERY, DISTILLERY, TASTING ROOM, WINERY

An establishment that produces ales, beers, meads, distilled spirits, wines, or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use. This use does not include agricultural operations where beverages are produced using agricultural products grown on-site.

BUSINESS SERVICES

A business primarily engaged in rendering services to other businesses on a fee or contract basis, including advertising and mailing, building maintenance, employment service, management and consulting services, protective services and equipment rental and leasing.

BUSINESS OR PROFESSIONAL OFFICE (EXCLUDING MEDICAL OR DENTAL OFFICE)

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, copy services, employment services, business maintenance, photo finishing, and personal supply services.

(C)

CABINET SHOP, CUSTOM

An establishment that specializes in the sale of custom cabinets.

CAMPGROUND OR RV PARK

A plot of ground upon which one or more sites for camping are located, established or maintained for occupancy by a tent, yurt, trailer, recreational vehicle, cabin, lean-to, or similar structure established, maintained, and operated for the general public as temporary living quarters.

CANNABIS CONSUMPTION AREA

An area where cannabis products may be served and consumed by smoking, vaping, or ingesting.

CANNABIS ESTABLISHMENT

A broad term that includes a cannabis testing laboratory, a cannabis manufacturer, a cannabis producer, a cannabis retailer, a cannabis research laboratory, a vertically integrated cannabis establishment, a cannabis producer microbusiness, or an integrated cannabis microbusiness.

CANNABIS MANUFACTURING, HEAVY

A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using volatile solvents or other methods that are outside the scope of light cannabis manufacturing.

CANNABIS MANUFACTURING, LIGHT

A use that involves compounding, blending, extracting, infusing, packaging, or otherwise preparing a cannabis product using nonvolatile solvents, alcohol, or carbon dioxide, or without using solvents.

CANNABIS PRODUCER

A business conducted by a person licensed to cultivate mature cannabis plants at a single location, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CANNABIS PRODUCER MICROBUSINESS

A business conducted by a person licensed to cultivate up to 200 mature cannabis plants at a single location, including the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CANNABIS RESEARCH AND/OR TESTING LABORATORY

A research facility that produces or possesses cannabis or cannabis products for the purpose of studying cannabis cultivation, characteristics, or uses, while a testing laboratory is where cannabis products are collected, sampled, and tested.

CEMETERY, MAUSOLEUM, OR COLUMBARIUM

A place used for the interment of human or animal remains or cremated remains, including a cemetery for earth interments, a columbarium for cinerary interments, a mausoleum for vault interments, or a combination thereof.

CHARITABLE INSTITUTION

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

CHILDREN'S PLAY AREA AND PLAY EQUIPMENT (PRIVATE}

An area that is suitably surfaced and fenced or otherwise enclosed with play equipment for use by children. Private play areas are not open to general public access, and access is limited to residents or tenants of the development where the play area is located.

COLLEGE OR UNIVERSITY

An educational institution accredited at the college level by an agency or association recognized by the U.S. secretary of education and legally authorized to offer at least a one-year program of study creditable towards a post-secondary degree.

COMMERCIAL CANNABIS RETAILER

A business that is licensed to sell cannabis products directly to consumers.

COMMERCIAL PARKING LOT OR GARAGE

Lots or structures, as the principal use of a parcel, offering short-term or long-term parking to the public for a fee.

COMMERCIAL STABLE

A facility for the business of boarding horses or renting horses to the public.

COMMERCIAL RECREATION

An area used for commercial recreational purposes such as a theater, bowling alley, pool room, driving range, miniature golf, health club, sports field or amusement park.

COMMISSARY KITCHEN

A commercial establishment where foodservice providers can prepare, cook, and store food and equipment on the premise and distribute food off-site for sale, delivery, or consumption for caterings, mobile food vendors, concessions, social service organizations, or restaurants. It may include accessory use space for educational purposes or the sale of food.

COMMUNITY AND CULTURAL CENTERS OR FACILITIES

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

COMPOSTING FACILITY

A facility where accelerated biodegradation and stabilization of organic material under controlled conditions yields a product which can safely be used as fertilizer.

COMPOUND DEVELOPMENT

A residential development of multiple small single-family detached dwellings, that share common open space and possibly other amenities, including individual homes on one lot, homes on individual lots, homes owned as condominiums, or leased homes. This use does not include manufactured home parks or campgrounds.

CONFERENCE OR EXTENDED STAY LODGING FACILITY

A facility designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking facilities.

CONTINUING CARE COMMUNITY

A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities, including the following features:

1. Congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided:
    a. common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and
    b. A full nursing care unit with beds; In addition, a continuing health care community may include the following additional features:

i. Independent dwelling units for the elderly or persons with disabilities 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

ii. An extended care facility.

1. A hospital is not a continuing care community.

(D)

DAY CARE FACILITY

A building and its premises, that is used by the facility's operator to care for children or adults on an all- or part-day basis. This use does not include overnight care.

DANCE STUDIO

Any school of dancing or any place in which dancing of any type of style shall be taught.

DEPARTMENT OR DISCOUNT STORE

A business where a variety of unrelated merchandise and services are displayed within an enclosed building and exhibited and sold directly to the consumer.

DISTRIBUTION FACILITIES

As used in subsection 14-5.3(I)(1), *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.

DOGGIE DAYCARE

An establishment for the short-term daytime care for dogs, generally less than 12 hours on any given day and without overnight stays.

DORMITORY

A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

DWELLING, DUPLEX

A structure on a single lot that contains two separate dwelling units, designed to be occupied by two households living independently of each other.

DWELLING, LIVE-WORK

A dwelling unit containing an integrated living and working space in different areas of the unit.

DWELLING, MULTI-UNIT

A residential building containing two or more dwelling units on one lot, or two or more detached principal units on one lot.

DWELLING, QUADPLEX

A single building on a single lot containing four separate dwelling units under one roof, designed to be occupied by four separate households living independently of each other.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOME)

A two- or three-story single-family dwelling that exists on its own lot, but shares at least one party wall with a neighboring unit. Townhomes typically share side walls, but can be attached back-to-back.

DWELLING, SINGLE-FAMILY DETACHED

One principal dwelling unit, occupied by one household, 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, TRIPLEX

A structure on a single lot that contains three separate dwelling units under one roof, designed to be occupied by three separate households living independently of each other.

(E)

EDUCATIONAL FACILITIES

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and daycare facilities.

ELECTRIC FACILTIES

As used in subsection 14-5.3(I)(1), *Electric Facilities*:

1. 40kV and above transmission lines;
2. Switching stations;
3. Substations; or
4. The placement of 3 or more distribution poles and related lines.

ELECTRICAL DISTRIBUTION FACILITY

Reserved

ELECTRICAL SUBSTATION

Reserved

ELECTRICAL SWITCHING STATION

Reserved

ELECTRICAL TRANSMISSION LINE

Any electrical line operating at a nominal line-to-line voltage equal to or greater than 60,000 volts.

ELEMENTARY OR SECONDARY SCHOOL, PUBLIC OR PRIVATE

Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and related facilities such as including gymnasiums, stadiums, and dormitories if located on the campus.

EMERGENCY SERVICES

Uses in this category include police, fire, ambulance services or related emergency first aid services.

EXERCISE, SPA, OR GYM FACILITY

A facility or area providing opportunities for exercise, health, or fitness for the general public or members of an organization, including but not limited to exercise rooms, treatment rooms, fitness studios, sports courts, walking/running tracks, and swimming pools.

EXTENDED CARE, CONVALESCENT, SKILLED NURSING, OR REHABILITATION CARE FACILITY

A facility that provides health-related care and services on a regular basis to persons who do not require the degree of care and treatment that a hospital is designated to provide, but who, because of their mental or physical condition, require extended care and services from an institutional facility that provides at least two and three quarters hours of nursing care to each person daily.

(F)

FARM STAND

A table, stall, tent or other non-permanent structure located on an urban farm and operated by a vendor with a city-issued business license to sell to the public agricultural products grown on the same property where the farm stand is located, not to exceed 48 square feet in size.

FARMERS' MARKET

A public market held in a structure or open area occasionally or periodically throughout the year, where vendors sell produce and other farm products they have grown, gathered, or raised directly to consumers.

FILM PRODUCTION

All activity attendant to staging or shooting motion pictures, television shows or programs, content for internet broadcast channels, and commercials.

FIRE STATION

A public facility where fire engines and other equipment are housed and from which calls for emergency fire responses are handled.

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.

FLORIST SHOP

A cultivator of or dealer in flowers or ornamental plants.

FOOD AND BEVERAGE

Uses in this category include establishments serving prepared food or beverages for consumption on or off the premises.

FOOD TRUCK

A motor vehicle or trailer with a current vehicle registration designed and equipped for the preparation and sale of food and/or beverages.

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 children, for periods exceeding 24 hours.

FUNERAL HOME OR MORTUARY

A building used for the preparation of the dead for burial and the display of the dead and ceremonies connected with the dead before burial or cremation.

FURNITURE STORE

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

(G)

GARAGE, PRIVATE

A structure or part of a structure designed for the storage of motor vehicles and equipment. A garage may be attached or detached from the primary structure on the lot, and it may be fully or partially enclosed. A private garage is not a parking structure, and is not intended for public or commercial use. Private garages are typically associated with residential development.

GAS STATION

The buildings and premises where motor vehicle fuels, lubricating oils, grease, batteries, tires and incidental vehicular accessories may be supplied and dispensed at retail, or, in connection with a private operation where the general public is excluded from the use of the facilities, where vehicular lubrication, brake adjustment, washing and related services may be rendered. Gas station does not include facilities that provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics found in a repair garage or a body shop.

GREENHOUSE

A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

GROCERY STORE, NEIGHBORHOOD

A retail establishment, with or without a related dwelling unit, catering mainly to a local market area, primarily dispensing foods and beverages, but also dispensing certain incidental items not intended for human consumption, but not including the sale of motor vehicle fuels nor any sales or display outside of an enclosed building.

GROUP LIVING

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the living structures generally have a common eating area for residents.

Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Group living as a category includes but is not synonymous with "group home," which is a specific type of group living.

GROUP RESIDENTIAL CARE FACILITY, CORRECTIONAL

A group facility used to house persons who have been placed on probation, released on parole, or admitted for correctional purposes.

GROUP RESIDENTIAL CARE FACILITY, LARGE

A non-family dwelling where care, supervision and services are provided to between nine and 25 residents of any age who have difficulty caring for themselves, including the elderly, persons with disabilities and children living apart from families. This category includes facilities commonly known as group homes, community residential care, board and care or assisted living facilities, halfway houses, and foster homes. This category does not include facilities that provide services to non-resident clients; that provide more than incidental or occasional nursing, medical or other therapeutic treatment, such as extended care facilities, hospitals or detoxification centers; or community residential corrections programs.

GROUP RESIDENTIAL CARE FACILITY, SMALL

A non-family dwelling for eight or fewer resident clients who are not participants in a community residential correctional program.

(H)

HAIR SALON OR BARBER SHOP

A personal services establishment where hair is cut and other similar services are provided.

HEALTH CARE AND EXTENDED CARE FACILITIES

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide preventative health care, primary health services, and medical or surgical care to individuals suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of patients or employees in the firm or building such as cafeteria and limited retail sales.

HOME OCCUPATION

An occupation or business activity that results in a product or service and that is conducted for gainful employment in a dwelling unit by a person residing in that dwelling unit. A home occupation is customarily incidental to the residential use of the dwelling unit.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and includes, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOSPITAL HELIPORT

An area at a hospital provided for helicopters to land or take off.

HOTEL, MOTEL, OR RESIDENTIAL SUITE HOTEL

An establishment that offers transient lodging accommodations to the general public whose guest rooms uniformly contain a bathroom and sleeping area, and may or may not include kitchens or cooking facilities. Accessory facilities commonly include restaurants, bars, reception spaces, meeting rooms, and recreational facilities.

HOUSEHOLD LIVING

Uses characterized by residential occupancy of a dwelling unit by a person or group of people. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, swing sets, playground equipment, swimming pools, hobbies, and resident parking.

HUMAN SERVICES ESTABLISHMENT

A facility, which may or may not be a lodging facility, operated by an organization that provides aid to more than 25 persons in need of counseling, food, clothing, lodging,

financial or legal assistance, out-patient health services, vocational and educational training and related services. Lodging may be provided on an emergency or transitional basis and consist of dormitory rooms or individual lodging units containing sleeping facilities with or without kitchen or living room facilities available for daily, weekly or monthly stays.

HYDROPONICS

The propagation of plants using a mechanical system designed to circulate a solution of minerals in water, for distribution to retailers, restaurants, and consumers.

(I)

IN-HOME DAYCARE

A private dwelling in which a person provides, for remuneration, care for at least 4 but not more than 12 children or adults who are not related to the provider, on a regular basis for less than 24 hours per day. The provider's own children who are age 6 or more shall not be counted for this definition.

(J)

JUNKYARD

Any area, lot, land, parcel, building or structure or part of these used in whole or in part for the storage, collection, processing, display, purchase, sale, salvaging, or scrap of wastepaper, rags, scrap metal or other scrap; discarded goods, materials or machinery; two or more unregistered, inoperable motor vehicles or second-hand automobile parts; salvage or secondhand building materials; or other type of scrap. A junkyard does not include such uses conducted entirely in an enclosed building.

(K)

KENNEL OR BOARDING FACILITY

A commercial establishment where animals are boarded, kept or maintained. Stays can range from hours to days, and overnight care may be offered by such facilities.

(L)

LABORATORY, RESEARCH OR TESTING

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

LAUNDROMAT

An establishment providing washing and drying machines on the premises for rent to the general public.

LIGHT ASSEMBLY AND MANUFACTURING

The manufacturing and assembly of small electronic or machine parts, consumer goods, food or food ingredients, dry goods and other goods and services that are produced or assembled inside a building.

LODGING USES

Uses in this category include the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests.

(M)

MANUFACTURED HOME

A structure transportable in one or more sections that is:

1. Built on a permanent chassis;
2. Designed for use with or without a permanent foundation;
3. Constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Housing and Urban Development Zone Code 2 or the applicable building code, as of the date of the unit's construction;
4. Installed consistent with the Manufactured Housing Act and with the rules promulgated pursuant to that act relating to permanent foundations; and
5. For the purposes of subsection 14-8.3, *Flood Regulations*, connected to the required utilities.

For floodplain management purposes, manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include those vehicles as manufactured homes for flood insurance purposes.

MEDICAL OR DENTAL OFFICE OR CLINIC

An establishment where patients who are not lodged overnight are admitted for examination and treatment by an individual physician or dentist or a group of physicians and dentists in practice together.

MOBILE FOOD COURT

An area, generally outdoors, configured and used for regular operation of two or more food trucks and which may include eating areas, restrooms, and other ancillary facilities.

MOBILE HOME

A structure that is:

1. Transportable in one or more sections;
2. Built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation; and

3. Not constructed to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974, the Housing and Urban Development Zone Code 2 and the International Building Code.

MOBILE HOME PARK

A development, consisting of the premises where one or more mobile homes are parked for residential use or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for residential use, including any land, building, structure or facility used by occupants of mobile homes on such premises, but does not include a single mobile home located on a lot in a residential district pursuant to a conditional use approval.

MONASTERY OR CONVENT

A local community or house of a religious order or congregation.

MUSEUM

An institution devoted to the procurement, care, study, and display to the public of objects that have lasting interest or value.

(N)

NEIGHBORHOOD GROCERY STORE

A retail establishment, with or without a related dwelling unit, catering mainly to a local market area, primarily dispensing foods and beverages, but also dispensing certain incidental items not intended for human consumption, but not including the sale of motor vehicle fuels nor any sales or display outside of an enclosed building.

NEIGHBORHOOD OR COMMUNITY CENTER

A center intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood or community centers shall include, but not be limited to, youth or senior centers.

(O)

OFFICE, BUSINESS AND PROFESSIONAL USES

Uses primarily engaged in providing professional, financial, administrative, clerical, and similar services.

OFFICE EQUIPMENT SALES AND SERVICE; OFFICE SUPPLY SALES

An establishment engaged in the sale, service, and rental of equipment, supplies, machinery or other equipment used for office purposes.

OUTDOOR STORAGE LOT OR YARD

The keeping in an open area of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than 24 hours. This use is not the same as an auto

salvage or junkyard, in that the focus is not on resale, reuse, or exchange of the materials stored on the site with members of the public.

OUTDOOR DINING

Any group of tables, chairs, or other seating fixtures and appurtenances intended for the outdoor consumption of food or beverage by patrons, employees, or tenants, when located adjacent to an establishment having the same operator.

OUTDOOR MUSIC

An outdoor area used for live music, both acoustic and amplified, including live individual musicians, bands, and disc jockeys (DJs), but not including karaoke.

(P)

PERSONAL CARE FACILITY FOR THE ELDERLY

A residential facility for 26 or more persons 60 years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel.

PERSONAL SERVICE ESTABLISHMENT

A business primarily engaged in providing frequent or recurrent services of a personal nature, including dry cleaning and drop-off laundry, computer and cell phone repair, small appliance repair, carpet cleaning, electrical repair, exterminator, locksmith, janitorial service, plumbing service, shoe repair, carpenters, or upholsterers. This use does not include service or maintenance on any item with a combustion engine.

PET GROOMING

A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

PHARMACY OR APOTHECARY SHOP

A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and groceries such as food and household items. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

PHOTOGRAPHY STUDIO

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This use may include the

developing of film to produce images and the sales of images produced by the establishment

POLICE OR FIRE STATION

Any building or part of a building that is occupied by police or sheriffs, where duly authorized officers perform law enforcement functions. A fire station is a building or part of building used for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

PRESCHOOL

A school for children primarily between the ages of three and five, providing preparation for elementary school.

PRIVATE BARBECUE PIT

A hole dug into the ground, or a container used as an oven, for cooking meat or vegetables outdoors over a fire. A private barbecue pit is used by an individual to produce food for non-commercial, private consumption.

PRIVATE CLUB OR LODGE

A facility for social, cultural or educational activities open only to bona fide members and guests of the private organization operating the club or lodge, except those the chief activity of which is a service customarily carried on as a business.

PRIVATE GARAGE

A garage that is accessory to a private dwelling (whether single- or multi-unit) that is intended for the exclusive use of the residents of the dwelling. A private garage is not open to the public, and is not operated for payment or profit.dd.

PRIVATE SWIMMING POOL

A swimming pool constructed as an accessory to a private dwelling (whether single- or multi-unit) that is intended for the exclusive use of the residents of the dwelling, and not open to the public.

PUBLIC PARK, PLAYGROUND, OR PLAYFIELD

Public premises which have been designated for park or recreational activities within the City which are under the control, operation or management of the City Parks and Open Space Department or the equivalent state, county or recreation district authorities.

PUBLIC TRANSPORTATION

Uses in this category include any vehicular or rail transportation system owned or regulated by a government agency, used for the mass transport of people.

(Q)

No definitions

(R)

RECEPTION OR EVENT CENTER

A building or portion of a building available for lease by private parties for social or dining purposes.

RECREATION AND ENTERTAINMENT USES

Uses include those that provide entertainment, recreation, or amusement for profit.

RELIGIOUS, EDUCATIONAL, OR CHARITABLE INSTITUTION

A facility for religious, educational, or social purposes for a private, nonprofit, or religious organization, primarily for use by administrative personnel, members, and guests.

RENEWABLE ENERGY FACILITY

An electric generation unit or other facility or installation that produces electric energy using a renewable energy source, including but not limited to wind and solar farms.

RESTAURANT, FAST SERVICE/TAKE-OUT

Any establishment in which the principal business is the sale of food or beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes both of the following characteristics:

1. Food or beverages are usually served in edible containers or in paper, plastic or other disposable containers; and
2. The consumption of food or beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry out for consumption off the premises.

RESTAURANT, FULL SERVICE

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers are normally provided with an individual menu, are served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

RETAIL SALES AND SERVICES

Uses include establishments that provide retail sale, rental, services processing, and repair of new merchandise, primarily intended for consumer or household use.

RETAIL ESTABLISHMENT

A business engaged in selling goods to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including department stores; supermarkets; pharmacies; bakeries; meat markets; liquor stores; hardware, paint or wallpaper stores; camera shops; florist's shops; gift shops; hobby shops; stationery shops; bookstores, apparel shops; shoe stores; variety stores; jewelry stores; stores for sales of gardening supplies and equipment; movie theaters; and bowling alleys.

(S)

SEASONAL SALES

The temporary display and sale of products outside of a building or structure. Seasonal sales may include but are not limited to temporary farm stands selling produce, pumpkin patches, and Christmas tree sales. Seasonal sales are distinct from outdoor display of merchandise, associated with a retail establishment as an accessory use.

SELF-STORAGE UNITS

The separate storage spaces of varying sizes within one or more structures that are leased or rented on an individual basis. The individual storage units may be directly accessible from outside, or only accessible from the interior of an enclosed structure.

SERVICE AND REPAIR GARAGE, INCLUDING GAS STATION

An establishment used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts.

SEXUALLY ORIENTED BUSINESS

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult news rack or adult performance and encounter (live) business.

RELATED TERMS

ADULT ARCADE

A place open to the public in which coin-operated, slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, including computer imaging, are maintained to show images to five or fewer persons at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of specified anatomical areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment that as its principal business offers for sale or rent for any form of consideration any one or more of the following:

a) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassettes, or video reproductions, slides or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or

b) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET

A nightclub, bar, restaurant, or similar establishment whose primary activities regularly feature and include:

a) Persons who appear in a state of nudity;

b) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

c) Films, motion pictures, videocassettes, slides, computer-generated images, or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT ESCORT AGENCY

A person that furnishes, offers to furnish or advertises to furnish escorts for a fee, tip, or other consideration.

ADULT MOTEL

A hotel, motel or similar commercial establishment that

a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions;

b) offers a sleeping room for rent for a period less than ten hours; or

c) allows a tenant or occupant of a sleeping room to sub rent the room for a period less than ten hours.

ADULT MOTION PICTURE THEATER

A commercial establishment that, for any form of consideration, is substantially devoted to showing films, motion pictures, videocassettes, slides, computer-generated images, or similar photographic reproductions that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. The term does not include theaters that primarily feature films rated NC-17, R, PG, PG-13, and films other than unrated or X-rated films.

ADULT PERFORMANCES AND ENCOUNTERS (LIVE)

A business that offers as the primary purpose:

a) Physical contact in the form of wrestling or tumbling between persons engaging in specified sexual activities or exposing specified anatomical areas; or

b) Activities by one or more persons, either male or female, when at least one of the persons is engaging in specified sexual activities or exposing specified anatomical areas; provided that the term does not apply to artist models who pose in art classes for adult students or other settings solely for the purpose of assisting a sculptor, a painter or other artist in rendering an artist rendition or presentation of the model.

SPECIFIED ANATOMICAL AREAS

Includes less than completely and opaquely covered human genitals or pubic region or buttock or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

a) human genitals in the state of sexual stimulation or arousal;

b) acts of human masturbation, sexual intercourse or sodomy;

c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast;

d) excretory functions as part of or in connection with any of the activities set forth in subsections A through C of this definition; or

e) a simulation of any of activities provided in subsections A through D of this definition.

SHELTERED CARE FACILITY

A boarding home or other home for the sheltered care of adult or juvenile persons that, in addition to having the capacity to provide food and shelter to between nine and 25 persons unrelated to the proprietor, provides personal care and services, habilitation or supervision beyond food, shelter and laundry; provided that live-in nursing care is not a primary part of the services provided. Sheltered care facility includes group homes, half-way houses, homes for battered persons and children, and homes designed to provide a transition from long-term institutional care to normal activities.

SHORT-TERM RENTAL UNIT

A dwelling unit or accessory dwelling unit, or any portion of a dwelling unit or accessory dwelling unit, that is offered for rent or rented for a period of less than 30 days. A short-term rental is distinct and different from a bed and breakfast and a vacation time share project.

SIGN SHOP

A retail store engaged in the manufacturing and selling of custom-made signs to the public.

STORAGE SERVICES

Uses in this category include uses that provide space in a structure for storage.

SUBSTATION

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means facility equipment that switches, changes, or regulates electric voltage. An electric power station that services as a control and transfer point on an electrical transmission system. Substations route and control electrical power flow, transform voltage levels, and serve as delivery points to industrial customers.

SWITCHING STATION

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means facility equipment used to tie together two or more electric circuits through switches. The switches are selectively arranged to permit a circuit to be disconnected or to change the electric connection between the circuits.

(T)

TAILORING OR ALTERATIONS SHOP

A personal services establishment that specializes in alterations to clothing, or the creation of garments.

TEMPORARY MOBILE STORAGE UNIT

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and "POD"™ type boxes that can be transported on a flatbed or other truck; but does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

TEMPORARY ON-SITE CONTRACTOR'S OFFICE

A temporary structure placed on or adjacent to a construction site, used by the contractor in connection with the development or building project, generally as an office for administrative and supervisory functions, or for storage of equipment.

THEATRE, LIVE PRODUCTIONS

A structure used for dramatic, operatic, or other live performance.

TINY HOME

A single-family detached dwelling that is less than 500 square feet and more than 300 square feet in size.

TIRE RECAPPING AND RETREADING

An establishment used for the re-manufacturing process for tires that replaces the tread on worn tires.

TRANSIT TRANSFER FACILITY

Bus stops, bus terminals, transfer points, and depots without vehicle repair or storage.

(U)

URBAN FARM, GROUND LEVEL

The use of a lot on the ground for urban agriculture for commercial purposes, whether for profit or non-profit. Ground-level urban farms are classified according to their size, as follows:

LARGE

A farm area greater than one acre.

MEDIUM

A farm area greater than or equal to 10,000 square feet, but no greater than one acre.

SMALL

A farm area less than 10,000 square feet.

URBAN FARM, ROOF LEVEL

The use of a roof for urban agriculture for commercial purposes, whether for profit or non-profit. Roof-level urban farms are classified according to their size, as follows:

LARGE

A farm area greater than 1,000 square feet, but no greater than 5,000 square feet.

SMALL

A farm area 1,000 square feet or less.

UTILITIES

This category of uses includes natural gas regulator stations, telephone exchanges, water or sewage pumping stations, or water storage facilities, power generating and distribution facilities (whether the source of power is electrical, wind, or solar), and wireless telecommunication facilities.

UTILITY SHED

A one-story, detached accessory structure constructed of light material and used as a tool shed, play house, or other suitable purpose.

(V)

VACATION TIME SHARE

Real property for which the right to use and occupy a dwelling unit on a periodic basis constitutes a time share arrangement under the laws of New Mexico, in which the exclusive right of use or occupancy of a unit circulates among various owners for a contractually limited period or a private club with shared ownership in a vacation residence similar to the above including interval use.

VETERINARIAN

A facility or place where animals, including agricultural and farm animals, are given medical and surgical care and treatment and the boarding of animals limited to short-term care incidental to the hospital use.

VOCATIONAL OR TRADE SCHOOL

A secondary or post-secondary education facility that meets state requirements as a vocational facility and that primarily teaches usable skills that prepare students for jobs in a trade.

(W)

WAREHOUSE AND DISTRIBUTION

An enclosed building or complex of buildings used primarily for the storage of goods and materials, or as a point for distribution of stored goods to other businesses or the final consumer. Warehouse and distribution facilities are not open to the public.

WHOLESALE OPERATION

Business primarily engaged in selling merchandise or acting as agents or brokers and buying merchandise for retailers; industrial, commercial, institutional or professional business users; or other wholesalers. While the primary focus is business-to-business transactions, there may be occasional customers on-site, including members of the public.

WIRELESS COMMUNICATIONS FACILITY

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility does not include a facility that is an accessory use. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and their permitted supporting structure, but does not include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the wireless communications facility is not the primary use. The term does not include mobile

transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

14-9.3 General Definitions

(A)

ACCENT LIGHTING

Any directional lighting that emphasizes a particular object or draws attention to a particular area.

ACCESSORY

As applied to a use or structure, means customarily subordinate or incidental to and on the same lot of such use or structure or on a contiguous lot in the same ownership.

ACTIVE WATER HARVESTING

Containing precipitation or runoff in a storage tank or other device and distributing that water with a mechanical system by means of gravity or a pump.

ACTUAL CONSTRUCTION

Placing construction materials in permanent position and fastening in a permanent manner; provided that where demolition or removal of an existing structure has been substantially begun preparatory to new construction, such demolition or removal is actual construction as long as the work is diligently carried on until completion of the new construction involved.

ADOBE

Sun-dried block or coursing of dirt, clay, asphalt-impregnated earth or other natural earth materials.

ADVERTISING STRUCTURE

A structure, part of a structure, or a device attached to, painted on, or otherwise represented on a building, fence. or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, direction, advertisement, or other attention-getting device, including a sign. Advertising structure does not include a similar structure located within a building except illuminated signs within show windows.

ALCOHOLIC BEVERAGES

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

ALCOHOLIC BEVERAGE DISPLAY AREA

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

ALCOHOLIC BEVERAGE LICENSEE

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

ALCOHOLIC BEVERAGE SALES ACTIVITIES

The retail sale of alcoholic beverages for offsite consumption.

ALTERATION

A change of the architectural features of a structure, including the erection, construction, reconstruction, or removal of the structure or any of its parts. Additions are considered alterations.

ANIMAL PRODUCTION

An area which is used for the raising of animals except as limited in subsection 14-5.3(E), *Agricultural Uses*.

ANTENNA

An exterior transmitting or receiving device that may be mounted on a structure and that is used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications, signals or other communication signals.

APPELLANT

A person filing an appeal.

APPLICANT

A person who has submitted an application. As used in subsection 14-7.9, *Impact Fees*, the applicant for a construction permit for which an impact fee is due.

APPLICATION

A request for a permit or other approval within the jurisdiction of the Planning and Land Use Director, a land use board or the Governing Body that is required pursuant to Chapter XIV, and includes the fees, forms, plans, and associated documents.

ARCHAEOLOGICAL FEATURES

Nonportable cultural remains, including storage pits, firepits, burials, worksites, middens, architectural remains, and undisturbed layers of deposited materials.

ARCHAEOLOGICAL SITE

A concentration of cultural remains inferred to be the location of specific human activities of the past.

ARCHAEOLOGIST

[reserved]

ARCHITECT

A person who is licensed by the state to practice architecture.

ARCHIVAL RESEARCH

Research in primary documents that is likely to yield information concerning the human occupation of a site, including deed, census, cartographic, and judicial records.

AREA MEDIAN INCOME

The median income for the Santa Fe metropolitan statistical area as adjusted for various household sizes and published and revised periodically by the United States Department of Housing and Urban Development.

ARTIFACT

Portable material remains that exhibit evidence of human use or alteration.

ASSESSMENT

As used in subsection 14-7.9, *Impact Fees*, means the determination of the amount of an impact fee.

AVERAGE DAILY TRAFFIC

The total volume of traffic during the time period from 7:00 a.m. to 6:00 p.m. in whole days, greater than one day and less than one year, divided by the number of days in that time period.

AWNING

A roof-like covering projecting from the wall of a building and that is typically made of metal, plastic, canvas, or other textile.

(B)

BACK-HAUL NETWORK

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices or long distance providers or the public switched telephone network.

BANNER

A temporary sign no larger than 18 square feet made of flexible material (cloth, paper, vinyl, or other lightweight, non-rigid material) on which information relating to an event, function, or activity is painted or printed, which projects from, hangs from, or is affixed to a City-owned support structure.

BAR DITCH

A continuous shallow ditch parallel to a roadway that collects and distributes surface runoff from the roadway and adjacent terrain.

BASAL AREA

The cross-section area of the stem or stems of a plant or of all plants in a stand expressed as square feet per acre. Bushes and shrubs, including pinon and juniper, are generally measured at or less than one inch above soil level. All other trees generally are measured at 4.5 feet above ground inclusive of bark. Measurements are taken from the uphill side of the slope. For the purposes of explanation only, 60 basal area is approximately equal to evergreen trees, each six feet tall, planted on 12 foot centers over one acre.

BASE FLOOD

The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE)

The elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year-also called 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.

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.

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 XIV.

BUILDABLE SITE

As used in subsection 14-4.4, *Escarpment Overlay District*, and subsection 14-8.2, *Terrain and Stormwater Management*, means a contiguous area of land located within a single lot on which a building with a footprint equal to not less than forty percent of the minimum required net lot area, or 2,000 square feet, whichever is less, can be developed in compliance with all requirements of those subsections, all requirements of the underlying zone and all applicable development standards.

BUILDING

A structure or parts of a structure covered and connected by a permanent roof and intended for shelter, housing, or enclosure.

BUILDING FRONTAGE

The horizontal distance across the front of a building.

BUILDING OFFICIAL

The director of the inspections and enforcement division or other person designated by the Planning and Land Use Director.

BUILDING STRUCTURE

The load-bearing portions of a building, including decking and sheathing for floors, walls, and roofs.

BUSINESS

An activity involving wholesale or retail sales or rental of any article, substance or commodity, including building materials and vehicles, and the provision of all commercial services, including financial institutions and personal commercial services. Where the term business is used to describe a type of land use or structure, it includes such use by any organization or individual, whether or not the use is conducted for profit.

BUSINESS SERVICES

A business primarily engaged in rendering services to other businesses on a fee or contract basis, including advertising and mailing, building maintenance, employment service, management and consulting services, protective services, and equipment rental and leasing.

(C)

CALIPER

A measurement of the diameter of the trunk of a tree, taken either at six inches above ground level (generally at time of planting), or at four and one-half feet above the ground, when a measurement specifies diameter at breast height (DBH).

CABLE SERVICE

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means cable service as defined in the Cable Communications Policy Act of 1984, 47 U.S.C. subsection 532, et seq., as now and hereafter amended.

CANNABIS PRODUCT

A product that is or that contains cannabis or cannabis extracts, including edible or topical products that may also contain other ingredients.

CANOPY

An overhanging shelter or shade.

CANTILEVER

A beam or truss with an unsupported end projecting past the bearing. A beam or truss may support any kind of projecting element including a building overhang, part of a bridge, or a balcony. A viga, or a wooden real or simulated interior roof support that protrudes through an exterior wall, is not a cantilever.

CAPITAL IMPROVEMENT

As used in subsection 14-7.9, *Impact Fees*, means any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or on behalf of the City:

1. Roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, landscaping and any local components of state and federal highways;
2. Traffic signals located within the service area at the intersection of two City-maintained arterial streets;
3. Neighborhood or pocket parks and related areas and facilities, referred to in Chapter XIV as "neighborhood parks" and community and regional parks, open space and trails and related facilities, referred to in Chapter XIV as "regional parks";
4. Buildings for fire and rescue and essential equipment costing ten thousand dollars ($10,000) or more and having a life expectancy of ten years or more; or
5. Buildings for police and essential equipment costing ten thousand dollars ($10,000) or more and having a life expectancy of ten years or more.

CAPITAL IMPROVEMENTS PLAN

As used in subsection 14-7.9, *Impact Fees*, means the plan adopted by the Governing Body that identifies capital improvements or facility expansions for which impact fees may be imposed to serve projected development in the service area based on the approved land use assumptions identified in the capital improvement plan for water, wastewater, roads, parks, fire and police development impact fees.

CARPORT

A shelter for a car consisting of a roof supported on posts, typically open on at least three sides.

CERTIFICATE OF OCCUPANCY

A written document issued by the Planning and Land Use Director certifying that a structure or use of land has been constructed or will be used in compliance with all applicable City codes and ordinances.

CHANNEL

As used in subsection 14-8.3, *Flood Regulations*, means a portion of a drainageway that has a naturally or artificially developed bed or banks to confine and conduct a continuous or periodic flow of water.

CHECK DAM

A small dam built within a drainage channel to decrease flow velocity and reduce erosion by reducing the channel gradient, minimize scour, and promote deposition of sediment.

CISTERN

An artificial, closed reservoir for storing water, often underground.

CITY

The City of Santa Fe.

CITY ENGINEER

A designated employee of the City who is both a professional engineer and a state-certified floodplain manager.

CLUB

A nonprofit organization and its premises, including a lodge, that caters exclusively to members and their guests for social, intellectual, political, recreational, athletic, or other common purposes.

CLUSTER DEVELOPMENT

A development in which dwelling units are grouped together and where common open space is provided.

CLUSTERED SUBDIVISION

A form of development for a single-family subdivision that allows a reduction in lot area, provided there is no increase in the number of lots permitted by the zoning district, and the undeveloped land resulting from the log reduction is devoted to open space.

COLLOCATION

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means the mounting or installation of an antenna on an existing tower or tower alternative.

COMMERCIAL CANNABIS ACTIVITY

Cultivating, producing, possessing, manufacturing, storing, testing, researching, labeling, selling, purchasing for resale, or consigning cannabis products (but excluding personal growing and use, medical cannabis program activities, and cannabis training and education programs).

COMMERCIAL DEVELOPMENT

For the purpose of the annual water budget in subsection 14-7.7, means one or more buildings constructed for nonresidential use. Commercial development includes hotels, motels, offices, stores and other retail establishments and industrial, manufacturing, wholesaling, and warehousing activities.

COMMERCIAL RECREATIONAL USE OR STRUCTURE

A facility for commercial recreational purposes such as a theater, bowling alley, pool room, driving range, miniature golf, health club, sports field, or amusement park.

COMMERCIAL STRUCTURE

A structure that is put to a commercial use as provided in Section 14-5 Use Regulations.

COMMON OPEN SPACE

The outdoor area accessible to all residents within a development, which may be owned in undivided interest by all the residents of the development, and it may remain in its natural state or may be landscaped or improved for passive or active recreational activities.

COMPACT CAR

A motor vehicle that is 181 inches (15 feet and one inch) or less in length, measured from front to rear bumper.

COMPANY

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means electric service provider or its contractors or other persons constructing electric facilities and distribution facilities.

COMPOSTING

A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.

COMPOUND

Three or more attached or detached dwelling units on one lot and located in the RC-5, RC-8, RAC, AC or BCD districts.

COMMUNITY RESIDENTIAL CORRECTIONS PROGRAM

A community 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 subsection 14-5.3(I)(1), *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.

CONTOUR LINE

A line adjoining points of equal elevation on a topographic map.

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately 50 years old or older that helps to establish and maintain the character of that historic 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 PROPERTY EASEMENTS CULTURAL REMAINS

The remains of prior human occupation or activity over 75 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.

(D)

DECK

A structure, without a roof, directly adjacent to a principal building that has an average elevation of 30 inches or greater from finished grade that is constructed of any material.

DEMOLITION

The intentional destruction of all or part of a building or structure; in restoration or renovation projects, may include removal of structural elements, partitions, mechanical equipment, and electrical wiring and fixtures.

DEMOLITION BY NEGLECT

The destruction of a structure caused by failure to perform maintenance over time.

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 stormwater 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, except for routine maintenance and repair.

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the owners have obtained a conditional use approval for operation two or more of the following facilities that they own in common and: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

DISPLAY LOT

A lot used primarily for the purpose of retail sales.

DISTRIBUTION FACILITIES

As used in subsection 14-5.3(I)(1), *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.

DIVIDED LIGHT

A window or door in which the glass is divided into several small panes using muntins.

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 stormwater through a drainageway 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 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.

(E)

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 Planning and Land Use Director.

EARTH MATERIAL

Rock, natural soil, or fill and any combination of these.

ECOLOGICAL RESOURCE RESTORATION

1. Erosion prevention and control, including protection of natural drainage channels and compliance with an approved stormwater drainage management plan;
2. Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones;
3. Conservation of water, including preservation of existing native vegetation, reduction in amounts or irrigated areas and similar considerations;
4. Stream corridor and wetland protection and buffering;
5. Preserving or restoring site topography, including such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic features;
6. Preserving or restoring floodplains and flood ways;
7. Preserving, restoring, or creating wildlife movement corridors; and
8. Preserving or restoring hydrology and groundwater flow.

EGRESS

The exit of a building, structure, or land.

ELECTRIC PROJECT

As used subsection 14-5.3(I)(1), *Electric Facilities*, the placement of 40kV and above transmission lines, switching stations, and substations; the upgrade, replacement, or relocation of any 40kV and above transmission lines, switching stations and substations; and the placement of more than 3 new distribution poles (not reviewed through the development review and construction permit process).

ELECTRIC STRUCTURE

As used in subsection 14-5.3(I)(1), *Electric Facilities*, one or more poles connected to each other by braces, cross arms or grounding systems with insulators and other hardware and carrying device electric service.

ELECTRIC VEHICLE CHARGING STATION

An electrical outlet that pulls an electrical current from 240v power and charges a vehicle's battery by delivering electricity when that vehicle is connected to the charging outlet.

ELEVATION (OF A STRUCTURE)

One of the exterior faces of a building, or a drawing of a face of a building or an interior wall, with all of the features shown as if in a single vertical plane. One elevation can include numerous facades. In Figure 9.3-1, the blue line in the floor plan image or the right correlates to the east elevation drawing on the left.

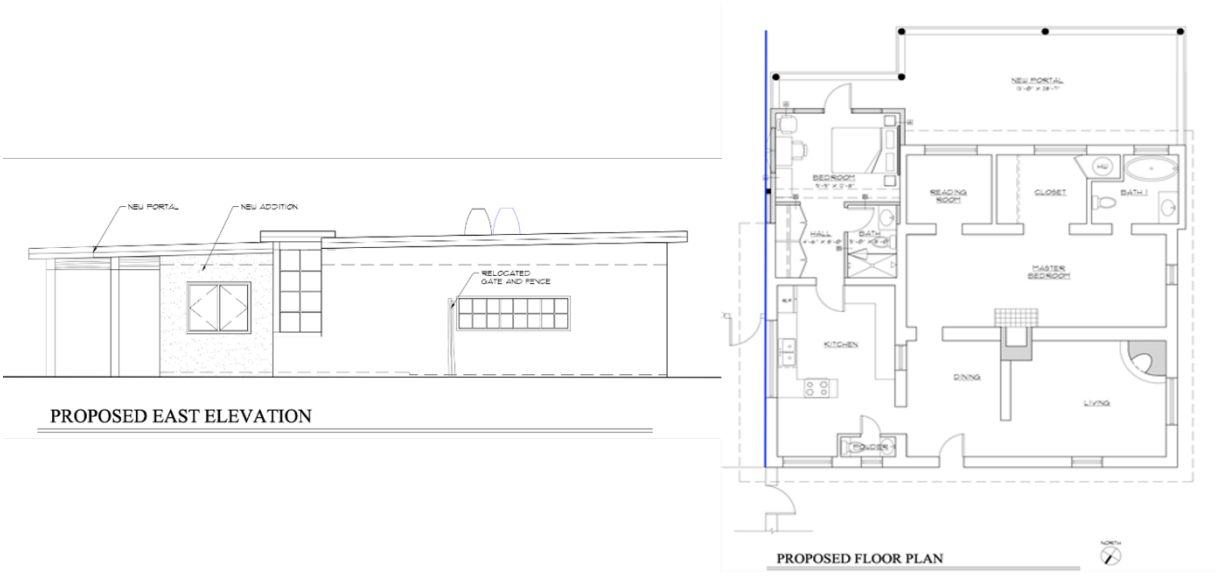


Figure 9.3-1: Sample Building Elevation Drawing

ELIGIBLE FACILITIES REQUEST (EFR)

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means any request for modification of an existing wireless tower or base station that that does not substantially change the physical dimensions of such tower or base station, including:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means a wireless communications facility including one of the following two structure-types:

1. Base station

   A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

   a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

   b. Ther term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

c. The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this subsection, supports or houses equipment described in (i) through (ii) of this subsection that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not build for the sole or primary purpose of providing such support.

d. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this subsection, does not support or house equipment described in paragraphs (i)-(ii) of this subsection; or

2. Tower

Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

EMERGENCY

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means any repair, restoration, or replacement of an electric facilities made necessary because of a sudden unexpected event which has created a condition which is an immediate and continuing threat to the safety of property or persons.

EMERGENCY FACILITIES

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means electric facilities and distribution facilities used to provide service due to emergency conditions.

EMPLOYEE

In the context of a home occupation, a person who is a full- or part-time employee, partner, or independent contractor of a home occupation and who works from the site of the home occupation on a regular basis.

EQUIPMENT CABINET

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means a storage cabinet used exclusively for the protection of telecommunications equipment.

EQUIVALENT DWELLING UNIT (EDU)

As used in subsection 14-7.9, *Impact Fees*, means a service unit measure representing the impact of a typical single-family dwelling on the park system. A typical single-family dwelling represents, on average, one EDU. Other types of units each represent a fraction of an EDU, based on their relative average household sizes.

ERECT

To build, construct, attach, hang, place, suspend, or affix and includes the painting of wall signs.

EROSION

The wearing away of ground surfaces as a result of the movement of wind, water, or ice.

EROSION CONTROL STRUCTURES

Manmade improvements that are intended to limit or control erosion.

EXCAVATION

The mechanical removal of earth material, including, but not limited to trenching, digging, scraping, or blading to modify the existing, unmodified grade. In the context of an archeological excavation, excavation is displacing, disturbing, or moving earth, soil, dirt, other deposits or material remains from their current contexts or significant orientation in, or on, the ground within the boundaries of an archaeological site or area of historic and scientific interest, by using hand tools or mechanical earth-moving equipment.

EXISTING CONDITIONS ASSESSMENT

As used in subsection 14-4.6, *Historic Districts*, means written, graphic and photographic documentation of existing conditions in a historic compound as specified by City policy.

EXTERIOR WALL AND ROOF COVERING

The material or assembly of materials applied to the exterior surface of a wall or roof for weather resistance or appearance, but excluding structural elements of the wall or roof such as decking or sheathing.

(F)

FAÇADE

One whole elevation or a portion of an elevation of a structure, from grade up to and including the top of the parapet. An individual facade is defined as including at least an eight-foot width that is offset from an adjacent plane by at least four feet, such that a single elevation can include multiple facades. In Figure 9.3-2, the blue line in the floor plan image or the right correlates to the east elevation drawing on the left. This elevation is a single facade, as there is no offset, relief, or building modulation along the length of the elevation.

FAÇADE, PRIMARY

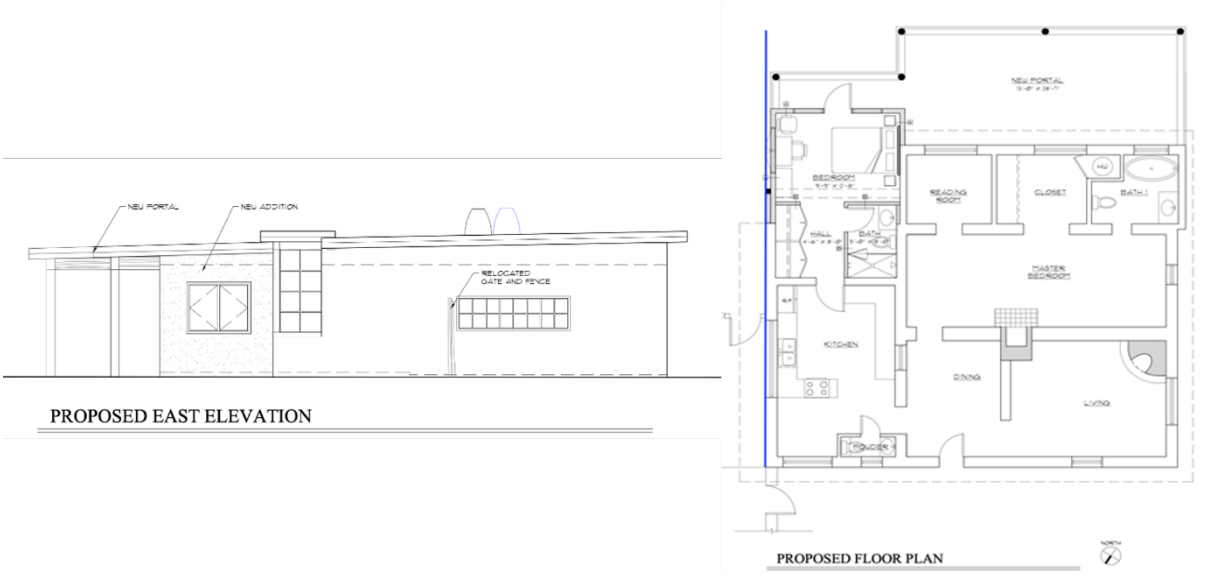


Figure 9.3-2: Elevation with Single Façade

In the context of the historic district, one or more principal faces or elevations of a building with features that define the character of the building's architecture.

FACEMOUNT ANTENNA

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means a camouflaged antenna attached to and covering a small portion of the surface of a building, architecturally integrated into the supporting structure.

FACILITY EXPANSION

As used in subsection 14-7.9, *Impact Fees*, means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

FAMILY

1. A natural person;
2. Two or more natural persons related by blood, marriage, legal guardianship or adoption, plus resident domestic servants; or
3. A group of unrelated people living together in a dwelling unit as a single housekeeping unit; also referred to as a household.

FARM AREA

The area of a lot designated for activities and uses defined as urban agriculture.

FARM STRUCTURES

Structures that may include, but are not limited to, sheds (tool and packing), compost bins, shade pavilions, farm stands, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as greenhouses, hoop houses, cold frames, and similar structures.

FILL

The artificial deposition of earth material.

FINAL ACTION

The action taken that completes review of and decision on an application or appeal; see subsection 14-2.1(B)(6)(b), *Final Actions*.

FINAL APPROVAL

As used in subsection 14-7.9, *Impact Fees*, 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.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD FRINGE

The portion of the special flood hazard area that is outside of the floodway.

FLOOD HAZARD ZONE

A special flood hazard area, inclusive of the floodway and the flood fringe, where applicable.

FLOOD INSURANCE RATE MAP (FIRM}

The official map of a community, on which the federal emergency management agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN ADMINISTRATOR

The person designated by the Planning and Land Use Director to administer the City's flood regulations pursuant to subsection 14-2.2(I).

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 maps and an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPROOFING

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.

FOOTPRINT

The configuration of the area of ground covered by a structure, including all its parts.

FREEBOARD

As used in subsection 14-8.3, *Flood Regulations*, means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave actions, bridge openings and the hydrological effect of urbanization of the watershed.

FRENCH DRAIN

An artificial in-ground trench or other volume of rock or other material that distributes water for plant material use or infiltration.

FUGITIVE WATER

The pumping, flow, release, escape, or leakage of water from a pipe, valve, faucet, connection, diversion, well or water supply, transport, storage, disposal or delivery system or facility onto adjacent property or the public or private right-of-way, an arroyo or other water course, whether natural or manmade, or onto a paved or non-planted landscape area.

FUNCTIONALLY DEPENDENT USE

As used in subsection 14-8.3(C), *Development in Special Flood Hazard Areas*, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as bridges and piers.

(G)

GABLED ROOF

A type of pitched roof characterized by a vertical triangular portion at two opposite sides of the building and frequently characterized by dormers. The triangular portion extends from the level of the cornice or eaves to the ridge of the roof.

GARAGE

A structure, or part of a structure used or intended to be used for the parking and storage of vehicles.

GENERAL PLAN

The Santa Fe General Plan adopted by Resolution No. 1999-45, and as amended.

GLARE

The brightness of a light source that causes eye discomfort, including nuisance glare, which means light that creates an annoyance or aggravation, but does not create a potentially hazardous situation; and disabling glare, which means light that impairs visibility and creates a potentially hazardous situation for either pedestrians or motorists.

GLARE

In the context of outdoor lighting, glare is the sensation produced by illumination within the visual field that is sufficiently greater than the illumination to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

GOVERNING BODY

The Governing Body and the Mayor acting in their official capacities during a meeting of a quorum.

GRADE

The ground level of a specified area of land; the act of grading.

GRADING

Any activity that disturbs the ground, including excavating, filling or a combination of excavating and filling.

GRAY WATER

Untreated household wastewater that has not come into contact with toilet waste. Gray water includes used water from bathtubs, showers, bathroom wash basins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

GROSS DENSITY

The housing density calculated by dividing the total number of dwelling units by the total area in residential development in accordance with Chapter XIV.

GROSS FLOOR AREA

The total square footage of all floor area within the exterior walls of a structure, including basements, main floors, and upper floors, as measured from the outside surface of the exterior walls.

GROSS LOT AREA

[Reserved]

GROUND LEVEL URBAN FARMS

The use of a lot on the ground plan for urban agriculture for commercial purposes, whether for profit or non-profit.

GUEST, SHORT-TERM RENTAL

Any person who rents a short-term rental unit or occupies a short-term rental unit during a rental period.

(H)

HEADER

A wood lintel over an opening that supports the structure above.

HEATED LIVING AREA

As used in subsection 14-7.9, *Impact Fees*, and for the purpose of assessing and collecting impact fees for residential dwelling units, means all floor area enclosed, heated and intended for daily habitation, including kitchens, bedrooms, living or family rooms, dens, laundry rooms and associated interior stairs and closets. Unless heated and intended as living area, the term excludes garages, solariums and porches. Heated living area is measured from the outside surface of the outside walls enclosing the contiguous floor area.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIPPED ROOF

A type of pitched roof characterized by the intersection of four or more roof planes, the eave lines of which are not parallel.

HISTORIC OR HISTORICAL

Belonging or relating to history.

HISTORIC AGE

[Reserved]

HISTORIC COMPOUND

An identifiable grouping of historic resources, including buildings, structures and landscaping elements, as described in subsection 14-4.6(H)(2), *Identification of Historic Compounds*. Historic compounds may be comprised of more than one lot.

HISTORIC COMPOUND PLAN

A comprehensive, long-term plan describing any planned modifications, including demolitions, additions or exterior rehabilitations, to existing structures or buildings, landscaping or new construction in the historic compound.

HISTORIC DISTRICT

A definable geographical area that contains a number of related historic sites, buildings, structures, features, or objects united by past events or aesthetically by plan or physical development, and that has been designated on a local, state or national register of historic places; may encompass a neighborhood or all of a small town; some districts comprise individual elements separated geographically but linked by association or history.

HISTORIC MATERIAL

Materials located in that are listed in or eligible for listing in the national register of historic places or designated as historic under an appropriate state or local law and is 50 years old or older.

HISTORIC STRUCTURE

A structure that is 50 years old or older.

HOMEOWNERS' ASSOCIATION

A private nonprofit corporation of homeowners for the purpose of owning, operating and maintaining various common properties.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental owner or operator with guests and to facilitate the booking of a short-term rental unit.

HOUSING OPPORTUNITY PROGRAM (HOP)

The Housing Opportunity Program set forth in Section 26-1, *Santa Fe Homes Program*.

(I)

IMPERVIOUS SURFACE

A built or paved area that will not absorb stormwater; provided that impervious surface does not include graveled surfaces.

IN-KIND

In the context of historic structures, replacement of existing materials using similar materials, architectural treatments and styles, features, and details as the existing structure.

INCOMBUSTIBLE MATERIAL

Any material that will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.

INDIVIDUAL STORAGE AREAS WITHIN A COMPLETELY ENCLOSED BUILDING

Mini-storage units that are not directly accessible from the outside of the building.

INFILL

The development of more intensive land uses on vacant or underutilized sites.

INFILTRATION BASIN

Storage of stormwater or other runoff in a facility that empties solely by moving into the soil or through evaporation.

INFILTRATION FIELD OR GALLERY

A below grade water system that collects, infiltrates and distributes stormwater or other runoff.

INFRASTRUCTURE

Facilities needed to sustain development activities, including water and sewer lines, electric, gas, telephone service, storm drainage systems and streets and roads.

INGRESS

The entrance of a building, structure, or land.

INSIDE TURNING RADIUS

The radius of the curve made by the inside wheel of the vehicle.

INSTITUTIONAL BUILDING

A building used for governmental, religious, educational, public health care and similar purposes, but does not include clinics and medical offices.

INTEGRATED CANNABIS MICROBUSINESS

A person who is licensed as an integrated cannabis microbusiness and authorized to conduct one or more of the following:

1. Production of cannabis at a single licensed premises; provided that the person shall not possess more than 200 total mature cannabis plants at any one time;
2. Manufacture of cannabis products at a single licensed premises;

3. Sales and transportation of only cannabis products produced or manufactured by that person;
4. Operation of only one retail establishment; or
5. Couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants, or directly to consumers.

INTENSIFICATION

As used in subsection 14-7.9, *Impact Fees*, means the development, redevelopment and/or expansion of an existing building and/or site, area, or function to support greater occupant load and/or to expanded or add an additional use(s) through addition of conditioned floor area, areas of commercial use, Floor Area, Gross or increased density through the addition of dwelling units.

INTENSITY

The extent of development per unit of area; or the level of use as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic.

INTERIOR NONSTRUCTURAL ELEMENTS

Interior walls, doors, floor coverings and ceiling systems that are not part of the building structure.

INTERVAL USE

The use of a unit or units for which the exclusive right of use or occupancy circulates among various owners for a contractually limited period or periods of time.

(J)

JOINT USE

As used in subsection 14-5.3(I)(1), *Electric Facilities*, the use in common of a particular facility by two or more entities, such as the attachment of a telecommunications company's antenna or other telecommunications apparatus on the transmission structure of an electric utility.

JUNKYARD

Any area, lot, land, parcel, building or structure or part of these used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap; discarded goods, materials or machinery; two or more unregistered, inoperable motor vehicles; or other type of junk. A junkyard does not include such uses conducted entirely in an enclosed building.

(K)

No definitions

(L)

LAMP

The light-producing source installed in a luminaire.

LAND USE ASSUMPTIONS

As used in subsection 14-7.9, *Impact Fees*, means a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period.

LAND USE BOARD

A City board, commission, committee or authority that has jurisdiction over any matter arising under Chapter XIV or otherwise within the jurisdiction of the Planning and Land Use Director, including the Board of Adjustment, the Planning Commission, the Historic Districts Review Board and the Archaeological Review Committee.

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 a historic 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:

1. Primarily native landscape, which may incorporate non-native plant material;
2. Urban landscape, with street trees or other urban design elements; or
3. 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.

LANDSCAPING

The planting and maintaining of live plants and the use of some natural and manufactured materials, including walls, fences and earth berms.

LEGAL LOT OF RECORD

A lot that was created prior to the date of any applicable provision of law that required the lot to be approved as part of a subdivision, or that has been created as part of a subdivision created in accordance with all applicable laws or ordinances, or that has been created by a court order as provided in subsection 14-2.1(E)(1)(g), *Subdivision by Court Order*, or for which a certificate of compliance has been issued pursuant to subsection 14-2.1(E)(1)(k)(II), *Approval by the Planning Commission*. The lot must be shown on a duly recorded plat or other written instrument that adequately describes the lot, that is recorded with the County Clerk, and that documents compliance with this definition.

LEGAL NONCONFORMING LOT

A legal lot of record that fails to conform to the standards of this Chapter for lots, such as the area, dimension or location or access requirements.

LEGAL NONCONFORMING STRUCTURE

A structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter XIV for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lotas a consequence of annexation of the structure into the City or as a consequence of adoption of or amendments to Chapter XIV.

LEGAL NONCONFORMING USE

A use that was lawfully established, but that fails to conform to the use regulations of this Chapter XIV as a consequence of annexation into the City or as a consequence of adoption of or amendments to Chapter XIV.

LICENSEE

A person who has received written permission or a license to undertake an activity regulated by Chapter XIV.

LIGHT POLLUTION

The general sky glow caused by the scattering of artificial light in the atmosphere that results in decreased ability to see the natural night sky.

LIGHT TRESPASS

The encroachment of light, typically across property boundaries, causing annoyance, loss of privacy, or other nuisance.

LINEAR FACILITIES

The lines, cables, fibers or any other such carriers that are linear in nature and that are used for the transmission of water, gas, electricity, data, video images, voice images or other such services.

LINTEL

A structural beam spanning over a door or window opening, or a facing, such as architectural terra cotta that appears to be a structural beam.

LIVE CRIB WALLS

A bioengineering method by which box-like structures of interlocking timbers backfilled with alternating layers of soil and branch cuttings are used to stabilize a slope, with roots of cuttings extending into the slope to provide structural support.

LIVE STAKING

A bioengineering method by which plant cuttings are inserted directly into a slope to provide initial slope protection and to strengthen the slope's resistance to erosion and undercutting.

LOADING SPACE

A distinct area logically and conveniently located for bulk pickups and deliveries scaled to the size of the delivery vehicles expected to be used and accessible to such vehicles.

LOADING SPACE, OFF-STREET

The space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

LONG-TERM BICYCLE PARKING

Bicycle parking that is generally intended for use by residents, employees, or commuters who will park their bicycles for a duration longer than two hours. Long-term bicycle spaces are provided in a sheltered or enclosed location, by means of individual bicycle lockers or multi-user racks in a secured bicycle room or cage.

LOT

A tract, plot or portion of a subdivision or other parcel of land with clearly defined boundaries.

LOT, CORNER

A lot located at the intersection of two or more streets or at the intersection of a common driveway or access road servicing more than one lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot, or an extension of the lot where it has been rounded by a street radius, meet at an interior angle of less than 135 degrees. See lots marked AE in the Lot Types diagram.

LOT,DOUBLEFRONTAGE

A lot having its front and rear lot lines coincident with street right-of-way lines.

LOT, INTERIOR

A lot other than a corner lot, with only one frontage on a street other than an alley. See lots marked B in the Lot Types diagram.

LOT, IRREGULAR

A lot, other than a regular lot, not necessarily abutting a public street, that is located, shaped or oriented to adjacent lots in such a way that the usual required yards of this Chapter are impractical and may not be logically determined. See definition of "YARD, SPECIAL".

LOT, REGULAR

A lot abutting a public street that is so located, shaped or oriented to adjacent lots that the required yards of this Chapter may be applied. A regular lot has the location of its front, side and rear required yards determined by and related to adjacent yard patterns.

LOT, REVERSED FRONTAGE

A lot that is at right angles, or approximately right angles, to the general pattern of lots in the area involved. A reversed frontage lot may also be a corner lot or an interior lot, A-D and B-D in the Lot Types diagram, or even, in rare cases, a through lot, which is not illustrated.

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.

LOT ACCESS DRIVEWAY

A driveway providing access from a lot to a street that the lot does not front on, other than any frontage provided by the driveway, such as occurs with flag lots and common access driveways.

LOT FRONTAGE

The part of a lot abutting the street from which primary access to the lot is obtained.

LOT SIZE

A general term including the various dimensions of the lot such as area, width and depth; or the area of land included within the boundaries of a lot.

LOWEST FLOOR

As used in subsection 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.

(M)

MAJOR ROADWAY SYSTEM

As used in subsection 14-7.9, *Impact Fees*, means all major and minor arterials identified on the Santa Fe functional road classifications map within the urban area.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins or liquors.

MARQUEE

An exterior roof-like projection over an entrance or window.

MIXED-USE

The development of a tract of land, building or structure in a compact urban form with two or more different uses, including residential, office, manufacturing, retail, public use, light industrial or entertainment.

MOBILE HOME SPACE

A plot of land within a mobile home park designed for the accommodation of one mobile home or manufactured home.

MOBILE HOME STAND

That portion of the mobile home space intended for occupancy by the mobile home or manufactured home proper, consisting of dimensions to be determined by the size of the unit to be accommodated.

MODULAR HOME

A prefabricated structure built to all applicable building codes and used as a permanent building or dwelling unit that does not have permanent or temporary axles of its own and that is connected permanently to an on-site foundation made exclusively for that modular home or building.

MOUNTAINOUS AND DIFFICULT TERRAIN

Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over 25 percent of the square footage of the parcel has an existing slope of over 20 percent.

MULCH

Any material applied to the surface of the soil to decrease moisture loss and control the growth of weeds; organic mulches include bark and wood chips, straw, grass, hay, compost and seed shells and inorganic mulches include rock and gravel.

MUNTIN

The small molding or bar that separates the individual panes of multipaned windows.

(N)

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

NATURAL SLOPE

The elevation of the ground surface before any grading.

NET LEASABLE AREA

Present or potentially habitable space designed for owner or tenant occupancy and exclusive use.

NEW CONSTRUCTION

As used in subsection 14-8.3, *Flood Regulations*, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of Ordinance No. 1977-47.

NEW DEVELOPMENT

As used in subsection 14-7.9, *Impact Fees*, means the subdivision of land; reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of service units.

NONCONTRIBUTING STRUCTURE

A structure, located in a historic district, that is less than 50 years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the Historic district.

NONRESIDENTIAL

All uses not defined as residential.

NOXIOUS WEED

Any living stage, including seeds and reproductive parts, of any parasitic or other plant designated as a noxious weed by the New Mexico Department of Agriculture, including Siberian elm (Ulmus pumila), Russian olive (Elaeagnus angustifolia), tree of heaven (Ailanthus altissima) and salt cedar (Tamarix spp.).

(O)

OBJECT

As used in subsection 14-4.6, *Historic Districts*, means the term used to distinguish from structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, for example, sculpture, monuments, boundary markers, statuary and fountains.

OBSTRUCTION

As used in subsection 14-8.3, *Flood Regulations*, means any object, structure, embankment, excavation, channel or drainage way that may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by water, or that is placed where the flow of water might carry the obstruction downstream to the danger and injury of life or property.

OCCUPANCY

The purpose for which a building is used or intended to be used or the number of people who are allowed to live in a dwelling unitor to occupy an assembly area. Also, the act of occupying or commencing occupation of land or structures.

OFF-STREET PARKING

The area of a lot used for required temporary vehicular parking.

ONE PERCENT CHANCE EVENT

A flood having a one percent chance of being equaled or exceeded in any given year. A one percent chance event is the same as a base flood.

OPEN SPACE

An outdoor area that permanently provides light and air and that satisfies, in whole or in part, the community's visual, psychological and recreational needs.

OPERATING LICENSE

As used in subsection 14-5.3(C)(12), *Short-Term Rental Unit*, means a business license valid for one year, that authorizes the maintenance and operation of a mobile home park.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental permit or registration, rents or offers to rent a short-term rental unit to guests.

OTHER ADVERTISING STRUCTURE

As used in subsection 14-4.6, *Historic Districts*, means a canopy, awning, street clock.

OWNER

With regard to real property, a person who holds fee simple title to real property, or a person acting lawfully on behalf of the person who holds title.

OWNER-OCCUPANT OR RESIDENT OWNER

As used in subsections subsection 14-5.3(C)(12), *Short-Term Rental Unit* and subsection 14-5.3(C)(2), *Accessory Dwelling Unit* means a natural person who holds fee simple title and resides on the property.

OWNERS' ASSOCIATION

A private nonprofit corporation or similar legal entity of property or condominium owners for the purpose of owning, operating and maintaining various common infrastructure facilities and/or properties.

(P)

PARAPET

A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as roof-mounted equipment.

PARCEL

A lot of record or tract of land.

PARKWAY

The part of the street right-of-way lying between the back of the curb and the outer edge of a property, typically including the sidewalk and a planting area for street trees or other living landscape materials between the road and the sidewalk.

PARTY

As used in subsection 14-2.1(H)(2), *Appeal*, means an applicant, an appellant or the Planning and Land Use Director and all agents and representatives of that person.

PASSIVE RECREATION

Recreational activities that are not dependent on recreational apparatus such as swings, slides, goal posts or backstops and sports that do not comprise organized recreational activities such as baseball, volleyball, football or soccer.

PASSIVE WATER HARVESTING

The collection or storage of precipitation or runoff in surface or in-ground structures with no means of mechanical distribution.

PEDIMENT

The triangular gable end of a classical building, or the same form used elsewhere; the pediment is composed of the tympanum (triangular recessed wall) with a horizontal cornice below and raked cornices at the sides; pediments over openings sometimes have curved tops; the classical pediment has a low roof slope.

PERFORMANCE STANDARD

A set of criteria or limits relating to elements that a particular use or process may not exceed.

PERGOLA

An open grid, supported by rows of columns for growing vines, most often a series of wood beams supporting battens; may be attached to a building or covering a garden walkway/area.

PERMEABLE PAVING

Paving and subgrade that allow surface water to penetrate the paved surface and infiltrate the subsoil.

PERMIT

A document issued by the City that allows a person to begin an activity provided for in Chapter XIV.

PERSON

Except where limited to natural persons by definition, context or intent, person includes natural persons, corporations, companies, associations, joint stock companies, associations, firms, partnerships, limited liability companies or other legal entities.

PICKET FENCE

A fence composed of wood pickets, a top and bottom rail, and posts; typically, the pickets are set one to three inches apart.

PLACEMENT

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means installation of electric facilities, but which are not relocation or replacement as defined in this Section, where similar facilities have not previously existed.

PLANNING AND LAND USE DIRECTOR

The director of the land use department or the director's designee.

PLANTING STRIP

An area intended for the placement of landscaping and vegetation, located within the interior of a parking lot, or within parkways located along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAT

The map, chart, survey, plan or replat certified by a professional land survey or that contains a description of subdivided land with ties to permanent monuments.

POLE

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means steel, wood or other material placed in the ground to hold associated insulators, braces and other attachment hardware for electric service.

PORCH

A roofed space outside the main walls of a structure at street or first floor level, which has a depth of not less than four feet from the outside face.

PORTAL

A long porch or portico with roof, supported by vertical posts.

POTABLE WATER

Water that is suitable for consumption by humans.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, any tower or antenna for which a construction permit has been issued prior to the effective date of this subsection, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired and including towers and antennas given interim approvals during the pendency subsection 14-5.3(I)(3), and not found by the Governing Body to be contrary to the purposes of subsection 14-5.3(I)(3).

PREMISES

A lot or combination of contiguous lots developed or approved for development as a unified complex of structures or uses, such as a planned unit development or a commercial or industrial center with common parking or access easements, regardless of whether the

lots are held in single ownership and the buildings, structures or other appurtenances on the lots.

PRESERVATION

The act or process of applying measures to maintain and sustain the existing form, integrity and material of a building, structure or district and the existing form of a site.

PRESIDING OFFICER

The person elected or appointed to direct the conduct of a public hearing. The presiding officer of a committee is the chairperson; the presiding officer of the Governing Body is the Mayor or Mayor pro tempore.

PRIMARY FAÇADE

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

PRINCIPAL

Primary or predominant, as applied to a use or structure, as distinguished from secondary or accessory.

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 the context of 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. See subsection 14-7.3, *Architectural Design Review*.

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 Planning and 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 14-1

Infrastructure Design, Improvement, and Dedication Standards

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.

(Q)

QUALIFIED PROFESSIONAL

As used in subsection 14-7.9, *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.

(R)

RAIN BARREL

A small above-ground storage tank, typically 25 to 200 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 12-inch horizontal run.

RECONDUCTOR

As used in subsection 14-5.3(I)(1), *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 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 active or passive recreation and sports, playgrounds and trails.

RECREATIONAL VEHICLE

A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and that is primarily designed as temporary living accommodation for recreational, camping or travel use and includes travel trailers, truck campers, camping trailers and self-propelled motor homes.

REFRAMING

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means work on a pole or electric structure that involves replacing structural members, improving clearances, and other maintenance, replacement or retrofits on existing poles or electric structures.

REHABILITATION

To repair an existing building to good condition with minimal changes to the building fabric; may include adaptive use, restoration.

RELOCATION

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means removal of existing electric facilities and reinstallation of those facilities or new similar facilities in a new location not more than 50 feet distant from the original location.

REMODELING

A change, including a reconstruction, in an architectural feature of a structure; provided that remodeling does not include the construction of additions.

REPAIR

Fixing a deteriorated part of a building, structure, or object including a mechanical or electrical system or equipment, so that it is functional; may involve replacement of minor parts. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

REPLACEMENT

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means removal of existing facilities and installation of new similar facilities in a location as close as practicable to the original location.

RESIDENTIAL

Term used to describe occupancy, structures or districts primarily intended for or restricted to development and use for dwelling units. It does not include hotels or motels.

RESIDENTIALLY ZONED PROPERTY

Those zones within Santa Fe that primarily permit accommodation of residential housing, including: RR, R-1 through R-6, R-7, R-8, R-9, R-10, R-12, R-21, R-29, R-7-I, RC-5, RC-8 and RAC districts and tracts of land designated by a PRC district master plan or other master plan for residential use.

RESTORATION

The replication or reconstruction of a building's original architectural features.

RESUBDIVISION

The adjustment of platted lot lines to increase or reduce the size of contiguous lots, but not to less than the minimum standard size required by the City, or changing the shape of contiguous lots, commonly known as a lot line adjustment; or combining contiguous lots, commonly known as a lot consolidation. Resubdivision must result in the same or a fewer number of lots.

RETAIL STRUCTURE

A structure housing one or more retail establishments.

RETAIL TENANT

For the purposes of determining the applicability of special requirements that apply to large-scale retail establishments with single retail tenants greater than 75,000 gross square feet or, for the purposes of determining the applicability of the 150,000 gross square foot floor area maximum, means a single retail establishment that shares check stands, management, a controlling ownership interest and storage areas, for example, a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

RETENTION

The storage of stormwater or other runoff in a facility that empties solely by infiltration or evaporation and does not have an engineered outlet structure.

RIGHT-OF-WAY

The total area of land deeded, dedicated by plat or otherwise acquired by a governmental unit or private organization primarily for the use of the public for the movement of people, goods and vehicles or by a public or private organization primarily for the installation and maintenance of utilities or by a railroad primarily for the laying of its tracks.

ROAD CAPACITY

The maximum traffic flow obtainable on a given roadway, using all available lanes, usually expressed in vehicles per hour or vehicles per day.

ROADWAY FACILITIES

As used in subsection 14-7.9, *Impact Fees*, means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City or county. For the purposes of Santa Fe's road impact fees, roadway facilities are limited to the major roadway system.

ROOF LEVEL URBAN FARM

The use of a roof for urban agriculture for commercial purposes, whether for profit or non-profit.

ROOF MOUNTED ANTENNAS

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, includes a telecommunications facility placed on a rooftop through gravity mounts or other surface attachments.

ROOFTOP APPURTENANCE

Skylights, air conditioning units, solar collectors, stairwells, vertical transportation or other roof-mounted mechanical, electrical or communications equipment.

RUNOFF

The water from natural precipitation that flows over the surface of the land and does not percolate into the soil.

(S)

SCALE

The relationship of the parts of a building, structure, block or district to each other, to the whole and to the human figure.

SCREENING

A visual barrier composed of suitable live plant material or other natural or artificial materials.

SECTOR PLAN

A plan for an area with multiple ownership, prepared with the participation of the residents and property owners, neighborhood associations if any are included in the area, the City and the county and including a plan for road improvements, land uses, land use intensities, schools and parks and drainage. When adopted by the Governing Body, a sector plan is incorporated into the General Plan.

SERVICE AREA

As used in subsection 14-7.9, *Impact Fees*, means an area within the corporate boundaries or extraterritorial jurisdiction of the City or the boundaries of the county to be served by the capital improvements or facility expansions specified in the capital improvements plan that is designated on the basis of sound planning and engineering standards. The service area for the City's road, traffic signal, neighborhood park, regional park and fire and police impact fees is the area within the corporate boundaries of Santa Fe as well as unincorporated areas within the urban area as set forth in the General Plan.

SERVICE ESTABLISHMENT

A business, other than a home occupation, that is primarily engaged in providing services, including personal, business, repair and amusement services; health, legal, engineering and other professional services; educational; membership; and other miscellaneous services.

SERVICE UNIT

As used in subsection 14-7.9, *Impact Fees*, means the standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions. The service unit for road and traffic signal impact fees is average daily vehicle-miles of travel. The service unit for neighborhood and regional park impact fees is equivalent dwelling units. The service unit for fire and police impact fees is square feet, which are measured in terms of heated living area for residential uses and gross floor area for nonresidential development.

SETBACK

The minimum distance prescribed between the nearest point of a structure and a lot line.

SFHP

As used in subsection 14-7.2, *Santa Fe Homes Program (SFHP)*, further described in Chapter 26, Housing.

SFHP DEVELOPMENT

A tract of land or any improvements on the tract that are subject to a SFHP agreement.

SFHP UNIT

A dwelling unit required to be provided on site by a SFHP developer or a SFHP property owner to satisfy the SFHP requirements.

SHIELDING

That portion of a luminaire that ensures that no light rays are emitted above the horizontal plane running through the lowest point of the luminaire where light is emitted.

SHORT-TERM BICYCLE PARKING

Bicycle parking that is generally intended for transient users of a facility, typically for a brief duration up to several hours, provided outdoors in a parking lot, or along a sidewalk, by means of bicycle racks.

SHOT CLOCK

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means the amount of time allowed to process various forms of wireless communication review requests. The allotted timeframes are established in federal law by the Federal Communications Commission, and allow for no extension, unless agreed by applicant. The shot clock starts when WCF application is deemed complete. The shot clock resets if an applicant is notified of an incomplete application within the timeframe described in subsection 14-5.3(I)(3). Resetting the shot clock is known as "tolling."

SIGN

Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, banner, awning, canopy and street clock and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when it is placed out-of-doors or in view of the general public, including outdoor electric lights placed in trees, shrubs or other types of vegetation.

SIGN AREA

The net geometric area enclosed by the sign, including all elements such as borders or frames or perforated or solid background, but not including projected area or structural supports for ground signs, unless it is designed in such a manner as to form an integral part of the background of the display.

SIGN, BUILDING MOUNTED

A sign mounted on a building and includes canopy sign, marquee sign, projecting sign, roof sign and wall sign.

SIGN, CANOPY

A sign mounted under and supported by a permanent awning, arcade or portal.

SIGN, DIRECTIONAL

A sign used only for the purpose of indicating the location or direction of an object, place or area and containing no advertising.

SIGN, ELECTRONIC MESSAGING

An electronic changeable copy sign, an electronic graphic display sign, or video display sign as follows:

a) Electronic Changeable Copy Sign. A signor portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is 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. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic display.

b) Electronic Graphic Display Sign. A signor 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 signor 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 signboard attached securely to a wall.

SIGNIFICANCE

The determination of the potential value of an archaeological site to increase the knowledge of the prehistory or history of Santa Fe, as set forth in subsection 14-2.1(G)(1), *Archaeological Clearance Permit*.

SIGNIFICANT STRUCTURE

A structure located in a historic district that is approximately 50 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 for its association with events or persons that are important on a local, regional, national or global level; or 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.

SIGNIFICANT TREE

A deciduous tree of six-inch caliper or greater or an evergreen tree eight feet or greater in height.

SLOPE

An inclined ground surface, expressed in terms of measures of horizontal distance to measures of vertical distance or percent of vertical component to horizontal component.

SLUMP BLOCK

A concrete block unit that is removed from the mold before it has a chance to completely set. This causes the concrete block to keep a slumped appearance like adobe brick. Slump block can be either structural and non-structural.

SMALL CELL FACILITY

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means a wireless service facility that meets the following qualifications:

1. Is mounted on structures 50 feet or less in height including their antennas; or
2. Is mounted on structures no more than 10 percent taller than other adjacent structures; or
3. Does not extend existing structures on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
4. Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

SOIL AMENDMENT

Material added to improve the fertility, permeability or water storage capacity of soil.

SOILS ENGINEERING REPORT

A report prepared by a professional engineer indicating the nature, distribution and strength of existing soils; conclusions and recommendations for grading procedures; design criteria for corrective measures when necessary and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

SPECIAL FLOOD HAZARD AREA

The land in the floodplain within the City that has a one percent or greater chance of flooding in any given year. For the City, the special flood hazard area may be further defined as floodway and flood fringe, where applicable.

SPRINGLINE

The point where the curved portion of a tunnel roof meets the top of the wall.

START OF CONSTRUCTION

As used in subsection 14-8.3, *Flood Regulations*, and for other than new construction or substantial improvements under the federal Coastal Barrier Resources Act (Pub. L. 97-348), means the date the construction permit is issued; provided that the actual start of construction, repair, reconstruction, placement, or other improvement is within one hundred eighty days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing and grading; installation of streets or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure.

STATE

The state of New Mexico.

STATUS OF A PROPERTY/STRUCTURE

Classification of the importance of a property, building, structure or object owing to its involvement with a significant event, person, or time period, or as an example of a past architectural style. Pursuant to subsection 14-4.6(C)(1)(a), structures within historic districts may be designated a status of "significant," "contributing," or "noncontributing" based upon the definitions of these terms in this Section.

STORM DRAINAGE FACILITIES

Includes drainage courses, constructed channels, underground storm sewers, streets, drop inlets, detention basins and other drainage improvements.

STORY

The division of a building comprising the space between two successive floors above ground level.

STREET

A right-of-way dedicated to public or private use to provide primary vehicular and pedestrian access to adjoining properties and is any public thoroughfare and the approach to a public thoroughfare, the boundaries of which extend to the abutting property line.

STREET FRONTAGE

The length of the boundary of the premises abutting the street.

STREET TREE

A tree that is planted within or along a street right-of-way, and that can be pruned for pedestrian clearance where appropriate.

STREET WIDTH

The area of street within which vehicles are permitted, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks or swales.

STREETSCAPE

The visual character of a street or section of a street as defined by topography; the pattern of structures and open space; building and wall setbacks; street design; architectural design; and heights, widths and proportions of structures, fixtures and graphics.

STRUCTURAL TRIM

The moldings, battens, cappings, nailing strips, latticing and platforms that are attached to a sign structure.

STRUCTURE

Anything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, mobile homes, walls, fences, swimming pools, spas, tennis courts, signs, flag poles, microwave satellite receiving dishes, TV antennas and communication devices.

STUCCO

Plaster applied on the exterior of a building, composed of lime and sand, and sometimes various cements; types include lime stucco, Portland cement stucco; finishes include bastard stucco, pebble-dash, roughcast, rough stucco, slab plastering, spatter-dash, tabby, troweled stucco.

STUCCO, CEMENTITIOUS

Plaster applied on the exterior of a building; composed of lime and sand, and various cements.

STUCCO, ELASTOMERIC

Plaster applied on the exterior of a building; composed of acrylic resins and polymers, and can contain sand to give it a more defined look.

STUCCO, SYNTHETIC

Plaster applied on the exterior of a building; composed of a polymer-based or acrylic cement base coat, and a topcoat finish.

STUCCO MESH

A type of wire or fiberglass cloth used as lath for stucco.

SUBDIVIDE

To divide land into two or more parts by platting or by metes and bounds description to:

1. Sell for building purposes;
2. Laying out a municipality or any part of a municipality;
3. Adding to a municipality;
4. Laying out suburban lots; or
5. Resubdivide.

SUBSTANTIAL IMPROVEMENT

As used in subsection 14-8.3, *Flood Regulations*, means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIALLY DAMAGED

As used in subsection 14-8.3, *Flood Regulations*, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIVE CHANGE

As used in subsection 14-4.6, *Historic Districts*, means a change to a property in the historic districts or a landmark property outside the historic districts that requires review and approval by the historic districts review board.

SUBSTATION

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means facility equipment that switches, changes, or regulates electric voltage. An electric power station that services as a control and transfer point on an electrical transmission system. Substations route and control electrical power flow, transform voltage levels, and serve as delivery points to industrial customers.

SUBSURFACE AREAS

Areas within a structure, the floor of which is at least six feet below average finished grade.

SUSTAINABLE

The ability of a system to maintain processes, functions and productivity over time using a defined quantity of resources.

SWALE

A shallow excavation constructed perpendicular to overland flow direction to detain stormwater runoff, keeping it on-site and allowing it to infiltrate.

SWITCHING STATION

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means facility equipment used to tie together two or more electric circuits through switches. The switches are selectively arranged to permit a circuit to be disconnected or to change the electric connection between the circuits.

(T)

TANK

An artificial reservoir for storing water, often above ground.

TELECOMMUNICATIONS OWNER

Includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City, used or to be used for the purpose of offering telecommunication service.

TELECOMMUNICATION SERVICES

The providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points excluding only cable services.

TELECOMMUNICATIONS PROVIDER

Includes every person who provides telecommunication service over telecommunications facilities without any ownership or management control of the facilities.

TEMPORARY FACILITIES

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means electric facilities and distribution facilities used to provide service for less than one year.

TEMPORARY STRUCTURE

A structure erected for a specific purpose, which is removed when the designated time period, activity or use for which it was erected has ceased.

TEMPORARY USE

A use that is established for a limited and fixed period of time with the intent to discontinue the use upon the expiration of the delineated time period.

TOPSOIL

The uppermost part of a soil, ranging in depth from three to six (6) inches, that can sustain vegetation and is free of caliche, trash or toxic materials.

TOWER

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas used for telecommunications services, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

TOWER ALTERNATIVE

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, 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:

1. Maximum height of structures;
2. Maximum lot coverage;
3. Building placement and yard requirements;
4. Minimum open space requirements;
5. Landscape treatment;
6. Height of walls and fences;
7. Placement of parking;
8. Curb cuts; and
9. Portals.

TRACT

An area for which a single project is proposed.

TRANSIENT LODGING

A stay of fewer than 30 consecutive days.

TRANSMISSION EQUIPMENT

As used in subsection 14-5.3(I)(3), *Telecommunication Facilities*, means a wireless communications facility including any structure supporting or housing the wireless communications facility or its equipment that has been reviewed, approved and lawfully constructed, in accordance with all requirements of applicable law as of the time it was built, when the relevant eligible facilities request is filed. The term includes a structure supporting or housing a wireless communications facility even if the structure was not built for the sole or primary purpose of providing such support. The term does not include a structure that does not support or house a wireless communications facility at the time the relevant eligible facilities request is filed.

TRANSMISSION FACILITIES

As used in subsection 14-5.3(I)(1), *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.

TRANSPORTATION TERMINAL

A station where transportation services are provided to the public, primarily transportation of persons as opposed to freight, to a regional area, including the City, or serves as a junction to points outside the City for the conveyance of passengers as a commercial enterprise.

TREATMENT

A plan for the recovery or protection of discovered cultural remains at those archaeological sites that are considered significant, including proposed excavation or preservation methods, proposed analysis techniques and plans for the final disposition of artifacts recovered.

TRELLIS

A framework or lattice that supports a climbing vine.

TROMBEWALL

A masonry wall that absorbs and stores solar energy to heat a building, usually made of stone, concrete, or adobe. Trombe walls usually have a dark, heat-absorbing coating on the outside and a single or double layer of glass on the inside.

(U)

UNDERGROUND SYSTEM

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means a system of underground primary and/or secondary distribution cables which may have transformers, terminal boxes, switching devices and other facilities necessarily appurtenant to such a system on the surface, or any portion thereof.

UPGRADE

As used in subsection 14-5.3(I)(1), *Electric Facilities*, means to rebuild, improve, or increase the voltage or current carrying capability of an electric transmission line, switching station, or substation.

URBAN AGRICULTURE

The use of a lot for the cultivation of agriculture, composting, aquaponics, aquaculture, and/or hydroponics for commercial purposes.

USDA CLASSIFICATION ZONE

A United States Department of Agriculture system of plant hardiness classifications grouped by the ability to withstand defined temperature ranges.

USED OR OCCUPIED

Includes "intended, designed or arranged to be used or occupied".

UTILITY EASEMENT

An easement acquired, established, dedicated or devoted for public utility purposes.

UTILITY PROVIDER

As used in subsection 14-5.3(I)(2), *Underground Electric and Cable Utility Lines,* means electric or cable service providers or their contractors constructing electric, telecommunication or cable utility lines.

UTILITY SHED

A prefabricated, one-story, detached accessory structure constructed of light material and used as a tool shed, play house or other suitable purpose; provided that the projected roof area shall not exceed 120 square feet.

(V)

VERTICALLY INTEGRATED CANNABIS ESTABLISHMENT

A person who is licensed as a vertically integrated microbusiness and authorized to act as any of the following:

1. A cannabis courier;
2. A cannabis manufacturer;
3. A cannabis producer; or
4. A cannabis retailer.

VIEWLINE

As used in subsection 14-4.4, *Escarpment Overlay District*, means either the boundary between the Ridgetop Subdistrict and Foothills Subdistrict or the delineated portion of the boundary of the Ridgetop Subdistrict if there is no contiguous Foothills Subdistrict, as shown on the City's official Escarpment Overlay District maps.

(W)

WALL

A constructed solid barrier of concrete, stone, brick, tile, wood or similar material that borders or is constructed within a field, lot and that limits visibility and restricts the flow of air and light; or the wall of a building or other enclosed structure.

WAIVER

As used in subsection 14-8.3(C), *Development in Special Flood Hazard Areas*, and subsection 14-8.3, *Flood Regulations*, a waiver to flood regulations is equivalent to a variance to National Flood Insurance Program regulations.

WARM SEASON GRASS

Grass that requires moderate or infrequent applications of water throughout its life, such as blue grama, buffalo and other grass species.

WATER FEATURE

An ornamental water structure used in a landscape, including fountains, streams, and ponds.

WATER HARVESTING

The capture and use of precipitation from surfaces such as roofs, roads, parking lots and landscapes for plant irrigation, soil recharge or the collection and storage for future use.

WATER SURFACE ELEVATION

As used in subsection 14-8.3, *Flood Regulations*, means the height, in relation to the national geodetic vertical datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

(X)

XERISCAPE

A water conserving landscape, emphasizing the use of drought tolerant plant material and efficient watering systems. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis, efficient irrigation, practical and limited use of turf, mulching and proper maintenance.

(Y)

YARD

The substantially open area adjacent to a property line; see" yard, required."

YARD, FRONT

The part of a lot on the lot frontage side between the front lot line and the closest part of the perimeter of a structure on the lot, extended to both side lot lines.

YARD, REAR

The part of a lot opposite the lot frontage side between the rear lot line and the closest part of the perimeter of a structure on the lot, extended to both side lot lines.

YARD, REQUIRED

A required unoccupied, unobstructed open space adjacent to a property line.

YARD, SIDE

The part of a lot between the side lot lines and the closest part of the perimeter of a structure on the lot, extending from front to rear lot lines.

YARD, SPECIAL

In the case of an irregular lot, a yard required to perform the same functions as a front, side or rear yard, but adjacent to the lot line so placed or oriented that the standard requirements are not clearly applicable. In such cases, the Planning and Land Use Director shall require a special yard with minimum dimensions as would apply for a comparable front, side or rear yard in the district. Such determination shall be based on the relation of the lot in question to the adjoining lots with due regard to the orientation and location of required yards, structures and buildable areas on the lots.

YARD, STREET

The yard or required yard adjoining a street.

(Z)

ZERO LOT LINE

The location of a building wall on a side or rear lot line.