

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-26

INTRODUCED BY:

Councilor Signe Lindell

AN ORDINANCE

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND
MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE
NECESSARY.**

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

**Section 1. Section 14-3.8 SFCC 1987 (being Ord. No. 2011-37 § 3, as amended) is
amended to read:**

14-3.8 DEVELOPMENT PLANS

(A) Purpose and Intent

(1) It is the intent of the *development* plan to:

- (a) provide the plans to be followed in construction operations,
including phasing;
- (b) enable the *governing body, land use boards and land use director* to
ensure compliance with Chapter 14;

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

(2) A *development* plan typically encompasses *development* of one or more *parcels* under common ownership or unified control that will be planned and developed as a whole.

(B) Applicability

(Ord. No. 2013-16 § 11)

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).

(2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 Zoning and 5 Overlay Zoning Districts.

(3) ~~[Notwithstanding any code provisions to the contrary, approval]~~ Approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:

(a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;

(b) *gross floor area* of ten thousand square feet or more in a *residential* district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, ~~[excluding]~~ including *public rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;

(c) *flea market* with fifteen or more vendors; or

1 (d) outdoor *commercial recreational uses* in any zone where the total
2 area devoted to recreation and related pedestrian circulation and
3 amenities, excluding parking and vehicular circulation areas, exceeds
4 fifteen thousand (15,000) square feet in any zone; provided that this
5 provision does not apply to temporary carnivals, circuses and similar
6 short-term entertainment uses required to obtain a *permit* from the
7 city.

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

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

16 (6) This section does not apply to the construction of *single-family dwellings*,
17 each of which has a *gross floor area* of ten thousand (10,000) square feet or
18 less, including *accessory buildings*, on *lots* created prior to the effective date
19 of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to
20 early neighborhood notification procedures. This section does apply to
21 construction of any *single-family dwelling* that has a *gross floor area* greater
22 than ten thousand (10,000) square feet, including *accessory buildings*.

23 (7) No additional *development* plan review is required if the new or changed use
24 or *development* described in Subsections (B)(2) and (3) was part of a
25 *development* plan approved as part of a rezoning or other action before the

1 governing body or ~~[a land use board]~~ the planning commission, and for
2 which ~~[the]~~ an early neighborhood notification ~~[process]~~ meeting occurred as
3 set forth in Section 14-3.1(F) ~~[was required]~~.

- 4 (8) Approval of a *development* plan by the *land use director* is required for
5 multiple-family *development* comprising three or more *dwelling units* with a
6 *gross floor area* less than ten thousand (10,000) square feet.

7 **(C) Procedures**

8 (1) Submittal Requirements

9 *Applicants* for *developments* that require *development* plans under this
10 section shall submit plans and other documentation as required by the *land*
11 *use director* that show compliance with the applicable provisions of the Santa
12 Fe City Code as provided in Section 14-3.1(C) Form of Application,
13 including plans that show:

- 14 (a) existing conditions on the site and within two hundred (200) feet of
15 the site;
- 16 (b) proposed modifications to the site, including the locations of existing
17 and new *structures*, *grading*, *landscaping*, lighting, pedestrian and
18 vehicular circulation, parking and loading facilities;
- 19 (c) the types, extent and *intensity* of land uses that are proposed;
- 20 (d) proposed modifications to the *infrastructure* serving the site,
21 including public and private *streets*, driveways and traffic control
22 measures and utilities;
- 23 (e) documentation of compliance with *development* standards such as
24 required *yards*, *lot* coverage, height of *structures* and *open space*;
- 25 (f) the phases of *development*, if applicable;

1 (g) *for residential development*, a proposal for provision of affordable
2 housing as required by Section 14-8.11 (Santa Fe Homes Program);
3 (Ord. No. 2013-16 § 12)

4 (h) a *development* water budget as required by Section 14-8.13;

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

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

12 (2) Coordination with Other Review Procedures

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

19 (b) A special use *permit* or variance request associated with a
20 *development* plan shall be reviewed concurrently and approved or
21 denied by the [~~land use board that reviews the development plan~~]
22 planning commission.

23 (c) If review and approval of a *development* plan by [~~a land use board~~]
24 the planning commission and the *governing body* is required in
25 conjunction with a rezoning action, the *applicant* may submit a

1 preliminary *development* plan for consideration at the time of
2 rezoning. If the rezoning is approved, a separate *application* for a
3 final *development* plan must be approved by the [~~land-use board~~]
4 planning commission prior to *development* of the affected *property*.

5 (d) If review and approval of a *development* plan by the [~~a-land-use~~
6 ~~board~~] planning commission *only* is required, the *applicant* may first
7 submit an *application* for a preliminary *development* plan. If the
8 preliminary *development* plan is approved, a separate *application* for
9 final *development* plan approval by [~~a-land-use board~~] the planning
10 commission must be approved prior to the *development* of the
11 *property*.

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

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

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

22 (f) Action on a *development* plan by [~~a-land-use board~~] the planning
23 commission must be taken at a public hearing with notice provided
24 as required by Section 14-3.3(H).

25 (3) Consistency with Master Plans and Preliminary Development Plans

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

3 (b) Final *development* plans within an area that is subject to an approved
4 preliminary *development* plan must comply with the provisions of
5 the previously approved preliminary plan unless it is amended or
6 repealed. *Final actions* by the *governing body*, *land use boards* and
7 the *land use director* concerning rezonings, subdivisions, special use
8 *permits*, *development* plans and construction *permits* shall include a
9 specific finding or determination that the action complies with all
10 applicable provisions of the preliminary plan.

11 (4) Scope of Amendments to Development Plans

12 (a) The *land use director* has the authority provided in Section 14-
13 2.11(C)(2) (Minor Modifications to Development Approvals).

14 (b) The ~~[land use boards have]~~ planning commission has the authority
15 provided in Section 14-3.19(D) Amendment of Development
16 Approvals.

17 (5) Administrative Approval Procedure

18 (Ord. No. 2013-16 § 13)

19 Approval of a *development* plan by the *land use director* as provided in
20 Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or
21 public notice and is not required to be filed for record with the *county* clerk.

22 (6) Recording of Plans; Infrastructure Construction

23 (Ord. No. 2013-16 § 14)

24 (a) The signed original mylars of the *development* plan and associated
25 engineering and improvement drawings shall be filed with the *land*

1 *use director* and shall be the basis for issuance of construction
2 *permits*. The *development* plan shall be filed for record with the
3 *county* clerk by the *land use director*.

4 (b) If dedication of *public rights of way* or easements is required, a
5 separate dedication *plat* shall be recorded concurrently with the
6 *development* plan.

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

9 **(D) Approval Criteria and Conditions**

10 (1) Necessary Findings

11 To approve a *development* plan, [~~a land use board~~] the planning commission
12 must make the following findings:

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

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

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

21 (2) Conditions

22 The [~~land use board~~] planning commission may specify conditions of
23 approval that are necessary to accomplish the proper *development* of the area
24 and to implement the policies of the *general plan*, including:

25 (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 14 or provisions of other chapters 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.

(3) Expiration

Development plans expire as provided in Section 14-3.19 Expiration, Extension and Amendment of Development Approvals.

Section 2. Subsection 14-3.9(C)(3)(b) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(3) 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 in Section 14-7 Building Envelope and Open Space Standards and Measurements for the corresponding *density*.

(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 Section 14-4.4(K) SC-1 Planned Shopping Center Districts and Section 14-7 Building Envelope and Open Space Standards;

(ii) not more than thirty-five 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 Item (i) above, resort accommodations and resort-related commercial services.

(iv) Unless special standards are adopted, the provisions of Section 14-6 Permitted Uses and Use Regulations apply within the PRC and PRRC districts.

Section 3. Section 14-3.9(C)(4) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(4) Notice and Action by Planning Commission

Action by [~~a land use board~~] the planning commission to recommend approval of a master plan, or to approve an amendment as provided in Section 14-3.19(D)(2) Amendment of Development Approvals – Master Plans in the MU and BIP Districts, must be taken at a public hearing with notice provided as required by [~~Section 14-3.1(H)~~] Subsection 14-3.1(H)(1).

Section 4. A new Subsection 14-3.9(C)(5) SFCC 1987 is ordained to read:

(5) [NEW MATERIAL] 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 Section 14-3.1(H)(2).

Section 5. Subsection 14-3.9(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(D) Approval Criteria; Conditions

(1) Necessary Findings

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

Section 6. Subsection 14-3.12(A) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(A) General Provisions

- (1) The *land use director* must issue a *certificate of occupancy* that certifies compliance with all provisions of Chapter 14 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.
- (2) The *land use director* may require the renewal of *certificates of occupancy* on an annual or other appropriate basis.
- (3) 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 ~~[8]~~⁷ SFCC 1987 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~~⁷ SFCC 1987 Fire Prevention and Protection, the fire marshal or other code official shall approve the *certificate of occupancy* prior to issuance.

~~[(3)]~~⁽⁴⁾ The *land use director* shall maintain for at least fifty years a record of all *certificates of occupancy* issued.

Section 7. Subsection 14-3.19(A)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is amended to read:

(3) Final Actions

(a) Determination of *final actions* shall be as provided in Sections ~~[14-17.1(A)(1)]~~^{14-3.17(A)(1)} and ~~14-3.17(C)(4) [(Appeals)]~~.

(b) For the purpose of computing expirations and time extensions, the date of *final action* for a *development* approval that is appealed one or more times pursuant to the provisions of Chapter 14 is the date of *final action* by the *land use board* or *governing body* on the last appeal. The date of *final action* for a *development* approval that is appealed pursuant to the provisions of Section 3-21-9 NMSA 1978 Zoning – Appeal is the date a written decision is filed pursuant to Section 39-3-1.1 NMSA 1978 ~~[Subsection B(2) of that section]~~.

Section 8. Subsection 14-4.1(E)(4) SFCC 1987 (being Ord. No. 2011-37 § 4) is amended to read:

(4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned R-1 until otherwise classified. If changes in the *city* limits remove territory

1 from Santa Fe, district boundaries shall be construed as moving to conform
2 with the city limits;

3 **Section 9. Subsection 14-5.3(D) SFCC 1987 (being Ord. No. 2011-37 § 6) is**
4 **amended to read:**

5 **(D) Archaeological Clearance Permit Required**

6 An archaeological clearance *permit* is required for certain types of *development*
7 activity within the archaeological review districts, as described in Section [14-3.14
8 ~~(Archaeological Clearance Permit)] 14-3.13.~~

9 **Section 10. Subsection 14-6.1(B) SFCC 1987 (being Ord. No. 2011-37 § 8) is**
10 **amended to read:**

11 **(B) Permitted and Prohibited Uses; Explanation of Table Abbreviations**

12 **(1) Permitted Uses**

13 A "P" in a cell indicates that a use category is permitted by right in the
14 respective zoning district. Permitted uses are subject to all other applicable
15 regulations of Chapter 14, including the *development* and design standards
16 set forth in Article 14-8. ~~[Permitted uses may be required to obtain approval~~
17 ~~of a development plan by a land use board or the governing body as provided~~
18 ~~in Section 14-3.8 or Article 14-4.]~~

19 **(2) Special Use Permits**

20 An "S" in a cell indicates that a use category is permitted only if reviewed
21 and approved as a special use *permit*, in accordance with the review
22 procedures of Section 14-3.6.

23 **(3) Accessory Uses**

24 An "A" in a cell indicates that a use category is permitted as an *accessory* use
25 as described in Section 14-6.3.

1 (4) Prohibited Uses

2 A blank cell indicates that the use type is prohibited in the zoning district. A
3 use or *structure* not specifically or specially permitted in Chapter 14 is
4 prohibited.

5 (5) Additional Regulations

6 (a) Regardless of whether a use is permitted by right or as a special use
7 *permit*, there may be additional regulations that are applicable to a
8 specific use. The existence of these use-specific regulations is noted
9 through a reference in the column of the use summary table entitled
10 "Use-Specific Regulations." References refer to Section 14-6.2.
11 These regulations apply to all districts unless otherwise specified.
12 Additional regulations are also contained in and referenced in the
13 notes at the end of the table.

14 (b) Uses may be subject to review or approval procedures in Chapter 14,
15 including Section 14-3.8(B)(2), which requires *development* plan
16 approval for new construction over ten thousand (10,000) or thirty
17 thousand (30,000) square feet *gross floor area*, or Article 14-4 which
18 requires *development* plan approval for certain rezoning actions.

19 (c) See Section 14-3.9(C)(2) and (C)(3) for uses allowed in the PRC,
20 PRRC and other master-planned districts.

21 (6) Uses Not Listed in Table

22 Any specific use type not listed or included in the Table of Permitted Uses is
23 prohibited unless the *land use director* determines that it is to be included in
24 an existing use category.
25

Section 11. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8, as amended) is amended to amend the Table of Permitted Uses for the categories of "PUBLIC, INSTITUTIONAL AND CIVIC" and "COMMERCIAL" Uses Affecting Primarily the Uses Permitted in the RAC and I-2 districts:

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
PUBLIC, INSTITUTIONAL AND CIVIC																							
Emergency Services																							
Police and fire stations	S	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Preschool, Daycare for Infants or Children																							
Small (6 or fewer)	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	[P]	P	P	P	P	P	P
Large (More than 6)	S	S	S	S	S	S	S	S	S		P	P	[S] P	[S] P	[S] P	S	[S]	P	[S] P	[S] P	[S] P	S	S
Electrical Facilities (See 14-6.2(F) for Planning Commission Review Requirements)																							
Distribution facilities	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P (F), (G)
Substation	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P (F)
Switching station	P	P									P	P	P		P	P	P	P	P	P	P	P	P (F)
Transmission lines	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P (F)
Educational																							

Substitute Bill with Amendments Incorporated

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU **	Use- Specific Regs 14-6.2
Elementary and secondary schools, public and private	S	S	S		S	S		S		P*	P*	P*	S	P*	S		P*	S	S	S	P*	
Colleges and universities, residential	S	S	S		S	S		S		S	S	S	S	P			S				S	(B)(2)
Colleges and universities, nonresidential										P	P	P	P	P	P		P	P	P	P	P	
Museums		S	S		S	S		P ¹⁰		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, nonindustrial								P ¹⁰		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, light industrial														P*	P		P*					
Community Centers and Institutions																						
Neighborhood and community centers, including youth and senior centers	S	S	S		S	S		S		P	P	P	P	P			P	P	P	P	P	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Religious, educational and charitable institutions (does not include schools or assembly uses)						S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	
Hospitals and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facilities	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Hospitals										S	S		P/S ⁶	P			P					(B)(3)
Hospital heliport													P									(B)(3)(b)
Human Services																						
Adult day care	S	S	S	S	S	S		S		P	P	P	P	P			P	P	P	P	P	
Foster homes licensed by the appropriate state agencies	P	P	P			P		P		P		P	P	P							P	
Human service establishments											P*				P*			P*	P*	P*	P*	(B)(4)
Sheltered care facilities																						
Parks and Open Space																						

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Cemeteries, mausoleums and columbariums	S	S	S							S	S		S	P								(B)(1)
Public parks, playgrounds, playfields	P	P	P		P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly																						
All	S	S	S		S	S		S		P	P	P	P	P	P		P	P	P	P	P	
Utilities																						
All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)	S	S	S		S	S		S		S	P	S	S	P	P	P					S	(B)(6)
COMMERCIAL																						
Animal Sales and Service																						
Veterinary establishments, pet grooming	S									P*	P*	P*		P	P	P	P*		P*	P*	P**	
Kennel	S									P*	P*	P*		P	P	P	P*					

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Arts Activities																						
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts								P ¹⁰	P	P	P	P		P	P			P	P	P	P ²	
Arts and crafts schools								P ¹⁰	P	P	P	P		P	P		P	P	P	P	P ²	
Dance studios								P ¹⁰	P	P	P			P	P		P	P	P	P	P ²	
Photographers' studios								P ¹⁰	P	P	P			P	P		P	P	P	P	P ²	
Assembly																						
Private clubs and lodges	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P ²	
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P ²	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P ²	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5,	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Food and Beverages																							
Bar, cocktail lounge, nightclub, no outdoor entertainment									$S^{3,10}$	S^3		P*			P	P	\underline{P}		P*	P*	P*	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment									$[S^{*3}]$ $\underline{S^{3,10}}$	S^3		P*			P*	P*	$\underline{P^*}$		P*	P*	P*	P* ²	
Restaurant - full service, with or without incidental alcohol service									$S^{3,10}$	S^3		P			P	P	\underline{P}	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.									$[S^{*3}]$ $\underline{S^{3,10}}$	S^{*3}		P*			P*	$\underline{[P^*]} \underline{P}$	\underline{P}		P*	P*	P*	P* ²	
Restaurant - Fast service/take-out, no drive-through/drive-up									$S^{3,10}$		P ⁴	P	P ⁴		P	P	\underline{P}	S	P	P	P	P	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5,	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Restaurant - with drive-through/drive- up												p*			p*	p*	<u>p*</u>	S	p*	p*	p*	p* ²	
Medical																							
Apothecary shops or pharmacies											P	P		P	P	P			P	P	P	P ²	
Medical and dental offices or clinics									S ¹⁰	S	P	P	P	P	P	P		P	P	P	P	P ²	
Offices, Business and Professional																							
Business and professional offices excluding medical and dental and financial services									S ¹⁰	S	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P ²	
Public Accommodation																							
Bed and breakfast houses and inns												P			P	P		P			P		
Conference and extended stay lodging facilities												P			P	P		P					
Hotels, motels, residential suite hotels												P			P	P					P		

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Vacation time share projects											P			P	P							(C)(7)
Public Transportation																						
Transit transfer facilities											S		S	P	P	P	S	S	P	P	S	
Recreation and Entertainment																						
Commercial recreational uses and structures; theaters, bowling alleys, pool-rooms, driving ranges, etc.											P			P	P	P		P	P	P	S ²	
Exercise, spas or gym facilities											P			P	P	P		P	P	P	P ²	
Nonprofit theaters for production of live shows								P*10	S		P			P	P	P	P	P	P	P	P ²	
Retail Sales and Services																						
Antique stores								P ¹⁰	P		P			P	P			P	P	P	P ²	
Art supply stores								P ¹⁰	P		P			P	P			P	P	P	P ²	
Bookshops								P ¹⁰	P		P			P	P			P	P	P	P ²	
Cabinet shops, custom								P ¹⁰	P		P	P		P	P	P	P					

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Department and discount stores											P			P	P				P	P	P ²	
Flea markets											P			P	P							(C)(3)
Florist shops								p ¹⁰	P		P		P	P	P			P	P	P	P ²	
Funeral homes or mortuaries										P	P			P	P							
Furniture stores											P			P	P				P	P	P ²	
Neighborhood grocery stores and laundromats	S	S	S		S	S		S		S	P	S	S								P ²	(C)(5)
Office equipment sales and service; retail sale of office supplies											P			P	P	P			P	P	P ²	(C)(4)
Retail establishments not listed elsewhere											P			P	P	P		P	P	P	P ²	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet														P	P	P	P				P ²	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5,	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
Retail sales accessory to any permitted use, provided that such commercial uses shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use																		A				S ²	
Sign shops												P	P		P	P	P					P ²	
Service Establishments																							
Barber shops and beauty salons											P	P	P		P	P			P	P	P	P ²	
Personal care facilities for the elderly							S		S		P	P	P	P	P	P		P	P	P	P	P ² (C)(7)	
Personal service establishments including cleaning and laundry, appliance repair and similar services												P			P	P			P	P		P ²	

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Tailoring and dressmaking shops								P	P	P	P	P		P	P		P	P	P	P	P ²	
Sexually Oriented Businesses																						
All															P	P						(C)(1)
Storage																						
Individual storage areas within a completely enclosed building											S				P	P	P	P	P	P		(D)(2)
Mini-storage units											S				P	P		P	P	P		(D)(3)
Telecommunication																						
Telecommunications Facilities	Permitted as set forth in Section 14-6.2(E) (for facilities in public rights of way see Article 27-2 SFCC 1987)																					
Vehicles and equipment																						
Commercial parking lots and garages											P			P	P	P	A	P	P	P		See 14-8.6(B)(6)
Service and repair establishments including filling stations and repair											P				P	P			S	S		

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7 - I	RC-5	RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs 14-6.2
garages																							
Tire recapping and retreading												P			P	P	P						

*Special use *permit* required if located within 200 feet of *residentially-zoned property*; otherwise permitted. (Ord. No. 2013-16 § 29)

**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential* uses.

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)

1. In the RR district, multiple-family dwellings are limited to four per *lot*.
2. Hours of operation limited to 7 a.m. to 10 p.m.
3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.
4. Not to exceed 1,000 square feet *gross floor area*, sales of alcohol prohibited.
5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use *permit* [use] in the Christus St. Vincent Hospital District.
6. See Section 14-6.2(A)(7) for additional regulations for *principal dwelling units* in the C-2, BIP and SC districts.
7. See Section 14-6.3 for additional *accessory* use regulations; see Section 14-6.4 (Temporary Uses or Structures)
8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.

CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC **	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
9. See Subsection 14-7.2(1) for standards for pre-existing mobile home parks and Subsection 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.																						
10. See Subsection 14-7.2(H) 3,000 square foot limit applies to specified uses in RAC district.																						

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

1 Section 12. Subsection SFCC 14-6.2(E)(3) 1987 (being Ord. No. 2011-37 § 8) is
2 amended to read:

3 (3) Administrative Approval

4 Administrative approval as set forth in this paragraph is separate from and
5 required prior to the submittal of a required construction *permit application*.

6 (a) The following shall require submittal of an *application* for
7 administrative review and approval:

8 (i) the addition of an *antenna* to an existing *tower* or *structure*;

9 (ii) *relocation* of an existing *tower* to within fifty (50) feet of the
10 original *tower* site for the purpose of accommodating the *co-*
11 *location* of one or more additional *antennas*;

12 (iii) new *towers* or *antennas* in C-2, I-1 and I-2 districts;

13 (iv) *face-mounted* and *roof mounted antennas* that are painted
14 and texturized to match the *building* or *structure* to which
15 they are attached and that do not have significant adverse
16 visual impact; and

17 (v) *tower alternatives* outside *residentially zoned* districts.

18 (b) *Applications* for administrative approval shall comply with the
19 submittal requirements of Subsection 14-6.2(E)(6).

20 (c) Administrative approval shall not be granted for new *antennas* in the
21 historic, escarpment or south central highway corridor overlay
22 districts, except for the *co-location* of new antennas, which shall
23 require administrative review and approval pursuant to Subsection
24 14-6.2(E)(3)(a)(i).

25 (d) Within forty-five days of receiving a complete *application* for

1 administrative approval, the *land use* director shall review and
2 approve the *application* if it complies with the requirements of this
3 section. Denial of an *application* for administrative approval shall be
4 in writing and shall set forth the reasons for the denial. Denial of an
5 *application* constitutes a *final action* and is subject to appeal
6 pursuant to Section 14-3.17.

7 **Section 13. Subsection SFCC 14-6.2(E)(5)(k) 1987 (being Ord. No. 2011-37 § 8) is**
8 **amended to read:**

9 (k) Tower Setbacks and Separation Distances Between Towers

10 All *towers* shall be *set back* a distance equal to at least one hundred
11 percent of the height of the *tower* from any adjoining *lot* line,
12 measured from the base of the *tower*. A *tower* shall not be sited
13 closer than one thousand (1,000) linear feet to another *tower*,
14 measured from the base of the *towers*, unless co-location on the
15 existing tower is not technically feasible or would have a significant
16 adverse visual impact.

17 **Section 14. Subsection 14-6.3(B)(2) SFCC 1987 (being Ord. No. 2011-37 § 8, as**
18 **amended) is amended to read:**

19 (2) RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-
20 1, C-4, and HZ Districts

21 (a) The following *accessory* uses and *structures* are permitted in the
22 RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,
23 RAC, C-1, C-4 and HZ districts: (Ord. No. 2013-16 § 31)

24 (i) *home occupations*, as provided for in subsection 14-
25 6.3(D)(2);

- (ii) noncommercial *greenhouses* and plant nurseries;
- (iii) private *garages*;
- (iv) *utility sheds*, located within the *rear yard* only;
- (v) children's play areas and play equipment;
- (vi) private barbeque pits and private swimming pools;
- (vii) ~~[except in the RR district,]~~ *accessory dwelling units* as regulated in Subsection 14-6.3(D)(1);
- (viii) other uses and *structures* customarily *accessory* and clearly incidental and subordinate to permitted or permissible uses and *structures*; and
- (ix) *accessory structures* of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts, and such other *accessory structures* that exceed thirty (30) inches in height from the average ground elevation.

(b) All *accessory* uses and *structures* allowed under subsection 14-6.3(B)(2)(a) shall: (Ord. No. 2013-16 § 32)

- (i) not involve the conduct of *business* on the *premises*, except *home occupations*;
- (ii) be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership; and
- (iii) not be likely to attract visitors in larger numbers than would normally be expected in a *single-family residential* neighborhood. [;]

1 ~~[(iv) not be less than five (5) feet from a rear lot line except as~~
2 ~~otherwise allowed in Article 14-7.]~~

3 (c) The following activities are prohibited within *residentially zoned*
4 districts:

5 (i) [s]Storage or parking, either continuous or intermittent, of
6 commercial or industrial vehicles, except for those vehicles
7 that are authorized by a special use permit or other permitted
8 non-residential use.

9 A. Commercial or industrial vehicles include:

- 10 1. vehicles requiring a commercial driver's
11 license to operate;
- 12 2. tour buses or school buses;
- 13 3. concrete mixer trucks or concrete pumper
14 trucks;
- 15 4. towing vehicles;
- 16 5. earthmoving or grading equipment;
- 17 6. trailers or tractors (except lawn trailers or
18 tractors)
- 19 7. motorized construction or agricultural
20 equipment;
- 21 8. cranes;
- 22 9. roll-off trash containers (except as related to
23 an active construction permit); or
- 24 10. any other vehicles designed by the
25 manufacturer for business purposes.

B. Commercial or industrial vehicles do not include:

1. recreational vehicles or trailers related to recreational vehicles that are used for personal purposes; or
2. passenger vehicles, pickup trucks or small trailers that may be used for business purposes related to a registered home occupation business.

- (ii) Outdoor *storage* of construction materials, except in connection with active construction activities on the *premises*;
- (iii) ~~[s]~~Storage of *mobile homes* or commercial shipping containers; and
- (iv) ~~[recreational vehicles]~~ Vehicles, tents or other structures that do not comply with this chapter or other applicable codes, used as dwellings ~~[units]~~.

Section 15. Subsection 14-6.3(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

(1) Accessory Dwelling Units (Ord. No. 2012-21 § 3)

Accessory dwelling units located on *residentially zoned property*:

- (a) are required to meet parking standards as set forth in Section 14-8.6;
- (b) shall be regulated as per *city* regulations and policies regarding *city* utilities;
- (c) are exempt from the *density* restrictions set forth in this Chapter 14; provided, however, that only one *accessory dwelling unit* shall be permitted per *legal lot of record*;

- (d) shall be built only when permission to construct is granted to the *owner-occupant* of the *principal dwelling unit*;
- (e) shall have *lot* coverage not exceeding the square footage of the *lot* coverage of the *principal dwelling unit* or not more than one thousand five hundred square feet, whichever is less;
- (f) shall be limited to one *story* and shall not exceed [~~fifteen~~] fourteen (14) feet to the top of the parapet or to the highest point of the roof if there is no parapet;
- (g) shall be of the same architectural style as the *principal dwelling unit*;
- (h) may be rented as follows:
 - (i) by the *owner-occupant* who may rent the *principal dwelling unit* or the *accessory dwelling unit* as a *short-term rental unit* pursuant to Subsection 14-6.2(A)(5) during which time, the *owner-occupant* shall occupy either the *principal dwelling unit* or the *accessory dwelling unit*; or
 - (ii) by the *owner-occupant* who may rent either the *principal dwelling unit* or the *accessory dwelling unit*; or
 - (iii) by the property *owner* who may rent both the *principal dwelling unit* and the *accessory dwelling unit* to the same lessee, however, no separate subletting of either unit is allowed.
- (i) shall not be issued a construction *permit* until a restrictive covenant is recorded at the office of the county clerk that requires the current property *owner* and all future property *owners* to comply with Subsection 14-6.3(D)(1). The covenant shall be in a form approved by

the *land use director* and the city attorney and shall be notarized prior to recordation. A copy of the recorded covenants shall be provided to the *land use director* with the construction *permit* application. The *land use director* shall maintain copies of recorded covenants pursuant to the provisions of this section. An affidavit filed prior to the adoption of Ordinance No. 2008-5 (ordaining Subsection 14-6.2(A)(5)) and amending Subsection 14-6.3(D)(1) remains in effect and is automatically amended to reflect the provisions of Ordinance No. 2008-5.

(j) 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*. In such case, the restrictions set forth in Subsection 14-6.3(D)(1) shall no longer apply and the affidavit or restrictive covenant in Subsection 14-6.3(D)(1) may be voided upon approval of the *land use director*; and

(k) shall remain in continuous compliance with the provisions of this section 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 14-6.3(D)(1) as provided in Article 14-11 Enforcement.

Section 16. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

(C) Temporary Structures Treated as Permanent Structures

(Ord. No. 2013-16 § 35)

Structures other than temporary structures described in Subsection 14-6.4(A) that remain in place for a period of more than ~~[thirty days in a nonresidential district or]~~ ninety days ~~[in a residential district]~~ are subject to the same provisions of Chapter 14 as permanent structures, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

Section 17. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37 § 9 as amended) is amended to read:

B. Dimensional Calculations

(Ord. No. 2013-16, § 36)

(1) Net Lot Area

~~[Minimum]~~ 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. 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. ~~[is calculated excluding rights-of-way.]~~

(2) Lot Depth

The depth is measured between the front and rear lot lines, perpendicular to the front lot line. In the case of irregularly shaped lots, the depth shall be the average of all such measurements along the front lot line.

(3) Reserved

(4) Lot Coverage

Lot coverage is ~~[measured by]~~ the percentage of the total projected area on the ground of ~~[all]~~ structures in relation to the lot area ~~[excluding:]~~.

(a) ~~[(t)]~~The types and portions of *structures* listed in Subsection 14-7.1(D)(2)~~[(t)]~~ are excluded from the area covered by *structures*.

(b) ~~[(e)]~~Eaves and similar roof projections within two (2) feet of the wall of a *building*~~[(e)]~~~~[-and]~~ are excluded from the area covered by *structures*.

(c) For *residential development*, the portion of the *lot* occupied by easements for private roads and *lot access driveways* is excluded from the *lot* area.

(d) For *single-family residential development* on *lots* smaller than one acre, the portion of the *lot* occupied by *common open space*, *fire access roads* or other facilities intended to serve primarily the residents of other *lots* are also excluded from the *lot* area.

(5) Structure Perimeter

Structure perimeter is measured by the projected area of the *structure* on the ground, including all appurtenances such as eaves, bay windows, *awnings* and cantilevered decks.

(6) Slope Measurement

Slopes are measured at contour intervals of five (5) feet or less. The *slope* percent is the relation of vertical rise from or to *contour lines* calculated as follows:

$$\frac{H-L}{D} \times 100$$

$$= \%$$

$$(H-L) \times 100 / D$$

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.

(7) Building Frontage

As used in Section 14-8.10 (Signs), *building frontage* is the horizontal distance across the front of a *building* as near to ground level as possible. In cases where this test is indeterminate or cannot be applied, for example, where there is a diagonal corner entrance or where two or more sides of a *building* have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the *land use director* shall select the *building frontage* on the basis of the interior layout of the *building*, traffic on adjacent *streets* or other indicators available.

(8) 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: twenty thousand (20,000) square feet of *gross floor area* on a ten thousand (10,000) square foot *lot* is a floor area ratio of 2.0:1.

Section 18. Subsection 14-7.1(F)(2) SFCC 1987 (being Ord. No. 2011-37 § 9) is amended to read:

(2) Visibility at Driveways

At driveways that provide access to a public or private *street*, no parking *lot*, fence, *wall* or other *structure*, hedge or planting that will obstruct 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 (3) feet and ~~[eight (8)]~~ six (6) feet are prohibited within the required visibility triangles as determined by the more restrictive of:

- (i) measurements of five (5) feet along the edge of the driveway and fifteen (15) feet along the *street property* line; and
- (ii) measurements of fifteen (15) feet back from the nearest travel lane along the edge of the driveway and thirty (30) feet along the travel lane. See Illustration 14-7.1-1.

[Editor's Note: Illustration is not changed by this bill.]

Section 19. Subsection 14-7.1(F)(3)(b) SFCC 1987 (being Ord. No. 2011-37 § 9) is amended to read:

(3) Visibility 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 ninety degree intersections on *streets* and roads classified as subcollectors or lanes, obstructions between a height of three (3) feet and ~~[eight (8)]~~ six (6) feet are prohibited within the required

visibility triangles formed by the *right-of-way* lines at points that are twenty-five (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. See Illustration 14-7.1-2.

Section 20. Subsection 14-7.1(F)(4) SFCC 1987 (being Ord. No. 2011-37 § 9) is amended to read:

(4) Street Setback for Garage or Carport

(a) A *garage* or carport with a vehicle entry facing the street shall be set back at least twenty (20) feet from the *street property* line as shown on Illustration 14-7.1-3, except as provided in Subsection (4)(b).

This Subsection 14-7.1(F)(4) applies to public and private *streets* including *lot access driveways*, but does not apply to *alleys*.

(b) A 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 (7) 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

1 trucks or motorcycles for the non-commercial use of the
2 residents; and

3 (iv) storage of any material other than the personal motor
4 vehicles described in Subsection (4)(b)(ii) is prohibited.

5 **[Editor's Note: Illustration 14-7.1-3 is not changed by this amendment.]**

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Section 21. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37 §9, as amended) is amended to read:

Table 14-7.2-1: Table of Dimensional Standards for Residential Districts

(Ord. No. 2013-16 §§ 37-40)

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1, 14)						
DISTRICT	Max. Density (dwelling units per acre) Note 2	Minimum Lot /Size/ Area Note 2, Note 3	Maximum Height of Structures Notes 6, 8	Minimum Yard Requirements Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Required [Qualifying] Open Space (square feet) Note 9, 10
RR	[1] du/acre if public sewer or water is available; 2 du/acre if both public sewer and water are [available] provided; 3 du/acre if both public sewer and water are [available] provided and common open space is provided as set forth in §14-7.2(G); otherwise, 0.4 du/acre]. If public sewer and	[Area: 1 acre if public sewer or water is available;] Net lot area — single-family dwellings; as per R-1 if both public sewer and water are [available; otherwise 2.5 acres] provided. If public sewer and water are not provided, see Note 16. Net lot area —	As per R-1 — R-6	As per R-1 if both public sewer and water are available. Otherwise: Street ^{Note (4)} 12, 25; Other yards: As per R-1 [Note 4]	As per R1 [if both public sewer and water are available; otherwise, 40]	[Detached] Single-family dwellings: See Note 3. Multiple-Family Dwellings: 250 square feet of [qualifying] common and/or private open space [per] for each dwelling unit.

	water are not provided, see Note 15.	<u>multiple-family dwellings: as required to comply with maximum gross density.</u>				
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6 If <u>public sewer</u> and water are not provided, see Note 15.	<u>Net lot area - [Area:] single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) If public sewer and water are not provided, see Note 16.</u> <u>Net lot area - multiple-family dwellings: as required to comply with maximum gross density.</u> <u>[Multiple-family dwellings: 4,000 sq. ft.</u>	<u>Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)</u>	<u>Street</u> ^{Note 12} : 7 (20 for garage or carport; Note 4) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear ^{Note 13} : 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 for <u>multiple-family</u> if <u>private open space</u> is provided (See §14-7.5(C)(1): Increase in maximum coverage if <u>private open space</u> is provided.)	[<u>Detached</u> Single-family dwellings: None except as provided for lot size averaging per Note 3. Multiple-family dwellings: 250 square feet of [qualifying] common and/or private open space for each dwelling unit. [common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit]]

R-7 8 R-9	R-7=7; R-8=8; R-9=9. If public sewer and water are not provided, see Note 15.	per dwelling unit]	Same as R1-R6 Districts	Generally, setbacks are established by a development plan approved by the Planning Commission. Otherwise, same as R1 to [-] R6 Districts.	40; 55 for multi-family if private open space provided. See §14-7.5(C)(1): Increase in maximum coverage if private open space is provided.	Same as R-1 to R-6 districts. [Detached single-family dwellings: ^{Note 3} Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.]
R7(1)	7. If public sewer and water are not provided, see Note 15.	Same as R-1 to R-6 districts. [Area: 4,000 sq. ft. per unit; 2,000 sq. ft. if common open space is provided. ^{Note 3} Width: No minimum, except to meet other Chapter requirements.]	Same as R1-R6 Districts	Same as R1 to [-] R6 districts	Same as R-1 to R-6 districts	[Detached single-family dwellings: Same as R-1 to R-6 Districts

RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8. If public sewer and water are not provided, see Note 15. [Note-7]	Same as R-1 to R-6 to R-6 district.s [Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a); "Minimum Open Space Requirements"]	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Street Note 4, 12. None required if a yard wall between 6 and 8 feet high is built between building and street; otherwise, [15-foot setback] 7-foot street yard required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	[Without compound dwelling units:] Same as R-7 to R-9 districts. [With compound dwelling units:] See § 14-7.5(C)(1)(C); increase in maximum lot coverage if private open space is provided.]	Same as R-1 to R-6 [R-7 to R-9] districts
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F)). If public sewer and water are not provided, see	Net lot area - [Area: S] single-family dwellings: 3000 sq. ft. be reduced to 2000 sq. ft. if common open space is	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-12 [LD]: 24	[Same as for R-7 through R-9 districts. (See Note 6 for required height setback from side and rear property lines)] Generally, setbacks are established by a	Multiple-family of 6 or more units, single-family: 40 [single-family, two-family, or multiple-family of fewer [less] than 6 units: 40; 70 if private	[Detached Single-family dwellings or multiple-family dwellings: 250 square feet of common and/or private open space for each [per] unit

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	<u>Note 15.</u>	provided) Note 3. <u>If</u> <u>public sewer</u> <u>and water are</u> <u>not provided,</u> see Note 16. <i>Multiple-</i> <i>family: As</i> required to comply with <i>gross density</i> factor.	(See Note 6 for required height stepback from side and rear <i>property lines</i>)	<u>development plan</u> approved by the Planning Commission. See Subsection 14- 7.2(D).	<u>open space</u> is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if <i>private open</i> <i>space</i> is provided.)	
RAC	Same as for R-21 district.	Same as R-21 district.	All <i>structures</i> : 24 (See Note 6 for required height stepback from side and rear <i>property lines</i>)	Same as for R-7 through R-9 districts.	Same as for R- 10 to R-21. [40;] Also see § 14- 7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district
MHP	See §14-7.2(I). If public sewer and water are not provided, see Note 15.					
NOTES:	<div>1. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 Overlay Zoning Districts and zoning map.</div> <div>2. See Section 14-7.2(B) Calculation of Allowable Dwelling Units, number of <i>lots</i> created and number of <i>dwelling units</i> constructed cannot exceed allowed <i>density</i>.</div> <div>3. See also Section 14-7.2(C) Lot Size Averaging in Single-Family Subdivisions.</div> <div>4. See Section 14-7.1(F)(4) Street Setback for Garage or Carport: A <i>garage</i> or carport with a vehicle entrance facing the <i>street</i> must be set back 20 feet from the <i>street property line</i> as shown in Illustration 14-7.1-3.</div> <div>5. <i>Side and rear required yards</i>, including the requirements in Note 6 of this Table 14-7.2-1, may be reduced with the concurrence of adjoining <i>property owners</i> as shown on a recorded agreement, <i>plat</i> or other recorded declaration signed by the adjoining <i>property owners</i> in a form approved by the <i>land use director</i>, and in compliance with the Building Code as set forth in Article 7-1 SFCC 1987 Building Codes; General Provisions. The <i>yard reduction</i> must be offset by provision of a corresponding increase in the <i>yard</i> provided on the adjoining <i>lot</i>.</div> <div>6. Within ten (10) feet of a side or rear <i>property line</i>, no point on a <i>structure</i> shall be higher than fourteen (14) feet</div>					

above the finished *grade* at the closest point on the perimeter of the *structure*. Within fifteen (15) feet of a side or rear *property* line, no point on a *structure* shall be higher than twenty-four (24) feet above the finished *grade* at the closest point on the perimeter of the *structure*. (Ord. No. 2013-16 § 40)

7. See also Section 14-8.4(J)(3) Buffer for Nonresidential Development Abutting Residential.

8. See also Section 14-7.1(B) for calculation of maximum height limits.

9. See Section 14-7.5 for *qualifying open space* regulations.

10. See Section 14-7.5 (D) for amount of *open space* required for *non-residential* uses.

11. See Subsection 14-7.1(B)(1) for calculation of net *lot area*.

12. *Street yard* requirements apply to *lot access driveways*.

13. The *required rear yard* is 5 feet for the types of *accessory structures* specified in Subsection 14-6.3(B)(2) that are 14 feet or less in height and that are separated from *principal structures* on the same *lot* by at least 10 feet.

14. Except as otherwise provided in this chapter, the height limit and other *development* standards for *accessory structures* are the same as for the associated *principal structures*. Additional *development* standards for specified *accessory uses* are found in Subsections 14-6.3(B)(2) and 14-6.3(D).

15. The maximum *gross density* in districts that permit *residential* use is 0.4 *dwelling units* per acre if neither public sewer or water is provided, and one *dwelling unit* per acre if either public sewer or water is provided.

16. The minimum required net *lot area* for *single-family dwellings* is 2.5 acres if neither public sewer or water is provided, and is 1 acre if either public sewer or water is provided.

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1 Section 22. Subsection 14-7.2(B)(10) SFCC 1987 (being Ord. No. 2011-37 § 9, as
2 amended) is amended to read:

3 (10) The minimum [~~lot size~~] net lot area requirement for single-family dwellings
4 shall be as established in [~~this Section 14-7.2 and Section~~] Subsection 14-
5 7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of
6 dwelling units, and the number of lots occupied by single-family dwellings in
7 a residential subdivision shall not exceed the number provided by this
8 Subsection 14-7.2(B). [~~that set forth in Table 14-7.2-1 except. The minimum~~
9 lot size requirement for single family structures shall be as specified in Table
10 14-7.2-1; however the lot size may be reduced to a minimum of two
11 thousand (2,000) square feet if common open space, meeting the criteria set
12 forth in Section 14-7.5(B), is provided such that the sum of the square
13 footage of the lots for a development plus the sum of the square footage for
14 common open space, all divided by the number of single family lots, equal no
15 less than the minimum lot size specified in Table 14-7.2-1. In no case shall
16 the lot include parking areas intended for use by residents of more than one
17 lot.]

18 Section 23. Subsection 14-7.2(C) SFCC 1987 (being Ord. No. 2011-37 § 9) is
19 amended to read:

20 (C) Lot [Size] Area Averaging in Single-Family Subdivisions

21 (1) It is intended that the *common open space* required in single-family
22 subdivisions where the *lot [size] area* has been reduced from that of a
23 conventional subdivision be a compensation to occupants for reduced *lot*
24 [*size*] area. It is further intended that *common open space* be usable and be
25 provided for occupants outside of the *lot* but within the subdivision.

(2) ~~[Where the lot size is between two thousand (2,000) and four thousand (4,000) square feet, common open space is required in an amount such that the sum of the square footage of the lots in the development plus the sum of the square footage for common open space, all divided by the number of single family lots, equals no less than four thousand (4,000) square feet.] The minimum lot area requirement for single-family structures is specified in Table 14-7.2-1; however the lot area may be reduced to a minimum of two thousand (2,000) square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.~~

Section 24. Subsection 14-7.2(D) SFCC 1987 (being Ord. No. 2011-37 § 9) is amended to read:

(D) Minimum Yard Requirements

Minimum yard requirements in the ~~[R-7, R-8, R-9,]~~ R-10, R-12, R-21 and R-29 districts shall be established by an approved *development* plan or as set forth in this Subsection 14-7.2(D).

(1) To facilitate creative and responsive housing types in medium to high *density developments*, an *applicant* may request approval of a *development* plan establishing minimum *required yards* different than the default *required yards* required by Subsection 14-7.2(D)(2). The *required yards* shall be based upon their relationship to the overall *development* and its purpose and their relationship to surrounding *properties*.

(2) If minimum *required yards* are not established by an approved *development* plan as set forth in this Subsection 14-7.2(D), the minimum *required yard* shall be:

(a) with the exception of detached ~~[allowed accessory structures for~~

1 ~~which required yards are~~ utility sheds which must be located as set
2 forth in ~~[Section 14-6.3(B) Multiple Principal Uses; Accessory Uses~~
3 ~~or Structures]~~ Subsection 14-6.3(B)(2)(a), the minimum *street yard*
4 shall be ten (10) feet for *multiple-family buildings* containing six or
5 more *dwelling units*, and seven (7) feet for all other *buildings*. The
6 distance between a *garage* or carport facing the *street* and the front
7 *property* line shall be ~~[a minimum of twenty (20) feet]~~ as provided in
8 Section 14-7(D); and

9 (b) except as otherwise provided in ~~[Article 14-6 (Permitted Uses and~~
10 ~~Use Regulations)]~~ Table 14-7.2-1 Notes 13 and 14, the other
11 *required yards* shall be a minimum of five (5) feet subject to the
12 stepback requirements of Section 14-7.1(C)(2) General Height
13 Standards and Table 14-7.2-1 Note 6. For all *structures* other than
14 *multiple-family buildings* containing six or more *dwelling units*, zero-
15 foot other *yards* are allowed with the concurrence of adjoining
16 *property owners* as provided in Table 14-7.2 Note 5. ~~[shown on a~~
17 ~~recorded agreement, plat or other recorded declaration signed by the~~
18 ~~adjoining property owners in a form approved by the land use~~
19 ~~director, and in compliance with the building code as set forth in~~
20 ~~Article 7-1 SFCC 1987 Building Code; General Provisions.]~~

21 (3) Other permissible *structures* have the same *required yards* as those set forth
22 in this Subsection 14-7.2(D) unless otherwise specified

23 **Section 25.** **Subsection 14-7.2(H) SFCC 1987 (being Ord. No. 2011-37 § 9) is**
24 **amended to read:**

25 **(H) Maximum Nonresidential Use Area in RAC District.**

Not more than three thousand (3,000) square feet of the *gross floor area* of a building shall be devoted to *nonresidential* uses that are not also permitted uses or special use permit uses in the R-21 district.

Section 26. Subsection 14-7.3(A) SFCC 1987 (being Ord. No. 2011-37 § 9, as amended) is amended to read:

14-7.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

(A) Table of Dimensional Standards

(Ord. No. 2013-16 § 42)

The standards set forth in this table apply to all *principal* and *accessory structures* unless otherwise provided in Chapter 14.

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
District	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non-residential open space requirements
C-1	Same as R-21 district including <i>residential density</i> and <i>open space</i> requirements: See Table 14-7.2-1 (Ord. No. 2013-16 § 42)	36	<i>Nonresidential</i> Uses: <i>Street</i> : 10 <i>Side</i> : 5 <i>Rear</i> : 10 <i>Residential</i> Uses: Same as for R-21 district.	<i>Nonresidential</i> Uses: 60 <i>Residential</i> Uses: 40
C-2	None <u>Also see §14-7.5(D)(8)(c): Open Space Requirements</u>	45	<i>Street</i> : 15 <i>Side</i> : 0 <i>Rear</i> : 10 (See Note 2 for setback abutting <i>residential</i> district)	60
C-4	For <i>residential</i> uses, same as contiguous <i>residential</i> district (See Note 10) For <i>nonresidential</i> uses, see 14-7.5(D)(8)(d): "Minimum Open Space Requirements"	24 (See note 6 for height stepback from <i>property</i> lines)	(See note 6 for height stepback from <i>property</i> lines) <i>Nonresidential</i> Uses: <i>Street</i> : 10 <i>Side</i> : 5 <i>Rear</i> : 10 <i>Residential</i> Uses: Same as	<i>Nonresidential</i> Uses: 60 <i>Residential</i> Uses: 40

	(Ord. No. 2013-16 § 42)		R-21 zoning district	
HZ	21,780 sq ft	70 for a <i>hospital</i> in the Las Soleras Hospital District; 36 otherwise	Same as for R1-R5 Districts.	In the Christus St. Vincent Hospital Zone District: <i>Gross floor area</i> shall not exceed 30% of total <i>lot</i> area. In the Las Soleras Hospital Zone District: floor area ratio shall not exceed 1.8:1
I-1	None, except as may be needed to satisfy other limitations applicable to an I-1 District.	65 (provided that any part of the <i>building</i> exceeding 36 feet in height shall be <i>set back</i> from each <i>yard</i> line at least one foot for each two feet of additional <i>building</i> height above 36 feet)	Same as for C-2 District.	50
I-2	None, except as may be needed to satisfy other limitations applicable to an I-2 District.	Same as I-1 District.	<i>Street</i> : 15 <i>Side</i> : 10 if abutting a <i>residential</i> district; 5 if not abutting a <i>residential</i> district <i>Rear</i> : 25 if abutting a <i>residential</i> district; 10 if not abutting a <i>residential</i> district	60

BIP	Minimum District Size: 4 acres Note 3	No portion of any <i>structure</i> located within 25 feet of any <i>residential zoning</i> district or <i>residential</i> use shall exceed 24 feet in height Maximum height calculation shall not include a parapet. - <i>Structures</i> may exceed 24 feet, not to exceed 36 feet, exclusive of the parapet, provided the <i>structure wall</i> shall be stepped back two horizontal feet for each vertical foot of additional height up to the maximum permitted.	No <i>building</i> , parking or loading facilities, or driveway shall be located less than 50 feet from the boundary of any <i>residential</i> use or <i>residential</i> zoning district Note 4	None, except to meet the <i>open space, setback, parking, and</i> other applicable requirements
PRC NOTE 9[-8]	Minimum District Size: 160 acres	---	---	---
PRRC NOTE 9	Minimum District Size: 160 acres	---	---	---
SC1 SC2 SC3	Minimum <i>Lot</i> Requirements: Note 5 SC1: 5 acres SC2: 10 acres SC3: 40 acres See also §14-4.3(K)(2), "Rezoning to the SC district"	SC1: 35 SC2: 45 SC3: 45	The requirements for minimum <i>yards</i> in SC districts shall be equivalent to the minimum <i>yard</i> requirements in any adjoining zoning district.	None

MU	None, except as may be needed to satisfy other limitations applicable to a MU district Also see § 14-7.5(D)(8)(b) for <i>open space</i> requirements.	A maximum height of 35 feet shall be permitted where two or more <i>stories</i> are included in a <i>building</i> ; where the <i>mixed-use development</i> is located adjacent to <i>residential</i> uses or <i>residential zoning</i> , all <i>buildings</i> and <i>structures</i> within 70 feet of the adjoining <i>residential property</i> line shall not exceed 25 feet in height. Also see §14-7.3(B)(1) for <i>step-back</i> requirements.	<i>Street</i> : Equivalent to the minimum <i>yard</i> requirements in any adjoining <i>residential</i> zoning district if not separated by a <i>street</i> ; otherwise none is required. Side: 30 feet from <i>property</i> line when abutting a <i>residential</i> district; 5 feet from <i>property</i> line if not abutting a <i>residential</i> district. <i>Right of way</i> may be counted as part of <i>setback</i> . Rear: 30 feet from <i>property</i> line when abutting a <i>residential</i> district; 10 feet from <i>property</i> line if not abutting a <i>residential</i> district. <i>Right of way</i> may be counted as part of <i>setback</i> . Also see §14-7.3(B)(1) for separation requirements.	None, except as may be needed to satisfy other limitations applicable to a MU district Also see §14-7.3(B)(1) for <i>footprint</i> requirements and <i>residential</i> requirements
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TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)

NOTES:

1. Additional regulations, see also:

Section 14-5 Overlay Districts and official zoning map. Provisions of overlay districts, including historic, escarpment or neighborhood districts may override standards in this table;

Section 14-8.4(J)(3), fifteen-foot buffer required for *nonresidential* uses adjacent to *residential* uses;

Section 14-8.4(I)(2)(d), five-foot *planting strip* where parking lot abuts [~~street~~] required *street yard*;

Section 14-8.2(D)(4)(e)(i), *setback* from shoulder of arroyo, stream [øf] or watercourse; and

Section 14-7.1(D), *required yards*.

2. Additional regulations: *Rear yard* ten feet, except on the rear of a lot abutting a *residential* district, in which case there shall be a [~~rear~~] required *rear yard* of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the least. See also Section 14-8.4(J)(3) Landscape Buffer for Nonresidential Uses, fifteen-foot buffer required for *nonresidential* uses adjacent to *residential* uses.

3. Additional regulations: The minimum total area of a BIP district shall be four acres. The minimum total area may be further divided into individual *lots*; however, the site shall be master planned in its entirety and the master plan approved by the planning commission.

4. Additional regulations: The planning commission may consider reduced *required yards* to allow for greater flexibility in site design, and based on the proposed use and site *development* proposal. *Required yard* reduction may also be mitigated by other factors, including topography, proposed fences or *walls* or dense *landscape* separation. In no case, however, shall the *required yards* be less than twenty-five feet.

5. Additional regulations: *Lots* may be combined to meet the minimum site requirements or *subdivided* smaller than the minimum site requirements; provided that the planned shopping center district shall be preserved in such ownership or control so as to ensure the continued maintenance of private common use areas, including *open space*, drives, walks and *off-street parking* and *loading* facilities. This shall be accomplished by contracts, agreements, deed restrictions, covenants running with the land or other instruments in writing.

6. Within ten feet of a side or rear *property* line, no point on a *structure* shall be higher than fourteen (14) ~~[twelve]~~ feet above the finished *grade* at the closest point on the perimeter of the *structure*. Within fifteen feet of a *property* line, no point on a *structure* shall be higher than twenty-four feet above the finished *grade* at the closest point on the perimeter of the *structure*.

7. ~~[See Section 14-3.9(C)(3) (Procedures) for development standards in PRC and PRRC districts.]~~ **RESERVED**

8. See Section 14-7.5(D) for amount of *open space* required for *non-residential* uses.

9. In the PRC and PRRC districts, *development* standards shall correspond to the approved master plan as provided in ~~[Section]~~ Subsections 14-3.9(C)(3) and 14-3.8(C)(3).

10. 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. (Ord. No. 2013-16 § 42)

Section 27. Section 14-7.5 SFCC 1987 (being Ord. No. 2011-37 § 9, as amended) is

amended to read:

14-7.5 Open Space Standards

(A) General Provisions

~~[Qualifying open]~~ Open space shall be provided that meets the minimum standards of this Section 14-7.5, Section 14-8.4(H) Open Space Planting Requirements and other applicable requirements of Chapter 14. ~~[Qualifying]~~ All required open space shall meet the following standards:

(1) ~~[Qualifying open]~~ Open space consists of areas that are *landscaped* ~~[and irrigated]~~ or that preserve natural vegetation, and may include outdoor facilities for *passive* or *active recreation*. ~~[Qualifying open space may include landscaped areas that are used for retention or detention of stormwater.]~~

(2) ~~[Qualifying open]~~ Open space does not include *streets*, *driveways*, *parking* or *loading areas*, fire apparatus access roads and turnarounds, *storage areas* or

buildings.

(3) Residential open space must be provided for each unit in the total amount specified in Table 14-7.2-1. Common or private open space may be provided in any combination that meets applicable standards. Private open space provided in excess of the minimum requirement for a unit may not be used to reduce the open space for any other unit.

(B) Residential Common Open Space Standards

(1) The intent of *common open space* is to provide useable outdoor space for residents of *developments*, promote compact urban form, screen and buffer conflicting zoning categories and, in general, enhance the quality of the urban environment. Where appropriate, *open space* should contribute to the preservation of Santa Fe's natural features, especially hillsides and arroyos. Consideration shall be given to providing wildlife habitat, especially by providing *open space* along arroyos, stream corridors and linkages to other habitat areas. To the greatest extent possible, connections shall be provided to public *open space* and the urban trail system and bicycle paths or in such a way that a future connection is facilitated. The most appropriate use or uses for outdoor space shall be proposed and assessed on a case-by-case basis and may include active or passive use.

(2) A minimum of fifty percent of [qualifying] *common open space* shall be useable space for active or *passive recreation* or pedestrian ways that include interior sidewalks and patios. The *land use director*, a *land use board* or the *governing body* may require tot lots or other play areas and equipment, walking paths, benches and lighting.

~~[(3) *Qualifying open space must be provided for each unit in the total amount*~~

specified in Table 14 7.2-1. ~~Common or private open space~~ may be provided in any combination that meets applicable standards. ~~Private open space provided in excess of the minimum requirement for a unit may not be used to reduce the open space for any other unit. Except where both private and common open space are specifically required by Table 14 7.2-1, qualifying private open space may be used to meet common open space requirements.~~

(4) ~~It is intended that the common open space required in single family subdivisions, where the lot size has been reduced from that of a conventional subdivision, be a compensation to occupants for reduced lot size. It is further intended that common open space be usable and be provided for occupants outside of the lot, but within the subdivision.~~

(5) ~~Required on-site ponding, whether retention or detention ponding, may be coincident with required common open space subject to Section 14 8.4(H) (Open Space Planting Requirements) and any further restrictions set forth in Chapter 14.]~~

(3) Common open space may include areas used for retention or detention of stormwater provided that all other applicable standards are met.

((6)4) Common open space shall be no less than fifteen (15) feet in any [one] dimension and no less than five hundred (500) square feet per segment.

((7)5) Common open space shall be dedicated to a homeowners' association or owned and maintained by the owner of rental housing developments. If dedicated to a homeowners' association, there shall be covenants running with the land restricting the use of common open space to that use and prohibiting subdivision or separation of ownership of the common open space. The restriction shall be noted on the development plan or final plat.

([8]6) *Accessory dwelling units* are required to provide the same amount of ~~[qualifying]~~ *private open space* as other *dwelling*s in the district; however, ~~[qualifying]~~ *private open space* for the *accessory dwelling unit* may be connected to ~~[qualifying]~~ *private open space* for the ~~[primary]~~ principal *dwelling unit*, and up to fifty percent of the ~~[qualifying]~~ *private open space* required for the *accessory dwelling unit* may be the same ~~[qualifying]~~ *private open space* provided for the ~~[primary]~~ principal *dwelling unit*.

(C) **Residential Private Open Space Standards**

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. Requirements for *private open space* are as follows:

- (1) the maximum *lot* coverage for multi-family developments may be increased in accordance with Table 14-7.2-1 if ~~[qualifying private]~~ *open space* for each *dwelling unit* is provided as follows:
 - (a) for *lots* in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-7I, R-8~~[or R-9]~~, R-9, RC-5 and RC-8 districts, an amount not less than fifty percent of the total *gross floor area* of that *dwelling unit*; and
 - (b) for *lots* in R-10, R-12, R-21 and R-29 districts, an amount not less than thirty percent of the total *gross floor area* of that *dwelling unit*.
 - (c) ~~[for compounds in RC-5 and RC-8 districts, there is no lot coverage limit when qualifying open space is provided as required by this Section 14-7.5.]~~ The *open space* provided to meet the requirements of Subsections (1)(a) and (1)(b) above may be counted toward meeting the *open space* requirement in Table 14-7.2-1 for *multi-family dwelling units*.

- (2) balconies, roof decks or roofed areas such as *porches* or *portals* may be included as all or part ~~[twenty-five percent]~~ of the required *private open space*;
- (3) *private open space* does not include ~~[parking areas, driveways or related access for automobiles or]~~ stormwater ponding areas;
- (4) the minimum dimension for required *private open space* located on the ground shall not be less than twelve (12) feet, and not less than four (4) feet and forty (40) square feet for balconies, roof decks or other private open space that is not located on the ground;
- (5) finished grade for required *private open space* shall have a *slope* no greater than one (1) vertical foot in ten (10) horizontal feet; and
- (6) *accessory dwelling units* shall also be required to meet the *private open space* criteria in this Subsection 14-7.5(C); provided, however, that *private open space* for the *accessory dwelling unit* does not have to be physically separated from the *private open space* for the ~~[primary]~~ principal *dwelling unit*, and up to fifty percent of the *private open space* required for the *accessory dwelling unit* may be the same *private open space* provided for the ~~[primary]~~ *dwelling unit*; and
- (7) there are no planting requirements for *private open space*.
- (8) *Private open space* must be adjacent to and directly accessible from the unit for which it is provided.

(D) Nonresidential and Mixed Use Open Space Standards

- (1) *Open space* shall be provided in *nonresidential* and *mixed use developments* to promote environmental health; foster a sense of openness; provide light and air; preserve existing vegetation or provide new vegetation to help

oxygenate the air; provide shade; help control stormwater runoff and *erosion*; and improve ground water quality.

(2) *Nonresidential open space* shall be planted and linkage provided to *public open space*, following the same requirements as for *residential common open space* in Subsection 14-7.5(B).

(3) Planting requirements are the same as for *residential open space* and may be combined with other *landscape* requirements, including those for *street tree* planting and parking lots.

(4) The minimum dimension for *nonresidential open space* shall be ten (10) feet and cover a minimum of three hundred (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 this Subsection 14-7.5(D)(6).

(5) The percentage of required *open space* shall be calculated on the basis of total *lot* area, and shall be no less than twenty-five percent unless the conditions described in Subsection 14-7.5(D)(6) are met; then the required *open space* may be reduced by a maximum of ten percent of the total *lot* size. More restrictive requirements for individual zoning districts [shall] apply.

(6) To encourage an increase in permeable surface area, to reduce stormwater runoff and *erosion*, to increase infiltration, and to encourage water conservation and *water harvesting*, the required *open space* may be reduced as follows:

(a) The *open space* requirement for *development* that incorporates a
passive water harvesting concept that is a primary component of
stormwater management [~~shall earn an open space reduction equal to~~

~~five]~~ is twenty (20) percent of the total *lot* area. ~~[An] 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 [shall earn an open space reduction equal to five]~~ is fifteen (15) percent of the total *lot* area. ~~[The total reduction in open space for water harvesting shall not exceed ten percent of the total lot area.]~~ The credits 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 Section 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 Section 14-8.4(E)(4) Water Harvesting and Irrigation Standards; and

(b) the *open space* reduction shall not result in an increase in parking area.

(7) 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 Section 14-8.4 Landscape and Site Design.

(8) ~~[Open Space]~~ Additional Requirements in BIP, MU and C-2 Districts

(a) BIP districts

1 (i) To encourage pedestrian amenities and preservation
2 of existing vegetation, [~~qualifying~~] *open space* shall
3 be provided at a minimum of forty percent of the
4 total master plan area.

5 (ii) As an incentive for providing commonly shared site
6 amenities, and as may be appropriate to more urban
7 *development*, the planning commission may grant
8 double the square footage of site amenities to be
9 counted toward the [~~qualifying~~] *open space*
10 requirement. Site amenities shall be accessible, and
11 include the following examples: 1) interior trail
12 systems; 2) small plazas; 3) fountains; 4)
13 children's play areas; and 5) public art. In no case
14 shall the amount of [~~qualifying~~] *open space* be less
15 than twenty-five percent of the total master plan
16 area.

17 (b) MU districts

18 A common, *landscaped* open area with seating shall be provided
19 with a minimum size of five hundred (500) square feet per acre of
20 *development*. The area shall be open to the sky and be suitably
21 lighted and be designed to encourage social interaction.

22 (c) C-2 District

23 [~~Qualifying private open~~]*Open space* is required for each ground-
24 floor *dwelling unit* at a minimum of [~~twenty five percent of the total~~
25 ~~gross floor area of that unit~~] two hundred fifty (250) square feet.

1 *Dwelling units* located above ~~[commercial units]~~ the ground floor are
2 not required to provide ~~[private]~~ *open space*.

3 ~~[(d) C 4 District~~

4 ~~(i) Single Family~~

5 ~~Where the lot size is between two thousand (2,000) and three~~
6 ~~thousand (3,000) square feet, qualifying common open space~~
7 ~~is required in an amount such that the sum of the square~~
8 ~~footage of the lots in the development plus the sum of the~~
9 ~~square footage for qualifying common open space, all~~
10 ~~divided by the number of single family lots, equals no less~~
11 ~~than three thousand (3,000) square feet.~~

12 ~~(ii) Multiple Family~~

13 ~~Qualifying common open space is required at a minimum of~~
14 ~~two hundred fifty (250) square feet per unit.~~

15 ~~(e) C 1 District~~

16 ~~(i) Single Family~~

17 ~~Where the lot size is between two thousand (2,000) and four~~
18 ~~thousand (4,000) square feet, qualifying common open space~~
19 ~~is required in an amount such that the sum of the square~~
20 ~~footage of the lots in the development plus the sum of the~~
21 ~~square footage for common open space, all divided by the~~
22 ~~number of single family lots, equals no less than four~~
23 ~~thousand (4,000) square feet.~~

24 ~~(ii) Multiple Family~~

25 ~~Qualifying common open space is required at a minimum of~~

~~two hundred fifty (250) square foot per unit.]~~

- (9) Any *residential* ~~[qualifying]~~ *open space* provided in a mixed *residential* and ~~[commercial]~~ *nonresidential development* may be credited toward the total ~~[qualifying]~~ *MU or nonresidential open space* requirement.

Section 28. Subsection 14-8.2(D)(3) SFCC 1987 (being Ord. No. 2011-37 § 10) is amended to read:

(3) Topography

- (a) Each *residential lot* shall have ~~[an area]~~ a buildable site designated as suitable for a ~~[structure]~~ building with a footprint of not less than forty (40) percent of the minimum required net lot area or two thousand (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 Summary Committee may approve residential lots with a smaller buildable site to accommodate lot size averaging or within multi-family 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 twenty percent; the remainder of the area or *building* footprint may have a natural *slope* of twenty percent or greater, but less than thirty percent.
- (c) The first floor finished floor elevation at any point of any portion of a *building* built on a natural *slope* of twenty percent or greater shall not exceed five (5) vertical feet above the natural *slope* at that point.
- (d) A *structure* shall not be built on a natural *slope* of thirty percent or greater.

Section 29. Subsection 14-8.2(F)(1)(a) SFCC 1987 (being Ord. No. 2011-37 § 10) is

amended to read:

(F) Submittal Requirements 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(E), shall meet the following minimum submittal requirements:

(1) Submittals for construction *permit applications* for *grading* must provide sufficient information to show compliance with Subsection 14-8.2(D) and (E). Unless waived by the *land use director*, submittals must include:

(a) a topographic survey and *grading* plan with elevation contours shown at not more than two (2) ~~[feet]~~ foot intervals on *slopes* less than thirty percent and five (5) foot intervals on *slopes* of thirty percent or greater that shows:

(i) all *sloped* areas of zero to twenty percent, twenty-one to thirty percent and greater than thirty percent shall be 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~~[, showing elevation contours at not more than two (2) foot intervals on slopes less than thirty percent and not more than five (5) foot intervals on slopes greater than or equal to thirty percent];~~

(iii) the designated ~~[building lot areas]~~ 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 is in compliance with national map accuracy standards;

Section 30. Subsection 14-8.4(F)(5) SFCC 1987 (being Ord. No. 2011-37 § 10) is amended to read:

(5) Preservation of Existing Vegetation

(a) The *land use director* [~~shall review grading plans during the permit process and~~] may require the preservation, relocation or replacement

1 of existing *significant trees* as provided in Subsection 14-8.4(B),
2 except that the public works director may determine the requirements
3 for *significant trees* located within *public right-of-way*, within *city*
4 parks or on other land owned by the *city*. Determinations shall be
5 made in accordance with the following criteria:

- 6 (i) priority is given to preserving *significant trees* that provide
7 *screening*, buffering, wildlife habitat or linkages to wildlife
8 habitat;
- 9 (ii) *significant trees* that are to be preserved or relocated shall be
10 healthy and free from serious insect or parasite infestation;
- 11 (iii) *significant trees* to be relocated shall be selected from areas
12 with adequate soil conditions for successful relocation;
- 13 (iv) the recommended season for relocation of piñon (*Pinus*
14 *edulis*) trees is September 15 to May 15;
- 15 (v) if relocation of existing *significant trees* is not possible
16 within these guidelines, then equivalent plant material shall
17 be provided. Replacement evergreen trees shall be six (6)
18 feet tall or taller, replacement deciduous trees shall be two
19 (2) inches *caliper* or greater; and
- 20 (vi) relocated or replacement trees shall be irrigated until they are
21 established

- 22 (b) A minimum of forty percent of piñon *significant trees* shall be preserved,
23 relocated on site or replaced as specified in this Section 14-8.4. Piñon trees
24 that are preserved or relocated on site and are a minimum of eight (8) feet tall
25 shall substitute for two trees required elsewhere in this Section 14-8.4.

- 1 (c) No existing deciduous tree with a six (6) inch *caliper* or greater or evergreen
2 tree over eight (8) feet tall shall be removed without the approval of the *land*
3 *use director* or public works director as provided in Subsection (F)(5)(a) above.
4 Trees classified by the New Mexico department of agriculture as *noxious*
5 *weeds* that are smaller than a twelve (12) inch *caliper* are exempt from this
6 review, including Russian olive (*Elaeagnus angustifolia*), Siberian elm (*Ulmus*
7 *pumila*), tree of heaven (*Ailanthus altissima*) and salt cedar (*Tamarix*
8 *species*).
- 9 (d) During construction, existing plant material to be preserved shall be enclosed
10 by a temporary fence at least five (5) feet outside the dripline. In no case shall
11 vehicles be parked or materials or equipment be stored or stockpiled within the
12 enclosed area.
- 13 (e) All areas with exposed soil surfaces disturbed by construction shall be
14 revegetated to minimize *erosion* and stormwater runoff and to improve the
15 infiltration of precipitation.
- 16 (f) Destroyed vegetation shall be removed promptly to prevent insect infestation
17 of healthy vegetation.
- 18 (g) The preservation of plant species classified as *noxious weeds* is discouraged.
- 19 (h) Topsoil removed during construction shall be stockpiled on site and reused on
20 site in *landscaped* areas or areas to be revegetated.

21 **Section 31. Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37 § 10, as**
22 **amended) is amended to read:**

23 (3) Location of Street Trees:

24 (Ord. No. 2013-16 § 48)

25 (a) on streets, other than major and secondary arterials, street trees shall be

located on the subject *property* adjacent to the *property* line [~~unless location~~] or within the *right of way* [is] 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 SFCC 1987 Streets, Sidewalks and Public Places and in compliance with adopted median and *parkway* standards;

(b) on major and secondary arterials, trees shall be planted in a minimum ten (10) foot wide *parkway* that includes the width of the sidewalk or other pedestrian way. If existing *development* precludes provision of the ten (10) foot wide *parkway*, trees shall be planted in a space no smaller than five (5) feet by thirteen (13) feet and preferably multiple trees in longer *planting strips*;

(c) *street trees* should be planted to the greatest extent possible in *swales* or basins that collect run-off and precipitation;

(d) *street trees* shall be located at least fifteen (15) feet from light standards, so as not to impede outdoor illumination;

(e) *street trees* shall be located at least fifteen (15) feet from fire hydrants so as not to interfere with hydrant operation;

(f) *street trees* located under utility lines shall be a species that maintains a minimum of five (5) feet of clearance from overhead utility lines at maturity; and

(g) *street trees* shall not be required on single-family residential lots.

Section 32. Subsection 14-8.4(H) SFCC 1987 (being Ord. No. 2011-37 § 10) is amended to read:

(H) Open Space Planting Requirements

(1) Required [~~qualifying~~] *open space* shall be planted with a minimum of one tree and two shrubs every five hundred (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 [~~parking~~] *landscaping* required for parking *lots* may be counted toward meeting the minimum planting requirements for [~~qualifying~~] *open space*.

(4) At least twenty-five percent of required trees and shrubs shall be evergreen. Existing trees and shrubs shall be accepted for required *landscaping* if they otherwise meet the requirements of this Section 14-8.4.

Section 33. Subsection 14-8.4(I)(2) SFCC 1987 (being Ord. No. 2011-37 § 10) is amended to read:

(2) Perimeter Screening

(a) When three or more *off-street parking* spaces are required, perimeter *screening* shall be provided. The purpose of perimeter *screening* of parking *lots* is to define parking areas, mitigate the view of cars and pavement, help direct traffic flow, provide continuity to *streetscapes* and obtain the environmental benefits of increased planting.

(b) in commercial districts, wherever there is a parking *lot* for more than three motor vehicles and any part of the parking *lot* is within twenty-five (25) feet of a *residential* area and not separated by a *public right of way*, a solid masonry *wall* not less than four (4) feet in height shall

be erected between the parking *lot* and the *residential* district boundaries.

(c) The parking *lot* shall be *screened* from all public *streets* and adjacent *properties* by a continuous *wall* or berm four (4) feet or more in height, a hedge a minimum four (4) feet high at maturity, other vegetative *screening* appropriate to the *landscape design intent* 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*.

(d) A continuous *planting strip* must be provided where a parking *lot* abuts or occupies a *street yard*. The *planting strip* must be at least five (5) feet wide. Trees shall be planted an average of twenty-five (25) feet on center, in an area with a minimum dimension of five feet and containing a minimum of seventy-five (75) square feet of permeable surface exclusive of curbing. Street trees may be counted toward the tree planting requirement of this subsection (1)(2)(d).

Section 34. Subsection 14-8.4(I)(3) SFCC 1987 (being Ord. No. 2011-37 §10) is amended to read:

(3) Interior Parking Lot Landscape Requirements

(a) 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.

(b) When forty or more *off-street parking* spaces are ~~[required]~~ provided, interior *lot landscaping* shall be provided.

1 (c) No single parking area shall exceed one hundred twenty spaces
2 unless divided into two or more subareas by an internal *landscaped*
3 *street* or *landscaped* pedestrian way that is a minimum ten (10) feet
4 wide.

5 (d) A minimum of ten (10) square feet of permeable *landscaped* area
6 shall be provided per parking space. A minimum of one deciduous
7 tree shall be planted per ninety (90) square feet of *landscaped* area.

8 (e) Traffic islands shall have a minimum dimension of six (6) feet and
9 contain a minimum of ninety (90) square feet of permeable surface,
10 exclusive of curbing, and shall be distributed throughout the *lot*. As
11 a component of a stormwater management plan, traffic islands may
12 be combined to facilitate *water harvesting* and these combined
13 islands shall be distributed within each subarea.

14 (f) No more than twenty cars shall be parked in a row without a planting
15 island adjacent to the length of the parking space having a minimum
16 area of ninety (90) square feet, and including at least one tree.

17 **Section 35. Subsection 14-8.4(I)(5) SFCC 1987 (being Ord. No. 2011-37 § 10) is**
18 **amended to read:**

19 (5) Pedestrian Circulation

20 When forty or more *off-street parking* spaces are provided [~~required~~],
21 sidewalks for primary pedestrian routes shall be provided. At a minimum
22 this includes pedestrian ways from the primary off-site entrance or entrances
23 to the primary building entrance or entrances.

24 (a) All pedestrian ways shall be *landscaped* with a minimum six (6) foot
25 wide *planting strip* on at least one side, exclusive of curbs, and trees

an average of twenty-five (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.

Section 36. Subsection 14-8.4(J)(2)(a) SFCC 1987 (being Ord. No. 2011-37 §10) is amended to read:

- (a) *Residential development*~~[s—contiguous to]~~ 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(H) (Open Space Planting Requirements).

(iii) An alternative to *screening* shall be a twenty-five (25) foot *setback* of undisturbed trees, shrubs, grasses or *landscape treatment* consisting of appropriate vegetative cover.

Section 37. Subsection 14-8.4(J)(3) SFCC 1987 (being Ord. No. 2011-37 §10) is amended to read:

(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 fifteen (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(H).

(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.

Section 38. Subsection 14-8.6(B)(1) SFCC 1987 (being Ord. No. 2011-37 § 10, as amended) is amended to read:

(1) General Standards

(Ord. No. 2014-4)

All *off-street parking* spaces and *lots* shall meet the standards set forth in this Subsection 14-8.6(B) and any additional standards shown on an approved site plan:

(a) they shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any *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) they shall be designed so that vehicles may be removed without moving another vehicle except in attended *lots*, or *single-family* [~~residences~~] *dwelling*s where not more than two spaces assigned for use to the same *dwelling unit* may be arranged in tandem;

(c) they shall have barriers that prevent vehicles from extending over the

1 public sidewalks, abutting *lots* or the minimum required *landscaped*
2 area, and that prevent vehicles from obstructing *building* entries and
3 ADA accessible routes;

4 (d) they shall be designed to discourage parking *lot* traffic from
5 accessing directly onto major arterial *streets*, unless no reasonable
6 alternative is available;

7 (e) they shall be appropriately marked to indicate the location of the
8 spaces; and

9 (f) if they are required parking spaces, they shall be available at all
10 times for parking the personal vehicles of *employees* and customers
11 or residents and guests for which the spaces are required. Required
12 parking spaces shall be unobstructed and shall not be used for
13 storage, display, sales or parking of commercial or other vehicles
14 used by *employees* in the conduct of the use for which the spaces are
15 required, unless an itinerant vending *permit* or special use *permit* has
16 been issued. Required *off-street loading spaces* shall not be included
17 as *off-street parking* spaces in the computation of required *off-street*
18 *parking*.

19 (g) To the extent feasible, driveway or parking lot aisles shall not direct
20 vehicle traffic toward a primary pedestrian entryway to a
21 *nonresidential* or *multiple family residential building*.

22 (i) A driveway or parking lot aisle that is oriented toward a
23 primary pedestrian entryway to a *nonresidential* or *multiple*
24 *family residential building* shall have bollards or other safety
25 barriers that prevent accidental vehicle collisions with the

entryway and pedestrians in front of the entryway.

- (ii) Compliance with the provisions of this Subsection 14-8.6(B)(1)(g) is required for the types of *projects* identified in Subsection 14-8.4(B)(1) Landscape and Site Design Applicability. For additions or *remodeling projects* as described in Subsection 14-8.4(B)(1)(d)(ii), the total cost for required safety barriers shall not exceed twenty percent of the *project's* construction valuation, in addition to the cost of *landscape* improvements.

Section 39. Subsection 14-8.6(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 10, as amended) is amended to read:

(1) General Requirements

- (a) *Loading space* shall be paved in conformance with paving requirements specified in *off-street parking* standards.
- (b) 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, ~~or~~ common ingress-egress easement, or ADA accessibility route, or obstruct a building entry or exit.
- (c) The minimum dimensions of the *loading space* shall be scaled to accommodate the largest vehicle used for pickups and deliveries, including vertical clearance.

Section 40. Subsection 14-8.10(B)(7) SFCC 1987 (being Ord. No. 2001-38 § 2, as

1 amended) is amended to read:

2 (7) ~~[Noneonforming Signs~~

3 ~~Existing signs affected by any new annexation into the city shall have five years from~~
4 ~~the effective date of the annexation to conform to the applicable sign provisions of~~
5 ~~this chapter.]~~

6 Reserved

7 Section 41. Subsection 14-8.13(C) SFCC 1987 (being Ord. No. 2011-37 § 11) is
8 amended to read:

9 (C) **Applicability of Development Water Budgets**

10 A *development* water budget shall be submitted with the following land use
11 applications:

12 (1) Final subdivision *plats* except:

13 (a) *Plats* for the purpose of creating *tracts* of land according to an
14 approved master plan where additional subdivision of land or a more
15 detailed *development* plan within the various *tracts* is still necessary
16 before *permitting* of *dwelling units* and other *buildings* according to
17 that master plan; and

18 (b) *Plats* where the proposed *development* is included in and consistent
19 with an already approved *development* water budget and has
20 complied with the water rights transfer program set forth in Section
21 25-12 SFCC 1987 or the water conservation credit program set forth
22 in Section 25-11 SFCC 1987;

23 (2) *Development* plans, except preliminary *development* plans;

24 (3) *Development* plans for each phase of a phased *development*, but each phase
25 shall be subject to Section 25-12 SFCC 1987;

1 ~~[(4) Major project plans in the Business Capital District;]~~ RESERVED

2 ~~[(5)4]~~ ~~[Building]~~ Construction permits (whether or not a meter for service has been
3 previously installed) except the following:

4 (a) Where covered by and consistent with an already approved
5 *development water budget* that has complied with the water rights
6 transfer program set forth in Section 25-12 SFCC 1987 or water
7 conservation credit program set forth in Section 25-11 SFCC 1987;

8 (b) Replacement of thirty-three percent or less of an existing *building*;

9 (c) Remodels;

10 (d) Additions:

11 (i) Where there are no new fixture installations;

12 (ii) Where there are up to three new water fixtures provided that
13 the increased *building* area does not exceed five hundred
14 (500) square feet; and

15 (e) Shell only *permits* which will later require *permits* for tenant
16 improvements at which time the *development* water budget is
17 required;

18 ~~[(6)5]~~ Secondary plumbing *permits* (plumbing *permits* independent of a *building*
19 *permit*) resulting in an increase of water use, unless multiple installations in
20 either commercial or multi-*family residential* uses, except the following:

21 (a) A spa not exceeding five hundred gallons;

22 (b) An oversized tub not exceeding one hundred gallons;

23 (c) A swamp cooler;

24 (d) A recirculating fountain not exceeding one thousand gallons of
25 containment area; and

(e) A garden pond not exceeding two thousand gallons;

([7]6) Changes in permitted land use resulting in an increase in water use;

([8]7) *Projects* located outside the *city* limits, prior to *application* for an agreement to construct and dedicate water lines; and

([9]8) City of Santa Fe, Santa Fe County, New Mexico, Federal, and any other governmental, or quasi-governmental *development* not subject to the *city's development* review or *building permit* processes which will require water service from the *city's* water system.

Section 42. Subsection 14-8.15(D) SFCC 1987 (being Ord. No. 2011-37 §11) is amended to read:

(D) Public [~~Nonmotorized~~] Trail Dedication Requirements

(1) Dedications to the *city* for public [~~nonmotorized~~] trails [~~shall be made either by the dedication of fee simple land or by dedication of a public easement as determined by city staff. Such dedications~~] are required wherever [~~the approved parks, open space, trails and recreation master indicates a trail~~] an adopted plan shows a public trail within or along the *property* line of a *parcel* to which this Section 14-8.15 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.

1 (c) Dedication may be required to provide access from new
2 developments to existing or proposed parks, trails, public open
3 spaces and roads.

4 (d) The *city* may, at its discretion, also require trail dedication where it
5 can be demonstrated that public trail use has occurred continuously
6 for a period of ten years or more, as demonstrated by *city* staff
7 through aerial photography, which may be supplemented by written
8 testimony from affected parties.

9 (2) Staff shall determine the width of the required dedication based on the type
10 of trail, existing topography and current *city* standards. The alignment of the
11 trail may be modified by staff from that shown in [~~the parks, open space,~~
12 ~~trails and recreation master~~] an adopted plan to accommodate preservation of
13 natural resources, address drainage and topography, improve public access or
14 accommodate design goals of the *property owner*, as long as the connections
15 between *public rights-of-ways*, *open space* or parks shown on the [~~parks,~~
16 ~~open space, trails and recreation master~~] adopted plan are accomplished.

17 (3) The dedication for the trail shall be shown on the subdivision *plat* or final
18 *development* plan. If the area dedicated for a trail is in partial fulfillment
19 toward the regional park land dedication requirements, the *city* at its
20 discretion may prorate the fee that would ordinarily be required.

21 (4) The developer is responsible for the [~~development~~] design and construction
22 of the trail in accordance with the *city's* non-motorized multiuse trail
23 standards or other applicable standards for specialized trails, as determined
24 by the Public Works Director. Inspection and acceptance by the *city* is
25 required for all public trail improvements.

(5) The city is responsible for maintenance of ~~[the trail upon inspection and acceptance of the improvements]~~ public trails located on land dedicated to the city . Trails within dedicated easements may be maintained by the city, the property owner or owners' association as determined at the time of dedication.

Section 43. A new Subsection 14-9.2(A)(5) SFCC 1987 is ordained to read:

(5) [NEW MATERIAL] All new streets shall be public, except as otherwise provided in Subsection 14-9.2(C)(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.

Section 44. Subsection 14-9.2(B)(1) SFCC 1987 (being Ord. No. 2011-37 §12 as amended) is amended to read:

(B) Street Types-Design Criteria

(1) New public and private streets shall be constructed according to projected average daily traffic as shown in the street types-design criteria chart and Illustration 14-9.2-1, Street Types Design Criteria. 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 of all ability levels, bicyclists, motorists and transit users;
- (c) provide needed parking in many neighborhoods;
- (d) serve as corridors for utilities and storm drainage.

(Ord. No. 2012-11 § 27)

Section 45. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37 § 13, as amended) is amended to read:

(C) Determination of Nonconformity Status

(Ord. No. 2013-16 § 62)

The *land use director* determines the status of a *nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign*. For purposes of this Article 14-10, each *sign* is treated as a separate *structure*, including those attached to or painted on *buildings*. ~~[Each telecommunication antenna, tower, tower alternative or other telecommunication facility is treated as a separate structure.]~~

Section 46. Subsection 14-10.1(D) SFCC 1987 (being Ord. No. 2011-37 § 13) is amended to read:

(D) 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 ~~[, except as provided in Section 14-10.5 (Nonconforming Signs)]~~.

Section 47. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37 § 13, as amended) is amended to read:

(A) Use of Legal Nonconforming Lot

(Ord. No. 2013-16 § 63)

~~[Notwithstanding]~~ Within a district in which single-family dwellings are allowed, and notwithstanding limitations imposed by other provisions of Chapter 14, 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* ~~[size or width or]~~ area

or dimensions, maximum *density* [~~in a district in which single family dwellings are allowed;~~], or the *dwelling unit* access standards in Table 14-9.2-1; provided that the *lot* does not adjoin a commonly owned *lot*, except as provided in Subsections 14-10.4(B) and (C). Dimensions of *required yards* and other requirements that do not involve area or [~~width~~] dimensions of the *lot*, density or access standards shall conform to the regulations for the district in which the *lot* is located.

Section 48. Subsection 14-11.4(D)(2) SFCC 1987 (being Ord. No. 2011-37 § 14) is amended to read:

(2) Vacation of recorded subdivision *plats* shall be as provided in Section [~~3-20-13~~] 3-20-12 NMSA 1978. 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.

Section 49. REPEAL. – Section 14-12.1- SFCC 1987 (being Ord. No. 2011-37 § 15, as amended) is amended to repeal the following definitions:

[BEDROCK

~~In-place, solid rock.]~~

[CABLE ACT–

~~The Cable Communications Policy Act of 1984, 47 U.S.C §532, et seq., as now and hereafter amended.]~~

[QUALIFYING OPEN SPACE——

~~Open space that complies with the standards specified in Chapter 14 for the particular type of open space; see common open space and private open space.]~~

[SITE WATER BUDGET

~~A written document, reviewed and approved by the engineering section of the water division, that demonstrates that a proposed structure or development will use a specified volume of~~

water and that contains the following information:

(A) ~~— a description of all proposed and existing structures on the subject parcel of land 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 parcel, not including water to be used during and for construction;~~

(B) ~~— a description of all proposed water uses proposed for the subject parcel of land, 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 parcel of land on an annual basis, an average and maximum monthly basis and an average and maximum daily basis.]~~

[SOLID WALL OR FENCE

~~A structure consisting of a continuous, non-transparent vertical surface.]~~

[UNIT

~~For purposes of a vacation time share or interval use project, means a unit means each portion of real property or real property improvement in a project which is divided into time shares or interval uses.]~~

Section 50. Section 14-12.1 SFCC 1987 (being Ord. No. 2011-37 § 15, as amended) is amended to amend the following definitions:

BUILDABLE SITE

As used in Section 14-5.6 Escarpment Overlay District and Section 14-8.2 Terrain and Stormwater Management, means a contiguous area of land located within a single lot on which a ~~[structure of not less than two thousand square feet]~~ building with a footprint equal to not less than 40% of the minimum required net lot area, or two thousand (2,000) square

feet, ~~whichever is less~~, can be developed in compliance with all requirements of ~~[that section]~~
~~those sections~~, all requirements of the underlying zone and all applicable ~~[performance~~
~~standards, including the terrain management regulations set forth in Section 14-8.2 Terrain~~
~~and Stormwater Management.]~~ development standards.

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.

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* ~~[or dedicated for acceptance as a city park to the city]~~, and it may remain in its natural state or may be *landscaped* or improved for passive or active recreational activities.

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.

GRADE

~~[The average of the finished ground level at the center of all façades of a building or at the center of a designated line; in the case of a garden wall or fence, it means the elevation of the finished ground level at all points.]~~ The ground level of a specified area of land; the act of grading.

OPEN SPACE

An outdoor ~~[ground]~~ area that permanently provides light and air and that satisfies, in whole

or in part, the community's visual, psychological and recreational needs.

STORY

The division of a *building* comprising the space between two successive floors above ground level. ~~[As used in height limits for residential development, story means a maximum height of twelve feet.]~~

WALL

A constructed solid barrier of concrete, stone, brick, tile, wood or similar material that ~~[closes, marks or]~~ borders or is constructed within a field, *yard* or *lot* and that limits visibility and restricts the flow of air and light; or the wall of a building or other enclosed structure.

Section 51. Article 14-12 SFCC 1987 (being Ord. No. 2011-37 §15 as amended) is amended to ordain the following definitions:

[NEW MATERIAL] CO-LOCATION

The mounting or installation of an *antenna* on an existing *tower* or *tower alternative*.

[NEW MATERIAL] 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*.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X 2014-26 Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY.

Sponsor(s): Councilor Signe I. Lindell

Reviewing Department(s): Land Use Department

Person Completing FIR: Greg Smith, Director of Current Planning Division Date: 8/11/14 Phone: 955-6957

Reviewed by City Attorney: Kelly A. Brennan Date: 8/14/14
(Signature)

Reviewed by Finance Director: Joselyn Guen Date: 8/14/14
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

Amendment to the Land Development Code (Chapter 14 SFCC 1987) to make technical corrections, clarifications, various minor amendments to permitted uses and development standards.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ <u>0/A</u>			\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ <u>N/A</u>		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital uses, etc. (Attach supplemental page, if necessary.)

No impact on city revenues or expenditures are expected.

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No conflict will occur.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Various typographical and cross-referencing and errors would remain in the code; confusing wording would also remain. Minor changes to permitted uses and development standards would not occur.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

Staff is not aware of any other amendments or alternatives that should be addressed at the present time.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Proposed changes to development standards are unlikely to significantly affect the type or extent of development that occurs within the city; costs to private developers of complying with open space standards may decrease slightly, minimum lot sizes for residential development that does not have access to city sewer or water would increase.