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**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2022-19**

**AN ORDINANCE**

**AMENDING SUBSECTION 14-5.5(D) OF THE LAND DEVELOPMENT CODE TO  
EXPAND THE PERMITTED USES IN THE MIDTOWN LINC OVERLAY DISTRICT TO  
INCLUDE ALL QUALIFYING PROJECTS, UPDATE THE NAME OF THE AREA  
FORMERLY KNOWN AS THE SANTA FE UNIVERSITY OF ART AND DESIGN,  
FORMAT THE USE CHART CONSISTENTLY WITH THE REST OF CHAPTER 14'S  
CHARTS, ALLOW ALTERNATIVE OPEN SPACE COMPLIANCE FOR  
INSTITUTIONAL BUILDINGS, REDUCE LANDSCAPE AREA MINIMUM  
REQUIREMENTS AROUND THE BASE OF QUALIFYING RESIDENTIAL PROJECTS  
WITHIN THE MIDTOWN PLANNED UNIT DEVELOPMENT, AND REMOVING AN  
EXPIRED PROVISION REGARDING REVIEW OF THE ORDINANCE.**

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

**Section 1. Subsection 14-5.5(D) of the Land Development Code (being Ord. No.  
2016-39, § 1, as amended) is amended to read:**

**14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS**

**(D) Midtown Local Innovation Corridor (Midtown LINC) Overlay District**

**(1) Purpose and Intent**

The purpose and intent of the Midtown Local Innovation Corridor (LINC)  
Overlay District is to:

- (a) Strengthen and animate the built environment and the business

1 and population links within the demographic and geographic center of the city between the  
2 existing employment centers of the Midtown Planned Unit Development (previously the campus  
3 of the Santa Fe University of Art and Design and the College of Santa Fe) and surrounding uses  
4 to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the  
5 east;

6 (b) Incentivize multi-family residential development,  
7 complementary non-residential uses, and an enlivened, street-oriented pedestrian environment  
8 by freeing development capacity of existing under-developed land and buildings for these  
9 targeted uses, while allowing existing uses to continue as redevelopment occurs;

10 (c) Allow for innovative development and redevelopment of the  
11 district while providing buffering between the district and existing residential development  
12 outside of the district by the application of amended land development regulations and fees and  
13 by establishing conditions precedent for future infrastructure enhancements and the application  
14 of other redevelopment and financing tools;

15 (d) Promote a more healthy, safe, and enjoyable environment within  
16 the city's midtown area through the enhancement of pedestrian and bicycle accessibility and  
17 safety, landscaping and other street-related amenities and the eventual reduction of traffic speeds  
18 and provision of on-street parking, bicycle lanes, and improved crosswalks; and

19 (e) Provide flexibility in sign design and location so as to maintain  
20 effective communication, business identification and wayfinding for existing buildings whose  
21 visibility may be reduced by new development.

22 (2) Boundaries

23 The Midtown LINC Overlay District includes land in the vicinity of the St.  
24 Michael's Drive *right-of-way* from the eastern edge of the Cerrillos Road *right-of-way* to the  
25 western edge of the St. Francis Drive *right-of-way*, and additional land in the vicinity of the

1 Midtown Planned Unit Development as shown on the Midtown LINC Overlay District Map.

2 **Editor's Note:** The Midtown LINC Overlay District Map can be found as  
3 Exhibit E, in the Appendix of Chapter 14, Land Development.

4 (3) Applicability

5 (a) The provisions of this Subsection 14-5.5(D) apply to all land  
6 within the boundaries of the Midtown LINC Overlay District and shall supersede the provisions  
7 that apply to any other overlay district(s) that overlap in whole or in part with the Midtown LINC  
8 Overlay District, including, but not limited to, the South Central Highway Corridor Protection  
9 District as set forth in Subsection 14-5.5(A).

10 (b) New *development* shall comply with the provisions of this  
11 subsection.

12 (c) *Alterations* to existing *structures* shall comply with the  
13 provisions of this subsection to the extent practical or feasible as determined by the *land use*  
14 *director*.

15 (4) Permitted Uses; Qualifying Projects

16 (a) Permitted and Prohibited Uses.

17 Permitted uses and structures within the Midtown LINC Overlay District  
18 are the same as those permitted in underlying zoning districts except as provided in Table 14-  
19 5.5-2 or as permitted for *qualifying projects* as defined in this subsection.

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**Table 14-5.5-2: Midtown LINC Overlay District – Additional Permitted & Prohibited Uses<sup>(1)</sup>**

ADDITIONAL USES		PROHIBITED USES	
<u>CATEGORY</u>	<u>Specific Use</u>	<u>CATEGORY</u>	<u>Specific Use</u>
RESIDENTIAL	Dwellings, Multiple-family	RESIDENTIAL	Mobile homes; Mobile home parks
		COMMERCIAL	Sexually oriented businesses
			Vehicles and Equipment <sup>(2)</sup>
			Outdoor Storage
			Storage <sup>(3)</sup>
			Industrial <sup>(4)</sup>
			Warehouse & Freight Movement

NOTES:

1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for associated with a *qualifying project*.
2. Parking lots and garages are permitted as *accessory* uses when associated with a *qualifying project*.
3. Individual storage areas enclosed within a building and that are part of a *qualifying residential project* are permitted.
4. Research, experimental and testing laboratories are permitted.

1 (b) Qualifying Projects

2 As used in this Subsection 14-5.5(D):

3 (i) *Qualifying project* means a new *development* within the  
4 Midtown LINC Overlay District that complies with the requirements of this Subsection 14-  
5 5.5(D) and that is either a *qualifying residential project* or a *qualifying non-residential project* as  
6 defined in this subsection.

7 (ii) *Qualifying residential project* means a  
8 new *development* that: (a) is composed solely of new *multiple-family dwellings*, or (b) results in  
9 a *development* that is a mix of primarily new *multiple-family dwellings* and any lesser amount  
10 and combination of the eligible non-residential uses listed in Table 14-5.5-3 as measured by *gross*  
11 *floor area*.

12 (iii) *Qualifying non-residential project* means a  
13 new *development* that is composed of a new *building* or *buildings*, or of *alterations* to an  
14 existing *building* or *buildings*, for the eligible uses identified in Table 14-5.5-3.

15 (iv) *Development* projects not meeting the definitions of this  
16 Subsection 14-5.5(D)(4)(b) are permitted as provided in Subsection 14-5.5(D) but are  
17 not *qualifying projects*.

18 (v) The *land use director* may adopt submittal requirements  
19 and review policies in accordance with Subsection 14-2.11(B) as necessary to verify  
20 that *qualifying projects* meet the requirements of this Subsection 14-5.5(D).

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**Table 14-5.5-3: Midtown LINC Overlay District – Non-Residential Uses Eligible for *Qualifying Projects***

USE CATEGORIES <sup>(1)</sup>	For Inclusion in <i>Qualifying Residential Projects</i>	As <i>Qualifying Non-Residential Projects</i>
Pre-Schools, Daycare for Infants & Children	P	P
Education (All; including Libraries)	P	P
Community Centers & Institutions	P	P
Parks and Open Space (All) <sup>(2)</sup>	P	P
Arts Activities (All)	P	P
Assembly	P	
Food and Beverage (All) <sup>(3)</sup>	P	P
Medical (All)	P	P
Public Transportation	P	
Recreation and Entertainment (All)	P	P
Retail Sales and Services (All)	P	P <sup>(8)</sup>
Service Establishments (All)	P	P
Storage <sup>(4)</sup>	P	
Vehicles and Equipment <sup>(5)</sup>	P	
Industrial <sup>(6)</sup>	P	P
Manufacturing and Production <sup>(7)</sup>	P	P
NOTES:		
1. Eligible uses listed in this table are permitted uses when part of a <i>qualifying project</i> . See Table 14-6.1-1 for a complete listing of use categories and permitted uses in underlying zoning districts.		
2. Except cemeteries, mausoleums & columbariums.		
3. Except restaurants with drive-through/drive-up service.		
4. Only individual storage areas completely enclosed within a building and that are intended to serve the associated <i>qualifying residential project</i> .		
5. Only parking lots and garages that are intended to serve the associated <i>qualifying project</i> .		
6. Research, experimental and testing laboratories only.		
7. Light assembly and manufacturing (including “maker” spaces) only.		
8. Neighborhood grocery stores and laundromats only.		

1 (5) General Standards

2 (a) Unless otherwise specified in this Subsection 14-5.5(D),  
3 permitted uses and *development* standards within the Midtown LINC shall conform to the  
4 requirements of the underlying zoning district of a property.

5 (b) The *land use director* may permit alternate means of compliance  
6 with the provisions of this subsection as provided in Subsection 14-2.11(C).

7 (c) In the event of conflicts between the requirements of this  
8 Subsection 14-5.5(D) and the requirements of underlying zoning districts,  
9 platted *building setbacks* or existing easements, the requirements of this subsection shall apply.

10 (6) Building Envelope Standards and Measurements

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<b>Table 14-5.5-4: Table of Dimensional Standards for the Midtown LINC Overlay District</b>					
<b>DEVELOPMENT TYPE</b>	<b>Max. Gross Density (Dwelling units/Acre)</b>	<b>Min. Lot Size</b>	<b>Max. Height of Structures (Feet)(1)</b>	<b>Yard Requirements (Feet)</b>	<b>Max. Coverage</b>
<i><b>Qualifying Residential Projects</b></i> (As defined in Subsection 14-5.5(D))	N/A	Same as C-2 District	52(2)	<u>Minimum</u> Street: 0(3) Side: 5 Rear: 10(4) <u>Maximum</u> Street: 5(5)	Non
<b>All Other Development</b>	Same as C-2 District	Same as C-2 District	Per Underlying District Standards; Midtown Planned Unit Development: 62	Per Underlying District Standards except as noted below <u>Maximum</u> Street: 5(3, 5)	Per Underlying District Standards
<b>NOTES:</b>					
1. Elevator “over-runs” and renewable energy generating equipment less than ten (10) feet high (such as solar wind turbines) mounted on buildings shall not be included in the calculated height of a building.					
2. Maximum height of structures fifty-two (52) feet, except where any portion of a structure associated with a project will be located within one hundred fifty (150) feet of an existing residential development located outside the Overlay District, in which case the maximum height of a structure associated with a qualifying residential project shall be thirty-eight (38) feet.					
3. Except that 4 <sup>th</sup> stories along street-frontage façades shall be set back a minimum of ten (10) feet from the street.					
4. Rear yard ten (10) feet, except at the rear of a lot abutting an existing residential development, in which case the rear yard of not less than twenty-five (25) feet.					
5. Maximum Street yard five (5) feet, except that: (a) up to thirty (30) percent of a street-frontage façade may be set back five (5) feet for entryways and integral courtyards, or to accommodate other aspects of a building’s design, and may be set back greater than five (5) feet in locations where existing utility easements prevent compliance with the standard.					
6. Except for the open space associated with institutional buildings, which may be considered collectively, as shall be lots within the same block.					



1 (7) Site Design, Circulation and Parking

2 (a) New *buildings* or additions to existing *buildings* shall be  
3 oriented so that their primary *façades* face St. Michael's Drive, Cerrillos Road, or other *street*  
4 *frontages* as applicable.

5 (b) Perimeter screening of parking areas shall be in accordance with  
6 Subsection 14-8.4(I)(2) except that *screening* walls, hedges or berms shall not exceed four feet  
7 at maturity and shall be provided with multiple openings adjacent to *street frontages* to maximize  
8 of pedestrian permeability between *street* sidewalks and parking areas.

9 (c) Sidewalks along the *street frontages* of St. Michael's Drive and  
10 Cerrillos Road shall be provided in accordance with Section 14-9.2(E), Sidewalks, and shall be  
11 a minimum of fifteen (15) feet wide. Where existing sidewalks are widened to meet this  
12 requirement, the widening shall occur on the *building* side of the existing sidewalk.

13 (d) Vehicular access shall be from the side or rear of the *lot* to the  
14 extent possible.

15 (e) Vehicular access between and among adjacent *lots* shall be  
16 provided where possible.

17 (f) New *buildings* shall have accessible pedestrian connections to  
18 St. Michael's Drive or Cerrillos Road as applicable. *Building* entrances shall have the same  
19 general elevation as the *street frontage* sidewalks adjacent to the entrance. Site grading shall not  
20 result in the need for steps or ramps from the *street frontage* sidewalk to the *building*. Visual and  
21 physical barriers to *building* entrances shall be minimized.

22 (g) Sidewalks and other pedestrian pathways  
23 connecting *buildings* to the *street* and to parking areas shall be a minimum of six (6) feet wide  
24 and shall be clearly defined.

25 (h) Loading docks shall be located at the side or rear

1 of *buildings* and shall be fully screened so that the loading dock is not visible from St. Michael's  
2 Drive or Cerrillos Road as applicable. The *screening* shall be integrated with  
3 the *building* architecture, materials and construction.

4 (i) Electrical transformers and trash enclosures shall be located at  
5 the side or rear of *buildings* and shall be screened from view of public roadways and sidewalks  
6 by walled enclosures or landscape *screening*. *Wall*-mounted utility boxes shall be painted the  
7 same color as the nearest *building* on site.

8 (j) Water system backflow preventers shall be located  
9 inside *buildings*. Where it is not feasible to locate a water system backflow preventer inside  
10 a *building*, the backflow preventer shall be located at the side or rear of *buildings* and shall be  
11 screened from view of adjacent public roadways and sidewalks by walled enclosures or  
12 landscape *screening*.

13 (k) The amount of off-street bicycle parking required by  
14 Subsection 14-8.6(E) shall be increased by twenty-five (25) percent.

15 (8) Architecture

16 In addition to the requirements of Section 14-8.7, Architectural Design  
17 Review, the following provisions shall apply.

18 (a) *Lot* configuration and available *street frontage* permitting, the  
19 longest *façade* of all new *buildings* on *lots* abutting St. Michael's Drive or Cerrillos Road shall  
20 be aligned parallel with the *street frontage* of St. Michael's Drive or Cerrillos Road as applicable.

21 (b) The primary entrance to any new *building* on a *lot* abutting St.  
22 Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as  
23 applicable.

24 (c) *Building walls* along *street frontages* shall not extend more than  
25 twenty feet, measured horizontally, without openings. Doors, windows or display windows shall

1 be considered openings.

2 (d) Doors intended for vehicular access to *buildings* on *lots* abutting  
3 St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as  
4 applicable.

5 (e) Except as noted in this subsection, rooftop equipment shall be  
6 fully screened so that the equipment is not visible from the adjacent *public rights-of-*  
7 *way*. *Screening* shall be integrated with the associated *building's* architecture, materials and  
8 construction. *Screening* of renewable energy generating equipment (such as solar photovoltaic  
9 panels and wind turbines) mounted on *buildings* is not required; however such equipment shall  
10 be incorporated into the architectural design of a *building* to the extent possible.

11 9) Landscaping Standards

12 In addition to the requirements found in Section 14-8.4, Landscape and Site  
13 Design, the following provisions shall apply.

14 (a) On-site storm water *detention* or *retention* facilities shall be  
15 located underground unless constructed as part of parks or open space, or unless constructed as  
16 part of an *active water harvesting* system, in which case the *active water harvesting* system shall  
17 be incorporated into the architectural design of a *building* to the extent possible.

18 (b) *Qualifying residential projects* shall provide a minimum five (5)  
19 foot wide landscaped area around the base of exterior *building walls*, except for qualifying  
20 residential projects within the Midtown Planned Unit Development, which do not have a required  
21 minimum landscaped area.

22 (c) *Street trees* shall be planted at a maximum spacing of thirty (30)  
23 feet on-center along the *street frontages* of *development* sites on St. Michael's Drive or Cerrillos  
24 Road as applicable. Existing *street trees* within the above areas may be counted toward this  
25 requirement. *Street trees* shall have a minimum four (4) inch *caliper* at time of planting and shall

1 have a minimum mature height of twenty-five (25) feet. The required spacing of *street trees* may  
2 be adjusted to allow for the clustering of trees as part of a *development's* landscape design as  
3 determined by the *land use director*. The location and minimum mature height of *street trees* may  
4 be adjusted where conflicts exist with overhead or underground utility lines, *wall-* or *building-*  
5 mounted signage, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.

6 (d) A minimum of thirty (30) percent of required plant material shall  
7 be evergreen.

8 (e) Areas of the *parkway* that are located along the *street*  
9 *frontages* of *development* sites, and that are not developed with sidewalks as required by  
10 Subsection 14-5.5(D)(7)(c), shall be *landscaped* as part of the required *landscaping* of  
11 a *development*.

12 (f) *Qualifying non-residential projects* and other non-  
13 residential *development* adjacent to existing *residential development* located outside of the  
14 Midtown LINC Overlay District shall provide a continuous *landscaped* buffer strip of not less  
15 than fifteen (15) feet where abutting the existing *residential development*. Plant material in  
16 the *landscaped* buffer strip shall conform to the requirements for open space provided in  
17 Subsection 14-8.4(H).

18 (10) Signage

19 In addition to the requirements found in Section 14-8.10, Signs, the following  
20 provisions shall apply.

21 (a) Pole-mounted *signs* are prohibited.

22 (b) Monument *signs* shall not exceed four feet in height.

23 (c) *Signs* shall be setback a minimum of fifteen (15) feet from  
24 any *public right-of-way* unless *wall-* or *building-mounted signs* or *directional signs*.

25 (d) *Wall-* or *building-mounted signs* shall not extend above the

1 roofline or parapet.

2 (e) Roof-mounted *signs* are prohibited.

3 (f) The provisions of Subsection 14-8.10(B)(4), Maximum Number  
4 of Colors and Lettering Styles, do not apply within the Midtown LINC Overlay District.

5 (g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply  
6 to *signs* mounted on the *building walls* of *qualifying projects* within the Midtown LINC Overlay  
7 District.

8 (h) *Wall signs* associated with a *qualifying project* within the  
9 Midtown LINC Overlay District and whose *sign* faces are mounted perpendicular to  
10 a *building wall* may extend up to five (5) feet from the *wall*, including *signs* that project over a  
11 front property line, providing that such a *sign* shall not impede or endanger pedestrian or  
12 vehicular traffic.

13 (11) Site Furnishings

14 (a) A minimum of one bench per ten thousand (10,000) gross square  
15 feet of ground-floor *building* area is required on the site and shall be located adjacent to the *street*  
16 *frontage* of the *development*, or to the primary *building* entrance, or within a public or private  
17 amenity provided by the *development*.

18 (b) At least one bench per *development* shall be shaded by a tree or  
19 a shade structure.

20 (c) Where multiple benches are required, a trash receptacle shall be  
21 provided adjacent to one of the benches.

22 (d) All site furnishings on a *development* site, including bicycle  
23 racks required by Subsection 14-8.6(E), benches, trash receptacles and light fixtures shall be of  
24 a coordinated design style and color.

25 (12) Outdoor Lighting

1 In addition to compliance with Section 14-8.9, Outdoor Lighting, the following  
2 provisions apply.

3 (a) Pole-mounted lights shall not exceed twenty (20) feet in height  
4 and shall not be placed within buffer strips as required by Subsection 14-5.5(D)(9)(f).

5 (b) Lamps of *building*-mounted light fixtures shall not be placed  
6 more than twelve (12) feet above the exterior grade at the perimeter of a *building* unless the  
7 outdoor lighting is part of the illumination of a *wall-mounted sign* in accordance with  
8 Subsection 14-5.5(D)(10)(g).

9 (13) Additional Requirements for *Qualifying Projects*

10 In addition to the requirements of this Subsection 14-5.5(D), *qualifying*  
11 *projects* shall comply with the following requirements:

12 (a) *Qualifying projects* shall utilize a detailed alternative  
13 development water budget ("Option B" water budget) in accordance with Subsection 14-  
14 8.13(B)(2)(b) and applicable adopted administrative procedures.

15 (b) *Qualifying projects* shall utilize the following water-saving  
16 fixtures, appliances, and systems where applicable, throughout all new construction:

17 (i) waterless urinals;  
18 (ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28  
19 gallons or less per flush);

20 (iii) EPA WaterSense<sup>®</sup> certified showerheads (or equivalent  
21 fixtures rated at 2.0 gallons per minute or less);

22 (iv) ENERGY STAR<sup>®</sup> compliant clothes washers;

23 (v) *active water harvesting* systems.

24 (c) The *land use director* shall not issue a construction *permit* for  
25 a *qualifying project* until a restrictive covenant is recorded by the owner of the *development* at

1 the office of the county clerk that requires that the *development* will contain no uses that do not  
2 meet the requirements for a *qualifying project* for a period of at least ten (10) years from the  
3 completion of the project's construction. The covenant shall be in a form approved by the *land*  
4 *use director* and the city attorney and shall be notarized prior to recordation. The covenant shall  
5 be considered part of a *development* plan approved pursuant to Subsection 14-3.8(B)(9).  
6 The *land use director* shall maintain copies of recorded covenants pursuant to the provisions of  
7 this subsection.

8 (14) Fee Incentives for *Qualifying Projects*

9 The following fee incentives apply to *qualifying projects* within the Midtown  
10 LINC Overlay District:

11 (a) Construction Permit Fees; Plan Review Fees

12 *Qualifying projects* are exempt from the payment of construction permit  
13 fees and plan review fees as set by Resolution of the governing body, as may be amended from  
14 time to time.

15 (b) Development Review Fees

16 *Qualifying projects* are exempt from the payment of development review  
17 fees as set by Resolution of the governing body, as may be amended from time to time.

18 (c) Development Water Budget Fees

19 *Qualifying projects* shall obtain water to meet  
20 approved *development* water budgets through the water rights transfer program or through the  
21 water conservation credit program or through a combination of both, and at the reduced rate  
22 specified in Subsection 14-8.13(E).

23 (d) Impact Fees

24 *Qualifying projects* are exempt from the payment of impact fees in  
25 accordance with Subsection 14-8.14(D).

(e) Wastewater Utility Expansion Charge (UEC)

The wastewater utility expansion charge (UEC) is waived for *qualifying projects* in accordance with Article 22-6.6, Exhibit A, Section 7.

(f) Water Utility Expansion Charge (UEC)

*Qualifying projects* are exempt from the payment of the water utility expansion charge (UEC) in accordance with Article 25-4.2, Exhibit B, Rate Schedule 8.

PASSED, APPROVED, and ADOPTED this 30<sup>th</sup> day of November, 2022.



ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

APPROVED AS TO FORM:



MARCOS MARTINEZ, CITY ATTORNEY

Bill No. 2022-25

Legislation/2022/Ordinances/2022-19 Midtown Property LINC Amendments