

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2013-16

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(b) REAR SETBACK FOR ACCESSORY STRUCTURES; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE

1 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL
2 DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 – R-
3 29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2)
4 CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT
5 SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD
6 MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN
7 PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING
8 IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT
9 REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES;
10 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK
11 REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-
12 9.5(A) DEDICATIONS TO HOMEOWNER’S ASSOCIATIONS; 14-9.5(D) EXTENSION OF
13 INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING
14 TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT
15 USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS
16 AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS
17 RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES
18 THAT ARE NECESSARY.

19
20 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

21 **Section 1. Subsection 14-2.3(C)(5)(a) SFCC 1987 (being Ord. No. 2011-37 § 2) is**
22 **amended to read:**

- 23 (a) The planning commission shall review and grant or deny requests for
24 variances from Section 14-5.6 (Escarpment Overlay District);
25 Section 14-8.2 (Terrain and Stormwater Management); Section 14-

1 8.3 (Flood Regulations); Section 14-8.11 (Santa Fe Homes
2 Program); and Section 14-9 (Infrastructure Design, Improvement and
3 Dedication Standards). When deciding variances, the planning
4 commission shall comply with Section 14-3.16.

5 **Section 2. Subsection 14-2.4(C) SFCC 1987 (being Ord. No. 2011-37 § 2) is**

6 **amended to read:**

7 **(C) Powers and Duties**

8 The BOA has the review and decision-making responsibilities set forth in Table 14-
9 2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the
10 following additional responsibilities:

- 11 (1) to hear appeals of *final actions* of the *land use director* applying the
12 provisions of Chapter 14, unless jurisdiction for such appeals is otherwise
13 specifically reserved to another *land use board*;
- 14 (2) to hear and decide *applications* for special use *permits* as provided in
15 Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless
16 jurisdiction for such special use *permits* is specifically reserved to another
17 *land use board*; and
- 18 (3) to authorize in specific cases a variance from the terms of Chapter 14 as
19 provided in Section 14-3.16.

20 **Section 3. Subsection 14-2.8(K) SFCC 1987 (being Ord. No. 2011-37 § 2) is**

21 **amended to read:**

22 **(K) Removal of Members**

23 A member of the planning commission may be removed for cause as provided in
24 Section 3-19-2 NMSA 1978. A member of any other *land use board* may be removed
25 by the appointing authority with or without cause.

1 **Section 4. Subsection 14-3.1(F)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is**

2 **amended to read:**

3 (2) Applicability to Projects Reviewed by the board of adjustment, planning
4 commission or the governing body.

5 (a) ENN is required for the following types of *projects*, if a public
6 hearing before the board of adjustment, planning commission or the
7 *governing body* is required by other provisions of Chapter 14:

8 (i) annexations;

9 (ii) master plans;

10 (iii) rezonings;

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

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

17 (vi) vacation and dedication of *rights of way*;

18 (vii) variances, except those requesting construction or
19 modification of an individual *single-family dwelling* and
20 appurtenant *accessory structures* or those requesting a
21 reduction in the total parking requirements of five or fewer
22 spaces and those requesting variances to Section 14-8.10
23 (Signs);

24 (viii) special use *permits*, except those for *mobile homes*;

25 (ix) *telecommunications facilities* as set forth in Section 14-

1 6.2(E);

2 (x) *electric facilities* as set forth in Section 14-6.2(F);

3 (xi) amendment to any of the preceding; and

4 (xii) amendments to the future land use map of the *general plan*.

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

6 (i) *projects* or amendments to *project* approvals that do not
7 require public hearings before the board of adjustment,
8 planning commission or the *governing body*;

9 (ii) time extensions that do not otherwise modify a *project*
10 approval.

11 **Section 5. Subsection 14-3.1(H) SFCC 1987 (being Ord. No. 2011-37, §3, as**
12 **amended) is amended to read:**

13 **(H) Notice Requirements**

14 The notices required by this section shall indicate the nature of the change proposed;
15 the *property* affected; the time, date and place of the hearing or meeting; and the
16 deadline for receiving written comments regarding the request, if applicable. The
17 notice shall be approved by the *land use director*. Neighborhood associations that
18 wish to receive notifications of hearings and meetings and copies of agendas,
19 including email notifications, must register with the *land use director*.

20 (1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

21 (a) General Notice Requirements

22 The notice requirements in Subsections 14-3.1(H)(1)(b), (c) and (d)
23 below apply to public hearings required for all *applications* and ENN
24 meetings, except that:

25 (i) Public hearings concerning *development* review actions

1 initiated by the *city* require notification as described in
2 Subsection 14-3.1(H)(1)(e);

3 (ii) Public hearings concerning Archaeological Clearance
4 Permits require notification in accordance with Section 14-
5 3.13(C)(3);

6 (iii) Public hearings concerning *projects* heard before the historic
7 districts review board shall meet the agenda and posting
8 requirements in Subsections 14-3.1(H)(1)(b) and (c) below,
9 but mailed notification in accordance with Subsection 14-
10 3.1(H)(1)(d) is not required; and

11 (iv) Public hearings concerning appeals must provide notice as
12 described in Subsection 14-3.1(H)(4).

13 (b) Agenda Requirements.

14 For all public hearings required before any *land use board*, the *land*
15 *use director* shall place the tentative meeting agenda in a local daily
16 newspaper of general circulation at least fifteen calendar days prior
17 to the scheduled meeting. In addition, the *land use director* shall
18 post the tentative meeting agenda in City Hall and send a copy to
19 neighborhood associations that are registered with the *land use*
20 *director*, at least fifteen days prior to the scheduled meeting.

21 (c) Posting Requirements

22 (i) For all ENN meetings and public hearings required before a
23 *land use board*, except appeals, the *property* shall be posted
24 by the *applicant* with posters obtained from the *land use*
25 *director* at the *applicant's* expense. At least one poster shall

1 be prominently displayed, visible from each public and
2 private *street* and road abutting the *property*, and securely
3 placed on the *property* at least fifteen calendar days prior to
4 the scheduled meeting. Placement of the posters shall be in
5 such a manner as to not compromise public safety.

6 (ii) The posters shall be removed within thirty days after *final*
7 *action*, and failure to do so may result in the *city* removing
8 the poster and charging the *applicant* a civil fee of fifty
9 dollars (\$50.00).

10 (d) Mailing and Emailing Requirements

11 Notice of a public hearing or ENN meeting shall be mailed via the
12 United States postal service by the *applicant* at least fifteen calendar
13 days prior the public hearing or meeting as follows:

14 (i) notices shall be mailed by first class mail to the *owners* of
15 *properties* within three hundred (300) feet of the subject
16 *property* as shown in the records of the *county* treasurer, and
17 to the physical addresses of such *properties* where the
18 *property's* address is different than the address of the *owner*;

19 (ii) notices shall also be mailed by first class mail to
20 neighborhood associations that have registered with the *land*
21 *use director* and that will be directly affected by the
22 proposed action or that have a boundary within three
23 hundred (300) feet of the subject *property*. Email notices to
24 the neighborhood associations shall be provided on the same
25 day the *applicant* sends postal notices;

1 (iii) for zone changes of one block or less, notices to *property*
2 *owners* for public hearings before the *governing body* or the
3 planning commission shall be by certified mail with return
4 receipt requested as required by Section 3-21-6 NMSA
5 1978;

6 (iv) in the case of an *application* for a *telecommunications*
7 *facility*, all *property owners* within the corresponding
8 *setback* distances listed in Section 14-6.2(E) shall also
9 receive notices;

10 (v) if a notice by certified mail of a zoning change is returned
11 undelivered, the *city* shall attempt to discover the *owner's*
12 most recent address and shall send the notice by certified
13 mail to that address as required by Section 3-21-6 NMSA
14 1978;

15 (vi) copies of all required mailing lists, mailing certificates and
16 return receipts shall be provided to the *land use director*
17 prior to the public hearing or ENN meeting with an affidavit
18 of mailing signed by the *person* who mailed the notices.

19 (e) Notice Requirements for *City-Initiated Development Review Actions*

20 (i) Agenda Requirement

21 Agendas must be posted and published as provided in
22 Subsection 14-3.1(H)(1)(b) and (c).

23 (ii) Posting Requirement

24 For a *project* that affects one *lot* or other clearly-delineated
25 *premises*, posting must occur as provided in Subsection 14-

1 3.1(H)(1)(c). For a *project* that affects a larger *project* area,
2 the *city* shall securely place in the public *right of way* one
3 poster at each major intersection within or near the plan or
4 *project* area. There shall also be at least one poster for every
5 three hundred (300) acres. Where the *city* is the *applicant*
6 and the plan or *project* area is less than one city block, one
7 poster shall be placed within the public *right of way* at the
8 nearest intersection to the subject *property*. All posters shall
9 be placed at the appropriate sites at least fifteen calendar
10 days prior to the scheduled public hearing or meeting and
11 shall indicate the nature of the change proposed;
12 identification of the plan or *project* area; and the time, date
13 and place of the public hearing or ENN meeting.

14 (iii) Mailing Requirements

15 Mailed notice shall be provided as required in Subsection
16 14-3.1(H)(1)(d).

17 (iv) Publishing Requirements

18 At least fifteen days before the public hearing, the *city* must
19 publish a display advertisement in a local daily newspaper of
20 general circulation stating the date, time and place of the
21 public hearing, describing the nature of the change.

22 (2) Notice of Public Hearing Before Governing Body

23 Notice shall be provided as required in Subsection 14-3.1(H)(1)(a) or (e), as
24 applicable. In addition, the *applicant* shall publish one notice in a local daily
25 newspaper of general circulation at least fifteen calendar days prior to the

1 public hearing.

2 (3) Postponed or Recessed and Reconvened Public Hearings and Meetings

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

9 (4) Appeal Hearing Notice Requirements

10 The following shall apply to all public hearings on appeals to *land use*
11 *boards* or to the *governing body*.

12 (a) Agenda Requirements

13 The *land use director* shall place the appeal on the agenda of the
14 body hearing the appeal and shall publish and post the agenda in
15 accordance with the established procedures for that body.

16 (b) Notice Requirements

17 The *appellant* shall give written notice of the appeal as follows:

18 (i) Form of Notice

19 The notice shall be in a form approved by the *land use*
20 *director* as being adequate to ensure that the average citizen
21 reading the notice will be fairly informed of the general
22 purpose of what is to be considered;

23 (ii) Procedure for Giving Notice

24 The *appellant* shall give notice of the time, date and place of
25 the public hearing by first class mail postmarked at least

1 fifteen days prior to the public hearing. The notice shall be
2 approved by the *land use director* prior to mailing, and an
3 affidavit of mailing shall be provided by the *appellant*.

4 (iii) Notice Recipients

5 The following shall receive notice: 1) all *appellants*
6 and appellees; and 2) all *persons* or neighborhood
7 associations that were required to be mailed notice for the
8 *application* giving rise to the *final action* being appealed.

9 (c) Failure to Provide Notice

10 If the *appellant* fails to provide proof of proper notice in a form
11 approved by the *land use director* prior to the public hearing on an
12 appeal, the appeal shall be deemed withdrawn and may not be
13 refiled. The *land use director* may waive this requirement if the
14 *appellant* shows good cause. The *land use director's* decision is not
15 appealable.

16 **Section 6. Subsection 14-3.3(A)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is**
17 **amended to read:**

- 18 (a) A text amendment may be proposed by:
- 19 (i) the governing body;
 - 20 (ii) the planning commission;
 - 21 (iii) a department or agency of the *city*; or
 - 22 (iv) any other *person*, who must submit a request for a text
23 amendment, in writing, directly to the *governing body*, or a
24 member thereof.

25 **Section 7. Subsection 14-3.6(C)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is**

1 amended to read:

2 (3) Approval Limited

3 A special use *permit* is granted for a specific use and *intensity*. A special use
4 *permit* is required for any change of use to a new or different use category
5 that requires a special use *permit* as designated in Table 14-6.1-1. A special
6 use *permit* is required for any significant expansion or intensification of a
7 special use.

8 **Section 8. Subsection 14-3.6(E) SFCC 1987 (being Ord. No. 2011-37, §3) is**

9 amended to read:

10 **(E) Expiration of Special Use Permits**

11 (1) A special use permit that has not been exercised within three years from the
12 date of the approval expires as provided in Subsection 14-3.19(B)(5).
13 Approval of the special use *permit* may be extended as provided in Section
14 14-3.19(C).

15 (2) If the use approved by the special use *permit* ceases for any reason for a
16 period of more than three hundred sixty-five days, the special use *permit*
17 shall expire except as provided for government uses in Subsection 14-
18 10.2(C)(2).

19 **Section 9. Subsection 14-3.7(A)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is**

20 amended to read:

21 (6) Subdivisions by Court Order

22 (a) Court proceedings must not be used to circumvent the provisions of
23 Chapter 14 relating to the subdivision or resubdivision of *property* or
24 to create or increase a nonconformity.

25 (b) A *legal lot of record* that is properly partitioned, partially condemned

1 or otherwise divided or altered by court order as provided in Chapter
2 42 NMSA 1978 continues to be a *legal lot of record*.

3 (c) *Development of property* that is divided or altered by court order
4 remains subject to the standards and requirements of Chapter 14.

5 **Section 10. Section 14-3.7(F)(5)(b) SFCC 1987 (being Ord. No. 2012-37, §3) is**

6 **amended to read:**

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

9 "NOTICE: This subdivision has been approved pursuant to the
10 inheritance and *family* transfer provisions of the Santa Fe City Code.
11 Procedures for inheritance and *family* transfer subdivision
12 improvements are significantly different than for other types of
13 subdivisions. No sale or lease of any *lot* designated on this
14 subdivision *plat* shall occur within three years of the date this
15 transfer is legally made. Any person intending to purchase a *lot*
16 within this subdivision should contact the *city* of Santa Fe *land use*
17 *director*. Requests for construction *permits* on illegally sold *lots*
18 shall be denied."

19 **Section 11. Subsection 14-3.8(B) SFCC 1987 (being Ord. No. 2011-37, §3) is**

20 **amended to read:**

21 **(B) Applicability**

- 22 (1) Early neighborhood notification and notice and conduct of public hearings
23 are required pursuant to the general provisions of Sections 14-3.1(F), (H) and
24 (I).
25 (2) A *development* plan is required in conjunction with rezoning *applications* in

1 certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5
2 (Overlay Zoning Districts).

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

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

8 (b) *gross floor area* of ten thousand square feet or more in a *residential*
9 district or in the C-1, C-2, C-4, BCD, HZ, I-1, I2, BIP, PRRC, RS,
10 SC or MU district and is within two hundred (200) feet, excluding
11 public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9,
12 RC-5, RC-8, R10, R-12 R-21, R-29, RAC, AC, PRC and MH
13 districts;

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

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

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

24 (5) This section applies where the cumulative square footage of multiple *permits*
25 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of

1 those subsections when the *permits* are for coordinated *development* of a
2 *project* comprising multiple *buildings* or outdoor uses, including phased
3 *projects* and *projects* involving *development* of adjoining commonly owned
4 *parcels*.

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

12 (7) No additional *development* plan review is required if the new or changed use
13 or *development* described in Subsections (B)(2) and (3) was part of a
14 *development* plan approved as part of a rezoning or other action before the
15 *governing body* or a *land use board*, and for which the early neighborhood
16 notification process set forth in Section 14-3.1(F) was required.

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

20 **Section 12. Subsection 14-3.8(C)(1)(g) SFCC 1987 (being Ord. No. 2011-37, §3) is**

21 **amended to read:**

22 (g) for *residential development*, a proposal for provision of affordable
23 housing as required by Section 14-8.11 (Santa Fe Homes Program);

24 **Section 13. Subsection 14-3.8(C)(5) SFCC 1987 (being Ord. No. 2011-37, §3) is**

25 **amended to read:**

1 (5) Administrative Approval Procedure

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

5 **Section 14. Subsection 14-3.8(C)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is**

6 **amended to read:**

7 (6) Recording of Plans; Infrastructure Construction

8 (a) The signed original mylars of the *development* plan and associated
9 engineering and improvement drawings shall be filed with the *land*
10 *use director* and shall be the basis for issuance of construction
11 *permits*. The *development* plan shall be filed for record with the
12 *county* clerk by the *land use director*.

13 (b) If dedication of *public rights of way* or easements are required, a
14 separate dedication *plat* shall be recorded concurrently with the
15 *development* plan.

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

18 **Section 15. Subsection 14-3.12(B)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is**

19 **amended to read:**

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

22 (a) the *land use director* shall impose conditions that ensure compliance
23 with the provisions of Chapter 14 and other applicable regulations
24 that protect the public health, safety and welfare;

25 (b) the certificate is subject to an enforceable agreement by the permittee

1 and landowner that:

- 2 (i) does not rely on the actions of a *person* that is not a party to
3 the agreement;
- 4 (ii) provides a schedule for meeting all provisions of Chapter 14
5 within a reasonable time;
- 6 (iii) provides a financial guarantee in a form acceptable to the
7 *land use director* for completion of all *public* or *quasi-public*
8 *improvements* required by Chapter 14; and
- 9 (iv) provides for revocation of the certificate by the *land use*
10 *director* and termination of the approved occupancy by the
11 permittee if the terms of the agreement are not complied
12 with; and

- 13 (c) the temporary certificate of occupancy shall not be approved for an
14 initial period of longer than six months. The *land use director* may
15 approve extensions not to exceed an additional six months.

16 **Section 16. Subsection 14-3.13(D)(3)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is**

17 **amended to read:**

- 18 (c) If human remains are discovered, *city* officials must be contacted. If
19 remains are determined to be deposited less than seventy-five years
20 ago, determination of jurisdiction will be made by the New Mexico
21 Office of the Medical Investigator. If the remains are determined to
22 be prehistoric or isolated burials of early historical age, consultation
23 with the Archaeological Review Committee shall be undertaken to
24 identify an appropriate treatment plan. This treatment plan shall
25 indicate consideration of local Native American or other religious

1 concerns, if applicable. If the remains represent an
2 unplatted cemetery, they may not be disturbed less a district court
3 order is granted authorizing their removal in conformance with
4 Section 30-12-12 NMSA 1978 as amended.

5 **Section 17. Subsection 14-3.16(D) SFCC 1987 (being Ord. No. 2011-37, §3) is**
6 **amended to read:**

7 **(D) Expiration of Variances**

8 Approval of a variance expires if it is not exercised, as provided in Subsection 14-
9 3.19(B)(5).

10 **Section 18. [REPEAL] Subsection 14-3.17(E)(3) SFCC 1987 (being Ord. No. 2011-**
11 **37, §3) is repealed.**

12 **Section 19. Subsection 14-3.19(B)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is**
13 **amended to read:**

14 (6) Continuing Development Activity Required

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

- 18 (a) for an approved master plan, during any interval of five years; or
19 (b) for a *development* plan or other *development* approval as specified in
20 Subsection 14-3.19(B)(5), during any interval of three years.
21 (c) Substantive *development* progress means actual *development* of the
22 site or related off-site infrastructure, filing for record of a
23 *development* plan or subdivision plat for a phase of the approved
24 *development*, or obtaining subsequent *development* approvals from a
25 *land use board*, such as a final *development* plan approval

subsequent to a preliminary *development* plan approval.

Section 20. Section 14-3.19(C)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is

amended to read:

(2) Administrative Extensions

(a) The *land use director* may approve two consecutive extensions to the time limits for an approved *development*, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original *final action* and a finding by the *land use director* that no substantive changes have occurred to the regulations or policies that apply to the *development* or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the *development* or amendments to the conditions of approval, and no early neighborhood notification is required.

(b) Administrative time extensions approved by the *land use director*, pursuant to this subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the *governing body*, are subject to review by the planning commission. The *land use director* shall identify the action taken and place it on a consent agenda for the planning commission. The *land use director* shall provide the planning commission with the *applicant's* written *application* and the *land use director's* written proposal. The planning commission may accept, reject or modify the proposal.

Section 21. Subsection 14-4.3(G) SFCC 1987 (being Ord. No. 2011-37, §4) is

amended to read:

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(G) I-2 General Industrial District

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

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Section 22. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to

create a new footnote for the Table:

CATEGORY Specific Use	R-1	R-7	R-9	R-10	R-5	R-7	R-8	R-10	R-29	MHC	RA	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BI	S	S	S	Use-Specific Regs 14-6.2

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use.

Section 23. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to

create an Emergency Services Category Related to Police and Fire Stations and Substations:

CATEGORY Specific Use	R-1	R-6	R-7	R-9	R-10	R-29	R-5	R-7	R-8	R-10	R-29	MHC	RA	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BI	S	S	S	Use-Specific Regs 14-6.2

PUBLIC, INSTITUTIONAL AND CIVIC

Emergency Services

Police and fire stations	S	S	S	S	S	S	S	S	P	P	P	P	P	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	P	P	P

Section 24. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses for

the Food and Beverage Category Related for Bar, Cocktail Lounge, Nightclub Use, No Outdoor Entertainment:

CATEGORY Specific Use	R-1	R-7	R-5, C-5, R-7	R-8, C-8, R-9, I-8	R-10	M H P	R A C	AC **	C-1	C-2	C-4	HZ	B C D	I-1	I-2	BI P	S C-1	S C-2	SC -3	MU	Use-Specific Regs 14-6.2	
Bar, cocktail lounge, nightclub, no outdoor entertainment	R-1	R-7	R-5, C-5, R-7	R-8, C-8, R-9, I-8	R-10	M H P	R A C	AC **	C-1	C-2	C-4	HZ	B C D	I-1	I-2	BI P	S C-1	S C-2	SC -3	MU		
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment																						

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Section 25. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses for

the Arts Activities Category Arts and Crafts Studios, Galleries and Shops; Gift Shops for the Sale of Arts and Crafts:

CATEGORY Specific Use	R-1	R-7	R-9	R-10	R-15	R-29	R-38	R-77	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	Use-Specific Regs 14-6.2
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts																												

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Section 26. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding flea markets:

CATEGORY Specific Use	R-1	R-7	R-9	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	Use-Specific Regs 14-6.2
COMMERCIAL																					
Retail Sales and Services																					
Flea markets																					(C)(3)

Section 27. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding individual storage areas:

CATEGORY Specific Use	R-1	R-7	R-9	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	R-10	Use-Specific Regs 14-6.2
Storage																					
Individual storage areas within a completely enclosed building																					(D)(2)

Section 28. Table 14-6.1.1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding vacation time share projects:

CATEGORY Specific Use	R-1	R-7	R-9	R-10	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	Use-Specific Regs 14-6.2
COMMERCIAL																											
Public Accommodation																											
Vacation time share projects																											(C)(7)

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1 **Section 29. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8) is amended to**
2 **amend the following footnote in the Table of Permitted Uses:**

3 *Special use *permit* required if located within 200 feet of *residentially-zoned property*; otherwise
4 permitted.

5 **Section 30. Subsection 14-6.2(C)(1)(b) SFCC 1987 (being Ord. No. 2011-37, §8) is**
6 **amended to read:**

7 (b) Location of Sexually Oriented Businesses

8 (i) A *sexually oriented business* shall not be located or
9 presented in a *residential* district, even temporarily; within
10 one thousand (1,000) feet of a district zoned for *residential*
11 uses or a district in which *single-family dwellings* or
12 *multiple-family dwellings* are allowed as *principal* uses and
13 *structures*; or within one thousand (1,000) feet of any *parcel*
14 of real *property* on which is located any of the following
15 facilities: 1) a school, academy, center or other entity that
16 provides instruction primarily for and attended by minors; 2)
17 a religious institution that conducts religious services,
18 education classes or other gatherings for minors; 3) a public
19 park, playground or public recreation facility; 4) eating and
20 drinking establishments; 5) *hotels, motels*, rooming and
21 boarding houses; 6) commercial *recreational uses* and
22 *structures* such as theaters and bowling alleys; 7) private
23 day-care nurseries and kindergartens; or 8) libraries.

24 (ii) This Subsection 14-6.2(C)(1) *Adult Entertainment Facilities*
25 does not apply to *sexually oriented businesses* existing at the

1 time of adoption of Ordinance No. 2000-8 on February 9,
2 2000. Such *businesses* shall be considered *nonconforming*
3 uses and *structures* and shall be governed by Article 14-10
4 (Nonconformities).

5 **Section 31. Subsection 14-6.3(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is**
6 **amended to read:**

7 (a) The following *accessory* uses and *structures* are permitted in the
8 RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29,
9 RAC, C-1, C-4 and HZ districts:

10 (i) *home occupations*, as provided for in Subsection 14-
11 6.3(D)(2);

12 (ii) noncommercial *greenhouses* and plant nurseries;

13 (iii) private *garages*;

14 (iv) *utility sheds*, located within the *rear yard* only;

15 (v) children's play areas and play equipment;

16 (vi) private barbeque pits and private swimming pools;

17 (vii) except in the RR district, *accessory dwelling units* as
18 regulated in Subsection 14-6.3(D)(1);

19 (viii) other uses and *structures* customarily accessory and clearly
20 incidental and subordinate to permitted or permissible uses
21 and *structures*; and

22 (ix) *accessory structures* of a permanent, temporary or portable
23 nature such as coverings not constructed of solid building
24 materials, including inflatable covers over swimming pools
25 and tennis courts, and such other *accessory structures* that

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exceed thirty inches in height from the average ground elevation.

Section 32. Subsection 14-6.3(B)(2)(b) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:

- (b) All *accessory* uses and *structures* allowed under Subsection 14-6.3(B)(2)(a) shall:
 - (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;
 - (iii) not be likely to attract visitors in larger numbers than would normally be expected in a *single-family residential* neighborhood; and
 - (iv) not be less than five feet from a rear *lot* line except as otherwise allowed in Article 14-7.

Section 33. Subsection 14-6.3(D)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:

- (c) General Standards
 - (i) The *home occupation* shall involve the primary sale of goods or services in connection with the *home occupation*, including: 1) goods that are prepared, produced or grown on the *premises*; 2) services that are developed on the *premises* and provided on or off the *premises*; 3) the sale of goods that are not produced on the *premises* and that are only distributed off the *premises*; or 4) repair services that

1 take place solely within the home.

2 (ii) The *home occupation* shall be located on the same *lot* as the
3 permitted *principal* use or *structure* or on a contiguous *lot* in
4 the same ownership.

5 (iii) The *home occupation* shall be conducted by the *business*
6 owner who resides continuously for a substantial period of
7 time at the *premises* in which the *home occupation* is
8 conducted. Continuous residence is determined by the Land
9 Use Director by review of relevant factors. The address
10 listed on a driver's license, voter registration or tax return
11 may not be sufficient to establish continuous residence.

12 (iv) Not more than two persons, other than members of the
13 *family* who reside on the *premises*, shall be regularly
14 engaged in the *home occupation*.

15 (v) Except for on-*street* parking, as set forth in this section, a
16 *home occupation* shall be completely contained within the
17 *property* lines of the *lot* on which the *home occupation* is
18 located. A *home occupation* shall be in compliance with the
19 performance standards set forth in Section 10-4 SFCC
20 (General Environmental Standards); not produce any
21 offensive noise, vibration, smoke, dust, odors, heat, gas,
22 glare or electrical interference; or otherwise create a risk to
23 health, safety or *property* of residents and occupants of
24 adjacent and neighboring *properties*. The storage of
25 firearms, ammunition, fireworks or similar explosives for

1 sale or service is prohibited. Mechanical or electrical
2 equipment that is incidental to the *home occupation* may be
3 used if it does not create visible or audible interference in
4 radio, computer or television receivers or cause fluctuation
5 in voltage of the premises or neighboring premises.
6 Depending upon the nature of the *home occupation*, land use
7 director may require proof of compliance with these
8 restrictions prior to issuance of a *business* registration.

9 (vi) *Employees*, customers, clients or deliveries shall not enter
10 the *premises* between the hours of 7:00 p.m. and 8:00 a.m.
11 weekdays and 7:00 p.m. and 10:00 a.m. weekends.
12 Depending on the nature of the *home occupation*, the *land*
13 *use director* may reduce the hours of operation. Deliveries
14 are limited to vehicles that do not exceed eleven (11) feet in
15 height and twenty (20) feet in length.

16 **Section 34. Subsection 14-6.4(A) SFCC 1987 (being Ord. No. 2011-37, §8) is**
17 **amended to read:**

18 **(A) Temporary Structures and Uses Allowed in All Districts**

19 The following *temporary structures* and uses are allowed in all districts: *temporary*
20 *structures* and operations in connection with and on the site of construction or land
21 *development*, including *grading*, paving, installation of utilities, erection of field
22 offices, erection of *structures* for storage of equipment and building materials and the
23 like; provided that a *permit* shall not be for a period of more than twelve months,
24 renewable for periods of not more than six months. In addition, the area occupied by
25 the *temporary structures* and operations shall be *screened* against fumes, noise and

1 unsightliness.

2 **Section 35. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37, §8) is**

3 **amended to read:**

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

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

10 **Section 36. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37, §9) is**

11 **amended to read:**

12 **(B) Dimensional Calculations**

13 (1) Lot Area

14 Minimum required *lot* area for *residential* subdivisions is calculated
15 excluding *rights of way*, *street* and driveway easements.

16 (2) Lot Depth

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

20 (3) Reserved

21 (4) Lot Coverage

22 *Lot* coverage is measured by the total projected area on the ground of all
23 *structures* in relation to the *lot* area, excluding:

- 24 (a) the types and portions of *structures* listed in Subsection 14-
25 7.1(D)(2);

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- (b) eaves and similar roof projections within two (2) feet of the wall of a *building*; and
- (c) the portion of the *lot* occupied by easements for private roads and *lot access driveways*.

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1 **Section 37.** **Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional**
2 **Standards for Residential Districts to amend minimum yard requirements R-1 – R-6:**

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)

DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Qualifying Open Space (Square Feet) <small>Note 9, 10</small>
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6	Area: Single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) Multiple-family dwellings: 4,000 sq. ft. per dwelling unit	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)	Street: 7 (20 for garage or carport, <small>Note 4</small>) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear 15, or 20% of the average depth dimension of lot, whichever is less	40; may increase to 50 if private open space is provided (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single family dwellings: None except as provided for lot size averaging per Note 3 Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit

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4 **Section 38.** **Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional**
5 **Standards for Residential Districts to amend maximum lot coverage requirements for RC-5 and RC-8 districts:**

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TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)

DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6, 8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Space (Square Feet) <small>Note 9, 10</small>
RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8 <small>Note 7</small>	Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a): “Minimum Open Space Requirements”	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	Street <small>Note 4</small> : None required if wall between 6 and 8 feet high is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	Without compound dwelling units: Same as R-7 to R-9 districts. With compound dwelling units: See § 14-7.5(C)(1)(C): Increase in maximum lot coverage if private open space is provided.	Same as R7 to R-9 districts

1 Section 39. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional
 2 Standards for Residential Districts to amend minimum yard requirements for R-10 through R-29 and RAC districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)

DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Space (Square Feet) <small>Note 9, 10</small>
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F))	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) <small>Note 3</small> Multiple-family: As required to comply with gross density factor.	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-LD: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for R-7 through R-9 districts. (See Note 6 for required height stepback from side and rear property lines)	Multiple-family of 6 or more units: 40 single-family, or two-family, or multiple-family of less than 6 units: 40; 70 if private open space is provided. (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single-family dwellings or multiple-family dwellings: 250 square feet of common and/or private open space per unit

RAC	21	Same as R-21 district.	All structures: 24 (See Note 6 for required height setback from side and rear property lines)	Same as for R-7 through R-9 districts.	40; Also see §14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district
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1 **Section 40. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to**
2 **amend Note 6 as follows:**

3 6. Within ten feet of a side or rear *property* line, no point on a *structure* shall be higher than
4 fourteen feet above the finished grade at the closest point on the perimeter of the *structure*. Within
5 fifteen feet of a side or rear *property* line, no point on a *structure* shall be higher than twenty-four feet
6 above the finished grade at the closest point on the perimeter of the *structure*.

7 **Section 41. Subsection 14-7.2(F) SFCC 1987 (being Ord. No. 2011-37, §9) is**
8 **amended to read:**

9 **(F) Increase in Maximum Density in R-12, R-21 and R-29 Districts**

10 (1) *Residential density* up to twelve *dwelling units* per acre in an R-12 district;
11 up to twenty-one *dwelling units* per acre in an R-21 district; and up to
12 twenty-nine *dwelling units* per acre in an R-29 district may be approved
13 provided that the proposed *density* is part of a *development* plan or special
14 use *permit* requiring approval by a *land use board* or the *governing body*.

15 (2) In evaluating the proposed density, the following factors shall be considered:
16 (a) if the future land use designation shown on the *general plan* is high
17 *density residential*;
18 (b) the need for the increased *density*; however, financial gain or loss
19 shall not be the sole determining factor;
20 (c) if the increased *density* is needed to make the proposed *development*
21 more affordable, what level of affordability will be provided and
22 how that affordability will be guaranteed long term;
23 (d) *densities* of existing *developments* in the vicinity; and
24 (e) impacts of the increased *density* on the neighborhood and the
25 community so that the increased *density* does not significantly

interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

(3) In approving the proposed density, the planning commission or board of adjustment may establish such conditions as the commission or board deems appropriate.

(4) The provisions of this Subsection 14-7.2(F) do not apply to construction or modification of an individual single-family dwelling and related accessory structures on a legal lot of record.

Section 42. Table 14-7.3-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Nonresidential Districts for residential standards in C-1 and C-4 districts:

D I S T R I C T	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 residential density and open space requirements : See Table 14-7.2-1	36	Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as for R-21 district.	Nonresidential Uses: 60 Residential 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 setback abutting residential district)	60
C-4	For residential uses, same as contiguous residential district (See note 10) For non-residential uses, see 14-	24 (See note 6 for height stepback from property lines)	(See note 6 for height stepback from property lines) Nonresidential Uses: Street: 10 Side: 5 Rear: 10	Nonresidential Uses: 60 Residential Uses: 40

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	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
	7.5(D)(8)(d): “Minimum Open Space Requirements”		Residential Uses: Same as R-21 zoning district	

1 NOTE 10: Maximum residential density and minimum residential open space requirements
2 for a C-4 parcel are the same as permitted in the lowest-density contiguous residential district. If there
3 is no contiguous residential district, requirements are the same as for the closest residential district. In
4 no case shall the requirements be more restrictive than for the R-8 district.

5 **Section 43. Subsection 14-7.4(B)(2)SFCC 1987 (being Ord. No. 2011-37, §9) is**
6 **amended to read:**

- 7 (2) Standards for Redevelopment Subdistricts
- 8 (a) Land-use Intensity:
- 9 (i) transfer of allowed floor area, including *land use intensity*
- 10 *credits*, within a *property* or between contiguous *properties*
- 11 with a single ownership and within a *project* is allowed; and
- 12 (ii) *public benefit uses* shall not count against the allowable floor
- 13 area for a *parcel*.
- 14 (iii) The maximum *baseline floor area ratio* permitted is 2.5:1
- 15 unless provided otherwise in the master plan or at the time of
- 16 rezoning pursuant to Subsection 14-4.3(E)(4)(b)(ii).
- 17 (b) Maximum Height of Buildings
- 18 The maximum *building* height permitted in a redevelopment
- 19 subdistrict shall not exceed sixty-five (65) feet; provided, however,

1 that the maximum height shall be compatible with the character of
2 adjacent subdistricts and the surrounding neighborhood.

3 (c) Additional Standards

4 Additional standards for redevelopment subdistricts are located in
5 the subdistrict master plan. *Development* in a redevelopment
6 subdistrict shall comply with the master plan. If no master plan has
7 been approved for a portion of a redevelopment subdistrict,
8 development must conform to the standards of the adjacent or
9 nearest BCD subdistrict.

10 **Section 44. Subsection 14-8.2(C)(2) SFCC 1987 (being Ord. No. 2011-37, §10) is**
11 **amended to read:**

12 (2) The preparation of submittals shall be as provided in this Subsection 14-
13 8.2(C)(2) and in accordance with the provisions of Chapter 61 NMSA 1978
14 (Professional and Occupational Licensing) regulating the practice of
15 architecture, *landscape* architecture, engineering and land surveying.

16 (a) *Grading* submittals for minor *development* or for *grading* incidental
17 to the construction or modification of a *structure* may be prepared by
18 any person, including the homeowner, who has the legal authority to
19 design the *structure*; however, the *city engineer* may require that
20 submittals be prepared and signed by a *professional engineer*,
21 *architect*, *professional land surveyor* or *landscape architect* licensed
22 in New Mexico if necessary to fulfill the requirements of this Section
23 14-8.2, Chapter 61 NMSA 1978 or applicable regulations;

24 (b) Submittals for *development* other than minor *development* or
25 incidental to the construction or modification of a *structure* shall be

1 prepared as follows:

- 2 (i) topographic plans shall be prepared and certified by a
3 *professional engineer or professional land surveyor*;
- 4 (ii) stormwater management submittals for master plans,
5 subdivisions and *development* plans shall be prepared and
6 certified by a *professional engineer*. Stormwater
7 management submittals for all other types of *development*
8 shall be prepared by a *professional engineer* or an *architect*
9 or *landscape architect* registered in New Mexico; and
- 10 (iii) site restoration submittals shall be prepared and certified by
11 a *professional engineer, architect or landscape architect*
12 licensed in New Mexico.

13 **Section 45. Subsection 14-8.2(D)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is**
14 **amended to read:**

15 (D) Standards for All Grading

16 When a construction *permit* for *grading* is required by this Section 14-8.2,
17 *applications* for the *permit* shall show compliance with the following minimum
18 standards:

19 (1) Cut and Fill Slopes

20 (a) exposed cut *slopes* on a site shall not exceed ten (10) feet in height,
21 except as otherwise permitted by this Section 14-8.2. In no case
22 shall the height of a cut exceed the height of any *building*
23 constructed in the *excavated* area;

24 (b) *fill slopes* on a site shall not exceed fifteen (15) feet in height.
25 Retaining *walls* for *fill slopes* shall be no greater than six (6) feet in

1 height as provided in Section 14-8.5(B)(1), except as otherwise
2 provided in Section 14-5.6(G) (Escarpment Overlay District
3 Landscaping). *Fill slopes* shall be no steeper than 3:1, unless a
4 structural alternative such as a retaining *wall* or some other measure
5 acceptable to the *city engineer* is provided;

6 (c) *cut or fill slopes* for roads shall not exceed fifteen (15) feet in height;
7 and

8 (d) all *cut slopes* that are not stabilized by a retaining *wall* or some other
9 measure acceptable to the *city engineer*, shall be no steeper than 2:1,
10 unless a structural alternative is provided or unless it can be
11 demonstrated by a geotechnical study that existing soils will
12 naturally accommodate a steeper *slope* and acceptable revegetation
13 or other *erosion* control can be achieved;

14 **Section 46. Section 14-8.3(A)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is**
15 **amended to read:**

16 (A) Adoption of Special Flood Hazard Areas

17 (1) The *city* adopts the *special flood hazard areas* identified by FEMA in the
18 current scientific and engineering report entitled, "The Flood Insurance
19 Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas,"
20 with accompanying *FIRM*, effective June 17, 2008 and December 4,
21 2012.

22 (2) The *city* may adopt and establish other *flood hazard zones* or elevations as
23 identified in:

24 (a) subsequent *drainage* studies prepared for and accepted by the *city*;

25 (b) subsequent letters of map amendment and letters of map revision, as

1 prepared for and accepted by FEMA; and

- 2 (c) other known *flood hazard zones* identified by the *floodplain administrator*
3 and adopted by the *governing body*.

4 **Section 47. Subsection 14-8.4(B)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is**
5 **amended to read:**

6 (1) This Section 14-8.4 applies to, and a *landscape* plan that demonstrates
7 compliance of the entire *property* with this Section 14-8.4 is required with,
8 the following:

9 (a) *applications* for subdivision *plat* approval, except *lot* split and
10 *resubdivision plats*;

11 (b) *applications* for *development* plan approval;

12 (c) *applications* for master plan approval;

13 (d) *applications* for construction *permits* and special use *permits* as
14 follows:

15 (i) all *new nonresidential* and *multiple-family* construction
16 resulting in an enclosed *structure* with a *gross floor area*
17 greater than one thousand (1,000) square feet; and

18 (ii) for additions or remodeling of existing *nonresidential* and
19 *multiple-family structures* with a construction valuation
20 over one hundred thousand dollars (\$100,000), *landscape*
21 improvements to comply with this Section 14-8.4, as
22 prioritized by the *land use director*, shall be required up to a
23 total cost of twenty percent of the construction valuation;
24 and

25 (e) development on city-owned land.

1 **Section 48. Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37, §10) is**
2 **amended to read:**

3 (3) Location of Street Trees:

- 4 (a) *street trees* shall be located on the subject *property* adjacent to the
5 *property* line, unless location within the *right of way* is approved by
6 the planning commission or the public works director. *Street trees*
7 located within the *right of way* shall be planted in compliance with
8 Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places) and in
9 compliance with adopted median and parkway standards;
- 10 (b) on major and secondary arterials, trees shall be planted in a
11 minimum ten (10) foot wide *parkway* that includes the width of the
12 sidewalk or other pedestrian way. If existing *development* precludes
13 provision of the ten (10) foot wide *parkway*, trees shall be planted in
14 a space no smaller than five (5) feet by thirteen (13) feet and
15 preferably multiple trees in longer *planting strips*;
- 16 (c) *street trees* should be planted to the greatest extent possible in *swales*
17 or basins that collect run-off and precipitation;
- 18 (d) *street trees* shall be located at least fifteen (15) feet from light
19 standards, so as not to impede outdoor illumination;
- 20 (e) *street trees* shall be located at least fifteen (15) feet from fire
21 hydrants so as not to interfere with hydrant operation;
- 22 (f) *street trees* located under utility lines shall be a species that
23 maintains a minimum of five (5) feet of clearance from overhead
24 utility lines at maturity; and
- 25 (g) street trees shall not be required on single-family residential lots.

1 **Section 49. Section 14-8.5(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is**

2 **amended to read:**

3 (a) On a property developed for *residential* use or on undeveloped
4 property zoned for *residential use*, no fence shall exceed six (6) feet
5 in height except that:

6 (i) along the common *property* line with a *property* developed
7 for or zoned for *nonresidential* use, the maximum height of
8 fences is eight (8) feet; and

9 (ii) within a *residential compound*, the maximum height of
10 fences is eight (8) feet.

11 (b) On a *property* developed for *nonresidential* use or on undeveloped
12 *property* zoned for *nonresidential* use, no fence shall exceed eight
13 (8) feet in height.

14 (c) *Walls* and fences may exceed the height limit over pedestrian or
15 vehicular gates.

16 **Section 50. Subsection 14-8.6(B)(4)(c) SFCC 1987 (being Ord. No. 2011-37, §10, as**
17 **amended) is amended to read:**

18 (c) Parking required for uses located on adjoining *lots* in RAC, C, BCD,
19 BIP, MU, SC or I districts, or for institutional uses located on
20 adjoining *lots* in *residential* districts, may be provided on a joint
21 basis. Within the joint parking areas, the spaces required for each of
22 the participating uses shall be marked on the parking plan and
23 maintained as allocated to the individual use, unless a shared parking
24 plan is approved.

25 **Section 51. Table 14-8.7-1 SFCC 1987 (being Ord. No. 2011-37, §10) is amended to**

1 read:

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Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, R-10 – R-29, RC-5, RC-8, PRC, RAC, AC	180
I-1, I-2, BIP	155

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7 **Section 52. Subsection 14-8.10(D)(5) SFCC 1987 (being Ord. No. 2001-38, §2, as**
8 **amended) is amended to read:**

- 9 (5) *Signs* for private day-care facilities and kindergartens, the number of
10 which shall not exceed one and the area of which shall not exceed one
11 square foot.

12 **Section 53. Subsection 14-8.10(G)(8)(d) SFCC 1987 (being Ord. No. 2001-38, §2, as**
13 **amended) is amended to read:**

- 14 (d) All free-standing *signs* along Cerrillos Road shall meet the *building*
15 *setback* requirements set forth in Section 14-5.5(B)(4)(a). However,
16 in the case of properties flanked on one or both sides by existing
17 *buildings* that encroach into the required *setback* distance, the
18 freestanding *sign setback* may be reduced to correspond to either the
19 average of the adjacent *building setbacks*, or to the average of an
20 adjacent *building setback* and the required *building setback*. Only
21 one freestanding *sign*, meeting the area requirements in Subsections
22 (a) through (c) above, is allowed per *legal lot of record*;

23 **Section 54. Subsection 14-8.14(E)(3) SFCC 1987 (being Ord. No. 2011-37, §11, as**
24 **amended) is amended to read:**

- 25 (3) The fee schedule in this Subsection 14-8.14(E)(3), also referred to as the

"new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

NEW FEE SCHEDULE

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached Dwelling or Manufactured Home						
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	\$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	\$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	\$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	\$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	\$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	\$4,024
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	\$4,147
Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	\$892
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	\$1,782
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Other (Apts., Condos, S.F. Attached Guest House)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	\$1,314
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	\$2,479
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	\$5,247
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	\$9,077
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	\$4,693
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	\$10,711
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	\$5,382
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	\$11,363
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	\$4,896
Office/Institutional	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	\$2,597
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	\$4,071
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	\$1,522
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	\$1,689

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	\$3,370
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	\$754
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	\$1,314
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	\$1,710
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	\$1,210
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	\$480

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Section 55. Subsection 14-8.14(E)(5) SFCC 1987 (being Ord. No. 2011-37, §11, as amended) is amended to read:

(5) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart.

(a) Residential

(i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and

1 (ii) the *hotel/motel* ancillary use fee shall apply to meeting
2 rooms, lobby area and general use areas of the facility.
3 Retail and restaurant square footage shall be charged under
4 the commercial use category.

5 (b) Retail/Commercial

6 (i) the general retail fee shall be used for a hair salon,
7 *laundromat*, dry cleaner, garden center/nursery retail display
8 area, gas station without a convenience store and inventory
9 storage for a retail *business*, including growing area for a
10 garden center/nursery;

11 (ii) the bank fee assessment shall include the square footage of
12 any drive-through kiosk and parking area with or without a
13 roof;

14 (iii) the restaurant fast food fee shall include square footage for
15 the drive-through kiosk and parking area with or without a
16 roof; and

17 (iv) the packaged food restaurant fee shall be used for a
18 restaurant or bar that does not have any food preparation
19 facilities.

20 (c) Office/Institutional

21 (i) the *office* general fee shall be used for a studio that is not
22 *residential* and not retail;

23 (ii) the *office* general fee shall be used for a medical office that
24 does not have any medical equipment, such as an *office* for
25 psychiatry;

1 (iii) the medical *office* fee shall be used for an animal hospital;
2 and

3 (iv) the nursing home fee shall be used for an assisted living
4 facility.

5 (d) Industrial

6 (i) the warehouse fee shall be used for an animal shelter, storage
7 that is not inventory storage or maintenance equipment; and

8 (ii) the mini-warehouse fee shall be used for a single storage unit
9 or for multiple storage units.

10 (e) Development Outside of Buildings

11 The impact fees for *development* of land outside of *buildings* that
12 increases the demand for capital facilities is determined by
13 application of the fee for the corresponding type of *building* or by
14 preparation of an independent fee calculation study.

15 **Section 56. Section 14-9.2(C)(8) SFCC 1987 (being Ord. No. 2011-37, §12) is**

16 **amended to read:**

17 (8) Specific construction and engineering standards, *lot* access driveways and
18 *streets* classified as lanes and certain subcollectors:

19 (a) *streets* classified as “lanes” shall be laid out so that use by through
20 traffic is minimized;

21 (b) *lot* access driveways shall be private. *Streets* classified as “lanes” or
22 “subcollectors” may be constructed as private *streets*;

23 (c) *lot* access driveways and private *streets* classified as “lanes” or
24 “subcollectors” may be approved for access to newly created *lots*
25 where the planning commission or summary committee determines

1 that no public *street* is needed to provide access to the *property* being
2 *subdivided* or to surrounding *properties*, based on existing and
3 planned future uses of the *properties*.

4 (d) a roadway classified as a lane must meet the following standards:

5 (i) paved lanes; and

6 (ii) unpaved lanes that are approved for construction with gravel
7 surfacing as provided in Subsection (B)(7) above

8 A. twenty-two (22) feet driving surface width;

9 B. eight (8) feet shoulder and drainage on each side;

10 C. six (6) inch crushed gravel base course surfacing
11 material; and

12 D. thirty-eight (38) feet total *right of way* or access
13 easement.

14 (e) A *lot* access driveway that is required to provide emergency vehicle
15 access pursuant to Chapter 12 SFCC (Fire Prevention and Protection)
16 must meet the standards of that chapter. Otherwise, a *lot* access
17 driveway must have an all-weather driving surface at least ten (10)
18 feet in width, must be no steeper than fifteen percent grade, or as
19 required by the fire marshal and must accommodate drainage and
20 utility facilities and easements.

21 **Section 57. Subsection 14-9.2(E) SFCC 1987 (being Ord. No. 2011-37, §12) is**

22 **amended to read:**

23 (E) Sidewalks

24 (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter
25 and sidewalk locations shall be dedicated when the subdivision *plat* or

1 *development* plan is recorded and constructed in accordance with applicable
2 standards as part of the subdivision or *development* plan *infrastructure*.

3 (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and
4 sidewalks shall be constructed in accordance with applicable standards and
5 dedicated to the *city* prior to issuance of a *certificate of occupancy* for:

6 (a) construction of a new *principal building*;

7 (b) all additions over five hundred (500) square feet *gross floor area*;

8 (c) remodeling or renovations over five (500) hundred square feet *gross*
9 *floor area* for multiple-family residential and nonresidential permits;

10 and

11 (3) Sidewalk construction is not required to exceed twenty percent of the value
12 of the other construction covered by the *permit* for additions and remodeling.

13 (4) Sidewalks shall be located in a *city right of way* or, if adequate *right of way* is
14 not available, sidewalks shall be located in a public access easement
15 dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent
16 with the *street* standards of Subsection 14-9.2(C) and located along each
17 *street* frontage immediately adjacent to the *development*.

18 (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection
19 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act
20 Accessibility Guidelines (ADAAG) and with New Mexico department of
21 transportation pedestrian access details (NMDOTPAD) and must be
22 constructed of concrete, meeting standards approved by the *city* or alternative
23 materials approved by the *land use director*. New sidewalks constructed
24 pursuant to Subsection 14-9.2(E)(1) must be free of any *structures, signs,*
25 *landscaping,* above ground utility elements or other items that prevent free

1 passage along the sidewalk. New sidewalks constructed pursuant to
2 Subsection 14-9.2(E)(2) must be free of any *structures, signs, landscaping,*
3 above ground utility elements or other items that result from the new
4 construction and that prevent free passage along the sidewalk.

5 (6) Replacement of existing sidewalks is not required if they are in good
6 condition and substantially in compliance with ADAAG. Existing sidewalks
7 shall be free of any *structures, signs, landscaping,* above ground utility
8 elements or other items that prevent free passage along the sidewalk.
9 However, in the situations described in Subsection 14-9.2 (E)(1) and (E)(2),
10 the *land use director* may allow the sidewalk barrier to remain or approve an
11 alternate sidewalk alignment creating free passage if the removal of the
12 sidewalk barrier is deemed not feasible.

13 (7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

- 14 (a) the width of the existing sidewalk;
- 15 (b) the required minimum width set forth in Table 14-9.2-1;
- 16 (c) the NMDOTPAD as may be amended by the *city*; or
- 17 (d) the minimum width required by ADAAG.

18 (8) A curb/access ramp meeting NMDOTPAD and *city* standards shall be
19 constructed where two paved *streets* with curb, gutter and sidewalk intersect.

20 (9) Drive pads shall comply with NMDOTPAD and any *city street* standard
21 details.

22 (10) If there is no curb or gutter, an alternative pedestrian route may be approved
23 as part of a subdivision *plat* or *development* plan. The alternative pedestrian
24 route shall comply with ADAAG. Consideration shall be given to future
25 maintenance, the surrounding uses, *density* and the location and type of the

1 *street.*

2 (11) Colored concrete shall be required in the *city's* historic districts according to
3 the color palette approved by the historic districts review board available
4 from the *city* historic preservation division. Alternative materials may also
5 be required by the historic districts review board. In addition, the *city*
6 reserves the right to specify sidewalk color or alternative materials in other
7 sections of the *city* as may be appropriate.

8 (12) Construction of sidewalks shall comply with Section 23-3 SFCC 1987
9 (Construction and Maintenance of Curbs, Gutters and Sidewalks).

10 **Section 58. Section 14-9.2(K) SFCC 1987 (being Ord. No. 2011-37, §12) is amended**
11 **to read:**

12 K. Utilities, *storm drainage facilities* and *street* improvements shall be provided as
13 follows.

14 (1) Standards and Specifications:

- 15 (a) connection to *city* water service except as provided in Section 25-
16 1.10 SFCC 1987 (Regulations for the Drilling of New Domestic
17 Water Wells);
- 18 (b) connection to *city* sewer services except as provided in Section 22-
19 3.1 SFCC 1987 (Sewers – Connection to the Public System);
- 20 (c) approval of storm sewer system and other drainage improvement
21 plans by the *city engineer*;
- 22 (d) approval of *grading* and centerline gradients by the *city engineer*;
- 23 (e) approval of major and secondary arterial *street* cross-section by the
24 *city engineer*; provided, however, that the cost of improvement to the
25 developer shall not exceed that which is required for improving a

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collector *street*.

- (f) installation of *street name signs* of a material and design approved by the *governing body* at all *street* intersections;
- (g) approval of complete *street* lighting facilities by the *city engineer*; and
- (h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

(2) Design Details, Construction Standards and Specifications

Design details, construction standards and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the *governing body*.

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Section 59. Table 14-9.2-1 SFCC 1987 (being Ord. No. 2011-37, §12, as amended) is amended to read:

Table 14-9.2-1: Design Criteria for Street Types

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	52	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1

TABLE 14-9.2-1: Design Criteria for Street Types
See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	number of access points and fire lane signage									
	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1	
						No Parking	With Parking			
Width of Driving Lanes	11	11	11	10	10	9	10	9	10	
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR	
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR	
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA	
Curb & Gutter	2	2	2	2	2	2	2	2	NR	
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 1	NR	
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR	

TABLE 14-9-2-1: Design Criteria for Street Types
See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

<p>TABLE 14-9.2-1: Design Criteria for Street Types See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage</p>									
Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
<p>Notes:</p> <p>NA - Not Applicable</p> <p>NR - Not Required</p> <p>1. Refer to 14-9.2(C)(8) for additional standards for lanes and <i>lot</i> access driveways. <i>Lot</i> access driveway standard applicable to access from <i>street</i> to not more than eight single <i>family lots</i>.</p> <p>2. Includes Median/Turn Lane</p> <p>3. Parking required on both sides of <i>street</i>, except no parking on that side of a <i>street</i> adjoining the plaza.</p> <p>4. Parking may be on one side or both sides of the <i>street</i>; parking lane should not be continuous.()</p> <p>All measurements in feet, unless otherwise noted.</p>									

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1 **Section 60. Subsection 14-9.5(A) SFCC 1987 (being Ord. No. 2011-37, §12) is**

2 **amended to read:**

3 **(A) Dedication of Rights of Way and Easements**

4 (1) On-site and off-site *rights of way* and easements required for public and
5 quasi-public *infrastructure* shall be dedicated before or concurrently with
6 recording a subdivision *plat* or filing a *development* plan or issuance of a
7 construction *permit* for any *development* for which no *development* plan or
8 subdivision *plat* is required.

9 (2) All quasi-public *infrastructure* and land designated for ownership in
10 undivided interest, such as private roads and *drainage* facilities and *common*
11 *open space*, must be dedicated to and perpetually maintained by an owners'
12 association or similar legal entity. An article of incorporation and bylaws for
13 the owners' association along with a declaration of restrictions and covenants
14 must be submitted for review and approval by the City Attorney.

15 **Section 61. Subsection 14-9.5(D) SFCC 1987 (being Ord. No. 2011-37, §12) is**

16 **amended to read:**

17 **(D) Completion and Warranty Period Financial Guarantee**

18 (1) All *infrastructure* improvements shall be completed in accordance with the
19 requirements of *city* regulations and approvals, and the *land use director*
20 must inspect and accept all work.

21 (2) The developer shall warranty the *infrastructure* improvements for a period of
22 at least one year after acceptance and must repair or replace defects at no cost
23 to the *city* during the warranty period. The *land use director* may extend the
24 warranty period when necessary to insure that actual or potential defects are
25 corrected.

1 (3) During the warranty period, the developer shall maintain on file with the *city*
2 a construction financial guarantee in an amount equal to ten percent of the
3 cost estimate in Subsection 14-9.5(G) and it shall remain in effect until the
4 required *infrastructure* has passed a final warranty inspection by the *land use*
5 *director*. If there is no agreement to construct improvements, a separate
6 financial guarantee for the warranty period consistent with *city infrastructure*
7 *completion policies* shall be provided.

8 **Section 62. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37, §13) is**
9 **amended to read:**

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

11 The *land use director* determines the status of a *nonconforming lot, nonconforming*
12 *use, nonconforming structure* or *nonconforming sign*. For purposes of this Article
13 14-10, each *sign* is treated as a separate *structure*, including those attached to or
14 painted on *buildings*. Each telecommunication *antenna, tower, tower alternative* or
15 other *telecommunication facility* is treated as a separate *structure*.

16 **Section 63. Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37, §13) is**
17 **amended to read:**

18 **(A) Use of Legal Nonconforming Lot**

19 Notwithstanding limitations imposed by other provisions of Chapter 14, a *single-*
20 *family dwelling* and *accessory buildings* may be erected on a single *legal lot of*
21 *record* that is nonconforming with regard to minimum *lot* size or width or maximum
22 density in a district in which *single-family dwellings* are allowed; provided that the
23 *lot* does not adjoin a commonly owned *lot*, except as provided in Sections 14-10.4(B)
24 and (C). Dimensions of *required yards* and other requirements that do not involve
25 area or width of the *lot* shall conform to the regulations for the district in which the

1 *lot* is located.

2 **Section 64.** **Section 14-11.5 SFCC 1987 (being Ord. No. 2011-37, §14) is amended to**
3 **read:**

4 **14-11.5 ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY**

5 **LIMITS**

6 If, after having been given notice as set forth in Section 26-1.19 SFCC 1987 (Enforcement of
7 SFHP), a *property owner* subject to a *SFHP* agreement fails to comply with Section 14-8.11
8 (Santa Fe Homes Program) or Article 26-1 (Santa Fe Homes Program), the office of
9 affordable housing may request that the *city* manager authorize the *city* attorney's office to
10 pursue enforcement of specific performance requirements in accordance with the *SFHP*
11 agreement.

12 **Section 65.** **Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is**
13 **amended to ordain the following definitions:**

14 **MUSEUM**

15 An institution devoted to the procurement, care, study and display to the public of objects that
16 have lasting interest or value.

17 **PARKWAY**

18 The part of the *street right of way* lying between the back of the curb and the outer edge of
19 the *right of way* and typically including the sidewalk and *planting strip*.

20 **Section 66.** **Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is**
21 **amended to amend the following definitions:**

22 **LEGAL LOT OF RECORD**

23 A *lot* that was created prior to the date of any applicable provision of law that required the *lot*
24 to be approved as part of a subdivision, or that has been created as part of a subdivision
25 created in accordance with all applicable laws or ordinances, or that has been created by a

1 court order as provided in Subsection 14-3.7(A)(6), or for which a certificate of compliance
2 has been issued pursuant to Section 14-3.7(A)(7)(b). The *lot* must be shown on a duly
3 recorded *plat* or other written instrument that adequately describes the *lot*, that is recorded
4 with the *county* clerk, and that documents compliance with this definition.

5 **OWNER**

6 With regard to real *property*, a *person* who holds fee simple title to real *property*, or a *person*
7 acting lawfully on behalf of the *person* who holds title.

8 **OWNERS' ASSOCIATION**

9 A private nonprofit corporation or similar legal entity of *property* or condominium owners for
10 the purpose of owning, operating and maintaining various common *infrastructure* facilities
11 and/or *properties*.

12 **PLANTING STRIP**

13 A linear landscaped area typically located within or adjoining a *parkway*.

14 **YARD, SPECIAL**

15 In the case of an *irregular lot*, means a yard required to perform the same functions as a *front*,
16 *side or rear yard*, but adjacent to the *lot* line so placed or oriented that the standard
17 requirements are not clearly applicable. In such cases, the *land use director* shall require a
18 special yard with minimum dimensions as would apply for a comparable *front, side or rear*
19 *yard* in the district. Such determination shall be based on the relation of the *lot* in question to
20 the adjoining *lots* with due regard to the orientation and location of *required yards, structures*
21 and *buildable areas* on the *lots*.

22 **Section 67. Chapter 14, Appendix Exhibit B SFCC 1987 (being Ord. No. 2011-37,**
23 **§16) is amended to include the following notes:**

24 (1) Types of Spaces Allowed

25 (a) All parking spaces shall be designated either "standard" or "small

1 car” or “one size fits all,” depending on the size of the car space.
2 However, “one size fits all” spaces may not be used with “standard”
3 or “small car” spaces.

4 (b) Parking lots with ten vehicles or more may have spaces designated
5 for small car use. Up to 20 percent of the total spaces required of a
6 parking lot may be designated for small car use. Small car spaces
7 shall be clearly identified with signs or pavement markings.

8 (2) Minimum Standards for Surface Preparation

9 (a) All parking spaces, driveways and parking lot access aisles shall be
10 constructed with a six-inch subgrade compacted to American
11 Association of State Highway and Transportation Officials
12 (AASHTO) Standard T-180-95%.

13 (b) Parking lots with fewer than 40 spaces must have a four-inch gravel
14 surface and must be graded in such a manner to prevent erosion of
15 the surface or transport of gravel or subsurface material into the
16 public right-of-way or onto adjacent property.


17 (c) Parking lots with 40 or more spaces must have a two inches of
18 asphalt treated material.

19 (c) Parking lots must meet applicable standards for spaces designated for
20 persons with disabilities as provided in Subsection 14-8.6(B)(5).

21 **Section 68. Effective Date.** This Ordinance shall become effective on March 28, 2013
22 and shall be published one time by title and general summary.

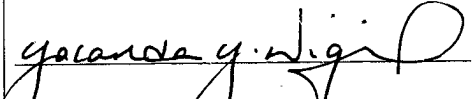
23 PASSED, APPROVED and ADOPTED this 27th day of March, 2013.
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DAVID COSS, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


GENO ZAMORA, CITY ATTORNEY