



INSTRUCTIONS FOR OBTAINING PERMIT TO ACCESS CITY OF SANTA FE RIGHT-OF-WAY

City of Santa Fe Building Code, Chapter 23-3.2 states that before commencement of any new construction, it is **mandatory** for the owner to obtain approval from the public works department for any driveway curb cut or sidewalk crossing. This approval must be issued **before** a building permit for such new construction is approved.

Steps for submitting an application for an Access Permit:

1. **Application Packet** can be downloaded from the City of Santa Fe website (<https://santafenm.gov/public-works/engineering-division/traffic-engineering-section>) or call 505-955-2417 (Lucrecia Diaz, Administrative Manager)
2. **Return Completed Applications** to the Public Works Department - Traffic Engineering Division. Completed Applications can also be submitted via US Mail to the City of Santa Fe Public Works Department - Traffic Engineering Division, Attn: Lucrecia Diaz, PO Box 909, Santa Fe, NM, 87504-0909 or via email: ldiaz@santafenm.gov.
3. **Please allow up to five (5) working days for application to be approved**
4. **If approved**, the applicant will be contacted to schedule an appointment to pick up the permit and pay the \$100 permit fee.

CHECK LIST FOR SUBMITTING AN APPLICATION:

RESIDENTIAL PERMIT

1. _____ PERMIT APPLICATION (FOLLOWING PAGE)
2. _____ ACCURATE DRAWING OF PROPOSED DRIVEWAY SHOWING THE EXTENT AND CHARACTER OF PROPOSED DRIVEWAY WITH RESPECT TO THE PUBLIC RIGHT-OF-WAY
3. _____ LEGAL PLAT OF SURVEY FOR PROPERTY INCLUDING ANY APPLICABLE LEGAL EASEMENTS
4. _____ SUBDIVISION PLAN IF APPLICABLE
5. _____ A PERMIT FEE OF \$100 WILL BE COLLECTED WHEN PERMIT IS ISSUED. (CASH, VISA OR MASTER CARD, OR CHECK TO THE CITY OF SANTA FE)

COMMERCIAL PERMIT

1. _____ PERMIT APPLICATION (FOLLOWING PAGE)
2. _____ LEGAL PLAT OF SURVEY SHOWING ALL LEGAL EASEMENTS
3. _____ DEVELOPMENT AND BUILDING PLANS
4. _____ SUBDIVISION PLAN IF APPLICABLE
5. _____ AN APPROVED TRAFFIC IMPACT STUDY IF REQUIRED
6. _____ SUBMIT ALL RELEVANT APPROVED ROADWAY SITE PLANS
7. _____ A PERMIT FEE OF \$100 WILL BE COLLECTED WHEN PERMIT IS ISSUED. (CASH, VISA OR MASTER CARD, OR CHECK TO THE CITY OF SANTA FE)



City of Santa Fe
Public Works Department
Application for Permit to Access Public Right-of-way

A Permit for a legal access from private property onto a public right-of-way is governed by the requirements of City Code §23-3.

APPLICANT NAME _____

MAILING ADDRESS _____

EMAIL ADDRESS (OPTIONAL) _____

APPLICANT PHONE NUMBER _____

*IN ACCORDANCE WITH THE ATTACHED PLAN OR SKETCH, PLAT OF SURVEY,
AND APPROVED SUBDIVISION PLANS, APPLICATION IS MADE FOR ACCESS TO
PUBLIC RIGHT-OF-WAY FOR THE FOLLOWING LOCATION:*

SITE ADDRESS OR LOT NO _____

NAME OF SUBDIVISION (IF APPLICABLE) _____

THE WORK IS TO COMMENCE ON OR ABOUT _____

Additional Comments:

If this permit is granted, I/we agree to comply with all of the conditions, restrictions, and ordinances of the City of Santa Fe, which govern this permit. I/We further understand that failure to comply with the conditions of this permit may result in revocation of this permit and the reconstruction of any nonconforming driveway to City of Santa Fe standards at the property owner's expense.

Applicant Signature _____ **Date** _____

For Office Use Only

DATE IN _____ **DATE OUT** _____

REVIEWED AND SIGNED BY _____

PERMIT APPLICATION NUMBER _____

23-3 CONSTRUCTION AND MAINTENANCE OF CURBS, GUTTERS AND SIDEWALKS.

23-3.1 Permits.

- A. Any landowner desiring to construct a driveway crossing any sidewalk or public right-of-way or desiring to cut a curb for any purpose, shall first make formal application to the department of public works on forms the department will provide.
- B. To obtain a permit to cut any curb or construct any such driveway, the owner shall file, with the application, a plan showing accurately the extent and character of the proposed driveway and curb cuts.
- C. After examination and consideration of the application and plan, and examination of the premises, if deemed necessary, the public works department is authorized and directed to approve a permit for the curb cut and for construction of a driveway over a right-of-way, if the use of the driveway will not unreasonably interfere with the proper and safe use of the sidewalk or right-of-way to be crossed, or the proper and safe use of the street or other public way to which ingress and egress is made from private premises.
- D. The public works department shall make its determination based on the standards hereinafter specified.
- E. No construction shall be made until such permit has been granted.

(Ordained as Code 1973, § 30-21.1 by Ord. # 1979-21, § 1; SFCC 1981, § 4-13-1)

23-3.2 Building permit prerequisite.

Before commencement of any new construction, it is mandatory for the owner to obtain approval from the public works department for any driveway curb cut or sidewalk crossing. This approval must be issued before a building permit for such new construction is approved.

(Ordained as Code 1973, § 30-21.2 by Ord. #1979-21, § 2; SFCC 1981, § 4-13-2)

23-3.3 Curb cut requirements.

- A. In all residential areas which include all dwelling units, single-family, apartments or otherwise:
 - (1) The minimum width of curb cuts shall be twelve feet (12') and maximum width shall be twenty-two feet (22');
 - (2) A minimum of twenty-five feet (25') of standing curb must remain between any two (2) cuts on the same lot or single parcel of land, or if more than one (1) lot or parcel of land is being put to a single land use, then the requirement shall apply to the land use;
 - (3) No double or circle drives shall be installed or maintained unless the property shall have a minimum of sixty feet (60') frontage on the street affected thereby; and
 - (4) Corner property curb cuts shall be no closer than ten feet (10') from the property line of the intersecting street, and the driveway shall not encroach on corner curb return of intersections. Driveways are prohibited on one-way turning roadways of channelized intersections. Where traffic

volumes are heavy or where the intersection is signalized, the corner clearance shall be at least twice the stated minimum value on the stopping side of the intersection.

- B. In all light traffic commercial areas, which include all office buildings or other commercial buildings not more than two (2) stories in height, the width of curb cuts shall be a minimum of twelve feet (12') and a maximum of thirty-five feet (35'). All other requirements are the same as in residential areas.
- C. In all heavy traffic commercial areas, which include but are not limited to all retail centers and drive-in type establishments, no curb cuts shall be closer than five feet (5') from side property lines. The width of curb cuts shall be a minimum of twenty feet (20') and a maximum of thirty-five feet (35'); provided, however, the department of public works may approve a curb cut over thirty-five feet (35') in width when justified after a study of:
 - (1) Traffic volume;
 - (2) Pedestrian volume;
 - (3) One-way streets; and
 - (4) Type of business making request.
- D. Notwithstanding any other provision herein, curb cuts may be allowed within five feet (5') of the side property line if approved by the department of public works for the purpose of providing two-way driveways to a parking lot. All other requirements are the same as in residential areas.

(Ordained as Code 1973, § 30-21.3 by Ord. #1979-21, § 3; Ord. #1980-38, § 13; SFCC 1981, § 4-13-3)

23-3.4 Appeals.

In the event any applicant is aggrieved by the refusal of the city to grant any permit, or in the event any owner or occupant is aggrieved by the receipt of the notice of proposed revocation provided for in subsection 23-3.5, the applicant, owner or occupant may, within ten (10) days after denial of the application or receipt of the notice, appeal the decision to the governing body, through the city manager, by filing written notice thereof with the city manager.

(Ordained as Code 1973, § 30-21.4 by Ord. #1979-21, § 4; Ord. #1980-38, § 14; SFCC 1981, § 4-13-4)

23-3.5 Abandoned and nonconforming curb cuts.

Subsections 23-3.1 through 23-3.10 of this chapter are not retroactive as to any curb cuts or crossings in existence and in actual use at the time of the adoption of Ordinance No. 1979-21, except as follows:

- A. If any driveway or other sidewalk crossing is clearly abandoned as a crossing, or no longer used for its intended purpose, any permit heretofore or hereafter granted for the use of the crossing as such is subject to revocation by the city only after thirty (30) days' written notice of the proposed revocation has been given to the owner of the property to which the crossing is appurtenant. The owner's name and address will be ascertained from the tax rolls of Santa Fe county. Notice will also be effected by giving a copy of the written notice to the occupant of the premises, if any, if such occupant is other than the owner. It is sufficient notice under the provisions of this subsection and subsection 23-3.6 to make delivery of the notices by certified mail with return receipt requested. In the event the name and address of the owner cannot be reasonably ascertained from the current Santa Fe county tax rolls and the premises are unoccupied, it shall be sufficient under this subsection and subsection 23-3.6 to publish the notice in English in a newspaper of general circulation; and

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- B. All curb cuts determined by the department of public works to constitute a traffic hazard, and which become nonconforming upon passage of subsections 14-3.1 through 14-3.10, shall be subject to revocation as provided in paragraph A, above.

(Ordained as Code 1973, § 30-21.5 by Ord. #1979-21, § 5; Ord. #1980-38, § 15; SFCC 1981, § 4-13-5)

23-3.6 Conformance requirements.

- A. In the event the city has revoked any permit for curb cut or use of a sidewalk crossing under the provisions of subsection 23-3.5, such crossing shall be removed by and at the expense of the owner of the property to which the curb cut or crossing is appurtenant. Further, the curb and sidewalk shall be properly restored after the city has given written notice to the owner or occupant in the manner specified in subsection 23-3.5, directing such removal and proper restoration of the curb and sidewalk.
- B. The time allowed for removal and restoration by the owner or occupant is thirty (30) days after notice in the cases provided for in subsection 23-3.5, and two (2) years after notice in the cases provided for in subsection 23-3.5, paragraph B.
- C. Upon resolution duly passed by the governing body that a traffic hazard exists at a nonconforming curb cut which causes immediate and imminent danger to life, safety or property, conformance may be required within a lesser period of time set by the governing body, but in no event less than thirty (30) days.
- D. Each day's delay of the owner in complying with such notice after the expiration of the time specified shall constitute a separate violation of subsections 23-3.1 through 23-3.10. If conformance is not attained within the time allotted, the city may make the necessary removal and restoration at the cost of the owner and the cost shall constitute a lien on the property affected.

(Ordained as Code 1973, § 30-21.6 by Ord. # 1979-21, § 6; Ord. #1980-38, § 16; SFCC 1981, § 4-13-6)

23-3.7 Construction of sidewalk crossings.

All construction of driveways, other sidewalk crossings and curb cuts shall be done in a manner and with materials prescribed by the specifications of the public works department existing at the time such construction is accomplished and shall be carried out at the expense of the permittee.

(Ordained as Code 1973, § 30-21.7 by Ord. #1979-21, § 7, SFCC 1981, § 4-13-7)

23-3.8 Exception; selected subdivisions.

Notwithstanding any other provision in subsections 23-3.1 through 23-3.10 to the contrary, the owner of any land subdividing it and dedicating sidewalk areas or public rights-of-way for use by the public and not cutting existing curbs, sidewalks or public ways shall not be required to pay the fifteen dollars (\$15.00) permit fee required in subsection 23-3.10.

(Ordained as Code 1973, § 3-21.8 by Ord. #1979-21, § 8; Ord. #1980-38, § 17; SFCC 1981, § 4-13-8)

23-3.9 Penalty.

Any person, firm, partnership, association or corporation violating any of the provisions of subsections 23-3.1 through 23-3.10 shall, upon conviction, be punished according to Section 1-3 of this code.

(Ordained as Code 1973, § 30-21.9 by Ord. #1979-21, § 9; SFCC 1981, § 4-13-9)

23-3.10 Fees.

A fee of one hundred dollars (\$100.00) per permit shall be collected by the city. A permit is required for each curb cut.

(Ordained as Code 1973, § 30-21.10 by Ord. #1979-21, § 10; Ord. #1980 38, § 18; SFCC 1981, § 4-3-10; Ord. #2011-12, § 3)

23-3.11 New subdivisions.

No new subdivision within the city shall be approved by the governing body unless the plat of the subdivision includes a commitment by the subdivider for the construction of curbs, gutters and sidewalks on grades and to specifications as required by zoning regulations and approved by the city engineer or other authorized representative on all streets within the subdivision.

(Code 1953, § 24-29; Code 1973, § 30-22; SFCC 1981, § 4-13-11; Ord. #38-1987, § 2)

23-3.12 Property owners to construct and maintain.

Each owner of property shall construct and maintain curbs, gutters and sidewalks in front of the property so owned as required in subsection 14-93.7 SFCC 1987.*

(Code 1953, § 24-22; Ord. #1965-9, § 2; Code 1973, § 30-23; SFCC 1981, § 4-13-12; Ord. #38-1987, § 3)

Editor's note(s)—*Chapter 14 of the Santa Fe City Code 1987 was superseded by Ordinance No. 2001-38, adopted December 31, 2001. The correct requirements may be found in § 14-9.2(f) of the current Chapter 14.

23-3.13 Reserved.

Editor's note(s)—Subsection 23-3.13, Specifications from City, previously contained herein, has been repealed in its entirety by Ord. No. 38-1987.

23-3.14 Reserved.

Editor's note(s)—Subsection 23-3.14, Time Limit on Construction, previously contained herein, has been repealed in its entirety by Ord. No. 38-1987.

23-3.15 Compliance with city engineer's specifications.

All construction of curbs, gutters and sidewalks shall be under the supervision of the city engineer or other authorized representative and in accordance with the approved city specifications and plans and any rules and regulations promulgated by the governing body.

(Code 1953, § 24-25; Code 1973, § 30-26; SFCC 1981, § 4-13-15; Ord. #38-1987, § 6)

23-3.16 Penalty for noncompliance.

It is unlawful for any owner of property to fail to comply with the terms and provisions of subsections 23-3.12 through 23-3.15 SFCC 1987 or with the rules and regulations promulgated by the governing body. Before any person is prosecuted, they shall be given ten (10) days' written notice by the city engineer, or other authorized

representative, of their failure to comply, and an opportunity within the ten-day period to make arrangements satisfactory to the city for compliance.

(Code 1953, § 24-26; Code 1973, § 30-27; SFCC 1981, § 4-13-16; Ord. #38-1987, § 7; Ord. No. 2023-7 , Exh. A)

23-3.17 Voluntary group projects.

Nothing in subsections 23-3.12 and 23-3.15 SFCC 1987 prevents groups of property owners from joining together for the purpose of constructing curbs, gutters and sidewalks under the terms of subsection 23-3.15 SFCC 1987 and submitting a joint or group application for approval by the city engineer or other authorized representative.

(Code 1953, § 24-27; Code 1973, § 30-28; SFCC 1981, § 4-13-17; Ord. #38-1987, § 8)

23-3.18 City construction and assessment.

Nothing in subsections 23-3.12 and 23-3.15 SFCC 1987 prevents the city from ordering construction of curbs, gutters and sidewalks and assessing the cost thereof against the property benefited in any manner provided by the laws of the state.

(Code 1953, § 24-28; Code 1973, § 30-29; SFCC 1981, § 4-13-18; Ord. #38-1987, § 8)