

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2008-15

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4
5 AN ORDINANCE

6 AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987 REGARDING THE
7 CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER
8 OF DWELLING UNITS.

9
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

11 Section 1. NOTE ⁷ for Table 14-7.1-1 SFCC 1987 (being Ord. #2001-38, §2 as
12 amended) is amended to read (regarding maximum density in RC districts):

13 ⁷*Additional Regulations:* If the maximum density calculated is other than a whole
14 number, the number shall be rounded down to the nearest whole number except: (a) If the
15 calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result is
16 other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and
17 rounded up if five-tenths (0.5) or more; or (b) If the result is other than a whole number, the
18 number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the
19 additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit
20 meeting the requirements set forth in Article 26-1 SFCC 1987 or if the additional unit resulting
21 from the rounding up is a low priced dwelling unit meeting the requirements set forth in Article
22 26-2.3 SFCC 1987. The resulting whole number is the maximum allowable number of dwelling
23 units for the site unless approved by the Governing Body as a rezoning action or other action
24 authorized by this chapter. Prior to subdivision (including lot split) or other development approval
25 of the site by the city, the maximum number of allowable dwelling units shall be calculated for

1 the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a
2 whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the
3 permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel
4 exceeds the allowable number of units for that parcel calculated separately, and the total number
5 of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed
6 on the plat or development plan prior to recording the first and each subsequent subdivision or lot
7 split which prohibits a further increase in the number of dwelling units for each portion of the site
8 unless approved by the Governing Body as a rezoning action or other action authorized by this
9 chapter.

10 **Section 2. Section 14-7.1(B)(1)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
11 **amended) is amended to read (regarding R-1 through R-6 districts):**

12 (a) Calculation of Allowable Dwelling Units

13 (i) Land Not Within Mountainous or Difficult Terrain

14 The procedure outlined below shall be used to calculate
15 the allowable dwelling units for the site for land not
16 within the mountainous or difficult terrain category as
17 defined in paragraph (B)(1)(a)(iii) of this section:

18 A. Determine the total number of acres in the site to
19 two decimal places. The total number of acres
20 in the site is that certified by a land surveyor or
21 engineer licensed in this State;

22 B. Determine the total floodway acres in the site.
23 Floodway is defined by Article 14-12. The
24 floodway acres shall remain undisturbed.

25 C. Subtract the sum of the floodway acres

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calculated in paragraph B above from the total number of acres of the site calculated in paragraph A; and

- D. Multiply the remaining acres by the applicable gross density factor of the districts as shown in Table 14-7.1-1. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(1)(a)(i)E. or F. below. This is the allowable number of dwelling units for the site.
- E. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph D. above is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.
- F. If the result in paragraph D. above is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Article 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is

1 a low priced dwelling unit meeting the
2 requirements set forth in Article 26-2.3 SFCC
3 1987.

4 (ii) Land Within Mountainous or Difficult Terrain

5 The procedure outlined below shall be used to calculate
6 the allowable dwelling units for the site for land in the
7 mountainous or difficult terrain category as defined in
8 paragraph (B)(1)(a)(iii) of this section:

9 A. Determine the total number of acres in the site to
10 two decimal places. The total number of acres
11 in the site is that certified by a land surveyor or
12 engineer licensed in this State; and

13 B. Multiply the total number of acres in the site
14 calculated in paragraph A by the gross density
15 factor of the district as shown in Table 14-7.1-1;
16 and

17 C. Multiply the result calculated in paragraph (ii)B
18 by 0.75. If the result is other than a whole
19 number, the number shall be rounded down to
20 the nearest whole number except as set forth in
21 §14-7.1(B)(1)(a)(ii)E. or F. below. This is the
22 allowable number of dwelling units for the site;
23 and

24 D. Land in the area of mountainous or difficult
25 terrain with a slope greater than 30 percent shall

1 be undisturbed.

2 E. If the calculation is for a family transfer
3 subdivision as set forth in §14-3.7(E)(2)(b) and
4 the result in paragraph C. above is other than a
5 whole number, the number shall be rounded
6 down if less than five-tenths (0.5), and rounded
7 up if five-tenths (0.5) or more.

8 F. If the result in paragraph C. above is other than a
9 whole number, the number may be rounded up if
10 five-tenths (0.5) or more provided that the
11 applicant agrees that the additional unit resulting
12 from the rounding up is an additional Santa Fe
13 Homes Program Unit meeting the requirements
14 set forth in Article 26-1 SFCC 1987 or if the
15 additional unit resulting from the rounding up is
16 a low priced dwelling unit meeting the
17 requirements set forth in Article 26-2.3 SFCC
18 1987.

19 (iii) Definition of "Mountainous or Difficult Terrain"

20 A. For purposes of this section, "mountainous or
21 difficult terrain" means any parcel, any portion
22 of which lies in the area labeled as mountainous
23 and difficult terrain on Exhibit "I"* following
24 this Chapter and where over 25 percent of the
25 square footage of the parcel has an existing

1 slope of over 20 percent.

2 B. Areas within the potential area of mountainous
3 or difficult terrain as shown on the map
4 following this Chapter shall be included in the
5 area of mountainous and difficult terrain as they
6 are annexed.

7 **Section 3. Section 14-7.1(B)(1)(b) SFCC 1987 (being Ord. #2001-38, §2 as**
8 **amended) is amended to read (regarding R-1 through R-6 districts):**

9 (b) Notice of Maximum Number of Dwelling Units
10 Prior to subdivision (including lot split) or other
11 development approval of the site by the city, the
12 maximum number of allowable dwelling units shall be
13 calculated for the site as a whole. The allowable number
14 of dwelling units shall not be exceeded for the site as a
15 whole, regardless of subdivisions or lot splits. In the
16 event of subdivision (including lot split), the permitted
17 number of dwelling units shall be allocated among all
18 resulting parcels so that no parcel exceeds the allowable
19 number of units for that parcel calculated separately, and
20 the total number of units on all parcels shall not exceed
21 that of the original site as a whole. A note shall be
22 placed on the plat or development plan prior to recording
23 the first and each subsequent subdivision or lot split
24 which prohibits a further increase in the number of
25 dwelling units for each portion of the site unless

1 approved by the Governing Body as a rezoning action or
2 other action authorized by this chapter.

3 **Section 4. Section 14-7.1(B)(2)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
4 **amended) is amended to read (regarding R-7, R-8 and R-9 districts):**

5 (a) Calculation of Allowable Dwelling Units

6 (i) Land Not Within Mountainous or Difficult Terrain

7 The procedure outlined below shall be used to calculate
8 the allowable dwelling units for the site for land not
9 within the mountainous or difficult terrain category as
10 defined in paragraph (B)(2)(a)(iii) of this section:

11 A. Determine the total number of acres in the site to
12 two decimal spaces. The total number of acres
13 in the site is that certified by a land surveyor or
14 engineer licensed in this State;

15 B. Determine the total floodway acres in the site.
16 Floodway acres are defined by Article 14-12.
17 The floodway acres shall remain undisturbed.

18 C. Subtract the sum of the floodway acres
19 calculated in paragraph B. above from the total
20 number of acres of the site calculated in
21 paragraph A; and

22 D. Multiply the remaining acres by the applicable
23 gross density factor of the districts as shown in
24 Table 14-7.1-1. If the result is other than a
25 whole number, the number shall be rounded

1 down to the nearest whole number except as set
2 forth in §14-7.1(B)(2)(a)(i)E. or F. below. This
3 is the allowable number of dwelling units for the
4 site.

5 E. If the calculation is for a family transfer
6 subdivision as set forth in §14-3.7(E)(2)(b) and
7 the result in paragraph D. above is other than a
8 whole number, the number shall be rounded
9 down if less than five-tenths (0.5), and rounded
10 up if five-tenths (0.5) or more.

11 F. If the result in paragraph D. above is other than a
12 whole number, the number may be rounded up if
13 five-tenths (0.5) or more provided that the
14 applicant agrees that the additional unit resulting
15 from the rounding up is an additional Santa Fe
16 Homes Program Unit meeting the requirements
17 set forth in Article 26-1 SFCC 1987 or if the
18 additional unit resulting from the rounding up is
19 a low priced dwelling unit meeting the
20 requirements set forth in Article 26-2.3 SFCC
21 1987.

22 (ii) Land Within Mountainous or Difficult Terrain

23 The procedure outlined below shall be used to calculate
24 the allowable dwelling units for the site for land in the
25 mountainous or difficult terrain category as defined in

1 paragraph (B)(2)(a)(iii) of this section:

- 2 A. Determine the total number of acres in the site to
3 two decimal spaces. The total number of acres
4 in the site is that certified by a land surveyor or
5 engineer licensed in this State; and
- 6 B. Multiply the total number of acres in the site
7 calculated in paragraph A. by the gross density
8 factor of the district as shown in Table 14-7.1-1;
9 and
- 10 C. Multiply the result calculated in paragraph (ii)B.
11 by 0.75. If the result is other than a whole
12 number, the number shall be rounded down to
13 the nearest whole number except as set forth in
14 §14-7.1(B)(2)(a)(ii)D. or E. below. This is the
15 allowable number of dwelling units for the site.
- 16 D. If the calculation is for a family transfer
17 subdivision as set forth in §14-3.7(E)(2)(b) and
18 the result in paragraph C. above is other than a
19 whole number, the number shall be rounded
20 down if less than five-tenths (0.5), and rounded
21 up if five-tenths (0.5) or more.
- 22 E. If the result in paragraph C. above is other than a
23 whole number, the number may be rounded up if
24 five-tenths (0.5) or more provided that the
25 applicant agrees that the additional unit resulting

1 from the rounding up is an additional Santa Fe
2 Homes Program Unit meeting the requirements
3 set forth in Article 26-1 SFCC 1987 or if the
4 additional unit resulting from the rounding up is
5 a low priced dwelling unit meeting the
6 requirements set forth in Article 26-2.3 SFCC
7 1987.

8 (iii) Definition of Mountainous or Difficult Terrain

9 A. Mountainous or difficult terrain category means
10 any parcel, any portion of which lies in the area
11 labeled as mountainous and difficult terrain on
12 the map following this Chapter and where over
13 25 percent of the square footage of the parcel
14 has an existing slope of over 20 percent.

15 B. Areas within the potential area of mountainous
16 or difficult terrain as shown on the map
17 following this Chapter shall be included in the
18 area of mountainous and difficult terrain as they
19 are annexed.

20 (iv) Increased Number of Allowable Dwelling Units

21 A. The allowable dwelling units for the site may be
22 increased if allowed by the Santa Fe Homes
23 Program and agreed to by the property owner
24 and the City pursuant to a Santa Fe Homes
25 Program (SFHP) agreement or in a certified

SFHP proposal, set forth in §14-8.11.

- B. In no case shall more dwelling units be constructed than described on the development plan approved by the Governing Body of the City as set forth in §14-3.8.
- C. Prior to subdivision (including lot split) or other development approval of the site by the city, the maximum number of allowable dwelling units shall be calculated for the site as a whole. The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision (including lot split), the permitted number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately, and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split which prohibits a further increase in the number of dwelling units for each portion of the site unless approved by the Governing Body as a rezoning action or other

1 action authorized by this chapter.

2 **Section 5. Section 14-7.1(B)(3)(a) SFCC 1987 (being Ord. #2001-38, §2 as**
3 **amended)is amended to read** (regarding R-7I districts):

4 (a) Calculation of Allowable Dwelling Units

5 (i) Land Not Within Mountainous or Difficult Terrain

6 The procedure outlined below shall be used to calculate
7 the allowable dwelling units for the site for land not
8 within the mountainous or difficult terrain category as
9 defined in paragraph (B)(3)(a)(iii) of this section:

- 10 A. Determine the total number of acres in the site to
11 two decimal places. The total number of acres
12 in the site is that certified by a land surveyor or
13 engineer licensed in this State;
- 14 B. Determine the total floodway acres in the site.
15 The floodway acres shall remain undisturbed.
- 16 C. Subtract the sum of the floodway acres
17 calculated in paragraph B. above from the total
18 number of acres of the site calculated in
19 paragraph A; and
- 20 D. Multiply the remaining acres by seven. If the
21 result is other than a whole number, the number
22 shall be rounded down to the nearest whole
23 number except as set forth in §14-
24 7.1(B)(3)(a)(i)E. or F. below. This is the
25 allowable number of dwelling units for the site.

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E. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph D. above is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.

F. If the result in paragraph D. above is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements set forth in Article 26-1 SFCC 1987 or if the additional unit resulting from the rounding up is a low priced dwelling unit meeting the requirements set forth in Article 26-2.3 SFCC 1987.

(ii) Land Within Mountainous or Difficult Terrain

The procedure outlined below shall be used to calculate the allowable dwelling units for the site for land in the mountainous or difficult terrain category as defined in paragraph (B)(3)(a)(iii) of this section:

A. Determine the total number of acres in the site to two decimal places. The total number of acres in the site is that certified by a land surveyor or

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engineer licensed in this State; and

- B. Multiply the total number of acres in the site calculated in paragraph A. by seven; and
- C. Multiply the result calculated in paragraph B. by 0.75. If the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in §14-7.1(B)(3)(a)(ii)E. or F. below. This is the allowable number of dwelling units for the site; and
- D. Land in the area of mountainous or difficult terrain with a slope greater than 30 percent shall be undisturbed.
- E. If the calculation is for a family transfer subdivision as set forth in §14-3.7(E)(2)(b) and the result in paragraph C. above is other than a whole number, the number shall be rounded down if less than five-tenths (0.5), and rounded up if five-tenths (0.5) or more.
- F. If the result in paragraph C. above is other than a whole number, the number may be rounded up if five-tenths (0.5) or more provided that the applicant agrees that the additional unit resulting from the rounding up is an additional Santa Fe Homes Program Unit meeting the requirements

1 set forth in Article 26-1 SFCC 1987 or if the
2 additional unit resulting from the rounding up is
3 a low priced dwelling unit meeting the
4 requirements set forth in Article 26-2.3 SFCC
5 1987.

6 (iii) Definition of Mountainous or Difficult Terrain

7 A. Mountainous or difficult terrain category means
8 any parcel, any portion of that lies in the area
9 labeled as mountainous and difficult terrain on
10 the map following this chapter and where over
11 25 percent of the square footage of the parcel
12 has an existing slope of over 20 percent.

13 **Section 6. Section 14-7.1(B)(3)(b) SFCC 1987 (being Ord. #2001-38, §2) is**
14 **amended to read** (regarding R-7I districts):

15 (b) Notice of Maximum Number of Dwelling Units

16 Prior to subdivision (including lot split) or other development
17 approval of the site by the city, the maximum number of
18 allowable dwelling units shall be calculated for the site as a
19 whole. The allowable number of dwelling units shall not be
20 exceeded for the site as a whole, regardless of subdivisions or lot
21 splits. In the event of subdivision (including lot split), the
22 permitted number of dwelling units shall be allocated among all
23 resulting parcels so that no parcel exceeds the allowable number
24 of units for that parcel calculated separately, and the total
25 number of units on all parcels shall not exceed that of the

1 original site as a whole. A note shall be placed on the plat or
2 development plan prior to recording the first and each
3 subsequent subdivision or lot split which prohibits a further
4 increase in the number of dwelling units for each portion of the
5 site unless approved by the Governing Body as a rezoning action
6 or other action authorized by this chapter.

7 **Section 7. Section 14-7.1(B)(5)(b) SFCC 1987 (being Ord. #2001-38, §2) is**
8 **amended to read (regarding RM districts):**

9 (b) Calculation of Allowable Dwelling Units

10 For RM districts the procedure outlined below shall be used to
11 calculate the allowable dwelling units for the site:

- 12 (i) Determine the total acres in the site to two decimal
13 places. The total number of acres in the site is that
14 certified by a land surveyor or engineer licensed in this
15 state;
- 16 (ii) Determine the total floodway acres in the site.
17 Floodway acres are as defined by Article 14-12. The
18 floodway acres shall remain undisturbed;
- 19 (iii) Subtract the sum of the acres calculated in paragraph (ii)
20 above from the total number of acres of the site
21 calculated in paragraph (i) above; and
- 22 (iv) Multiply the remaining acres by the applicable gross
23 density factor of the districts as shown in Table 14-7.1-1.
24 If the result is other than a whole number, the number
25 shall be rounded down to the nearest whole number

1 except as set forth in §14-7.1(B)(5)(b)(iv)A. or B. below.

2 This is the allowable number of dwelling units for the
3 site.

4 A. If the calculation is for a family transfer
5 subdivision as set forth in §14-3.7(E)(2)(b) and
6 the result obtained by multiplying the remaining
7 acres by the applicable gross density factor is
8 other than a whole number, the number shall be
9 rounded down if less than five-tenths (0.5), and
10 rounded up if five-tenths (0.5) or more.

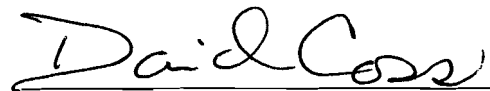
11 B. If the result obtained by multiplying the
12 remaining acres by the applicable gross density
13 factor is other than a whole number, the number
14 may be rounded up if five-tenths (0.5) or more
15 provided that the applicant agrees that the
16 additional unit resulting from the rounding up is
17 an additional Santa Fe Homes Program Unit
18 meeting the requirements set forth in Article 26-
19 1 SFCC 1987 or if the additional unit resulting
20 from the rounding up is a low priced dwelling
21 unit meeting the requirements set forth in Article
22 26-2.3 SFCC 1987.

23 **Section 8. Section 14-7.1(B)(5)(c) SFCC 1987 (being Ord. #2001-38, §2) is**
24 **amended to read (regarding RM districts):**

25 (c) Notice of Maximum Number of Dwelling Units

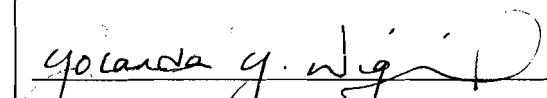
1 Prior to subdivision (including lot split) or other development
2 approval of the site by the city, the maximum number of
3 allowable dwelling units shall be calculated for the site as a
4 whole. The allowable number of dwelling units shall not be
5 exceeded for the site as a whole, regardless of subdivisions or lot
6 splits. In the event of subdivision (including lot split), the
7 permitted number of dwelling units shall be allocated among all
8 resulting parcels so that no parcel exceeds the allowable number
9 of units for that parcel calculated separately, and the total
10 number of units on all parcels shall not exceed that of the
11 original site as a whole. A note shall be placed on the plat or
12 development plan prior to recording the first and each
13 subsequent subdivision or lot split which prohibits a further
14 increase in the number of dwelling units for each portion of the
15 site unless approved by the Governing Body as a rezoning action
16 or other action authorized by this chapter.

17 PASSED, APPROVED and ADOPTED this 26th day of March, 2008.

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21 DAVID COSS, MAYOR

22 ATTEST:

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25 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

Jp/CAdriveM/J&M/2008 ord/density calculation