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**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2008-10**

**AN ORDINANCE**

**AMENDING CHAPTER 14 SFCC 1987 REGARDING THE POWERS AND DUTIES OF THE BUSINESS CAPITAL DISTRICT DESIGN REVIEW COMMITTEE AND THE PLANNING COMMISSION TO MINIMIZE OVERLAPPING JURISDICTION IN THE BUSINESS CAPITAL DISTRICT AND MAKING SUCH OTHER RELATED CHANGES AS ARE NECESSARY.**

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

**Section 1. Table 14-2.1-1 SFCC 1987 (being Ord. No. 2001-38 § 2, as amended)**

**is amended to read:**

<b>TABLE 14-2.1-1: Review and Decision-Making Bodies and Responsibilities</b>								
<b>PROCEDURE</b>	<b>§</b>	<b>GB</b>	<b>PC</b>	<b>BOA</b>	<b>BCD DRC</b>	<b>HDRB</b>	<b>AC</b>	<b>PLUD STAFF</b>
Amendments to the General Plan	14-3.2	R/D	R/REC	-	-	-	-	R/REP
Amendments to the Text of the Code	14-3.3	R/D	R/REC	-	-	R/REC (some)	R/REC (some)	R/REP
Annexations	14.3.4	R/D	R/REC	-	-	-	-	R/REP
Rezoning	14-3.5	R/D	R/REC	-	R (for Redvt. Districts)	R (if referred)	R (if referred)	R/REP

**TABLE 14-2.1-1: Review and Decision-Making Bodies and Responsibilities**

PROCEDURE	§	GB	PC	BOA	BCD DRC	HDRB	AC	PLUD STAFF
Special Exceptions	14-3.6	A		R/D	-	-	-	-
Subdivisions of Land	14-3.7	A	R/D A (some)	-	-	-	-	R/REP
Development Plans	14-3.8	A	R/D A (some)	-	R/D (some)	-	-	R D (some)
Development in Flood Hazard Areas	14-3.9	-	-	A	-	-	-	R/D (City Engr)
Building Permits	14-3.10	-	A (some)	A	-	-	-	R/D
Certificates of Occupancy	14-3.11	-	-	-	-	-	-	R/D (I&E Office)
Archaeological Clearance Permits	14-3.13	A	-	-	-	-	R/D	-
Demolition of Historic Structure	14-3.14	A	-	-	-	R/D	R (if referred)	-
Minor Modifications	14-3.15							
Variances	14-3.16	-	R/D (some)	R/D	R/D (some)	-	-	-
<b>NOTES:</b> GB = Governing Body PC = Planning Commission BOA = Board of Adjustment BCD = BCD Design Review Committee HDRB = Historic Design Review Board AC = Archaeological Committee PLUD = Land Use Department Staff				"A" = Appeal "R" = Review "R/D" = Review and Decision "R/REC" = Review and Recommendation "R/REP" = Review and Report				

1           **Section 2.       Section 14-2.3(C)(1) SFCC 1987 (being Ord. No. 2001-38 §2) is**  
2 **amended to read:**

3                   (1)    Development Plans  
4                            Unless otherwise set forth in this chapter, the Planning Commission is  
5                            the principal City administrative board reviewing and approving or  
6                            disapproving various other specific development plans and requests.  
7                            When specifically authorized by this Chapter, the decision of the  
8                            Planning Commission shall be final, subject to any appeal right provided  
9                            in this Chapter. In all other instances, the Planning Commission shall  
10                           provide advice and non-binding recommendations.

11           **Section 3.       Section 14-2.6(A) SFCC 1987 (being Ord. No. 2001-38 §2 as**  
12 **amended) is amended to read:**

13                   **(A)    Powers and Duties**  
14                            The Business-Capitol District Design Review Committee shall have the review  
15                            and decision-making responsibilities set forth in Table 14-2.1-1, to be carried out  
16                            in accordance with the terms of this chapter. In addition, the Committee shall  
17                            have the following additional responsibilities under this chapter:

- 18                            (1)    Ensuring compliance with §14-4.3(E) for major and certain minor  
19                            projects in redevelopment subdistricts and reviewing and approving  
20                            major and certain minor project plans;  
21                            (2)    Making determinations concerning land-use intensity credits for  
22                            residential use pursuant to §14-7.3(B)(1)(a), "Maximum Land-Use  
23                            Intensity";  
24                            (3)    Reviewing applications for designation of property as a redevelopment  
25                            subdistrict within the Business-Capitol District, reviewing

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redevelopment plans as required and making recommendations to the Planning Commission as to whether the proposed subdistrict meets the criteria for such designation;

- (4) Making recommendations for variances to §14-7.3 to the Board of Adjustment;
- (5) Reviewing various projects and plans pursuant to §14-4.3(E)(3)(a) "New Redevelopment Subdistricts."
- (6) Reviewing development plans within the Business Capitol District pursuant to §14-3.8(A);
- (7) Reviewing and approving or disapproving amendments, modifications, or time extensions of plans, and other matters previously approved by the Business Capitol District Design Review Committee; and
- (8) Unless otherwise set forth in this chapter, reviewing and granting or denying requests for variances from this chapter except those regulations specific to the historic districts or archaeological review districts, provided that the request is also part of a development plan requiring the Business Capitol District Design Review Committee's review. When deciding such variances the Business Capitol District Design Review Committee shall evaluate the variance based upon its appropriateness in relation to the overall development and its purposes and the variance's impact upon surrounding properties.

**Section 4. Section 14-3.1(F)(2) SFCC 1987 (being Ord. No. 2001-38 §2 as amended) is amended to read:**

- (2) Applicability Early neighborhood notification is required for:
  - (a) Certain applications heard before the Planning Commission as

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follows:

- (i) Annexations;
  - (ii) Master plans;
  - (iii) Rezoning;
  - (v) Final development plans where a preliminary plan has not previously been approved;
  - (vi) Preliminary subdivision plats;
  - (vii) Final subdivision plats where a preliminary plat has not previously been approved;
  - (viii) Vacation and dedication of rights-of-way;
  - (ix) Variances;
  - (x) Amendment to any of the preceding;
  - (xi) Amendments to final development plans;
  - (xii) Amendments to final subdivision plats;
  - (xiii) Amendments to the Future Land Use Map of the General Plan; and
  - (xiv) Escarpment overlay district appeals.
- (b) Special exceptions except those for mobile homes;
  - (c) Variances heard before the Board of Adjustment, except those requesting construction or modification of an individual single family dwelling and appurtenant accessory structures or those requesting a reduction in the total parking requirements of five or fewer spaces;
  - (d) City capital improvement projects requiring review by the Governing Body as follows:

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- (i) Facility plans for municipal facilities or services, including wastewater, solid waste, potable water, and airport facilities;
  - (ii) New projects or projects to expand or extend service to new service areas included in the capital improvement program or General Plan;
  - (iii) Any new road construction or reconstruction of an existing road that materially expands capacity; and
  - (iv) Projects funded out of capital impact fee funds.
- (e) The following types of capital improvement projects shall not require early notification:
- (i) Replacement, repair or maintenance of underground facilities where such activity does not represent a material expansion of existing facilities.
  - (ii) Road maintenance, repair, surfacing or resurfacing, striping, curb and gutter or sidewalk repair or maintenance, sign maintenance, signal repair, shoulder work, bridge or culvert maintenance work; and
  - (iii) Special assessment districts covered by state statute or City ordinance.
- (f) Development plans heard before the Business Capitol District Design Review Committee as required in §14-3.8(A) and amendments to those development plans.

**Section 5. Section 14-3.8(A) SFCC 1987 (being Ord. No. 2001-38 § 2 as amended) is amended to read:**

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(A) Applicability; Early Neighborhood Notification; Notice; Public Hearings; Public Hearing Procedures

(1) Notwithstanding any code provisions to the contrary, applicants for new construction of individual buildings or additions shall receive approval of a development plan prior to issuance of a building permit if the new construction meets any of the following criteria. Early neighborhood notification, notice and conduct of public hearings shall be provided pursuant to the general provisions of §§14-3.1(F), 14-3.1(H) and (I).

- (a) Has a gross floor area of 30,000 square feet or more and is located within any zoning district of the City or
- (b) Has a gross floor area of 10,000 square feet or more in a residential district or in a C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within 200 feet excluding public rights-of-way of R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, RM, RAC, AC, PRC, PRRC, and MH districts.

(2) Notwithstanding any code provisions to the contrary, applicants for the following uses shall receive approval of a development plan prior to issuance of a building permit or certificate of occupancy if a building permit is not required:

- (a) Flea markets with fifteen (15) or more vendors; or
- (b) Outdoor commercial recreational uses where the total area devoted to recreation and related pedestrian circulation and amenities (excluding parking and vehicular circulation areas) exceeds fifteen thousand (15,000) sq. ft. in any zone. This provision shall not apply to temporary carnivals, circuses and

1 similar short term entertainment uses required to obtain a permit  
2 from the city.

3 (3) The development plans described in paragraphs (1) or (2) above shall be  
4 reviewed by the Planning Commission unless the project is located in the  
5 BCD in which case the development plan shall be reviewed by the  
6 BCDDRC.

7 (4) The requirements of the section do not apply if the construction  
8 described in paragraphs (1) or (2) above or the outdoor use described in  
9 paragraph (2) above was part of a development plan approved as part of  
10 a rezoning or other action before the Planning Commission or by the  
11 Board of Adjustment or of a site plan approval in a C-4 or HZ district for  
12 which the early neighborhood notification process set forth in §14-3.1(F)  
13 was required.

14 (5) The provisions of this section shall apply where the cumulative square  
15 footage of multiple permits meets or exceeds the criteria in paragraphs  
16 (1) or (2) or a combination thereof above when the permits are for  
17 coordinated development of a project comprising multiple buildings or  
18 outdoor uses, including phased projects and projects involving  
19 development of adjoining commonly owned parcels.

20 (6) The provisions of this section shall not apply to the construction of  
21 single-family dwellings, each of which has a gross floor area of 10,000  
22 square feet or less including accessory buildings, on lots created prior to  
23 the effective date of Ordinance No. 1999-13 or on lots within a  
24 subdivision that was subject to early neighborhood notification  
25 procedures. The provisions of this section shall apply to construction of

1 any single-family dwelling which has a gross floor area greater than  
2 10,000 square feet including accessory buildings.

3 (7) Submittal Requirements - Generally

4 Applicants for developments that require development plans under this  
5 section shall submit:

6 (a) A development plan. For the purpose of this section,  
7 "development plan" means a plan drawn to scale showing the  
8 locations of existing and new structures; location map, lot  
9 coverage, height and gross floor area of structures; outdoor uses,  
10 lot area; the placement and arrangement of buildings; and the  
11 uses to be included, proposed lighting of the premises and  
12 relation to all property within two hundred (200) feet of the lot or  
13 tract; internal vehicular and pedestrian circulation; vehicular and  
14 pedestrian ingress and egress from adjoining streets; recorded  
15 and proposed elements; location of off-street parking and loading  
16 facilities; any significant natural features, including drainage and  
17 vegetation; location and type of landscaping; and the type of  
18 visual screening such as walls, fences and landscaping. If it is  
19 proposed to develop the plan in phases, the phases of  
20 development shall be indicated, along with any other information  
21 requested by the Land Use Department; and

22 (b) The signed original mylars of the development plan shall be filed  
23 with the Land Use Department and shall be the basis for issuance  
24 of building permits and for acceptance of public dedications.

25 (8) Submittals Required for Multi-Family Developments

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All multiple-family dwelling developments shall submit:

- (a) A development plan for approval by staff. For the purpose of this section, "development plan" means a plan drawn to scale showing the location of existing structures: the location, lot coverage, height and gross floor area of multiple-family structures; traffic and pedestrian circulation; parking; common open space; parks if applicable; ingress and egress; walls and fences; and easements. Traffic and pedestrian circulation information is required to be shown on the plan only for developments of six (6) or more units. For projects with six (6) or more units, the signed, original mylar of the development plan shall be filed with the City Land Use Department.
- (b) A landscape plan for common open space meeting the standards set forth in §14-8.4(H) for approval by the Land Use Department staff; and
- (c) Terrain management plans for approval by the City Engineer meeting the requirements set forth in §14-8.2.

**Section 6. Section 14-3.8(C) SFCC 1987 (being Ord. No. 2001-38 § 2 as amended) is amended to read:**

- (C) Expiration of Development Plans  
If any work described on a final development plan has not begun within 24 months from the date of the approval of the final development plan, the approval shall expire. The Planning Commission, the Business Capitol District Design Review Committee or the director, whichever granted the original approval, may extend the approval for 18 months beyond the original approval. The Planning

1 Commission, the Business Capitol District Design Review Committee or the  
2 director may take changing conditions and plans into account. The applicant  
3 shall make such a request in writing stating the reasons for extension, no later  
4 than 90 days before the expiration date. Notice shall be provided as required for  
5 the initial approval.

6 **Section 7. Section 14-4.3(E)(1)(c) SFCC 1987 (being Ord. No. 2001-38 § 2 as**  
7 **amended) is amended to read:**

8 (c) Applicability

9 Within the Business-Capitol District, the Design Review  
10 Committee shall review the following activities:

11 (i) Major Projects

12 A. Any applicant for a building permit for a major  
13 project within the Alameda Street, Cerrillos  
14 Road, or Westside Townscape subdistricts, or  
15 within any Redevelopment Subdistrict, shall first  
16 submit an application to the Design Review  
17 Committee for design review, and then, if the  
18 project is in a historic district, to the Historic  
19 Design Review Board for approval.

20 B. For purposes of this section, a "major project"  
21 shall be defined as 1) any project with a floor  
22 area ratio above the base-line; or 2) sited on a  
23 parcel larger than one quarter acre; or 3) with  
24 more than 10,000 square feet of gross floor area.  
25 However, in the railyard redevelopment

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subdistrict, a major project shall be defined only as a project with more than 10,000 square feet of gross floor area.

(ii) Minor Projects

A. Any applicant for a building permit in a historic district for a minor project in a redevelopment district shall first submit to the staff for design review, and then to the Historic Design Review Board for approval.

B. For purposes of this section, a "minor project" shall be defined as any project situated on a parcel of one quarter acre or smaller and with 10,000 square feet of gross floor area or less; or any project within the railyard redevelopment subdistrict with 10,000 square feet or less.

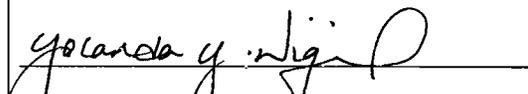
(iii) Development plans as set forth in §14-3.8(A).

PASSED, APPROVED and ADOPTED this 30th day of January, 2008.



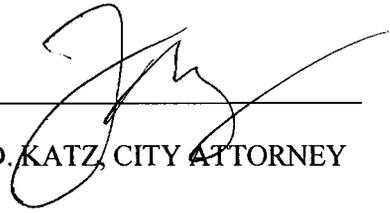
DAVID COSS, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'Frank D. Katz', is written over a horizontal line. The signature is stylized and cursive.

FRANK D. KATZ, CITY ATTORNEY

jp/ndrive/2008 ord/bcddrc development