

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2014-31

3 INTRODUCED BY:

4
5 AN ORDINANCE

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

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

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

14 14-3.8 DEVELOPMENT PLANS

15 (A) Purpose and Intent

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

17 (a) provide the plans to be followed in construction operations,
18 including phasing;

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

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

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

1 **(B) Applicability**

2 (Ord. No. 2013-16 § 11)

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

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

9 (3) Approval of a *development* plan by the planning commission is required prior
10 to new *development* that meets any of the following criteria:

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

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

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

20 (d) outdoor *commercial recreational uses* in any zone where the total
21 area devoted to recreation and related pedestrian circulation and
22 amenities, excluding parking and vehicular circulation areas, exceeds
23 fifteen thousand (15,000) square feet in any zone; provided that this
24 provision does not apply to temporary carnivals, circuses and similar
25 short-term entertainment uses required to obtain a *permit* from the

city.

- (4) The *development* plans described in Subsections (B)(2) and (3) shall be reviewed by the planning commission.
- (5) This section applies where the cumulative square footage of multiple *permits* meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of those subsections when the *permits* are for coordinated *development* of a *project* comprising multiple *buildings* or outdoor uses, including phased *projects* and *projects* involving *development* of adjoining commonly owned *parcels*.
- (6) This section does not apply to the construction of *single-family dwellings*, each of which has a *gross floor area* of ten thousand (10,000) square feet or less, including *accessory buildings*, on *lots* created prior to the effective date of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to early neighborhood notification procedures. This section does apply to construction of any *single-family dwelling* that has a *gross floor area* greater than ten thousand (10,000) square feet, including *accessory buildings*.
- (7) No additional *development* plan review is required if the new or changed use or *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part of a rezoning or other action before the *governing body* or the planning commission, and for which an early neighborhood notification meeting occurred as set forth in Section 14-3.1(F).
- (8) Approval of a *development* plan by the *land use director* is required for multiple-family *development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

1 **(C) Procedures**

2 (1) Submittal Requirements

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

- 8 (a) existing conditions on the site and within two hundred (200) feet of
9 the site;
- 10 (b) proposed modifications to the site, including the locations of existing
11 and new *structures, grading, landscaping, lighting, pedestrian and*
12 vehicular circulation, parking and loading facilities;
- 13 (c) the types, extent and *intensity* of land uses that are proposed;
- 14 (d) proposed modifications to the *infrastructure* serving the site,
15 including public and private *streets, driveways and traffic control*
16 measures and utilities;
- 17 (e) documentation of compliance with *development* standards such as
18 required *yards, lot coverage, height of structures and open space*;
- 19 (f) the phases of *development*, if applicable;
- 20 (g) *for residential development*, a proposal for provision of affordable
21 housing as required by Section 14-8.11 (Santa Fe Homes Program);
22 (Ord. No. 2013-16 § 12)
- 23 (h) a *development* water budget as required by Section 14-8.13;
- 24 (i) for a *development* plan or final *development* plan, sufficient detail to
25 clearly show how each applicable *development* standard is to be met

1 and identify any variance or *waiver* required,

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

6 (2) Coordination with Other Review Procedures

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

- 13 (b) A special use *permit* or variance request associated with a
14 *development* plan shall be reviewed concurrently and approved or
15 denied by the planning commission.

- 16 (c) If review and approval of a *development* plan by the planning
17 commission and the *governing body* is required in conjunction with a
18 rezoning action, the *applicant* may submit a preliminary *development*
19 plan for consideration at the time of rezoning. If the rezoning is
20 approved, a separate *application* for a final *development* plan must
21 be approved by the planning commission prior to *development* of the
22 affected *property*.

- 23 (d) If review and approval of a *development* plan by the planning
24 commission *only* is required, the *applicant* may first submit an
25 *application* for a preliminary *development* plan. If the preliminary

1 *development* plan is approved, a separate *application* for final
2 *development* plan approval by the planning commission must be
3 approved prior to the *development* of the *property*.

4 (e) If review and approval of a master plan by the planning commission
5 and the *governing body* is required in conjunction with a rezoning
6 action, and if approval of a *development* plan by the planning
7 commission would be required for one or more phases, the *applicant*
8 may either:

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

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

14 (f) Action on a *development* plan by the planning commission must be
15 taken at a public hearing with notice provided as required by Section
16 14-3.3(H).

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

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

20 (b) Final *development* plans within an area that is subject to an approved
21 preliminary *development* plan must comply with the provisions of
22 the previously approved preliminary plan unless it is amended or
23 repealed. *Final actions* by the *governing body*, *land use boards* and
24 the *land use director* concerning rezonings, subdivisions, special use
25 *permits*, *development* plans and construction *permits* shall include a

1 specific finding or determination that the action complies with all
2 applicable provisions of the preliminary plan.

3 (4) Scope of Amendments to Development Plans

4 (a) The *land use director* has the authority provided in Section 14-
5 2.11(C)(2) (Minor Modifications to Development Approvals).

6 (b) The planning commission has the authority provided in Section 14-
7 3.19(D) Amendment of Development Approvals.

8 (5) Administrative Approval Procedure

9 (Ord. No. 2013-16 § 13)

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

13 (6) Recording of Plans; Infrastructure Construction

14 (Ord. No. 2013-16 § 14)

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

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

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

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

2 (1) Necessary Findings

3 To approve a *development* plan, the planning commission must make the
4 following findings:

- 5 (a) that it is empowered to approve the plan under the section of Chapter
6 14 described in the *application*;
- 7 (b) that approving the *development* plan will not adversely affect the
8 public interest; and
- 9 (c) that the use and any associated *buildings* are compatible with and
10 adaptable to *buildings, structures* and uses of the abutting *property*
11 and other *properties* in the vicinity of the *premises* under
12 consideration.

13 (2) Conditions

14 The planning commission may specify conditions of approval that are
15 necessary to accomplish the proper *development* of the area and to implement
16 the policies of the *general plan*, including:

- 17 (a) special *yards* or *open spaces*;
- 18 (b) fences, *walls* or landscape screenings;
- 19 (c) provision and arrangement of parking and vehicular and pedestrian
20 circulation;
- 21 (d) on-site or off-site *street*, sidewalk or utility improvements and
22 maintenance agreements;
- 23 (e) noise generation or attenuation;
- 24 (f) dedication of *rights of way* or easements or access rights;
- 25 (g) arrangement of *buildings* and use areas on the site;

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- (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

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

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

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

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

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

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

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

1 to read:

2 (4) Notice and Action by Planning Commission

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

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

9 (5) [NEW MATERIAL] Notice and Action by Governing Body

10 Action by the *governing body* to approve or amend a master plan must be
11 taken at a public hearing with notice provided as required by Section 14-
12 3.1(H)(2).

13 **Section 5. Subsection 14-3.9(D)(1) SFCC 1987 (being Ord. No. 2011-37 § 3) is**

14 **amended to read:**

15 **(D) Approval Criteria; Conditions**

16 (1) Necessary Findings

17 Approval or amendment of a master plan requires the following findings:

- 18 (a) the master plan is consistent with the *general plan*;
- 19 (b) the master plan is consistent with the purpose and intent of the
20 zoning districts that apply to, or will apply to, the master plan area,
21 and with the applicable use regulations and *development* standards of
22 those districts;
- 23 (c) *development* of the master plan area will contribute to the
24 coordinated and efficient *development* of the community; and
- 25 (d) the existing and proposed *infrastructure*, such as the *streets* system,

1 sewer and water lines, and public facilities, such as fire stations and
2 parks, will be able to accommodate the impacts of the planned
3 *development.*

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

6 **(A) General Provisions**

7 (1) The *land use director* must issue a *certificate of occupancy* that certifies
8 compliance with all provisions of Chapter 14 before any change in the use or
9 occupancy of land or change of use or occupancy of a *building* or *premises*,
10 or part thereof, is created, erected, changed, converted or wholly or partially
11 altered or enlarged in its use or *structure*, other than the change of *residential*
12 occupants, or before any new *building* is occupied for any purpose.

13 (2) The *land use director* may require the renewal of *certificates of occupancy*
14 on an annual or other appropriate basis.

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

17 (a) when required by the provisions of Chapter 7 SFCC 1987 Building
18 and Housing, the *building official* shall approve the *certificate of*
19 *occupancy* prior to issuance; and

20 (b) when required by the provisions of Chapter 12 SFCC 1987 Fire
21 Prevention and Protection, the fire marshal or other code official
22 shall approve the *certificate of occupancy* prior to issuance.

23 (4) The *land use director* shall maintain for at least fifty years a record of all
24 *certificates of occupancy* issued.

25 **Section 7. Subsection 14-3.19(A)(3) SFCC 1987 (being Ord. No. 2011-37 § 3) is**

1 amended to read:

2 (3) Final Actions

3 (a) Determination of *final actions* shall be as provided in Sections 14-
4 3.17(A)(1) and 14-3.17(C)(4).

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

13 **Section 8. Subsection 14-4.1(E)(4) SFCC 1987 (being Ord. No. 2011-37 § 4) is**

14 amended to read:

15 (4) in the event of annexation of new areas to Santa Fe, the areas shall be zoned
16 R-1 until otherwise classified. If changes in the *city* limits remove territory
17 from Santa Fe, district boundaries shall be construed as moving to conform
18 with the *city* limits;

19 **Section 9. Subsection 14-5.3(D) SFCC 1987 (being Ord. No. 2011-37 § 6) is**

20 amended to read:

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

22 An archaeological clearance *permit* is required for certain types of *development*
23 activity within the archaeological review districts, as described in Section 14-3.13.

24 **Section 10. Subsection 14-6.1(B) SFCC 1987 (being Ord. No. 2011-37 § 8) is**

25 amended to read:

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

2 (1) Permitted Uses

3 A "P" in a cell indicates that a use category is permitted by right in the
4 respective zoning district. Permitted uses are subject to all other applicable
5 regulations of Chapter 14, including the *development* and design standards
6 set forth in Article 14-8.

7 (2) Special Use Permits

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

11 (3) Accessory Uses

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

14 (4) Prohibited Uses

15 A blank cell indicates that the use type is prohibited in the zoning district. A
16 use or *structure* not specifically or specially permitted in Chapter 14 is
17 prohibited.

18 (5) Additional Regulations

19 (a) Regardless of whether a use is permitted by right or as a special use
20 *permit*, there may be additional regulations that are applicable to a
21 specific use. The existence of these use-specific regulations is noted
22 through a reference in the column of the use summary table entitled
23 "Use-Specific Regulations." References refer to Section 14-6.2.
24 These regulations apply to all districts unless otherwise specified.
25 Additional regulations are also contained in and referenced in the

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notes at the end of the table.

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

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

(6) Uses Not Listed in Table

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

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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	BIF	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	
Large (More than 6)	S	S	S	S	S	S	S	S	S		P	P	P	P	P	S		P	P	P	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	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)

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
Educational																						
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*	(B)(4)
Sheltered care facilities																						

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	BP	SC-1	SC-2	SC-3	MU **	Use-Specific Regs 14-6.2
Parks and Open Space																							
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	P	P	
Religious Assembly																							
All	S	S	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		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**	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	P		P*	P*	P*	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment									S ^{3,10}	S ³		P*			P*	P*	P*		P*	P*	P*	P* ²	
Restaurant - full service, with or without incidental alcohol service									S ^{3,10}	S ³		P			P	P	P		P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.									S ^{3,10}	S* ³		P*			P*	P	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	P		S	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*	P*	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	P	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	RIP	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 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	P				
Department and discount stores											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-11	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	
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		S	P	S	S								P ²		(C)(4)
Office equipment sales and service; retail sale of office supplies											P			P	P	P			P	P	P ²		
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 ²		

CATEGORY Specific Use	RR	R-1-R-6	R-7-R-9	R-7-1	RC-5	RC-8	R-10-R-9	MHP	RAC	NC**	C-1	C-2	C-4	BZ	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 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	UR	-1-R-6	-7-R-9	2-7-1	1C-5	1C-8	1-10-R-	1HP	1AC	1C**	1-1	1-2	1HP	1C-1	1C-2	1C-3	MU ***	Use-Specific Regs 14.6.2
Tailoring and dressmaking shops									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											P	P	P	P	P	P		(D)(2)
Mini-storage units																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						See 14-8.6(B)(6)
Service and repair establishments including filling stations and repair																		S S

CATEGORY Specific Use	RR	R-1-R-6	R-7-R-9	R-7-1	RC-5	RC-8	R-10-R-19	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 non-residential 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 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.

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) *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.

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

(i) Storage or parking, either continuous or intermittent, of commercial or industrial vehicles, except for those vehicles that are authorized by a special use *permit* or other permitted *non-residential* use.

A. Commercial or industrial vehicles include:

1. vehicles requiring a commercial driver's license to operate;
2. tour buses or school buses;
3. concrete mixer trucks or concrete pumper trucks;
4. towing vehicles;
5. earthmoving or *grading* equipment;
6. trailers or tractors (except lawn trailers or tractors)
7. motorized construction or agricultural equipment;
8. cranes;
9. roll-off trash containers (except as related to an active construction *permit*); or
10. any other vehicles designed by the manufacturer for *business* purposes.

B. Commercial or industrial vehicles do not include:

1. *recreational vehicles* or trailers related to

1 coverage of the *principal dwelling unit* or not more than one
2 thousand five hundred square feet, whichever is less;

3 (f) shall be limited to one *story* and shall not exceed fourteen (14) feet to
4 the top of the parapet or to the highest point of the roof if there is no
5 parapet;

6 (g) shall be of the same architectural style as the *principal dwelling unit*;

7 (h) may be rented as follows:

8 (i) by the *owner-occupant* who may rent the *principal dwelling*
9 *unit* or the *accessory dwelling unit* as a *short-term rental unit*
10 pursuant to Subsection 14-6.2(A)(5) during which time, the
11 *owner-occupant* shall occupy either the *principal dwelling*
12 *unit* or the *accessory dwelling unit*; or

13 (ii) by the *owner-occupant* who may rent either the *principal*
14 *dwelling unit* or the *accessory dwelling unit*; or

15 (iii) by the *property owner* who may rent both the *principal*
16 *dwelling unit* and the *accessory dwelling unit* to the same
17 lessee, however, no separate subletting of either unit is
18 allowed.

19 (i) shall not be issued a construction *permit* until a restrictive covenant
20 is recorded at the office of the county clerk that requires the current
21 *property owner* and all future *property owners* to comply with
22 Subsection 14-6.3(D)(1). The covenant shall be in a form approved by
23 the *land use director* and the city attorney and shall be notarized
24 prior to recordation. A copy of the recorded covenants shall be
25 provided to the *land use director* with the construction *permit*

1 application. The *land use director* shall maintain copies of recorded
2 covenants pursuant to the provisions of this section. An affidavit
3 filed prior to the adoption of Ordinance No. 2008-5 (ordaining
4 Subsection 14-6.2(A)(5)) and amending Subsection 14-6.3(D)(1)
5 remains in effect and is automatically amended to reflect the
6 provisions of Ordinance No. 2008-5.

7 (j) shall not be subdivided from a *principal dwelling unit* or sold under
8 separate ownership from a *principal dwelling unit* unless the
9 *accessory dwelling unit* meets all applicable requirements for a
10 *principal dwelling unit*. In such case, the restrictions set forth in
11 Subsection 14-6.3(D)(1) shall no longer apply and the affidavit or
12 restrictive covenant in Subsection 14-6.3(D)(1) may be voided upon
13 approval of the *land use director*; and

14 (k) shall remain in continuous compliance with the provisions of this
15 section to maintain the validity of the *certificate of occupancy* of the
16 *accessory dwelling unit*. The *certificate of occupancy* of an
17 *accessory dwelling unit* may be revoked for noncompliance with this
18 Subsection 14-6.3(D)(1) as provided in Article 14-11 Enforcement.

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

21 **(C) Temporary Structures Treated as Permanent Structures**

22 (Ord. No. 2013-16 § 35)

23 *Structures* other than *temporary structures* described in Subsection 14-6.4(A) that
24 remain in place for a period of more than ninety days are subject to the same provisions
25 of Chapter 14 as permanent *structures*, whether or not they are permanently affixed to

1 the ground or constructed of lightweight or nondurable materials.

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

4 **B. Dimensional Calculations**

5 **(Ord. No. 2013-16, § 36)**

6 (1) Net Lot Area

7 For *lots* smaller than one acre, the minimum required net *lot* area for
8 *residential* subdivisions excludes any portion of the *lot* devoted to public and
9 private *streets* and driveway easements such as *lot access driveways* and fire
10 access roads. For *single-family residential* subdivisions, portions of the *lot*
11 devoted to *common open space* or other facilities intended to serve primarily
12 the residents of other *lots* are also excluded.

13 (2) Lot Depth

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

17 (3) Reserved

18 (4) Lot Coverage

19 *Lot* coverage is the percentage of the total projected area on the ground of
20 *structures* in relation to the *lot* area.

21 (a) The types and portions of *structures* listed in Subsection 14-
22 7.1(D)(2) are excluded from the area covered by *structures*.

23 (b) Eaves and similar roof projections within two (2) feet of the wall of a
24 *building* are excluded from the area covered by *structures*.

25 (c) For *residential development*, the portion of the *lot* occupied by

1 easements for private roads and *lot access driveways* is excluded
2 from the *lot* area.

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

7 (5) Structure Perimeter

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

11 (6) Slope Measurement

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

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

15 where H equals the highest elevation of the portion of the *tract* measured; L
16 equals the lowest elevation on the portion of the *tract* measured; and D
17 equals the horizontal distance between H and L.
18

19 (7) Building Frontage

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

1 *frontage* on the basis of the interior layout of the *building*, traffic on adjacent
2 *streets* or other indicators available.

3 (8) Floor Area Ratio

4 The *gross floor area* of all *buildings* on a *lot*, including covered parking
5 *structures* but not roof deck parking, divided by the *lot* area; for example:
6 twenty thousand (20,000) square feet of *gross floor area* on a ten thousand
7 (10,000) square foot *lot* is a floor area ratio of 2.0:1.

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

10 (2) Visibility at Driveways

11 At driveways that provide access to a public or private *street*, no parking *lot*,
12 fence, *wall* or other *structure*, hedge or planting that will obstruct drivers'
13 views of traffic shall be erected, placed or maintained within a triangular area
14 on either side of the driveway as follows:

15 (a) for driveways serving *nonresidential* uses on all *streets* and roads
16 and driveways serving *residential* uses on arterial and collector
17 roads, the required visibility triangles for each driveway are
18 determined by the public works director based on AASHTO
19 standards;

20 (b) for driveways serving *residential* uses on *streets* and roads classified
21 as subcollectors or lanes, obstructions between a height of three (3)
22 feet and six (6) feet are prohibited within the required visibility
23 triangles as determined by the more restrictive of:

24 (i) measurements of five (5) feet along the edge of the driveway
25 and fifteen (15) feet along the *street property* line; and

1 (ii) measurements of fifteen (15) feet back from the nearest travel
2 lane along the edge of the driveway and thirty (30) feet along
3 the travel lane. See Illustration 14-7.1-1.

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

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

7 (3) **Visibility at Intersections**

8 On any *corner lot*, no fence, *wall*, hedge or other planting or *structure* that
9 will obstruct drivers' views of traffic shall be erected, placed or maintained
10 within the triangular area as follows:

11 (a) For intersections on *streets* and roads classified as arterials and
12 collectors, the required visibility triangles for each intersection are
13 determined by the public works director based on AASHTO
14 standards.

15 (b) For ninety degree intersections on *streets* and roads classified as
16 subcollectors or lanes, obstructions between a height of three (3) feet
17 and six (6) feet are prohibited within the required visibility triangles
18 formed by the *right-of-way* lines at points that are twenty-five (25)
19 feet from the intersection of the *right-of-way lines*. On any *corner lot*
20 of other than ninety degrees or on *corner lots* with *grade* variations,
21 the visibility requirement shall be adjusted by the public works
22 director based on AASHTO standards to ensure public safety. See
23 Illustration 14-7.1-2.

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

1 (4) Street Setback for Garage or Carport

2 (a) A *garage* or carport with a vehicle entry facing the street shall be set
3 back at least twenty (20) feet from the *street property* line as shown
4 on Illustration 14-7.1-3, except as provided in Subsection (4)(b).
5 This Subsection 14-7.1(F)(4) applies to public and private *streets*
6 including *lot access driveways*, but does not apply to alleys.

7 (b) A carport with a vehicle entry facing the street may be constructed in
8 accordance with the minimum *street yard* requirements applicable to
9 principal *structures* for the district within which it is located,
10 provided that:

11 (i) the carport is set back at least seven (7) feet from the street
12 *property* line; and

13 (ii) the carport is fully open on three or more sides and is
14 constructed of materials and an architectural style that is the
15 same as, or compatible with, the *principal dwelling unit*; and

16 (iii) use of the carport is restricted to temporary parking of
17 currently-registered, operable passenger automobiles, light
18 trucks or motorcycles for the non-commercial use of the
19 residents; and

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

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

23
24 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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. Gross Density (dwelling units per acre) Note 2	Minimum Lot Area Note 2, Note 3	Maximum Height of Structures Notes 6,8	Minimum Yard Requirements (feet) Notes 5, 6, 7	Maximum Lot Coverage (%) Note 10	Minimum Required Open Space (square feet) Note 9, 10
RR	2 du/acre if both public sewer and water are provided; 3 du/acre if both public sewer and water are provided and <i>common open space</i> is provided as set forth in §14-7.2(G). If public sewer and water are not provided, see Note 15.	Net lot area – <i>single-family dwellings</i> : as per R-1 if both public sewer and water are provided. If public sewer and water are not provided, see Note 16. Net lot area – <i>multiple-family dwellings</i> : as required to comply with maximum <i>gross density</i> .	As per R-1 – R-6	As per R-1 if both public sewer and water are available. Otherwise: <i>Street</i> ^{Note 12} ; 25; Other yards: As per R-1	As per R-1	<i>Single-family dwellings</i> : See Note 3. <i>Multiple-Family Dwellings</i> : 250 square feet of <i>common and/or private open space</i> for each dwelling unit.

R-1 R-2 R-3 R-4 R-5 R-6	R-1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6 If public sewer and water are not provided, see Note 15.	Net lot area – <i>single-family dwellings</i> : 4,000 sq. ft. minimum; 2,000 sq. ft. if <i>common open space</i> is provided (Note 3) If public sewer and water are not provided, see Note 16. Net lot area – <i>multiple- family dwellings</i> : as required to comply with maximum <i>gross density</i> .	<i>Residential structures</i> : 24; <i>Nonresidential structures</i> : 35 (See Note 6 for required height stepback from side and rear <i>property lines</i>)	<i>Street</i> Note 12: 7 (20 for <i>garage</i> or carport; Note 4) Side: 5 or 10 (See Note 6 for required height stepback from side and rear <i>property lines</i>) Rear Note 13 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 if <i>private open space</i> is provided (See §14-7.5(C)(1): Increase in maximum <i>lot coverage</i> if <i>private open space</i> is provided.)	<i>Single-family dwellings</i> : None except as provided for <i>lot size</i> averaging per Note 3. <i>Multiple-family dwellings</i> : 250 square feet of <i>common and/or private open space</i> for each <i>dwelling unit</i> .
R-7 R-8 R-9	R-7=7; R-8=8; R- 9=9. If public sewer and water are not provided, see Note 15.	Same as R-1 to R-6 districts.	Same as R1- R6 Districts	Generally, <i>setbacks</i> are established by a <i>development plan</i> approved by the Planning Commission. Otherwise, same as R1 to R6 Districts.	40; 55 if <i>private open space</i> provided See §14-7.5(C)(1): Increase in maximum <i>lot coverage</i> if <i>private open space</i> is provided.	Same as R-1 to R-6 districts.

R7(I)	7. If public sewer and water are not provided, see Note 15.	Same as R-1 to R-6 districts.	Same as R1-R6 districts	Same as R-1 to R-6 districts	Same as R-1 to R-6 districts	Single-family dwellings: Same as R-1 to R-6 Districts
RC-5 RC-8	<i>Gross Density</i> Factor: RC- 5=5; RC-8=8. If public sewer and water are not provided, see Note 15.	Same as R-1 to R-6 districts.	All structures: 24 <i>Gross floor area</i> 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, 7-foot <i>street yard</i> required. Side: 5-foot side <i>setback</i> required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear <i>setback</i> 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 <i>property line</i> .	Same as R-7 to R-9 districts.	Same as R-1 to R-6 districts
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per <i>development plan</i> or special use <i>permit approval</i>	Net lot area – <i>single-family dwellings</i> : 3000 sq. ft. (may be reduced to	R-21 and R-29: 24 (36 with <i>development plan</i> or special use <i>permit</i>	Generally, <i>setbacks</i> are established by a <i>development plan</i> approved by the Planning	Multiple-family of 6 or more units: 40. Single-family or multiple-family of fewer than 6	Single-family dwellings or multiple-family dwellings: 250 square feet of common and/ or

	(see 14-7.2(F)). If public sewer and water are not provided, see Note 15.	2000 sq. ft. if <i>common open space</i> is provided) Note 3. If public sewer and water are not provided, see Note 16. <i>Multiple-family</i> : As required to comply with <i>gross density</i> factor.	approval, see 14-7.2(E)). R-10 and R-12: 24 (See Note 6 for required height setback from side and rear <i>property</i> lines)	Commission. See Subsection 14-7.2(D).	units: 40; 55 if <i>private open space</i> is provided. (See §14-7.5(C)(1): Increase in maximum <i>lot coverage</i> if <i>private open space</i> is provided.)	<i>private open space</i> for each unit
RAC	Same as for R-21 district.	Same as R-21 district.	All <i>structures</i> : 24 (See Note 6 for required height setback from side and rear <i>property</i> lines)	Same as for R-7 through R-9 districts.	Same as for R-10 to R-21. 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:						
<ol style="list-style-type: none"> 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. 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>. See also Section 14-7.2(C) Lot Size Averaging in Single-Family Subdivisions. 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</i> line as shown in Illustration 14-7.1-3. <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 						

1 in Article 7-1 SFCC 1987 Building Codes; General Provisions. The yard reduction must be offset by provision of a
2 corresponding increase in the yard provided on the adjoining lot.

3 6. Within ten (10) feet of a side or rear property line, no point on a structure shall be higher than fourteen (14) feet
4 above the finished grade at the closest point on the perimeter of the structure. Within fifteen (15) feet of a side or rear property
5 line, no point on a structure shall be higher than twenty-four (24) feet above the finished grade at the closest point on the
6 perimeter of the structure. (Ord. No. 2013-16 § 40)

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

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

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

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

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

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

13 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 14 feet or less in height and that are separated from principal structures on the same lot by at least 10 feet.

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

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

20 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 net *lot* area requirement for *single-family dwellings* shall be as
4 established in Subsection 14-7.1(B)(1), Table 14-7.2-1 and Subsection 14-
5 7.2(C); however, the number of *dwelling units*, and the number of *lots*
6 occupied by *single-family dwellings* in a *residential* subdivision shall not
7 exceed the number provided by this Subsection 14-7.2(B).

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

10 **(C) Lot Area Averaging in Single-Family Subdivisions**

11 (1) It is intended that the *common open space* required in *single-family*
12 subdivisions where the *lot* area has been reduced from that of a conventional
13 subdivision be a compensation to occupants for reduced *lot* area. It is further
14 intended that *common open space* be usable and be provided for occupants
15 outside of the *lot* but within the subdivision.

16 (2) The minimum *lot* area requirement for *single-family structures* is specified
17 in Table 14-7.2-1; however the *lot* area may be reduced to a minimum of
18 two thousand (2,000) square feet if *common open space* is provided equal to
19 the sum of *lot* area reductions within the subdivision.

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

22 **(D) Minimum Yard Requirements**

23 Minimum *yard* requirements in the R-10, R-12, R-21 and R-29 districts shall be
24 established by an approved *development* plan or as set forth in this Subsection 14-
25 7.2(D).

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

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

10 (a) with the exception of detached *utility sheds* which must be located as
11 set forth in Subsection 14-6.3(B)(2)(a), the minimum *street yard*
12 shall be ten (10) feet for *multiple-family buildings* containing six or
13 more *dwelling units*, and seven (7) feet for all other *buildings*. The
14 distance between a *garage* or carport facing the *street* and the front
15 *property* line shall be as provided in Section 14-7(D); and

16 (b) except as otherwise provided in Table 14-7.2-1 Notes 13 and 14, the
17 other *required yards* shall be a minimum of five (5) feet subject to
18 the stepback requirements of Section 14-7.1(C)(2) General Height
19 Standards and Table 14-7.2-1 Note 6. For all *structures* other than
20 *multiple-family buildings* containing six or more *dwelling units*, zero-
21 foot other *yards* are allowed with the concurrence of adjoining
22 *property owners* as provided in Table 14-7.2 Note 5.

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

25 **Section 25. Subsection 14-7.2(H) SFCC 1987 (being Ord. No. 2011-37 § 9) is**

1 amended to read:

2 (H) Maximum Nonresidential Use Area in RAC District.

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

6 Section 26. Subsection 14-7.3(A) SFCC 1987 (being Ord. No. 2011-37 § 9, as

7 amended) is amended to read:

8 14-7.3 NONRESIDENTIAL AND MIXED-USE DISTRICTS

9 (A) Table of Dimensional Standards

10 (Ord. No. 2013-16 § 42)

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

13

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: Street: 10 Side: 5 Rear: 10 <i>Residential</i> Uses: Same as for R-21 district.	<i>Nonresidential</i> Uses: 60 <i>Residential</i> Uses: 40
C-2	None Also see §14-7.5(D)(8)(c): Open Space Requirements	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for <i>setback</i> abutting <i>residential</i> district)	60
C-4	For <i>residential</i> uses, same as contiguous <i>residential</i> district (See Note 10) For	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>Nonresidential</i> Uses: 60 <i>Residential</i>

	<i>nonresidential</i> uses, see 14-7.5(D)(8)(d): "Minimum Open Space Requirements" (Ord. No. 2013-16 § 42)		<i>Street:</i> 10 <i>Side:</i> 5 <i>Rear:</i> 10 <i>Residential Uses:</i> Same as R-21 zoning district	Uses: 40
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 use</i> 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 use</i> or <i>residential zoning</i> district Note 4	None, except to meet the <i>open space, setback, parking</i> , and other applicable requirements
PRC NOTE 9	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 *required street yard*;
 - Section 14-8.2(D)(4)(e)(i), *setback* from shoulder of arroyo, stream 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 *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) 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. 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 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)

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

2 amended to read:

3 **14-7.5 Open Space Standards**

4 **(A) General Provisions**

5 *Open space* shall be provided that meets the minimum standards of this Section 14-
6 7.5, Section 14-8.4(H) Open Space Planting Requirements and other applicable
7 requirements of Chapter 14. All required *open space* shall meet the following
8 standards:

9 (1) *Open space* consists of areas that are *landscaped* or that preserve natural
10 vegetation, and may include outdoor facilities for *passive* or *active*
11 *recreation*.

12 (2) *Open space* does not include *streets*, driveways, parking or loading areas, fire
13 apparatus access roads and turnarounds, storage areas or *buildings*.

14 (3) Residential *open space* must be provided for each unit in the total amount

1 specified in Table 14-7.2-1. *Common* or *private open space* may be provided
2 in any combination that meets applicable standards. *Private open space*
3 provided in excess of the minimum requirement for a unit may not be used to
4 reduce the *open space* for any other unit.

5 **(B) Residential Common Open Space Standards**

- 6 (1) The intent of *common open space* is to provide useable outdoor space for
7 residents of *developments*, promote compact urban form, screen and buffer
8 conflicting zoning categories and, in general, enhance the quality of the
9 urban environment. Where appropriate, *open space* should contribute to the
10 preservation of Santa Fe's natural features, especially hillsides and arroyos.
11 Consideration shall be given to providing wildlife habitat, especially by
12 providing *open space* along arroyos, stream corridors and linkages to other
13 habitat areas. To the greatest extent possible, connections shall be provided
14 to public *open space* and the urban trail system and bicycle paths or in such a
15 way that a future connection is facilitated. The most appropriate use or uses
16 for outdoor space shall be proposed and assessed on a case-by-case basis and
17 may include active or passive use.
- 18 (2) A minimum of fifty percent of *common open space* shall be useable space for
19 active or *passive recreation* or pedestrian ways that include interior
20 sidewalks and patios. The *land use director*, a *land use board* or the
21 *governing body* may require tot lots or other play areas and equipment,
22 walking paths, benches and lighting.
- 23 (3) *Common open space* may include areas used for *retention* or *detention* of
24 *stormwater* provided that all other applicable standards are met.
- 25 (4) *Common open space* shall be no less than fifteen (15) feet in any dimension

1 and no less than five hundred (500) square feet per segment.

2 (5) *Common open space* shall be dedicated to a *homeowners' association* or
3 owned and maintained by the *owner* of rental housing *developments*. If
4 dedicated to a *homeowners' association*, there shall be covenants running
5 with the land restricting the use of *common open space* to that use and
6 prohibiting subdivision or separation of ownership of the *common open*
7 *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 *private*
9 *open space* as other *dwellings* in the district; however, *private open space* for
10 the *accessory dwelling unit* may be connected to *private open space* for the
11 principal *dwelling unit*, and up to fifty percent of the *private open space*
12 required for the *accessory dwelling unit* may be the same *private open space*
13 provided for the *principal dwelling unit*.

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

15 The intent of *private open space* is to ensure easily available access to the outdoors in
16 medium- to high-density *developments*, and to provide for a sufficient sense of
17 privacy. Requirements for *private open space* are as follows:

18 (1) the maximum *lot coverage* may be increased in accordance with Table 14-
19 7.2-1 if *open space* for each *dwelling unit* is provided as follows:

20 (a) for *lots* in R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-7I, R-8, R-9, RC-5
21 and RC-8 districts, an amount not less than fifty percent of the total
22 *gross floor area* of that *dwelling unit*; and

23 (b) for *lots* in R-10, R-12, R-21 and R-29 districts, an amount not less
24 than thirty percent of the total *gross floor area* of that *dwelling unit*.

25 (c) The *open space* provided to meet the requirements of Subsections

1 (1)(a) and (1)(b) above may be counted toward meeting the *open*
2 *space* requirement in Table 14-7.2-1 for *multi-family dwelling units*.

3 (2) balconies, roof decks or roofed areas such as *porches* or *portals* may be
4 included as all or part of the required *private open space*;

5 (3) *private open space* does not include stormwater ponding areas;

6 (4) the minimum dimension for required *private open space* located on the
7 ground shall not be less than twelve (12) feet, and not less than four (4) feet
8 and forty (40) square feet for balconies, roof decks or other private open
9 space that is not located on the ground;

10 (5) finished grade for required *private open space* shall have a *slope* no greater
11 than one (1) vertical foot in ten (10) horizontal feet; and

12 (6) *accessory dwelling units* shall also be required to meet the *private open space*
13 criteria in this Subsection 14-7.5(C); provided, however, that *private open*
14 *space* for the *accessory dwelling unit* does not have to be physically
15 separated from the *private open space* for the *principal dwelling unit*, and up
16 to fifty percent of the *private open space* required for the *accessory dwelling*
17 *unit* may be the same *private open space* provided for the *dwelling unit*; and

18 (7) there are no planting requirements for *private open space*.

19 (8) *Private open space* must be adjacent to and directly accessible from the unit
20 for which it is provided.

21 **(D) Nonresidential and Mixed Use Open Space Standards**

22 (1) *Open space* shall be provided in *nonresidential* and *mixed use developments*
23 to promote environmental health; foster a sense of openness; provide light
24 and air; preserve existing vegetation or provide new vegetation to help
25 oxygenate the air; provide shade; help control stormwater runoff and *erosion*;

1 and improve ground water quality.

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

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

8 (4) The minimum dimension for *nonresidential open space* shall be ten (10) feet
9 and cover a minimum of three hundred (300) square feet, unless the area is a
10 component of interior parking *landscape* and meets the requirements for
11 *open space* credits for *water harvesting* described in this Subsection 14-
12 7.5(D)(6).

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

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

22 (a) The *open space* requirement for *development* that incorporates a
23 *passive water harvesting* concept that is a primary component of
24 stormwater management is twenty (20) percent of the total *lot* area.

25 The *open space* requirement for *development* that incorporates an

1 *active water harvesting* and distribution system that is a primary
2 component of stormwater management and that is a component of
3 outdoor irrigation or suitably treated for indoor use is fifteen (15)
4 percent of the total *lot* area. The credits shall be earned through the
5 application of engineering calculations that are submitted as a part of
6 the *landscape* plan and the terrain management regulations provided
7 in Section 14-8.2 Terrain and Stormwater Management. The
8 calculations shall show the percentage of water harvested and the
9 estimated water conserved based on the required water budget
10 provided in Section 14-8.4(E)(4) Water Harvesting and Irrigation
11 Standards; and

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

14 (7) An *applicant* for a construction *permit* shall not be required to lose existing
15 parking spaces or other previously developed area in order to fulfill the *open*
16 *space* requirement, but may not increase the *intensity* of a use or create an
17 addition that would result in a decrease in *open space* below the minimum
18 required, unless existing *impervious surfaces* are retrofitted for stormwater
19 management as described in Section 14-8.4 Landscape and Site Design.

20 (8) Additional Requirements in BIP, MU and C-2 Districts

21 (a) BIP districts

22 (i) To encourage pedestrian amenities and preservation
23 of existing vegetation, *open space* shall be provided
24 at a minimum of forty percent of the total master
25 plan area.

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

12 (b) MU districts

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

17 (c) C-2 District

18 *Open space* is required for each ground-floor *dwelling unit* at a
19 minimum of two hundred fifty (250) square feet. *Dwelling units*
20 located above the ground floor are not required to provide *open*
21 *space*.

22 (9) Any *residential open space* provided in a mixed *residential* and
23 *nonresidential development* may be credited toward the total MU or
24 *nonresidential open space* requirement.

25 **Section 28. Subsection 14-8.2(D)(3) SFCC 1987 (being Ord. No. 2011-37 § 10) is**

1 amended to read:

2 (3) Topography

3 (a) Each *residential lot* shall have a *buildable site* designated as suitable for a
4 *building with a footprint* of not less than forty (40) percent of the minimum
5 required net *lot area* or two thousand (2,000) square feet, whichever is less,
6 which can be developed in accordance with the terrain and stormwater
7 management standards and with other applicable *development standards*,
8 including required *setbacks* and access requirements. The Planning
9 Commission or Summary Committee may approve residential lots with a
10 smaller *buildable site* to accommodate lot size averaging or within multi-
11 family developments.

12 (b) At least one-half of the area designated as suitable for building and at least one-
13 half of any *building footprint* shall have a natural *slope* of less than twenty
14 percent; the remainder of the area or *building footprint* may have a natural
15 *slope* of twenty percent or greater, but less than thirty percent.

16 (c) The first floor finished floor elevation at any point of any portion of a *building*
17 built on a natural *slope* of twenty percent or greater shall not exceed five (5)
18 vertical feet above the natural *slope* at that point.

19 (d) A *structure* shall not be built on a natural *slope* of thirty percent or greater.

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

21 amended to read:

22 **(F) Submittal Requirements For All Other Development**

23 All other *development* that requires a construction *permit for grading*, and that is not
24 classified as minor *development* under the provisions of Subsection 14-8.2(E), shall
25 meet the following minimum submittal requirements:

- 1 (1) Submittals for construction *permit applications* for *grading* must provide
2 sufficient information to show compliance with Subsection 14-8.2(D) and
3 (E). Unless waived by the *land use director*, submittals must include:
- 4 (a) a topographic survey and *grading* plan with elevation contours
5 shown at not more than two (2) foot intervals on *slopes* less than
6 thirty percent and five (5) foot intervals on *slopes* of thirty percent or
7 greater that shows:
- 8 (i) all *sloped* areas of zero to twenty percent, twenty-one to
9 thirty percent and greater than thirty percent shall be clearly
10 marked and differentiated by shade, tone or color at a scale
11 sufficient to allow verification of the calculations;
- 12 (ii) ground elevations that conform to either the United States
13 Geological Survey sea level datum, as modified, or to the
14 *city's* monument system;
- 15 (iii) the designated *buildable sites* or *buildable areas*;
- 16 (iv) all areas to be *graded* on the site and the final contours to be
17 achieved by the *grading*;
- 18 (v) all finished floor or *grade* elevations;
- 19 (vi) spot elevations, as needed;
- 20 (vii) areas of soils with severe limitations for the intended use;
- 21 (viii) the location of temporary *erosion control structures* and
22 methods used, including staging and stockpile areas;
- 23 (ix) all *significant trees* and areas with substantial grass coverage
24 to be removed;
- 25 (x) a construction schedule when the project will be developed

1 in phases;

2 (xi) the location of fencing around the areas to be protected;

3 (xii) the ratio of horizontal to vertical measurement for *cut* and *fill*
4 *slopes*;

5 (xiii) the total volume, in cubic yards, of earth to be moved;

6 (xiv) all existing disturbed areas;

7 (xv) *special flood hazard areas* designated by FEMA on the
8 *Flood Insurance Rate Map (FIRM)*; and

9 (xvi) date, method of survey and certification from a New Mexico
10 *professional engineer* or *professional land surveyor* that the
11 plan is in compliance with national map accuracy standards;

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

14 (5) Preservation of Existing Vegetation

15 (a) The *land use director* may require the preservation, relocation or
16 replacement of existing *significant trees* as provided in Subsection
17 14-8.4(B), except that the public works director may determine the
18 requirements for *significant trees* located within *public right-of-way*,
19 within *city* parks or on other land owned by the *city*. Determinations
20 shall be made in accordance with the following criteria:

21 (i) priority is given to preserving *significant trees* that provide
22 *screening*, buffering, wildlife habitat or linkages to wildlife
23 habitat;

24 (ii) *significant trees* that are to be preserved or relocated shall be
25 healthy and free from serious insect or parasite infestation;

- (iii) *significant trees* to be relocated shall be selected from areas with adequate soil conditions for successful relocation;
- (iv) the recommended season for relocation of piñon (*Pinus edulis*) trees is September 15 to May 15;
- (v) if relocation of existing *significant trees* is not possible within these guidelines, then equivalent plant material shall be provided. Replacement evergreen trees shall be six (6) feet tall or taller, replacement deciduous trees shall be two (2) inches *caliper* or greater; and
- (vi) relocated or replacement trees shall be irrigated until they are established

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

(c) No existing deciduous tree with a six (6) inch *caliper* or greater or evergreen tree over eight (8) feet tall shall be removed without the approval of the *land use director* or public works director as provided in Subsection (F)(5)(a) above. Trees classified by the New Mexico department of agriculture as *noxious weeds* that are smaller than a twelve (12) inch *caliper* are exempt from this review, including Russian olive (*Elaeagnus angustifolia*), Siberian elm (*Ulmus pumila*), tree of heaven (*Ailanthus altissima*) and salt cedar (*Tamarix* species).

(d) During construction, existing plant material to be preserved shall be enclosed by a temporary fence at least five (5) feet outside the dripline. In no case shall

1 vehicles be parked or materials or equipment be stored or stockpiled within the
2 enclosed area.

3 (e) All areas with exposed soil surfaces disturbed by construction shall be
4 revegetated to minimize *erosion* and stormwater runoff and to improve the
5 infiltration of precipitation.

6 (f) Destroyed vegetation shall be removed promptly to prevent insect infestation
7 of healthy vegetation.

8 (g) The preservation of plant species classified as *noxious weeds* is discouraged.

9 (h) Topsoil removed during construction shall be stockpiled on site and reused on
10 site in *landscaped* areas or areas to be revegetated.

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

13 (3) Location of Street Trees:

14 (Ord. No. 2013-16 § 48)

15 (a) on streets, other than major and secondary arterials, *street trees* shall be
16 located on the subject *property* adjacent to the *property* line or within
17 the *right of way* as approved by the planning commission or the public
18 works director. *Street trees* located within the *right of way* shall be
19 planted in compliance with Chapter 23 SFCC 1987 Streets, Sidewalks
20 and Public Places and in compliance with adopted median and
21 *parkway* standards;

22 (b) on major and secondary arterials, trees shall be planted in a minimum
23 ten (10) foot wide *parkway* that includes the width of the sidewalk or
24 other pedestrian way. If existing *development* precludes provision of
25 the ten (10) foot wide *parkway*, trees shall be planted in a space no

1 smaller than five (5) feet by thirteen (13) feet and preferably multiple
2 trees in longer *planting strips*;

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

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

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

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

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

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

15 **(H) Open Space Planting Requirements**

16 (1) Required *open space* shall be planted with a minimum of one tree and two
17 shrubs every five hundred (500) square feet, exclusive of areas developed
18 with patios, game courts, swimming pools or similar hardscape recreational
19 features.

20 (2) In addition to required trees and shrubs, *open space* areas shall be *landscaped*
21 with groundcover plants or decorative *mulch* or naturally occurring
22 groundcover plants shall be maintained.

23 (3) *Street trees* and *landscaping* required for parking *lots* may be counted toward
24 meeting the minimum planting requirements for *open space*.

25 (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

1 five (5) feet wide. Trees shall be planted an average of twenty-five
2 (25) feet on center, in an area with a minimum dimension of five feet
3 and containing a minimum of seventy-five (75) square feet of
4 permeable surface exclusive of curbing. Street trees may be counted
5 toward the tree planting requirement of this subsection (1)(2)(d).

6 **Section 34. Subsection 14-8.4(1)(3) SFCC 1987 (being Ord. No. 2011-37 §10) is**
7 **amended to read:**

8 (3) Interior Parking Lot Landscape Requirements

- 9 (a) The purpose of interior planting requirements in parking *lots* is to
10 provide visual relief from large expanses of cars and pavement,
11 provide shade to reduce heat and *glare*, help direct traffic flow and
12 reduce and control stormwater runoff.
- 13 (b) When forty or more *off-street parking* spaces are provided, interior
14 *lot landscaping* shall be provided.
- 15 (c) No single parking area shall exceed one hundred twenty spaces
16 unless divided into two or more subareas by an internal *landscaped*
17 *street* or *landscaped* pedestrian way that is a minimum ten (10) feet
18 wide.
- 19 (d) A minimum of ten (10) square feet of permeable *landscaped* area
20 shall be provided per parking space. A minimum of one deciduous
21 tree shall be planted per ninety (90) square feet of *landscaped* area.
- 22 (e) Traffic islands shall have a minimum dimension of six (6) feet and
23 contain a minimum of ninety (90) square feet of permeable surface,
24 exclusive of curbing, and shall be distributed throughout the *lot*. As
25 a component of a stormwater management plan, traffic islands may

1 be combined to facilitate *water harvesting* and these combined
2 islands shall be distributed within each subarea.

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

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

8 (5) Pedestrian Circulation

9 When forty or more *off-street parking* spaces are provided, sidewalks for
10 primary pedestrian routes shall be provided. At a minimum this includes
11 pedestrian ways from the primary off-site entrance or entrances to the
12 primary building entrance or entrances.

- 13 (a) All pedestrian ways shall be *landscaped* with a minimum six (6) foot
14 wide *planting strip* on at least one side, exclusive of curbs, and trees
15 an average of twenty-five (25) feet on center, parallel to and adjacent
16 to the walkway.

- 17 (b) If the *planting strip* abuts a row of parking, the tree planting areas
18 may be included in the interior *lot landscape* requirements.

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

- 21 (a) *Residential development* on *residentially zoned property* that abuts
22 major or secondary arterials shall be screened from those *streets* to
23 mitigate noise and to promote *residential* privacy as follows:

- 24 (i) *Screening* shall be by *walls*, fences, the planting of trees and
25 shrubs or a combination of these.

1 (ii) The provision of plant material shall, at a minimum, conform
2 to the same requirements as for *open space* in Subsection 14-
3 8.4(H) (Open Space Planting Requirements).

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

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

9 (3) Buffer for Nonresidential Development Abutting Residential

10 (a) *Nonresidential development* that abuts a *residential development* on
11 a *residentially zoned property* or an undeveloped *parcel* in a
12 *residential zoning* district shall provide a continuous *landscaped*
13 buffer strip not less than fifteen (15) feet wide.

14 (b) Plant material in the *landscaped* buffer shall, at a minimum, conform
15 to the requirements for *open space* provided in Subsection 14-8.4(H).

16 (c) The *landscaped* buffer may be considered part of any required *open*
17 *space* so long as all other conditions of the *open space* requirement
18 are satisfied.

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

21 (1) General Standards

22 (Ord. No. 2014-4)

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

- 1 (a) they shall be designed, maintained and regulated so that no parking
2 or maneuvering incidental to parking shall be on any *street*, walk or
3 alley; provided that the public works director may approve parking
4 *lots* serving one or two *dwelling units* and comprising four or fewer
5 parking spaces designed to allow vehicles to back onto a *street*
6 classified as a subcollector or lane, onto a walk or alley, or in
7 exceptional circumstances onto a *street* classified as an arterial or
8 collector;
- 9 (b) they shall be designed so that vehicles may be removed without
10 moving another vehicle except in attended *lots*, or *single-family*
11 *dwelling units* where not more than two spaces assigned for use to the
12 same *dwelling unit* may be arranged in tandem;
- 13 (c) they shall have barriers that prevent vehicles from extending over the
14 public sidewalks, abutting *lots* or the minimum required *landscaped*
15 area, and that prevent vehicles from obstructing *building* entries and
16 ADA accessible routes;
- 17 (d) they shall be designed to discourage parking *lot* traffic from
18 accessing directly onto major arterial *streets*, unless no reasonable
19 alternative is available;
- 20 (e) they shall be appropriately marked to indicate the location of the
21 spaces; and
- 22 (f) if they are required parking spaces, they shall be available at all
23 times for parking the personal vehicles of *employees* and customers
24 or residents and guests for which the spaces are required. Required
25 parking spaces shall be unobstructed and shall not be used for

1 storage, display, sales or parking of commercial or other vehicles
2 used by *employees* in the conduct of the use for which the spaces are
3 required, unless an itinerant vending *permit* or special use *permit* has
4 been issued. Required *off-street loading spaces* shall not be included
5 as *off-street parking spaces* in the computation of required *off-street*
6 *parking*.

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

10 (i) A driveway or parking lot aisle that is oriented toward a
11 primary pedestrian entryway to a *nonresidential or multiple*
12 *family residential building* shall have bollards or other safety
13 barriers that prevent accidental vehicle collisions with the
14 entryway and pedestrians in front of the entryway.

15 (ii) Compliance with the provisions of this Subsection 14-
16 8.6(B)(1)(g) is required for the types of *projects* identified in
17 Subsection 14-8.4(B)(1) Landscape and Site Design
18 Applicability. For additions or *remodeling projects* as
19 described in Subsection 14-8.4(B)(1)(d)(ii), the total cost for
20 required safety barriers shall not exceed twenty percent of
21 the *project's* construction valuation, in addition to the cost of
22 *landscape* improvements.

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

25 (1) General Requirements

- 1 (a) *Loading space* shall be paved in conformance with paving
2 requirements specified in *off-street parking* standards.
- 3 (b) All permitted or permissible uses requiring *loading space* for normal
4 operations shall provide adequate *loading space* so that no vehicle
5 being loaded or unloaded in connection with normal operation shall
6 stand in or project into any public *street*, walk, alleyway, *front*
7 *required yard*, required parking space or access aisle, common
8 ingress-egress easement, or ADA accessibility route, or obstruct a
9 *building* entry or exit.
- 10 (c) The minimum dimensions of the *loading space* shall be scaled to
11 accommodate the largest vehicle used for pickups and deliveries,
12 including vertical clearance.

13 **Section 40. Subsection 14-8.10(B)(7) SFCC 1987 (being Ord. No. 2001-38 § 2, as**
14 **amended) is amended to read:**

15 (7) RESERVED

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

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

19 A *development* water budget shall be submitted with the following land use
20 *applications*:

21 (1) Final subdivision *plats* except:

- 22 (a) *Plats* for the purpose of creating *tracts* of land according to an
23 approved master plan where additional subdivision of land or a more
24 detailed *development* plan within the various *tracts* is still necessary
25 before *permitting* of *dwelling units* and other *buildings* according to

1 that master plan; and

2 (b) *Plats* where the proposed *development* is included in and consistent
3 with an already approved *development* water budget and has
4 complied with the water rights transfer program set forth in Section
5 25-12 SFCC 1987 or the water conservation credit program set forth
6 in Section 25-11 SFCC 1987;

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

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

10 (4) RESERVED

11 (5) *Construction permits* (whether or not a meter for service has been previously
12 installed) except the following:

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

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

18 (c) Remodels;

19 (d) Additions:

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

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

24 (e) Shell only *permits* which will later require *permits* for tenant
25 improvements at which time the *development* water budget is

required;

- (6) Secondary plumbing *permits* (plumbing *permits* independent of a *building permit*) resulting in an increase of water use, unless multiple installations in either commercial or multi-family *residential* uses, except the following:
- (a) A spa not exceeding five hundred gallons;
 - (b) An oversized tub not exceeding one hundred gallons;
 - (c) A swamp cooler;
 - (d) A recirculating fountain not exceeding one thousand gallons of containment area; and
 - (e) A garden pond not exceeding two thousand gallons;
- (7) Changes in permitted land use resulting in an increase in water use;
- (8) *Projects* located outside the *city* limits, prior to *application* for an agreement to construct and dedicate water lines; and
- (9) 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. Section 14-8.14(J)(4) SFCC 1987 (being Ord. No. 2011-37, §11) is amended to read:

- (4) A determination made by the *land use director* may be appealed to the city manager within thirty days from the date of the determination. The city manager's decision is final.

Section 43. Subsection 14-8.15(D) SFCC 1987 (being Ord. No. 2011-37 §11) is amended to read:

(D) Public Trail Dedication Requirements

1 (1) Dedications to the *city* for public trails are required wherever an adopted plan
2 shows a public trail within or along the *property* line of a *parcel* to which this
3 Section 14-8.15 applies.

4 (a) Public trails shown on an adopted plan include those indicated on the
5 *General Plan*, the Parks, Open Space, Trails and Recreation Master
6 Plan, the Metropolitan Bicycle Master Plan; trails shown on master
7 plans and *development* plans adopted for specific areas of the *city*,
8 and other plans duly adopted by the *city*.

9 (b) Determination of whether the dedication is by easement or by
10 dedication of fee simple land is made by the *city* at the time of
11 dedication.

12 (c) Dedication may be required to provide access from new
13 *developments* to existing or proposed parks, trails, public *open*
14 *spaces* and roads.

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

20 (2) Staff shall determine the width of the required dedication based on the type
21 of trail, existing topography and current *city* standards. The alignment of the
22 trail may be modified by staff from that shown in an adopted plan to
23 accommodate preservation of natural resources, address drainage and
24 topography, improve public access or accommodate design goals of the
25 *property owner*, as long as the connections between *public rights-of-ways*,

1 *open space* or parks shown on the adopted plan are accomplished.

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

6 (4) The developer is responsible for the design and construction of the trail in
7 accordance with the *city's* non-motorized multiuse trail standards or other
8 applicable standards for specialized trails, as determined by the Public Works
9 Director. Inspection and acceptance by the *city* is required for all public trail
10 improvements.

11 (5) The *city* is responsible for maintenance of public trails located on land
12 dedicated to the *city* . Trails within dedicated easements may be maintained
13 by the *city*, the property *owner* or *owners' association* as determined at the
14 time of dedication.

15 **Section 44. A new Subsection 14-9.2(A)(5) SFCC 1987 is ordained to read:**

16 (5) **[NEW MATERIAL]** All new streets shall be public, except as otherwise
17 provided in Subsection 14-9.2(C)(8), or when the Planning Commission
18 determines that there would be no public purpose served or significant
19 benefit provided to abutting properties by provision of a public rather than a
20 private *street*.

21 **Section 45. Subsection 14-9.2(B)(1) SFCC 1987 (being Ord. No. 2011-37 §12 as**
22 **amended) is amended to read:**

23 **(B) Street Types-Design Criteria**

24 (1) New public and private *streets* shall be constructed according to projected
25 *average daily traffic* as shown in the *street* types-design criteria chart and

1 Illustration 14-9.2-1, Street Types Design Criteria. The design criteria are
2 intended to recognize that *streets*:

3 (a) function as a critical urban design component of the neighborhoods
4 they serve;

5 (b) together with sidewalks and trails, must safely meet the
6 transportation needs of all users, including pedestrians of all ability
7 levels, bicyclists, motorists and transit users;

8 (c) provide needed parking in many neighborhoods;

9 (d) serve as corridors for utilities and storm drainage.

10 (Ord. No. 2012-11 § 27)

11 **Section 46. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37 § 13, as**
12 **amended) is amended to read:**

13 **(C) Determination of Nonconformity Status**

14 (Ord. No. 2013-16 § 62)

15 The *land use director* determines the status of a *nonconforming lot, nonconforming*
16 *use, nonconforming structure or nonconforming sign*. For purposes of this Article
17 14-10, each *sign* is treated as a separate *structure*, including those attached to or
18 painted on *buildings*.

19 **Section 47. Subsection 14-10.1(D) SFCC 1987 (being Ord. No. 2011-37 § 13) is**
20 **amended to read:**

21 **(D) Change of Tenancy or Ownership**

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

25 **Section 48. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37 § 13, as**

1 amended) is amended to read:

2 (A) Use of Legal Nonconforming Lot

3 (Ord. No. 2013-16 § 63)

4 Within a district in which *single-family dwellings* are allowed, and notwithstanding
5 limitations imposed by other provisions of Chapter 14, a *single-family dwelling*
6 and *accessory buildings* may be *erected* on a *single legal lot of record* that is
7 nonconforming with regard to minimum *lot* area or dimensions, maximum *density*, or
8 the *dwelling unit* access standards in Table 14-9.2-1; provided that the *lot* does not
9 adjoin a commonly owned *lot*, except as provided in Subsections 14-10.4(B) and (C).
10 Dimensions of *required yards* and other requirements that do not involve area or
11 dimensions of the *lot*, *density* or access standards shall conform to the regulations
12 for the district in which the *lot* is located.

13 Section 49. Subsection 14-11.4(D)(2) SFCC 1987 (being Ord. No. 2011-37 § 14) is
14 amended to read:

15 (2) Vacation of recorded subdivision *plats* shall be as provided in Section 3-20-
16 12 NMSA 1978. Revocation of approved amendments to the *general plan*
17 future land use map or the official zoning map shall be as provided for *city*-
18 initiated amendments to those maps.

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

21 **BEDROCK**

22 In-place, solid rock.

23 **CABLE ACT**

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

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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 51. Section 14-12.1 SFCC 1987 (being Ord. No. 2011-37 § 15, as amended) is

1 amended to amend the following definitions:

2 **BUILDABLE SITE**

3 As used in Section 14-5.6 Escarpment Overlay District and Section 14-8.2 Terrain and
4 Stormwater Management, means a contiguous area of land located within a single *lot* on
5 which a *building* with a *footprint* equal to not less than 40% of the minimum required net *lot*
6 area, or two thousand (2,000) square feet, whichever is less, can be developed in compliance
7 with all requirements of those sections, all requirements of the underlying zone and all
8 applicable *development* standards.

9 **BUSINESS**

10 An activity involving wholesale or retail sales or rental of any article, substance or
11 commodity, including building materials and vehicles, and the provision of all commercial
12 services, including financial institutions and personal commercial services. Where the term
13 business is used to describe a type of land use or *structure*, it includes such use by any
14 organization or individual, whether or not the use is conducted for profit.

15 **COMMON OPEN SPACE**

16 The outdoor area accessible to all residents within a *development*, which may be owned in
17 undivided interest by all the residents of the *development*, and it may remain in its natural
18 state or may be *landscaped* or improved for passive or active recreational activities.

19 **COMPOUND**

20 Three or more attached or detached *dwelling units* on one *lot* and located in the RC-5, RC-8,
21 RAC, AC or BCD districts.

22 **GRADE**

23 The ground level of a specified area of land; the act of *grading*.

24 **OPEN SPACE**

25 An outdoor area that permanently provides light and air and that satisfies, in whole or in part,

1 the community's visual, psychological and recreational needs.

2 **STORY**

3 The division of a *building* comprising the space between two successive floors above ground
4 level.

5 **WALL**

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

9 **Section 52. Article 14-12 SFCC 1987 (being Ord. No. 2011-37 §15 as amended) is**
10 **amended to ordain the following definitions:**

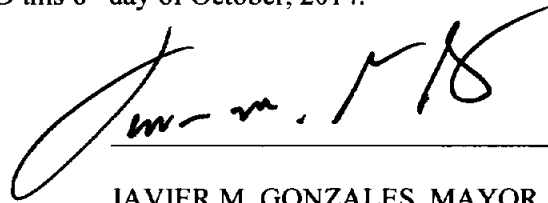
11 **[NEW MATERIAL] CO-LOCATION**

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

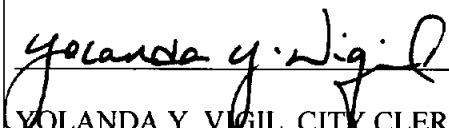
13 **[NEW MATERIAL] LOT SIZE**

14 A general term including the various dimensions of the *lot* such as area, width and depth; or
15 the area of land included within the boundaries of a *lot*.

16 PASSED, APPROVED, and ADOPTED this 8th day of October, 2014.

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18 _____
19 JAVIER M. GONZALES, MAYOR

20 ATTEST:

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23 _____
24 YOLANDA Y. VIGIL, CITY CLERK
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1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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M/Melissa/Ordinances 2014/2014-31 Chpt 14 Tech Amends